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- Page 211 ~ b6; b7C;
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- Page 239 ~ b6; b7C;
- Page 243 ~ b6; b7C;
- Page 247 ~ b6; b7C;
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- Page 250 ~ b6; b7C;
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**PETITION TO ATTORNEY GENERAL
ON PAGE 370**

Votescam is "Fascinating, Daring Investigative Reporting!"...A book that explains why things go wrong in America and will fire you up to do something about it.

This is the weirdest, wildest and most astonishing non-fiction detective story you will read in the 1990s. An explosive investigation that tracks down, confronts and calls the names of Establishment thieves who elegantly steal the American vote for their own profit. It comes face to face with a Supreme Court Justice who rigged a vote fraud case; the most powerful female publisher in America, who won't let her newspapers and television stations deal with vote-rigging; and a cast of politicians, lawyers, newspeople, computer wizards, professors, aristocrats, CIA operatives, outraged citizens, conspiracy buffs and crusaders who are involved in a scandal of unthinkable dimension.

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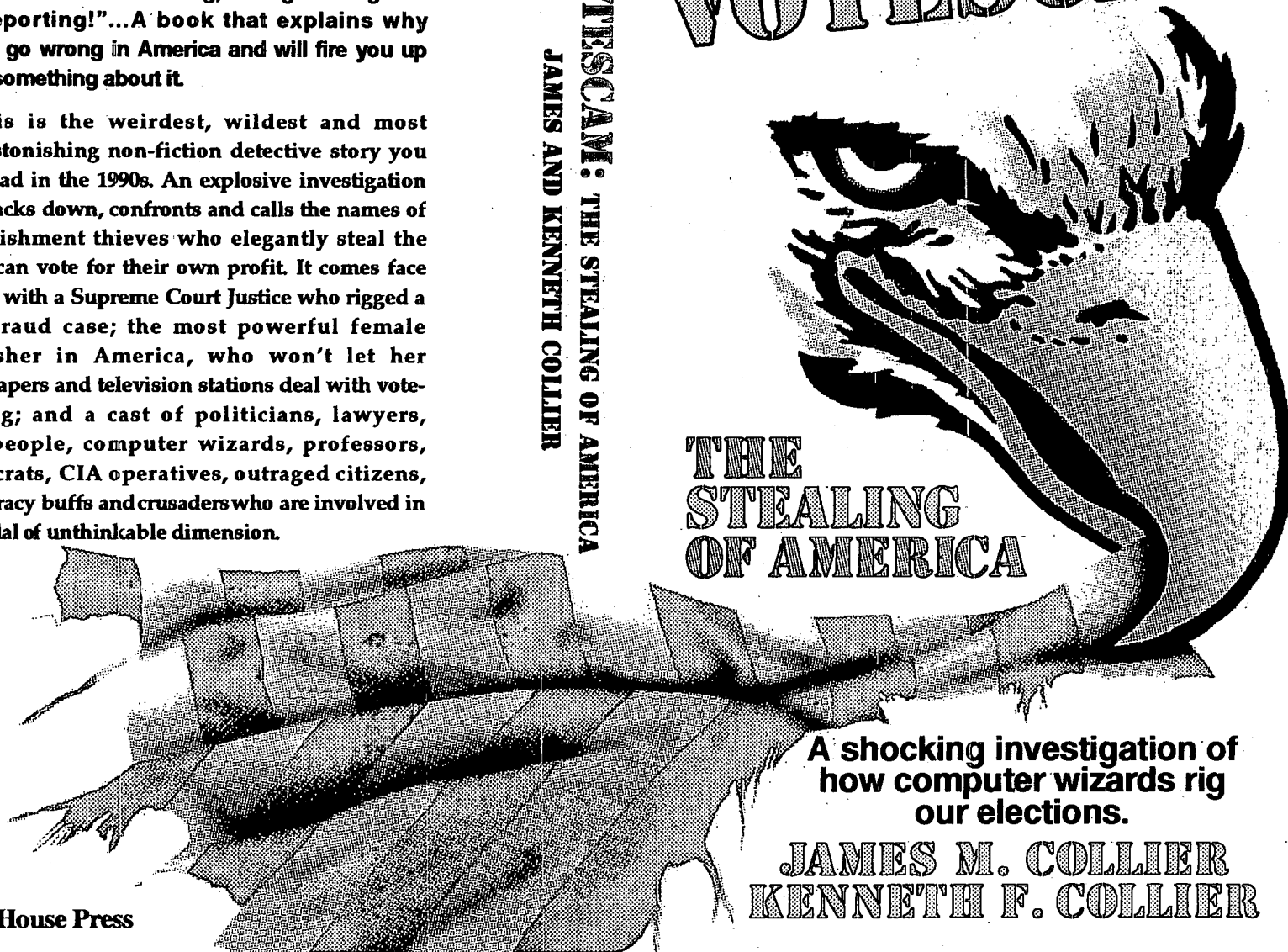
VOTESCAM:
THE STEALING OF AMERICA
JAMES AND KENNETH COLLIER

VOTESCAM:

**THE
STEALING
OF AMERICA**

**A shocking investigation of
how computer wizards rig
our elections.**

**JAMES M. COLLIER
KENNETH F. COLLIER**



Votescam: The Stealing Of America

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VOTESCAM

THE
STEALING
OF
AMERICA

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IV

Votescam

VOTESCAM

V

CONTENTS

Book One: 1970-1989

	The Premise	1
1.	Electronic Hoodwink	4
2.	Ballots Not Bullets	25
3.	The Silent Press	58
4.	It Takes a Thief	82
5.	A Tangled Web	100
6.	Hounds of Hell	128
7.	The Petersen Memo	140
8.	Video Vigilantes	144
9.	Shots in the Dark	166
10.	Watergatetown	184
11.	Power Corrupts	203
12.	Strange Bedfellows	234
13.	Full Circle	248
14.	Star Chamber Session	269

Book Two: 1990-1992

15.	Pieces of the Puzzle	288
16.	The 13th Floor	298
17.	The Last Dispatch	314

Epilogue

18.	Knowledge Is Power	344
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BOOK ONE 1970-1989

*"Who shall stand guard
to the guards themselves?"*

—Juvenal

VOTESCAM

THE PREMISE

Votescam asserts the unthinkable.

It is a strange and frightening true detective story. It contains fact, film, documents and visions seldom seen by the public. It is a troubling look at the corruption of the American vote that most Americans cannot bear to believe is even partly true.

The authors assert, and back it up with daring reporting, that your vote and mine may now be a meaningless bit of energy directed by pre-programmed computers — which can be fixed to select certain pre-ordained candidates and leave no footprints or paper trail.

In short, computers are covertly stealing your vote.

- For almost three decades the American vote has been subject to government-sponsored electronic theft.
- The vote has been stolen from you by a cartel of federal “national security” bureaucrats, who include higher-ups in the Central Intelligence Agency, political party leaders, Congressmen, co-opted journalists — and the owners and managers of the major Establishment news media, who have decided in concert that how America’s votes are counted, by whom they are

counted and how the results are verified and delivered to the public is, as one of them put it, "*Not a proper area of inquiry.*"

- By means of an unofficial private corporation named News Election Service (NES), the Establishment press has actual physical control of the counting and dissemination of the vote, and it refuses to let the public know how it is done.

This book also contends that the theft of your vote or *Votescam*, is part of a supposedly patriotic "collaboration" between federal officials and the news media that began shortly after the assassination of John F. Kennedy in 1963, when the "responsible" American press was persuaded by American intelligence services to hide from the American people the actual implications of the Kennedy murder.

My brothers, Jim and Ken Collier, report this story as if the "hounds of hell," as Ken used to put it, were snapping at their journalistic heels.

I, too, am a journalist and editor by profession, and a skeptic by training. Yet, as hard as I have tried *not* to, I now believe they were actually holding the tail of an elephantine conspiracy that they uncovered, inch by heart-rending inch.

After reading *Votescam*, the impatient

citizen may well ask: "Why, if there is truth in the charges, are there no indictments?"

That question is one of many provoked by *Votescam's* reporting, and if Americans actually value their vote then there will be indictments based on this book's data and documentation.

My brothers peeked behind Oz's curtain and into a voting booth where people of power had secret hold of all the levers — as well as all the keys on the computer keyboard.

Yes, that's one hell of a conspiracy, and it — as Jim and Ken uncorked it — doesn't stop there. You may be shocked, annoyed, angry, astounded or alarmed to find out where and how deep my brothers feel it penetrates.

Votescam is one of the weirdest trips 1990s Americans may take. My hope is that you will suspend disbelief for a while and read it with an open mind. If it raises questions you will demand answers.

Answers to "*improper inquiries*" is what this book is about. It's what excellent journalism, in its best days, is also about.

Barnard L. Collier
New York City, 1992

1

ELECTRONIC HOODWINK

"We can now speak the most majestic words a democracy can offer: 'The people have spoken'..."

First words spoken by
President-elect, George Bush,
November 8, 1988 victory speech
in Houston, Texas, 11:30 PM EST.

"Once, during the time when days were darker, I made a promise. Thanks, New Hampshire!"

Same speech, final words.

It was not "the People" of the United States of America who did "the speaking" on that election day, although most of them believed it was, and still believe so.

In fact, the People did not speak at all, and George Bush may have known it or, at least, strongly suspected it.

The voices most of us really heard that day were the voices of computers – strong, loud, authoritative, unquestioned in their electronic finality. The computers counted more than 55 million American votes in 1988 – more than enough to swing election after election across the nation. In that election, a difference of just 535,000 or so votes would have put Dukakis into the White House.

The computers that spoke in November 1988 held in their inner workings small boxes that contained secret codes that only the sellers of the computers could read. The programs, or "source codes," were regarded as "trade secrets." The sellers of the vote-counting software zealously guarded their programs from the public, from election officials, from everyone – on the dubious grounds that competitors could steal their ideas if the source codes were open to inspection.

You may ask: What "ideas" does it require to count something as simple as ballots?

Can the "ideas" be much more complex than, let's say, a supermarket computerized cash register or an automatic bank teller machine?

The computer voting machines do not have to do anything complicated at all; they simply must be able to register votes for the correct candidate or party or proposal, tabulate them, count them up, and deliver arithmetically correct additions. People with no formal training, even children, used to do it all the time.

So why can't the public know what those secret source codes instruct the computers to do? It only makes common sense that every gear, every mechanism, every nook and cranny of every part of the voting process ought to be in the sunlight, wide open to public view.

How else can the public be reasonably assured that they are participating in an unrigged election where their vote actually means something?

Yet one of the most mysterious, low-profile, covert, shadowy, questionable mechanisms of American democracy is the American vote count.

There is so profound a public despair about keeping the vote system honest that a man with immaculate academic credentials can sound the alarm on Dan Rather's CBS Evening News – charging that America's elections are being compromised by computer felons – and still get only three calls about it.

Dr. Howard Strauss, a Princeton computer sciences professor and a member of a tiny nationwide group of worried citizens who call themselves "Election Watch," says:

"The presidential election of 1992, without too much difficulty and with little chance of the felons getting caught, could be stolen by computers for one candidate or another. The candidate who can win by computer has worked far enough ahead to rig the election by getting his 'consultants' to write the software that

runs thousands of vote-counting computers from coast to coast. There are so many computers that use the same software now that a presidential election can be tampered with – in fact, may already be tampered with. Because of the trade secrecy, nobody can be the wiser."

Computers in voting machines are effectively immune from checking and rechecking. If they are fixed, you cannot know it, and you cannot be at all sure of an honest tally.

In the 1988 Republican primary in New Hampshire, there was no panel of computer experts who worked for the people and thoroughly examined the source codes before and after the voting. It is likely that a notoriously riggable collection of "Shouptronic" computers "preordained" voting results to give George Bush his "Hail Mary" victory in New Hampshire.

Nobody save a small group of computer engineers, like John Sununu, the state's Republican governor, would be the wiser.

If you think back carefully to November 8, 1988, it may strike you that your belief in who won at the polls was *not* formed as the result of openly voiced "ayes" or "nays" in a public forum.

Nor was your perception of who won or lost based on the honest and visible marks on paper ballots that were checked and rechecked by all concerned parties or their chosen representatives.

The truth, if you recall it clearly, is that you

learned about George Bush's astounding victory in New Hampshire from a television program or newspaper, which supposedly learned about it from a computer center into which other computers fed information.

You learned the "predicted outcome" within minutes after the polls in New Hampshire closed, and by and large you believed what you heard because you had no cause, it seemed, to be skeptical or suspicious.

If you had any doubts about how the vote was counted, you probably dismissed them after asking yourself questions like:

- 1) *Why would the computer people lie?*
- 2) *How could they lie? There must be public checks and balances.*
- 3) *If they lie, how can they get away with it? The losers will surely raise hell.*

Because you, and most of us, dismiss the possibility that the American vote is routinely stolen, distorted or otherwise monkeyed with by corrupt computer wizards, you resist questioning further and dismiss as crackpots or fanatics those who do.

Yet, not long ago, Robert Flaherty, the president of News Election Services (NES), the private company that compiles voting results and feeds them to the major media, was asked to make it clear how the NES system works.

As usual when asked about how NES counts and disseminates the vote, he replied:

"This is not a proper area of inquiry."

Can it be that the methods used to accept, tally and broadcast the results of the American vote are improper areas for questioning?

"Yes," says Mr. Flaherty, "that is a proprietary matter not open to the public."

We will describe the operations of the secretive NES later on, although it is noteworthy here to mention that this corporation, which fanatically guards its people and processes from the public view, is a consortium of the three major television networks: ABC, NBC and CBS, plus the Associated Press wire service, CNN, the New York *Times*, the Washington *Post* and other news-gathering organizations.

These "First Amendment" institutions each raise the cry of "impropriety" and "improper inquiry" when asked about their unspoken role in the American vote count.

Actually, the major news organizations foster the illusion that the American press competes to get the correct vote count to the public, and they imply by omission that "ballots" are counted in the traditional, accountable ways that once fostered confidence and a sense of fairness in the hearts and minds of the American voter.

However, the American voter has grown steadily more apathetic in both presidential and off-year elections, with sometimes less than 25 percent of those eligible taking the opportunity to cast a ballot. The press blames this on the politicians and the public itself, but the public may be aware, if

only vaguely, that in some unfathomable way their vote counts for little or nothing.

There have been too many odd coincidences and peculiar results over the past quarter century, and the decline in voter participation in national elections over the past two decades is directly proportional to the rise of computerized voting.

The People are naive about computer voting and somewhat less than entirely computer literate. They do intuit, however, that it is a mistake to put much faith in the integrity of computerized voting systems. Except in matters spiritual, intelligent people tend not to place much faith in what they cannot see. They could see paper ballots marked and placed into a slot in ballot boxes, and except for certain infamous precincts in Chicago, people generally trusted the American voting process. They could see it, touch it, and their vote left a paper trail that could be followed if there was a need for verification. That can no longer be said.

The instant after a voter chooses his or her ballot selection on a computer, the electronic impulse that is triggered either records that vote or it does not. Either way, the computer program immediately erases all record of the transaction except for the result, which is subject to an infinite variety of switching, column jumping, multiplication, division, subtraction, addition and erasure.

All these operations take place in the electronic universe within the computer and are entirely under the direction of the program or "source code." It is impossible to go back to the original event, like you can with a paper ballot, and start over again in case fraud is suspected. With computer voting the results are virtually final, and, in all cases, hatched in the electronic dark. No human eye can watch or protect your vote once it is cast in a computer voting machine.

People who mistrust the voting process cannot, in the traditional American way, accept the defeat of their candidates gracefully and work loyally with the winners. Instead, more and more American voters are feeling "had," "scammed," "hoodwinked" by the voting system. Trust has almost departed. There is the nagging, unproven, yet pervasive feeling that the "experts," the "spin doctors," the "covert operators" and the "private interests" have put their technicians and consultants in absolute control of the national vote count, and that in any selected situation these computer wizards can and will program the vote as their masters wish.

All over the United States of America there are people who listen to the facts about computer voting and then tell horror stories of candidates, who didn't have a prayer before election day, then slip into office by an uncheckable computer vote. Most common is the story of the

computer that "breaks down" when one candidate is securely in the lead, and after the computer is "fixed," the losing candidate pulls ahead and wins. The evil feelings left behind by such shenanigans are festering across America.

Among the wickedest recent examples of possible computerized vote fraud, of the sort that has disillusioned millions of Americans, is the 1988 New Hampshire primary that saved George Bush from getting knocked out of the race to the White House.

Was the New Hampshire Primary scenario a modern classic in computerized vote manipulation? Here is the gist of it.

The Bush campaign of 1988, as historians have since recollected it, was filled with CIA-type disinformation operations and deceptions of the sort that America used in Viet Nam, Chile and the Soviet Union. Since George Bush was one of the most admired CIA directors in the history of the organization, this was not so surprising.

Yet George Bush stood to lose the Republican Party nomination if he was beaten by Sen. Robert Dole in the snows of New Hampshire. He had suffered a terrible political wound when Dole won big by a show of hands in an unriggible Iowa caucus. Bush came to New Hampshire with all the earmarks of a loser whom the press had come to identify as a "wimp."

Political observers were downbeat in their observations of Bush's chances in the face of Dole's Iowa momentum. Virtually every television and newspaper poll had Bush losing by up to eight points just hours before the balloting.

Desperate times require desperate measures. Perhaps that's what it required for "steps to be taken," and phone calls to be made. Then came a widely reported promise made by Bush to his campaign manager, Gov. Sununu. It happens that Sununu's computer engineering skills approach "genius" on the tests. If Sununu could "deliver" New Hampshire, and Bush didn't care how and didn't want to know how - then Sununu would become his chief of staff in the White House.

When election day was over the following headline appeared in the *Washington Post*:

NEW HAMPSHIRE CONFOUNDED MOST POLLSTERS

Voters Were a Step Ahead of Tracking Measurements

By Lloyd Grove
Washington Post Staff Writer

For Vice President Bush and his supporters, Tuesday's 9-percentage-point victory over Sen. Robert J. Dole (R-Kan.) in New Hampshire was a delightful surprise; for Andrew Kohut, it was a horror story.

Kohut is president of the Gallup poll, whose final New Hampshire survey was wrong by 17 points: it had put

Dole ahead by 8; Bush won by 9. "I was dismayed," Kohut acknowledged yesterday.

This New Hampshire primary was perhaps the most polled primary election in American history, and in the end, the Republican voters in the state confounded the predictions of nearly every published survey of voter opinion.

Gallup's glaring error and the miscalls of other polling organizations once again raise questions about the accuracy of polls, their use by the media and the impact they have on voters' choices and the public perception of elections. In New Hampshire this year, news organizations' use of "tracking polls" to try to follow the movement of public opinion night after night came to dominate news accounts of the campaigning and the thinking of the campaigns themselves.

Tracking polls usually survey a relatively small number of voters every night: 150 to 400 in each party, in the case of The Post-ABC poll. The results are averaged over several days. See POLLS, A11, Col. 1

Had the terms of Bush's "promise" to Sununu been met?

Whatever magic Sununu was able to conjure up during those final hours preceding the overnight resurrection of the Bush campaign, it worked.

There are those who believe that such a wild reversal of form would have been subject to an immediate inquiry by the stewards if it had happened in the Kentucky Derby. Any horseplayer would have nodded sagely, put a finger up to his eye, pulled down the lower lid, and signaled: "Fix."

Yet in New Hampshire, there was some wonderment expressed in the press, and little

more. There was no rechecking of the computerized voting machines, no inquiry into the path of the vote from the voting machines to the central tallying place, no public scrutiny of the mechanisms of the mighty peculiar vote that saved George Bush's career and leapfrogged the relatively obscure Sununu into the White House.

Nothing was said in the press about the secretly programmed computer chips inside the "Shouptronic" Direct Recording Electronic (DRE) voting machines in Manchester, the state's largest city.

These 200-pound systems were so easily tampered with that the integrity of the results they gave - and George Bush *was* the beneficiary of their tallies - will forever be in doubt. Consider these points:

1. The "Shouptronic" was purchased directly from a company whose owner, Ransom Shoup, had been twice convicted of vote fraud in Philadelphia.
2. It bristled with telephone lines that made it possible for instructions from the outside to be telephoned into the machine without anyone's clear knowledge.
3. It completely lacked an "audit trail," an independent record that could be checked in case the machine "broke down" or its results were challenged.
4. Roy G. Saltman, of the federal Institute for Computer Sciences and Technology, called

the Shouptronic "much more risky" than any other computerized tabulation system because "You are fundamentally required to accept the logical operation of the machine, there is no way to do an independent check."

A year later, in June of 1989, Robert J. Naegele, who had investigated all computerized voting systems for New York State, warned: "The DRE (which the Shouptronic was) is still at least a year and possibly two away from what I would consider a marketable product. The hardware problems are relatively minor, but the software problems are conceptual and really major."

A source close to Gov. Sununu insists that Sununu knew from his perspective as a politician, and his expertise as a computer engineer, that the Shouptronic was prime for tampering.

How could such an offense against the United States electoral process have been carried out under the gaze of professionals from the nation's TV networks, newspapers and wire services?

There are lawyers who will argue that the party primary election is essentially an intra-party matter over which "outsiders" have no legal rights. That, in fact, if a political party wants to rig its elections, it can do so without violation of federal, state or local laws.

As long as men and women in charge of the vote count are on the take, or can be persuaded

that tampering is "good for the party," that one candidate should win no matter what the vote count is - then wholesale vote rigging throughout America can be accomplished quite easily. It is a sick and vicious way to operate within the two-party system, and there is reason to believe that it is epidemic on a national scale.

The concept is clear, simple and it works. Computerized voting gives the power of selection, without fear of discovery, to whomever controls the computer.

Of course, there are problems about getting control of more and more computers, and that problem has been brilliantly solved with the help, and in some cases the unwitting collaboration, of the major news-gathering organizations.

Over the past generation, when television news became an unstoppable force in America's political life, competition grew between the major networks to be "first" with the voting results - proving they had better reporters, better contacts, better organizations than the opposition.

At first, the race to call the winners was sportsmanlike and played much like print journalism played "scoops." Then, almost imperceptibly, the networks' urge to "give the public timely results" crossed over the line into territory more sinister.

The early position taken by network

spokesmen was that slow vote counts increased the likelihood of vote fraud, and besides, the American people had a "right" to know as soon as possible how their candidates fared.

You may ask: *Why all the rush?*

In a fair election, how does the passage of a reasonable amount of time, less than a day or two, say, negatively affect the outcome of the election or the people's perception of it? In the early days of the nation it required months to find out who was elected president, since the electoral college met in January to cast their votes.

Clearly, democracy can survive without immediate election results.

Yet the media's clamor for speed went on, encouraged by inventors who had early knowledge of computers and knew how to use them to accelerate the processes of ordinary life. It became possible, with fast counters developed by International Business Machine Corporation, to use punch cards, with rows of small, rectangular holes, as ballots. These old cards could be counted at the rate of thousands per minute by an IBM sorting machine hooked up with a photoelectric cell and a computerized tabulator. It seemed like progress at the time. Vote counting got a lot faster in a big hurry.

But after several years, IBM realized that the Vote-omatic voting machine, the patents on which IBM had bought from its inventor, T.K. Harris, was actually a Pandora's box. IBM,

following several disturbing public relations problems brought about by both incompetent and malicious "mishaps" during elections, took its name off the product. IBM eventually sold its rights in the company after IBM's president, Thomas Watson, read an article that implied he might be trying to install IBM voting machines in enough precincts to win him the first electronically rigged election for President of the United States. Watson had no ambitions to become a U.S. president and was mortified that his computers would be implicated in anti-democratic functions.

With the crusty, impeccable IBM out of the business, the scramble to produce new, improved, less scrupulous voting hardware and software began in earnest. Entrepreneurs made fortunes peddling the early computerized counters to towns and cities across America. They sold the machines as the "patriotic," "progressive" thing to do for American voters.

Newspaper and broadcast media seldom bothered to look into the voting machine industry and, in fact, took advantage of the speed the new machines offered in counting. The press did not investigate the accuracy, or lack of it, of the final tallies.

All of the computerized machines, from the earliest versions on, were peculiarly susceptible to vote fraud despite the ingenuous claims made by the manufacturers. The issue of "speed" in

counting actually meant little or nothing to the voting public, except as it was staged as a competition by the press. Yes, the computers offered speed on the one hand, but on the other hand they all, *without exception*, did their operations in the electronic dark where ordinary citizens, who had previously taken the responsibility for a fair and accurate vote, could never venture.

Most Americans did not realize that such an anti-democratic virus had infected their vote. Most do not realize it today. If you ask your friends to describe how their vote (if they cast a vote) is counted, they are unlikely to get much further than the polling booth and the rudimentary requirements to operate the machine. Beyond that they are probably ignorant. Most people expect that the Democrat and Republican poll watchers will watch out for their interests, and if not them, the Board of Elections or some federal elections commission will keep the fraud down to manageable proportions.

Naturally, in the vacuum of ethics and in the depths of ignorance about computerized voting, the opportunists arrived on the scene. It was already clear that IBM considered the business too dirty to mess with. Yet salesmen had placed the machines, along with service contracts and consulting fees, in thousands of America's precincts.

All over the nation the local election boards

were taking delivery of Trojan horses that could be programmed to bide their time and then, when the proper moment came, to mistabulate election results on command. Computer experts with even the most vestigial imaginations figured out dozens of ways to compromise a vote, many of them so elegant that getting caught was almost impossible.

During a little-publicized court trial in West Virginia, it was revealed that there were ways to stop the computers during a count, while everyone watched. Simply fiddle with a few switches, turn the computer back on again, and thereby alter the entire vote, or parts of it. If anyone asked questions, the fixers could make any number of plausible excuses. Mostly all they had to say was "just checking that everything's running okay," and that was satisfactory.

With voting machines attached to telephone lines it was possible to meddle with the actual vote from a telephone miles away. Getting caught was not possible. "Deniability" and "untrackability" were built into the secret source codes that animated the machines.

It was possible to rig elections electronically in separate communities across the country, but until 1964 it was not considered possible to rig a national election. Then, in August 1964, News Election Service was created.

Perhaps the most important piece of history uncovered during the *Votescam* probe is a

potently candid study of the U.S. electoral system conducted in 1980 by the CIA-linked Air Command and Staff College in cooperation with the University of New Mexico. It establishes the TV corporate networks' interest in NES. The study was commissioned by the CIA and published in the International Journal of Public Administration that was distributed to selected government agencies. We discovered a copy in the Library of Congress.

It is safe to say that almost nobody in America is aware of the activities of NES on election night. The on-air scripts of each TV network during the years since the founding of NES have seldom, if ever, mentioned its existence. The silence smacks of collusion among press "competitors" to keep NES away from public scrutiny. A portion of the study read:

"The United States government has no elections office and does not attempt to administer congressional elections. The responsibility for the administration of elections and certification of winners in the United States national election rests with a consortium of private entities, including 111,000 members of the national League of Women Voters. The formal structure of election administration in the United States is not capable of providing the major TV networks with timely results of the presidential and congressional elections. In the case of counting actual ballots on national election night, public

officials have abdicated responsibility of aggregation of election night vote totals to a private organization, News Election Service of New York (NES). NES is a wholly-owned subsidiary joint-venture of national television networks ABC, CBS and NBC and the press wire-services AP and UPI. This private organization performs without a contract, without supervision by public officials. It makes decisions concerning its duties according to its own criteria. The question and accountability of News Election Service has not arisen in the nation's press because the responsibility NES now has in counting the nation's votes was assumed gradually over a lengthy period without ever being evaluated as an item on the public agenda. (Underlined for emphasis. Ed.)

This privately owned vote counting cartel (NES) uses the vast membership of the network-subsidized League of Women Voters as field personnel whose exclusive job is to phone in unofficial vote totals to NES on election night. NES also operates a "master computer" in New York City, located on 34th Street. (Because the League of Women Voters has about it a perfume of volunteerism and do-goodism, the fact that it is actually a political club with a political agenda and a hungry treasury is shrouded by the false myth that it is a reliable election-day watchdog.)

The NES mainframe computer has the

capability, via telephone lines, of "talking" back and forth with county and state government mainframes. During the important 60-day certification period after an election, the counts in the county and state mainframes can still be manipulated by outsiders to conform to earlier TV "projections."

Without this capability of using the NES mainframe to "balance the books" between initial network projections of Bush as "winner" and the final official totals published two months later, Bush may have lost the election to Dukakis.

It is the prescription for the covert stealing of America.

2

BALLOTS NOT BULLETS

"Though a good deal is too strange to be believed, nothing is too strange to have happened."

—Hardy

Accept the idea for a few hours that your vote is, in fact, being stolen before your eyes. Put aside your beliefs or disbeliefs in the rectitude of the federal, state and local governments. Journey back to a time just a year after "Woodstock," when today's new grandfathers were in their twenties and both Jimi Hendrix and Jim Morrison were still alive.

We are two brothers from Michigan at play in Miami in 1970. The Cuban refugees have not yet taken political control. We have shared professions as rock and roll empresarios, drug

store owners, suntan lotion manufacturers and journalists.

When Jim Morrison of "The Doors" executed his notorious simulated jerk-off jump from the stage into the crowd, and set in motion the chain of events that plagued him until his death in Paris, it was us, Jim and Ken Collier, who promoted that historic show. We also swallowed the financial consequences after Morrison and "The Doors" left town.

It is after "The Doors" hysteria that we are in Miami trying to decide what to do next. We want to do something that just might raise eyebrows and blood pressure in a Richard Nixon world. We decide to write a book. We could write two books about rock and roll and the actual life backstage, but we have a lot of friends in the music business, and if we tell the truth we alienate most of them. The idea of combining a book with running for public office comes up.

"It seems like a good idea," Ken says.

"It's a great idea. You going to run, or me?"

We went to Dell Publishing in New York and sold the idea that Tom Hayden, Jerry Rubin, Abbe Hoffman and all the hippies against the system had all overlooked an intriguing possibility – to use the system and see if things that needed to get done actually could get done without revolution. Ken would run for Congress and scrupulously work *within the system* to find out. We titled the book: *Running Through the*

System: Ballots Not Bullets. The editors agreed that it was a good idea and paid us \$3,500 as an advance.

Winning the congressional seat was not a requirement of Dell. They also agreed that we would not ask for contributions. The campaign would be as "grass roots" as possible, based on the theory that even the poorest person in America can run for office by merely knocking on every door, shaking every hand and giving speeches at every political club or church. Whatever percentage of the vote we managed to get at the end of the campaign trail would depend strictly on whether the people believed in us.

Ken was already the front man at our rock club, *Thee Image*, and he had that Sixties need to see things change. From the time he was a teenager he had a burning desire to be a Congressman, a profession he considered idealistic and romantic. He had been buying ad space on the back page of the University of Miami *Hurricane* student newspaper (Jim had been *The Hurricane* managing editor in 1959) in the name of *Thee Image* to write essays on the political upheavals of the time: against the Viet Nam war, for freedom of speech, against imprisonment of political radicals.

Now Ken closed his eyes and put the possibilities together. His imagination was tweaked by the potential for high drama. At 29 years old, a romantic poet, Ken was brazen,

impulsive, Tom Wolfe-like in his stature, over six feet of it, big hands, big head, big shoes, big dreams.

"We can do it," Jim said.

Two years older than Ken, Jim was quiet and private. Nothing intrigued him more than orchestrating scenes from behind the scenes.

"I'll be your campaign manager."

"Who do we run against?" Ken asked.

"Hmmmmm."

Claude Pepper was a lusty old Harvard man with a face like an overripe tomato. He was known as "The Father of Social Security." He was also the incumbent in the House of Representatives. Pepper was a cosmopolitan, and he was happy to be in Washington where his talents as a speaker and a storyteller were recognized and appreciated.

Pepper was on the board of the bank that held the lease on the building that housed *Thee Image*. The bank had refused to renew the lease after "The Doors" concert, using the controversy in the press as an excuse. Rock and roll, they said, was an unsavory influence on the community, even though parents, police and prosecutors were invited into the club without charge, at any time, to see that the kids were not subjected to drug dealing.

"Let's run for Congress against Claude Pepper," Jim said.

It was decided that Ken would run as a

Democrat (\$2,100 was paid for the filing fee and it came from a Ted Nugent concert we held at the Miami Jai-Alai Fronton). Neither of us were Nixon Republicans and to run as an independent would have been decidedly outside the system.

On July 21, 1970 the grass roots campaign began.

We talked at every possible church. We went into public housing in Liberty City and Overtown, which were black innercity areas. We passed out leaflets and talked some more. In the Jewish sections of Miami Beach there were public meetings held in banks and on South Beach (now the art deco revival section). The old people were charmed by Ken, who swapped stories with World War II vets about his paratrooper jumps.

We campaigned 42 days, 18 hours-a-day, every day.

When the U.S. Congress recessed in August, Claude Pepper returned home to Dade County. Prior to his showing up we had almost convinced leaders of the black community, which included newspaper editors, civic activists and HUD executives, that Ken's ideas were the wave of the future, the hope of the next generation.

In August, with the recess in Congress, Claude Pepper returned to the area and the atmosphere

abruptly changed. At a black church in Liberty City, we attended an obligatory political breakfast. Five-minute speeches were scheduled by all the candidates. Pepper, who was nearly 70-years old, gave his speech in his usual mush-mouthed way. He sat down and Ken got up to speak. But the moderator pointedly ignored him. When Ken realized that he wasn't going to get equal time, he asked: "Does anybody care to hear me speak?"

Pepper nodded his head at two very serious guys. They approached Ken from both sides, grabbed his arms, and dragged him out like a fish.

We called the cops on a pay phone. Alcee Hastings, who eventually became the first black federal judge in the area, rushed outside.

"Don't go back in there," he warned. "They'll beat you up next time. It's dangerous."

We called the television stations and told them how a candidate got dragged out of a political breakfast. Only Channel 4's reporter came and took pictures of the purple bruises on Ken's arms. But at the studio, the news director didn't even look at the tape. "This isn't going to air," he told the reporter.

And that was that.

One of the theories of the Dell book *Running Through The System*, was that we use the system whenever possible. So instead of merely going back in and shooting the old bastard, we swore out a warrant for Pepper's

arrest for ordering the assault. Not one word in the media. We couldn't get even a *second* on television. We sent a telegram to the Federal Communications Commission and complained, within the system, that we couldn't get any television time. The FCC wrote back to the local stations and said, unspecifically, "Give them time."

One station gave us 18 seconds.

Pepper went to Texas to avoid arrest, while his lawyers visited a judge without our knowledge (*ex parte*) and had the warrant quashed.

They might have been irked by the garbage incident.

We had to make a clear statement about our candidacy. One that would show that Pepper was basically a hypocrite who didn't care about anyone but the richest segment, white or black. Our opportunity came when we walked through the streets of the black areas and saw the results of a political project that black leaders called "Teen Clean."

The idea was to clean up houses, gutters, streets, lawns of all the garbage that had turned the area into a slum. The teens turned out with great enthusiasm and they piled coconuts, palm fronds, broken glass, toilet seats, rusty old refrigerators, and mattresses in heaps on the street, some as high as six feet. The Metro garbage trucks were supposed to pick it all up, but although most of the drivers were black,

their white bosses refused to let them go. The reason: "We didn't expect hundreds of piles of Teen Clean garbage and we don't have the budget for it." People in the community were angry, and they felt betrayed. Rats and roaches, however, loved the stuff.

"Look," Jim suggested, "let's rent a pick-up truck, pick a load of that shit up and get some press at the same time."

So one hot August afternoon, we appeared in Liberty City in a half-ton truck and loaded it up. We had the enthusiastic help of about 100 local kids. Then Ken drove east across the 36th Street Causeway to pristine Miami Beach. Had any alert cop seen us heading east with a load of garbage, he would surely have stopped us. Nobody brings garbage to Miami Beach.

Once across the bay, we headed for the bank on 17th street, where we backed the truck up to the front door, pulled the hydraulic handle, and watched as a half ton of unsavory objects built a monument to the Pepper campaign. Just before we drove away, Jim grabbed a cardboard sign that read, "**This is a Teen Clean Project**" and jammed it into the top of the heap like the flag at Iwo Jima.

Later we drove by the bank, on whose board Pepper sat, and watched as hired black men scooped up the garbage into a truck and then headed back *west* across the causeway.

We parked the truck in front of our townhouses and waited. Two Miami Beach

detectives eventually knocked on Ken's door.

"We not only did it," Jim assured them, "but we're going to do it again tomorrow."

We did go back into Liberty City the next day for a repeat performance, but all the garbage was being picked up by a fleet of Metro trucks. And although there were photographers, police and reporters who saw the garbage pile in front of the bank, not a word was mentioned in the media, not even in the black-owned newspaper.

The remainder of the campaign was waged mainly in the streets. Miami in August can be a sticky mixture of sun, squalls and stifling heat. All day we trudged the streets, putting fliers in doors of houses, talking to people who were home, some giving us a cold drink.

Pepper bought TV time and seldom left his home. Then, in the last two days before the vote, as we made our last up-this -street-down-that-street run, we saw Pepper's face everywhere. He had used county employees to nail his campaign posters on hundreds of telephone poles in the black communities. He put none on the Beach.

"That's illegal," Ken said, ripping one down. "He can't put his posters on public property."

That night we drove the convertible along each street, Jim standing on the trunk, and we ripped every poster down. It took four hours, but that night we slept great.

On election evening we were at Ken's house to watch the returns on television. The numbers were flashed on the screen about every 20 minutes and our percentage of the vote remained consistent at 16 percent. Channels 4 and 7 were giving the election full coverage but Channel 10, for the first time in its history, ran a *movie* instead of voting results. Sometime after 9 p.m. our vote percentage jumped to 31 percent.

"Hey, we just doubled our vote!" Ken was excited.

"If it holds we'll have enough strength to run again in '72," Jim said.

Suddenly the news director came on the air and announced that the election "computer has broken down." Instead of giving official returns from the courthouse, the station would instead broadcast returns based on its "projections."

When the next "projection" was flashed 20 minutes later, Ken's vote had fallen back to 16 percent. No other vote had fluctuated, only ours.

We didn't know it at the time, but across the country in the 1970s and 1980s, that sequence of events was a phenomena that became rather common. 1) A candidate is ahead, the good guy, the one who wanted the city audit, the one who'll make a difference. 2) Television announcement: "The computer has broken down at the courthouse and official votes will no longer be forthcoming." 3) When the

computer comes back, your guy is behind again, and there he or she remains.

By the 11 p.m. news it was over. We hadn't expected to win; after all, we spent so little money, we bought no television time and we were new at political campaigns. But what was that 31 percent we got at about 9:30?

The next day we drove to the Board of Elections in Miami, and after watching a while, we asked Election Supervisor Martin Braterman if we could look at the canvass sheets we saw stored in an open vault. He escorted us to the vault and Jim started flipping the sheets, trying to get a quick visual grasp of the entire stack. He had never seen a canvass sheet before so he had no idea of what he was looking at; much less what he was looking for.

"I'm not sure," he said. "but it looks like there are more votes cast than people who voted."

Ken, who was still surveying the room, moved in closer. "Where?... show me."

"Get out," Braterman ordered, "you guys are nuisances."

"This is public information," Ken said. "Are you telling us that we are not entitled to examine public information about the electoral process?"

"This is not the right time. We're certifying the vote here."

Ken persisted. "We want to see them now

because something looks very wrong with the sheets. Let us look at them before something happens to them. It's evidence."

There was more heated dialogue. Ken sat on the counter and refused to go until he could examine the canvass sheets.

Braterman picked up the phone: "We got a disturbance here. Send a cop."

A few minutes later a young policeman asked Ken what he was doing.

"Just checking out the system," Ken grinned. The policeman laughed, Ken laughed. Then he booked Ken on a misdemeanor. Jim bailed him out.

The next day, with a call to the election division, we got a full explanation of what a canvass sheet was: the official, hand-written record of the voting machine tallies. There are rules written on the flip-side of the sheet. The official rules state: At 7 a.m. the precinct captains must open up the back of the voting machine and certify that all candidate counters are set with zeroes showing. They sign their names to those sheets swearing that they actually saw the zeroes.

Then the machine is closed and locked for the day while voting goes on. At 7 p.m., after the voting ends, the back is again opened with keys, and representatives from each party call out the numbers to the precinct people who fill in the front side of each canvass sheet. Three canvass

sheets are filled out per machine. One sheet is to be posted on the wall after the election for the public. One goes to the Elections Department. One is sent to the County Judge's office.

Once we knew what it was we were looking for we returned to the Elections Department where Braterman, still grumpy from the day before, again refused an examination of the records. Not wanting to get busted again we walked over to the County Judge's office where copies of the sheets were already bound in a book. The clerk there permitted closer examination.

"What are we looking for?" Ken asked.

"Look for a pattern."

The sheets were three feet wide and two feet high. On the front there were a lot of squares corresponding to each candidate, and there were numbers in most of the squares in the handwriting, it seemed, of just the one person who filled out each sheet. On the back were from ten to twelve signatures of workers who swore they saw all zeroes in the morning and final numbers at night.

As we turned the pages Jim was puzzled: "There's a kind of uniform grayness about all these sheets. Look here." He flipped the pages like one would do to a cartoon layout. "Except for these few precincts...look." He pointed to a page of scrawly looking numbers. "See?"

Ken could see it immediately. The handwriting on about five of the pages was

messy and broken...and real looking. "But the rest of this stack is too neat, isn't it? All of these appear to be written by the same hand!"

"You think these might be forgeries?"

"Let's find a handwriting expert."

The Yellow Pages listed only one handwriting expert, Robert Lynch. We telephoned him and made an appointment to meet at the courthouse the next morning.

Lynch turned out to be a man in his fifties. He wore glasses but he only needed one flip through the bound stack before making his pronouncement.

"These are not forgeries."

We had absolutely no reason to believe that Lynch was anything other than your honest neighborhood handwriting expert. If he said they weren't forgeries, what was the use in chasing rabbits down that hole?

With our forgery suspicion gone, the election investigation appeared to be over. We went back to shooting pool, learning Shori Goju karate, sailing catamarans and racing Pontiac and Chevy 427's. We were also busy selling our local newspaper, *The Daily Planet*, on street corners.

"The question that still bugs me," Jim said, "is how did we get that 31 percent? I mean, why that momentary thrill? Was it an error?"

"Maybe it was real," Ken answered. "Maybe somehow they let the true vote through. When they saw what it was, they cut it off."

"That's a possibility."

Soon after the November election, in which Claude Pepper was confirmed as Congressman, we went to the local television stations to ask them for copies of the on-air computer "readouts" used during the primary election count.

Both TV stations said that they no longer had possession of the readouts. They were now held by Professor Ross Beiler, in the political science department of the University of Miami. We immediately went to Beiler's office on the Coral Gables campus. It was just a 10-foot by 10-foot cubicle off a loggia, and the door was open.

We walked in and there, scattered in disarray on his desk, were the readouts we wanted. They were big, about the same size as the canvass sheets, with the dark and light green lines of IBM standard computer paper.

They showed vote totals and the times the totals were tallied. There were the names of the stations on them: WCKT (4) and WTVJ (7). Plus some notes and signatures.

"Grab those," Ken whispered.

Jim scooped up a handful of the sheets and turned to walk out. At that instant, Professor Beiler walked in the door. He was a tall, hayseedy looking man. He grabbed Jim, who was a black belt in karate, by the back of the neck and said: "Put those back."

"Exactly what were you going to do with these?" Ken asked.

"I'm going to Washington on a sabbatical. I was going to destroy them."

"Destroy them? You can't do that."

"They belong to me."

"We need them for an investigation." Ken picked up a few papers.

"Put those down."

"All right," Ken said, dropping them back on the desk, "let's put them in the safe in the office of the dean of students."

The professor hesitated.

"Professor, it would be the legally proper thing to do."

"Just for six months," he agreed, "and you can't look at them during that time."

"Let's type up an agreement."

As Beiler sat at the typewriter, with his back to the room, Jim seized the moment and stuffed about ten readout pages under his shirt and slipped unnoticed out the door. He ran to the car, where he jammed the papers in the trunk.

A couple of hours later we excitedly spread the contraband on the pool table in Jim's living room.

"Look at this," Jim pointed to one of the columns on the sheet. "The first report is at 7:24 p.m....just 24 minutes after the polls closed." He scanned the sheet...he knew the future was coming. "It shows the first vote totals are based on," he found the column... "returns from Pepper's Congressional district...see?...it called

our race so it's gotta be in our district. This column says ACTUAL VOTES. There's a zero here. No actual votes. And..." his finger moved to the next column, "here it says PROJECTED VOTES...7,100 for us and...46,000 for Pepper."

"So?"

"Under 'MACHINES REPORTING'...one machine."

"Lemme see."

We checked the green computer readouts which we arranged in neat piles under the pool table light. In one of the vertical columns labeled "MACHINES REPORTING" the number "1" appeared.

Jim grinned. "They used one machine's totals to predict how many votes 250 candidates would get?"

He scrambled quickly through the papers until he found the 9:21 p.m. readout. There it was, the 31 percent that had flashed on the screen. "We're not crazy," Jim said.

Ken looked at the numbers.

The documents showed that no actual votes were being reported from 7 p.m. until the 11 p.m. news. We had assumed that the computer had broken down at the time they announced it, 9:21 p.m., but these readouts indicated that the TV stations were not getting official votes from the opening bell.

"They must have relied on information from their reporters at the precincts," Ken said.

"Maybe," Jim answered, "but 99 percent of the

vote was counted by 11 p.m. They would have needed at least 340 reporters to cover the 340 precincts."

We checked the sheets closer and found that the on-air reporting times were set at every 20 minutes throughout the evening. The last report was at 11:15 p.m.

"Ninety-nine percent of the precincts were reported by the time people had to go to bed," Ken mused. "That's very neat."

"If they weren't getting actual votes all night, from 7 p.m. on, and they predicted the final outcome in 24 minutes using one voting machine, maybe they knew they were going to have a blackout all along," Jim said.

"So it was a cover story."

"Gotta be."

"Could they have blacked it out on purpose so they could project winners?"

But the most puzzling question, if we were to believe that the election wasn't rigged, was how Channel 7 could have predicted the exact outcome of 40 races with 250 candidates altogether on the basis of information from just one voting machine located somewhere in Claude Pepper's district. And how could they do it in just 24 minutes?

That 24 minutes rang and rerang and re-rerang inside our heads. We talked all night trying to make the pieces of the puzzle fit. By morning we still thought that something was rotten in the count.

There are no tests to determine when the last rock on the ledge of life slips and plunges you into the crater of causes. Suddenly police stations become grossly familiar. So do the courtrooms of various judges. The offices of lawyers are not avoided anymore. Organizations like the CIA and the FBI keep their ears open when you come around. Your home may at times become mobile and the sky becomes your roof. Fear that your cause may be lost ceaselessly batters your confidence. Your relationship with others is more or less determined by the extent to which they will tolerate your cause, which for some of your loved ones may be less attractive than maggot soup.

For us, the last rock fell when we discovered that all the predictions made within 24 minutes after the polls closed were based on results called in from *one* single voting machine.

We decided to get mad.

In those days it was easy to become involved in causes. The Sierra Club was just starting then and it was a loud, strident, articulate toddler. The anti-nukers and pro-abortionists were beginning to set up chapters all over the world and get their messages out by means of concerts and LP records. Richard Nixon was taking hold of power in Washington and if he behaved anything like he had when he lived on Key Biscayne with his friend, Bebe Rebozo, then Nixon was destined for historic trouble. Yes, this

was before Watergate, before Nixon resigned, when his attention was turned mostly toward China.

So instead of organizing a group called something like "Victims of Tampered Elections" (VOTE), getting members to pay \$15 annual dues (\$300,000) to join the cause, put out *Votescam* newsletters, get our collective voices heard on Capitol Hill, we took up the pen feather and challenged the sword.

Years later, with bloodied pen feather in hand, we would understand that people with great illusions are destined to die in the desert, sucking on their sneaker, while waiting for the water truck to come.

All we had to do now was track down that one magic machine.

How did they decide in which precinct that machine would be placed? Pepper's district was spread from east to west across the center of Dade County — from the ocean on the east to the Everglades on the west. The neighborhoods were generally segregated into black, Jewish and WASP. During the campaign we walked down every street in those neighborhoods. None of them could possibly be so typical of us all that the votes coming from just one of its machines could be projected to predict exact final vote totals.

Jim asked: "How did channel 7 and 4 get those numbers? Did people call them in from

the precincts? Did they have a reporter in each of 340 precincts?"

"And what about the computer program?" Ken added.

"Do they have a formula, or, let's say a multiplier of some sort that they use to project those numbers from the precincts?" Jim wondered.

He scrawled figures on a piece of paper.

"If we figure that everything Beiler knew before 7 p.m. is listed under the letter "A"...," he wrote the letter "A" on the paper. "The letter "A" would have to represent his formula, or his program. I mean, he couldn't just take the votes off that one machine and magically project them to get a final result without some sort of program.

"Now, let's call the vote totals he got from that one machine "B". Jim wrote "B" on the paper. "To make it easy we'll say you got 10 votes on that machine." He wrote "10" under the letter "B" "So what would that mean?"

"Well," Ken answered, "he'd either have to multiply that "10" or he'd have to add something to the "10" to get a final number."

"Could he do anything else? "

"I don't know anything about computers, but he can't change the laws of mathematics...he can only multiply that "10" to get a final number...or he can add something to that "10"...I don't care how sophisticated a computer is, all it can do is multiply or add, period."

It seemed so simple. An $A \times B = C$ formula. A (Multiplier) \times B (Actual votes) = C (The total). And it's the only formula possible no matter how bright a programmer you are. If you use an $A \times B = C$ formula, you must also always know *two* of the numbers in advance to calculate the third. But if you know two out of three of those numbers in advance, you've rigged the election.

In the green pile of documents we found the Channel 4 readout, the first report showing only vote percentages (not final totals) was broadcast at 7:04 p.m. Channel 4 projected the outcome for 250 candidates in just 4 minutes!

Hell, you can't even boil a three minute egg in four minutes.

We had a 427-horsepower red Pontiac convertible which the Dade County highway patrol had come to know and respect over the years. The next morning it took us to look for answers. We drove up to the state capitol at Tallahassee, a lushly green southern city in the hills of the Florida Panhandle about 400 miles north of Miami. From the Secretary of State's office we got the *final* vote totals for every candidate in the three elections held in Dade County in 1970. We copied them and brought them back home.

The first thing we did was to lay out the Tallahassee sheets on the pool table and divide them into piles. September primary, October runoff and November final election. Then we

arranged the television readouts in time sequence in order to compare the numbers that the state eventually registered as official against the projections from the television stations.

We checked the totals in the Governor's race and found that an aggregate of 141,000 votes were cast on September 8th. Then we checked the runoff election held a month later and the exact same figure — 141,000 votes were cast again!

"How is that possible?" Ken asked, and then he answered himself, "It *isn't*. The losing candidates dropped out of the race, and whenever that happens the vote drops, too."

So we checked the final election in November and found once again that 141,000 votes were cast in the Governor's race.

In hockey they call that a hat trick. In politics we call it a fix.

"This is the Stepford vote," Jim said, hardly able to contain his glee. "These bastards didn't have time to change the numbers in the 30 days between elections, so they just ran the same numbers even though all but two of the candidates were out of the race."

Ken was already looking for the figures on the Senate race.

"It was a five-person contest in the primary and 122,000 votes were cast in total," he said. "Look at this! There's 122,000 votes cast in the runoff, and..." he flipped the sheets to the finals. "Well, what do you know... 122,000."

Jim picked up the cue stick and smashed the white ball into the rack. He was angry and yet he marvelled at the sheer audacity of the scheme. He pointed the cue at Ken.

"Do you think the Secretary of State is involved?"

"Hell, what about the press?" Ken threw back.

"If the press knew these numbers and never questioned them, then they're either stupid or collaborators."

It was an intriguing thought. We knew the press was capable of keeping candidates who didn't spend advertising dollars from getting publicity, but was it possible they would actually protect the people who were pulling this off?

"What do you think would happen if we went to the *Herald* with this story?" Jim asked.

"You think they'd touch it?"

"Let's push it."

Then we compared the Tallahassee final totals with the numbers on the September 8th readouts from Channel 7.

"Holy shit! Look at this." Ken was doing a dance on one foot.

"What?"

"Compare Channel 7's readouts. . . this is their unofficial projections of what the final totals will be At 9:31 . . . the projection in the unofficial vote total column reads 96,499 votes. That's what they predict the final outcome will be." Then he shifted to the Tallahassee official totals. "And in these official returns, read what it says: 96,499.

That's one-hundred percent *perfect!* They called a perfect race. I'd like to see that computer program."

Jim paced around the table. "They took four minutes on Channel 4 to predict percentages for 250 candidates. You can't even read that many numbers off the back of the machines in four minutes, much less read them . . . run to a phone . . . call the TV stations . . . re-read them to an operator who has to punch them onto IBM cards and then run them through a computer for broadcast to the public. You just can't *do* that in four minutes."

"And what about precincts?" Ken asked. "Did both stations use the same precincts? Did they use the same reporters or were 680 people out there, on payrolls from both stations, calling back votes?"

Jim shook his head in disbelief

We sat and contemplated the possibilities.

Ken said: "Maybe this goes on all the time and we were too out of the action to notice, like most people are. Who thinks about how votes are counted anyway? Nobody pays attention. *We didn't.* We just expected a clean, open election like they taught us in Civics 101 at Royal Oak High School."

"So if you find out that there's a rigged vote with the television stations in on it, who do you go to to complain?" Jim asked.

The next move was to get back to Beiler and

find out about his super-amazing computer program. Ken called the University of Miami and got Beiler's telephone number in Washington at the American University. In a taped conversation he went right to the point.

"What kind of program could you have devised where the information from one machine was used to predict the results of all the races within one percent of perfect?"

"I didn't do it," Beiler replied. "It'd be a *million-to-one* odds that anyone could do that. I was just the on-air analyst but I didn't program it. I don't know how to program."

"Who did it, then?"

"It's a fellow named Elton Davis, who works on computers for a land sales company. He's the one who did it for Channel 7."

"Thank you, sir."

A solid lead. We had to pay Mr. Davis a visit where he worked at Cavanaugh Land Sales, which sold West Coast Florida swampland for development. The office was across the 79th Street Causeway from Channel 7's studios. We made an appointment.

The next day we sat across from a chunky, muscular man in a small and cluttered office. There was a chalk board on the wall.

"Professor Beiler says you programmed the Channel 7 computer," Ken began. "What was the formula you used that could predict 100 percent correct final totals with just one machine reporting?"

Davis stood and walked a few feet to the blackboard. He picked up the chalk in the tray, stood on his tip-toes, and reached up as if to begin to write.

Now, Ken thought, we're going to get the magic algorithm.

Then Davis slowly put the chalk back down, turned to us and in an icy voice, said:

"You'll never prove it. Now, get out."

We couldn't believe it. He opened the door and pointed outside. Ken tried to ask another question but Davis was mute. There was nothing more he was going to say.

It was time to call the FBI. We now knew for sure that the man who was supposed to have written the computer vote-count program had something sinister to hide.

The FBI offices were on Biscayne Boulevard just north of the downtown business area. We were escorted into a small office and then asked if we would agree to be photographed. If we said no, maybe they would refuse to listen. So we put our heads in one of those neck-holders, like the old New England stocks, and a clerk snapped a picture. They didn't request fingerprints.

"We want to make a statement, but we want a stenographer to take it down. We'll sign it and take a copy," Jim said.

The agent, in the government-issue blue suit, agreed.

The statement was twelve pages long and all of what we knew was in it, with as little supposition as we were capable of. We told of Beiler's "million-to-one" statement, the virtually impossible accuracy of a one-machine perfect projection, and Davis' warning that we'd "never prove it." We asked that the FBI interview Beiler and Davis about possible vote fraud in a federal election.

Then it was time to track down that one miracle machine.

Ken telephoned the news director at Channel 7 and asked "who had called in the information from the precincts with the raw vote totals from the machines?" He told us that members of the League of Women Voters, not reporters, had been hired to work in precincts selected by Beiler.

"You mean there weren't people in *all* precincts?" Ken asked.

"No," the news director said, "just in some sample precincts."

"Then how could you have shown 99 percent of the vote counted by 11 p.m. if you only had a few people in a few sample precincts...in light of the fact that you weren't getting any actual votes from the courthouse?"

There was a long pause.

"Call Joyce Deiffenderfer. She's the president of the League."

In early December, we kept an appointment at

Joyce Deiffenderfer's home in a section of Coral Gables known for manicured lawns, lush tropical foliage and big-mortgage houses. She answered the door. Deiffenderfer was tall, about six feet, austere, unsmiling, and bordering on uncordial. She had a friend with her, a woman, who looked as if she was there to be a witness.

Jim explained the mystery of the one-machine projection and asked: "Were you told there was a specific machine that was going to be used to extrapolate a projection?"

"No," she answered.

"Can you give me a list of the people from the League who worked that night in the precincts?"

"There is no list." She began to look uncomfortable. "There were no League women in the precincts that night."

That was a puzzling surprise.

"Channel 7 says the League gave them returns."

She saw the drift. "There was no such thing," she repeated. She started to speak again, changed her mind, and then blurted out: "I don't want to get caught in this thing." She began to weep. Her female companion watched without uttering a word.

We were almost sympathetic. She had just admitted that nobody was in the precincts that night, there was no magic machine, ergo, there could not have been any projected reporting by the television stations based on information supplied by the League.

"Will you go to the press and make a statement?" Jim asked quietly.

"Yes, I will," she said.

We shook hands all round and departed.

We were, in a word, ecstatic. Jim rushed over to The *Daily Planet* to file the story.

When the lease had been pulled on *Thee Image*, our "bully pulpit" was dismantled. So we bought half of the Miami *Free Press* from a guy named Jerry Powers and changed its name to The *Daily Planet*.

With the *Planet* as our new bullhorn we could fight for the causes of the Sixties, created mostly by Nixon's miasma, without begging some local whipped newspaper editor for permission.

One of our first *Planet* stories was about Tom Hayden. Hayden was another buddy of our youth in Royal Oak, Michigan, where we edited the high school paper together. Ken was the photographer who miraculously kept getting photos of record-breaking sports events. Jim and Tom edited the paper. The three of us also created a campus humor paper, The *Daily Smirker*, way back then which still survives today.

Tom had ended the Sixties with that Chicago Seven flourish which landed him in jail for the last time.

So when he told us that nobody but Joan Baez had given a nickel to the Seven's defense fund, we headlined it in the *Planet*.

The *Underground Press Service* picked up the story and distributed it to every other underground paper in the nation, including the college press. The Seven's defense fund swelled mightily soon after.

It was winter and the Sixties were over.

But the *Planet* was still there for us to run the story about Joyce Deiffenderfer. It appeared under the headline: "I DON'T WANT TO GET CAUGHT IN THIS THING."

We also went to the FBI, made another statement, and asked them to talk to Joyce Deiffenderfer.

Christmas passed, then came New Year 1971. We had the evidence, but there was no move on the part of the press to give it a milligram of ink or air time. Here was a major story that was being absolutely ignored by the Miami *Herald*, the Miami *News*, and every TV station. The frustration was galling.

"It's like kicking a marshmallow," Jim said.

We called the FBI to see how its investigation was progressing and one agent or another would always say: "Sorry, it's not our job to tell you anything."

Then we called our editor at Dell to tell him what we'd found, the state of the story, the ramifications of what we'd experienced. As we waited on the line, a strong, authoritative woman's voice came on.

"This is Helen Meyer," she said. She was the

outright owner and publisher of Dell in those days, and for a wild moment we expected her to congratulate us on our book idea, maybe even invite us to a publisher's cocktail party. Instead she said: "I'm cancelling your contract as of today. This book will not be printed." *

It was as if we had just fallen out of a Zeppelin. Why the high-level hostility, the lack of explanation? We hadn't been in touch with her or Dell for a year. After that telephone call everybody at Dell was out to lunch or in a meeting. We had the \$3,500, but was the investigation we found so intriguing really over?

"Where are we?" Ken asked.

"Dead in the water."

There was some wallowing in self-pity and some crying in our beer. Then, two days later on Ken's thirtieth birthday, a new idea popped up to get *Votescam* off zero. Ken got the brainstorm to send a telegram to Richard Nixon.

The act of composing and sending a telegram to the President of the United States is like dipping a toe into contemporary history. There are advantages and drawbacks, depending on the tenor of the times and the subject matter. It is akin to sending a rocket ship into the void — you don't know what it's going to hit or how far it will go.

But on that day, as we sent the telegram via Western Union, we just thought it was a hell of a way to blow out the birthday candles.

*We later discovered that Ms. Meyer was a long time friend of Washington Post publisher Katharine Graham, a fact that will be better understood later in this book.

TELEGRAM

White House, 23 April 1971
Washington, D.C.

Dear Mr. President,

For the past several months we have pieced together documentation and theory regarding a Federal-State-Local election in Dade County September 8, 1970.

Evidence indicates major vote fraud was perpetrated. Television coverage on Channels 4 and 7 (WTVJ, WCKT) featured computer "projections" of voter turnout and final vote totals by 7:24 p.m. Projections made by Channel 7 were based on returns from only one voting machine. We questioned persons involved and believe election results were pre-arranged by all three TV news departments acting to promote the deception that official returns from the Dade County courthouse would be delayed due to a "computer breakdown." We are providing documentation to Miami FBI, and urgently request that your office direct U.S. Attorney General to investigate.

Kenneth Collier
James Collier

3

THE SILENT PRESS

*"For those who govern, the first thing
required is indifference to newspapers."*

—Thiers

The sudden death of our book deal, we reasoned, was the first sure sign that our efforts and instigations had made waves outside the Miami area.

The fourteen months between April 23, 1971, when we sent the telegram to President Nixon, and June 17, 1972, when President Nixon's "plumbers" were captured in the Watergate, was a period in Miami when a good deal of noise was made about the vote fraud issue.

The first above-ground story about rigged elections in Miami appeared on August 29, 1971 in the Miami Beach *Reporter* under the byline of its old and respected editor-publisher, Paul M. Bruun.

Bruun was the last independent editor in Dade County. He didn't owe much to anybody. His word was respected and his opinion carried weight among both Jews and Gentiles on Miami Beach. He was tall, elegant, in his seventies, a man with snowy white hair and moustache. He flourished a cane, had a rich, deep, rumbling voice, and a big Basset hound named Caesar led him about on a leash. He was a world-class gossip and a *bon vivant*. Most important, he was wealthy and hard to corrupt. His column titled "Bruun Over Miami" was famous among the postwar settlers, especially on the Beach.

We ghostwrote "The Great Dade Election Rig Continues" story for him as a factual account of the voting controversy, based on the Channel 7 computer readouts. He told us that he would put his byline on the story only if his own independent checking verified every fact and allegation.

As a hedge against libel suits, Bruun sent a copy of the story to all whose names were mentioned. He advised them that they could "exercise veto power over the story" if they could demonstrate a fault in its factual underpinning. When no objections were raised, the following story appeared in the *Reporter* beneath a headline which read:

THE GREAT VOTE-FORECASTING MYSTERY — AND SOME QUESTIONS...

by Paul M. Bruun, Publisher

Introduction

For months I have hoped that some, whom I am willing to admit know far more about such electronic computations than I do, would answer some very pertinent questions.

Nothing has been printed or broadcast by anybody which in any manner answered any of the questions that have been really bugging me. Read this carefully and see whether you agree there are many that bother you.

Though this is basically a story about Channels 4 and 7, I have sought in vain to find out exactly why television station WPLG, Channel 10, did not broadcast this all-important election, though I understand that elaborate plans had been made by the *Post-Newsweek* subsidiary to do so. What happened that two out of three supposedly competing TV news departments had the broadcasting of projected election results all to themselves?

In all fairness, I sent a copy of this story to Channels 4, 7 and 10, to the *Miami News*, to the *Miami Herald*, to Professors Beiler, Shipley and Wood of the University of Miami Political Science Department with a copy to U.M. President, Dr. Henry King Stanford.

In my vault I have the material from which

this story was written. I think it is news. The daily press in Miami obviously doesn't think this is news. Why? Here goes, with all the facts that I can present..."

The story then went on to recount the election night TV coverage on Channels 4 and 7 featuring the "miracle" projections. It asked the question:

"Was the election rigged?"

Bruun also interviewed Dr. Beiler, who said:

"Oh, let's say even at this point I've had very little experience with computers. You see, what I've always done is simply write the specifications and the programmer programs."

When Bruun questioned the computer-programmer employed by Channel 7 to provide computerized "projections based on results phoned in from so-called sample precincts" he was told:

"...ask Dr. Beiler about it. I only put in those machines whatever he tells me."

Paul Bruun expressed his amazement in the article which continues:

"So here we have the two men responsible for the odds-defying feat of projecting with near-perfect accuracy the detailed outcome of a lengthy election ballot on the basis of phoned-in unofficial returns from the solitary voting machine — and yet each man denies any detailed knowledge of how it was done.

"Radio station WKAT revealed that an investigation is now underway, conducted by

one of the losing candidates, to determine if the election itself could have been rigged "by a Dade County Machine in absolute control of local establishment mass media." The U.S. Justice Department has been engaged in accepting information pertinent to this case through the Miami field office of the FBI.

"Martin Braterman, Dade County elections supervisor at the time of the election, resigned in November 1970 after serving for five years. His resignation came just after Dr. Beiler provided our investigations with the Channel 7 computer read-outs. Braterman told this newspaper's publisher: 'Whatever happens at the TV stations on election night has nothing to do with the results of the election. How could it?'

Following are some examples of the amazing accuracy of the 7:24 p.m. projections.

TOTAL VOTES CAST		TOTAL VOTES CAST	
<i>Projection</i>		<i>Official totals</i>	
Governor	141,387	141,866	
Sen. #43	45,696	45,881	
House #98	97,031	96,499	
House #104	67,940	68,491	
House #107	81,802	81,539	

The Big Three television stations are network affiliates of ABC, CBS and NBC. The ownership of Channels 4 and 7 has been based in Dade

County since the advent of television in 1949. Washington-based *Post-Newsweek* has owned and operated Channel 10 (whose call-letters WPLG stand for the late Phillip L. Graham, husband of Katharine Graham of the Washington *Post* communications empire) for less than two years.

Both Miami-based stations televised continuous coverage from the moment the polls closed. But Washington *Post*-controlled Channel 10, WPLG, suddenly cancelled elaborately planned coverage which was to have featured the polling techniques of Irwin Premack Associates, a Tampa firm which had been paid \$27,000 to provide commentary. At the last minute WPLG's rented computer at its location in the First National Bank Building "broke down," according to WPLG news director Carl Zedell. A movie was run instead. The so-called "blackout" on reports to the public of ACTUAL VOTES OFFICIAL VOTES from the Dade County Courthouse is evidenced by two documented facts:

1. The computer read-outs used as the on-air script for Dr. Beiler at Channel 7 show that no actual votes had been received by the station until 11:15 p.m., four hours and fifteen minutes after the beginning of televised election coverage.

2. After the supposed computer breakdown, newscasters Ralph Renick, V.P. News Department, Channel 4 and George Crolius, of

Channel 7, repeatedly told the public they would use a high-speed computer analysis to project the outcome based on returns from phoned-in sample precincts. The "condition" of the Dade County computer, however, was at all times contrary to what the public was being told by TV newspeople.

According to an official press release from Dade data processing chief Leonard White, *"The county computer at the courthouse was never down and it was never slow."*

Professor Tom Wood, Beiler's associate on Channel 7 election analysis offered the *Reporter* this comment: "It looks like we hit the lucky machine. I guess it was right in the middle of things."

This newspaper challenges both Miami TV stations (4 and 7) and/or the political science professors at the University of Miami to demonstrate the manner in which all of the foregoing was accomplished.

And where exactly is the single voting machine which served as bellwether for the balance of 1,647 voting machines active that night?

Are we to seriously believe that any relative handful of votes can be "projected" to be "typical" of us all? Would the people who voted on that single machine be Black, White, Hispanic, Jewish, Italian, Irish, Blue collar, White-collar, Upper-Middle-Lower class models of the way an entire county thinks? Or is the

existence of that mystery voting machine a myth?

If, as seems indicated by the foregoing, the election should turn out to have been rigged, then this story will be a catalyst in bringing about its ultimate exposure."

Paul was the kind of man who chortled about stories like this. He knew damned well how uncomfortable he was going to make some very pretentious people, and he loved it. They might be able to say that Jim and Ken Collier were something near to crackpots, or dangerous, or full of misinformation, but they did not dare to say that about Paul Bruun, who was the elder statesman, whose paper was second echelon but who could rake them over some very hot coals if he wanted it to.

Paul Bruun was not about to back off any issue he agreed to start, and any press person worth a quarter knew it. So the immediate letters of denial were pained and defensive, but not insulting.

Here is Channel 7's Corporate reply:

Dear Mr. Bruun:

I wish to acknowledge receipt of your letter of August 13, 1971, with a draft of the story that you plan to publish on Sunday, August 29.

It appears to me that your primary contention

is that by 7:24 p.m. on September 8, 1970, the local television stations accurately projected all races based "solely on the returns from one solitary voting machine."

I wish to assure you that the premise is untrue and preposterous.

Further, the implication of wrong doing and conspiracy is ridiculous.

Sincerely,
Edmund N. Ansin,
Executive Vice President and General Manager
Sunbeam Television Corporation Channel 7
WCKT

Channel 4's Corporate reply:

Dear Paul:

I am happy you have given us the opportunity to comment on the story you planned to run in the Reporter concerning election coverage by the Miami TV stations. From my own knowledge, I know a great deal of the information which has been given to you on this subject is incorrect and I want to put forth the facts as I know them for you to be able to make a responsible journalistic judgement.

...The implication that there was collaboration between the two stations in the projecting of results and the "withholding" of actual

information is completely erroneous. I think you know, Paul, that the various Miami TV operations are, on the contrary, quite competitive.

...There is no secrecy with respect to the readouts which our computer produced during the course of the evening or such data which we have retained concerning the actual information transferred from the Courthouse. You are welcome to look at this material, *although anyone not familiar with computers would need some substantial interpretation to understand the data.* (Emphasis added.)

...This station does not claim to have projected perfect percentages on each candidate in every race by 7:04 p.m.; in fact, in several of the races we were unable to "call" a winner by the end of our election coverage because our projections showed the races to be too close to declare one man definitely the winner.

...It is clear that computers employed by television stations do not decide on an election. They merely provide a means by which actual votes cast in selected representative precincts may be projected in order to give an estimate of the winner. The winning candidate obviously is decided by the voter at the ballot box.

...Ralph Renick (v.p. News) and I will be pleased to go over this matter with you in person. The story as presently written, at least as pertains to this station, contains a great deal

of erroneous information and presents a totally misleading picture of the procedures which we employ in reporting election results.

...Being in the news business ourselves, we realize that it is sometimes difficult to track down the true facts; I hope that the information I have outlined above goes some distance in providing you with the data concerning the tight standards of WTVJ practices.

...We are quite proud of the competence which we have developed in the projection of election results through the utilization of sample precincts and we have no desire to hide from you or anyone else the care with which we program our computers to achieve reliable estimates at the earliest moment.

Sincerely,
W.R. Brazzil, V.P. in Charge
WTVJ Channel 4
Miami, Florida

Next, one of the University of Miami professors who appeared on Channel 7 the night of the elections,

Dear Mr. Bruun:

Thank you for your recent letter enclosing a copy of the story you propose to publish. To my mind, there is no need to comment on a tale so preposterous.

Sincerely yours,
Dr. Thomas J. Wood
Department of Politics and Public Affairs
University of Miami

Also, a letter from the editor of the Miami News.

Dear Paul,

I am interested largely by the accuracy of the computer...The votes had already been cast and the election decided before the computer results were broadcast. While the accuracy of the projections was amazing, I do not see what effect they had on the outcome of the elections. Nor do I see what the stations have to gain with anything other than accuracy. If indeed, they used only one voting machine to make the projections, the risk of being wrong was theirs.

I do not know of a "Dade County Machine" in absolute control of local mass media. Nobody is in control of me. I don't see any evidence that anybody but you is in control of you.

Sincerely,
Sylvan Meyer
Editor, The Miami News

Finally, a letter from the chief executive of the University of Miami.

Dear Paul:

Your note and a copy of the article regarding those voting machine projections arrived yesterday. I simply have not had time to read it carefully enough to comment. I will look it over within the next few days and let you have my comments, if any. I have great confidence in these professors.

Sincerely yours,
Henry King Stanford
U. of M. President

We needed more answers to questions like: How was the fraud accomplished in the field where votes were tallied by 4,000 precinct officials countywide? Who was in a position to do it? How many people would have had to be in on the scheme? Why would any plotters go to the trouble? What part, if any, did the League of Women Voters play?

"We've got to keep up the pressure," Jim kept repeating.
And we did.

On September 24, 1971, the University of Miami student newspaper, *The Hurricane*,

chose an eye-opening headline to debut its version of the story:

PROFESSORS IMPLICATED IN LOCAL ELECTION RIGGING

We were pleased with the pugnacious tone of the headline, though purists suggested it was libelous. The *Hurricane's* editor-in-chief, Scott Bressler, stood by the story and wrote the following editorial that accompanied it:

ELECTION RIGGING QUESTIONS MUST HAVE ANSWERS

The alleged rigging of last year's Dade County election as presented by the *Miami Beach Reporter*... has been written off by most as totally absurd. Indeed the charges leveled are fantastic by any stretch of the imagination. Charges of countywide election fraud sound like they belong in a Humphrey Bogart movie. The only catch, however, is that too many questions have been left unanswered.

One voting machine (out of 1,648) was used to accurately project the entire election involving some 40 races and more than 250 candidates. Which machine was it?

What was the formula used by the TV stations to accurately project the entire election at 7:24 p.m. before any official votes had been reported?

Why were there no actual votes reported until

11:15? Some say the computer broke down. Others say it didn't. What is the correct answer?

Why have the three television stations and the *Miami Herald* and the *Miami News* completely ignored this story? They may claim that it's not true, but can they deny its news value?

We feel that these questions must be answered. The *Hurricane* certainly does not feel that three of its professors were involved in an election fraud but we do feel the necessity to find the answers and restore the public's faith in Dade County's electoral process.

Within a week, on October 1, 1971, The *Hurricane* revived the issue once again by printing a Letter to the Editor from *Miami News* editor Sylvan Meyer, who steadfastly refused to use his own columns in Miami's second largest daily to air the controversy he was helping to create.

NEWS EDITOR COMMENTS ON ELECTION STORY

To the Editor:

Permit me to make a few comments about your news story and editorial.

I concede the vote projection was remarkably accurate. Unfortunately, computers are reflecting

this sort of accuracy all over the country. The question of computer projections is not a new one and has been the subject of national debate for several years.

There is no way to prevent people from projecting, by guess or by computer, the results of elections and I am not sure I would try to prevent them from doing so if it were within my power.

The *Miami News* did not run a story when shown this material because we do not feel it is a story. It was an issue originally raised by the Collier brothers, two men I would not trust under any circumstances. They have their own political thing and that's okay, but their information in this matter is not news, it is a "so what?"

I do not believe the story to be true, in that it certainly does not establish either a motive *nor a result contrary to the public interest*. (Emphasis added.) I do not believe it has news value because it is entirely speculative and maligns the reputation of otherwise honorable men without cause and without justification.

Your editorial implies that there has been a loss of faith in the integrity of Dade County's electoral process. If this is true, I am not aware of it and I certainly do not believe that the information gathered by Paul Bruun, the Colliers, et al, has resulted in such a loss of faith."

On October 29, 1971, Bressler reported:

CONCERNED DEMOCRATS INVESTIGATE ALLEGED DADE ELECTION RIGGING

The story of an alleged election rigging involving three UM professors will be investigated by the Concerned Democrats, a coalition of liberal groups in Dade County and statewide. The group, after listening to the evidence presented by one of its own members in a closed-door session last Tuesday night, voted to go ahead with the inquiry.

Presentation of pertinent evidence in the case was made by Alvin Entin, a lawyer in the Miami area, who told the *Hurricane*, "I'm not saying that any of the charges are true, but there was found to be enough probable cause to look into it further. From what we've seen there are questions which have to be answered. A lot of people are saying the Colliers are crazy, but you cannot dismiss the evidence just by calling names.

Why won't Dr. Beiler clear this up or tell us anything? If he did, I would be willing to believe him since I don't think he's crazy.

The Concerned Democrats plan to send letters to the three professors, the three TV networks, the two Miami daily newspapers and the local TV news departments to help get to the bottom of this. "We have a responsibility to look into this. Personally, I'm scared to death. I believe in the system and all I can say is, God forbid that this is true," Entin said.

In October, this letter appeared in The *Hurricane*:

BEILER SCOLDS 'CANE EDITOR FOR IRRESPONSIBILITY

To the Editor:

To determine whether election results are real or fraudulent is fairly easy. Some 340 precincts returned reports called Canvass Sheets signed by at least ten election officials in each precinct. These and the physical counting-wheels in the voting machines themselves which were available for re-checking within a certain time period prescribed by law, constitute the guarantee that any dishonesty would have to be at the individual polling places themselves. Do you honestly believe that 3,400 election officials were in on the so-called "rigging"?

I am amazed at your ignorance and your lack of investigating enterprise when faced with the products of totally irresponsible journalism. You merely copy it. You are fully as bad at The *Planet* and the *Reporter*. You should learn now, so that you do not get sued if you ever go into journalism on a responsible paper or channel.

Of course, I have no interest in "laying to rest" such hare-brained "journalism," which condemns itself on its face. The Colliers wasted a great deal of my time with this nonsense. I am certainly not going to let you do the same. As little as I think of

your behavior in this matter, I don't think you have their problem.

Ross C. Beiler

On November 11, 1971, The *Daily Planet*, Miami's underground newspaper, ran the following treatment by editor Buzz Kilman:

**THE SILENT PRESS
(THE ELECTION NOBODY EVER
HEARD OF...)**

When is a story not a story?

Several weeks ago the *Miami Beach Reporter* broke with a story that the 1970 Dade County election was rigged.

Impossible?

Maybe, but a lot of impossible things happened on the night of September 8, 1970 that either have not or cannot be explained by those who accomplished them.

Since Publisher Bruun printed the story in the *Reporter*, The *Daily Planet*, the *South Miami News*, the *Hialeah Home News* and the *UM Hurricane* have run followups.

Throughout the local media uproar, not a word of the mess has been printed in Miami's two dailys, the *News* and the *Herald*.

Why?

As time goes on, this question becomes almost as interesting as the original charge that the elections were rigged. Although both of Miami's

dailies have privately dismissed the notion that an election rigging took place, they have failed to explain, privately or in their own newspapers, why they are ignoring what is obviously an outrageously intriguing story.

The Colliers devoutly believe that some sort of conspiracy was culminated on the evening of September 8, 1970 — and this is a line of thought too overwhelming for even the most enthusiastic reporter...and yet, it's not inconceivable as it wouldn't be the first election to be rigged.

Privately, however, the Colliers' obsession has been considered more carefully — and has been the object of much off-the-record discussion among area newsmen. I have personally talked with several, among them Bill Byer of Channel 10, the *Post-Newsweek* subsidiary, and Pat Murphy, editor of the *Coral Gables Times*, a *Herald-owned* newspaper, who have expressed at least a degree of bewilderment on the subject, although they have not been moved to inquire further. In a telephone conversation, Byer termed the issue "serious" and added that it was — and I quote — "a sick, sad, sorry situation."

Every newsperson in the city and probably the state knows about the charges. A great many of them, responsible, establishment reporters, have expressed to me concern over the implications for future elections if computers and the media ever do take over the election system. The most chilling aspect of the entire affair is the ominous and unexplainable silence of the Establishment

media in the face of undeniable controversy. What is so special about this case?"

And that was that.

It wasn't as if the press was entirely a pussycat then. In 1971 there was a maelstrom of "investigative reporting" going on all over the country, to the extent that one investigation (with many dubious and unanswered motives) eventually resulted in the resignation of Richard Nixon and a new balance of power between the government and the press. To recall history:

In the autumn of 1971 President Nixon was enraged by Daniel Ellsberg's activities in the "Pentagon Papers" affair.

To Nixon, the fact that Ellsberg, a low-level, very wealthy civilian in the Defense Department, turned over Pentagon secrets to The New York *Times* and The Washington *Post* was deeply disturbing: unpatriotic, perhaps traitorous. Worse, the U.S. Supreme Court's refusal to issue a restraining order preventing the Ellsberg information from becoming public.

The primary revelation Nixon felt ought to be kept secret was the material that proved the "Gulf of Tonkin" incident was a total ruse concocted by the Executive Branch to stampede the U.S. Congress into voting the President unrestricted war powers in Southeast Asia.

Apparently, the 1964 naval encounter in the Gulf of Tonkin, where a U.S. cruiser was

supposedly fired on by North Vietnamese boats, simply never occurred.

Championing Ellsberg, however, was Nixon's harshest critic, Katharine Graham, publisher of The Washington *Post*, whose First Amendment rights to publish the information were upheld by the high court. Smarting from the Ellsberg case, Nixon, through his Attorney General, John Mitchell, started investigating Mrs. Graham and all her holdings in an effort to find evidence that could jeopardize her empire, including her newly-acquired FCC license for television station WPLG, Miami. WPLG was purchased in 1969 for \$20 million. (By 1989 it was estimated to be worth just under \$900 million).

In the heirarchy of Miami's press barons, "Kate" Graham was a queen and her family held imperial power in Florida, as well as in and around Washington. Her brother-in-law, Robert, was elected to the Florida legislature on September 8, 1970. He went on to serve two elected terms as Florida governor and then rose to fill a U.S. Senate seat.

Whenever the media leaders of Miami called a conference, Mrs. Graham would chair the function. Such meetings took place at the University of Miami. Channel 7 was owned by the university itself. Channel 4 was owned by Wometco Enterprises, an entertainment and vending machine company.

When Katharine Graham took her place at the

head of the conference table, she was flanked by Miami *Herald* lawyer Dan Paul and UM president Henry King Stanford. Further along the table in a prescribed order of rank were the president of the local chapter of the League of Women Voters (LWV); the Dade County Manager; the chief circuit court judge; the liaison from the Chamber of Commerce; assorted lawyers representing Channels 4 and 7.

Mrs. Graham, as she was to prove during the Watergate revelations of the *Washington Post*, had the balls of a Picasso goat. If she had to take on Richard Nixon to get his attention and respect, she would risk her realm to do it. In the Miami area, her power over the press and politicians was unchallenged.

Freedom of the press was a battle cry at the time, and Richard Nixon was on one side and Mrs. Graham and occasionally the Sulzbergers of the the New York *Times* were on the other.

That was the political atmosphere we were operating in, and it seemed that most things were possible and that corruption was being rooted out by crusading, gutsy publishers and editors even at the highest levels.

Then why, we wondered, was vote fraud such a special case?

In a private conversation with Jim, Henry King Stanford, the University of Miami's president, gave his perspective on the problem.

"It's such an explosive issue," he said, "that

your proof must be incontrovertable. Frankly, there are holes in the story that you've got to close before you can demand that the big papers take you seriously. If you don't come up with a plausible way to explain how 4,000 poll workers signatures could be circumvented in such a conspiracy, then your theory will die of its own weight."

That was a tall, tall order and we knew he was right. But how the hell could we go about explaining those thousands of corroborating signatures?

4

IT TAKES A THIEF

"The major fact about history is that a large part of it appears to be criminal."

—Anonymous

Our quest looked insanely futile but we stubbornly refused to quit until we were as dead as our theories seemed to be. We worried about being too far out, too intuitive, seeing connections where there were none. The word was that we had gotten "too extreme," and that we'd "lost balance."

Yet the story never faded. We would wander the beaches and wonder about the possible ramifications of what we had dug up. Nonetheless, we decided to pursue it. Jim was the hottest after it. As an avid chess player, he was intrigued by the complexity of it all. Ken

kept getting married and having children, and his children's mothers were never too thrilled about the quest. That slowed him down, but it never stopped him.

We needed somebody wise and credible with whom we could talk on the local scene, to validate or reject our conclusions. The agents at the FBI said that U.S. Attorney Robert W. Rust was a good listener.

He was, but he was consistently noncommittal about the use, if any, his superiors in the Justice Department were making of our field work. We never saw the man. He was reachable only by telephone, and our phone conversations were probably recorded.

Because Rust would willingly spend twenty minutes at a time on the phone discussing the implications of our theories, we assumed the jury in the Justice Department was still open minded about the case.

We found ourselves in accord with Rust on two points. If the elections in Dade County were being systematically rigged, it had to be accomplished and/or by:

- 1) Massive tampering with the voting machines;
- 2) Or, massive forgery in the certificates attested to by the signature of poll workers.

Both possibilities seemed far fetched, illogical or impossible.

The 1,648 machines would have to have been pre-set with vote totals without poll workers finding out. The poll workers' duties included visually checking the mechanical counters in back of the machines before allowing voting on election morning.

If forgery was the method, it would appear to be a Houdini-like trick. Each of the 1,648 machines' certificates of canvass were signed in triplicate by at least ten poll-workers per precinct, twice a day, adding up to roughly 32,960 separate signatures.

As impossible as either of those two possibilities sounded, we didn't discount them entirely because of Dade County's track record of "polecat" elections. Polecat elections stink to high heaven.

Our skepticism was founded in the lore of Dade County polecat politics, circa 1959, when perhaps the most important election ever held in the region took place. It was a county-wide referendum in which each of the 27 separate municipalities in Dade County were asked to give up their power to govern themselves autonomously. They were being asked instead to turn over self-governing power to the proposed "Metropolitan Government," or Metro, for short.

Opposition to the "power grab" was fierce and the debate dominated the press for months before the balloting. The Miami *Herald* strongly backed the proposition. The Metro Charter, a set

of rules defining the powers of Metro-Dade, was written by Miami *Herald* lawyer Dan Paul. The Charter was a product of many consultations with the insiders, who met regularly in the UM boardroom, under the twin chairmanship of *Herald* publisher John S. Knight and U.M. President Henry King Stanford.

The voluntary divestiture of power by Dade's cluster of independent cities would bring about a whole new way of governing, tax collecting, public servicing, public contracting and election administration. Billions of dollars in commercial and property futures were at stake.

The Fifties were drawing to a close. The architects of regional government viewed their new model of governance by "experts" as a new era. No longer would there be dependence on charismatic publicly elected officials, whose credentials to lead often consisted of no more than a willingness to shake every hand in the neighborhood.

Elite planners sought to diminish the power of mayors, chiefs of police and local heroes of one kind or another who influence public policy.

In their place, operating largely behind-the-scenes with no accountability to the public, would be Public Administration Service (PAS) graduates, trained to be loyal to the Charter. More often than not the county manager came from a different part of the country. It was to be government by "grid," so that personnel from

PAS could be nimbly interchanged throughout the United States, without fanfare, to fill advisory "slots," such as county manager.

As the 1959 Metro referendum drew near, citizens who preferred the old-fashioned way of governing banded together with such vigor that a Miami *News* poll conducted by houndstooth-clean editor Bill Baggs showed Metro was headed for a kick in the ass and down to defeat. (The *News* was still independent in those days.) Baggs commented that it would be surprising if the forces for Metro mustered any backing at all beyond the elite, special-interest voters who stood to benefit financially.

Then, on election night, the electoral reality-quake struck.

Metro *won*, according to the votes counted on Dade's carefully tended Automatic Voting Machines. And while there was some head shaking and muttering after the results were in, the discontent was scantily reported and soon forgotten. Talk radio was a mere glitter in Larry King's eyes then.

But as years passed, old-timers began wondering aloud on the early talk radio programs if something fishy hadn't occurred back in 1959 when Metro was voted in. In 1971, a caller mentioned a group known as "the warehouse gang" as the ones most likely to be behind the original Metro election victory.

The caller hinted mysteriously of a cadre of

"good old boys" who had long been in charge of the county's voting machines, which were stored between elections at a warehouse in Opa Locka, Dade's most rural backwater municipality located on the edge of the Everglades.

There, it was rumored, a flourishing criminal enterprise had evolved over the years. The manipulators in county politics came to depend on the voting machine mechanics to guarantee the outcome of multimillion dollar bond issues and other controversial measures. It was common knowledge, one informant told us, that, "Those guys can make a mechanical voting machine whistle Dixie."

The Opa Locka warehouse at the Opa-Locka Airport is a big World War Two-type hangar. The airport is a vast expanse of concrete at the edge of black swamp water. It's flat and the trees are very low and Jim learned to fly Cessna 150s and 172s out there.

Frank Vickery, a big, old, taciturn "cracker," was in charge of the warehouse. He didn't have much to do out in the swamp all day and he was bored. So he was happy to accept the court order we handed him giving us permission to examine documents. He liked to talk and show people around. So he led and we listened.

Inside the hangar were 1,648 gray-green voting machines with levers, plus a lot of extras, all lined up in rows. They were made by

the Automatic Voting Machine Company of Jamestown, New York.

"Can you show us the candidate counters and the wheels inside?" Jim asked.

He led us to a nearby machine and opened up the back with a key. There were a lot of plastic, wheels, three-digit counters underneath a black grid. The insides looked pretty simple.

"How can you rig this thing?" Ken asked.

"One of the best ways," Frank chuckled, "is to put decals over the counters so that when you see them in the morning it says "000" but underneath it says maybe "090," which in any precinct is a pretty good bonus."

"What else?"

"There's such a thing as a predetermined counter. It's already set up before the election...by shaving the plastic wheel inside so that it slips ahead 100 or 200 or 300 votes. Any good mechanic can do it with a razor blade." He took us to his office and reached into his desk, bringing out one of the counter wheels in his big rough hands.

"This is a shaved predetermined counter," he said.

"Can we keep one?"

"Sure, take it."

Jim put the wheel in his pocket.

"Who works on these machines?"

"They're worked on by the mechanics for Wometco. They have vending machines and movie houses. They can make those suckers sing."

We shook hands with Frank and said goodbye. Ken walked outside whistling the tune to:

*"Way down south in the land of cotton,
good times there are not forgotten...
Lookaway! Lookaway! Lookaway
Dixieland."*

Within a week the photograph of the shaved wheel on the counter was on the front page of the *Planet*.

Then Jim called Ellis Rubin, a Miami Beach lawyer whose tactic was to get as much publicity as possible for his clients and causes. Rubin was a tall, lanky, good looking guy in his mid thirties. He had run for Congress as a Republican and lost. We didn't know it at the time, but Rubin's campaign manager had been U.S. Attorney Robert Rust. We didn't know, either, that Rubin was thick as cold grits with the CIA and other intelligence-gathering outfits.

We told him the whole story, or as much as we could get into an hour or so. There was a charisma about Rubin, an intellectual intensity that we liked. He might be able to break the silence in the press because he had chutzpah, brains and the ear of a lot of reporters who liked his style.

He said he'd do what he could, *pro bono*, and we believed him. He was one of the few characters we encountered who was always as good as his word.

After that trip to Opa Locka, we figured there must be some documents out at the hangar that we didn't get to see. We had to go back. We decided that we as American citizens had the right to know everything involved with our so-called free and fair vote.

On a bright, sunny January morning we drove back to the Opa-Locka warehouse and parked in front of the door. As soon as we walked in we saw, about fifty feet ahead of us, a set of wooden steps going up to a loft suspended from the ceiling.

"What are you guys doing here?" It was Vickery.

"We want to check that loft over there," Jim said.

"I got a court order here that says you guys aren't allowed back in here."

He showed us a piece of paper signed by circuit court chief judge, Henry Balaban.

"You can tell Balaban what to do with his order," Ken said. Vickery headed for his office.

"He's probably going to call the cops."

We didn't waste any time. We sprinted up the steps and into the loft.

Before us were boxes and boxes of documents that obviously pertained to the 1970 elections.

"I can't believe it!" Jim breathed.

"Falling into shit."

"Where do we start?"

"Just look and grab."

We took as many papers as we thought were significant from different boxes with a millisecond or so to decide, and we stuffed them under our shirts, smoothing them down so they showed as little as possible. Then we headed out of the loft and back to the car.

But as we were coming down the ladder, we saw three men coming toward us, with the ex-supervisor of elections, Martin Braterman, leading the way. He was dressed in a black overcoat and broadbrimmed black fedora. His appearance in the garb of a traditional "bad guy" was almost surrealistic, given the precarious legal position we found ourselves in.

"What are you guys doing here?" he demanded. "This is County property. Get out or I'll have you arrested."

We didn't say a word. We brushed past him and his two associates and walked to the car as fast as we could, with as much dignity as we could muster. Ken theatrically burned rubber getting away.

Every mile we put between ourselves and the warehouse buoyed our spirits. Within a few minutes on the open road we were making plans to return to the loft.

Once more we spread out the contraband on Jim's pool table.

It was a smorgasbord of stuff.

We had:

- 1) IBM computer cards with the candidate's name typed on each and hand-written numbers on them.
- 2) What appeared to be crib sheets that had handwritten numbers that included a time of day, and then other numbers, also in pencil, in the same handwriting.
- 3) Mimeographed, stapled-together sheets that showed the handouts that were given to the press. It was a workup model, handprinted with a red pencil. On the front of it were the words: "Machine Totals Before Correction." (What did *before correction* mean?)
- 4) A press release from Leonard White, who ran the computer for the courthouse during the primary. His job was to feed the actual votes over the telephone line, called the "A" line, to the *Herald* and the television stations. It said, "Misinformation" had been given out by the news media on September 8th about the courthouse computer's alleged breakdown. It said that due to careful programming the computer "was never slow and never down."
- 5) A letter to all precinct workers telling them that they had to be at a "schooling" session two weeks in advance of the election, and they all had to sign in and give their true signatures, otherwise they would not be paid.

Then there was a ream or so of other

papers a little less outstanding but certainly fascinating.

"Man, I want to tell you, this is a hell of a haul," Jim said.

"We could have gotten this same stuff, of course, if we had followed the system," Ken said dryly.

"Okay," Jim took a deep breath, "let's see if it makes sense. Old Martin Braterman resigned. Now he turns up at the warehouse to protect this cache of documents."

"Right," Ken said, "and we now have documents that show there was a way to procure the true signatures from the precinct workers two weeks ahead of the election. Plus, the television stations lied about the computer at the courthouse breaking down and the press release is evidence of that."

"They just needed an excuse to go on the air with their projections. We know that a lot of numbers, handwritten before the election, turned out to be final totals after the election was official."

"Back to the FBI? "

"Yup."

We gave the FBI agents originals and copies of the evidence, including the press release, the computer cards, the workup sheets and the letter from Braterman asking for the signatures.

"Does this disappear into the void, too?" Jim asked.

"Yes," the agent smiled.

We sent much of the same material to Richard Gerstein, the State Attorney. He told us we had violated a court order to get the material and he refused to deal with it.

Jim called U.S. Attorney Rust.

"It's time for a meeting with the Justice Department in Washington."

Rust was his usual vague self.

"Goddamit, we deserve it," Jim's anger spilled over. "We've got the evidence and we want somebody to look at it."

Rust scheduled it for the end of March with Craig C. Donsanto, a Justice Department attorney.

Jim drove to Washington, while Ken stayed in Miami with his wife and daughter.

The afternoon of the meeting, Jim walked to the Justice Department on Pennsylvania Avenue and found his way to Donsanto's office. It wasn't a corner office, and it wasn't a cubicle either, but a middle of the corridor mid-sized office. Donsanto was in his late twenties and he had a melon-shaped head.

Jim told his story and handed him the shaved candidate counter and other significant documents in a manila envelope.

"I want an investigation," Jim told him.

"I'll look into it," Donsanto said. "Thanks for coming."

Jim pushed for a more specific deadline, but

Donsanto refused to give it.

"These things take time," he said, smiling woodenly.

And that was that.

Back in Florida, we tried to pinpoint where we were.

We put together packets of "evidence" in manila envelopes and gave them to the local press. We saw Jack Anderson, the columnist, at the Americana Hotel in Bal Harbor. He took a packet and thanked us and we never heard from him again.

Katharine Graham was at a meeting at the University of Miami when Jim handed the packet to her. She took it and didn't say a word.

And that was that.

In May, Jim drove back to Washington. He took a shot and went unannounced to Jack Anderson's red brick townhouse on Vermont Avenue, but Anderson refused to see him.

Then Jim walked through the glass doors into the offices of the Democratic National Committee in the Watergate Office Building. He found the office of Larry O'Brien, the head of the DNC, and left a *Votescam* packet on his desk.*

*A few weeks later, on June 17, 1972, a second break-in by "plumbers" at the DNC resulted in their arrest for what Richard Nixon later called "a third-rate burglary." At this stage of the game, we hadn't the slightest inkling that what took place on June 17th could possibly relate to our investigation. Only Justice Department documents we found years later while rummaging through the system would suggest a connection between Watergate and *Votescam*.

The off-year primary election rolled around in September and we decided to watch it closely on television at Jim's house. As happened two years earlier, Channel 10 wasn't broadcasting returns but instead was running a movie.

It was, in Yogi Berra's words, *deja vu* all over again, only there was an eerie feeling about it this time.

Not long after the polls closed, Channels 7 and 4 put their commentators on the air. After a little while the anchor people came on and announced that the courthouse computer had broken down and instead of official results, the station would broadcast projections.

"Who computed the program this time?" Ken asked.

"Let's find out."

The next day Jim called Channel 7 and asked the news director who programmed the computers.

"Eastern Airlines," he said.

The next call was to Eastern.

"I'd like to talk to the computer programmer who did the election," Jim told the operator.

"Oh, that's John," she said. She put Jim through.

John was not happy about talking on the telephone to a reporter and when Jim asked the first question, "What was the program you used to call it so close?" the man hung up.

At the *Planet* the editor, Buzz, called John, too.

He wrote in the next edition: "Every time I asked the guy a question, the phone fell out of his hands."

Judge Balaban's latest court order, denying us access to public records, was a definite setback. But it also proved to us that we were on the right track.

Public documents relating to elections were singled out by Florida statute as being open to the public "*without exception*." The only recourse was to get a circuit court hearing where we could attempt to get Judge Balaban to reverse himself.

That brought up the problem of whether or not to get a lawyer. We did have the option of petitioning the Court on our own, acting *pro se*, but we figured that we'd get whipped in court.

Finally, it dawned on us that the only sure way to maneuver ourselves into court, without paying any lawyer or being beholden to a partisan organization, was to call upon the American Civil Liberties Union. The ACLU was the perfect way to fight Balaban for denying us unrestricted access to public voting records.

At the ACLU's next executive session in a big law firm's office with a lot of local lawyers around the table, we took turns telling how our constitutional rights had been violated by being kept away from public election documents, and we warned how the American vote was in danger.

"I'll take the case," offered Shya Estrumpsa, a dark, quiet man. He said that he felt he was on solid legal ground in fighting the restraining order, and that he couldn't imagine what the counter argument might be.

He planned to get Judge Balaban to lift his order in circuit court, and if that failed, to go into federal court for relief based on constitutional grounds.

"We've got a lawyer now, and it's certified that we aren't paying him," Ken said.

Our poetic limitation in *Votescam* was never to pay a lawyer. If you pay a lawyer, he's got to be your advocate, right or wrong. Just paying a lawyer doesn't make you right. If a lawyer takes your anti-Establishment case *pro bono publico*, he usually feels he's sticking his neck out but that he has a winnable case.

We also asked Ellis Rubin what he thought, but we didn't ask him to take the case. Rubin assured us that he would help ferret out the truth.

He thought we were doing something worthwhile and important, and we couldn't help liking him for that.

At a hearing a week later in Balaban's chambers, the ACLU lawyer did his best. But instead of allowing us to dig deeper in the warehouse, the judge simply impounded all the evidence and refused to lift his order.

We didn't want to bother with the long

procedure of going through federal court to challenge Balaban's orders. Realizing that Balaban was not a man to be trusted, and that he kept a secret political agenda, we decided to take another tack. Jim left a message at Rubin's office that said: "We are going to ask Balaban to appoint you as Ombudsman for Vote Fraud in Dade County, and you can be the guardian for vote fraud evidence. Will you accept?"

Ken called Judge Balaban's office at the courthouse and through his secretary left a message: "Will you appoint Ellis Rubin ombudsman for vote fraud in Dade County?"

A few hours later, Balaban passed Rubin in the courthouse corridor and cryptically said: "You got it," and strided on.

Rubin, totally puzzled, said to himself: "Got what?"

When he returned to his office, he was able to put it together. Rubin was now an ombudsman.

5

A TANGLED WEB

"The handwriting on the wall may well be a forgery."

—Hodgson

When we found out that all the poll workers in Florida, and probably in other states, as well, submitted their true signatures two weeks in advance of the election to their "teachers" in the election school, it seemed to follow that anybody collecting those signatures would have a leg up on forging them.

On a cold, rainy afternoon in the spring of 1973, Jim opened the door to his townhouse and there on the pool table were two piles of large paper.

Ken was standing over them with a huge grin on his face.

"Wait'll you see these," he said.

"Where'd you get them?"

"I ripped off the Dade County Courthouse."

"You *stole* the canvass sheets?"

"Yeah. I walked into the clerk's office where they keep them, and I saw these sheets here...sheets with blank backs." He grabbed the top sheet off the pile. "Look, there's no ink on it at all," he said, pointing from corner to corner. "No laws written on it. *Blank.*"

"Wow!"

"There's no printing on these, nothing to certify."

"This is fantastic," Jim whooped. "What made you take them?"

"I realized once I found these with blank backs, that if I didn't take them they could destroy them, *especially* if we got a court order to look for them. So I took a whole armful of the blank backs and signature ones, and I walked out of the courthouse. Nobody said a word."

"Nobody saw you?"

"Just grab and walk, don't look around guiltily...just move on."

Jim marveled at the gall of it. To go into the courthouse and steal public documents under the clerks' noses was a third degree felony. It was certainly the most radical thing that was done up-to-date in the whole investigation.

Ken felt as if he had finally *carpe'd* the *diem* and made a move.

"We have them by the balls with this," he said.

"What races do they cover?"

"It's the non partisan races in the 1972 election. There's a machine that stands over in the corner in all of the precincts. The election supervisor never tells you about it. They call it the non partisan machine. That's all the judges, the schoolboard and the state attorney."

"What's it doing over on the side?"

"They don't send anybody over there. Most people don't care about anything except the big races. They're satisfied and don't ask where the other little races are. So the non partisan machines don't get voted on unless somebody asks in particular. Nobody's in charge and nobody reads the numbers off after the election."

"Then that means," Jim said, "that the judges and the state attorney are the two groups that prosecute vote fraud, yet *their election is patently rigged and uncertified.*"

"Still, they're the ones you have to go to if you claim there's fraud."

"Only in America."

"We're starting to get to the point where there are no benign explanations," Ken said. "This is vote fraud on a massive, arrogant, amazing scale. At least to me."

"Me, too."

"Do we have them now?" Ken asked.

"Yeah. We've got 'em."

"How are they going to get around no certification? It's one thing to confound people

with the signatures, it's another to take those signatures away entirely."

"We'll go to Rubin. Rubin can call a press conference, show these uncertified canvass sheets, and we won't be 'crazy' anymore," Jim said.

"Then we'll go to the FBI."

"If they printed one canvass sheet per machine," Ken calculated, "there'd be 1,648 canvass sheets. If we find out they printed more, that means there must be duplicates floating around somewhere. We've got to find out who ordered these canvass sheets printed, and who ordered that no certification be put on them. Right?"

"Right!"

A clerk in the election division told Ken the name of the printer: Franklin Press in Miami, a big, rich printing company with many government contracts.

Jim, who identified himself as a reporter, called Franklin Press' president and asked:

"How many canvass sheets did you print for the election?"

"We printed about 4,000."

"Do they have certification on the back?"

"Yes."

"How about the non partisan race? Is there certification on the back of those, too?"

"Yes."

"We have sheets here that are blank on the

back. Can we come down and show them to you?"

The president left the line for a minute and then returned:

"We didn't print certifications on some of those sheets on the instructions of William Miller, the elections supervisor," he said.

"Thanks, we'll get back to you."

"I want to try my hand at it," Jim said.

"What?"

"Stealing the canvass sheets."

"Let's go."

We drove to Ft. Lauderdale up U.S.1, through Hollywood, past pistachio-green South Broward High School, which looked the same as when Jim was a Broward Bulldog and devoured the sloppy Joes in the cafeteria at lunch. We drove by the Ft. Lauderdale airport and the conch shell vendors and fruit shippers and orange juice sellers in their low white buildings. We passed "Bet-a-Million Gates" million-dollar banyan tree, which was lusciously green and shade-making. Mr. Bet-a-Million was a Detroitier who would bet on almost anything. In the 1930s, he bet a million dollars that nobody could move that particular banyan tree to his club in Chicago. Its roots spread out forty feet and into the pores of the coral substrata. And huge limbs reached out sixty feet, with dozens of roots falling from each limb and back into the soil. Nobody ever

collected on the bet, but once they heard the banyan-tree story, people talked about it for days...the possibilities of how you'd move the damned thing anywhere, much less up North, and get it to live. For a million dollars people are willing to get creative.

Into the Broward County courthouse we went, dressed in jeans. We walked into the clerk's office and asked to see the canvass sheets.

"Of course," the clerk agreed. She brought them out in tall stacks.

Jim looked around and saw that none of the clerks were paying them any attention. He took one stack, held it under his arm like laundry, and walked out of the courthouse. Ken, unburdened by purloined documents, was right behind.

We took off in the green Maverick, and headed back to Jim's townhouse where we dumped the load.

Then we got back in the Maverick and drove to West Palm Beach. This time we passed Ft. Lauderdale and got to Deerfield Beach, a sleepy little town, and Boca Raton, small, undiscovered yet by the hoi-polloi. Then came West Palm Beach. This is not Palm Beach. This is middle to lower class folks who live on the wrong side of the Intercoastal Waterway. It's a bunch of squatty, stucco buildings that look like architectural renegades from Los Angeles. They are inhabited by a volatile mixture of black people and rednecks, a lot of whom worked for the rich

people on Palm Beach as bartenders, maids, gardeners, garbage collectors, small shopkeepers. The further west you went the swamper it got, until you hit the Everglades.

Into the Palm Beach County courthouse.

We ask for canvass sheets. They bring them. This time clerks were watching us.

"Stare them down," Ken whispered.

We each stared at whoever was looking at us until they looked away. Then Ken grabbed a pile, and we walked out, got in the car and headed home. It was a long day.

At home, we spread our loot out on the green felt. Jim studied the similarities among the different piles.

"They look a lot like the ones in Dade County. These are all sort of gray...the numbers are written in by hand...when you flip them, see...there's a consistent grayness...the handwriting has the same emotional level, it's all neat...no broken or thick pencil marks. Pencils wear down and break off...in a real sheet, you've got to see all those different strokes, but look at these, man...there's none of it. It's uniformly gray with thin lines, in all of the writing."

"So what do you think?" Ken asked.

"This is getting too big to handle. Nobody's going to believe this. We've got this huge fucker by the tail and nobody's going to believe it."

"Is it possible that the people who fill out canvass sheets all over the state have identical handwriting?"

Jim laughed as he walked over to the refrigerator and pulled out his frozen glass mug from the freezer. "Yeah, right. There must be some kind of kindred spirit that precinct workers share, they all got the same handwriting." He snapped the top off a can of root beer and poured it into the icy mug. "Now we've got three counties and all of the signatures look almost exactly the same in emotional content from morning until night, twelve hours later."

"Yeah, I know. From morning when they signed them, while they were fresh, to night when the signatures all look just like they did in the morning," Ken counted off points: "no alteration of mood, no emotional content, no different slant, no extra pressure."

Jim nodded. "And too much exactness as to where they sign on the line. If a signature is indented in the morning, it's indented almost exactly the same way at night. That's not the way it would be if something is human about it."

"Remember those five messy canvass sheets we saw with Lynch?"

"Yes."

"They looked real, sloppy enough. There was a certain illiteracy about them. Some of the writing was heavy and black, and obviously

made by pencils that were nubs. Not all crisp and sharp like these."

Jim flipped through the stack.

"This is forged, it's the same Stepford effect that we saw in Dade County."

"But how the hell could Lynch, our friendly handwriting expert, say they weren't forged?"

"It's a conundrum."

About nine o'clock the next morning, Ken called the sheriff of Broward County.

"I stole all the canvass sheets from the courthouse," Ken said in his coolest, matter-of-fact way. "Arrest me."

The sheriff laughed.

"Keep me out of this," he said. "I don't want any part of it."

Then he called the sheriff of Palm Beach County and told him the same thing.

"Good luck," the sheriff said.

Not only couldn't we garner any publicity, we literally couldn't get arrested.

Next day we visited the FBI.

We met with agent Ed Putz, a very Gary Cooperish guy. We showed him the canvass sheets. He spread them out on a table, shuffled them, looked at them from a standing position, and said:

"These are forgeries."

He gave them a dismissive push and disappeared behind a door. We made our

statement to someone else, and left some canvass sheets as evidence.

"How did Putz know they were forged?" Ken asked that night, while he racked the fifteen balls for a game of eight ball. We were at the Bingo Bar - headquarters on the Beach for some of the nation's brightest pool shooters.

"I don't know. He disappeared too fast to find out."

The next day we took sample sheets over to the Organized Crime Bureau of Dade County. Sgt. Walter Blue, a crime lab technician, took us into a room lit by red lights. There were five or six different types of microscopes and lots of chemicals.

He told us that he would put the canvass sheets under the microscope to examine the fibers and ink.

"I'm going to look for broken fibers..." he explained. "All paper, when you magnify it, is made up of what appears to be thick threads, or fibers, criss-crossing each other. So when you write on it, you have to eventually break one of those fibers - especially with all those signatures. Also, the pencils used by the county are those little hard sharp things, you know..."

"The ones they use at race tracks?" Ken offered.

He nodded. "And when most people press down on the paper they make pin point holes. They also indent the paper...so I'll be looking for ridge lines on the backside of the writing.

You should be able to feel them with your finger, in some cases, but under a microscope, they'll look like the Grand Tetons."

"How long is this going to take?" Jim asked.

"I'll call you when I'm done."

When we were in the suntan business everybody advised us as to the best way to promote Sunscreen. They always asked the same thing: "Have you ever thought of those little packages they give away when you fly to Florida? Get it on airplanes!"

And in our *Votescam* investigation, the question almost everybody asked was: "Aren't you guys afraid of getting killed?"

The second question was invariably: "Have you guys gone to '60 Minutes?"

No, "60 Minutes" came to us.

One day we got a call from Florida State Senator Alan Becker. Becker was a lawyer known as "The Mink Cub." He wore exquisite European-styled vested suits, hankerchief in the pocket. He was perfect. But the "Mink Cub" moniker was due to his hair - slicked back and jet black.

"Mike Wallace is coming over to do a story on me being a condominium advocate," Becker told Jim. "You want to meet him?"

An hour later we were in his office. Wallace was interviewing Becker, and when he finished he turned his attention to us.

"What have you got?" he asked.

We laid out four years of evidence for Wallace and his crew. Wallace appeared flabbergasted, but he put nothing on tape. However, he said that he was headed right back to New York to get approval from his bosses to do our story. In fact, freelance investigative reporter Gaeton Fonzi, wrote a piece about Wallace having the *Votescam* story in his pocket.

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THE GREAT DADE ELECTION RIG CONTINUES

by Gaeton Fonzi

Just recently, Channel 7 television reporter Brian Ross happened to be returning to Miami from New York on the same plane as CBS-TV newsman Mike Wallace. With his number one network show, "60 Minutes", Wallace has earned a reputation as a top investigative journalist who goes after the big stories. Chatting with Ross, Wallace told him that he was coming back to Miami for two specific reasons: one of which was to film an interview with a show business personality appearing on Miami Beach. The other reason, he said, was much more important: to look into what he had been told might be the most shocking vote fraud scandal

ever to rock the nation. And, confided Wallace, it involved a conspiracy between major local media and key figures in Miami's power structure.

The Great Dade Election Rig continues.

After four years. Four years! In spite of numerous interments, the amazing story has surfaced anew. Finally it appears to be in the sight of network television. It is the "Loch Ness Monster" of Miami journalism.

For whatever reasons, what Mike Wallace did in Miami on that return trip, we never found out what it was. Most likely, he shot tape and interviewed some people. It appeared obvious from Fonzi's lead sentence that Wallace had gone back to New York, had discussions with associates, and was returning to Miami to follow up on the story. For whatever reasons, nothing appeared on the air.*

Meanwhile, while waiting for the handwriting analysis, life in the tropics returned to a steady hum. It was relieved only by trying to figure out our next strategy in the investigation.

Rock was dying and disco was coming in. Disc jockeys played plastic records for people who shook their booty. These booty-shakers

*Within a month of Fonzi's article appearing in *Miami Magazine*, Miami News editor, Sylvan Myer, purchased that magazine and permanently stopped any followup articles from being written on the *Votescam* story.

grew up to be yuppies. There were still some good drugs out there, mostly derivatives of nutmeg. They started with the initials DM, like DMA. It was a form of speed, with all the euphoria of cocaine but without the valley. It was the beginning of the designer drugs, and they were called "nice," because everybody who ever took them would say, "Oh, this is *nice*, man."

"Hello."

"Jim, this is Sgt. Walter Blue."

Jim immediately motioned Ken to pick up the other phone.

"These canvass sheets you brought me are forgeries. Why isn't anyone doing anything about this?"

"I don't know, I'm doing my damndest to get somebody to do something," Jim said.

"This is what I found. There are no fibers broken. That means that none of the people who wrote those signatures pressed hard enough to indent the paper or break the fiber. There's not a number big enough to tell you the odds against no breaks with hundreds of signatures involved. Plus the pencil lines all have a uniform flow without breaks in the flow. That's impossible if the signatures are genuine."

"How can that be accomplished?" Jim asked, amazed.

"I don't know, but it bothers me that this is going on. I'm concerned."

"We're doing our best," Jim said.

Now we were pissed. *Lynch!*

Lynch was the handwriting expert who told us the canvass sheet signatures were genuine. We took him at his word. Now we had an FBI agent and a police specialist who swore they were forgeries.

We called Lynch and told him that we had to see him immediately, and that we'd explain when we got there. He lived in Plantation, which is near the Everglades west of Ft. Lauderdale. It was open cattle and citrus land, with thick black soil, cockleburrs, coral snakes and canals planted with mile-long borders of pine trees.

Lynch lived in a stucco subdivision house with a Florida grass lawn, a palm tree, a carport. He met us at the door and led us into a well-equipped home laboratory in the back.

"Let's see these under the microscope." Jim handed Lynch a single canvass sheet.

"Okay."

We waited.

Lynch was peering into the eyepiece and seemed very calm.

"These are not forgeries," he repeated.

Jim took a look. Now he knew what to look for. He saw the letters "floating" on top of the paper fibers. There were no breaks, penpoints, smudges, nothing dissimilar.

"Look," Jim stepped aside so that Ken could see, "not a fiber is broken."

Ken looked, then erupted.

"Hey, what are you saying?" he asked Lynch. "The ink floats on the surface, there's no breaks, and we've been told twice now that these are forgeries."

While Ken was talking, Jim walked out into the anteroom and examined the books on the shelves. He wanted an idea of who this man was. He saw that he had a technical book selection consistent with all that equipment.

Then, on the coffee table, he spotted an opened magazine. It was on display the same way anyone would leave a "vanity piece" to be admired. Jim walked over and picked it up. It was turned to a page that had the headline: "*How to Forge Documents with a Bank Rapidograph.*"

Jim read it twice.

He read it again and it said the same thing.

He looked at who wrote it. It was by *Robert Lynch!*

For the first time in this investigation, the hair on the back of Jim's neck stood up.

He took the magazine to Ken and stuffed it in his hand.

"Look, this guy's got a story in *Police Magazine*, May '72 about forging documents with a bank Rapidograph."

Lynch stood quietly.

Jim heard a rustling in the hall. A flash of paranoia swept over him.

The scene rang through his mind of Lynch's

wife, with a shotgun, shooting them as intruders. Nobody would have doubted it or cared less.

"Let's get the fuck out of here," Jim said.

In the car heading back home, Jim explained to Ken that he had only glanced at the article.

"So what did you see?"

"It's a thing called a bank Rapidograph. Apparently it's an instrument that you can trace a signature with. It copies the signature with one pencil and another pencil or pen is attached on some kind of a swing arm — it traces the exact movement on another piece of paper."

"So if Lynch used a Rapidograph on these canvass sheets he could trace it off the signatures he got at the schooling session two weeks in advance, and repeat them on unsigned canvass sheets."

"Right."

"Then there would be a set of canvass sheets that could be substituted for the originals and nobody would know the difference. Unless they happened, like we did, to stumble across those five, where the handwriting was real."

Jim watched the heavy rain as it hammered the hood. "Well, I think that answers Henry King Stanford's question," he smiled.

"We can't *prove* Lynch did it."

"But we know how it's done, He wrote the article on how to do it, and now he denies that

what he saw under the microscope was forgery when two experts say it is," Jim reasoned. "If the fucker quacks like a duck, shoot it."

We headed for Rubin's office on Miami Beach.

The office was in a wing of a baronial mansion from the 1930s with stained glass windows and exotic woods. It felt expensively medieval.

Rubin listened to the story and read the material.

He laughed. He loved this kind of intrigue, especially if it gave him a shot at the Democratic war lords who controlled the county.

"Will you call a press conference?" Ken asked.

"Yes."

The next day all the media showed up at Rubin's office, as they always did, and still do. There was a lot of excitement in the air. Rubin had prepared himself for this conference with a singular focus. His plan was to follow up with a visit to the state attorney's office, to present the evidence and demand an investigation.

At the appointed time, Rubin strode into the scene.

"Ladies and Gentlemen of the press," his voice was compelling, "I've called you here today to offer you what I consider shocking and sickening, but undeniable, admissable and conclusive proof, that elections in this county have been massively tampered with for a least the last six years — and probably well before that."

Rubin held up the blank-backed canvass sheets and the forged certifications and told the press what it all meant. With that opener, he then began exhibiting examples of forgery on canvass sheets from Dade County to Palm Beach. He told the media that the Organized Crime Bureau had confirmed that signatures on every sample were not those of poll workers, but had been affixed by other means.

"Desperate measures by desperate men," hissed a Channel 7 representative. He stalked out.

The Miami *News* ran the story on the front page, with a photograph of Rubin holding up a forged canvass sheet. The Miami *Herald* ran a front-page photograph and a story inside.

A few days later, William Miller, who took over when Braterman quit, also resigned as election supervisor.

Two down.

Joyce Deiffenderfer, the woman from the League of Women Voters who wept and cried that she did not want to "get caught in this thing," was named election supervisor.

There was no followup in the press.

And that was that.

One day Jim got a call at The *Planet* from somebody at the Dade County election division. The hushed female voice said:

"The Metro commission has voted millions of dollars to send all the voting machines up to the

Carolinas to get them retrofitted with Printomatic devices. Meanwhile, they'll gut the machines and crush all the old parts. That gets rid of any evidence of shaved wheels."

What's a Printomatic device?

In early September 1974 the primaries arrived again. At 7 a.m. we drove to a precinct on Biscayne Boulevard in North Miami. It was in Howard's Trailer Camp, four square blocks of mobile homes. What we found shocked and elated us at the same time.

First, the keys to the backs of the new Printomatic-equipped voting machines, for the first time ever, had *not* been issued to the precinct captains. They could no longer open the backs and see the numbers inside. Instead, they were told to crank a handle that had been implanted into the back of the machine up there in Carolina. They were assured it would make a roller run across the paper, which had been treated so that numbers would appear when impressed by the raised counters. After the roller rumbled across the paper from left to right, one of two pieces of paper would slide out of a slot at the bottom. On it would be numbers. For a virgin, un-voted-on machine, it was supposed to show all zeroes. But none of the captains nor anyone else in the precinct actually got to look at the counters themselves.

Jim called Joyce Dieffenderfer from a pay phone.

"Where are the keys to these machines?" he asked.

"They're locked in Jack Wert's desk. He's my assistant."

"Okay."

A call to Wert:

"Yeah, they're locked in my desk because they've got the Printomatic they don't need keys anymore."

Jim hurried back to the precinct just in time to see two stocky men in dark suits opening the back of a machine.

Ken motioned to Jim: "The roller system isn't working. It's jammed up. They called these guys the troubleshooters." Then he pointed outside to a white Cadillac with Kentucky plates. "That's theirs."

"These guys are decidedly strangers," Jim said.

We watched.

They opened the back door of the machine with a key and took out the Printomatic paper. It was about two feet by three feet, as big as the back of the machine. When they pulled it out, you could see the piece of paper was bunched up in the middle where the roller had wrinkled it. Apparently, that's what had hung it up. The two guys tried to hustle the paper away quickly. One grabbed it to his chest and turned to walk out, calling over his shoulder:

"The machine's out of order until further notice."

In a flash Ken grabbed the paper and yanked it out of the guy's arms. The stranger was momentarily stunned. Then Ken whipped around and spread the paper on the nearest table, smoothing it out. At least ten precinct workers were bug-eyed as they watched.

What we all saw was a wrinkled piece of paper with zeroes corresponding to the candidate counters filling the entire sheet - *even where the roller hadn't touched.*

"Hey, these have been preprinted." Jim said loudly. "The pressure roller only went half-way across before it wrinkled the paper."

A loud barnyard hubub went up from the workers.

"It's fixed!"

"We're not going to sign anything."

The surprised troubleshooter lunged over to grab the paper off the table and walked quickly back to the Cadillac.

The precinct workers were clearly angry. The newfangled crankhandle was actually a vote scam, a decoy. The Printomatic didn't do anything but make people think it imprinted true counter numbers.

"I quit." A worker walked out.

"They want us to certify *that!*" Another followed him.

One by one, every worker walked out of the precinct until in ten minutes it was empty.

The new crank handles and rollers didn't work in most of the other precincts across the county that day either, and the scam was also revealed to precinct workers when troubleshooters came to unstick the rollers. Many of the workers walked out.

The next day The Miami *Herald* carried a story about the poll workers' walkout which said that, due to some "snafu," thousands of precinct workers throughout the county left their jobs and were replaced by Metro police and firemen.

The story neglected to say what the snafu was, or why the workers had walked off.

And that was that.

A day later, in the black-soil "redlands" area south of Miami where they truck-farmed celery, tomatoes, strawberries, limes and Ponderosa lemons, about 200 citizens from all over the county met near the settlement of Perrine on a moonless night.

It was at Clark and Dotty Merrill's place. They were well-known civic activists. Clark worked for the City of Miami as an engineer, and he had a kind of tenure that made it difficult to fire him for voicing his opinions or making waves. Dotty was from Boston, and she was loud and funny, with a marked Bahston accent. They'd gotten the word out on radio and through fliers about the Printomatic fraud. A lot of precinct workers had called them when they realized nothing was going to

be said about it in the newspapers. We called them, too.

We parked among a lot of cars and went into the Merrill's lived-in stucco house. The house was filled to the gunwhales with people, mostly in their thirties and up, a lot of municipal employees, merchants and workers. Everybody but lawyers. You couldn't buy a lawyer in that house. Dotty led the town meeting. Clark was a big man who'd rather listen than talk.

"We've seen it with our own eyes, now," a precinct worker said. "And it's a fraud. But the election came off on schedule."

"You should have seen the hysteria when everyone left our precinct and people kept coming in to vote, but there was nobody to sign them in."

"It took Joyce a couple of hours to round up the cops to fill in."

"Why did the *Herald* lie that it was just a snafu? It was a downright rigging and they know it."

Dottie motioned for them to quiet down.

"According to the Colliers here," she said, "the media is involved in all this up to its *cajones*. We've got to put pressure on the *Herald* to print the truth."

The group debated all night, and finally decided to send a mission to The Miami *Herald* and The Miami *News* to get them to do vote fraud stories.

A delegation was also sent to the State Attorney.

By the time the third meeting at the Merrill's house came around, there were reports that nobody was going to do anything. No exposes were going to appear in the *News* or the *Herald*. Editors told the delegation that it was a "non story." A "non issue." The charges were "impossible to prove," and so on. Editors routinely dismissed the messengers as crackpots.

The State Attorney refused to investigate. And that was that.

On September 9, Ellis Rubin held a standing-room-only press conference.

He had gone to the trouble of having a blackboard set up in the conference room, and now he used it to describe in detail the "Missing Keys Scam." Then he walked over to a Printomatic voting machine set up in the corner. He showed how the device denied poll workers their mandate to visually eyeball the zeroes in the backs of the machines by not giving them the keys to look inside and see the alignment of the counter wheels.

Reporters took notes and video cameras hummed away.

"What are you going to do about it, Ellis?" a reporter asked.

"I intend to present this and other supporting evidence to the State Attorney's office."

"Do you expect any prosecutions...and, if so, who would be the targets?"

"It would be improper for me to speculate," Ellis replied calmly, "but I certainly expect the State Attorney's office to do its duty."

The next day the major newspapers were awash in material about the press conference. Front page headline in the *Miami News* boomed:

MASSIVE VOTE FRAUD CHARGED IN DADE ELECTIONS

That afternoon Rubin went with Ken to the office of Janet Reno, the tall, rawboned daughter of big, rawboned Hank Reno, the best police reporter in Miami, bar none. Janet Reno was an assistant State Attorney.

Rubin intended to ask Reno to accept the blank-backed canvass sheets, make a full investigation and go to the grand jury to have them indict somebody for tampering with the 1972 election. Ken and Rubin signed a waiver of immunity in order to make a statement about vote fraud for the record. The waiver meant they were entirely responsible for their testimony, even if it meant a lot of personal trouble. If they hadn't signed the waiver it would have looked suspicious.

The press was waiting by the score outside Reno's office.

We were sure that Rubin would come out and announce that Reno was going to take the evidence to the grand jury, or appoint a special prosecutor.

Instead, when Rubin finally emerged from behind the closed doors of that inner sanctum, he was literally ashen-faced, downcast, and crestfallen all in one. We had never seen him like this.

The lights and cameras all came on.

Rubin walked to the bank of microphones. "Miss Reno has asked me to inform you that she has examined the evidence and as far as any prosecutions are concerned, the statute of limitations has expired."

With that barebones statement still hanging in the air, Rubin bolted to a nearby escalator and charged down its stairs to avoid any questions from the press, or from us.

We didn't let it go at that.

In the extreme tension of the moment we saw four years of research trashed by Reno. We took the stairs three at a time and chased our former paladin out of the Metro Justice Building. We caught up with him just as his antique red convertible was pulling away from the curb.

Ken jumped on the running board and leaned over. He looked into Rubin's eyes for a split second. Then he jumped off as Rubin gunned the motor and sped away.

"What did he say?" Jim asked.

"Nothing, he just stared straight ahead."

"What was his expression?"

"Fear."

"No." Jim was dumbfounded. "Not Ellis Rubin... lawyer for the Watergate burglars... the man who visits Richard Nixon at his home ... asshole buddies with the CIA and the FBI and and Naval Intelligence and probably the Mossad! So what the fuck could Janet Reno have said to scare him?"

We wouldn't know that answer until we met up with him in the future, eight years later.

6

HOUNDS OF HELL

"The humblest citizen...when clad in the armour of a righteous cause, is stronger than all the hosts of Error."

—William Jennings Bryan

As long as the Warren Report stays on the books as the officially recognized "truth" about the JFK case, there will be an open wound in the body politic that defies healing. Assassination researchers are so virulent in scavenging the field in search of any shred of evidence, they have come to be known as "The Hounds of Hell."

But there's another public cause that has captured the imagination of the Hound mentality. Vote fraud. Consider the strong emotional values that we Americans attach to the sanctity of the U.S. ballot. The ballot

is America's number one export. It is the ballowed ground and shed blood of ten generations of "those who made the supreme sacrifice."

As with the JFK breed of Hound, vote fraud trackers have the gut feeling that some fundamental outrage has occurred and is being covered up in the highest levels of government.

One never knows the exact moment of transition from common citizen to Hound.

After the the Reno-Rubin confrontation, the investigation seemed pretty much over. Rubin wouldn't take our calls and there was no point in pursuing him any further. We figured that whatever Reno told him in her private chambers that day must have scared the hell out of him.

Jim said: "I can't imagine him acting like that unless she had something on him."

"Well, I doubt that it's political," Ken reflected. "Maybe she painted a really frightening scenario, possibly threatening to expose him somehow, to embarrass his kids and family, you know what I mean? After all, we're not dealing in torts here. If Reno called for a full investigation the lid could blow off the Establishment. That's why Gerstein didn't want this case, so he gave it to Reno and she wasn't about to bite the hand that feeds her."

"She must have torn into him something fierce," Jim speculated, "like 'Ellis, if you pursue this it could take down the entire structure, not

only of the city, but possibly the state. Do you want to do this for the Collier brothers?"

"Sure," Ken nodded, "but that look on his face, that stark blank stare... it was eerie... I don't think just politics would do it. It had to be a personal threat."

We were both in the midst of divorce proceedings. It seemed like something in the stars was breaking everything apart. The *Daily Planet* was going out of business. The public was more interested in the Bee Gees than in revolution. *DC Comics* was threatening to sue over what they claimed was the use of their Superman trademark, and *The Underground Press Service* was turning into *High Times* magazine. During the Sixties the suntan lotion business was the engine that drove our small financial empire, but it required a full time effort and we just didn't have it in us anymore. Politics is a strong drug and anger was replacing the drive we had to make money.

Back when we started *Sunscrene*, Kennedy was in his second year as President, and the world seemed bright. Now it was the Nixon-Ford era; we were growing older and there wasn't much challenge left in selling suntan lotion to beach boys.

The five-year renewable leases on our beach stores were coming due and without wives or kids to support, they just didn't seem important anymore. Ken's wife was a millionairess who

didn't want child support, and she didn't want Ken around either, at least not as long as he was willing to pursue *Votescam*. Jim's wife was twelve years his junior, and after five years of a childless marriage and listening to *Votescam*, she wanted some fresh air in California.

"If we give up *Votescam*," Jim told Ken, "when we're old men we're going to look back and ask why didn't we fight the bastards. We're going to add up the plus and minus columns and all we'll have is money. I don't want to spend the rest of my life with this seething anger because I know I let them get away with it without going the last fucking inch."

"How are we going to live?"

"Let's do a Siddhartha - lets give it all up: the pool table, the cars, the townhouses, the business."

Ken took a long toke on the pipe Jimi Hendrix had given him that night his concert got rained out at Gulfstream Race Track.

It wasn't our concert, but the promoters, Michael Lang and Marshall Brevitz (Lang was a co-producer of Woodstock) had no way to refund the ticket money. So we invited Hendrix to *Thee Image*, where we would throw open the doors to anybody who wanted to walk in. Jim went on stage at Gulfstream and invited everybody to come to the club.

It was now about 8 o'clock on a stormy tropical night.

We called all of our concession people, the ice

cream vendors, the chocolate cake sellers, hot dog guys, the body painters, and asked them to come right down.

The body painters gave away Day-Glo paint that lit up under black light, which was the big deal in concert lighting at the time. *Thee Image* boasted a hundred blacklight bulbs.

Hendrix and his roadies and his band turned up, as promised, for free, and started to set up on the stage. The club already had a wall of Ampeg speakers with enough amps to blow out a window. There were also the two giant strobe lights with a slow to fast speed dialer that made people look like they were moving very fast or very slow, like a haywire silent film.

Word had gotten out. Kids started calling kids. By nine o'clock the parking lot was packed. So was Collins Avenue, and there was a traffic jam down to Haulover Beach.

Jimi started playing about nine. He began by using all of *Thee Image's* speakers and his own to produce wild feedback wailing.

That got people's attention. Then he jammed with the house band, *The Blues Image*, (*Ride, Captain, Ride*) in a set that never stopped until after midnight. The audience, full of painted bodies, mostly sat on the floor and listened, in various states of high, higher and highest, while Jimi played rock guitar that was more dramatic than anything most of the audience had ever heard. His guitar solos melted down and re-formed,

turned into vivid images and then into smoke.

It was a wild night of cheering. Then the ice cream battle began.

Somebody brought Jimi an ice cream cone with a ball of chocolate on it. Jimi threw the ice cream ball to somebody in the crowd. That somebody threw it back at Jimi.

"Get me ten cones," Hendrix called.

He passed them out to everyone in the band, and they began to throw ice cream balls at each other. Pretty soon hundreds of members of the audience raced to the concession stand to buy scoops of ice cream, forget the cone. In 15 minutes the air in the club, under the Day-Glo lights, was filled with flying ice cream balls. They hit the walls, the speakers, people's heads, hair and clothes. Then, when the ice cream ran out, they all began throwing chocolate cake.

Meanwhile, Jimi and the band kept on jamming.

Then Jimi says: "Let's go swimming."

He left the stage without his guitar, walked through the crowd and out the front door. Like a Pied Piper he walked past the International House of Pancakes up to Collins Avenue, three to four thousand kids dancing insanely behind him.

This was a few months before Jimi played his irreverant Star-Spangled Banner at Woodstock.

All those memories were attached to Ken's pipe as he thought of leaving the security he'd always known.

For a couple of guys who were raised middle class in the Middle West, giving up the easy life was truly radical. We'd seen Tom Hayden live out of a sleeping bag as he fought his battles for social equality in the Sixties, and we even housed him when he was worn out and bedraggled.

One time Tom came to New York with his first wife Casey, and an old station wagon. He had the key to a friend's empty apartment, so Tom and Casey took an old mattress off the street and spread it on the floor. The next night they knocked on Jim's door on East 88th Street.

"We got bedbugs," Tom said, lifting his pant leg and showing a track of bug bites.

Jim paid for a hotel room on 86th Street.

Now Ken pondered the idea of living out of sleeping bags on Miami Beach.

"Where do we put the sleeping bags and how do we eat? And do we *really* want to do this?"

"Well, it's that or give it all up and just be merchants. What's money gotten us but divorces and abject comfort?"

"But what about *Sunscrene*, we can't just drop it."

"Why not?"

So we gave it all away to our top salesman in Daytona Beach, named Ron Rice, and he changed the name to *Hawaiian Tropic*.

In the fall of 1974 we were living in the sea

grapes near 86th and Collins Avenue on Miami Beach. It was less than two blocks from the Holiday Inn, but it was tropical and secluded. Sea grapes are trees that grow about 15 feet high with leaves like large green pancakes. The leaves formed a cathedral ceiling, screened the sun and provided some privacy from the public on the beach. Foreign tourists had heard about this wild stretch and although it was against the law to camp there, they had found the sea grape patch as inviting as we had. We often had to roust a sleeping German, Frenchman or Italian out of our favorite spot.

There were freshwater showers nearby and a public bathroom. There was no place to cook, so we subsisted on fruit and cheese. A high grassy jungle-like area hid the sleeping bags. When it rained, which wasn't that often, we rolled up our bags, hid them, and ran for motel cover.

From our refuge in the sea grapes, we wrote, with pen and pencil, a rock opera entitled "*Year One*." The title was based on John Lennon's concept, conceived at John and Yoko's bed-in in Toronto in 1970. John said that we should label all our correspondence *Year One A.P.* (After Peace), and that there should be a new beginning. So the story was about the Children-at-Arms, a rock group from the Center of the Galaxy, ordered to earth to reunite Sgt. Pepper's team.

We wrote the basic book and lyrics and

Gregory Scott Kimple wrote the music. Although the studio album wasn't bad (Lou O'Neil, Jr. of *Circus Magazine* called it "one of the top ten albums of the year"), we decided to re-record the album live and videotape the *Year One* band at the Grand Canyon.

On 7/7/77 we produced the first free rock concert ever performed live in the Grand Canyon. *Rolling Stone Magazine* wrote ahead of time that six million people would turn up for the concert (to hear "*The Year One Band*"). The Interior Department, concerned for the ecosystem and crowd control, cancelled the event. Now for the first time in our lives we had no mama, no papa, no businesses, no money — but we did have George.

By the grace of George, our friend and chess master, Ken flew out to Arizona and talked the park ranger into letting us stage the show. To make it hard on whatever crowds might want to show up, the ranger restricted the concert to the West Rim, which is off limits to the general public. Nonetheless, about a thousand people hiked overland and got to the site to watch us film the sun coming up over the East Rim, an event almost never seen by anyone other than an American Indian. We shot through the day, catching the full sweep of the sun to the West. Songs were sung at different hours as the sun produced different moods. And as the sun was setting, we taped two lovers standing atop a mega wall of amplifiers against a purple haze.

The band sang: "*Champion, Where Are You?*"

After the concert we drove back to New York with *Satan*, who taught *Kiss* how to eat fire.

For awhile we lived in a radio-TV commune on 14th Street and Second Avenue in a building called The U.S. Senate. The commune owned the old Second Avenue Yiddish Theater, then called The Phoenix, where Ann Corio held court while doing "*This Was Burlesque*." When she left, the theatre folded until two off-Broadway actors bought it. They fed and housed us in the U.S. Senate, while two blocks down on 12th street they were remodeling the theater.

Because most of the people working on remodeling were performing artists and not real tradesmen, at least not the kind who should be reupholstering 499 seats, someone gave the order to unscrew every seat in the house and stack them up in the foyer.

Then they had us rip all the staples out of all the seats, take off all the Naugahyde, and pull out all the stuffing.

It was our job, that is, us and Satan, to put those seats back together, restuff them, recover them with Naugahyde, and use that plier device to stretch and restaple. The color was orange. The job took weeks, eight hours a day.

Then the time came to put the seats back.

We started with the first row, but none of the seats fit. Nobody had bothered to mark the seats as to where their original places were. Thus we

had 499 seats and not the foggiest idea where to put them.

As we sat around with the rest of the crew, understanding what purgatory was, Satan, who had a rock band on Bourbon Street in the Sixties, started picking up the seats, studying them, and separating them into size piles. Some of the seats were minutely bigger than others. After the sorting he took the largest seat off the first pile and walked around looking for the largest empty hole. It took him four days, but he put every single seat back in its exact spot. We know that because when we got down on the floor we had to turn thousands of screws into thousands of holes. They all fit.

The new theater with the bright orange seats opened with "*The Best Little Whorehouse in Texas*" in its off-Broadway debut.

On June 23, 1978, Jim's 39th birthday, we raised the money to produce a live rock concert, called "*Rock Wars*," on the highest man-made stage in the world: the helicopter pad atop the South Tower of the World Trade Center in Manhattan.

Every rock star who had nothing better to do that night was at the party. The *Year One Band* and *For Shakes Sake* from Brooklyn played from dusk until midnight. People brought their own everything, and down on the 107th floor the Trade Center opened a sumptuous bar and smorgasbord. It was an incredible, perfectly clear night with a full moon and a grand piano.

People called the radio station that was broadcasting the live performance and said, "We can hear it over here in Staten Island," and somebody else said they could hear it all the way into New Jersey.

The next day the New York *Daily News* said: "The World Trade Center was made for three things: *The Wiz*, *King Kong*, and the *Rock Wars* party held last night."

Ken met an artist at the 14th Street commune who called herself Shakti. She was a medical doctor from Australia who was tall, blonde and beautiful. She had painted murals on the walls of the theater we worked in, so Ken asked her to illustrate the story we had written about rock and roll, where the Children-at-Arms come from the Center of the Galaxy to reunite the Beatles. For the next fourteen months we, including Satan, lived and worked together on the *Rock Wars* storyboard. It eventually turned into a 96-page, full-color Doubleday Dell trade paperback that sold 42,000 copies before John Lennon was shot and killed at The Dakota.

Rock Wars died with the most intelligent man in rock.

Ken wrote an epitaph for Lennon and it was reprinted in *Billboard* Magazine and in The Washington *Post* (see it in the back of this book). Yoko Ono wrote Ken a letter telling him that she had hung a copy on her wall.

7

THE PETERSEN MEMO

"Democracy substitutes election by the incompetent many for appointment by the corrupt few."

—Shaw

In the spring of 1979, Jim filed a Freedom of Information Act request for anything under his name at any government agency. A few months later, a file three inches thick came in the mail that included everything we had given to the FBI. There were also FBI memos about the stacks of evidence we had sent in.

There was a notation in the folder that 37 pages of the file were sequestered "in another agency." We called an agent at the Miami field office of the FBI and asked: "What does that mean?"

"The CIA," he said.

We wondered why. What does the CIA have to

do with vote rigging? What has this to do with national security? And what the hell is on those 37 pages?

We also found among the papers a memo of instructions from Henry E. Petersen, assistant U.S. Attorney General of the Criminal Division of the Justice Department.

UNITED STATES GOVERNMENT DEPARTMENT
OF JUSTICE

MEMORANDUM

TO: Acting Director, DATE: 5/16/72
Federal Bureau of Investigation
FROM: Henry E. Petersen
Assistant Attorney General
Criminal Division

SUBJECT: UNKNOWN SUBJECTS;
KENNETH COLLIER - VICTIM
ELECTION LAWS

This is to recommend that the Crime Records Division advise U.S. Representative Claude Pepper (Democrat-Florida) of institution of this

investigation at the request of the Criminal Division Department, regarding a possible Election Laws violation. Investigation at this time is being limited to interviews of: (*The names were blacked out.*)

Background: James Collier and his brother Kenneth have furnished several statements concerning what they believe to be a violation of the Election Laws Statute. The violation allegedly occurred during the September 1970 Florida primary elections when Kenneth Collier was a candidate for U.S. Congressman running against the incumbent Claude Pepper on the Democratic ticket. The Colliers contend the elections were "rigged" because immediately after the polls closed, Miami television stations predicted the final vote percentages of each candidate and the projected vote totals. The television stations' predictions were allegedly 100% accurate. Professor Ross Beiler of the University of Miami and Mr. Elton Davis of the Cavanaugh Computer Corporation apparently programmed the computers for the Miami television stations which predicted the election outcome. The Colliers allege Beiler and Davis participated in a scheme to rig the above mentioned primary. Statements obtained from the Colliers regarding their allegations have been forwarded to the Criminal Division which has requested Beiler and Davis to be interviewed to ascertain their possible involvement in alleged scheme to rig this election. If either Professor

Beiler or Mr. Davis acknowledges that he did participate in rigging this election, the Bureau should attempt to ascertain the manner in which this rigging was effected, for what purpose it was effected, and who directed that the election be rigged.

ACTION: Departmental Attorney Craig C. Donsanto was contacted and advised as a matter of courtesy. *It is recommended the Crime Records Division advise Congressman Pepper that at the specific request of Assistant Attorney General Henry E. Petersen, Criminal Division of the Department of Justice an investigation has been instituted.* (End of memo)

Henry Petersen was to become semi famous later on as the federal investigator in the case against the Watergate burglars. *This was the first indication that Petersen was fully involved in the vote fraud investigation prior to his Watergate assignment.*

8

VIDEO VIGILANTES

"Some circumstantial evidence is very strong, as when you find a trout in the milk."

—Thoreau

A new decade, the 1980s, found us living up at a yoga ranch near South Fallsburg, New York, in the Catskill Mountains, studying karate, yoga and meditating. Shakti, whose real name was Elizabeth, was with Ken and they were married at the ranch by Swami Vishnu. Their daughter, Unity, was born there in November of 1980.

One of the students at the ranch owned a bean sprout business which he wanted to sell. He taught us how to grow sprouts in bathtubs in dark rooms, harvest them, bag them and sell them by the pound.

Sprouts brought in so much revenue that we

decided to leave the ranch and start our own route in Manhattan, Queens and Brooklyn. We made money instantly. Our "*Heartland Sprouts*" became the best-selling alfalfa and mung bean sprouts in the city. Winter came and Jim decided to go back to the warmth of Miami and leave the business to Ken and Shakti. He lived in the black belt quarters of Larry Pizzi's Shori Goju dojo, near the Lincoln Road Mall, and managed the karate school.

In the summer of 1982, a revival was planned for the California rock group, *Mamas and the Papas*, with Spanky of Spanky and Our Gang playing the dead Mama Cass and McKenzie Phillips, the daughter of John and Michelle Phillips, playing her mother's part.

Ken read about it in *Billboard Magazine* and invited John Phillips to do a show on top of the World Trade Center. They met on the helicopter pad on top of the Trade Center one cold day in February. An icy wind off New York harbor whipped around the two of them. John said no to the venue. A nice warm concert in Florida seemed a whole lot better to him.

Ken called Jim: "John will play Florida if you can raise the money."

"Hell, I don't have a penny."

"That never stopped you before."

So Jim raised twenty thousand dollars, found the auditorium, bought rock radio advertising, and had the tickets printed and distributed.

Ken sold the sprout business to an organic

food dealer in Queens and came down in time for the concert.

The new *Mamas and Papas* did all the sentimental old hits, like *California Dreamin'*, and *Monday, Monday*. They made the audience glow with nostalgia. The press loved them. But that same night a rock group called The *B-52s* opened at *Pirates World* about 20 miles away, and almost everybody who didn't remember the Sixties, which was everybody under 25 years old, went to listen to The *B-52s*. We had an artistic success and a financial flop.

In 1982 we got back into the newspaper business. We had seen posters all over town with the banner, "*The Fighting MacKenzies*." The poster pictured a young, pretty blonde woman flanked by two men. It looked like an advertisement for a singing group out of the Forties. The poster said that Christina MacKenzie was running for a seat on the Metro Dade County Commission, and that her father Donald and his brother Douglas were running her campaign.

After reading their literature, Jim figured her to be honest but naive. He saw "*The Fighting MacKenzies*" as either a crock or as a possibility to recruit professed fighters into the fray. He telephoned Christina to warn her about vote fraud in Dade County and to hear her reaction.

Don MacKenzie got on the line.

"Who are you?" he asked.

Jim explained vote fraud in Dade County. Then Ken took the phone and got deeper into the discussion. After a while Ken's voice raised in tone as he got short of temper. It was the sound of two hardheads bashing. From the start MacKenzie made it clear that he wanted to take control of any future negotiations between us. But Ken couldn't possibly let someone he thought was an amateur, who didn't have a clue as to what was really happening, start dictating. It degenerated into a screaming match and we hadn't even met the guy.

Suddenly, MacKenzie shifted gears. "Meet me in my office at the Hialeah *Home News* and we'll talk about it," he said calmly.

"What do you do at the *Home News*?" Ken asked.

"I'm the managing editor."

That afternoon we met MacKenzie. He was a Scotsman built like an Isuzu. He had a barrel chest on a frame that stood about five feet seven inches tall. His red hair was combed into a flat-top pompadore and it was never messed up in public. He habitually wore a black suit, black vest, white shirt and dark necktie, even in the summertime. On less formal occasions he wore his Marine Corps major's camouflage jacket.

MacKenzie was born in Detroit and he spoke in the unaccented way that Detroiters (who make good radio announcers) speak. He had been a legislative aide to Michigan Congressman Guy Vander-Jaght before abandoning politics to

bring his family to Florida in the early Seventies. There were hundreds of "war stories" about MacKenzie as an FBI and CIA operative, but most of them shouldn't yet be told in print.

Within a few weeks we were members of the Hialeah *Home News* staff, along with Bill Tucker, a rewrite man who was so fast and stylish that his talent was legendary in the Deep South. He looked like a wrinkled Chinese fighting dog with a fat black cigar sticking out of his grumpy jaws.

The Hialeah *Home News* was a 40-year-old suburban newspaper that once served the community news to the crackers and horse people near the Miami Airport and the Hialeah Race Course. Now it was owned by an ex-FBI agent who had installed his buddy, MacKenzie, as managing editor

The paper had a tradition of looking into stories other county papers wouldn't investigate. It was the last bunker of independent journalism in Dade County.

We now had a forum for the first time since we lost our Dell book contract and the *Planet* folded. And we had an editor who was on our side.

"Are you one-story guys?" MacKenzie asked.

"No, we'll do other stuff," Jim assured him, already feeling at home in the glass-walled city room. "We had a paper called The *Daily Planet* in the Seventies. What have you got in mind?"

"They got a moratorium on building down on South Beach. Nobody's allowed to improve their property under penalty of arrest. You want to look into it?"

We agreed as long as we could also crank up *Votescam* stories. The next day we found ourselves knee-deep in Miami Beach politics.

It was October.

For the "South Beach" section of Miami Beach, which is south of 16th Street and all the way down to Government Cut where the big boats and cruise ships come into Biscayne Bay, there was a moratorium, declared by the Miami Beach City Council, on any kind of home improvement or building. The property values of the old Art Deco hotels and apartment houses plunged. If you couldn't fix them up, you had to rent them to the most indigent of the Cuban exiles (the ones nobody else wanted). They trashed the buildings and rents hit bottom. Property owners lost their nest eggs. We wrote that this local depression was a vicious plot by the creators of the Dade County "master plan" to choke out the old owners and then buy up the land and the buildings for a fraction of their real value.

It would take several years of crusading against this injustice before Miami Beach Mayor, Norman Ciment, ended the moratorium. The damage had already been lethal.

One day in late October the *Home News* editor-in-chief, Elmer Rounds, a six foot plus,

250 pound Southerner with a droll sense of humor, handed us a press release from the Republican National Committee. The first word we saw was **REWARD** and the number \$5,000.

"What can you do with this?"

We read the release signed by RNC chairman, Richard Richards:

"It has saddened us to learn that vote fraud still exists in certain areas of this country," Richards said in a letter to fifty Secretaries of State.

"Since the right to vote is the keystone of all other rights we cherish as Americans, any dilutions of the vote by fraud or error must be stopped."

The RNC reward offer said that any citizen who gave information leading to the arrest and conviction of any official who violates state or federal laws against vote fraud would receive \$5,000. It went on to say:

"We have established telephone numbers that will be manned by attorneys who will assist in putting them in touch with the proper state and federal officials who will proceed with such complaint."

"I can't believe it," Ken said. "Do you think someone in Washington has finally gotten off their ass?"

"MacKenzie brought you guys in to deal with that story, so look into it," Rounds said.

We hadn't gotten a major break in the *Votescam* story for eight years, but a day before the 1982 primary we received a pamphlet in the mail entitled *Don't Get Punched Out*, written by Robert Corcoran, a radio newsman from the West Coast. The point of it was that the card-counting computer is a "black box" operation that had been used to rig elections in California and other states. He warned that a very dangerous situation was developing in America. The vote, he warned, was being stolen in counties from Maine to California.

He said that anyone using a punch card to vote with had no idea what was going to happen to their card after they punched it. There were no safeguards. In the California races Corcoran had studied, there was no way to verify a vote because fraud was so easy to perpetrate and so hard to detect.

In Dade County we had also heard from "concerned citizens" who came to us after witnessing the new-fangled computer vote being counted. They told us that members of The League of Women Voters, a private political club, were sitting up there in the Data Processing Center on Galloway Road, punching holes in the vote cards. It was exactly that kind of fraud that *Don't Get Punched Out* warned about.

It seems these "volunteers," were actually worth \$15 an hour per head to the League's treasury. Their salaries were paid by the Dade elections division from taxpayer money directly to the League.

We knew that if such an activity were taking place, it was expressly forbidden by state and federal law, which prohibits any "*handling or piercing of the public's ballots by anyone except the voter.*"

One of our early informants was an older woman who entered the Data Center after getting her name pre-approved by the election supervisor. Without a security check, she said, she couldn't have gotten in.

"You mean in order to see the vote counted the board of elections has to pass on you first?" Ken asked. "That's unconstitutional."

"That's what they told me," she said.

She reported seeing members of the League using little black pencils issued by the election division to punch out new holes in the vote cards. She explained that new holes could either become a new or different vote, or invalidate an existing vote by punching out both sides.

"Are you sure?"

"I saw it with my own eyes," she said.

"Five thousand dollars per person arrested and convicted," Jim salivated. "How do we get it?"

"Well, it seems to me that we need to get

proof that they're punching holes in the ballot cards and bring it to the RNC."

"How are we going to get in the building, it's a bunker. And even if we got in, how do we prove it?"

"Videotape." Ken suggested.

"Great idea. But first let's call the elections supervisor and see what he has to say about the League punching holes."

The new supervisor was David Leahy, a man in his thirties, with dark blonde hair done in a close bouffant.

"We'd like to videotape the proceedings at the Data Processing Center," Jim said.

"You haven't been issued credentials, Mr. Collier," he replied patronizingly.

"What kind of credentials?"

"Only candidates, and those with credentials, are allowed to be up there. And no cameras or video equipment is allowed."

"That's patently unconstitutional, and illegal on top of it. People have a right to see their vote counted, David." Jim tried to level Leahy's attitude by using his first name. "You can have a secret ballot but you can't have a secret count. We're coming over to videotape."

"If you try to come into the building you will be arrested by the guards at the gate." Leahy hung up.

Jim turned to Ken: "We need a plan. We can't get in that building past the guards, past the video cameras, without getting busted."

"We're going to need some kind of credentials."
"We could say that we're *Herald* reporters."
"But we need credentials."
"No," Ken figured, "all we need is a *Herald* reporter covering us...in other words, we've got to get the *Herald* to take Leahy's arrest threat seriously and assign a reporter to cover it."
"That's right. If we get in with a *Herald* reporter they can't stop us."

We went to see Jim Savage, the editor in charge of investigative reporting for the Miami *Herald*. His office was a cubicle in the *Herald* city room overlooking Biscayne Bay. Savage was a testy guy in his fifties and he listened as we laid out the three different votescams we had investigated: *The Blank-Backed Canvass Sheets*, *The Forgeries* and *The Printomatic*. We put it all up on a blackboard. A reporter named Bob Lowe, a Hawaiian who had won two Pulitzers and wasn't yet thirty, took notes. Savage assigned Lowe to go up to the Center and wait until we showed up with our video camera. The assumption was that he'd do the story about it if we got in, and maybe even if we got turned away.

MacKenzie rented a color, sound, hand-held video camera.

On election day, November 2, at about 6 p.m., we drove to a precinct in a schoolhouse on Miami Beach and walked in with the video camera. MacKenzie, wearing his FBI-style dark

suit, drove up behind us in his brown Buick Regal. We didn't take any pictures inside because it was too early. The polls didn't close until 7 p.m. But we told the precinct captain that we were going to videotape his precinct after 7 p.m..

Jim said: "We'll follow your precinct's cards from the time that they open the ballot box shortly after the polls close, until the votes are finally reported at the Data Processing Center. We just want to follow its route."

"You can't stay in here after seven," the captain said. "We lock the doors."

"You mean you lock the public out?" Ken asked.

"Yes, so that nobody interferes with the counting process."

"That is illegal, my friend." It was MacKenzie's voice and it was firm. "Go call Leahy and tell him we're going to stay here because it's illegal to lock the doors against the public after seven."

The captain's face was serious and red. He went into his office, we hoped, to call Leahy.

As soon as he left, we disappeared down the road. We drove to a different precinct a mile away and at 7 p.m. we entered with the video camera and said that we were from the *Herald*. Nobody stopped us.

Ken taped the precinct captain opening the voting box full of punchcard ballots that were stuffed inside their security envelopes. Several of these ballots fell to the floor and Ken shot the

image of ballots under precinct workers' feet. They were busily taking the rectangular computer ballots out of their security envelopes, then stacking them in piles of 100 with the beveled edge to the upper left.

"Madame, in the green pants," Ken said. "There is a ballot under your foot."

She reached down and picked it up.

MacKenzie noticed another ballot on the floor a few women down. He whispered to Ken.

"Lady in the red pants, there's a ballot under your foot," Ken said.

She apologized and picked it up.

"Zoom in on the pencil in that lady's hand," Jim told Ken.

There were ten workers in the schoolroom and each had been issued a black pencil by the precinct captain.

Ken taped eight of the workers as they put the pencils in their pockets and two who held them like a cigarette between their fingers.

MacKenzie whispered to Jim:

"Those pencils...don't say anything, but if we weren't here filming, they'd be having a hole-punching party right now. Those instruments are not supposed to be in their hands."

The pencils were the first illegality caught on tape. The camera had recorded some pretty rough handling of the cards, but not a single piece of "chad" – those little pieces of paper that get punched out of the holes – was anywhere on the table. Yet, according to our informant,

members of the League were in the Data Processing Center at that very moment for the expressed purpose of cleaning "tons of chad" off the backs of vote cards.

The piles of cards were then placed in metal "security" boxes which were locked with a numbered plastic and wire seal, like the ones on an electric meter. At that point, the security boxes were thrown in the back seat of the precinct captain's car and driven, with MacKenzie and ourselves following, to the central collection point at Miami Beach High School.

We all arrived at the high school at 7:35 p.m. and MacKenzie asked for a time check on camera.

We followed the box and its attendants into the gymnasium, as about twenty other precinct captains were coming in with their boxes.

The camera recorded a heavyweight guy with giant gold rings on his fingers put a white bag under the table between his legs. It was a Burger King hamburger sack. After a few minutes he took a handful of something out of the bag. The camera zoomed in as he placed it on the table. The something turned out to be about 20 red plastic numbered seals like the ones on the metal security boxes.

A woman in her sixties examined a security box brought in by a precinct captain.

"Your seal is broken," she said.

"Yes, I know," the precinct captain replied.

Ken focused on the male clerk who had brought the seals in the paper sack.

"What are the extra seals for?" Ken asked.

"These?"

"Yes. Those."

"Oh, they're just in case any come in broken or something." He shuffled them lightly about with his fingers.

Ken panned to the woman.

"May I ask how that seal could possibly have become broken on the short ride to the high school?"

A long pause for thought.

"Well, it's possible," she answered.

"Can you tell us what purpose that seal serves if it can come in from the precinct broken?"

She stopped, looked quizzically at the camera, and said:

"Well, if it happens, we just put another one on."

"And then you record the new seal number as if it never happened?"

"That's right."

There was the *second* crime caught on tape.

With the registration procedure completed, two uniformed Metro cops put the boxes in the back seat of their squad car. They took off like a bat out of hell, ran lights, and we couldn't follow.

"If we hadn't been there," MacKenzie said, gunning the engine of his Buick, "she would

have put new seals on those security boxes that came in broken. But she couldn't commit a third-degree felony in front of the camera, so she let the box slide through with a broken seal."

We drove up to the front of the Data Processing Center at about 8:45 p.m. The police cars were unloading the security boxes full of ballots onto four-wheeled dollies.

We got out of the car and MacKenzie went to park. Ken turned the videocam on the police.

"Who you with?" one of the cops asked.

"The boss sent me," Ken said casually.

We followed one of the four-wheeled dollies behind the workers who were pushing them into the front door. There was a security desk and video camera located in the lobby between us and the elevators. A woman behind the desk was issuing I.D. badges, while a uniformed guard stood next to a sign that read: "You must have I.D. to enter this building."

"A New England town meeting, it isn't," Jim remarked.

"Where are you guys from?" the guard asked.

"The *Herald*," Ken deadpanned with his finger still on the video button.

"Yeah, we're going up to see Bob Lowe," Jim added, seeing Lowe's name on the security list.

The woman asked our names and we told her.

Then the guard leaned over to a security helper and said out of the side of his mouth: "Call Leahy."

The helper started to dial.

160

Video Vigilantes

Jim turned around and saw a blue suit, vest and dark sunglasses coming through the door. He turned to the woman with the badges and said, "He's from the FBI."

She immediately issued the three of us building passes reserved for the *Herald*. We attached ourselves to another dolly full of boxes and headed for the elevators.

The videocam caught the sound of a telephone ringing behind us, and a loudspeaker boomed:

"Security chief to the lobby! Security chief to the lobby!"

But the elevator doors closed and we were in.

We got off on the third floor and followed the dolly into a well lighted room about the size of three tennis courts. A lot of people were working at tables.

Young guys in T-shirts lifted the security boxes off the dollies and placed them on tables in front of women who would break the seals by twisting them or cutting them with heavy shears. They would then open the boxes and take out the stacks of ballots and place them in cardboard trays without tops.

Ken asked of one of the women:

"Where is the League of Women Voters?"

"Through there," she pointed.

8:50 p.m..

We entered a big, carpeted room. There were reels of computer tape in racks on our left. On our right were about twenty men and women

VOTESCAM

161

dressed for business. They were recognizable as the county bigwigs: judges, members of the election division, the Mayor of Miami and others. In front of us was a row of seven machines about three and one-half feet high.

These were called BMXs, or ballot multiplexers.

The camera saw six empty machines. They were unlighted and appeared turned off. At the seventh machine was a heavyset young guy in a white shirt. His machine made a clacking noise.

As we approached him, the camera recorded about 500 punchcards stacked in a hopper on the right top of the machine. A thick, black Magic Marker line was drawn across the top edges of the white cards. We were later to learn that only *already counted* punchcards were marked with a black line.

We watched as the cards were sucked from that hopper past a photoelectric cell that shined a light through the punched-out holes and recorded the position of the holes on a tape.

The camera rolled as the man took a card from the already counted side on the left and, in a sweeping arc, transferred it back to the uncounted side on the right. The machine was still clacking away.

Then he looked up and saw the camera.

Ken asked: "What are you doing?"

He didn't answer. Instead he glanced over his shoulder with a "Do I Tell Them Anything?" look on his face. Ken swung the camera around and

162

Video Vigilantes

focused on a man with a goatee and eyeglasses.

"Who are you?" he asked, like the Caterpillar asked Alice.

"It's not important who we are. Who are you?"

Jim looked at his badge. "He's Joe Malone."

"You're Joe Malone the computer chief who programmed this election?" Ken asked.

"No, I'm not."

"You mean you're denying who you are?"

We knew Joe Malone from our research but had never met him.

The *Herald* called Joe Malone the "*God of Elections*" because without him an election could not be programmed for counting.

"You'll have to leave the room immediately; you're not allowed to be in here." Malone said.

Another voice piped up: "You've got to get out of here."

Ken turned the camera right into the face of David Leahy.

With that, a burly, blond Metro police officer grabbed Ken's arm. Ken whipped the camera around, got a picture of the policeman's head, badge and uniform, and asked:

"Are we under arrest?"

"Not if you leave peaceably right now."

The policeman escorted us into a large room adjacent to the counting room. As we walked through the door, the first person we saw was Bob Lowe, with pen and paper in hand, grinning.

"Oh, there's Bob Lowe." Ken tried to provoke a

VOTESCAM

163

reaction. "Bob, did you get into the secret basement where they take the reel of tape to have it counted?"

Lowe didn't bite but kept grinning.

The policeman pointed to a glass window in the wall.

"You can look in through this window here."

The BMX room from which we had just been evicted could be seen in total through the window, but everything going on was much too far away and the view was blocked by people. That window was as close as the public was permitted to the counting process.

Ken took a quick shot through the window.

"Nah," he said, "this is no good."

And he walked back to the door.

Three uniformed policemen were blocking the doorway.

At this point Ken got even more provocative as he kept shooting.

"What have we got? Malaria? If the police apparatus can be in there, why can't we? Have you been ordered by your bosses to keep us out? Do you take orders from them?"

"Yeah, and I give orders, too," drawled one of the cops.

"What happens if I try to come back in?"

"You'll be arrested for trespass after warning. Read the statute and the process."

Ken turned and panned the room. There was a purple velvet rope which kept the public from the rest of the room. And on the other side of

the rope was a large area we hadn't even noticed. In it were about 70 men and women, casually dressed, seated at long tables.

The camera focused on a woman with a box of ballots in front of her.

"Are you from the League of Women Voters?"

"Yes."

We saw people riffling through stacks of *beige* vote cards. These were not the same as the *white* cards we had just witnessed being run through the BMX machine.

Jim's attention was drawn to a woman sitting directly in front of him. She had a black pencil in her right hand and was busy poking a new hole in a card. Then she reached around the back side of the card and pulled away the piece of "chad" that dangled by a thread.

Ken asked: "Why are you poking a hole in that card?"

"Because it didn't go all the way through."

Jim, acting as Ken's peripheral vision, told him to pan the room.

"Get the chad all over the tables and on people's clothes."

Ken began to videotape people holding the punchcard ballots up to the light and, using those black pencils, punching holes in them.

"Get 'em outta here!!" The security guard, who had been too late to catch us in the lobby, stuck his hand in front of the camera.

Ken said: "Hey, pal, get your hand off my lens."

With that, four cops grabbed us, two on each, and force-walked us out the door and back to the elevator.

"I'm not under arrest, am I?" Ken still had the camera rolling.

Instead of the elevator, the police marched us down three flights of steps, and all the way back to Galloway Road into the dark night.

"If you come back," one of them said, "you'll be arrested."

As the cops walked away, Bob Lowe stuck his head into the frame. He had followed the action out to the street.

"You've got to get into the basement to see what happens to the tape after it comes out of the BMX machines. We didn't get that far. Will you do it?" Ken asked.

"Yes," Lowe promised.

That night back at the *Herald*, Lowe wrote that there was "a blizzard of chad on the floor beneath the feet of the volunteers," indicating the massive extent of hole punching after we left. Lowe claimed that he named the League of Women Voters as the volunteers and that he wrote about us being dragged out. But the city desk, on Jim Savage's order, stopped it.

MacKenzie's brown Buick loomed out of the darkness. We jumped in. We had gotten proof of election rigging on tape. We crowed.

9

SHOTS IN THE DARK

"There's nothing like a good plan that comes together."

—The A-Team

Within two weeks we were back on the road to Washington. We had an appointment at the offices of the Republican National Committee and its legal counsel, Mark Braden.

The RNC offices were not far from The Library of Congress on Capitol Hill. Braden turned out to be a short man in a small office. We were seated on a low couch across from his desk that forced us to look up at him.

"We shot a videotape of members of the League of Women Voters who were punching holes in computer-counted ballots," Jim opened. "We'd like to show it to you."

"The League is above reproach," Braden said,

sitting up straight. "They do a great job for America."

He told us he once worked as the chief elections official for the State of Ohio, and he maintained regular communications with the League through its national president, Dorothy Ridings. He had worked with her on several occasions, including the presidential debates.

Ken asked:

"Are you aware that the League spent years of time and effort and money to lobby the punchcard system through the legislature of nearly every state?"

"I don't see anything wrong with that."

"Not even if the payoff and *quid pro quo* for their efforts was a nationwide sweetheart contract in all the major election venues hiring the League to pierce the public's ballots on election night?"

He was silent. Then he mulled something over and said:

"You know, the RNC hasn't any particular clout with anybody in the government. We have to keep our nose out of governmental operations. If we even attempted to get involved in the job the Justice Department is doing we'd be in hot water."

"Will you look at the tape?" Jim asked.

"No. It's not up to me."

"But the reward offer says that you have attorneys that you'll put us in touch with. Who are they?" Jim asked.

"That would be up to Frank Fahrenkopf, the President of the RNC."

"How do we get to see him?"

Braden was looking at his watch. Finally, "Look, why don't you contact the Justice Department on your own initiative and ask for Craig Dansantis, or something like that. I believe he's the chief vote fraud prosecutor attached to the Public Integrity Section."

He mispronounced Donsanto's name, as if he didn't know the man.

We had met and briefed Donsanto in March 1972. He refused to act then. Now Braden was sending us back to the man whose job, it appeared to us, was to keep the stopper in the bottle of vote fraud.

Braden clearly had no intention of helping. For us, it was ridiculous to see someone in his position, with the power to telephone the U. S. Attorney General or the President, trying to sell us the idea that he couldn't spur any government action.

The first words of the reward offer, written by former RNC Chairman Richard Richards, stated: "*It has saddened us to learn that vote fraud still exists in many parts of this country.*"

Well, Braden was the one the RNC directed us to, but he was *not* saddened by vote fraud. His sympathies were clearly in league with the League.

We sat in stunned silence, trying to figure out how we could salvage anything from this trip.

Jim assessed Braden's obtuseness and realized that there would be no record of the meeting, except for the sign-in log in the lobby. And if there was no proof, it would be easy for them to say, "Hey, they never came to see us."

So Jim said:

"Why don't you call Donsantis and tell him to see us?"

"I've got no clout with Justice," Braden said in a whiney voice. "What do you want me to do, call the President, too?"

"Yes," Jim said, "or at least the Attorney General."

"If I do that, the RNC will be in hot water."

"That's a crock," Ken said.

We looked at each other in exasperation.

"I've got nowhere to go," Jim leaned back on the couch, stretching out his legs, "so I'll just sit right here to get this appointment on the record."

"I'll call the security guard."

"Go ahead."

Braden rang for security. The look on his face was angry and hurt. Very few people who are given the runaround in Washington refuse to walk away meekly. Politicians and bureaucrats count on that "responsible" behaviour, and to encounter confrontation on the part of the public makes them doubt their own potency.

Braden sat and fumed until the guard came.

The guard took our names and we asked him

to put our "sit-in" on the building's log book, the time and whom we saw.

"It's already on the log book when you sign in," he said.

"Remember that we were here in Braden's office," Jim said, getting up from the couch, "because you may be subpoenaed."

"I'll remember," he assured us. "Now please leave or I'll have to call the police, and they'll remember, too."

We laughed. Then Jim walked back to the couch and sat down.

"Go ahead."

Ken sat on the arm of the couch and watched the expressions on everybody's face, then he said:

"If we turn this into a police matter, which I think is probably a very good idea, we could get it in the papers, maybe on television..."

"I don't think the *Washington Post* goes in for Sixties politics anymore," Braden said, feet on desk, hands folded behind his head.

Jim turned to the guard.

"See, a police record will guarantee that we attempted to get Braden to see us, because we suspect that he's going to deny it."

Ken closed the debate: "Why don't you just write a report and give us a copy, so that we don't have to say that you guys somehow colluded to wipe out this meeting?"

Braden decided we weren't bluffing. He told the guard to write a report stating that we were

trespassing in his office, and that he had to call the cops. That was Braden's pound of flesh, but we left with a copy of the report.

On the way home in the Maverick, we talked about what a sorry fucking state the country was in when a citizen has evidence of vote fraud and nobody will do anything about it.

We knew that Donsanto wouldn't do a damn thing. And we didn't tell Braden that we knew Donsanto. We figured: why give him more ammunition to use against us in any future claims? You can bet that if we went to the Justice Department on our own, the RNC would later claim that we weren't entitled to their reward offer because we didn't use their attorneys...the ones they promised would put us in touch with the proper authorities *who will proceed*.

In the Fifties there was a movie titled *Brotherhood of The Bell* that starred Glenn Ford. It was about members of a fraternity in California who belonged to *The Bell*, which was an evil good old boys' network. Only members of that fraternity could become powerful judges or politicians in California. Glenn Ford discovers its existence, but it's his word against theirs, and the most powerful and prominent people in the state are all in cahoots.

"It's the fucking *Brotherhood of The Bell*," Jim said. "Everybody's in it and nobody can talk."

"Yeah," Ken agreed, "but Glenn Ford finally gets somebody to break."

"But only after his family leaves him and he's a broken man."

We weren't happy, and in a way, we also felt dirty, like we had uncovered terrible shit and had gotten it on us.

Ellis Rubin and Janet Reno were unfinished business. Reno, in the intervening years, had been elevated to Dade's State Attorney. We wanted to find out what had driven Rubin out of Reno's office eight years before.

A newspaper crusade has a way of quickening the blood in veteran newspapermen, and big Elmer Rounds turned out to be spoiling for a fight.

When we told him what happened in Braden's office, Rounds wasted no time in dedicating the resources of the *Home News* to combat.

For nine straight weeks we hammered Janet Reno with an onslaught of articles. We charged her with cover-up. Every story challenged her to answer questions about her conduct with Rubin in 1974, when she told him "*the statute of limitations has run out on the vote rigging crimes.*"

Research proved that Rubin had presented her with the evidence of vote rigging 48 hours short of two years. So the *statute of limitations had not run out.*

Finally, after nine weeks, Reno was forced to

issue a statement. She called upon Governor Bob Graham (Katharine Graham's brother-in-law) to appoint a special prosecutor to "look into the charges" that she was consistently protecting vote-rigging friends. She said her own landslide victories in two consecutive elections held four years apart, "disqualifies me as an objective person to judge the merits of the Collier/Rubin charges. And since I am being accused each week in a community newspaper of being engaged in obstruction of justice for not choosing to prosecute, I am requesting this special prosecutor to investigate my role in this, since I cannot be expected to investigate my own activities."

We saw this as a smart ploy by Reno to wash her hands of the entire matter. If she should ever be asked to discuss the issue, she could squelch the subject by claiming: "A special prosecutor is looking into it."

And that was that.

We called Don MacKenzie "the Leprechaun" because if you took your eyes off him for a second he was gone.

MacKenzie loved to play politics, but he didn't fit in with any political crowd. The downtown Metro cronies bored him, and they couldn't be sure what his agenda was. He could be a friend and confidant to the most saintly and the most corrupt, without necessarily tipping off one side to what the other was up to. His unique ability

to pal around with all castes in the Miami heirarchy – from the high rollers he took out on his yacht, to low lifers hustling for dollars – made him a friend to all. Indeed, friendship was MacKenzie's stock in trade.

Elmer Rounds often found MacKenzie sitting outside his office plotting how to get rid of him.

It started when Rounds printed one of those CIA war stories about MacKenzie, essentially blowing Don's cover. Then, when Rounds wrote an editorial favoring a politician that MacKenzie didn't like, MacKenzie snuck in at night and pulled the offending paragraphs from the story and replaced them with an ad.

The Leprachaun had struck.

When Rounds saw the paper the next day, he was livid. MacKenzie, who came up to Rounds' chest, was equally pissed. He looked up at the 6'3", 200-plus pounds of Rounds and said:

"I'll kick your ass down those stairs if you ever get in my way again."

Within days MacKenzie announced that he had bought the paper and that Elmer had gone upstate to run a printing plant.

MacKenzie moved into Rounds' office.

During the nine-week Reno attack, we also renewed our relationship with Ellis Rubin. He never did tell us what happened in Reno's office that day in '74. He simply said: "I asked her to do her duty and I left." He wouldn't go beyond that statement.

He once told us a story about being a young naval officer who wanted to join the CIA. He went through all the formalities, but because he had stuttered as a kid, the CIA was worried that under some incredible pressure, he might revert to form and find himself stammering at the wrong time. According to Rubin, he was therefore rejected by the CIA.

But MacKenzie told us stories about Rubin's position as CIA bureau chief in the Caribbean basin. He also told us about his own exploits as pilot and expedition leader to several Caribbean countries. Having just met MacKenzie, we weren't sure if he was bullshitting, but one day, Jim got ahold of MacKenzie's "little black book" and found the home phone numbers of top agents.

If MacKenzie was right, and Rubin's stuttering story was simply created to deflect serious inquiry into his background – then Ellis Rubin is, by now, a Thirty-Year Man in the Company.

What Rubin never told us was that his call to Robert Rust in 1972 got us the appointment with Donsanto. He also never mentioned that he was a personal advisor to Richard Nixon, and that he could easily put through a phone call to either the White House or Key Biscayne. We found out these facts years later in conversations with him.

When you consider that Rubin filed a federal lawsuit on behalf of Cuban prisoners held for ransom in Cuba after the JFK/CIA Bay of Pigs invasion failed – and that he was the lawyer for the Watergate burglars, except Gordon Liddy –

it makes a good case that both MacKenzie and Rubin were well connected, to say the least.

Rubin viewed the *Votescam* tape and within days issued the following itemized report:

OMBUDSMAN'S REPORT

By: Ellis S. Rubin, Esq.

1. CONCLUSION: Computerized voting by punchcard thwarts the will of the people. A cancer is growing on our most precious franchise. It must be eradicated.

2. FACT: In 1972, Circuit Court Judge Henry Balaban appointed me to the post of Dade County Ombudsman to investigate and report on any alleged irregularities in the Dade County voting system.

3. HISTORY: In 1974 I submitted physical evidence and a report to the Dade County State Attorney's office. I recommended prosecution of those public officials connected with three specific methods of vote fraud which I demonstrated both to the press and to Assistant State Attorney Janet Reno. No official action resulted.

4. CURRENT: On this past election

day, November 2, 1982, some disturbing events surrounding the general election were videotaped. You will be shocked and sickened to see seventy workers from the League of Women Voters sitting at long tables at the Dade County tabulation center using pencils to punch holes in thousands of paper punchcard computer ballots prior to their being counted. These women do not take oaths to perform this task, are not elected, and in fact, are not authorized by state law to be there at all.

The report went on to itemize the several State and Federal laws that Rubin found to be violated on the tape, including the contraband-seal incident; the BMX card-reader operator covertly rerunning a blank deck through the counting mechanism; the League poking and scraping at the ballots, and the forced removal of two reporters from the premises.

Taken all together, Rubin's findings might normally have been expected to tickle the antennae of prosecutors at the State Attorney's office. Or at the very least they would have been the catalyst for a Grand Jury investigation. But, as the Seminoles we went to elementary school with used to say: Dade County politics is "tough

as a snapping turtle and lower than turtle shit."

By January of 1973, the *Home News* had lost most of its advertisers. The all out attack on Reno and the Dade County elections department had caused overt pressure to be put on local merchants, and they didn't want to fight City Hall.

At that point the paper was taken back by its former owner. In less than three months his wife turned it into a pious religious publication.

Early one morning, Jim and MacKenzie cruised out to the Gulfstream in MacKenzie's fifty-foot yacht. They trolled for shark. They talked about what it would take to introduce a new paper to Dade County.

They decided to start the Miami *Herald-Tribune* out of MacKenzie's pocket. He found partners who owned all the paraphernalia needed to start a small tabloid.

"If the FBI would be interested in a story, that's the story I want to pursue," MacKenzie ordered.

But it was just four issues later that our thinking clashed with the partners. So we went to Miami Beach and left the mainland to MacKenzie.

We started our own newspaper called the Miami Beach *Herald Examiner* with offices in the karate school. MacKenzie subsidized our first issue and we sold ads after that to keep it going. The *Examiner* was fearless in naming names

and exposing crooked politicians, developers, the power structure, the news media. It only attacked people big enough to attack back.

The *Votescam* story was always on the front page.

Shakti, who we now called Liz, drew ads for local merchants. They were so good that we sold every one of them. Within one week the paper was in the black. We gave MacKenzie the *Votescam* stories to use in the *Herald-Tribune*. Between us we covered Dade County.

The paper was given away free, and the political awareness was feverish. The elderly transplanted easterners on Miami Beach followed gossip among the local players like soap opera addicts. The paper grew from eight pages at the outset to a steady 16 pages, paid for completely by advertisers.

Soon the pressure against our crusading started to hurt. At first it was subtle, such as the loss of tire pressure in our vans on delivery day. Sometimes it was overt, such as having our newspapers stolen from drop points and trashed. Or having our advertisers telephoned by someone claiming to represent the State Attorney's office and *suggesting* that if they continued placing their ads they were in danger of being indicted. The word *indicted* scared away some of our customers, but many were survivors of Nazi intimidation and they didn't threaten easily.

Then one day we got a tip: the politicians on the Miami Beach City Council were meeting in secret with the City's power brokers two days before their actual city council meeting.

Our informant attended these secret meetings, he said, but he didn't approve of what was going on.

He told us the meetings were held in the plush board room of the Senior Corporation, a land development firm with offices in the Flagship Bank Building on the Lincoln Road mall.

"The council members," he said, "are violating the Florida Sunshine Law." The law states that *no elected official may meet privately with any other elected official on the same council to discuss how they would vote at the next meeting.*

"They're getting together in private on Monday night before the Wednesday public meeting. So Wednesday's meeting is fixed in advance. And that pisses me off real good," our informant told us.

On the following Monday night we were in Ken's van in the parking lot of the bank. We waited for the Miami Beach City Council members to appear.

Within the 30 minutes from 7 to 7:30 p.m. we photographed five of the seven council members entering the building. The mayor didn't show up. The *Herald Examiner* in its next

edition ran a story about the secret confab in direct violation of the Sunshine Law and promised the photographs would appear in the next issue.

The story described how members of the Miami Beach Council met with powerbrokers like Dan Paul, the lawyer for the *Herald*, the ex-police chief of Miami Beach who was now a private lobbyist, the heads of both the Miami and Miami Beach Chambers of Commerce, and several lawyers and speculators with property interests on the Beach. Also in attendance were the owners of the local television stations. The public was not invited and the press bigwigs who were in the *sub rosa* session did not report it in their media. This entirely private affair was illegal, and if prosecuted could pose the threat of a jail term for everybody involved.

Photos of those attending a secret meeting – even though published in a 5,000 circulation weekly – seriously troubled almost everybody in that room.

In our off-hours from writing and delivering the paper, we unwound by shooting pool in the Bingo Bar on Miami Beach. Whole nights could pass trying to hold the table against Big Red, or some lucky tourist with a hot eightball instinct.

One night a guy we knew walked into the Bingo. He put his quarters on the pool table, sat down on a stool at the back of the room, and quietly waited his turn to play.

The green-shaded light over the pool table left the edges of the room in darkness. We were standing in those shadows when he got up and ambled over. He pleasantly informed us not to run the pictures taken outside the bank building. If we did, he promised an abrupt and permanent ending to our careers. We had no trouble believing him.

(Back in the Sixties Art Kunkin, publisher of the L.A. *Free Press*, printed the names of all the narcs in Los Angeles. So Jerry Powers got the names of all the Miami narcs from an insider in the State Attorney's office and threatened to print them in our next issue of *The Planet*. He was told that if he did, he would end up floating in Biscayne Bay. He chose the side of discretion, not valor.)

We left for Washington the next day.

One week later MacKenzie, who had printed all our *Votescam* stories in the *Herald Tribune*, was driving home after dark. He pulled into his driveway. Just as he opened the door and stepped out, he heard a bullet punch the old Buick.

He dropped to the ground to use the door as a shield.

Three more bullets tore into the car. The last bullet cut through the metal of the door and, crumpled and spinning, hit MacKenzie in the kidney area. He was badly bruised inside and out, but miraculously, the bullet only penetrated an inch.

The Leprachaun had escaped again.

The next day the *Miami Herald* refused to report on it. The *Herald Tribune* and the *Herald Examiner* never published again.

10

WATERGATETOWN

1984 -1988

"Anybody who isn't paranoid in Washington must be crazy."

—Henry Kissinger

It was a May afternoon in Washington. We parked our disreputable pair of 1968 VW vans at the corner of Constitution Avenue and 14th Street, N.W., near the Washington Monument.

The thermometer read 95 degrees in the shade and it was humid. You could smell the sweet decadent perfume of the magnolia trees with their huge white flowers. Ronald Reagan was President and the booty-shakers were in charge of the nation. It was a city where your power status was measured by the car you drove, and we drove vans that hadn't been washed or painted since Woodstock.

When our vans were parked together in the

shadow of the Monument, they looked like a commercial for a beer company that says, "IT NEVER GOT BETTER THAN THIS."

Jim said: "It's going to be a long winter if we don't have a plan and if we don't get any breaks."

Ken missed Liz and Unity. After hearing about the guy in the Bingo Bar, Liz decided it was time to take Unity away from the madness. Ken was in a constant black mood, and it was Jim's lot to keep him focused on both *Votescam* and personal survival.

We had "exhausted all local remedies" when our newspapers were put out of business in Miami, so the only move left was finally to call the Justice Department's Public Integrity Section and ask for Craig Donsanto. If he actually got on the line, there was an outside chance that we could get an appointment with him. And if we found ourselves in his office, there was a chance we could pull the thread on the reward offer.

The *Votescam* video now seemed crucial to our future. Dispossessed from our former lives on such short notice, we swore that we would survive in the Capitol by grit and wits. We could normally have counted on MacKenzie to help keep us afloat, but his bruised kidneys put our friend in the hospital "incognito" for several weeks.

Ken called the Justice Department.

"Craig Donsanto, please. Mr. Collier calling at the instruction of Mark Braden, chief counsel of the Republican National Committee."

"Donsanto, here."

"Is this the Craig Donsanto we know and love?"

"I presume this is one of the Collier brothers from Miami. How are you? What brings you to Washington this time?"

"Of all things, a reward offer put out by the Republicans for admissible evidence of vote fraud. We've got the evidence. We need you to confirm that it's admissible."

"What kind of evidence is it?"

"Videotape. It's really some fascinating stuff."

"Do you want to drop it off?"

"No, we want to be there when you view it. We've missed you all these years. We can talk about old times. We'd like to get your comment on a couple of memos Henry Petersen wrote, using your name, just before Watergate. You remember Watergate?"

"N-o-o-o-o comment," he said coyly.

The mention of Henry Petersen and curiosity to find out what the prosecutor of the Watergate burglars had to say about him, lured Donsanto to invite us over.

"All right, why don't you bring it by tomorrow afternoon and I'll take a look."

As we drove around Capitol Hill looking for a place to park the vans for the night, we wondered about Donsanto's "no comment" in reference to Watergate. We knew the connection Petersen had with both *Votescam* and Watergate, as the FOIA file showed he was the chief investigator in both cases.

We had only a day to plan. We went over to the *Washington Times* the town's only rival to the *Washington Post*, and met with managing editor Woody West, who had invited us to show *Votescam* material if we ever came to town. West assigned a reporter to our story.

An hour later we were scoffing club sandwiches and iced tea in the dining room with reporter Gene Goltz, a two-time Pulitzer Prize winner who told us he was amazed that we could obtain instant access to a Justice Department official.

"What have you got on Donsanto, or what does he *think* you've got on him?" Goltz asked.

"Something about Watergate, Gene, but it's a long story."

We asked Goltz to go with us to see Donsanto as a professional witness. Goltz was game.

The building guard alerted Donsanto to our arrival, and as the elevator doors opened he was there to greet the three of us. He was still melon-headed. He ushered us into a nearby library conference room where there were more introductions. Donsanto had invited two witnesses of his own - Patricia Prilliman, an FBI agent from the local office, and Nancy Stewart, an assistant prosecutor in the Justice Department. The six of us took seats at the

conference table. Prilliman, Stewart and Goltz were poised to take notes.

Donsanto had spent the previous twelve years consistently declining to prosecute any but the most amateur vote fraud. The only exception to this was convictions in Cook County, Illinois, against some officials who knowingly voted "dead people."

"How long is your tape?" Donsanto asked.

"It's about 45 minutes. It's totally convincing," Jim said.

"If it's so convincing, why haven't you taken it to '60 Minutes'?" That wooden grin again. "Seriously, you know that my door has always been open to you."

Coming from Donsanto, that comment was as sincere as a Mafia kiss. Ken, who was nursing broken dreams and a bad temper, decided to take the offensive.

"Your door may have been open," he said, "but according to FBI files, you've made it your business to *close* all cases. The tape is another one of our efforts to find out why. We've come to the conclusion that wherever the computer is, the American voting system is shot through with corruption." Donsanto's cheery face flickered darkly. Had he allowed himself to be set up in front of witnesses? Worse yet, were the Colliers acting in behalf of some government investigative arm, trying to pin a case of obstruction of justice on him?

We handed him a sampler of the vote fraud evidence gathered over the past decade: a Blank-Backed Canvass Sheet, a forged Canvass Sheet, a Printomatic Return Sheet and a TV computer read-out used by Channe17 in the original *Votescam* of September 8, 1970.

"We're asking you," Jim said, "why you haven't done anything about all this?"

Donsanto felt the heat.

"Why are 37 pages of the Justice Department file on the Miami vote frauds deleted from the FBI files we got from Freedom of Information?" Ken asked. "And why are they censored by 'another government agency'? Are we talking about an agency that can't be named because it's the CIA?"

Donsanto checked notations from his file.

"Yes," he said. "The coding here indicates that the material is under national security."

It was the first time a Justice Department official admitted that vote fraud investigations had a national security lid. Why?

Ken pressed harder.

"Are we talking about a domestic vote fraud probe ordered by Henry E. Petersen into the culpability of three Miami TV stations—one of them owned by Katharine Graham—being of vital interest to the CIA? We think so, because only the CIA would hide its involvement in domestic affairs."

Donsanto stammered. "It's a matter of national security, a call I never made."

His eyes narrowed. He peered over at Goltz.

"Who did you say you represented?"

"The *Washington Times*," Goltz said. "I showed you my press card when we got off the elevator. If you don't want me here for some reason, I'm willing to leave."

Donsanto slammed his notebook and rose to his feet.

"That's it! I didn't realize you were a *reporter*. This meeting is over. And don't bother calling me for any further meetings, you won't be put through."

"But what about the t-a-a-a-pe...?"

Before the question was completed, Donsanto was out the door.

Prilliman and Stewart just stared at each other.

Just then Donsanto popped his head inside the doorway.

"If you have any further questions direct them to Mark Shaheen in the Public Relations office on the 10th floor," he said.

We drove back to the *Times* in Goltz's battered old Chevy.

"Is this a story, Gene?" Jim asked.

"I think it is. But it's going to be up to Arnaud de Borchgrave." He was referring to the spy-editor of the *Washington Times*. "It's his agenda and he's CIA. Chances are good they'll never print it."

We stopped at a Holiday Inn on New York Avenue where *Times* reporters liked to drink and play liar's poker.

"You guys should get your video on television. Go to the networks."

Goltz promised to write a story on the meeting with Donsanto. If he ever did, it never ran.

That night we found an acceptable, unobtrusive place to park our vans. The Union Station was undergoing renovation and the ellipse out front was available. Like small elephants in tandem we pulled the bulbous VW's into two adjacent spaces and settled in after a lengthy rehash.

At 10 a.m. the next day we put a call through to the news desk at ABC Television. It turned out better than we could have hoped. ABC's supreme court correspondent Tim O'Brien took the call. We explained the reward offer, and the runaround we had gotten from both the RNC lawyer and the Justice Department.

"You've got my curiosity piqued," O'Brien said. "Why don't you bring the tape over?"

"We understand you're an attorney, Tim?"

"That's correct."

"Wonderful. We'll be right over."

O'Brien let us know up front that he couldn't guarantee ABC would do the story. He explained that would be a decision made by others.

However, if we had what we claimed, he thought it would be a story of explosive national significance.

"I put in a request for a screening room and

engineer," O'Brien said. "While we're waiting, I'd like to take a look at exactly how they worded the Reward Offer."

We gave him a copy, plus other materials including the final issue of the *Home News* featuring more than a hundred still photos of the *Votescam* video. He read them with intense concentration.

A buzzer sounded.

We trailed O'Brien through several corridors. As we entered the screening room, he was reading a copy of Rubin's report.

"We've got slow motion, stop motion and picture enhancement here," the engineer said.

As we got to the part where the stocky guy at the BMX machine lifted the white card from the *already counted side* and stuck it back to be counted a second time, we asked the engineer to stop the action.

"An FBI agent in Miami showed us this," Jim said, "look at this..." he pointed to the screen, "the hole in that phoney white card is running vertical. Later, when we get to the League punching out holes in real cards, you'll see the ballots are beige, not white, and *those* holes are running *horizontal*."

O'Brien was impressed. As we left the screening room, he said: "I can't deny that you delivered on that tape. The only question is what do we do next, and that's a decision I'm in no position to make."

"That's what bothers us," Jim said. "You're an

attorney with the legal expertise to know felonies when you see them – backed up by Rubin's Ombudsman's Report – still the decision to go with the story isn't yours to make?"

"Welcome to network news, gentlemen," O'Brien said.

He asked us to stay for lunch on the company credit card after he made a few calls. It wasn't long before he came back with word on the fate of our story. He had phoned Braden and assured him that in his opinion as newsman and lawyer, our videotape had everything the RNC was looking for in the Reward Offer.

Braden gave him the "Catch-22" excuse. There would be no way the RNC would ever consider paying out reward money unless there was prosecution and conviction. And as far as he knew, there were no prosecutions planned either by the Justice Department or local authorities. His main concern, according to O'Brien, was whether or not ABC was going to broadcast the story.

O'Brien's call to Donsanto perplexed him.

"I've known Donsanto for years, and this was the first time I've heard him resort to 'no comment.' Usually he's quite gregarious."

"Do you think ABC would ever run the story?" Ken asked.

"Frankly, I have serious doubts," he answered. "The reason for their reluctance has more to do with loyalty to the League than the news value

of your story. Understand that ABC subsidizes the League and hires their membership *en masse* on election night. It's not surprising they'd want to protect its reputation."

After lunch we said we'd call for the results of his efforts with the top ABC brass.

"This stuff is really great," O'Brien said, "and I admire you guys for getting it. But you've got to remember something."

"What?"

"When you're dealing with the networks, you're dealing with a shadow government."

We crossed the gilded expanse of carpet in the Mayflower lobby, heading from the world of expense accounts into the uncertainty of the afternoon. What next? The power lunch was over. It was drizzling. Miami was a painful memory. The battery in Jim's van was dead. Time was leaden, unforgiving.

It was obvious what had to be done. We had to obtain a base of operation, housing, a phone, respectability, credibility, and income.

The first thing we needed was a shower. One place we figured might have "complimentary showers" was the Shakespeare Theater on Capitol Hill. Ken, who was born on Shakespeare's birthday and could quote vast passages of The Bard, pretended to be a Shakespearean actor. He eloquently talked his way backstage where he found what he was looking for, fully equipped dressing rooms. After

that, we would take turns keeping guards occupied while one of us would sneak backstage for a shower.

The fifth floor reading room of the Library of Congress annex on Third Street was an air-conditioned oasis, filled with the entire collected wisdom of the ages until 6 p.m. We were able to accomplish invaluable research, between naps of the head-on-arms variety, generously overlooked by the library staff. It was a place suspended in time.

Each small increment of routine we established boosted our morale. Driving us was the conviction that the evidence we had so painstakingly gathered on election fraud since 1970 must not be allowed to dissipate and be forgotten.

The answer to our financial dilemma appeared in the Library of Congress reading room for current periodicals. We came upon a copy of the *Spotlight*, a weekly political tabloid distributed nationwide. Although our research showed its editorial policy was strictly right wing, it had a million readers weekly, and, surprisingly, on staff were such liberals as lawyer Mark Lane, writer Andrew St. George and ex-CIA spook Victor Marchetti (who was exposing CIA abuses). Best of all, its office was located directly across the street from our temporary headquarters in the Library.

There were certain phone booths in the Library building which were lucky and others

definitely to be avoided. Ken telephoned the *Spotlight's* senior editor, taking care to use the lucky booth. Editor Vincent Ryan immediately invited us over.

We proposed a year's worth of *Votescam* stories, one each week.

Ryan's enthusiasm was tempered by space considerations, and the requirement that *Spotlight* lawyers (including Mark Lane), go over every inch of our material. Once we jumped those hurdles, the articles could start running, and only then would we be paid.

"How long?"

"Maybe six weeks."

Now we had articles to write and the possibility of money coming in before winter. However, just as quickly as the cool atmosphere of Ryan's office faded from our skin, replaced by Washington's sticky humidity, we realized that the most lofty enterprise depends, in the last analysis, on the bottom line.

The street people we met during the next six weeks in Lafayette Park, across from the White House, inspired us to hold out against gainful, steady employment until The *Spotlight* gave us a room and typewriter. Lafayette Park used to be the front lawn of the White House until Pennsylvania Avenue cut through it from east to west. The park runs two blocks along Pennsylvania Avenue and is one block wide from north to south. It's surrounded by the Court

of Appeals, a yellow stucco church, and a row of old townhouses. There are several fountains, chess tables, curving walkways, benches, old trees, and a big statue of General Lafayette who helped America win the Revolutionary War.

From all over the country, for every imaginable reason, rooted in idealism or frustration, protestors appeared with their signs and banners in the park. They felt they had grievances that only the President could redress — if only he would gaze out his front window and give a shit. There were giant plywood signs on which were written the words that defined somebody's cause. When some really serious issues of life and death, war and peace, arose in the news, the Buddhists in saffron robes would come to the park with their great skin drums and produce a steady, relentless, incessant "*Boooooom, boooooom, boooooom, boooooom, boooooom, boooooom.*" It drove the President nuts.

"Can't you stop those drums?" Reagan was quoted asking.

"No," the Interior Department police replied, "not constitutionally."

In the evening, the MacKenna Wagon dispensed free sandwiches and Kool-Aid to these individualists, anarchists and assorted true believers of every stripe. At night, after we departed in our vans to Capitol Hill, the denizens of Lafayette Park faced arrest and imprisonment if a park ranger caught them so much as napping. No camping or sleeping was

allowed. The authorities acted under orders from the White House to keep the riff-raff moving.

The unofficial Mayor of Lafayette Park was William Thomas, a stone sculptor and jeweler from Albuquerque, New Mexico, who wore long dark hair and a beard. Thomas could peddle a bicycle around a corner no-handed, while eating soup with a spoon from a cup. He was a man of infinite balance. His wife, Ellen Thomas, had once worked for the Fish and Wildlife service as a secretary who could type 125 words per minute. She was intelligent and gutsy.

Thomas took great pride in the ethic of fighting back, no matter the odds, no matter the resources of his adversary. His own personal cause was against nuclear weapons, but he championed anyone who wanted to use the park to stage a protest, 24 hours a day.

Reagan's Secretary of the Interior, James Watt, issued a regulation removing the overt act of sleeping from protection of the First Amendment. Thomas doggedly pursued legal actions against officials responsible for arrests - from suing Watt himself down to the arresting officers.

Thomas, whose real name was William Thomas Hellanback, learned his legal basics in Washington's best public law libraries. He would pore over books to develop a defense against being thrown out of the park. They had already uprooted him from his niche in front of the

White House gates on the other side of the avenue. One night, while he was still on the White House side, his ten-foot tall wooden sign caught fire. Perhaps it was arson. The conflagration so riled up the Secret Service and the Park Police that a regulation was promulgated to keep all protesters on the other side of the street. And thus a place where people had been camping with protest signs since the War of 1812 was ruled off limits.

That eviction, however, launched Thomas into his role as street lawyer. He began to explore the necessities of *pro se* law. That's when no lawyer will take your case and you can't afford one anyway so you do it yourself.

Thomas claimed he was sitting "vigil" in the park, and would stay there until there were no more nuclear weapons -- years, decades, if necessary. The Park Service said: "No, you can't." Protest people like Thomas were an eyesore. Yuppies who came to the park to eat lunch were offended visually. The bureaucracy was offended because life wasn't orderly. The President and his wife across the street were offended by it all.

Thomas is one of the most famous and most photographed Americans. People from every state and around the world, including foreign press, constantly check to see if our country's only continuous anti nuclear protestors are still at their post. Tour buses schedule stops so that visitors can talk to Thomas and ask questions.

"When they go," said a Norwegian newspaper, "so will democracy."

The Park Police arrested Thomas and Ellen about every four months for falling asleep on vigil. Most of the time Thomas got out of jail right away, and then he would file a lawsuit against whatever service busted him. Eventually, he detected the telltale pattern of a conspiracy to take away his First Amendment rights of free speech and assembly, so he filed a federal conspiracy case. Ellen corrected and typed his legal briefs.

Ellen met Thomas in 1984 while on her way to cocktails at the Washington Hotel. A protest sign in the park caught her eye and she stopped. One of the street people told her about a philosopher who lived in the park, and since she was writing a play about a philosopher, she was immediately intrigued.

Within three weeks, Ellen had left her job, her buttoned-down life, and was living with Thomas in Lafayette Park. They were married in a Quaker ceremony.

Ellen had a wild, angry streak, but she also had a whimsical side, which she let loose on memorable occasions. The story of Casimer Urban, Jr. is a case in point.

In the summer of 1984, Casimer Urban, Jr., was arrested for protesting the Supreme Court decision on the Lafayette Park "camping" regulation. The High Court confirmed that homeless people couldn't sleep in their tents. So

for five days Casimer Urban, Jr. pretended to sleep in front of a sign that read:

**WELCOME TO REAGANVILLE, 1984
WHERE SLEEP IS CONSIDERED A
CRIME.**

Once arrested, Casimer told the magistrate that he wanted to represent himself. Instead, the magistrate appointed a public attorney who immediately suggested that Cas be put into St. Elizabeth's Hospital for 30 days psychiatric observation.

Exiled to the St. E's cuckoo's nest, Cas imitated Jack Nicholson. He was disrespectful, wise-assed, honest and funny. The psychiatrists decided he was a paranoid schizophrenic and injected him with Prolixin, which caused the side-effect of catatonia. Cas was in danger of being kept in the cuckoo's nest for good without ever standing trial.

Ellen was scared for him. And angry. She decided that anger was fruitless in trying to get Cas out, so she would use theatrics instead.

In October, she decided to climb a tall sycamore tree. Sometimes she perched way up high, sometimes on a lower branch. Then someone gave her a hammock and she slung it from limb to limb. She kept just out of reach of the park police. Ellen lived in a ski suit and took care of personal business in a cup. After a week, the park police and a D.C. SWAT team arrived at

202

Watergatetown

VOTESCAM

203

4 a.m. and plucked her out of the sycamore with a cherry picker. She was taken to jail, charged with *general injury to a tree*, which she denied, *attachment to a tree*, which she admitted, and *camping*, which she denied.

However, a law student who had passed under the sycamore and talked to Ellen, took the story to a professor at a local law school. The professor took Cas' case and got him out.

That night there was a wild party that must have kept Reagan up 'til dawn. *Boooooom, Boooooom, Boooooom, Boooooom!*

Between us and William Thomas, a street law firm was forged: Collier, Collier & Thomas. We were our only clients. But some of the biggest shooters in America, who collectively represented billions of dollars in assets, were destined to become defendants.

11

POWER CORRUPTS

"May you have a lawsuit in which you know you are in the right."

—Gypsy curse

Our office in Lafayette Park was a lean-to on the sidewalk; our desk a packing crate and our typewriter a Royal, circa 1929, well-oiled and in splendid working condition.

Ellen got us the typewriter from Mitch Snyder. He was Washington's homeless advocate who fasted in the park to within an inch of death when the government refused to give him five million dollars to renovate a building for the homeless. Dick Gregory was his fasting coach, and just before Snyder was to suck his last breath, Reagan gave in.

Snyder would serve hundreds of dinners to the homeless in the park every Thanksgiving and Christmas. That year as we stood in a cold,

dripping rain, waiting for stuffing and cranberry sauce, Jim told Snyder: "It's taken me a lot of years to work my way down from the top." We had gone broke going for broke.

All through that summer in the park we prepared a series of lawsuits. They were filed against defendants whose actions to suppress the *Votescam* video coincided with one another.

By fall, the *Spotlight* had run five of our Miami stories on vote fraud. They included an investigation of Computer Election Services (CES), the San Francisco firm which controlled most of the vote-counting apparatus in 1984.

Our first lawsuit was against the RNC. As we saw it, the reward offer was a binding contract. We wanted our day in court to show the video to a jury. Let them judge who was acting in good faith to expose vote fraud and who was trying to cover it up.

The lawsuit against the RNC also gave us breaking stories every week. Our stories were filled with excerpts from sworn depositions of prominent functionaries and politicians. There was also the chance we could use the law's discovery process to reveal further leads into the heart of vote fraud. We promised *Spotlight* editors that at least three more lawsuits would be filed in early 1985.

We submitted the following complaint to the court:

PLAINTIFFS: (Collier)

V:

CC CA10395-81

DEFENDANTS: Repub. Nat. Comm. et al Civil Action No. _____

1. JURISDICTION OF THIS COURT IS FOUNDED ON D.C. Code Annotated, 1973 edition.

Sec., 11-921

COMES NOW THE PLAINTIFFS and say:

1. **THAT** Plaintiffs are residents of the District of Columbia, appearing in pro se.
2. **THAT** Defendant is an unincorporated association with its principal offices located in the District of Columbia along with its Chairman and its principal legal office.
3. **THAT** Defendant caused to be published a nationally circulated press release in October, 1982 to the effect that a "Reward Program" was being offered to "individuals who give information" related to violations of certain State and Federal laws against "vote fraud." (Please see EXHIBIT "A" which is attached hereto and made a part hereof.)
4. **THAT** Defendant wrongfully and negligently contracted with Plaintiffs via the generally circulated press release referred to in Paragraph 3, guaranteeing to "...put them in touch with the proper State and Federal officials who will proceed with such complaint," when, in fact, Defendant had no authority to make such a promise, thereby luring Plaintiffs efforts through misrepresentation.
5. **THAT** Plaintiffs acting solely on the guarantee that their efforts would receive the official action as cited in Paragraph 4 herein, embarked on a mission to infiltrate and videotape the activities of a vote-racketeering ring operating with apparent impunity within the United States,

U.S. PROBES ELECTION COMPUTER MAKEUP

N.Y. Times News Service

WASHINGTON - A branch of the National Security Agency is investigating whether a computer program that counted more than one-third of all the votes cast in the United States in 1984 is vulnerable to fraudulent manipulation.

The National Security Agency is the nation's largest and most secretive intelligence agency. Its principal job is to collect intelligence by eavesdropping on the electronic communications of the world and to protect the sensitive communications of the United States.

Mike Levin, a public information official for the agency's National Computer Security Center, said the investigation was initiated under the authority of a recent presidential directive ordering the center to improve the security of major computer systems used by the nonmilitary agencies such as the Federal Reserve Board and the Federal Aviation Administration and for such private purposes as banking.

The target of the Computer Security Center's investigation is the vote-counting program of Computer Election System of Berkeley, Calif., the dominant company in the manufacture and sale of computer voting apparatus. In 1984, the company's program and related equipment was

used in more than 1,000 county and local jurisdictions to collect and count 34.4 million of the 93.7 million votes cast in the United States.

"We have no interest in any particular election," Levin said. "We are only interested in the possible misuse of computers to compile election results."

Frank Fahrenkopf, the newly-named chairman of the RNC, resented being named as a defendant in what he considered a nuisance suit. The \$20 million in damages we sought as relief could conceivably affect Fahrenkopf's personal holdings if misrepresentation was found to be implicit in the terms of the reward offer. For while Fahrenkopf was not the signatory on the reward offer we saw in 1982, nonetheless he found himself obliged to put his signature to an identical document promulgating another offer in 1984.

Thus, with his house and car literally on the line, Fahrenkopf found himself less able to avoid taking a personal interest in the progress of the Collier suit.

As events in court piled up, Fahrenkopf took an increased role in stage-managing the RNC effort to get our tar-baby suit off their backs. At first he relied on a junior attorney in his office, Michael Hess, to file a simple Motion to Dismiss. He expected some judge at the Superior Court of the District of Columbia to glance at the

pleadings and, with a snort of disapproval, throw the case out.

When that didn't happen, he called Hess into his office for further consultation. Their only alternative was to file for a summary judgment, a legal maneuver which, if successful, would have the same effect as a motion to dismiss. The only drawback, from Fahrenkopf's point of view, was that months would pass before a ruling, enabling the Colliers to strengthen their cause with support drummed up by their newspaper stories.

What at first had presented itself as a pimple of a case, had become a full-time boil. Meanwhile, Fahrenkopf called a meeting of the intelligence community's public adjunct, the Center for Strategic and International Studies, (CSIS), of Georgetown University.

The mission of the CSIS is to provide the world media with certified experts to comment on developments in international relations. In providing this "service" to the networks and newspapers-of-record, CSIS imparts whatever "spin" to the analysis might satisfy CIA requirements.

Accordingly, a domestic mission of the CSIS in 1985 was to marshal its brainpower to help Fahrenkopf with ways and means to better manage the major media. Powerful personalities in news and politics would weigh in with advice, and their perceived expertise would form the basis of an *ad hoc* election commission.

Fahrenkopf met with CSIS executive director Robert Hunter to discuss details of a proposed series of conferences among select CSIS luminaries and special invitees. The working title of the 1985 project was: "The National Commission on Elections." Its mission was Fahrenkopf's goal: "***Developing ways and means to overhaul the U.S. voting system to better conform with the realities of a mass-media environment.***"

To better explain what Fahrenkopf really meant by "*the realities of mass-media environment*" we have to give a little history. We have to go back to that day in Dallas when John F. Kennedy was gunned down.

The Establishment line that a "*lone gunman*" was responsible for the murder was being attacked by various newspapers around the country. The CIA could not tolerate any dissension from the official government edict.

Therefore, in the immediate years following the November 22, 1963 assassination, a lid was slammed on all investigative reporting about the case. In fact, the relationship between the one time vibrant *adversary press* and the U.S. government was ominously frozen following the fatal gunblasts.

So notorious was the plot against JFK, and so prominent were the figures who had a hand in executing it – and later covering it up – that today, 30 years later, coercive and rigid

comformity still chills the Establishment press from labeling the Warren Report a time-worn joke.

As history shows, immense collegial pressure was exerted upon TV and press managers in the wake of the assassination to ignore, suppress and discredit critics of the Warren Report. During that period not one word of dissent from the Warren Commission's conclusions was permitted on a single network television program in the United States.

In 1966, *The Associated Press* devoted the longest article it had ever originated to an intelligence-inspired attack upon several prominent critics of the government-approved version of JFK's death. After *Rush To Judgement* (in 1966) by author/Warren critic Mark Lane was published, the CIA adopted a program to destroy it.

CIA document No. 1035-960 read as follows:

"We do not recommend that discussion of the assassination question be initiated where it is already not taking place. Where discussion is active, however, addressees are requested:

To discuss the publicity problem with liaison and friendly elite contacts (especially politicians and editors), pointing out that the Warren Commission made as thorough an investigation as humanly possible, that the charges of the critics are without serious foundation, and that further speculative discussion only plays into the hands of

the opposition. Point out also that parts of the conspiracy talk appear to be deliberately generated by Communist propagandists. Urge them to use their influence to discourage unfounded and irresponsible speculation.

To employ propaganda assets to answer and refute the attacks of the critics. Book reviews and feature articles are particularly appropriate for this purpose. The unclassified attachments to this guidance should provide useful background material for passage for assets. Our plan should point out, as applicable, that the critics are 1) wedded to the theories adopted before the evidence was in; 2) politically interested; 3) financially interested.

Mark Lane later wrote: "Coinciding with the CIA offensive to cover up its involvement in JFK's death was an urgent speech by ex-CIA director Allen Dulles to Chief Justice Earl Warren. The CIA, having executed the President who was about to dismember that agency and withdraw all U.S. advisors — as they were then called — from Vietnam, approached Earl Warren carefully and with premeditation.

"On January 12, 1964, just as the Commission began its work, the CIA advised Warren that it was certain that Oswald had acted alone but that complicating factors, if publicly revealed, might very well threaten the peace of the world. The CIA confided to Warren that Oswald had been meeting in Mexico City with the Soviet KGB

officer in charge of assassination in the United States. The spectre was raised to a credulous Warren that World War III might result if an enraged American public was informed of the single "Communist Plot" against its beloved fallen President — that some kind of violent retaliation would be politically inescapable.

"Warren, confronted with that scenario agreed to hide the evidence 'for at least 75 years,' take all testimony in closed sessions, designate the transcript 'top secret' and issue a false report. That was all done in the interest of national tranquility and international peace. The motives may have been defensible, but the 'facts' upon which Warren's briefings were based were CIA inventions. Warren sacrificed both his reputation and the truth as the result of an elaborate CIA disinformation effort."

In other words, the major media in this country has been co-opted by the CIA. It was that covert CIA action that Fahrenkopf was referring to when he said the U.S. vote-counting system had to conform with the realities of the media.

There was a strict protocol with respect to the order in which Fahrenkopf contacted the invitees to the CSIS National Commission on Elections. First, he was careful to secure the commitment of those he considered superstars in the political firmament. Then he used such commitments to persuade

those on the "B" list to come aboard.

This meant getting semi-official input from his party's titular leader, Richard M. Nixon. Nixon's interest in politics had only increased over the years, and his influence related to the conduct of elections had become bigger since he resigned from office.

Protocol requires that a former President rates deference one notch higher than a future President.

Fahrenkopf reached the former President at Nixon's home in Saddle River, New Jersey, and received approval of the Election Commission concept. Nixon requested that he be represented at the proceedings by his reliable friend Melvin Laird, his Vietnam-era Secretary of Defense. Fahrenkopf was only too pleased to comply, as Laird's cabinet-level ranking set a high tone.

Fahrenkopf's next approach was to George Bush, Vice President and heir-apparent. Virtually all the Republicans participating in the Election Commission activity took it for granted that when they were dealing with Bush, they were dealing with the next President. Thus, with Bush's acceptance of the plan to overhaul the U.S. electoral system, a message was effectively delivered: Bush stood ready to manipulate the levers of power from without and within to achieve his place in history.

The secret CSIS-sponsored hearings were

scheduled to take place in privately rented hotel ballrooms in Washington throughout the rest of 1985. Bush requested that he be represented by his own man – the most knowledgeable computer wiz in or out of government – John Sununu, Governor of New Hampshire. Sununu would act as working chairman and occupy a position at the center of the dais.

While the Republican chairman created a roster of media moguls, former politicians, attorneys and consultants, we were exercising our prerogatives to subpoena witnesses and conduct “discovery” sessions.

The first person we served with papers was Richard Richards, the RNC chairman prior to Fahrenkopf. It was his signature on the reward offer of 1982 that made it binding upon that committee. The following questions were put to Richards in the office of his lawyer in Washington, to which he was obligated to answer under oath:

- Q. *When you permitted the reward offer to be disseminated over your name and signature, is it true that you were attempting to further the interests of the Republican Party for whatever benefit it might yield?*
- A. Yes, the promulgation of the letter was designed to do just that — to further the benefit of the party and of the Republican

National Committee.

- Q. *You were acting within the scope of your authority when you issued the reward offer?*
- A. That is correct. I had the authority to do that.
- Q. *Did you hold yourself as an authority or expert on vote fraud?*
- A. We hired experts to develop the language in the letter. As Chairman of the party with authority to make decisions on behalf of the Republican National Committee, I endorsed their findings and signed the letter.
- Q. *Did you assume that the RNC had taken on a fiduciary duty to any potential claimants that may respond to the reward offer?*
- A. I think that's a fair statement, yes. I assumed that we had a duty to be fair and honest and straightforward to a claimant.

The questioning went on to probe Richards interpretation of “will proceed” as stated in the offer. He said there should have been a better word, since the RNC had absolutely no authority to make that promise. When asked if there was a difference between the two phrases, “may pay us” and “will pay us,” he conceded that the word “may” gives discretion to act, while the word “will” is mandatory. As to whether it was fair that a claimant without a legal degree, relying upon the exact words “will proceed with such complaint” would draw a 180-degree difference in inference if the RNC used the words “may proceed,” Richard responded, “The word “will”

probably overstates the case in this letter because a better word would have been "may" or "could" or "can."

We asked our final question:

Q. *Would it have been reasonable, in your opinion, for someone reading the text of the reward offer, to have been induced to take action under the exact wording as it appears, relying on the credibility of the Republican National Committee to back it up?*

A. I do not know. We intended to honor it if someone met the requirements. What they may have thought about when they read it and how much credibility they gave to the RNC, is wholly within their knowledge. I do know that you gentlemen have so far failed to obtain any arrests or convictions. There is no doubt in my mind that therein lies the reason why you have not achieved eligibility to qualify for the reward.

Richards' final comment represented the heart of the RNC case. Their defense was based on the proposition that because there were no arrests and convictions, we hadn't fulfilled the requirements spelled out in the reward offer.

Our position was clear-cut. We had been wrongly induced to take action by the false guarantee which Richards admitted to in his deposition. Furthermore, it was blatant misrepresentation to promise prospective

claimants that authorities "will proceed." They lured participation under false pretenses.

We argued that when we produced the videotape the evidence was so convincing that convictions would have been likely. However, for reasons explained in the three other lawsuits we filed in 1985, Craig C. Donsanto prevented such prosecutions and thereby blocked our chance to qualify.

The second lawsuit we filed was against Donsanto himself, with the U.S. Attorney General (William French Smith) included as a party defendant. The likelihood of our winning the suit, which stemmed from Donsanto's refusal to view the *Votescam* video, was problematical. Nonetheless, we hoped to demonstrate that the Justice Department's chief vote fraud prosecutor *purposely* stood in our way.

Of the four lawsuits we filed, the Donsanto case was the only one to claim jurisdiction of the federal court. This meant that federal government attorneys would be required to defend, and that the ultimate decision would be rendered by the U.S. Court of Appeals. On that bench was a key judge with direct links to Donsanto dating back to the Watergate era — *soon-to-be Supreme Court Justice Antonin Scalia*.

The third lawsuit in our barrage was headlined on the *Home News Wire*:

VOTESCAM WRITERS SUE ABC

By Kenneth and James Collier

WASHINGTON - The *Votescam* affair continues as the latest in a series of damage suits filed in the Washington D.C. Superior Court by these reporters. This time the defendant is ABC, charged with interfering with a reward offer by the Republican National Committee. The RNC had been seeking citizens' information on vote fraud.

Central to the \$250 million case (Ed. This figure represented a dollar a citizen) is the charge that ABC persuaded the RNC to breach the terms of the reward offer as it applied to these reporters' submission of evidence. We had provided the RNC with a videotape showing the League of Women Voters tampering with ballots in a federal election.

According to the complaint, Tim O'Brien, ABC's Supreme Court correspondent, alerted superiors to the Colliers' *Votescam* Video after viewing it. He received permission to telephone Mark Braden, the RNC chief counsel, and learned that the RNC had no intention of making any moves to assist these reporters in persuading the Justice Department to initiate prosecutions.

The complaint alleges that the phone call imparted a two-way message between the political committee and the TV network. Since the RNC disavows any responsibility for performing under the terms of the Reward Offer,

ABC won't have to do a TV piece embarrassing the League of Women Voters, which is in ABC's employ.

Thus, the "understanding" reached in the O'Brien-Braden phone call amounted to ABC's self-serving "interference with the contract offer."

During the course of 1984, we repeatedly contacted O'Brien about the lack of interest ABC News was exhibiting. On the surface he seemed to honestly sympathize. He assured us that if we succeeded in suing the League of Women Voters, ABC would be forced to put the story on national television.

Then, in mid-1985, in an historic decision by ABC, they sold the entire network to the New Jersey-based Capital Cities Communications (CCC), a company much smaller than ABC, in a so-called "friendly takeover."

"If the sale goes through," Ken reasoned, "they could find some way to get out of the lawsuit."

"You mean they could say that Capital Cities didn't know anything about what ABC used to do?"

"Yeah, it's a case of 'We're sorry, but we weren't around then.'"

We decided to exercise the only option we had: stop the sale until our lawsuit could be decided by the courts.

We filed a "petition to deny sale" with the

Federal Communication Commission. We charged ABC with attempting to evade responsibility for its part in keeping the *Votescam* video from the public, thereby engaging in a coverup of vote fraud. The ABC-CCC sale price involved some \$4 billion – and the principal financier behind the deal was Warren Buffet – a board member and mega-investor in Katherine Graham's *Washington Post* Company.

We also decided to depose Tim O'Brien and put his views about our evidence on the record. The transcript of his sworn statement is distilled, and begins with a question Jim asked O'Brien in the office of ABC's attorneys, Bergson, Borkland, Margolis and Adler.

Q. *May we have your comments on the *Votescam* Videotape?*

A. I felt that was your best stuff. What I liked for its news value was where you captured the moment and picked up one of the League of Women Voters poking the ballot. I mean, you like to think that no one is going to touch your ballot after you cast it. I still have reservations as whether that is a proper practice. It struck me as something that is possibly improper. For all I know she was doing exactly what she said she was doing, yet I didn't find that quite right. Why should she have been there? Your videotape troubles me.

Q. *Did you take any action after viewing the*

tape?

A. I took a number of actions. I encouraged you to keep me posted on what was happening because it seemed to me there was a possibility this could develop into a story. I discussed your evidence with some of my colleagues. It's certainly not that no one was interested; they were.

Q. *Exactly who did you discuss it with?*

A. I talked to some of my colleagues and our bureau chief. To Ed Fouhy, who was our producer, yes, and to Victor Newfelt, a senior producer and our Washington senior producer, John Arrowsmith. Also spoke to a producer in New York, Charlie Stewart, who specializes in doing stories for future use. My discussion with Fouhy lasted about five minutes. I offered to show him the videotape, but he expressed concern about using tape shot by freelancers. He suggested that I stay close to the story and see if there was something we could do on our own. Charlie Stewart returned my call and his question was: "Well, what about these guys? What about their story?" And I told him, quote, "What I'm telling you now is that they have something."

Q. *Did you make any further contacts after viewing the tape?*

A. I called Mark Braden, chief counsel over at RNC, to find out exactly what their position was on the reward offer. His first response

was that he thought you had done some good work. In fact, I felt in my brief conversation with Braden that he wanted to help you along; that he wasn't fighting it. I can recall now, in fact, that he said he would like to see you get the reward. I called Donsanto at the Justice Department, but he refused to comment. So if you are asking me if I just totally disregarded everything and dismissed you guys as a couple of lunatics, the answer is "no." I thought your videotape was airworthy and I was intrigued by Donsanto's silence.

Q. *Has anything happened to dispel your feeling "disturbed" over the contents of the videotape?*

A. No. If anything, the feeling has deepened. I think our election system is the cornerstone of our democracy. I think if we had evidence that ballots were being handled in such a fashion as these appear to be handled, nationwide, that would be a story. I would stipulate to that. I suspect that there may even be a producer here or there who might be waiting for me to say, "Let's go with this." And I would also concede it is possible that there is a Justice Department cover up as long as Donsanto refuses to be interviewed. It is possible that everything you are saying about Donsanto's Watergate past is correct.

The fourth lawsuit was filed against the League of Women Voters. The suit asked for \$150 million

in damages. This compensation was for the League attempting to cover up its illegal practices by actively lobbying in Washington to discredit our journalistic credibility.

As an exhibit in the suit, we introduced a page from the federal election statutes applying to the prohibition of outsiders in the official vote-tallying process.

"The proceedings at the central counting location shall be under the direction of the county canvassing board, and shall be open to the public, but no person except those employed and authorized for the purpose shall touch any ballot or ballot container, any item of automatic tabulating equipment, or any return prior to its release."

The *Votescam* videotape was offered as proof that the law was broken by the LWV and by those who paid them to handle the ballots.

The suit contended that the LWV is secretly ushered into the inner sanctums of the U.S. voting process on national election nights in thousands of jurisdictions across the country. They are told that handling computer card ballots (and, yes, even punching holes in them) is perfectly permissible.

This "ballot-cleaning" privilege enables the LWV to command an illegal insider's position in the U.S. vote process, which is exploited by the

League in its drive for increased membership. The suit explains the "sweetheart" deal the LWV nets for its coffers.

By mid-1985, it had become the goal of the federal government and three law firms in Washington to get our lawsuits dismissed.

But in June, Superior Court Judge Colleen Kolar-Kotelley ruled against RNC arguments and refused to dismiss the case. She stated in her one-line opinion that there were "*issues between the parties that can only be resolved by holding a trial.*"

Unless something intervened to delay it, a trial was due within 180 days.

The RNC had lost its first round and removed their lawyer, Hess, from the case. It immediately hired an outside law firm, Carr, Goodson & Lee, to seek a continuance while it "familiarized itself with the case."

As soon as we received notice of the RNC's decision to change legal counsel, we contacted their new lawyer, Lawrence Carr. We wanted a meeting to check out the adversary.

Carr had no objection to being called "Colonel," his highest military rank. He was jovial, white-haired and confident, maintaining an erect military bearing even at rest.

By contrast, we were somewhat less than kempt, blue-jeaned, T-shirted and fifteen minutes late for our first meeting.

"Sorry, Colonel, it's the heat of the summer,"

Jim explained. "It's especially brutal in the park, our home, office and headquarters."

"Well," mused Carr, "I can see you've been laboring under adverse conditions. If I didn't have the obligations I've got I'd happily be out in the field with you."

Ken measured him.

"No doubt you're being well paid for taking on this case, Colonel. May we presume to ask what kind of retainer it takes to put you on the side of the angels?"

Carr was unflappable.

"Now, it kind of depends on which side that is, gentlemen. Don't forget, I'm a hired advocate who takes on either side of an issue, depending on who's footing the bill."

"But in this case, Colonel," Ken pushed, "doesn't it go against your grain to have served your country so faithfully in the Marine Corps — yet now you're being paid to cover up evidence of vote fraud?"

Jim leaned in. "Colonel, vote fraud is undermining your country's most sacred franchise. How can you live with yourself?"

Carr ran a hand through his shock of white hair and smiled.

"Without conceding any portion of your premise, the short reply is the tried and proven, 'It's an ugly job, but somebody's got to do it.'"

This calculated joshing went on for about five minutes. Then the meeting ended. The

symbolic battle lines were drawn.

Throughout 1985, while the four lawsuits were moving like molasses through the courts, our readership responded to the *Votescam* series with tips and encouragement.

We received a letter from a man named Robert Plimpton, a millionaire who lived in Palm Beach, Florida. Plimpton was affiliated with a civic group who found themselves locked out of mainstream political influence in the county. They had long suspected that part of their problem stemmed from rigged elections.

He suggested we get in touch with Pat Robertson's 700 Club, and offer them the use of the *Votescam* video. He thought Robertson's Christian Broadcasting Network might want to show its 23 million viewers "the true state of the U.S. voting system."

When we met with CBN's Washington-based bureau chief, John Black, he took the time to view the entire 45-minute presentation. Then he candidly discussed what could happen if the issue of vote fraud ever really surfaced in America, if it were broached by Pat Robertson.

Robertson's plans to seek the Republican nomination for President in 1988 would certainly be affected. In fact, Black felt that if the *Votescam* video was released prematurely by the "700 Club" it could backfire. The result would be a "sour grapes" syndrome attached to Robertson years in advance of the election.

Black wanted CBN to air whatever portion of the tape it chose, whenever it chose. That way, Pat Robertson could never be accused by his detractors of covering up its existence. Within a few days we had a check for \$2,500.

Robertson opted to keep the tape under wraps for more than a year. There was never a mention that CBN was in possession of evidence impugning the honesty of the U.S. voting system.

Then, on November 3, 1986, the eve of the off-year general election, Robertson invited the former New York *Times* reporter David Burnham on the "700 Club" television show for a discussion of vote fraud in America. Burnham authored the *Times* article that revealed the top secret White House investigation of computer voting nationwide. A three minute portion of the *Votescam* video was played on the air, showing highlights.

Apparently, however, Robertson was using the tape to fire a mere warning shot across the bow of the Establishment in preparation for his own bid for the Presidency in 1988. Nothing more was heard of the vote fraud issue from that day on.

And that was that.

We appeared often on radio shows from Miami to San Francisco. Our subject, "How The American Vote Is Rigged," almost always provoked great listener response. People felt that

we might be hired guns that travel, so they invited us into their towns as "vote vigilantes" to help them find evidence of vote rigging. They wanted ideas about how to uncover the fraud they felt sure was lurking in the electoral system.

The second most frequently asked question we encountered from radio and television listeners (after "Aren't you guys afraid of getting killed?"), was:

"Why don't you go to '60 Minutes' with your evidence?"

In fact, as you remember, we did make an approach to "60 Minutes" anchorman Mike Wallace. It's fair to say that his opinion of the story's value was overwhelmingly favorable, but for reasons only he can explain, he was never able to air it.

Eleven years after we met him in Alan Becker's office in Miami, the following article appeared in *The Spotlight* in September, 1985, attempting to tweak the journalistic conscience of Mike Wallace.

AN OPEN LETTER TO MIKE WALLACE

Dear Mike Wallace:

We are taking this extraordinary measure of addressing an open letter to you because the *Votescam* affair has gotten to the point where

newsmen of your caliber and prestige must eventually go on record as either opposing the ominous presence of vote fraud in America, or continue to condone it by covering it up.

In fact, this story comes as no surprise to you. Members of your advisory production staff have previously provided you with a complete report on the earliest roots of the *Votescam* case. In 1974, you met with Florida State legislator Alan Becker and you said in the presence of several freelance newsmen that this "may be the biggest vote fraud scandal ever to rock the nation." Writer Gaeton Fonzi quoted you to that effect in *Miami Magazine*, July 1974.

However, since that article appeared, leading off with your quote, you have been strangely silent. Over the ensuing years we have consistently offered your producers and investigators solid prima facie evidence, including the *Votescam* video. It clearly shows a series of indisputable felonies being committed by trusted election officials during the vote-counting process in a federal election.

These reporters were under the impression, as are so many trusting Americans, that you are always open to exposing the corruption of public officials as long as you have the cold, hard evidence.

We are left to publicly speculate why you have allowed this trust in your watchdog role to be grossly undermined by your subordinates (possibly your superiors?) to the point where this

open letter has become necessary, aimed at embarrassing "60 Minutes" into doing the *Votescam* story.

As you know, the League of Women Voters is shown on the tape caught in the act of unauthorizedly and illegally altering ballots. This widely unreported election night activity, if committed by any other special interest group, would be a cause for prosecution and perfect subject matter for a nationally renowned TV "magazine" such as "60 Minutes."

Unfortunately, that is not the case here, as your own employer (CBS) apparently seeks to protect the LWV from scrutiny, due to the business relationship CBS has long maintained with the League's specially privileged election night vote-reporting services.

In fact, on election night, your network virtually depends on the League's input to the News Election Service (NES) of New York, a joint venture among the networks, for all broadcastable vote totals as reported directly to the CBS computer from a centralized source owned by CBS, ABC, NBC, AP and UPI.

Unfortunately, you may not be able to touch this *Votescam* story. CBS attorneys may have confirmed to you that all three major networks are so dependent on the League for election night totals that an unmasking of their criminal behavior would end the networks' convenient relationship. In turn, it would result in the networks having to rely on official sources for

their election night reporting.

Moreover, such an unmasking of the secret election-night activities of the League would concurrently lead to the exposure of the Big Three networks as actually abetting the perpetration of a massive, centralized "preprogrammed" vote fraud on the American people."

We both signed it.
And that was that.

12

STRANGE BEDFELLOWS

"Democracy substitutes election by the incompetent many for appointment by the corrupt few."

—Shaw

One day in the spring of 1985, we received a message from Don MacKenzie. The return number was the *Home News*. During the brief interval before MacKenzie came on the line we were puzzled. Had his wounding slowed him down to the extent that he had to take a job?

It had been about a year since the ambush in his driveway sent him into hiding. He had done a good job keeping out of sight, since all our best efforts hadn't been successful in finding him.

He told us that while convalescing, he had done some thinking.

"...and I came up with the conclusion that the most important story in America today is germinating. It may take five more years, but it's guaranteed to explode. One of these days, in a way that none of us can predict, there's going to be a vote fraud scandal in this country..."

He had been talking about *Votescam* articles he'd seen in the year since his shooting, and credited our "Open Letter to Mike Wallace" with propelling him to use his insurance money to buy back into the game.

"...so I bought the *Home News*."

MacKenzie had also managed to make a deal with a Dade County distributor to expand geographic coverage of the paper.

"What we'll do is start using Washington datelines. But all the material has got to be credited to the *Home News Wire*, with at least one major story on the progress of your lawsuits every week."

"What kind of Washington distribution can we get?"

"I'll ship you 2,000 papers and you can establish a route through Congress, the White House press room, the National Press Club, etc. Anywhere they'll be seen regularly by opinion makers and their staffs."

"What's the story with advertising? Are you going to be able to subsidize it if you run into resistance?" Ken asked.

"From what I can tell, you have lawsuits underway worth a few hundred million. They

have a way of getting settled out of court. Then you can reimburse me.”

“Don, what if the cases get dismissed?” Jim asked.

“In the end they’ll try to steal it from you. I’m willing to gamble.”

On that note we said goodbye, but not before MacKenzie added:

“Take some advice. Tie all your defendants into a conspiracy and you can triple the damages under the RICO Act.”

Within one week we were busy delivering the *Home News*, with the story of our lawsuit in it, to every major office in Washington. It took five hours to walk the halls of the House and Senate office buildings, distributing the papers to a hundred senators, four hundred-plus Congressmen. And then we tackled the twelve floors of the National Press Building.

The journalists who worked there represented their hometown newspapers. They might be from Tokyo or Moscow or Cape Town or San Francisco, and they ranged from young to old walruses.

Most of them sat around clipping the *New York Times* and the *Washington Post* in order to rewrite certain stories with their own bylines. When we showed up, it afforded some of these poseurs a schoolyard laugh to think a newspaper not sanctioned by the Establishment press had anything worth telling them. One

woman journalist put her hand to her throat and pretended to gag when we walked in. The nastiest were the *Denver Post* and the *Boston Globe*. They locked their doors to keep the *Home News* out.

Happily, there were those less self-righteous who saw the merits of our investigation and avidly read each week’s paper.

One of the most difficult places to leave the paper was the City Room of the *Washington Post*. It wasn’t often that we managed to penetrate the security of their lobby-level guard post. However, once in a while, a distracted security man would assume that somebody with a stack of papers was a messenger on official business. One particular issue was headlined: “BOB WOODWARD’S SECRET.” *

Our mission was to place a copy on Woodward’s desk and on the desk of Ben Bradlee, the managing editor and Woodward’s

*It suggested the famed reporter was harboring a secret about the Watergate Affair. The story connected Assistant Attorney General Henry Petersen, head of the criminal division, with all the participants in several conspiracies. Petersen was a registered Democrat working in a Republican Justice Department. He was referred to as “The Mole.” It was Petersen who had his finger on the button in both the Watergate and *Votescam* investigations. He was also a personal friend of Katharine Graham. Petersen told Mrs. Graham that Richard Nixon had proof that her television station in Miami had been involved in election rigging and that Nixon was pushing to have her FCC license revoked. Our report continued that Mrs. Graham needed to stop the President before he stopped her. Mrs. Graham’s problem was that the Watergate break-in was just a third-rate burglary. The charge had to be elevated to a federal offense in order to destroy Nixon. The answer to her dilemma came with the subsequent bugging of Watergate.

Watergate editor. We cradled the papers in such a way that the headline showed, then confided to the guard: "The brass upstairs are waiting for their copy of this."

He glanced at the papers. "Nobody told me anything"

"Nobody told you they're waiting?" We kept moving.

"The only way you can get 'em up there is to put them in the mail room," he called after us.

After that, the 100 executive cubbyholes in the Post mail room became destinations for the *Home News*.

We started getting requests for lectures and personal appearances.

Letters came into the *Spotlight* from all over the country telling similar stories – the *Votescam* series had awakened their interest in

According to FBI files given to us by Ellis Rubin, the Watergate was never bugged. Rubin filed a federal suit on behalf of Frank Sturgis, one of the burglars, in an attempt to clear Sturgis' name so that Sturgis could get his gun permit back. Rubin's suit was based on FBI documents stating there had been six sweeps of the DNC Headquarters in the Watergate, three by the FBI and three by the telephone company. Neither located a bug on any phone.

Mrs. Graham, our report contended, knew from FBI reports as of July 5th that there was no bug on Watergate phones, and if she knew, then so did her two reporters, Woodward and Bernstein.

Thus, during the three-month period between the June 17th capture of the Miami crew and the September 12th convening of the Grand Jury, when newspaper coverage of the burglary was virtually nil, Mrs. Graham directed her forces to maintain the "bugging story" despite its outright fiction. Just three days before the Grand Jury was scheduled to convene, R. Spencer Oliver experienced an overwhelming urge to dismantle his telephone in the DNC. It took only a second or two to loosen the circular mouthpiece and — presto — there was a phone-bugging

safeguarding the votes in their hometown, but no cooperation came from election officials or local media.

They asked: "What options are available?"

We became authorities on fighting entrenched local officials who had ceded their authority to outside election consultancy firms.

A group from Titusville, Florida (on the billion-dollar Space Coast), called Jim complaining that their election supervisor, Shirley Baccus, lived in a \$750,000 house on a \$66,000 a year salary. The implication was that she couldn't possibly afford that lifestyle on what the county was paying her, and that perhaps she was getting money from some outside source. They asked Jim to investigate.

Titusville, located between the Intercoastal Waterway and the ocean, is the bedroom

apparatus in plain view. According to Oliver, he was shocked beyond telling, and he immediately called his secretary to verify his finding. Then he had a staff photographer record it, including in the photograph a newspaper headline of the day to prove that the find took place on September 12, 1972.

Federal Judge Joyce Hens Green, in ruling on Sturgis' appeal, found that everything Rubin had contended was true. But the Judge wrote that "It was too late to ask for relief" and she dismissed the appeal. Jim arranged a Rubin press conference in Washington for the Press Corps.

The 13th floor lounge at the National Press Building was packed. He showed the FBI documents, explained the suit and presented Sturgis for questioning. Not a single word was ever written in any paper.

Our report ended with an interview with Oliver. He claimed he was unaware of the existence of the FBI documents. After we informed him that the bug he reported on his phone was conclusively determined by the FBI to have been an obsolete "toy" — devoid of the power to transmit any messages beyond the walls

community for the federal space workers at Cape Canaveral. Most of them are on government salary.

"If the government rigged elections," Jim was told at a meeting his first night in town, "it's all right with most of them, as long as their federal paychecks keep coming."

What Jim found while rummaging through public records was an invoice from a Moline, Illinois, outfit named Fidler and Chambers. It seems that although Bevard County had a \$20 million mainframe computer to count votes, it still hired an outside consultant at \$100,000 plus, per election, to come in and operate the same kind of punch card system seen on our video tape. *This was all done without public knowledge or public bid. Fidler and Chambers activities were, in every sense, illegal.*

Jim discovered that Fidler and Chambers similarly serviced hundreds of other venues

of the room — we asked him:

"Can you explain how Alfred Baldwin in the Howard Johnson motel across the street received 200 detailed communications from this device, when the FBI said it had no capacity to transmit? He had no answer. We followed up by asking:

"What was the fate of the 200 separate communications Baldwin was supposed to have intercepted from the bug on your phone?" He answered, "To my understanding, nobody has ever heard them because they got burned up by somebody."

"If the bug you found in September was legitimate, why was it never introduced as evidence at the trial?"

"That was a decision made by Henry Petersen."

When we asked Bob Woodward to comment on the story, he said: "Don't start a war with me on this."

throughout the Southeast and Midwest on election night.

They brought in their own computers and computer modems, which meant they could get telephone access to the Bevard mainframe computer from a motel room. They also brought in the software that instructed the computer how to count the votes.

Few chief election officials in the U.S. are technically qualified to understand computer language. They and the public are totally dependant on the integrity of these outside firms.

This was the first time we discovered the use of private companies to count votes in state and federal elections. In the ensuing years we would find that DFM in Irvine, California, counted the vote for most of that state.

According to Ralph Anderson, president of Fidler and Chambers, he has about a dozen other competitors.

Is it, we asked ourselves, an implausible scenario to imagine a candidate with a treasure chest approaching these shadowy organizations to buy his way into office?

With the information Jim gave them, the group went to the local newspaper but was informed that no investigation was warranted.

"Can you prove they're rigging elections?" the editor asked.

"No," he was told, "but the public should know that this is all going on behind closed doors."

The editor wouldn't budge.
And that was that.

In the autumn of 1985 we were paid expenses to travel to Cincinnati by a group named the Cincinnati Party. Concerned citizens, headed by lawyer James Condit, Sr. wanted us to videotape and evaluate the Hamilton County, Ohio, election system. It was another punchcard operation and they suspected corruption identical to what we had uncovered in Miami.

Condit had obtained a court order from Common Pleas Court Judge Richard Niehaus. It was issued as part of "discovery" in a suit Condit had filed seeking to ban voting by computer in favor of returning to old-fashioned paper ballots. The court order okayed observers, but did not mention the use of videotape. However, it specified we could monitor "*all phases of the count.*"

We drove from Washington to Cincinnati in an old clunker borrowed from a friend. You could see the road through the rust holes in the floor, but it got us there.

Cincinnati is a city on the Ohio River that is probably most famous nowadays for being the home of a fictional radio station, WKRP. We found a motel and could hardly wait for Election Day to dawn.

We discovered that the county also had a \$20 million election system, that apparently required 40 League of Women Voters volunteers to make

it work. Jim Condit Jr. was the leader of the Cincinnati Party, which was conservative and outside the mainstream. He wanted videotape on whatever abnormalities or felonies we could find.

Just as we did in Miami, we started out at a precinct and followed a vote card to its counting house.

When we got to the central location where the precincts sent their ballots to be consolidated before they were brought downtown to be counted, we were locked out.

"You can't bring a video camera in here," an official said.

We then drove to the courthouse where the ballots were to be counted. There we were told by Judge Niehaus that we could observe, but not with a camera. We argued in vain. The judge stood firm. He threatened to have us arrested if we turned on the camera, which was fitted with a very bright, white light.

Ken simply disconnected the light. Since any observer would think the camera wasn't working, Ken was able to shoot videotape pretty much as he pleased.

The videotape revealed a battery of League of Women Voters volunteers using 98-cent tweezers to pluck out tiny tabs of chad from punchcard ballots. It seems the League provided a veritable "road show" - performing this dubious function wherever called upon.

The women pointed out that the vote card was blistered on the back.

Ken focused the unlit camera on a card which showed about seven little "pocks" on the back. They were in the exact same spot on every card. The women were tweezing these pocks off each card because the blister prevented the card from passing through the counting machine.

It appeared that that the Port-o-punch* had been used to quickly punch a slate of seven candidates. Since the cards were stacked, the pieces of chad could not fall freely, so League women were hired to remove them.. Later that night, on Channel 9, our videotape of the tweezing was shown. The following morning a story appeared about our taping activities in the mainline Cincinnati newspaper.

PARTY CLASH AT BOARD OF ELECTIONS

BY HOWARD WILKINSON
The Cincinnati Enquirer

"The Cincinnati Party's monitoring of

*Back in Miami, we had reported on "hole-punching parties" using the IBM Port-o-punch, a device that could punch identical holes in a pad of 50 cards. Although there was not a statute labeling it a crime, the Miami election supervisor gave the ballots to precinct captains to take home as much as a week in advance of any election. We were told that a good time was had at parties where people would punch out a slate of candidates, thus necessitating the need for The League to clean up the vote card. Both of these latter acts are crimes.

Hamilton County vote counting produced a confrontation at a Clifton polling place and a verbal battle at the board of elections Tuesday night.

Hamilton County Common Pleas Judge Richard Niehaus called the four board of elections members and Cincinnati attorney James J. Condit, Sr. into the back rooms of the board offices just as the polls were closing Tuesday night. He took the action after precinct workers at the Clifton firehouse-precinct 15-D-complained that computer experts hired by Cincinnati Party supporters were disrupting their work.

"There was nothing in my court order that said they could participate in any way in the voting process," said an angry Niehaus while waiting for Condit to arrive at board offices.

In August, Niehaus had ruled in a four-year-old civil suit that the Cincinnati Party and its representatives could observe Tuesday's vote-counting process. A lawsuit by former Cincinnati city council candidate, Jerry Schutzman, claimed that because no board employees were on hand at the Regional Computer Center while votes were being counted there was a potential for fraud.

About 7 p.m., Ken and Jim Collier, two computer experts from Washington, D.C., hired by Cincinnati to monitor the election, walked into the Clifton polling place with a videotape camera.

When the polls closed, precinct judges complained to the board of elections that the Colliers had insisted that the ballots at that precinct be hand-counted. James Condit, Jr., this year's Cincinnati candidate, said: "That is absolutely not true. They did not ask a handcount. The judge's order said we could observe all phases of the ballot-counting process and that is what we are doing."

THE COLLIERS showed up at 7:30 p.m. at the office of elections director Elvera Radford, where Niehaus was waiting to talk with the board members.

Niehaus ordered the Colliers not to use their videotaping equipment and a brief shouting match ensued.

After consulting with the Cincinnati attorney, Niehaus said his court order limited Condit and the Colliers to observation only.

"If they want to do anything else, they have to file a motion in court, and videotaping is not covered by my order," Niehaus said.

BOARD MEMBERS were angered by the confrontation at the Clifton firehouse and at the board office Tuesday night.

"They've got to stay within the judge's order," said Democratic chairman and election board member John "Socko" Wieth. "I expected there would be problems with this."

Condit and Schutzman did not claim in the suit that the results of previous elections had been

tampered with, but they argued that because Regional Computer Center employees were employed by incumbent Cincinnati City Council members, there was potential for abuse.

Elements of the story did not jibe with our interpretation of events, still it was an acknowledgement that controversy was engulfing the Cincinnati-area election officials. And for the same reason it had become a noted cause in Miami: the League was being inserted into the public vote-counting process, and this violation went unreported by the local press.

The story served us nicely. We sent a copy to Tim O'Brien at ABC News, along with a copy of an audio tape of a radio show we appeared on the day after the election. The show's host, Jan Mikelson, issued a challenge to anyone associated with the League to phone in and justify how a private political club rated a special insider's position in the voting system. He also invited the Hamilton County State's Attorney to appear and "show cause" why the LWV shouldn't be prosecuted for ballot tampering.

The response from the public kept the lines lit up for hours. They unanimously expressed their outrage, with the net effect that within 24 hours, Elvera Radford, the local elections officer, resigned the post she had held for more than two decades. No other action ensued.

And that was that.

printing parts of it verbatim on the *Home News Wire*, was a journalistic coup. Especially rewarding because the transcript we received quoted CSIS' most prominent

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International Studies (CSIS) an Establishment think tank.

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13

FULL CIRCLE

“Whenever a man has cast an eye on office, a rottenness begins in his character.”

—Thomas Jefferson

When we opted to sue four prominent defendants, we had no illusion that we would prevail in court. The suits were more a symbol than a worrisome threat to the TV networks, the League, the Justice Department and the Republican National Committee.

Initially, each of the defendants sent the paperwork to their legal departments for routine ... making a summary dismissal. They ...

via simple paperwork failed, they were forced to consider a chilling prospect – seeing the cases through to a jury trial. Due to the court's denial of their dismissal motion, our opponents were forced to yield important figures for our questioning under oath. If the cases later came to trial, these people would find their words being used to sway a jury on the merits of our case, not theirs.

We felt that some mechanism would have to be uncovered whereby all corporate players named in our charges were discovered to be meeting on a regular basis. Their agenda would be how to coordinate and crush all the Collier suits, and how to best strengthen their grip on the U.S. electoral process. In other words, we wanted to put all the conspirators in one room, the same as we did in Miami Beach at the Senior Corporation Board Meeting.

All of which brings us full circle, back to the moment when Frank Fahrenkopf was advised by George Bush to involve New Hampshire Governor John Sununu in putting together a Commission on National Elections.

The only reason we found out that secret meetings were indeed being held, who participated and what was said, is because a ... official stenographer's

The list of media barons who cheerfully went along with Strauss's proposal for "candor" in the absence of the working press reads like a Who's Who of American journalism.

KATHARINE GRAHAM, chairwoman of the Board of the Washington Post Co., which publishes the Washington Post and Newsweek.

LAWRENCE K. GROSSMAN, president of NBC News since 1974, past president of the Public Broadcasting Service.

ROONE ARLEDGE, recently named group president for ABC News; producer of "World News Tonight," "20/20," "Nightline" and "Viewpoint."

ROBERT PRESTON TISCH, president of Loews Corp. since 1960. He recently acquired a controlling interest in the Columbia Broadcasting System, CBS.

WILLIAM LEONARD, chief consultant to CBS News, vice president for government relations, former head of the CBS News Election Unit and former producer of "CBS Reports."

HAMILTON JORDAN, currently political commentator for Cable News Network; former chief of staff to President Jimmy Carter.

Also present at the meeting and active in the decision taken by the group to quietly distance itself from the LWV by means of deliberately keeping the working press from publicizing the commission's near unanimous verdict to do away with the League were:

LANE KIRKLAND, president of the AFL-CIO since 1979.

FRANK FAHRENKOPF, JR., chairman of the Republican National Committee since 1983.

PAUL G. KIRK, JR., chairman of the Democratic National Committee since 1985.

TONY COELHO, four-term Democratic representative for California's 15th congressional district.

WENDELL H. FORD, two-term Democratic senator from Kentucky.

CHARLES S. ROBB, former Democratic governor from Virginia.

JOHN H. SUNUNU, two-term Republican governor of New Hampshire.

A discussion by the Commission took place at the Madison Hotel's Arlington Room on October 15, 1985. Nearing the conclusion of the proceedings, Mrs. Graham turned to Laird and openly criticized the way presidential debates had been run in the past:

Mrs. GRAHAM: I would just like to ask one question. I think the formulation of who is asking the questions has gutted the debate so totally that by the time they have gotten through getting rid of everybody they dislike for the panel, everybody who can ask a question is gone and it's terrible. I think it's a scandal.

LAIRD: That's what we're trying to solve.

FAHRENKOPF: We are not sure... whether we ought to go to a traditional debate format.

JORDAN: Kate (Graham) makes the point I'm

254

Full Circle

trying to make. The more of these things left in the air three years out present opportunities for candidates to wriggle out of debating.

STRAUSS: It's the hope of the parties working on this that they'll come to an agreement on that, which will substantially improve the debate process itself, including the selection of examiners and the format it will take.

LAIRD: Well, I would think that a candidate who feels committed to a particular course such as agreeing in advance to debate, many years ahead of time, has lost some control of their campaign. I agree with you, too, (Presidential) debates are not the greatest thing in the world. Everybody seems to think that we think that debates are the most wonderful things that ever existed, that they are the only (meaningful) part of the campaign. We have tried to downplay that as much as possible.

STRAUSS: Let me make another point, too. I'll guarantee you that the two party chairmen could handle that better with some third (political) party than the League of Women Voters (could). During the Carter campaign we (at the DNC) couldn't cope with it all. We had nothing to get our hands on. I almost drove the League crazy and they me.

Mrs. RIDINGS: What you're telling me is that Frank (Fahrenkopf) and Paul (Kirk) are going to deal with sponsoring the debates?

VOTESCAM

255

That's the most ridiculous thing I ever heard. How ever could they deal with a credible third (political) party?

JORDAN: Dorothy, we were presented the reality in 1980 that the John Anderson campaign was viable. That the incumbent president of the United States had to debate a man if he had over 10 percent in the polls. That was a very arbitrary decision that the League made that we had to live with and wrestle with. I really believe that the way to credibly and effectively administer the debates is to do it through an agreement between the (two major) parties.

LAIRD: Then there's fairly general agreement that we can do it better through the (two major) political parties?

Mrs. RIDINGS: Mel, I disagree with part of it. I think it's an absolute mistake to say that the chairmen of the two (major) political parties are going to get together two years ahead of time and decide how the ultimate candidates of those parties...

LAIRD: They may not get together. But if they do get together I think their recommendations can be a very important part of this report.

Mrs. RIDINGS: You are trying to make rules way ahead of the game.

STRAUSS: That's exactly what they hope to do. Once you do it that way then you don't have to make decisions in the context of what's good or bad for anybody They are made with blinders on.

Mrs. RIDINGS: You're asking my opinion? I

think it would be foolish for any candidate to agree ahead of time to do that.

KIRKLAND: The object is to have a debate. I think the possibilities are considerably enhanced if the networks are involved in the negotiations. Even if a candidate might consider overriding a decision made by his party chairman, I think one would be a little more concerned about overriding a decision in which the networks are involved. *That's my view of the relative focus of power in this country.*

STRAUSS: I think, and I think you would agree with me, Dorothy (Ridings), that this discussion should stay within this room. *If we could keep it out of the press it would be important and significant that it not be (in the press) - (that) we not read about it in the next few days' press.*

Mrs. GRAHAM: I just wish to point out that things leak. They don't necessarily leak from those of us who are here at this table.

STRAUSS: You don't need to tell me.

Mrs. GRAHAM: I'm not taking responsibility for it.

STRAUSS: But if we could keep it in this room - it has been kept in this room for a month already, so there is no reason why it can't be for another month. Yes? In other words, if the (two major) parties work out an agreement to take over sponsorship of the debates, rather than have it mailed out, I'd want it to stay in this

room and not read in the papers or see it on TV until we (the commission) agree to it.

After the session was over and the CSIS think-tank had unceremoniously disposed of the League, Frank Fahrenkopf buttonholed Nixon's ex-defense chief, Melvin Laird, in the cloakroom. Fahrenkopf was worried. The U.S. Court of Appeals in Washington had recently (September, 1985) handed the Colliers a cause to celebrate. It ruled unanimously to remand the case against Donsanto to the District Court "for further proceedings."

This meant that unless something intervened, Donsanto and Attorney General William French Smith (also named as defendant) would have to appear in court. It would create the publicity bonanza which they rightly assumed we needed in order to expose the story. It was a doomsday decision that would have to be neutralized.

Fahrenkopf had done a lot of thinking since he had personally taken on the developments in our cases. We believe that he conferred with Carr and together they devised a way to poison the waters of the Donsanto/Smith suit.

It was to be a "killer memo" inserted into the court file, authored by a highly rumored imminent nominee to the Supreme Court. This "killer memo" was to be written and filed by Federal Appeals Judge Antonin Scalia,*

* It was a young Antonin Scalia who was in charge of the Office of Telecommunications in the White House in 1971 when the

exonerating Craig Donsanto from any charges of wrongdoing in the Collier case, thus signaling all judges dealing with our case in the courts below, that the "Great Persuader" (as Scalia is known), wanted a dismissal to result before the case came up for hearing in Federal District Court.

When we first filed the lawsuit against Donsanto and Smith it was dismissed. Then, a two-judge appeals court panel, made up of Judge Skelly Wright and Judge Ruth Bader Ginsberg, remanded our case to Federal District Court. It was supposed to be heard by whichever judge received the case in routine rotation.

Therefore, Scalia knew that his input was not required or requested. Only if two judges split their decision is a third opinion called for. Scalia's two cents would be gratuitous.

Now Scalia had to be persuaded that the risk incurred by stepping in and unilaterally acting to influence the lower court, for two Justice Department friends, was worth the payoff.

Carr and Fahrenkopf knew that any overt move by Scalia, such as issuing a memo in behalf of former colleagues to get them off the hook was dangerous. It could someday result in conflict-of-interest charges against Scalia. But if

Collier telegram was sent to Richard Nixon. As the President's chief counsellor in these matters, Scalia's job was to put the telegram through the proper channels, which included both Nixon at the White House and Donsanto at the Justice Department.

the prize was big enough to warrant the gamble, they figured Scalia would likely go along.

That left the question for Carr and Fahrenkopf as to precisely the nature and timing of the payoff.

We believe there was no less than a guarantee from the Republican hierarchy that Scalia would be next in line for the nomination to the Supreme Court in 1986, instead of his mentor and former law professor, Robert Bork.

On a sheet of paper was the proposed "killer memo," a one paragraph statement by Scalia which read:

I concur only because I believe that summary affirmance should not be by less than unanimous vote. In my view, it is plain from the face of the pleading that the law pertinent to prosecutorial discretion fully supports the district court's dismissal of the action.

SCALIA, Circuit Judge

As any lawyer can see, Scalia used a subterfuge here: first, he said that "*summary affirmance should not be by less than unanimous vote.*" That means he was agreeing with Wright and Ginsberg. Thus, he had no reason to write anything else but "I concur."

Then, he put in the "killer line" - that Donsanto had full discretion not to see our evidence and that our case should be dismissed. (*When in fact Donsanto was mandated to see*

our evidence and then decide if he should act upon it).

Without question, in the absence of the memo, Donsanto and the Attorney General would have been ordered to appear at a hearing — yielding us a dramatic forum in which to air the government's hands-off attitude toward prosecuting vote fraud.

An unprecedented 60 days after the two-judge panel's original order, Scalia surreptitiously entered the memo into our file. It was undocketed on unbonded, unwatermarked paper, with no time stamp, with Xerox doodles on the back. All it lacked were tomato stains.

Shortly thereafter, Scalia was nominated for Justice of the Supreme Court.

We didn't let it go without a fight. We sued Scalia, challenging his integrity and the cronyism that led to the tampering of records. Scalia's corporate counsel, Edith Marshall, argued that Scalia, in fact, did what we claimed he did, but because he was a judge he had a perfect right to do exactly as he pleased. We countered that Scalia was not acting as a judge when he snuck the memo into the file 60 days after the fact.

Ken testified against Scalia at his confirmation hearing. We needed approval by the Committee Chairman, Senator Strom Thurmond, in order to be a witness against the judge. If the Judiciary Committee found no merit in our charges, we would not have been permitted to testify.

Listening to the indictment against Scalia, Senator Thurmond, in an unsolicited move, asked: "Do you want two more minutes?"

Ken replied: "Yes, Sir. I am an investigative reporter, here to find out if this nominee is going to be challenged this afternoon, as we were, in order to come to these hearings.

"We asked the attorney defending Judge Scalia against our lawsuit: 'Will our charges be denied?' Six weeks have passed since the filing. It's had a chance to mature, Senator, but it has resulted in not a denial on the merits of the suit, which attacked the integrity of Judge Scalia, and put him as a co-defendant with the RNC.

"His attorney then assured us that Judge Scalia has immunity to do whatever he pleases, whether on the bench or off, and if he didn't legally file the memo, it was the only concurrence (memo) that was never filed in the history of Appeals Court."

Thurmond thanked Ken and, predictably, our case was later dismissed.

Today, Scalia sits on the Supreme Court of the United States. A man who cheated his way there on a deal with the Republican National Committee, and cheated his old professor, Robert Bork.

This is the man who makes decisions over the lives of 250 million Americans.

And that was that.

Throughout 1985, as public interest levels were

being raised on the topic of vote fraud and a dialogue opened in the courts and in print, the time was nearing for a hearing in early December before Superior Court Judge Nicholas S. Nunzio.

The hearing would determine if our arguments were strong enough to warrant "punitive damages" from the RNC, or whether (from the RNC point of view), the case should be dismissed in a summary judgement. It would be the first open-court test of the charges.

There were about 100 people in the courtroom when the hearing opened. Carr went first and recounted our case to Judge Nunzio. In fact, Carr sold our case better than we could have. He detailed every nuance to the Judge. He was eloquent.

His strategy appeared to be a recitation of just how strong our case actually was against his client, the RNC, hoping that Judge Nunzio would get the point and dismiss the litigation before too much damage was done.

For example, after recounting how many agencies had studiously ignored the evidence, he said:

"Your Honor, that hasn't stopped the brothers in their quest for prosecutorial proceedings. They have continued to write about this. Every detail of what happened in that tape has been in many, many publications.

"Not only do we have these official

organizations seeing the tape, but the Colliers have made every detail clear in a set of published photographs. Still nothing to this date has occurred."

Carr was living up to his reputation. He had no notes. It was just an extemporaneous display of style. He submitted an outright falsehood in saying that any agency had ever seen the *Votescam* video, and it was so smooth that he was totally believable. We were as fascinated as the audience.

"Once again, addressing the language of the reward offer. One of their claims has been that they were induced to make the videotape, and they relied upon the offer's wording. They say because of this inducement, they actually undertook life-threatening action when they operated their video camera. In fact, they show later there was a shooting of the publisher of the *Hialeah Home News*, which was crusading in behalf of their cause.

"But the credibility of their notion of danger becomes less when you realize that in the last three to four months, they've risked exactly the same thing in the State of Iowa. They went to Iowa with their video equipment and again took footage they claim shows vote fraud. They've also recently gone to the State of Ohio, where they've videotaped the League of Women Voters doing exactly the same thing as they discovered in Dade County.

"I honestly believe that the Colliers are

dedicated to fighting vote fraud as they see it, as it exists. However, your Honor, I also suggest that it's not completely nonselfish, because for one reason, they're making their own news.

"What happens here today without question will appear in some newspaper within a week. They've used the tactic of asking for punitive damages against my clients because they feel that if they're ever allowed to really get into the financial records of the Republican National Committee, there will be tremendous material there for yet other articles."

This was a correct conclusion, but also an attempt to get Judge Nunzio to dismiss the case. Not because it lacked merit, but because the Colliers could make money selling a story they had pursued for over a decade. It was a step away from Ayn Rand's indictment of society, foreseeing the man who invented fire being burned at the stake, and the man who invented the wheel being turned at the rack.

Carr sat down and Ken fired our first question to the court in rebuttal.

"Counsel this morning has stated that we should have known better than to think that the RNC could follow through or deliver on its promises. Why did the RNC promise what it could not deliver?"

We told Judge Nunzio that we had researched the law of estoppel. It held that if a promise is made without the intention of fulfilling it, or where the party making the promise is in a

position to know about its inability to deliver, the other party may sue for punitive damages.

That statement brought Carr's hand to his temple. He started giving Roman hand signals to the Judge, because where we may not have been able to prove actual damages (money out of pocket), if Judge Nunzio granted punitive damages, the cost to the RNC could be enormous.

The Judge said to us:

"You say it is a contract. Mr Carr's argument is that it was an offer of a reward; that it was not a contract *per se*."

We then read from the deposition of Richard Richards, former RNC chairman. It was evident from his statements that every element of a contractual relationship between us and the RNC had been admitted under oath.

At this point Judge Nunzio caught Carr's hand signals. He rose half-way out of his chair, hefted our case file off his desk and became very agitated.

"First of all, if I had this file downstairs, it was reviewed by somebody else. I would never have entertained oral arguments – but somebody else reviewed this."

(In other words, the Judge would have never allowed this dialogue in open court, but he was trapped with a hundred spectators listening.)

"But somebody else reviewed this; I happened by chance to be the motions judge

and they were reviewing it and somebody set it for hearing; I did not. I think that I could have adequately ruled on this on the pleadings and therefore... "

(We could hear the death knoll coming in Nunzio's halting cop-out about not reading the file. Indeed, the Judge had not come prepared.

What he was telling Carr was that he was caught off guard, and that he would have preferred to dismiss the case before it ever got to court. We made a last frantic attempt to be heard.)

"May we *voir dire* the judge about your previous experience as a Justice Department prosecutor...?"

Nunzio slammed in with: "Mr. Collier, please take your seat."

Jim desperately jumped in. "If the Court please, may I have one statement?"

"All right, what is it?"

"I just want it on the record for this Court, that the videotape evidence referred to as the *Votescam* video – which the Court may be on the verge of concluding without viewing – is such compelling evidence that the Christian Broadcasting Network recently purchased air rights. And the tape we put together in Cincinnati was conclusive of vote fraud. The fact that those women were using tweezers..."

"I'm not concerned with that."

"...to pluck tabs out of the ballots, creating illegal votes...it got on local television and

caused the Elections Supervisor, Elvera Radford, to quit her post and resign the very next day."

"You must understand, both of you, that I'm not trying your case. I'm listening to arguments and nothing more."

"I would like to proffer further argument to help buttress the good work we have done," Ken said

Judge Nunzio sat back and smiled. "You know you act like a man who feels as though he has lost."

Carr jumped up, not sure as to what Nunzio's motives were, or what Nunzio was about to do. Carr's slickness had disappeared.

"Very briefly your honor, it's quite possible there's voter fraud on this tape. I don't know, I'm not prepared to judge it. It's been presented to officials all the way from Florida to Washington. They haven't acted on it. I didn't know they sold it, not just to that organization, to many other organizations. Nobody's acted on it. We rest on that."

Judge Nunzio then handed down his ruling.

"This is the way I see it. The Colliers may well have a point with respect to Donsanto. If he did not do his job, then in effect, it is material that he chose to block their contract. But I do not see a case of punitive damages here.

"I'll grant the RNC partial summary judgement because the plaintiffs have failed to demonstrate any wanton, malicious, reckless or outrageous acts."

He looked at us. "Your case is alive, Messers Collier, only with respect to those material issues concerning Mr. Donsanto and whether there was a contract there. Thank you very much."

We had cleared the last hurdle before the final scheduling of a jury trial. As we left the courtroom, we assisted Carr with the big double doors leading out, careful to gauge his attitude in the face of defeat at the hands of amateurs. He was not happy.

Suddenly sprouting an aggravated half-smile, he reached for the most portentous comment yet:

"Don't count your money."

We had watched him squirm as Judge Nunzio handed down his decision. His hand signals were expended to no avail. Now the full-blown trial which Carr had been hired to avoid loomed imminent.

14

STAR CHAMBER SESSION

"When I use a word," Humpty Dumpty said, "it means just what I choose it to mean— nothing more nor less."

—Lewis Carroll

The next step on the way to trial was a pretrial conference scheduled for three weeks hence on January 6, 1986. The purpose was to formally clear the decks of any unresolved questions by defining the specific points of law to be decided at trial.

The only way Carr could derail our progress would be to "reach" the pretrial judge and attempt to have the case dismissed. When the judge turned out to be an unapproachable journeyman pretrial specialist, known to be "unreachable," Carr had to bypass him.

He had his assistant, Kyle Kane, research the biographies of every judge on the Superior

Court. It wasn't long before a standout candidate emerged, one whose integrity might be sublimated long enough to rationalize "doing a favor for a friend."

It was Judge Henry F. Greene, a 1981 Reagan-appointee to the Bench, whose employment at the Justice Department spanned thirteen years and brought him regularly into the orbit of Craig C. Donsanto.

On January 6th, at 11 a.m., the day of the pretrial, we were standing in the court clerk's office with Carr and his assistant Kane, when the phone rang. Until this time the case had been assigned to the official pretrial Judge William Thompson. The clerk who took the call advised us our case had been reassigned to Judge Henry F. Greene. We had no idea at that time why we were re-routed to a "special pretrial judge," but we had no choice but to go along and play out developments.

Warning lights started flashing when we were told that the pretrial conference would be conducted in a little used annex-portion of the court-house located several blocks away. All of the other people standing nearby, who had been reporting for pretrials every half-hour, were sent to Judge Thompson in the main courthouse.

"Why are we being treated differently?" Jim asked.

"Judge Greene's orders are being followed," the clerk replied.

Carr and Kane, who had been hovering just behind us at the counter, registered no surprise at the last minute event.

"Follow me," Carr said "I know where he's sending us. It's over in Building A."

We trooped out of the main courthouse in Carr's wake and silently followed his footsteps imprinted in the ankle-deep snow. When we arrived at the appropriate building, Carr mumbled something to the guard at the side door and he waved us through, rather than requiring us to enter by the front door where metal detectors and video cameras were installed to record who went in and out.

Carr guided us to a self-service elevator. When we arrived at a private door with no markings, we noted that it was just behind a courtroom which was undergoing renovation. Later we learned that the "Moot Court" exercises of several local university law schools were conducted in it - but no official Superior Court hearings had been held there in nearly two decades.

Carr knocked and opened the door without waiting for a response. There, was Judge Henry F. Greene and his secretary waiting for us. Oddly, however, the seats they were sitting in seemed to be awkward, as if this were an entirely alien situation they found themselves in. The secretary was seated in the Judge's chair behind a massive desk, while Judge Greene sat in an

informal wooden armchair. He had arranged two other armchairs in a semi-circle a few feet from his own.

He beckoned Carr and Kane to take the seats closest to him, while we were relegated to sit on a bench across the room, against the wall. Judge Greene spoke first.

"Look at the size of this file. I had some spare time to fit in a pretrial conference, but I thought that the clerk would just send me a "slip-and-fall." Instead, what do we have here? A matter involving the Republican National Committee!"

"Sir, could someone tell us why we're here and not in Judge Thompson's office?" Jim questioned.

"Do you have a tape recorder on you?" Judge Greene asked.

"No, we do not."

"Then sit down and shut up."

We attempted to challenge this star chamber session.

For those who may not be familiar with the term, the dictionary defines *star chamber* as "*formerly an English court which met in secret session without a jury, and handed down arbitrary rulings that were extremely severe. Abolished in 1641. Therefore, any investigative body that is similarly unjust.*"

"Do you happen to be represented by counsel?" he asked us.

"We are representing ourselves, your Honor."

"Then my advice is you'd better get a lawyer if you don't like the way things are going in here."

With that, we were ordered to return 72 hours later for a *de novo* hearing – that means all the evidence presented to Judge Nunzio would have to be represented to Judge Greene in 72 hours – even though court rules required one week's written notice to both sides. It was ground already settled and these guys were illegally forcing us to go over it again.

We left the dark and dank old courthouse and walked around in the afternoon snow. We had been dragooned and keelhauled in that room. Now we felt sick and furious. There seemed to be two choices: first, we could file a motion challenging the 72 hours.

"But if they buy another judge and we don't show up for their bullshit *de novo* hearing, we could find ourselves back in Lafayette Park with no case," Jim said.

"Or," Ken suggested, "the other choice is to show up and get the transcript and use it to impeach Carr and Greene."

"I'd like to get Carr disbarred."

We opted to show up.

What follows are excerpts from those sequestered and illegal proceedings. In his opening statement, Judge Greene fully admits that he was not the assigned pretrial judge.

COURT: This matter first came to my attention on the first day I was assigned to my new civil assignment on Monday of this week, January 6, 1986, when it was certified

to me about midday for a pretrial hearing...

(In fact, this case had never been certified to Judge Greene.)

...when it came to me, about six inches of file walked into my office. Unless I was going to keep counsel and the parties waiting for two or three hours, it made sense for me to at least get some initial impression from both sides as to where this matter stood. Then I would recess to take a more informed look at the file...

(Translation: "I just got this and I didn't know what I was dealing with.")

...both parties are seeking a portion of Judge Nunzio's ruling to be overturned. The Colliers sought punitive damages against the RNC, and Mr. Carr filed a parallel motion seeking full dismissal.

(Judge Greene knew that we were not seeking any portion of Judge Nunzio's ruling to be overturned. We simply wanted a pretrial conference. It was Carr who was seeking to have Nunzio overturned.)

KEN: Your honor, If we were to win our motion for punitive damages, no harm would be done to Mr. Carr's position. But if the Court reconsiders the issue of overall liability once

again by conducting a new hearing from "square one," as Mr. Carr is seeking, we will be the only party in jeopardy of dismissal. It is a patently unfair situation we find ourselves in, with little to gain and everything to lose. Mr. Carr has everything to gain and nothing to lose.

COURT: So, you were not satisfied that there was an adequate hearing before Judge Nunzio?

KEN: It was satisfactory on the issue of liability only. If we had been given sufficient time to argue our point for punitive damages, we would have simply listed the egregious willful, wanton, reckless and malicious nature of the tactics used by the Republican National Committee to avoid honoring their reward offer.

We then went on to give the shopping list of all our grievances that should have led to punishment of the RNC. We told Judge Greene that Carr had viewed our evidence and never once had suggested that it didn't meet the highest standards of admissibility required in a criminal trial. Then we turned to Carr:

KEN: Mr. Carr, we challenge you to do so now.

COURT: Let's try to keep our eye on the ball. The ball in our view is the reward offer. That's where this litigation starts, and may well be where it should end.

Judge Greene read the reward offer in its entirety, then added: "the reward offer further indicates, *"We have established phone numbers which will be manned by attorneys, who will assist in putting (claimants) in touch with the proper State and Federal officials who will proceed with such complaint."*

KEN: Yes, we did use the phone number to call Mr. Braden at the RNC in November 1982.

COURT: Are you contending that Mr. Braden did not put you in touch with the proper official?

KEN: Yes. Mr. Braden did utter the name of Donsanto, but not in the context of putting us in touch with him. The utterance of a surname of someone in the Justice Department is a far cry from putting a reward claimant in touch with him.

COURT: You're contending now that Mr. Donsanto was not a proper official to have been sent to, even though he is a vote fraud prosecutor?

KEN: Yes. It turned out that he wasn't.

COURT: It turned out that he wasn't? Are you contending they knew he was not a proper official to be sent to with your evidence?

KEN: Your Honor, once we were rebuffed and told not to return, Donsanto became inappropriate – the wrong official.

COURT: You seem to insist on making Mr. Donsanto a party to this litigation. He's not. He has not been interpleaded, he has not been made a third-party defendant. And while there may be a pending investigation of him by the Justice Department, or the FBI, or the KGB — I don't know who's investigating him...

(Let's not forget this is an illegal hearing and there was no need to interplead Donsanto. Donsanto was being sued in the Justice Department case.)

KEN: The OPR – Office of Professional Responsibility, sir.

COURT: I don't discern its relevance to this litigation. Now, let's finally assume for purposes of argument that the last of the words "will" that appears in this reward offer means exactly what you contend it means.

That is, that it amounts to a guarantee that the RNC would make sure that federal officials would proceed with your complaint.

KEN: The RNC's intentions were clearly set out in the plain language of the offer. Only now, in this litigation, do we find out that they did not

intend it to mean exactly what it says on its face.

COURT: I don't mean to be facetious, but you seem to think that the relationship between the RNC and the government, if there happens to be a Republican President, is about the same as between the Communist Party and the Politburo in the Soviet Union. In other words, whatever the party in power says, goes. Is that your position?

KEN: Your Honor, while we appreciate the Court's colorful analogy, we respectfully submit that in modern day Washington, to deny the existence of "clout" would be the height of naivete. Let's not forget that the opening phrase of the reward offer states: "*We, the Republican National Committee, are saddened to learn that vote fraud exists in many areas of the country*". But when it comes to two citizens, in this case my brother and myself, actually going out into the field and risking all to prove that vote fraud does exist – the RNC wants to forget about it. If your Honor would just agree to see the videotape, it would be clear as to why we pursued this case. Here you have the League...

COURT: Okay, Mr. Carr, let me ask you why the language in the reward offer means what the Plaintiffs contend it means? Why isn't that sufficiently outrageous or malicious conduct to qualify for... why isn't that kind of intentional

misleading of the Plaintiffs sufficient to make this a punitive damages case?

(With the above remark, Judge Greene articulated our side of the case for the first time, but before permitting Carr to respond, added the following hint that "down the line a little bit" he would provide his own rebuttal.)

...I think there is a substantial issue here, which we'll discuss on down the line a little bit as to whether any reasonable individual could so interpret the language. Mr. Carr, would you concede that if it means what they say it means, punitive damages should have remained in this case?

CARR: I would not concede that the punitive damages element would remain in the case. I don't think it goes to the level of maliciousness and fraud that are required.

COURT: In other words, are you saying that if the RNC meant it to appear to the reader to be a guarantee, and knew that it wasn't, and knew they couldn't make a guarantee, that's still not enough to get them over the hump to make a punitive damages claim?

CARR: I don't think, under the case law here, that it rises to that level in the contract field, your Honor.

(That colloquy was merely "code" for the record. Judge Greene was telling Carr that he understood the seriousness of our case. Between them a charade was being conducted. The Judge knew very well that he was about to overturn Judge Nunzio's original ruling that we were entitled to a jury trial on the merits of the case.)

COURT: Thank you. I'm almost certain that I can recall a punitive damage case, in which the Court of Appeals vacated an award, holding that even in a fraud case, punitive damages are not necessarily appropriate. I've heard all I want to hear now. I have some strong inclinations as to how I'm going to rule, but I want to wait until I find this case, because I think it exists...

(Translation: "After lunch I will give you a piece of dictum that's going to dismiss your case.")

After the recess, Judge Greene wasted no more time in giving us any benefit of the doubt.

COURT: Now get this. It is my view, as a matter of law, that no reasonable person could interpret the language "Who will proceed with such complaint," as anything other than predictive. That no reasonable person could construe that language as a guarantee by the RNC as to what federal officials would do. I guess that is really the crux of the matter.

KEN: Your Honor, may I say something?

COURT: Mr. Collier, if you interrupt me again, I'm going to get a marshal over here and hold you in contempt of court. Now I have just so much time to deal with this matter. I've heard far longer from you than I've heard from Mr. Carr. You're on notice.

(What came next was akin to finding ourselves in a hall of mirrors. Judge Greene proceeded to manipulate and distort the meaning and content of the English language.)

COURT: It seems to me that the word "will" when used as a verb has several connotations. There is a Supreme Court definition which just recently came out about the word "will"...

(Judge Greene was trying to say that the Supreme Court had recently ruled that the bed-rock of contract law, the word "will", was no longer to be trusted.)

...In preparation for this, I was looking in a dictionary of English usage last night, and the word "will," has several connotations. Sometimes it does have connotations that amount to a guarantee, but in another context, has only a predictive connotation. That is, "it will rain today." If I tell you, "it will rain tonight" or "will snow tonight," the word "will" is being

used in a predictive connotation, because there's no way I can guarantee that it will rain or it will snow tonight. It seems to me likewise, the word "will" as used the last time in the reward offer, clearly has a predictive connotation. I find this as a matter of law.

(Judge Greene just shattered centuries of common law.)

KEN: There is nothing predictive in the word "will" according to Black's; it's promissory, and there's nothing in Black's Dictionary about anything predictive.

(We then read to Judge Greene the statement of former RNC president Richard Richards when he said that by signing the reward offer, he intended the provisions of that document to be binding upon the RNC.)

COURT: Well, I've already concluded... you know, I may be wrong. The court of appeals will tell me if I'm wrong, but I've already concluded that the word "will" is not a word signifying a guarantee. It is a word, in my view, that can only be reasonably interpreted by any reasonable person as signifying a prediction as to what will happen.

(Finally, Judge Greene fired off the following)

COURT: Any allegations of improper activities by Mr. Donsanto at the Department of Justice are irrelevant to this Court's decision. The only question concerning Mr. Donsanto is not what he did with any information he received, but whether he was, in fact, a proper public official, and that is conceded by the Plaintiffs in this case.

The Plaintiffs have repeatedly asked the Court to review and examine the videotape and I have declined to do so, because whatever is on that tape is irrelevant to the Defendant's motion for summary judgment. I must assume that there is evidence on that tape of voting irregularities and voting fraud. I want to make it perfectly clear on the record that I am not reaching that conclusion as a factual matter, but that I have to assume it for purposes of this argument and I have done so, consequently, it is not necessary for me to examine that tape.

(We waited until the very last moment before using the same futile attempt we used on Nunzio - to "make a record" of the fact that Judge Greene was connected to Justice Department cronyism.)

KEN: Your Honor stated in chambers the other day, relating to your former experience in the Justice Department as an official or something of that nature, which we did not understand. I want to know if you could clarify

that for the record, because we do fear summary judgement, and we fear that it might come here and now.

COURT: Your request is denied, Mr. Collier.

KEN: Have you ever worked for the Justice Department, Sir?

COURT: I worked for the Justice Department up until 1981, and I will not respond to any further inquiry.

And so, Judge Greene ruled there was no contract. No contract, no law-suits, no scandal. Carr's goal had been accomplished. Donsanto had been successfully protected, and all the suits we had filed to illuminate the dimensions of vote fraud in this country were eventually eliminated.

We sued Judge Greene and asked the Chief Judge of the Court to hold a full investigation into Greene's and Carr's activities in that backroom court.

We filed ethics charges. We filed charges with the bar association. All court investigators agreed that we were correct in the Star Chamber assessment. With no surprise, they all refused to take action.

We appealed to the Supreme Court. (See Writ in appendix).

We had been a flea in their side. Virulent but not deadly. As we walked out into the bitter cold Washington winter, it was the ending of an era.

For us it was also the end of any possibility of letting the People know why the American dream was failing and the infrastructure of our country was being destroyed.

Americans witnessed crack-cocaine being sold in the streets, crime, unemployment, family breakdowns, and they had no idea that this lack of leadership was due to a calculated computer chip.

On that dismal afternoon, we could not have foreseen a light at the end of the tunnel. It would shine with the advent of the Nineties.

BOOK TWO

THE UNIFIED FIELD THEORY 1990-1992

"A theory is good if it satisfies two requirements: it must accurately describe a large class of observations on the basis of a model that contains only a few arbitrary elements, and it must make definite predictions about the results of future observations."

—Stephen W. Hawking

15

PIECE OF THE PUZZLE

“Exit polls...I'd make them criminal offenses.”

—Ross Perot

Throughout the Eighties we had been searching for more clues to that elusive piece of the puzzle; the one piece that would complete the picture and prove to be the smoking gun.

Now in the Nineties, we believe that piece is the Exit Polls.

In 1970, when we were first introduced to the so-called “magic machine” used to predict perfect vote totals in Dade County, we didn't realize that a slightly altered version of that trickery was already being conducted by the television networks in exit polling.

It seems that Louis Harris, the father of exit polling in America, was hired by CBS in 1964,

shortly after the JFK assassination, to create the first exit polls. He told us that Huntley & Brinkley on NBC had dominated the election coverage for years, relegating Walter Cronkite to secondbest.

Harris was instructed to conduct exit polls for the Rockefeller/ Goldwater presidential race, and it was expected that Cronkite would beat Huntley & Brinkley to the election-night punch.

In a telephone interview, Harris recalled that back in 1964 he devised an effective method of conducting exit polls. He simply had voters put beans in jars labelled with each candidate's name. He used seventy-two sample precincts and at 7:01 on election night, Cronkite was the first to accurately tell the public who won the presidential race and by what percentage.

From that point on, Cronkite on CBS remained the dominant election-night personality, all based on beans in a jar.

Harris also told us that afterwards he was treated like a pariah by the other networks because he was the creator of exit polling. It was a concept that would ultimately force ABC and NBC to find a way to compete.

In 1982, when we investigated the television networks' abilities to call election results at 7:01 p.m., based on “exit polls,” we were told that we could not be given any information because it was proprietary; that meant the networks were competing with each other and they didn't want

to give their secret sample precincts away; nor were they about to reveal any information to renegade reporters not officially sanctioned to investigate.

Over the years, we were repeatedly asked the same question by news department personnel at all three networks: "Who told you to call?"

Only Warren Mitofsky, the chief of the exit polling division at CBS, who replaced Lou Harris in 1966, repeated the company line:

"This is not a proper area of inquiry."

He would repeat the litany over and over throughout the years as we continued to push for answers.

Because all three networks projected the same numbers within minutes of each other, the question grew: *did they all use the same sample precincts?*

As far as we could determine from our phone conversations with their news departments, only CBS actually did exit polling of some kind. ABC and NBC personnel indicated that they didn't have sufficient staff to handle it. But Warren Mitofsky was always the man very much in charge at CBS.

It came as no surprise when, in 1989, the networks finally admitted that a consortium was formed in which ABC, NBC, CBS and CNN would pool their "resources" to conduct exit polls. That network pool was named *Voter Research and Surveys (VRS)* and it was headed by Warren Mitofsky. In fact, VRS and NES (News

Election Service) both filter their numbers through the same mainframe computer located on 34th Street.

Between NES and VRS, the networks have total control of the vote -counting process in this country.

Where Harris used beans in a jar, Mitofsky uses Chilton Research of Radnor, Pa. For years we tried to be hired as exit pollsters for the networks, but we were told that Chilton employs other subpolling organizations in various states to do the actual hiring of field personnel. In spite of our consistent efforts, the answers to the following still remain a mystery:

Who are those subgroups who subsequently hire exit pollsters? Just how many exit pollsters are actually hired? What are the names of the field organizations who hire them? Where are the precincts they work in? How are those sample precincts chosen?

Mitofsky (VRS) and Chilton refuse to explain how they operate by claiming they are private groups *and don't have to tell the American people a damn thing.*

In the New Hampshire 1992 primary this spring, VRS claimed to poll 3,800 voters using 38 precincts. That averages 100 people surveyed per precinct, or approximately 100 responses to about 30 questions. The New York *Times* ran a blurb reporting the survey was conducted from

noon until early evening (say, 6 p.m.). That averages about 18 people per hour, per precinct, filling out questionnaires in the cold of New Hampshire. A VRS spokesperson assured me that "our pollsters don't fill out the forms, we make the voters do it."

According to VRS, voters are more than willing to answer long questionnaires after they leave the polling booths. They are happy to divulge their income, religious and sexual preferences, and a host of other personal information, including the names of the candidates for whom they just voted. So much for the secret ballot.

When we called election supervisors in New Hampshire and other states around the country during the 1992 primary season, we were told that they never saw anyone they could actually identify as an exit pollster; furthermore: "nobody lines up in the cold in New Hampshire or South Dakota, in winter winds, to answer a long list of questions."

One of the questions on the form was: "What is your income?" In New Hampshire, the VRS survey listed 80 people in the over \$75,000 per year category. One election supervisor assured us: "there probably aren't that many people left in the state with that kind of income, and most wouldn't answer questions for some stranger in a parking lot."

"Most people hurry to vote before work," the Manchester supervisor said. "Some vote in the

early morning before work, others at coffee breaks and lunch hours. The rest vote in the cold dark after work and then rush home for dinner."

So who are these thousands of people with the time, patience and inclination to stand around answering questions for VRS?

VRS claims they only use about 30 to 40 sample precincts per state, and they interview as many as 3 to 4,000 people per state.

Again, simple math shows that people would have to be consistently lined up virtually every hour to be interviewed in order for thousands to become statistics.

On Super Tuesday in the 1992 primaries, some time after 6 p.m. the exit pollsters would have had to total up about 100 questionnaires apiece (assuming everything was balanced) that is, take the 75 responses times 100 sheets of paper and get a total. That's 7,500 numbers per person to total. If all precincts were not balanced (with 100 questionnaires apiece) then some precincts would have, say, 150 forms, while others would have only 50. The pollster with 150 forms would have to total more than 11,000 numbers.

Pollsters were instructed to call polling results back to a Radnor 800 number. The telephone company verified that only 67 telephones rotated off that 800 number. At about 6 p.m., the pollsters would have to go to a phone, call

Chilton, and repeat that long list of numbers back to one of those 67 operators.

Since VRS claims that thousands of people were polled in seven states, our math indicate that it was *impossible* to garner and call that much information back to Chilton operators and have the results on the air at 7:01 p.m.

Lee C. Shapiro at VRS (Lee C. is what they call her around the office) is Mitofsky's top aide and we've shadowboxed several times over the past decade. She always responds with the company motto: "*this is not a proper area of inquiry.*"

But the last time Jim called, he got some unexpected information. "We use clipboards for the people who fill out questionnaires," Lee C. said. "They answer the questions and drop the paper in a box."

"Does Chilton issue official clipboards and pencils?"

"No, not clipboards, exactly," she backed off.

"Well, do the people fill them out on their laps, on other people's backs, on the hoods of cars?"

"You'd be surprised how many people can't wait to fill out our forms."

"But Lee C.," Jim prodded, "how is it that every precinct totals exactly the right percentages? And even more interesting is that all the people who fill out your forms fit the same percentage mold. Why don't all Jerry Brown's people fill out forms in some precincts,

while the Clinton people refuse? Even if the precinct is representative of the national norm, who says the voters filling out questionnaires have to be a perfect mixture of that balance?"

"Because we create a statistical analysis that picks those precincts."

"But you don't pick the people who leave the polls on a cold winter day who answer your questions," Jim said. "What's more, when all the networks were supposedly competing, before they admitted to a network pool, they all still came up with the exact same numbers at 7:01 p.m. And those numbers always agreed perfectly with the actual vote totals that NES tabulated after the polls closed. Did everybody use the same precincts?"

"Sometimes they used the same precincts."

"Okay, then give me two precincts in Pennsylvania that I can go to in the next primary and see for myself how it's done. That can't possibly spoil some great cosmic plan."

At that point Lee C. Shapiro simply disconnected. It was obviously not a proper area of inquiry.

According to Walter Goodman in the *New York Times*, (November 11, 1989) "It is easy to understand voters...asked to tell somebody with a clipboard how they voted, might have replied with less than courtesy."

The article comments on people not telling the truth as to whether they voted for black or

white candidates. Especially if a black person is being asked the question by a white person with a clipboard, or vice versa. That also goes for voters stating their religious and sexual preferences.

"A professor of political science at the University of Richmond called it 'the fibbing factor.'

Besides voters protecting their privacy, Goodman speculated:

"Might it be that some television viewers were being mischievous? Disgruntled at being deprived of an evening's excitement, might some have figured out that the way to restore a bit of zest to election night would be to mislead the polltakers? Here was an opportunity for people exasperated at being told what they were thinking, night after night, on all channels, to do the telling... what a kick to kick the experts. Let all polltakers beware."

For the last few years, we have attempted to enlist the aid of top reporters from major newspapers around the country to help us penetrate the secret world of VRS. Among those contacted were: *Hunter S. Thompson, San Francisco Chronicle; David Rosenzweig, L.A. Times; Lionel Barber, Financial Times of London; Harold Meyerson, The Los Angeles Weekly; Martin Gottleib, The New York Times, Joan Konner, Dean of the School of Journalism, Columbia University.*

Although no help was forthcoming from any of these people, Rosenzweig sent us an excellent compendium of stories the *L.A. Times* had researched on computer vote fraud in July of 1989. Why the *L.A. Times* did not crusade on the subject, since they had this comprehensive material, is a question that begs to be answered.

16

THE THIRTEENTH FLOOR

"When you have eliminated the impossible, whatever remains, however improbable, must be the truth."

—Conan Doyle

When we settled back to watch the 1992 New York primary election returns, we were at the end of a 22-year mission, and we really had no intention of getting further embroiled in investigating vote fraud. Besides, New York State uses lever machines, and those old dinosaurs are very hard to rig.

But as we watched ABC in New York tell the public that eight percent of the vote was already counted by 9:15 p.m., just 15 minutes after the polls closed, we couldn't resist a telephone call to ABC.

"How'd you do that?" Jim asked the man in charge.

"I use Associated Press figures," he said.

Jim called AP only to find out:

"We use News Election Service's figures and the *police feed*."

With that, the investigation was back on and we were once more drawn into the fray.

How did NES report eight percent of the vote in just 15 minutes? Jim figured that it would require either computer terminals in the 13,391 state precincts that could instantly send vote totals back to NES in New York. (Eight percent of the precincts would be almost 1,100 precincts.)

"Or," Jim added, "a phone bank at NES headquarters that could receive telephone calls from correspondents in those same precincts."

The only problem with the computer theory was there were no computer links in school houses or fire stations where most people vote.

That left phone banks.

We decided to call NES executive headquarters and ask how they arrived at that eight percent figure so early.

We didn't harbor much hope of getting a straightforward answer from NES. When Ken told Robert Flaherty back in the Eighties that we were writing a book on vote fraud, he promised:

"No one will publish that book."

300

The Thirteenth Floor

This time Jim called NES executive headquarters and asked for Dennis Zire, the computer operator. He asked for the location of the phone bank that received raw vote totals from the precincts in New York State.

"Who wants to know?"

"I'm with the Jerry Brown campaign." Jim improvised.

"*It's none of his business,*" came the reply.

Ms. Susan Bucksbaum at Voter Research and Survey (VRS) said the League of Women Voters supply the personnel who phone in raw precinct totals to a phone bank at NES, but she claims not to know where the phone bank is located. Only after some coaxing did she volunteer that it "might be at One World Trade Center."

Not surprising, she wasn't sure if the League was reporting vote totals to NES directly from the 13,391 state precincts or from the state's 63 county board of elections. The difference in personnel is enormous.

If you waited for the aggregate to arrive at the 63 county seats, you'd only need 63 people, but you couldn't call that information back to NES prior to 9:15 p.m.

We checked the largest county, Erie (1,136 precincts), who, along with Niagara (143 precincts) contracts National Time Sharing Data Service to tabulate their votes for the media. *A call to NTS revealed*

VOTESCAM

301

they didn't have any totals at all by 9:15 p.m.

Only a combination of some 20 or more of the remaining counties could possibly have accounted for eight percent, but that just seems impossible on a statistical (if not human) level, unless, of course, NES has that elusive phone bank capable of handling 1,100 calls in about ten minutes.

Even if they had the phone bank capability, all the precincts in those counties needed totals read off the backs of the machines and phoned in just minutes after the polls closed. It would require the next three largest counties, Monroe (425), Onondaga (487) and Albany (295) to call NES (remember there are no computer hookups in fire stations or school houses), in the first few minutes after the polls closed for the eight percent to be legitimately achieved.

Election supervisors we telephoned claim they don't rush to open the voting machines merely to satisfy the media's demand for speed. First they put away their day gear and then they get to the vote counting procedures. Often people are still voting at 9 p.m.

The next day, Jim again used the Jerry Brown credentials when calling Naomi Bernstein, the press secretary for the Board of Elections in Manhattan.

He learned the police department picks up the 5,300 canvass sheets (the forms in triplicate

on which the votes are tallied as numbers are called off the backs of the voting machines at 9 p.m.), and delivers them to police precincts in the five boroughs. Police officers then total the numbers and send the results by computer to NES headquarters where Dennis Zire feeds them to AP and the networks. This is the "police feed" AP told Jim about.

One canvass sheet is delivered to One Police Plaza, one to the Board of Elections of each borough and the third is curbside-delivered to NES at One World Trade Center in Manhattan. From there the sheets are brought to the 13th floor and enter a secret world that no citizen can penetrate. We tried.

Jim was contacted by producers from the Geraldo Rivera show, *Now It Can Be Told*, who had read about *Votescam* in the Jonathan Vankin book, *Conspiracies, Coverups & Crimes*

They were interested in doing a show on vote fraud in America. Jim suggested they begin with a visit to NES, the legal government media monopoly (exempt from antitrust laws), that counts the votes on the 13th floor of the World Trade Center.

Jim told the show's investigative reporter, Gail Anderson: "I called Robert Flaherty and told him that I wanted to come over and see how his operation worked. He said that it was off limits to the press."

Anderson was taking notes during the cab

ride to the World Trade Center.

"Then I added that I was working with Dan Bishoff, the national editor of the *Village Voice*, in developing a piece on vote fraud. I told Flaherty that I was on deadline and the story would print next week. He said, 'We'll see about that.'"

They got to the World Trade Center just minutes before Flaherty had the 13th floor closed off to the public. Once upstairs, Jim started taping outside the NES offices. Flaherty burst through the doors, apparently alerted by the guard downstairs.

"Turn off that camera!"

He refused to allow Jim and Anderson to view the operation where NES supposedly receives phone calls from the League of Women Voters in the precincts.

Jim had time to ask one question before Flaherty ran from the camera.

"Do the people who call in from the precinct indicate what precinct they're calling in from?"

Flaherty said "no, they didn't," and bolted behind closed doors.

On the cab ride back uptown, Gail said:

"If they don't indicate what precinct they're calling in from, somebody could be calling in bogus vote totals from a back room somewhere down the street and nobody would know the difference."

Within a week of that meeting *Now It Can Be Told* was cancelled.

Perhaps it was due to their ratings.
And that was that.

A story dated July 4, 1989 in the L.A. *Times*, quotes Craig C. Donsanto, Justice Department Attorney in charge of vote fraud prosecution:

"You have to have access and some degree of technical knowledge to penetrate an electronic tabulating system. All voting systems are capable of being corrupted," he told the *Times*. "Most of them have been or will be... simply because voting is the way we determine who gets power in this great country."

The story goes on to say that there have been no federal prosecutions for tampering with the computer vote counting programs, but Donsanto suggests that it might be because "federal investigators are more familiar with paper ballots or lever-operated machines."

What information Donsanto neglected to tell the *Times* reporter was that he himself had been sued by the Collier brothers for hindering federal prosecutors from ever looking into vote fraud.

The *Times* story also quotes Steve White, former Chief Assistant Attorney General in California:

"Election fraud is difficult to prosecute, because you need a co-conspirator who comes forward, or an election that is such an upset that people would look into it. A more likely scenario is that in a close election, you just

change a few votes in a few states, and nobody would ever know."

The *Times* finishes with the frightening revelation that "some critics of computerized vote counting worry about the potential for 'trapdoors,' 'time bombs' and 'Trojan Horses.' A computer operator with the correct password, could place a trapdoor, or a series of hidden vote counting instructions inside the system, according to *Election Watch Report*."

"Once into the system, the operator could program the computer to count votes for one candidate as votes for another. After the votes have been changed to swing the election, the trap door could be closed.

"A time bomb would have to be sprung by a computer operator on the scene, but a time bomb could be placed inside the tabulating system in advance. It could instruct the computer to add 500 dummy votes, while the perpetrator relaxed thousands of miles away."

As for the Trojan Horse concept — Howard J. Strauss, Princeton University computer scientist said: "Writing the 'source code' for one of these vote counting systems, a programmer could insert a 'Trojan Horse' that might not appear for years.

"Suppose I wanted to throw the 1992 presidential nomination to (Mario Cuomo, for example), I write the code so that every time the name comes up in the primaries, he receives a certain number of votes."

306

The Thirteenth Floor

VOTESCAM

307

With the help of the above scenarios, we may have just described one of the methodologies used by computer wizard Sununu in New Hampshire to assure that the final results would agree with the exit polls.

As we had been unable to divine a paper trail on the exit polling operation, we called upon Ellis Rubin one more time. We hadn't seen him in ten years so we certainly couldn't forecast his reaction to being drawn once more into the breach.

We told him that we were on the trail of the smoking gun, and that we believed it was pointed at Voter Research and Surveys. No, we couldn't give him the details on how the gun was used, or how many political careers it had already terminated, but we could definitely smell the smoke.

We gave Rubin a copy of this book and told him that it should serve as a catalyst for a full public investigation of how the vote is counted.

On March 13, 1992 we met with Rubin in Miami and asked him to bring the issue of vote fraud once again to the proper authorities. He agreed. The following letter was drafted by Rubin and delivered to acting U. S. Attorney James McAdams in Miami, along with a copy of this book. Rubin requested that McAdams deliver them to United States Attorney General William Barr in Washington.

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March 24, 1992

William Barr
Attorney General of the United States
Main Justice Building
5111 Tenth and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Barr:

Because I am mentioned throughout, the attached manuscript, VOTESCAM: THE STEALING OF AMERICA, was given to me by the authors for comment. I found the contents to be so explosive, current and important to every American voter that I requested and received permission to transmit it to you through the United States Attorney for the Southern District of Florida for immediate action.

The Presidential, Congressional, State and local elections of 1992 are almost upon us and, strange as it seems, no human eye will ever see or count most of the millions of votes cast due to electronic or computerized balloting. This manuscript exposes several

308

The Thirteenth Floor

examples of how votes were and can be manipulated.

Now, a new phenomenon has entered the picture. The exit poll, which never fails to call the final results within fractions of those tallies. By 7:01 p.m. election night, the networks and their mysterious exit polls tell us who won and by how much, ALTHOUGH NOT A SINGLE VOTE HAS BEEN COUNTED. This exit poll pool is called VOTER RESEARCH AND SURVEY (VRS). The public does not know how it works, they can't find out and, in fact, it is totally unaccountable to the public.

Along with VRS, the TV networks and wire services have put together and completely control the NEWS ELECTION SERVICES (NES). NES is the official vote counting apparatus of America. The VRS and NES numbers always jibe. How? Why?

And who are the shadowy vendors who come into the states and supposedly count the votes for the supervisor of elections and at great

VOTESCAM

309

taxpayer expense? Since computers are involved in counting votes, anyone with access codes could punch into elections and change the results...and nobody would be the wiser. That also goes for the software involved.

Mr. Attorney General, I urge you to use this manuscript as background material and then tell the American public how you are going to sanitize every facet of how their votes are counted. More than that, I pray you will make our elections foolproof. With November rapidly approaching, time is of the essence. As I have said before: Computerized voting by punchcard thwarts the will of the people. A cancer is growing on our most precious franchise. It must be eradicated NOW.

Very truly yours,

RUBIN, RUBIN & RUBIN, P.A.
ELLIS S. RUBIN
For The Firm

ESR: ds/0052
Enclosure

310

The Thirteenth Floor

VOTESCAM

311

U.S. DEPARTMENT OF JUSTICE
CRIMINAL DIVISION

John C Keeney
Deputy Assistant Attorney
General Criminal Division
May 20, 1992

Office of the Assistant Attorney General Washington,
D.C. 20530

Ellis R. Rubin, Esq.
Rubin, Rubin & Rubin
333 N.E. 23rd Street
Miami, Florida 33137-4926

Dear Mr. Rubin:

Your recent letter addressed to Attorney General William Barr and enclosing the manuscript of a document entitled "Votescam" prepared by Kenneth and James Collier has been referred to the Criminal Division.

This Division is very familiar with the Collier brothers and their claims that computerized voting equipment used throughout the United States to tabulate votes has been fraudulently manipulated as part of a national conspiracy to corrupt the outcome of elections. The information that we have received from these two complainants has failed to demonstrate any support for their thesis. For that reason, we do not consider that the matters referred to in the attachment to your letter warrant a criminal investigation by the Department of Justice.

I appreciate your sharing this manuscript with us.

Sincerely,
Robert S. Mueller, III
Assistant Attorney
General

By:

Robert S. Mueller, III
Assistant Attorney General
U.S. Department of Justice
Criminal Division
Washington, D.C. 20530

Dear Mr. Mueller,

Your letter is signed by John C. Keeney and not by you. As an investigator I find that significant. You see, John C. Keeney is a name I know well. John C. Keeney's name runs the length of our investigation into vote fraud. It is John C. Keeney's name that appears on all documents protecting perpetrators. It is John C. Keeney's name we find on documents protecting Craig C. Donsanto. It is Donsanto and Keeney who are the stoppers-in-the-bottle of vote fraud prosecution in the Justice Department. So it is not surprising that we find John C. Keeney's signature on your letter.

After all, Mr. Mueller, we sent the *Votescam* manuscript to William Barr. We can now surmise that William Barr never saw it. Very probably, John C. Keeney intercepted the manuscript, and he alone made the decision to write to attorney Ellis Rubin, killing any hope of an honest investigation. We seriously doubt that even you saw the manuscript, but that John C. Keeney finagled it into his own possession.

You must understand that John C. Keeney knows this story very well. He knows that Donsanto refused to see the *Votescam* videotape we shot in Miami, in which the League of Women Voters were punching holes in vote cards, and that hardly mattered because the computer operators were not counting votes. It was all preprogrammed weeks before the election. John C. Keeney knows that Elvera Radford, the Cincinnati election chief, quit her long-held post the day after we videotaped the LWV using tweezers that corrupted the vote cards. That tape was shown on television in Cincinnati but Donsanto, making a mockery of the position he holds, refused to see it.

John C. Keeney knows that the Printomatic devise is used extensively to rig elections in this country. He allows that to happen. He knows that a network vote counting cartel can change the computer vote count in 60% of this nation without detection.

This nightmarish scenario can be accomplished from a master computer located on 34th street in New York City. But he refuses to share this frightening fact with the public. His letter states that the information he has "failed to demonstrate any support" for our thesis. Well, Mr. Mueller, we say the information he has proves exactly the opposite.

The information that Craig C. Donsanto and John C. Keeney are protecting includes the names of a score of private companies that infiltrate American cities without public knowledge and count the vote on their private machines. The people who run these companies could be paid to rig any election from local, to state or federal, and John C. Keeney is protecting their identity. The public is kept unaware

of who they are, who they represent and what they are paid.

Mr. Mueller, this country is in rotten shape. I have been on radio shows from coast to coast, and callers in dozens of cities testify as to how the computer in their town mysteriously "breaks down" when their honest candidate is winning. When the system returns on-line, the count is strangely reversed. The thieves won. It's a national epidemic. John C. Keeney's job in Justice has become making sure these facts are never open to public examination.

When The *Votescam* manuscript is published, you and the citizens of this country will be rightly incensed. This letter, of course, will be the book's final document. If there is any justice left in the Justice Department, the sequel to *Votescam* will include the indictment of John C. Keeney and Craig C. Donsanto.

Sincerely,

James M. Collier

17

THE LAST DISPATCH

Home News Wire

By: James and Kenneth Collier

NEW YORK (HNW) - It's amazing how the characters keep reappearing in the script. Like Gaeton Fonzi.

We thought Fonzi was just a simple scribe for a local magazine in Miami when he wrote his 1974 piece on *The Great Dade Election Rig*. However, Fonzi, it turns out, was also a firsthand reporter on the JFK assassination. When he was assigned to interview us on the vote fraud story, we got the top drawer, number-one investigator in America to report on our case.

Fonzi was also a member of the House Select Committee on Assassinations, which convened in 1975 to reopen the Kennedy case. In fact, Fonzi is probably the only man left in this country who hasn't written a book on JFK, when indeed, he is the best man around to piece this entire conspiracy together.

To begin with he knows, from reading our

reports in the *Home News*, that there was a sniper's nest in Dallas that nobody ever talks about. It has never appeared in any other newspaper, and it has even escaped the detection of Oliver Stone. Here is how we discovered it.

Citizen's for Fraud-Free Elections, a group in San Jose, California, called Ken in Washington in 1988. They wanted him to go out and investigate their area for evidence of vote fraud, and they promised to pay expenses once he got there. Although that arrangement was against our rules and we usually insisted on monies up front, a hound cannot resist the pursuit, and so Ken headed out across America one more time.

Once there, he appeared on a radio talk show that covered the Bay area and drew a sizeable audience. As fate would have it, one of those listeners was the late and famous Mae Brussell, the 66-year old Kennedy assassination buff who had her own popular radio show out there.

If you read Jonathan Vankin's book, "*Conspiracies, Coverups & Crimes: Political manipulations and mind control in America*," by Paragon House Press, (published in October 1991), you will have a better understanding of this remarkable woman.

We too, appear in Vankin's book, which profiles both the famous and infamous Hounds of Hell who investigate conspiracy theories. What makes the book highly unusual is that, for

the first time, it gives dignity to the citizens who look for answers in places where the mass media refuses to go.

Mae Brussel, according to Vankin, was the "best engaged mind" of all the theorists. She was brilliant as a researcher. The first, and probably the only person to cross reference the 26 volumes of jumbled, non indexed Warren Commission files.

Mae would go on the air, and what she said then is exactly what everyone is now discovering: the CIA, the FBI and the Mafia conspired to kill the President. She was subsequently vilified by the media as a "mad conspiracy theorist."

After listening to Ken's accounting of our *Votescam* investigation, she couldn't resist the urge to call him on the air. Mae told Ken that *the roots of vote fraud were to be found in Dallas* – that only there would we discover the truth behind the "front gunman theory."

Mae said that the media had done a trade-off immediately after the shooting in Dallas. The television networks and the major press agreed to go along with the Warren Commission, stifling any impulses to investigate the truth about a front gunman – in return for control of the vote count.

At this point, Ken needed immediate funds because the people who brought him to the coast refused to pay once the job was done. He was virtually stranded in Santa Cruz.

Unfortunately, at the time, Jim found himself in a familiar situation, working for no money on the *Home News*. MacKenzie was subsidizing the paper and his bank account was starting to run on empty.

Jim told MacKenzie the story about Mae Brussel and that Ken needed financial help in getting to Dallas. Considering that MacKenzie had just spent fifteen hundred dollars bailing Jim out of jail after State Attorney Janet Reno had him arrested for grand theft, he wasn't in the mood to dig deeper into his shallow pockets.

As Jim remembers it:

"To leave Ken stranded in Santa Cruz for a moment, let me explain how I happened to find myself in the Dade County Jail.

"It began when a wheeler-dealer, known on the street as "The Big Shooter," decided to take over the city of Opa-Locka by becoming its mayor." (Opa-Locka, you will remember from earlier in this book, is the city where the voting machine warehouse was located.)

"I got a telephone call one day at the paper telling me that the Big Shooter was printing his own ballots for the coming election. My source told me to go to his headquarters which was, I soon discovered, a printing plant.

"Inside the front door, under a campaign poster of the Big Shooter, smiling down benevolently, were several boxes of blank IBM computer ballots.

"I left the building to think the situation over

and telephoned MacKenzie. He told me to seize the evidence and deliver it to State Attorney Janet Reno. Minutes later, I drove my car up to the front of the print shop, left the engine running and ran into the shop. I grabbed the boxes and raced back to the car, just as an employee sprang out the door to give chase. I watched in my rear view mirror as he wrote my license number on his palm.

"At Reno's office, instead of being hailed as a hero, my old nemesis had me make a statement to one of her attorneys, who interrogated me as if I had just stolen someone's purse. However, knowing that ending up in court to present this evidence was my ultimate goal, I waived immunity from prosecution and gave a full accounting of my actions. Within a few days, MacKenzie was also called in to make a statement.

"Reno had a choice: she could either investigate my charges, or have me arrested. The latter was too sweet to resist.

"After MacKenzie bailed me out for that \$1,500, I battled with Reno on the front pages of the *Home News*, predicting that she'd drop the charges – an act I taunted her *not* to do. But Reno took the prudent course. Rather than face me in court, the prosecutor told the judge at the hearing that he was dropping the case, and the Big Shooter went on to become Mayor of Opa-Locka."

Now, back to rescuing Ken from permanent residency in the San Francisco Bay. MacKenzie gave Jim \$500 to fly Ken to Dallas and Miami.

In Dallas, Ken met his girlfriend, Lynnette, who flew in from Washington to help him search for whatever clues Mae Brussel said were waiting to be discovered.

They sat in that famous Dallas restaurant that rotates atop a skyscraper, and everytime the postage stamp-sized crime scene passed below they studied it with a hawk's view. They drew diagrams on the napkins, and somewhere between the soup and the coffee, they figured out that the front gunman had to have been near the railroad trestle in order to get a front shot to Kennedy's right temple.

Ken and Lynnette took a taxi to the scene known as the "Killing Zone," and headed directly to the corner of the grassy knoll where the concrete overpass meets the white picket fence.

As they walked, Ken told her about other anomalies in the Warren Report. For instance, the Kennedy Hounds had determined that no cordite smell was in the room where Oswald was to have fired the rifle. Cordite has an oily, burnt gunpowder odor that lingers in the air for hours after a rifle has been fired indoors.

He described the Ike Altgen's photo showing Oswald standing in the door of the Texas School Book Depository. Oswald had that same open-

sniper's nest.

At that time, Oliver Stone had not yet made the waters safe for conspiracy theorists with his revisionist film "*JFK*," and so Ms. Conover Hunt, the curator of the JFK Museum at the depository was the first to assure us:

"You'll be the enemy of all Dallas if you push that tape."

However, we were the first investigators to have video proof that a sniper could conceal himself in front of the motorcade, shoot the President and vanish into thin air. Our gratitude to Mae Brussel, who told us the networks were protecting the Warren Commission in return for control of the vote count.

After Vankin's book came out in 1991, we sent copies of the chapter on *Votescam* to people we were trying to educate, along with a copy of a November 7, 1988 cover story in *The New Yorker* by Texan Ronnie Dugger, a veteran JFK hound.

Dugger echoed our *Home News Wire* stories on *Votescam* printed years before in various publications around the country. The Hounds in pursuit of one story were beginning to cross paths with the Hounds of the other. JFK and *Votescam* were starting to meld edges. Just as the brilliant Mae Brussell had predicted there was, indeed, a causal link between the two.

With Vankin's book in hand, we called editor Jack Shafer of *City Paper* in Washington. In 1987, one of his writers, Jon Cohen, had printed a

short piece on the *Votescam* investigation. Although Cohen did an excellent job of reporting the root facts, he wrote that he didn't have time to investigate the charges.

We tried to convince Shafer that *Votescam* was a story with a future. He facetiously replied that "the Collier brothers think they have the unified field theory of conspiracies," and he refused to investigate any part of it.

For those of you who aren't familiar with that penultimate unified field theory of physics, it means: we have taken the JFK assassination and linked it with both Watergate and *Votescam* to show how nothing operates in a vacuum.

The theory is that when JFK was shot, the nation came under the control of the CIA and the Establishment media bosses. Richard Nixon was ambushed at the Watergate by the interests of media boss Katharine Graham, who was protecting her television license in Miami from charges of participating in an election rig.

Not until the JFK case is solved and the ties that bind the CIA to the media are exposed, will "all the poisons in the mud hatch out."

This is not the end.

###

324

NEWS

REPUBLICAN NATIONAL COMMITTEE

**Richard Richards
Chairman**

RNC 82-100
FOR IMMEDIATE RELEASE CONTACT: JENNIFER
HILLINGS
OCTOBER 20, 1982 (202) 484-6550

**RNC ANNOUNCES \$5,000 REWARD PROGRAM TO
DETER VOTING FRAUD VIOLATIONS**

Washington, D.C. — Republican National Committee Chairman Richard Richards today announced a program offering \$5,000 rewards to individuals who give information which leads to the arrest, conviction and punishment of any election official who violates state or federal laws against voting fraud. "It has saddened us to learn that vote fraud still exists in certain areas of this country," Richards said in a letter to all 50

VOTESCAM

325

secretaries of state. "Since the right to vote is the keystone of all other rights we cherish as Americans, any dilution of the vote by fraud or error must be stopped."

Attached please find a copy of the letter.

Dwight D Eisenhower Republican Center: 310 First Street
Southeast, Washington, D.C. 20003 (202) 484-6550

326

REPUBLICAN NATIONAL COMMITTEE

REWARD OFFER DRAFT

October 15, 1982

Dear Secretary of State:

As we approach this important general election, we wish to recognize the excellent work of the hundreds of thousands of American Citizens who will serve their fellow citizens as election officials. We recognize they must serve long hours, often for nominal pay, and often in cramped work places. In the vast majority of cases, American election workers do a fine job of quickly and accurately obtaining the vote and reporting the totals to their fellow citizens. However, it has saddened us in the last few years to learn that vote fraud still exists in certain areas of this country. Fraud serves to undermine the most precious right of Americans — the right to vote. Since the right to vote is the keystone of all other rights we cherish as Americans, any dilution of the vote by fraud or error must be stopped. We know that your office will make every effort to see that every lawful vote is counted accurately, and that violations of the law are quickly stopped and offenses are prosecuted.

VOTESCAM

327

In order to help in such efforts, the Republican National Committee has decided to post a reward of \$5,000 to any citizen who gives information that leads to the arrest, conviction and punishment of any election official who violates state or federal laws against vote fraud. We have established telephone numbers that will be manned by attorneys who will assist in putting them in touch with the proper State and Federal officials who will proceed with such complaint.

We ask you to cooperate with us by informing us of a contact person in your state that might be used in the event such an occurrence happens in your state. Please contact Mark Braden or Catherine Gensior at 202/484-6638

Very truly yours,

Richard Richards

RR: jd
cc: State Chairman
CLA Members

United State Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 84-5884 September Term, 1985

Kenneth F. Collier, C.A. No. 84-03570
James M. Collier
Appellant

vs.

United States of America, et al.

BEFORE: Wright, Ginsburg and Scalia, Circuit
Judges

ORDER

Upon consideration of appellees' Motion for
Summary Affirmance and the opposition thereto.
It is

ORDERED by the court that the motion is denied.
The district court's peremptory dismissal of this
case on the same day the complaint was accepted
for filing issued prior to this court's decision in
Sills v. Bureau of Prisons, 761 F. 2d 792 (D.C.

Cir. 1985) Summary affirmance of the dismissal,
as Sills clarifies, received the "fullest
consideration necessary to a just determination."
781 F.2 at 794. It is FURTHER ORDERED by the
court that the district court's dismissal is reversed
and the case is remanded to that court for further
proceedings consistent with this court's opinion
in Sills. It is FURTHER ORDERED that the requests
to treat the parties' submissions on the Motion for
Summary Affirmance as briefs on appeal are
dismissed as moot.

The Clerk is directed to withhold issuance of the
mandate herein until seven days after disposition
of any timely petition for rehearing. See Local
Rule 14.

PETITION TO THE SUPREME COURT OF THE UNITED STATES

WHY THE WRIT SHOULD BE GRANTED

CONDENSED: Where Petitioners have been victimized by a jurist who obtained jurisdiction sua sponte to rule in a case wherein a long-term colleague is a material witness due process demands that such a ruling should be vacated.

Your Petitioners recognize the extreme seriousness of actually accusing a judge of the Superior Court of the District of Columbia of willful and deliberate political case-fixing, but when the following facts are considered, no other conclusion can be drawn. A lengthy investigation of Judge HENRY F. GREENE'S behavior in this matter was conducted by his peers and superiors on that Court, including three Chief Judges thereon whose cooperation with Your Petitioners was voluntarily granted in the wake of the several facially-anomalous actions committed by Judge GREENE in his so-far successful derailing of a "non-frivolous" \$20 million damage suit against the Republican National Committee. "Non-frivolous" in that two judges on that Court have denied summary judgement to the RNC's attorneys on identical pleadings, (plus one lengthy hearing), in the litigation proceeding the

events described below. "Non frivolous" in that several Court-ordered depositions were granted to Your Petitioners in their preparation for the jury trial which RNC attorneys sought to avoid at any cost.

1. The first "facially-anomalous" action committed by Judge GREENE was the manner in which he used self-help to obtain pre-trial jurisdiction of the case. The Chief Judge's investigation confirms that Judge GREENE personally picked up the telephone and called the pre-trial assignment office just a few minutes before Your Petitioners (acting pro se) were scheduled for a long-awaited and hard-won pretrial conference. With this phone call Judge GREENE ordered the assignment clerk to send the "next available" case to his chambers. Significantly, Judge GREENE was not the official pretrial judge, but was conducting a trial in another division, which he recessed to enable him to reach out for this case. In light of what ensued, Your Petitioners took the extraordinary step of bringing suit against Judge GREENE and the RNC attorney who worked hand-in-glove with him to run two "non-frivolous" (as above) pro se litigants out of Court. The following are three key sentences from the Complaint of that suit. . .

THAT this is an action sounded in tortious conduct amounting to civil conspiracy in which the defendants had a meeting of the minds and cooperated together for the same object which they mutually sought to be accomplished, namely the unlawful misuse of Henry Greene's employment as a Superior Court judge to deny Plaintiffs due process in a United States court in the District of Columbia, (Superior Court Case 10935084) both on and off the bench.

THAT in furtherance of said civil conspiracy, Defendants committed unlawful acts to calculatedly and deliberately and knowingly defraud Plaintiffs from being treated in Superior Court in an impartial, non-prejudicial manner as related to being assigned a judge for a pre-trial conference, and conspirator GREENE misused his position of implied authority to deliberately telephone the Civil Assignment office at the precise hour (1/6/85) when Plaintiffs' \$20 million lawsuit was already assigned to be heard by Judge W. Thompson, (a duly-appointed judge of the PRE-TRIAL DIVISION) but which phone call "suddenly" WRONGFULLY caused motions clerk SANFORD COLEMAN to switch Plaintiffs from the proper and normal routine assignment of a judge in the pre-trial division to HENRY GREENE, a trial judge in Civil II

THAT in deliberately reaching out from his busy schedule as a trial judge to snare a highly political and controversial multi-million dollar suit to place under his EAGER jurisdiction, GREENE conspired with CARR as judge-and-attorney for the Republican National Committee (Defendant in the suit) to silence and ignore Plaintiffs vigorous objections that GREENE had no right whatsoever to overturn a previous ruling denying defendants a summary judgment, acting without permission or due process to "hear" a motion for reconsideration which had been framed solely for reconsideration by the judge who had denied the original motion, but instead conspired with CARR to reopen the entire case, to fabricate "Supreme Court" opinions on the record, and to dismiss the case out of hand. Certainly, your Petitioners objected to the jurisdiction of Judge GREENE and did so during the off-the-record meeting in his chambers during which Judge GREENE revealed that he had been a colleague for 13 years in the Justice Department with the key (adverse) material witness listed on the plaintiffs' pretrial form. Then, when the RNC attorney asked Judge GREENE to "reconsider" the denial of summary judgment rendered by a co-equal Superior Court Judge just three weeks earlier, Petitioners objected once again, but were silenced on threat of arrest and told to "be" at a

hearing three days hence at which time the entire case would be re-argued in de novo proceedings. Thus, using coercion in the form of guaranteed dismissal if Your Petitioners failed to appear at the hastily arranged hearing, Judge GREENE set the stage for his granting a summary judgment, thus obviating the necessity for his former colleague/friend (above) to testify in a highly public jury trial featuring the videotaped vote-fraud evidence which that former colleague/friend had refused to screen when it had been presented to him at the Justice Department in connection with the REWARD OFFER.

At the fatal hearing itself, which was purported to be a "motion to reconsider" on the part of the RNC, no testimony was taken, no evidence whatsoever was introduced by the RNC, nothing to justify holding such a motion hearing on the dispositive issues of the case.

The only purpose in holding a de novo hearing at that stage of the litigation was to provide a courtroom context for Judge GREENE to suddenly "reverse" the law of the case as previously determined by two previous Superior Court judges. The record shows that Your Petitioners objected to being forced to participate

in the hearing. With the Court's indulgence, your Petitioners extract a portion of that hearing below:

MR. COLLIER: Judge Nunzio did, in fact, sit and hear lengthy argument on both sides, oral argument, and when it was over, he stated that he would throw out the punitive damages and he would allow us to continue to press our claim in court so that we could have a jury determine what is reasonable or not reasonable for the public to assume when they read a reward offer put out by the party in power.

THE COURT: Well, Mr. Collier, let me just say I resolved that issue when I resolved to hear the motion for reconsideration. I told you and Mr. Carr in chambers that it seemed to me appropriate for Judge Nunzio to hear the motion for reconsideration, and that's the way it usually works, but I also told you that Judge Nunzio was in a situation where he was in a different assignment now and, indeed he has retired, but the effective date isn't clear, and I wasn't sure how the civil division of this court and the administrators of that division would want to handle this matter. I called the assignment commissioner — they asked me to handle it, and I indicated to counsel that I

would. So, for purposes of this motion to reconsider I am, in essence, sitting as Judge Nunzio and reconsidering what he did in that case. So, the fact — stare decisis does not apply to reconsideration of this matter.

Now, if Judge Nunzio articulated some things in his denial of the motion for summary judgment that you think are relevant, I would certainly like to be informed about those things, because I was not there. So, if he articulated some reason as to why he thought there were material factual issues that remained in dispute in this case, and what those issues are, please address those.

MR. COLLIER: Judge Nunzio, by his very decision, stated to us — looked right in my eye and said. “It’s not all over. You can still pursue it,” or words to that effect. He had come to his decision —

THE COURT: But did he say what factual issues, what material factual issues he viewed as remaining in dispute in this case?

This type of colloquy continued throughout a five hour hearing, during which time the issues under examination

were boiled down to what Judge GREENE referred to as ‘the crux of the matter.’ To wit:

THE COURT: Now tell me what’s the evidence?

MR. COLLIER: I submit that the statements made by Richard Richards in his deposition are exactly what Your Honor is referring to, and that where the complaint in this case states that the — that the Defendants had no authority to make this promise, during our participation.

THE COURT: Okay. Well, I guess that gets to the crux of the matter.

MR. COLLIER: He agreed he had no authority to make the promise, and he signed the letter.

THE COURT: I think that — okay. I think that gets to the crux of this matter, Mr. Collier. It is my view, as a matter of law, that no reasonable person could interpret the language “Who will proceed with such complaint” following “federal officials” as anything other than predictive, that no

reasonable person could construe that language as a guarantee by the Republican National Committee as to what federal officials would do and —and I guess that really is the crux of the matter.

MR. COLLIER: May I address myself to that?

THE COURT: And I say that as a — as a predicate to my restating the same question. Now, if — if we view that language as a guarantee, as you tend to view it and think it should be viewed, then I grant you that under the language of Bennett versus Kiggins, one could conclude that at least the reward offer and that portion of the reward offer which constitutes an alleged promise was made by the promiser with knowledge that the events would not occur. As you've indicated, Mr. Richards indicated in his deposition that nobody ever intended to guarantee what federal officials would do, but, it seems to me that the word — and I — I — I — in preparation for this, I was looking in a dictionary of English usage last night, and the word "will" of course, used as a verb, has several connotations. Sometimes it has connotations that amount to a guarantee but, in other contexts, it has only a predictive

connotation, that is, that it will rain today. If I tell you it will rain tonight or it will snow tonight, the word "will" is being used with a predictive connotation, because there's no way that I can guarantee that it will rain or that it will snow tonight.

Your Petitioners were appalled that Judge GREENE was so obviously contemptuous of us as pro se litigants that he would simply and cavalierly refer to his home dictionary as being the sole source from which he drew the conclusion "as a matter of law" that the word "will" under dispute had no guarantory meaning. Significantly, Judge GREENE conceded that here are "several" ways of interpreting that word, thereby conceding that the language was clearly facially ambiguous.

Your Petitioners were cognizant of the background of Judge GREENE related in his prior 13 year employment as an attorney in the Justice Department, due to Judge GREENE's remarks in chambers (as above) and further recognized that if we were to later claim bias and prejudice on the part of the trial judge we would have to confront him on the record and ask for his recusal due to his past lengthy association with the above-mentioned "material witness" whose

340

The Last Dispatch

tenure at the DOJ mirrored Judge GREENE's.
The following comprised his reply:

THE COURT: Your request is denied, Mr. Collier, and you may have a seat.

MR. COLLIER: All right.

THE COURT: Your request for recusal is denied.

VOTESCAM

341

CONCLUSION

When the District of Columbia Court of Appeals affirmed the Court's summary judgment, it provided in its rationale the very reason (and legal citation) why the decision of Judge GREENE should be reversed. As the below-quoted paragraph from the D.C.C.A. shows, a "facially ambiguous" phrase should not be interpreted by the Court "as a matter of law." The REWARD OFFER agreement itself placed an obligation on the RNC to "put Claimants in touch with the proper state and federal officials who will proceed with such complaint." The evidence in this case shows that Your Petitioners relied on that phrase when they embarked upon their videotaping mission. (COLLIER Affidavit, PARA: 1-12) That phrase (the inducement clause) should be interpreted by a jury to determine whether or not a "reasonable person" would have relied upon it as a "promise."

**DISTRICT OF COLUMBIA
COURT OF APPEALS**

We turn first to a key argument of appellants on appeal, that the trial court erred in its interpretation of the reward offer as affording no guaranty to those responding to the offer

that enforcement action would in fact be taken by state and federal officials to whom possible voter fraud information was provided.

An interpretation of an integrated agreement in a document is facially ambiguous. 1010 Potomac Assoc. v. Grocery Manufacturers of America, Inc. 485 A, 2d 199, 205 (D.C. 1984).

Clearly, Your Petitioners have earned the right to a jury trial to resolve the issues in dispute in this lawsuit, and therefore pray for reversal of the lower Court's arbitrary, capricious and prejudicial extinguishment of our claim.

RESPECTFULLY SUBMITTED.
DATED 23 June 1987
KENNETH COLLIER
JAMES COLLIER

Ed. NOTE: THE COURT DECLINED TO REVIEW THE CASE AND NO WRIT OF CERT. WAS ISSUED.

EPILOGUE

18

KNOWLEDGE IS POWER

New York City
February 1, 1993

The war is escalating. More and more people call us during each election, asking us to check out their hometown voting procedures.

On election night last year we were interviewed on National Public Radio in Denver, Portland and in several other western cities. In New York, Jim went to the WBAI studios for a live interview. We were told that we would have two hours that night, plenty of time to educate the New York audience to the perils of vote fraud. However, ex-New York Times reporter, David Burnham, who was also scheduled, refused to appear on the same show. He claimed

that we were right wing radicals, and apparently feared his reputation would be smarmed if he shared air time with a Collier.

That was enough for the two sycophantic hosts to relegate us to a bleak studio office, where we shared tattered furniture with a mascot-cat. We listened to the first hour of Burnham dispensing his limited knowledge of the field. Indeed, Burnham had fallen out of the game years ago, soon after his Poindexter piece appeared in the Times. We heard that he was fired from the Times for exposing the top secret National Security Administration's investigation into computer fraud. Others say he just quit to become a freelancer. We never got the chance to ask him on the air.

When Burnham's hour was up it was our turn. We intended to tell New York listeners about WABC-TV's remarkable ability to perfectly predict 8 percent of the state vote in just 15 minutes after the polls closed on primary night.

We were pursuing that time-puzzle in the weeks before the WBAI show and discovered that it was Sequoia-Pacific, of Jamestown, New York, who had supplied the state counties with the lever-style voting machines. Normally, it is very difficult to rig lever machines, which left us pondering how WABC-TV could possibly get 1,100 precincts to call in vote totals in just 15 minutes after the polls closed. When we telephoned Sequoia-Pacific they told us they also supplied the county election supervisors

with the Primatomic device; that double-piece of paper stuck in the back of the voting machine that gets cranked out like a gumball both in the morning and at night after the election. Those hidden pieces of paper have all the voting numbers supposedly imprinted on them by a roller-and-ink designed to keep the precinct workers from actually seeing-with-their-own-eyes the 0-0-0's in the morning and the final tallies at night.

Sequoia-Pacifica refused to tell us which counties used the Printomatic but indicated there were more than the 8 percent needed to fulfill the WABC-News Election Services's predictions.

That presents the possibility that NES, which supplies WABC-TV with its predicted vote totals, can actually know the results from those Printomatic-counties several days before the election even takes place. Clearly the Printomatic is not used to protect the voters, it is used to hoodwink them. Indeed, the voters have lost their constitutional right to personally view those machine numbers. Any election supervisor who defends the use of the Printomatic should be closely watched.

But, we never got around to sharing that information on WBAI that night. Fueled by Burnham, the two hosts were determined to expose us as right wing radicals. They kept repeating that selling articles to theSpotlight was proof of it.

Our editor, Phyllis Vernick, was in the "green room" growing increasingly frustrated as she listened to Jim countering "conspiracy-theorist" attacks for the first 40-minutes of the hour.

"I couldn't stand it anymore," she said. "I suddenly found myself walking down that hall; I saw my hand reaching out and opening the studio door and I heard myself saying 'This is total bullshit.'"

She shocked the two amateur hosts into stunned silence for the entire length of her entrance speech; telling them how they had just wasted precious air time with phoney posturing, snide comments, and since they had been given theVotescam book in the first place, it was pretty obvious by their limited questions that they hadn't done their homework. She then suggested to Jim they leave the two nerds and go get a corn beef sandwich.

On the way home Jim proposed marriage.

* * * * *

To be forewarned is to be forearmed. So we sent letters to New York Governor, Mario Cuomo, and to Jerry Brown, strongly suggesting the possibility they were entering contests they were unable to win. Worst yet, contests that might discourage them from ever running again. Governor Cuomo was repeatedly telephoned for a meeting. We then tried to approach him through his right-hand man, his son Andrew. We inundated both of them with materials on vote

fraud. The refusals for meetings came through their front offices. Cuomo, however, did not run for the Presidency. If he ever does, we intend to ask him how much of his decision was based on the knowledge we gave him.

This man does not deserve to be a Supreme Court Justice. In "legalese" he has guilty knowledge of crimes that go to the birthright of the American public. Moreover, since it is our constitutional right to know every facet of how our vote is counted, and Governor Cuomo refused to defend (i.e. investigate) that right, it should prevent him from becoming a constitutional justice. However, just as in the Scalia case, this guilty knowledge just might translate into leverage; leverage that will guarantee a lifetime post on the court.

We fully intend to testify against Cuomo at his confirmation hearings, if and when he is nomated to the Supreme Court.

* * * * *

As for Jerry Brown, his press secretary, Eli Mellor, telephoned us from California after reading the Vankin book. He felt that vote fraud would be a strong issue for Brown's campaign. With great enthusiasm Mellor spent weeks trying to convince Brown to meet with us. Finally, when Brown was in Boston, a short ride from New York City, Mellor called him and pushed hard for that meeting. Coincidentally or not, the next day he was fired. Nobody at

Brown headquarters had any idea of his whereabouts. Today, in retrospect, Mellor probably smiles at his naivete in thinking Brown had the balls to expose vote fraud.

Picasso's goat he ain't.

* * * * *

Finally, we wrote H. Ross Perot. We even had his New York, New Jersey, Washington, D.C. and State of Virginia offices upset and indignant enough to fax him the following letter. We enforced their efforts with faxes and phone calls of our own. The little giant ignored all of us. His Richmond staff even contacted the local CBS television affiliate and demanded that a reporter see the letter. They hoped that he might be a stronger channel to Perot. A local reporter was rushed out at midnight to investigate.

According to the Richmond staff, the reporter seemed legitimately shocked at the letter's portent. He promised to call the Colliers in New York as soon as he returned to the station. He never did. For days we left messages for him, but he wouldn't return any of the calls, ours or from Perot's people. Plus Perot also remained ominously silent. All this left his troops in New York, New Jersey, Washington and Virginia suspecting Perot to be a phoney. It left us suspecting Perot to be the ultimate game player who just might use his guilty knowledge as a move on the political chess board.

After all, in politics, knowledge is power.

OPEN LETTER TO ROSS PEROT

by James M. Collier

June 10, 1992

Ross Perot
6606 LBJ Freeway
Suite 150
Dallas, Texas, 75240

Dear Mr. Perot,

I am an investigative reporter who has spent the past 22 years studying how the vote is counted in these United States. It is with that background that I can assure you the Presidency of this country; all you have to do is read the enclosed material and follow my instructions.

The 287-page manuscript you have there titled "VOTESCAM: The Stealing of America" is presently being circulated to all major publishers by my New York bulldog of an agent. I strongly suggest you read it first and when you finish you'll understand why an epilogue is definitely needed. That epilogue will consist of a chronicle of events that took place after we sent the manuscript to various people who could be helpful in exposing its contents to the American public.

With that predicate laid, I shall explain the

simple steps a billionaire may take to gain the crown. After all, others have used this method before you, and if you are not aware of the current state-of-the-art in vote fraud this letter will surely be an eye-opener.

1.) You contact a shadowy group of computer firms that work the nation like a grid. These firms, without public knowledge or public bid, are paid millions of dollars to quietly go into cities on election night and count the vote. The elected Election Chief simply steps aside for these firms and allows them to entirely program and count-control the vote.

In Titusville, Florida, the Election Chief lives in a \$750,000 house. She earns approximately \$66,000 a year before taxes. Before she became Election Chief she was not a rich woman. She hired Fidler and Chambers of Moline, Ill., and they do all the work for her. She just sits back and collects. The public knows none of this, of course, as the local papers refuse to print a word. F&D gets paid more than \$100,000 per election and they use their own modems and programs. Interestingly, F&D controls most of the south and the midwest.

In California, a group called DFM creates the software and counts the vote for two-thirds or more of the state.

So, simply call F&D President Ralph Anderson up there in Moline, offer him something he can't refuse, and he can make you President...for two terms. Isn't that simple? You understand why the

media is reluctant to expose this story. They get all that political advertising vigorish every couple of years, plus they control their local areas in so many other lucrative ways, why in the world would they want to kill the golden goose?

James Squires, your media chief, must look into this immediately. Just direct him to a source such as Fidler and Chambers and you can save a fortune in advertising dollars.

2.) Wherever you find the Printomatic device used in the back of the lever style voting machines you can be pretty sure the elections are rigged for the highest bidder. You see, the Printomatic device is a piece of paper that is slipped over the vote counters so that those irritating (and often ethical) precinct workers can't see the numbers. A handle is cranked and a piece of paper slides out of a slot in the back of the machine, much like a gumball setup, and voila!...all the zeroes are printed there in the morning before the polls open. Over the years I've reported on how the precinct worker is weeded out so that only those who don't find this clever little gimmick an affront to democracy will get hired. Those who complain that the numbers are cranked out again at night, with no eyeball varification of what exactly went on in the back of those machines, have their poll-working careers cut short by the Election Chief. The local press gets its advertising vigorish and no story is ever printed alerting the public to this obvious disenfranchisement of the voters.

You just drop a few big bucks on those Election Chiefs around this country and you'll have that Washington petina in a flash. It's a national rite of the well-heeled and well-connected.

In the past 22 years I have been on radio shows from Miami to San Francisco. People have called me (referrals) to come into their town and check out their election systems. In Cincinnati we video taped the League of Women Voters using tweezers to alter the vote. That video was shown on channel 9 there in 1985 and the Election Chief quit the next day.

In Miami 1982, we video taped the LWV using officially-issued pencils to poke holes (unsupervised) in the vote card. We were dragged out of the counting room and threatened with arrest for that action.

Miami attorney, Ellis Rubin, recently sent our manuscript to the U.S. Attorney General and asked him to call for a public investigation. But this Justice Department remains so corrupt that last week it announced its latest refusal to act. As for the Miami tape — Pat Robertson bought it for \$2,500. He even aired it on his show in 1987. David Burnham of the New York Times was on the same show and joined Robertson in decrying such deplorable acts. Burnham soon made his exit from the Times and Robertson ran for the Presidency.

Robertson didn't win, but he didn't crusade against vote fraud either. He did, however, buy

United Press International and he is now one of the six members of the board of News Election Services (NES). That means he is a now a charter member of the cartel that counts — and very possibly controls — the American vote.

3.) How much do you know about NES? If you know a lot, then you're in a wonderful position to blackmail them. You see, NES was created in 1964, just after JFK was killed, and they have the exclusive franchise (from Congress) to count the vote in every state. Without a single actual vote being counted, they proclaim the Presidency within minutes of the polls closing. You must understand that the networks and CNN don't really compete for vote totals anymore. The LWV supplies them all from the field and the pool uses the same numbers. Those pretty boys, Rather, Brokaw and Jennings get to sit there and pretend it's all earnest competition.

Just in case you don't know what the hell I'm talking about - NES is an AP, UPI, CBS, NBC, ABC and CNN pool. It has a button it can push up in a building on 34th St. in New York that can literally change votes at will in every county in America which counts the computer vote at a central spot. Those counties make up about 60 percent of the nation. Their sister group Voter Research and Survey (VRS) is the official exit pollster. On election night, NES proclaims the Presidency just minutes after the polls close, while VRS proclaims the Presidency even before

the polls close. Both are 90% staffed by members of the League of Women Voters. Their numbers are always correct, before and after the polls close. Now that's state-of-the-art.

Down in Miami, the computer programmer for the elections division, ex-CIA man Joe Malone, is partners in an outside vote prognosticating business with the vote prognosticator for Spanish International Network-TV, John Lasseville. We're talking about 20 million Spanish-language voters nationwide. Joe Malone and John Lasseville know the vote totals before dawn on election day.

Lasseville is famous for going on the air at dawn and predicting exact final vote totals. He is always right on the money. The Cubans down in Miami get a big kick out of that. Imagine if Fidel had that luxury! Therefore:

5.) To win Dade County, simply contact Election Supervisor David Leahy and have a talk at Wolfies.

The networks are understandably reluctant to expose their position of power. They can change those computer votes with a push of a button from New York.

6.) Now, Mr. Perot, you are a computer man. Why not declare war on them? You just get the access codes to those county computers and hack in yourself. You punch in numbers, and they'll punch in numbers and you'll counter. . . what a night! For the first time since 1964 the numbers will change on television. (They never

356

Knowledge Is Power

change now, you know. They remain steady from closing gun until Rather crowns the King.)

Through Ted Turner's bureau chief in Washington, I contacted Ed Turner who runs the CNN network, and was told by E. T. himself that he would not touch this story under any circumstance. He's just one of the role models I can offer you in going for the gold.

7.) Anyway, just call Bob Flaherty at News Election Services (NES) in New York. He heads the counting pool. Your options are either to pay a modest chunk of your billions, or just promise that you too will keep all this quiet if he'll push the right buttons. Chances are excellent that George Bush did it. Meditate a moment on how Ronnie actually got that landslide. Then, when you are President, make sure that the Justice Department (Craig C. DonSanto, attorney-in-charge of prosecuting vote fraud) continues to remain well protected, never having to bother with meddlesome vote-fraud investigations, and you are a free man. Pick your Attorney General well, of course. An honest Attorney General could cost you plenty.

Well, I hope I've been of some help to you. Surely, if you don't fight fire with fire you'll get burned. If by nature, your outrage has been sparked by this information, and if you can show true Presidential timber by calling for a full public investigation of the vote even before you're election, then we will have helped each other.

VOTESCAM

357

Jerry Brown and Mario Cuomo were both contacted by us and both studiously refused to acknowledge this information. Coincidentally or not, Jerry Brown fired his media advisor Eli Mellor soon after Mellor read the Votescam chapter in Jonathan Vankin's book "Conspiracies, Crimes & Coverups" and became persistent in asking Brown to take steps.

This letter will appear in the final chapter of "VOTESCAM, The Stealing of America." We hope to include your reply.

Sincerely,

James M. Collier

P.S. Don't miss the chapter on Supreme Court Justice Antonin Scalia.

He was so responsive when the Republican National Committee asked his help in squashing a vote-fraud investigation, that he was given his position on the court.

Also, after your become President, don't forget to continue our great tradition of encouraging developing nations to adopt the computer method of vote counting, so that the United States will be able to control international elections from the White House. Forget India and Israel because they stubbornly insist on paper ballots, but controlling a host of other country's votes could cut the CIA budget in half while promoting democracy.

358

Votescam

VOTESCAM

359

GOOD NIGHT SWEET PRINCE

Goodnight, goodbye to twilight, day is done!
Sweet sprees of memories await your sleep...
Prince of dreams as guardian may come,
May dust you with the wonderment he keeps!
Choirs, steeped in starlight, ring in fountains
Of reaching arms in wreaths of afterglow, as
Angels murmur symphonies in mountains and
Sing a lullaby to let you know, that
Thee is cradled now in loving fastness,
To face the dark unending and unknown,
Thy spirit linking self unto the vastness, to
Rest and face the images alone...to be bless't!
Goodnight, Sweet Prince! May Choirs of
Angels Sing Thee To Thy Rest...

By Kenneth F. Collier,
dedicated to John Lennon, affixed to the world's
highest stage, the helicopter pad atop the
World Trade Center, New York City.

360

INDEX

INDEX

ABC, 9, 14, 23, 62, 191, 193-194, 220-222, 232, 247, 252, 289-290, 298, 321
 ACLU, 97-98
 Air Command and Staff College, 22
 Altgen, Ike, 319-320
 Anderson, Gail, 302-303
 Anderson, Jack, 95
 Anderson, John, 255
 Anderson, Ralph, 241
 Ansin, Edmund, 66
 Appeals Court, 257-258, 261, 280
 Arledge, Roone, 252
 Arrowsmith, John, 223
 Associated Press, 9, 23, 212, 232, 299, 302
 Automatic Voting Machine Company, 86, 88
 B-52s, 146
 Baccus, Shirley, 239
 Baez, Joan, 54
 Baggs, Bill, 86
 Balaban, Henry, 90, 97-99, 176
 Baldwin, Alfred, 240
 Barber, Lionel, 296
 Barr, William, 306-307, 310-311
 Bay of Pigs, 175
 Becker, Alan, 110, 230-231
 Bee Gees, 130
 Beiler, Ross, 39, 40, 45, 49-50, 52, 60, 62, 63-64, 74-76, 142
 Bergson, Borkland, Margolis and Adler, 222
 Bernstein, Naomi, 301
 Billboard Magazine, 139, 145
 Bingo Bar, 109, 181, 185
 Bishoff, Dan, 303
 Black, John, 228
 Blue, Walter, 109, 113
 Blues Image, 132

VOTESCAM

361

BMX, 161, 163-165, 177, 192
 Board of Elections, 20, 35, 152, 244-246, 300-302
 Boca Raton, 105
 Bork, Robert, 259, 261
 Boston Globe, 237
 Braden, Mark, 166, 168-172, 185, 192, 206, 220, 223, 327
 Bradlee, Ben, 237
 Brateman, Martin, 35-37, 62, 91, 93, 118
 Brazzil, W.R., 68
 Bressler, Scott, 71, 73
 Brevitz, Marshall, 131
 Brotherhood of the Bell, 171
 Broward County, 105, 108
 Brown, Jerry, 294, 301
 Brussel, Mae, 315-317, 319, 322
 Bruun, Paul, 58, 60-65, 73, 76
 Bucksbaum, Susan, 300
 Buffet, Warren, 222
 Burnham, David, 207, 229
 Bush, George, 4, 7-8, 12-15, 215-216, 249
 Byer, Bill, 77-78
 Canvass Sheets, 35-36, 39, 75, 101, 103-109, 113, 116, 118, 125, 154, 189, 301
 Capital Cities Communications, 221
 Carr, Goodson & Lee, 226, 294-295
 Carr, Lawrence, 226-227, 257-258, 262-264, 267-272, 285
 Carter, Jimmy, 252, 254
 Casey, William, 207
 Cavanaugh Land Sales, 50, 142
 CBS, 6, 9, 23, 62, 232, 252, 288-290
 Center for Strategic & International Studies, (CSIS), 210-211, 214-215, 249-251, 257
 Central Intelligence Agency (CIA), 1, 12, 22, 43, 89, 127, 140, 148, 174-175, 189-190, 195, 207, 210-214, 316, 323
 Chile, 12
 Chilton Research, 291, 294
 Christian Broadcasting Network (CBN), 228-229, 266
 Ciment, Norman, 149
 Cincinnatus Party, 242-245
 Circus Magazine, 136
 Citizen's For Fraud-Free Elections, 315
 City Paper, 322
 CNN, 9, 290
 Coelho, Tony, 253
 Cohen, Jon, 322
 Collier, Collier & Thomas, 202
 Columbia University School of Journalism, 296
 Commission on National Elections, 249-250

Computer Election Services (CES), 204, 208
 Computer Security Center, 208
 Concerned Democrats, 74
 Condit, James Sr., 242, 245
 Coral Gables Times, 77
 Corcoran, Robert, 151
 Corio, Ann, 137
 Crimes, Conspiracies & Coverups, 302, 315
 Crolius, George, 63
 Cronkite, Walter, 289
 Dade County Courthouse, 57, 63, 101
 Dade County, 29, 44, 46, 57, 59, 62-64, 69, 71-74, 76, 80, 83-85, 99, 101, 106, 108-109, 118, 146-149, 151, 176-179, 235, 263, 288, 317
 Daily News, 139
 Daily Planet, 38, 54, 75-76, 89, 96, 118, 130, 148, 182
 Dallas, 211, 315-317, 319, 321-322
 Dallas Police, 321
 Data Processing Center, 151-153, 155, 157, 159
 Davis, Elton, 50-52 142-143
 DC Comics, 130
 DeBorchgrave, Arnaud, 190
 Deiffenderfer, Joyce, 52-53, 55, 118, 120
 Dell Publishing, 26-27, 30, 55-56, 139
 Democratic National Committee, (DNC) 95,

238, 251, 254
 Denver Post, 237
 DFM, 241
 Direct Recording Electronic (DRE), 15-16
 Dole, Robert, 12-14
 Don't Get Punched Out, 151
 Donsanto, Craig. C., 94, 143, 168-171, 175, 185-191, 193, 219, 223, 257, 258-259, 260, 267-268, 270, 276, 280-284, 304, 311-313
 Dugger, Ronnie, 322
 Dukakis, Michael, 5, 24
 Eastern Airlines, 96
 Election Watch, 6, 305
 Election Watch Report, 305
 Ellsberg, Daniel, 78-79
 Entin, Alvin, 74
 Establishment Press, 2, 77, 212, 236
 Estrumpsa, Shya, 98
 Exit Polls, 288-290, 306, 308
 Fahrenkopf, Frank, 168, 206-207, 209-216, 249, 253-259
 Federal Aviation Administration, 208
 Federal Bureau of Investigation, (FBI), 43, 51-52, 55, 57, 62, 83, 93, 103, 108, 114, 127, 140-141, 143, 148, 154, 160, 178, 187-189, 192, 238-240, 277, 316, 321
 Federal Communications

Commission (FCC), 31, 79, 222, 237
 Federal Reserve Board, 208
 Fidler & Chambers, 240-241, 283,
 Financial Times of London, 296
 Flaherty, Robert, 8, 299, 302-303
 Florida Sunshine Law, 180
 Fonzi, Gaeton, 111, 231, 314
 For Shakes Sake, 138
 Ford, Wendell, 253
 Fouhy, Ed, 223
 Franklin Press, 103
 Free Press, 54, 182
 Freedom of Information Act, 140, 186-189
 Ft. Lauderdale, 104-105, 114, 307
 Gallup Poll, 13-14
 George, 136,
 Georgetown University, 210, 250
 Gerstein, Richard, 94, 129
 Ginsberg, Ruth Bader, 258-259, 328
 Goltz, Gene, 187-191
 Good Night Sweet Prince, 343
 Goodman, Walter, 295
 Gottlieb, Martin, 296
 Graham, Katharine, 56, 63, 79, 95, 173, 189, 222, 237-238, 252-254 323
 Graham, Phillip, 63
 Graham, Robert, 79, 173,
 Grand Canyon, 136
 Green, Joyce Hens, 239
 Greene, Henry F., 270-285, 330
 Gregory, Dick, 203
 Grossman, Lawrence, 252
 Grove, Lloyd, 13
 Gulf of Tonkin, 78
 Hamilton County, 242, 245, 247
 Harris, Louis, 288
 Harris, T.K., 18
 Harris Poll, 288-291
 Hastings, Alcee, 30
 Hawaiian Tropic, 134
 Hayden, Tom, 26, 54, 134
 Hellanback, William Thomas, 198
 Hendrix, Jimi, 25, 131
 Herald Examiner, 178, 180, 183
 Herald Tribune, 182-183
 Hess, Michael, 209-210, 226
 Hialeah Home News, 76, 147-149, 172, 178, 192, 219, 234-238, 250, 263, 314, 317-318, 322
 High Times Magazine, 130
 Hoffman, Abbe, 26
 House Select Committee on Assassinations, 314
 HUD, 29
 Hunt, Conover, 322
 Hunter, Robert, 211
 Huntley & Brinkley, 289
 Hurricane, 27, 70-72, 74-76

364

INDEX

IBM, 18-20, 39, 49, 92, 244, 317
 Institute for Computer Sciences, 15
 International Journal of Public Administration, 22
 Irwin Premack Associates, 63
 Johnson, Lyndon Baines, 321
 Jordan, Hamilton, 252-253, 255
 Justice Department, 62, 83, 94-95, 141, 167-168, 171, 185, 187, 189, 191, 193, 219-220, 224, 237, 248, 258, 266, 270, 276-277, 283-284, 304, 311, 313, 321-322, 333-334, 339
 Kane, Kyle, 269-272
 Keeney, John C., 310-313
 Kennedy, John F. (JFK), 2, 128-129, 175, 211-213, 289, 314, 321-323
 Kilman, Buzz, 76, 96
 Kimple, Gregory Scott, 136
 King, Larry, 86
 Kirk, Paul G., 253-254
 Kirkland, Lane, 253-256
 Kiss, 137,
 Knight, John S., 85
 Kohut, Andrew, 13-14
 Kolar-Kotelley, Colleen, 226
 Konner, Joan, 296
 Kunkin, Art, 182
 Lafayette Park, 196-198, 200, 203, 273
 Laird, Melvin, 215, 253-254, 257
 Lane, Mark, 195-196, 212-213
 Lang, Michael, 131
 League of Women Voters (LWV), 22-23, 52, 70, 80, 118, 151-152, 160, 164-166, 177, 193-194, 220-226, 232-233, 242-243, 247-248, 250, 252, 254, 263, 300, 303, 312
 Leahy, David, 153, 155, 159, 162
 Lennon, John, 135, 139, 343
 Leonard, William, 252
 Levin, Mike, 208-209
 Liberty City, 29-30, 32-33
 Library of Congress, 22, 166, 195
 Liddy, Gordon, 175
 Liz, 179, 185
 Los Angeles Weekly, 296
 Los Angeles Times, 297, 304-305
 Lowe, Bob, 154, 159, 162, 165
 Lynch, Robert, 38, 107, 114-115
 Lynnette, 319-321
 MacKenzie, Christina, 146
 MacKenzie, Don, 146, 151, 165, 174-176, 178-179, 185, 234, 236, 317-319
 Malone, Joe, 162
 Mamas and Papas, 145-146
 Marchetti, Victor, 195
 Marshall, Edith, 260
 McAdams, James, 306

VOTESCAM

365

Center, 208
 National Press Building, 236, 239
 National Press Club, 235
 National Security Agency, 208
 National Time Sharing Data Service, 300
 NBC, 9, 23, 62, 232, 252, 289-290
 New York Board of Elections, 300-302
 New York Times, 9, 78, 80, 207-208, 229, 236, 291, 295-296
 Newfelt, Victor, 223
 News Election Services (NES), 2, 8-9, 21-24, 232, 290-291, 295, 299-303, 308
 Niehaus, Richard Judge, 242, 245, 346
 Nixon, Richard, 26, 43-45, 54, 56-57, 78, 80, 95, 127, 130, 175, 215, 237, 258, 323
 NOVA, 321
 Now It Can Be Told, 302-303
 Nugent, Ted, 29
 Nunzio, Nicholas S., 262-266, 268, 280, 336
 O'Brien, Larry, 95
 O'Brien, Tim, 191, 192-194, 221-222, 247
 O'Neil, Lou Jr., 136
 Ohio, 167, 242, 263
 Oliver, R. Spencer, 238
 Merrill, Clark and Doty, 122, -124
 Metro, 31, 33, 84, 86, 118, 122, 126, 146, 158, 162, 173
 Meyer, Helen, 55-56
 Meyer, Sylvan, 69, 72, 112
 Meyerson, Harold, 296
 Miami Beach Chamber of Commerce, 181
 Miami Beach City Council, 149, 180
 Miami Beach, 29, 32, 58-59, 71, 76, 89, 111, 117, 134-135, 149, 154, 157, 178-181, 249
 Miami Beach Reporter, 58, 71, 75-76
 Miami Herald, 48, 55, 60, 72, 76-77, 80, 84-85, 92, 118, 122-124, 154-155, 159-160, 162, 165, 180, 183
 Miami Magazine, 111-112, 231
 Miami News, 55, 60, 69, 72-73, 76, 86, 112, 118, 123-124, 125
 Mikelson, Jan, 247
 Miller, William, 104, 118
 Mitchell, John, 79
 Mitofsky, Warren, 290-291
 Morrison, Jim, 25-26
 Mueller, Robert S. III, 310-311
 Murphy, Pat, 77
 Naegele, Robert J., 16
 National Computer Security

366

INDEX

Opa Locka, 87, 90, 317-318
 Organized Crime Bureau,
 109, 118
 Oswald, Lee Harvey, 214,
 319-320
 Overtown, 29
 Palm Beach, 105-106, 108,
 118, 228
 PAS, 85-86
 Paul, Dan, 80, 85, 181
 PBS, 321
 Pentagon Papers, 78
 Pepper, Claude, 28-33, 39-
 40, 42, 44, 141-143
 Petersen, Henry E., 141,
 143, 186, 189, 237-240
 Phillips, John, 145
 Phillips McKenzie, 145
 Phillips, Michelle, 145
 Pizzi, Larry, iii, 145
 Plimpton, Robert, 228
 Poindexter, John, 207
 Police Magazine, 115
 Portopunch, 244
 Post Newsweek, 60, 63, 77,
 252
 Powers, Jerry, 54, 182
 Premack, Irwin, 63
 Presidential Debates, 167,
 250-251, 253-254
 Prilliman, Patricia, 187-188
 Printomatic, 119-122, 124,
 154, 189, 312
 Public Administration
 Service, 85
 Public Integrity Section,
 168, 185
 Putz, Ed, 108-109
 Radford, Elvera, 246-247,
 267, 312
 Rand, Ayn, 264
 Rather, Dan, 6
 Reagan, Ronald, 184, 198,
 206-207
 Rebozo, Bebe, 43
 Regional Computer Center,
 245, 247
 Renick, Ralph, 63, 67
 Reno, Hank, 125-127,
 Reno, Janet, 125-127, 129,
 172-174, 176, 178, 317,
 318
 Republican National
 Committee (RNC), 150,
 153, 166-169, 171, 191,
 193, 204-205, 207, 209,
 216-218, 220, 223, 226,
 248, 261-262, 264-265,
 267, 272, 274-280, 282,
 324, 330-331, 333-334,
 341
 Republican Party, 12, 216
 Rice, Ron, 134
 Richards, Richard, 150, 168,
 216-218, 265, 282, 324,
 327, 337
 RICO Act, 236
 Ridings, Dorothy, 167, 251,
 254-256
 Rivera, Geraldo, 302
 Robb, Charles S., 253
 Robertson, Pat, 228-229
 Rock Wars, 138-139
 Rolling Stone Magazine,
 136

VOTESCAM

367

257-258, 260
 Snyder, Mitch, 203-204
 South Beach, 29, 149
 South Miami News, 76
 Soviet Union, 12, 278
 Spanky and Our Gang, 145
 Spotlight, 195-196, 204, 230,
 238
 St. George, Andrew, 195
 Stanford, Henry King, 60,
 70, 80, 85, 116
 Stewart, Charlie, 223
 Stewart, Nancy, 187-188
 Stone, Oliver, 315, 321
 Strauss, Howard J., 6, 305
 Strauss, Robert, 251, 254-
 255
 Sturgis, Frank, 238
 Sulzberger, 80
 Sunshine Law, 180-181
 Sununu, John, 7, 13-16, 216,
 248-249, 253, 306
 Superior Court District of
 Columbia, 209, 220, 226,
 270
 Swami Vishnu, 144
 Tallahassee, 46, 48
 The Best Little Whorehouse
 in Texas, 138
 The Daily Smirker, 54
 The Doors, 26, 28,
 The Fighting MacKenzies,
 146
 The Sierra club, 43
 Tree Image, 27-28, 54, 131-
 132
 Thomas, Ellen and William,
 Rosenzweig, David, 296-
 297
 Ross, Brian, 111
 Rounds, Elmer, 149, 172,
 174
 Royal Oak High School, 49
 Rubin, Ellis, 89, 98-99, 103,
 117-118, 124-125, 127,
 129, 172, 174-177, 192,-
 193, 238, 306-307, 309-
 311
 Rubin, Jerry, 26
 Running Through the
 System, 26-27, 30
 Rush To Judgement, 212
 Rust, Robert, 83, 89, 94, 175
 Ryan, Vincent, 196
 Saltman, Roy G., 15
 San Francisco Chronicle,
 296
 Satan, 137-139
 Savage, Jim, 154, 165
 Scalia, Antonin, 219, 257-
 261
 Schutzman, Jerry, 245
 Secret Service, 199
 Senior Corporation, 180,
 249
 Shafer, Jack, 322
 Shaheen, Mark, 190
 Shakti, 139, 144-145, 179
 Shapiro, Lee C., 294-295
 Shoup, Ransom, 15
 Shouptronic, 7, 15-16
 Sixty Minutes, 110, 188,
 230-232
 Smith, William French, 219,

198-203
 Thompson, Hunter S., 296
 Thompson, William, 270,
 272, 332
 Thurmond, Strom, 260-261
 Tisch, Robert Preston, 252
 Titusville, 239
 Tucker, Bill, 148
 U. S. Congress, 29, 78
 U.S. Supreme Court, 78
 Underground Press Service,
 55, 130
 Unified Field Theory, 287,
 323
 Unity, 0, 144, 185
 University of Miami, 27, 39,
 50, 60, 64, 68-70, 79-80,
 85, 95, 142
 UPI, 23, 232
 Urban, Casimer Jr., 200-202
 Vander-Jaght, Guy, 149
 Vankin, Jonathan, 302,
 315-316
 Vickery, Frank, 87, 89-90
 Viet Nam, 12, 27, 79, 215
 Village Voice, 303
 Voter Research & Surveys,
 290, 300, 306, 308
 VRS, 290-294, 296, 300, 308
 Wallace, Mike, 110-112,
 230, 235
 Warren, Earl Chief Justice,
 213
 Warren Commission, 212,
 316, 321-322
 Warren Report, 128, 212,
 319
 Washington Post, 9, 13-14,
 56, 63, 78-80, 139, 170,
 187, 222, 236-237, 252
 Washington Times, 187,
 190
 Watergate, 44, 58, 80, 95,
 127, 143, 175, 186-187,
 219, 224, 237-238, 323
 Watson, Thomas, 19
 Watt, James, 198
 WCKT, 39, 57, 66
 Wert, Jack, 120
 West Palm Beach, 105
 West Virginia, 21
 West, Woody, 187
 White, Leonard, 64, 92
 White, Steve, 304
 White House, 5, 12-13, 15,
 57, 175, 196, 198-199,
 206, 229, 235, 257-258
 Wiethe, John, 246
 WKAT, 61
 Wometco Enterprises, 79-88
 Wood, Tom, 60, 64, 69
 Woodstock, 25, 131, 133,
 184
 Woodward, Bob, 237-238,
 240
 World Trade Center, 138-
 139, 145, 300, 302-303,
 343
 WPLG, 60, 63, 79
 Wright, Skelly, 258-259, 328
 WTVJ, 39, 57, 68
 Year One Band, 135-136,
 138
 Yoko, 135, 139

Zapruder film, 320
 Zedell, Carl, 63
 Zire, Dennis, 300, 302

370

Votescam
PETITION

VOTESCAM

371

Attorney General
Justice Department
Washington, D.C.

Dear Attorney General:

I have just finished reading "Votescam: The Stealing of America" by James and Kenneth Collier.

Now I understand that computer vote fraud in our country is a frightening reality. It has been researched, documented and yet it continues to grow like a cancer across America.

I urge you to initiate a federal investigation into vote fraud and prove that the Clinton Administration is truly working for the American people.

Name

Address

City

State

Zip

Thank You. Please photocopy this page and send to:

Victoria House Press
Suite 2411
67 Wall Street
New York, NY 10005



Memorandum

471



Subject Background Investigation for Schedule C Employee	Date SEP 28 1998
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To [Redacted] Chief Special Inquiry and Background Investigation Unit Federal Bureau of Investigation	[Redacted] Department Security Officer Department of Justice
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The purpose of this memorandum is to request an investigation as indicated below:

NAME: Janet nmn Reno

SSAN: 267-60-7343

DATE OF BIRTH: 07-21-38

PLACE OF BIRTH: Miami, FL

POSITION: Attorney General

ORGANIZATION: Department of Justice

TYPE OF POSITION: SENSITIVE: X NON-SENSITIVE: _____

SCOPE OF INVESTIGATION REQUIRED:

PSS: [Redacted]

RECEIVED: SEP 20 1998

ASSIGNED: 9-28

OPENED: 10-7

BUDED: 12-17

PCD: 1-2A

1 cc to [Redacted] on 11/5/98

3 Year: _____ 5 Year: X 10 Year: _____ 10 Year: _____
 (PRIR) (SSBI-PR) (SSBI/INITIAL) (SSBI/REINVESTIGATION)

X Please initiate a name check of the above named subject whose security forms are attached.

_____ Please discontinue the character investigation regarding the above named subject and we request that all security forms be returned to this office.

77L-HQ-1045971-3

Upon completion of the investigation, request that copies of the investigation reports be forwarded directly to Jim Walker, Assistant Director, Personnel Security Group. Due to the sensitivity of this case, please state on the outside of the envelope, "To Be Opened By Addressee Only." The required forms for the investigation are attached. Please direct any questions regarding this request to Jim Walker at (202) 514-2351.

*600 420
 5/20/98
 SPSS/PS
 write in the
 name of the
 addressee
 if possible
 9/28/98*

OPM REQUESTED DATA 9/30/98

cc: 1 - Security File [Redacted]
Fingerprints Attached [Redacted]

77L-HQ-1045971

[Redacted]

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PRIVACY ACT PROTECTED INFORMATION
(When Completed)

United States Department of Justice

Disclosure and Authorization
Pertaining to Consumer Reports
Pursuant to the Fair Credit Reporting Act

This is a release for the Department of Justice to obtain one or more consumer/credit reports about you in connection with your application for employment or in the course of your employment with the Department. One or more reports about you may be obtained for employment purposes, including evaluating your fitness for employment, promotion, reassignment, retention, or access to classified information.

I, Janet Reno, hereby authorize the Department of Justice to obtain such report(s) from any consumer/credit reporting agency for employment purposes.

Janet Reno
Signature

September 15, 1988
Date

267-60-7343
Social Security Number

Office of the Attorney General
Current Organization Assigned

**QUESTIONNAIRE FOR
 NATIONAL SECURITY POSITIONS**

Part 1

Investigating Agency Use Only	Codes	Case Number
--------------------------------------	--------------	--------------------

Agency Use Only (Complete Items A through P using instructions provided by the investigating agency).

A Type of Investigation	B Extra Coverage	C Sensitivity Level	D Access	E Nature of Action Code	F Date of Action	Month	Day	Year
G Geographic Location	H Position Code	I Position Title						
J SON	K Location of Official Personnel Folder	None NPRC At SON	Other Address	ZIP Code				
L SOI	M Location of Security Folder	None At Sol NPI	Other Address	ZIP Code				
N OPAC-ALC Number	O Accounting Data and/or Agency Case Number							
P Requesting Official	Name and Title	Signature	Telephone Number	Date				

Persons completing this form should begin with the questions below.

1 FULL NAME • If you have only initials in your name, use them and state (IO). • If you have no middle name, enter "NMN." • If you are a "Jr.," "Sr.," "II," etc., enter this in the box after your middle name.	2 DATE OF BIRTH
Last Name: Reno First Name: Janet Middle Name: NMN Jr., II, etc.:	Month: 07 Day: 21 Year: 38

3 PLACE OF BIRTH • Use the two letter code for the State.	4 SOCIAL SECURITY NUMBER
City: Miami County: Dade State: FL Country (if not in the United States):	267-60-7343

5 OTHER NAMES USED
 Give other names you used and the period of time you used them (for example: your maiden name, name[s] by a former marriage, former name[s], alias[es], or nickname[s]). If the other name is your maiden name, put "nee" in front of it.

#1 Name: None	Month/Year: To	#3 Name:	Month/Year: To
#2 Name:	Month/Year: To	#4 Name:	Month/Year: To

6 OTHER IDENTIFYING INFORMATION

Height (feet and inches): 6 1 1/2	Weight (pounds): 197	Hair Color: Brown	Eye Color: Brown	Sex (mark one box): <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male
--	-----------------------------	--------------------------	-------------------------	--

7 TELEPHONE NUMBERS

Work (include Area Code and extension): <input checked="" type="checkbox"/> Day (202) 514-2001 <input checked="" type="checkbox"/> Night (202) 514-5000	Home (include Area Code): <input type="checkbox"/> Day () <input checked="" type="checkbox"/> Night (202) 638-5416
---	---

8 CITIZENSHIP

a Mark the box at the right that reflects your current citizenship status, and follow its instructions.	<input checked="" type="checkbox"/>	I am a U.S. citizen or national by birth in the U.S. or U.S. territory/possession. —————> Answer Items b and d	b Your Mother's Maiden Name Jane Wallace Wood
	<input type="checkbox"/>	I am a U.S. citizen, but I was NOT born in the U.S. —————> Answer Items b, c, and d	
	<input type="checkbox"/>	I am not a U.S. citizen. —————> Answer Items b and e	

c UNITED STATES CITIZENSHIP If you are a U.S. Citizen, but were not born in the U.S., provide information about one or more of the following proofs of your citizenship.

Naturalization Certificate (Where were you naturalized?)

Court	City	State	Certificate Number	Month/Day/Year Issued
-------	------	-------	--------------------	-----------------------

Citizenship Certificate (Where was the certificate issued?)

City	State	Certificate Number	Month/Day/Year Issued
------	-------	--------------------	-----------------------

State Department Form 240 - Report of Birth Abroad of a Citizen of the United States

Give the date the form was prepared and give an explanation if needed.	Month/Day/Year	Explanation
--	----------------	-------------

U.S. Passport

This may be either a current or previous U.S. Passport.	Passport Number	Month/Day/Year Issued
---	-----------------	-----------------------

d DUAL CITIZENSHIP If you are (or were) a dual citizen of the United States and another country, provide the name of that country in the space to the right.

Country

e ALIEN If you are an alien, provide the following information:

Place You Entered the United States:	City	State	Date You Entered U.S. Month Day Year	Alien Registration Number	Country(ies) of Citizenship
--------------------------------------	------	-------	---	---------------------------	-----------------------------

9 WHERE YOU HAVE LIVED

List the places where you have lived, beginning with the most recent (#1) and working back 7 years. All periods must be accounted for in your list. Be sure to indicate the actual physical location of your residence: do not use a post office box as an address, do not list a permanent address when you were actually living at a school address, etc. Be sure to specify your location as closely as possible: for example, do not list only your base or ship, list your barracks number or home port. You may omit temporary military duty locations under 90 days (list your permanent address instead), and you should use your APO/FPO address if you lived overseas.

For any address in the last 5 years, list a person who knew you at that address, and who preferably still lives in that area (do not list people for residences completely outside this 5-year period, and do not list your spouse, former spouses, or other relatives). Also for addresses in the last five years, if the address is "General Delivery," a Rural or Star Route, or may be difficult to locate, provide directions for locating the residence on an attached continuation sheet.

Month/Year	Month/Year	Street Address	Apt. #	City (Country)	State	ZIP Code
#1 3/93	To Present	425-8th St., N.W.	1149	Washington	DC	20004
Name of Person Who Knows You		Street Address	Apt. #	City (Country)	State	ZIP Code

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Month/Year	Month/Year	Street Address	Apt. #	City (Country)	State	ZIP Code
#2 6/73	To 2/93	11200 North Kendall Drive		Miami	FL	33176
Name of Person Who Knew You		Street Address	Apt. #	City (Country)	State	ZIP Code

Month/Year	Month/Year	Street Address	Apt. #	City (Country)	State	ZIP Code
#3	To					
Name of Person Who Knew You		Street Address	Apt. #	City (Country)	State	ZIP Code
		()				

Month/Year	Month/Year	Street Address	Apt. #	City (Country)	State	ZIP Code
#4	To					
Name of Person Who Knew You		Street Address	Apt. #	City (Country)	State	ZIP Code
		()				

Month/Year	Month/Year	Street Address	Apt. #	City (Country)	State	ZIP Code
#5	To					
Name of Person Who Knew You		Street Address	Apt. #	City (Country)	State	ZIP Code
		()				

10 WHERE YOU WENT TO SCHOOL

List the schools you have attended, beyond Junior High School, beginning with the most recent (#1) and working back 7 years. List College or University degrees and the dates they were received. If all of your education occurred more than 7 years ago, list your most recent education beyond high school, no matter when that education occurred.

- Use one of the following codes in the "Code" block:
 - 1 - High School
 - 2 - College/University/Military College
 - 3 - Vocational/Technical/Trade School
- For schools you attended in the past 3 years, list a person who knew you at school (an instructor, student, etc.). Do not list people for education completely outside this 3-year period.
- For correspondence schools and extension classes, provide the address where the records are maintained.

Month/Year	Month/Year	Code	Name of School	Degree/Diploma/Other	Month/Year Awarded
#1 9/60	To 5/63	2	Harvard Law School	LLB	6/63
Street Address and City (Country) of School					State ZIP Code
1525 Massachusetts Ave., Cambridge					MA 02138

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Month/Year	Month/Year	Code	Name of School	Degree/Diploma/Other	Month/Year Awarded
#2 9/56	To 6/60	2	Cornell University	A.B.	6/60
Street Address and City (Country) of School					State ZIP Code
222 Day Hall, Ithaca					NY 14853
Name of Person Who Knew You		Street Address	Apt. #	City (Country)	State ZIP Code

Month/Year	Month/Year	Code	Name of School	Degree/Diploma/Other	Month/Year Awarded
#3 9/52	To 6/56	1	Coral Gables High School	Diploma	6/56
Street Address and City (Country) of School					State ZIP Code
450 Bird Road, Coral Gables High School					FL 33146

11 YOUR EMPLOYMENT ACTIVITIES

List your employment activities, beginning with the present (#1) and working back 7 years. You should list all full-time work, part-time work, military service, temporary military duty locations over 90 days, self-employment, other paid work, and all periods of unemployment. The entire 7-year period must be accounted for without breaks, but you need not list employments before your 16th birthday. **EXCEPTION:** Show all Federal civilian service, whether it occurred within the last 7 years or not.

- **Code.** Use one of the codes listed below to identify the type of employment:

1 - Active military duty stations	5 - State Government (Non-Federal employment)	7 - Unemployment (Include name of person who can verify)
2 - National Guard/Reserve	6 - Self-employment (Include business name and/or name of person who can verify)	8 - Federal Contractor (List Contractor, not Federal agency)
3 - U.S.P.H.S. Commissioned Corps		9 - Other
4 - Other Federal employment		

- **Employer/Verifier Name.** List the business name of your employer or the name of the person who can verify your self-employment or unemployment in this block. If military service is being listed, include your duty location or home port here as well as your branch of service. You should provide separate listings to reflect changes in your military duty locations or home ports.

- **Previous Periods of Activity.** Complete these lines if you worked for an employer on more than one occasion at the same location. After entering the most recent period of employment in the initial numbered block, provide previous periods of employment at the same location on the additional lines provided. For example, if you worked at XY Plumbing in Denver, CO, during 3 separate periods of time, you would enter dates and information concerning the most recent period of employment first, and provide dates, position titles, and supervisors for the two previous periods of employment on the lines below that information.

Month/Year	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
#1 3/93	To Present	4	U.S. Dept. of Justice, Wash., D.C.	Attorney General		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number
950 Pennsylvania Ave., N.W.			Washington, D.C.		20530	(202) 514-2001
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number
						()
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number
President Clinton, 1600 Penn., Ave NW			Wash., D.C.		20500	(202) 456-6797

PREVIOUS PERIODS OF ACTIVITY (Block #1)	Month/Year	Month/Year	Position Title	Supervisor		
	To					
	Month/Year	Month/Year	Position Title	Supervisor		
	To					
Month/Year	Month/Year	Position Title	Supervisor			
To						

Month/Year	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
#2 1/78	To 3/93	5	State of Florida	State Attorney 11th Judicial Circuit		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number
1351 N.W. 12th Street			Miami	FL	33125	(305) 547-0535
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number
						()
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number
Elected Constitutional Officer						()

PREVIOUS PERIODS OF ACTIVITY (Block #2)	Month/Year	Month/Year	Position Title	Supervisor		
	12/72	To 2/73	Assistant State Attorney	Richard E. Gerstein (deceased)		
	Month/Year	Month/Year	Position Title	Supervisor		
	6/73	To 6/76	Assistant State Attorney	Richard E. Gerstein (deceased)		
Month/Year	Month/Year	Position Title	Supervisor			
To						

Month/Year	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank		
#3	To					
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number
						()
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number
						()
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number
						()

PREVIOUS PERIODS OF ACTIVITY (Block #3)	Month/Year	Month/Year	Position Title	Supervisor		
	To					
	Month/Year	Month/Year	Position Title	Supervisor		
	To					
Month/Year	Month/Year	Position Title	Supervisor			
To						

Enter your Social Security Number before going to the next page

→ 267-60-7343

YOUR EMPLOYMENT ACTIVITIES (CONTINUED)

#4	Month/Year	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank			
	To							
	Employer's/Verifier's Street Address				City (Country)	State	ZIP Code	Telephone Number ()
	Street Address of Job Location (if different than Employer's Address)				City (Country)	State	ZIP Code	Telephone Number ()
Supervisor's Name & Street Address (if different than Job Location)				City (Country)	State	ZIP Code	Telephone Number ()	

PREVIOUS PERIODS OF ACTIVITY (Block #4)	Month/Year	Month/Year	Position Title	Supervisor
	To			
	Month/Year	Month/Year	Position Title	Supervisor
	To			
Month/Year	Month/Year	Position Title	Supervisor	
To				

#5	Month/Year	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank			
	To							
	Employer's/Verifier's Street Address				City (Country)	State	ZIP Code	Telephone Number ()
	Street Address of Job Location (if different than Employer's Address)				City (Country)	State	ZIP Code	Telephone Number ()
Supervisor's Name & Street Address (if different than Job Location)				City (Country)	State	ZIP Code	Telephone Number ()	

PREVIOUS PERIODS OF ACTIVITY (Block #5)	Month/Year	Month/Year	Position Title	Supervisor
	To			
	Month/Year	Month/Year	Position Title	Supervisor
	To			
Month/Year	Month/Year	Position Title	Supervisor	
To				

#6	Month/Year	Month/Year	Code	Employer/Verifier Name/Military Duty Location	Your Position Title/Military Rank			
	To							
	Employer's/Verifier's Street Address				City (Country)	State	ZIP Code	Telephone Number ()
	Street Address of Job Location (if different than Employer's Address)				City (Country)	State	ZIP Code	Telephone Number ()
Supervisor's Name & Street Address (if different than Job Location)				City (Country)	State	ZIP Code	Telephone Number ()	

PREVIOUS PERIODS OF ACTIVITY (Block #6)	Month/Year	Month/Year	Position Title	Supervisor
	To			
	Month/Year	Month/Year	Position Title	Supervisor
	To			
Month/Year	Month/Year	Position Title	Supervisor	
To				

12 PEOPLE WHO KNOW YOU WELL

List three people who know you well and live in the United States. They should be good friends, peers, colleagues, college roommates, etc., whose combined association with you covers as well as possible the last 7 years. Do not list your spouse, former spouses, or other relatives, and try not to list anyone who is listed elsewhere on this form.

	Name	Dates Known	Telephone Number
#1			
Hor			
#2			
Hor			
#3			
Hor			

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13 YOUR SPOUSE

Mark one box to show your current marital status and provide information about your spouse(s) in items a, and/or b.

1 - Never married
 2 - Married

3 - Separated
 4 - Legally Separated

5 - Divorced
 6 - Widowed

a Current Spouse Complete the following about your current spouse only.

Full Name	Date of Birth	Place of Birth (Include country if outside the U.S.)	Social Security Number
Other Names Used (Specify maiden name, names by other marriages, etc., and show dates used for each name)			Country(ies) of Citizenship
Date Married	Place Married (Include country if outside the U.S.)		State
If Separated, Date of Separation	If Legally Separated, Where is the Record Located? City (Country)		State
Address of Current Spouse, if different than your current address (Street, city, and country if outside the U.S.)			State ZIP Code

b Former Spouse(s) Complete the following about your former spouse(s), use blank sheets if needed.

Full Name	Date of Birth	Place of Birth (Include country if outside the U.S.)	State
Country(ies) of Citizenship	Date Married	Place Married (Include country if outside the U.S.)	State
Check One, Then Give Date <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	Month/Day/Year	If Divorced, Where is the Record Located? City (Country)	State
Address of Former Spouse (Street, city, and country if outside the U.S.)			State ZIP Code Telephone Number

14 YOUR RELATIVES AND ASSOCIATES

Give the full name, correct code, and other requested information for each of your relatives and associates, living or dead, specified below.

- | | | | | |
|---------------------|--------------------------|-------------------|--------------------|--------------------------------------|
| 1 - Mother (first) | 5 - Foster parent | 9 - Sister | 13 - Half-sister | 17 - Other Relative* |
| 2 - Father (second) | 6 - Child (adopted also) | 10 - Stepbrother | 14 - Father-in-law | 18 - Associate* |
| 3 - Stepmother | 7 - Stepchild | 11 - Stepsister | 15 - Mother-in-law | 19 - Adult Currently Living With You |
| 4 - Stepfather | 8 - Brother | 12 - Half-brother | 16 - Guardian | |

* Code 17 (Other Relative)-include only foreign national relatives not listed in 1-16 with whom you or your spouse are bound by affection, obligation, or close and continuing contact. Code 18 (Associates) - include only foreign national associates with whom you or your spouse are bound by affection, obligation, or close and continuing contact.

Full Name (if deceased, check box on the left before entering name)	Code	Date of Birth Month/Day/Year	Country of Birth	Country(ies) of Citizenship	Current Street Address and City (country) of Living Relatives	State
<input checked="" type="checkbox"/> Jane Wallace Wood Reno	1	5/28/13	USA	USA	N/A	
<input checked="" type="checkbox"/> Henry Olaf Reno	2	12/13/01	Ejby, Denmark	USA	N/A	
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>					**Mailing Address: Route 1, Box 566-A Napanoch, NY 12458	
<input type="checkbox"/>						

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15 CITIZENSHIP OF YOUR RELATIVES AND ASSOCIATES

If your mother, father, sister, brother, child, or current spouse or person with whom you have a spouse-like relationship is a U.S. citizen by other than birth, or an alien residing in the U.S., provide the nature of the individual's relationship to you (Spouse, Spouse-like, Mother, etc.), and the individual's name and date of birth on the first line (this information is needed to pair it accurately with information in items 13 and 14).

On the second line, provide the individual's naturalization certificate or alien registration number and use one of the document codes below to identify proof of citizenship status. Provide additional information on that line as requested.

- 1. **Naturalization Certificate:** Provide the date issued and the location where the person was naturalized (Court, City and State).
- 2. **Citizenship Certificate:** Provide the date and location issued (City and State).
- 3. **Alien Registration:** Provide the date and place where the person entered the U.S. (City and State).
- 4. **Other:** Provide an explanation in the "Additional Information" block.

#1 Association	Name	Date of Birth (Month/Day/Year)
Certificate/Registration #	Document Code	Additional Information
#2 Association	Name	Date of Birth (Month/Day/Year)
Certificate/Registration #	Document Code	Additional Information

16 YOUR MILITARY HISTORY

- | | | |
|---|-----|----|
| a Have you served in the United States military? | Yes | No |
| b Have you served in the United States Merchant Marine? | | |

List all of your military service below, including service in Reserve, National Guard, and U.S. Merchant Marine. Start with the most recent period of service (#1) and work backward. If you had a break in service, each separate period should be listed.

- **Code.** Use one of the codes listed below to identify your branch of service:
 1 - Air Force 2 - Army 3 - Navy 4 - Marine Corps 5 - Coast Guard 6 - Merchant Marine 7 - National Guard
- **O/E.** Mark "O" block for Officer or "E" block for Enlisted.
- **Status.** "X" the appropriate block for the status of your service during the time that you served. If your service was in the National Guard, do not use an "X"; use the two-letter code for the state to mark the block.
- **Country.** If your service was with other than the U.S. Armed Forces, identify the country for which you served.

Month/Year	Month/Year	Code	Service/Certificate #	Status				Country
				O	E	Active	Active Reserve	
To								
To								

17 YOUR FOREIGN ACTIVITIES

- | | | |
|--|-----|----|
| a Do you have any foreign property, business connections, or financial interests? | Yes | No |
| b Are you now or have you ever been employed by or acted as a consultant for a foreign government, firm, or agency? | | |
| c Have you ever had any contact with a foreign government, its establishments (embassies or consulates), or its representatives, whether inside or outside the U.S., other than on official U.S. Government business? (Does not include routine visa applications and border crossing contacts.) | | |
| d In the last 7 years, have you had an active passport that was issued by a foreign government? | | |

If you answered "Yes" to a, b, c, or d above, explain in the space below: provide inclusive dates, names of firms and/or governments involved, and an explanation of your involvement.

Month/Year	Month/Year	Firm and/or Government	Explanation
To			
To			

18 FOREIGN COUNTRIES YOU HAVE VISITED

List foreign countries you have visited, except on travel under official Government orders, beginning with the most current (#1) and working back 7 years. (Travel as a dependent or contractor must be listed.)

- Use one of these codes to indicate the purpose of your visit: 1 - Business 2 - Pleasure 3 - Education 4 - Other
- Include short trips to Canada or Mexico. If you have lived near a border and have made short (one day or less) trips to the neighboring country, you do not need to list each trip. Instead, provide the time period, the code, the country, and a note ("Many Short Trips").
- Do not repeat travel covered in items 9, 10, or 11.

Month/Year	Month/Year	Code	Country	Month/Year	Month/Year	Code	Country
#1 3/92	To 3/92	2	Aruba, Curacao, Grenada, Venezuela, Barbados, St. Lucia	#3 3/91	To 4/91	2	Costa Rica
#2 7/91	To 8/91	2	Canada	#4	To		

This concludes Part 1 of this form. If you have used Page 9, continuation sheets, or blank sheets to complete any of the questions in Part 1, give the number for those questions in the space to the right:

Enter your Social Security Number before going to the next page

→ 267-60-7343

QUESTIONNAIRE FOR NATIONAL SECURITY POSITIONS

Part 2

OFFICIAL
 USE
 ONLY

19	YOUR MILITARY RECORD	Yes	No
Have you ever received other than an honorable discharge from the military? If "Yes," provide the date of discharge and type of discharge below.			
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Month/Year	Type of Discharge

20	YOUR SELECTIVE SERVICE RECORD	Yes	No
a Are you a male born after December 31, 1959? If "No," go to 21. If "Yes," go to b.			
b Have you registered with the Selective Service System? If "Yes," provide your registration number. If "No," show the reason for your legal exemption below.			
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Registration Number	Legal Exemption Explanation

21	YOUR MEDICAL RECORD	Yes	No
In the last 7 years, have you consulted with a mental health professional (psychiatrist, psychologist, counselor, etc.) or have you consulted with another health care provider about a mental health related condition?			
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answered "Yes", provide the dates of treatment and the name and address of the therapist or doctor below, unless the consultation(s) involved only marital, family, or grief counseling, not related to violence by you.

Month/Year	Month/Year	Name/Address of Therapist or Doctor	State	ZIP Code
To				
To				

22	YOUR EMPLOYMENT RECORD	Yes	No
Has any of the following happened to you in the last 7 years? If "Yes," begin with the most recent occurrence and go backward, providing date fired, quit, or left, and other information requested.			
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Use the following codes and explain the reason your employment was ended:

1 - Fired from a job	3 - Left a job by mutual agreement following allegations of misconduct	5 - Left a job for other reasons under unfavorable circumstances
2 - Quit a job after being told you'd be fired	4 - Left a job by mutual agreement following allegations of unsatisfactory performance	

Month/Year	Code	Specify Reason	Employer's Name and Address (Include city/Country if outside U.S.)	State	ZIP Code

23	YOUR POLICE RECORD	Yes	No
For this item, report information regardless of whether the record in your case has been "sealed" or otherwise stricken from the court record. The single exception to this requirement is for certain convictions under the Federal Controlled Substances Act for which the court issued an expungement order under the authority of 21 U.S.C. 844 or 18 U.S.C. 3607.			

- a Have you ever been charged with or convicted of any felony offense? (Include those under Uniform Code of Military Justice) Yes No
- b Have you ever been charged with or convicted of a firearms or explosives offense? Yes No
- c Are there currently any charges pending against you for any criminal offense? Yes No
- d Have you ever been charged with or convicted of any offense(s) related to alcohol or drugs? Yes No
- e In the last 7 years, have you been subject to court martial or other disciplinary proceedings under the Uniform Code of Military Justice? (Include non-judicial, Captain's mast, etc.) Yes No
- f In the last 7 years, have you been arrested for, charged with, or convicted of any offense(s) not listed in response to a, b, c, d, or e above? (Leave out traffic fines of less than \$150 unless the violation was alcohol or drug related.) Yes No

If you answered "Yes" to a, b, c, d, e, or f above, explain below. Under "Offense," do not list specific penalty codes, list the actual offense or violation (for example, arson, theft, etc.).

Month/Year	Offense	Action Taken	Law Enforcement Authority/Court (Include City and county/country if outside U.S.)	State	ZIP Code

Enter your Social Security Number before going to the next page

→ 267-60-7343

24 YOUR USE OF ILLEGAL DRUGS AND DRUG ACTIVITY

The following questions pertain to the illegal use of drugs or drug activity. You are required to answer the questions fully and truthfully, and your failure to do so could be grounds for an adverse employment decision or action against you, but neither your truthful responses nor information derived from your responses will be used as evidence against you in any subsequent criminal proceeding.

Yes	No
	X
	X
	X

- a Since the age of 16 or in the last 7 years, whichever is shorter, have you illegally used any controlled substance, for example, marijuana, cocaine, crack cocaine, hashish, narcotics (opium, morphine, codeine, heroin, etc.), amphetamines, depressants (barbiturates, methaqualone, tranquilizers, etc.), hallucinogenics (LSD, PCP, etc.), or prescription drugs?
- b Have you ever illegally used a controlled substance while employed as a law enforcement officer, prosecutor, or courtroom official; while possessing a security clearance; or while in a position directly and immediately affecting the public safety?
- c In the last 7 years, have you been involved in the illegal purchase, manufacture, trafficking, production, transfer, shipping, receiving, or sale of any narcotic, depressant, stimulant, hallucinogen, or cannabis for your own intended profit or that of another?

If you answered "Yes" to a or b above, provide the date(s), identify the controlled substance(s) and/or prescription drugs used, and the number of times each was used.

Month/Year	Month/Year	Controlled Substance/Prescription Drug Used	Number of Times Used
To			
To			

25 YOUR USE OF ALCOHOL

In the last 7 years, has your use of alcoholic beverages (such as liquor, beer, wine) resulted in any alcohol-related treatment or counseling (such as for alcohol abuse or alcoholism)?

Yes	No
	X

If you answered "Yes", provide the dates of treatment and the name and address of the counselor or doctor below. Do not repeat information reported in response to item 21 above.

Month/Year	Month/Year	Name/Address of Counselor or Doctor	State	ZIP Code
To				
To				

26 YOUR INVESTIGATIONS RECORD

- a Has the United States Government ever investigated your background and/or granted you a security clearance? If "Yes," use the codes that follow to provide the requested information below. If "Yes," but you can't recall the investigating agency and/or the security clearance received, enter "Other" agency code or clearance code, as appropriate, and "Don't know" or "Don't recall" under the "Other Agency" heading, below. If your response is "No," or you don't know or can't recall if you were investigated and cleared, check the "No" box.

Yes	No
X	

Codes for Investigating Agency
 1 - Defense Department
 2 - State Department
 3 - Office of Personnel Management
 4 - FBI
 5 - Treasury Department
 6 - Other (Specify)
 Codes for Security Clearance Received
 0 - Not Required
 1 - Confidential
 2 - Secret
 3 - Top Secret
 4 - Sensitive Compartmented Information
 5 - Q
 6 - L
 7 - Other

Month/Year	Agency Code	Other Agency	Clearance Code	Month/Year	Agency Code	Other Agency	Clearance Code
3/93	4		4				

- b To your knowledge, have you ever had a clearance or access authorization denied, suspended, or revoked, or have you ever been debarred from government employment? If "Yes," give date of action and agency. Note: An administrative downgrade or termination of a security clearance is not a revocation.

Yes	No
	X

Month/Year	Department or Agency Taking Action	Month/Year	Department or Agency Taking Action

27 YOUR FINANCIAL RECORD

- a In the last 7 years, have you filed a petition under any chapter of the bankruptcy code (to include Chapter 13)?
- b In the last 7 years, have you had your wages garnished or had any property repossessed for any reason?
- c In the last 7 years, have you had a lien placed against your property for failing to pay taxes or other debts?
- d In the last 7 years, have you had any judgments against you that have not been paid?

Yes	No
	X
	X
	X

If you answered "Yes" to a, b, c, or d, provide the information requested below:

Month/Year	Type of Action	Amount	Name Action Occurred Under	Name/Address of Court or Agency Handling Case	State	ZIP Code

Enter your Social Security Number before going to the next page



267-60-7343

28 YOUR FINANCIAL DELINQUENCIES	Yes	No
a In the last 7 years, have you been over 180 days delinquent on any debt(s)?		X
b Are you currently over 90 days delinquent on any debt(s)?		X

If you answered "Yes" to a or b, provide the information requested below:

Incurred Month/Year	Satisfied Month/Year	Amount	Type of Loan or Obligation and Account Number	Name/Address of Creditor or Obligor	State	ZIP Code

29 PUBLIC RECORD CIVIL COURT ACTIONS SEE CONTINUATION SPACE BELOW FOR STATEMENT	Yes	No
In the last 7 years, have you been a party to any public record civil court actions not listed elsewhere on this form?		

If you answered "Yes," provide the information about the public record civil court action requested below.

Month/Year	Nature of Action	Result of Action	Name of Parties Involved	Court (include City and county/country if outside U.S.)	State	ZIP Code

30 YOUR ASSOCIATION RECORD	Yes	No
a Have you ever been an officer or a member or made a contribution to an organization dedicated to the violent overthrow of the United States Government and which engages in illegal activities to that end, knowing that the organization engages in such activities with the specific intent to further such activities?		X
b Have you ever knowingly engaged in any acts or activities designed to overthrow the United States Government by force?		X

If you answered "Yes" to a or b, explain in the space below.

Continuation Space

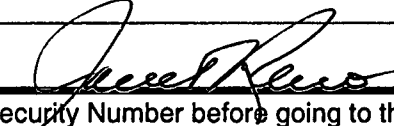
Use the continuation sheet(s) (SF 86A) for additional answers to items 9, 10, and 11. Use the space below to continue answers to all other items and any information you would like to add. If more space is needed than is provided below, use a blank sheet(s) of paper. Start each sheet with your name and Social Security Number. Before each answer, identify the number of the item.

#29 As Attorney General, suit is often brought in my name. Also, I am often sued in my **official** capacity for acts or omissions by me and my subordinate Department officials. In addition, individuals try to sue me in my **individual** capacity for official acts or omissions. Thus, at any given time, I am a party to many law suits arising from my position. Other than these suits involving me as Attorney General, I am not a party to any law suits.

After completing Parts 1 and 2 of this form and any attachments, you should review your answers to all questions to make sure the form is complete and accurate, and then sign and date the following certification and sign and date the release on page 10.

Certification That My Answers Are True

My statements on this form, and any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both. (See section 1001 of title 18, United States Code).

Signature (Sign in ink)	Date
	9/15/98
Enter your Social Security Number before going to the next page	→ 267-60-7343

UNITED STATES OF AMERICA

AUTHORIZATION FOR RELEASE OF INFORMATION

Carefully read this authorization to release information about you, then sign and date it in ink.

I Authorize any investigator, special agent, or other duly accredited representative of the authorized Federal agency conducting my background investigation, to obtain any information relating to my activities from individuals, schools, residential management agents, employers, criminal justice agencies, credit bureaus, consumer reporting agencies, collection agencies, retail business establishments, or other sources of information. This information may include, but is not limited to, my academic, residential, achievement, performance, attendance, disciplinary, employment history, criminal history record information, and financial and credit information. I authorize the Federal agency conducting my investigation to disclose the record of my background investigation to the requesting agency for the purpose of making a determination of suitability or eligibility for a security clearance.

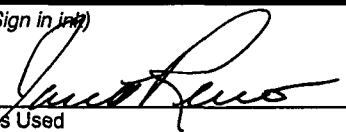
I Understand that, for financial or lending institutions, medical institutions, hospitals, health care professionals, and other sources of information, a separate specific release will be needed, and I may be contacted for such a release at a later date. Where a separate release is requested for information relating to mental health treatment or counseling, the release will contain a list of the specific questions, relevant to the job description, which the doctor or therapist will be asked.

I Further Authorize any investigator, special agent, or other duly accredited representative of the U.S. Office of Personnel Management, the Federal Bureau of Investigation, the Department of Defense, the Defense Investigative Service, and any other authorized Federal agency, to request criminal record information about me from criminal justice agencies for the purpose of determining my eligibility for access to classified information and/or for assignment to, or retention in, a sensitive National Security position, in accordance with 5 U.S.C. 9101. I understand that I may request a copy of such records as may be available to me under the law.

I Authorize custodians of records and other sources of information pertaining to me to release such information upon request of the investigator, special agent, or other duly accredited representative of any Federal agency authorized above regardless of any previous agreement to the contrary.

I Understand that the information released by records custodians and sources of information is for official use by the Federal Government only for the purposes provided in this Standard Form 86, and that it may be redisclosed by the Government only as authorized by law.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for five (5) years from the date signed or upon the termination of my affiliation with the Federal Government, whichever is sooner. Read, sign and date the release on the next page if you answered "Yes" to question 21.

Signature (Sign in ink) 		Full Name (Type or Print Legibly) Janet Reno		Date Signed 9/15/98
Other Names Used None			Social Security Number 267-60-7343	
Current Address (Street, City) 425-8th Street, N.W., Apt. 1149, Wash.DC		State	ZIP Code 20004	Home Telephone Number (Include Area Code) (202) 638-5416

UNITED STATES OF AMERICA

AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION

Carefully read this authorization to release information about you, then sign and date it in ink.

Instructions for Completing this Release

This is a release for the investigator to ask your health practitioner(s) the three questions below concerning your mental health consultations. Your signature will allow the practitioner(s) to answer only these questions.

I am seeking assignment to or retention in a position with the Federal government which requires access to classified national security information or special nuclear information or material. As part of the clearance process, I **hereby authorize** the investigator, special agent, or duly accredited representative of the authorized Federal agency conducting my background investigation, to obtain the following information relating to my mental health consultations:

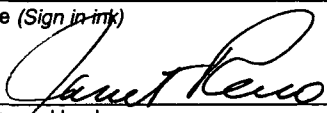
Does the person under investigation have a condition or treatment that could impair his/her judgement or reliability, particularly in the context of safeguarding classified national security information or special nuclear information or material?

If so, please describe the nature of the condition and the extent and duration of the impairment or treatment.

What is the prognosis?

I understand the information released pursuant to this release is for use by the Federal Government only for purposes provided in the Standard Form 86 and that it may be redisclosed by the Government only as authorized by law.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for 1 year from the date signed or upon termination of my affiliation with the Federal Government, whichever is sooner.

Signature (<i>Sign in ink</i>) 		Full Name (<i>Type or Print Legibly</i>) Janet Reno		Date Signed 9/15/98
Other Names Used None			Social Security Number 267-60-7343	
Current Address (<i>Street, City</i>) 425-8th St., N.W., Apt. 1149, Wash., D.C.		State	ZIP Code 20004	Home Telephone Number (<i>Include Area Code</i>) (202) 638-5416

SSSS PPPP EEEE CCCC IIIII A A L
S P P E C I A A L
SSSS PPPP EE CC I I A A L
S P E C I I A A L
SSSS P EEEE CCCC IIIII A A LLLLL

SPECIAL INQUIRY & GENERAL BACKGROUND INVESTIGATIONS (SIGBIU)
FEDERAL BUREAU OF INVESTIGATION
RECORDS/OPERATIONS SECTIONS

OCT 5 1998

DATE: 09/29/1998

BUDED: 12/17/1998

6

X NAME SEARCHING UNIT, NEWINGTON ANNEX
X FORWARD TO PICKETT STREET
X FORWARD TO FILE REVIEW - RM 5931
X RETURN TO: [REDACTED] ROOM 4371, EXT. 2023

SCOPE OF SEARCH: UNRESTRICTED ACTIVE/INACTIVE (ADB)

TYPE OF SEARCH REQUESTED: ALL REFERENCES (SECURITY & CRIMINAL)

FR UTD 03 '93 to Present

b6
b7C

SPECIAL INSTRUCTIONS: X SIX WAY PHONETIC

SUBJECT IS DESCRIBED AS FOLLOWS:

NAME: RENO, JANET, NMN *

Attorney General
Reno

DOB: 07/21/1938
POB: MIAMI, FL *
SSAN: 267-60-7343
LOCALITIES: DC, FL

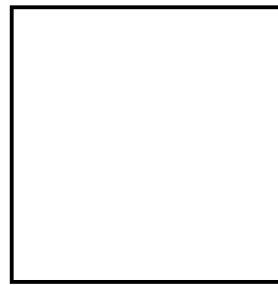
RELATIVES: FR UTD 03 '93 to Present

SPECIAL INSTRUCTIONS: X THREE WAY SEARCH

RELATIONSHIP NAME [REDACTED] DOB LOCALITIES

b6
b7C

RELATIONSHIP	NAME	DOB	LOCALITIES
[REDACTED]			



10/28/98
54

16

10/26/98

Attention File Review:

The review should be conducted on pertinent records related to the Attorney General and not those wherein she is not or thought to be subject. Pull only those files that are highlighted and forward to SPIN.

b6
b7c

SSSS PPPP EEEE CCCC IIIII A L
S P P E I I A A L
SSSS PPPP EE C I I A A L
S P E C I I A A L
SSSS P EEEE CCCC IIIII A A LLLL

SPECIAL INQUIRY & GENERAL BACKGROUND INVESTIGATIONS (SIGBIU)
FEDERAL BUREAU OF INVESTIGATION
RECORDS/OPERATIONS SECTIONS

DATE: 09/29/1998 BUDED: 12/17/1998

X SERVICE UNIT ROOM 7361

X RETURN TO: [REDACTED] ROOM 4371, EXT. 2023

b6
b7C

SCOPE OF SEARCH: SECURE DATA INFORMATION SYSTEM

TYPE OF SEARCH REQUESTED: ALL REFERENCES (SECURITY & CRIMINAL)

FR UTD 03 '93 to Present

SPECIAL INSTRUCTIONS: X SIX WAY PHONETIC

SUBJECT IS DESCRIBED AS FOLLOWS:

NAME: ^{WA}RENO, JANET, NMN *

DOB: 07/21/1938
POB: MIAMI, FL *
SSAN: 267-60-7343
LOCALITIES: DC, FL

RELATIVES: FR UTD 03 '93 to Present

SPECIAL INSTRUCTIONS: X THREE WAY SEARCH

RELATIONSHIP NAME DOB LOCALITIES

RELATIONSHIP	NAME	DOB	LOCALITIES
[REDACTED]			

b6
b7C



IDENT CHECK ROOM 11262B TUBE J1, ATTN: [redacted]

b6
b7C

FROM: SPECIAL INQUIRY & GENERAL BACKGROUND INVESTIGATIONS UNIT, DIV 3, RM
EXT: 2023 ATTN: PSS [redacted]

SUBJECT: JANET NMN RENO

BUDED: 12/17/1998

BUREAU FILE NUMBER: 077L-1045971

THE BUREAU HAS BEEN REQUESTED TO CONDUCT AN EXPEDITE BACKGROUND INVESTIGATION OF THE ABOVE-CAPTIONED SUBJECT, WHO IS BEING CONSIDERED FOR PRESIDENTIAL APPOINTMENT. YOU ARE REQUESTED TO CHECK APPROPRIATE INDICES BASED UPON AVAILABLE INFORMATION CONCERNING SUBJECT, EMPLOYMENT, AND ALL CLOSE RELATIVES. IT IS REQUESTED THAT THE RESULTS OF YOUR CHECK, WHETHER POSITIVE OR NEGATIVE, BE INDICATED IN THE SPACES PROVIDED BELOW, AND RELAYED TO THE SPECIAL INQUIRY & GENERAL BACKGROUND INVESTIGATIONS UNIT, RM 4371 VIA ROUTING SLIP MARKED 'URGENT'.

(f. prints attached)

SUBJECT IS DESCRIBED AS FOLLOWS:

RESULT NAME: JANET NMN RENO
DOB: 07/21/1938
POB: MIAMI, FL
SSAN: 267-60-7343
CURRENT ADDRESS: 425 8TH ST
WASHINGTON, DC 20004
EMPLOYMENT:

CLOSE RELATIVES

RESULT NAME DOB RESIDENCE

RESULT NAME	DOB	RESIDENCE
[Redacted]		

b6
b7C

Previously furnished in 3/93 FBI.

CHECK CONDUCTED BY:

[Redacted]

ON 9-30-98

[Redacted]

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION
SERVICES DIVISION
CLARKSBURG, WV 26306

DCFBI03Z

PCN 982739742906

DCFBI03Z
FBI-HQ
PERSONNEL DIV 3
ROOM 6012
935 PENNSYLVANIA AVE NW
WASHINGTON, DC 20535-0001

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION
SERVICES DIVISION
CLARKSBURG, WV 26306

DCFBI03Z

PCN 982739742906

*****THIS PAGE SHOULD NOT BE DISSEMINATED OUTSIDE THE FBI*****
END OF BUREAU SHEET

CIVIL APPLICANT RESPONSE

PCN 982489573502 CIDN DCA
RENO, JANET W 601 1938/07/21
MNU SOC 267 60 7343 SEX F
FPC 18 14 15 15 15 18 PI 11 PD 14
HEN CLASS 18 M 1 U ODD 15
 L 4 W IOO

DC001347A DAG/ATTY PERS MGMT PRT REC
 WASHINGTON DC 1998/10/06

A SEARCH OF THE FINGERPRINTS ON THE ABOVE
INDIVIDUAL HAS FAILED TO DISCLOSE PRIOR ARREST DATA.

 CJIS DIVISION
1998/10/07 FEDERAL BUREAU OF INVESTIGATION

DC001347A
US DEPT OF JUSTICE
OFF ATTY PERS MGMT
ROOM 3525-MAIN
950 PENNSYLVANIA AVE NW
WASHINGTON, DC 20530-0001

*Update from
03/93 to Present*

DCII CHECK REQUEST FORM

** SUBJECT IDENTIFICATION **

PLEASE RETURN TO PSS ROOM 4383.

b6
b7C

SUBJECT: RENO, JANET, NMN
DOB: 1938/07/21
SSAN: 267-60-7343
OTHER-NAMES:

**NO RECORD
DCII/DIS**

CHECK CONDUCTED BY: _____ ON: _____

b6
b7C

UPDATE from 03/93
to present

REQUEST FOR CREDIT CHECK

SEP 29 1 41 PM '98
DATE 09/29/1998

TO: CONTRACTOR
FROM: SPECIAL INQUIRY & GENERAL BACKGROUND INVESTIGATIONS (SIGBIU)

ATTENTION: ROOM 4383 EXT. 2023

b6
b7c

RESPONSE CRITERIA	TYPE OF REQUEST
5 WORK DAYS	SUITABILITY

SUBJECT'S NAME: RENO, JANET NMN MAIDEN:

DATE OF BIRTH (DOB): 07/21/1938 PLACE OF BIRTH (POB): MIAMI, FL

SEX: F SOCIAL SECURITY ACCOUNT NUMBER (SSAN): 267-60-7343

SPOUSE'S NAME: MAIDEN:
AKA:

SUBJECT'S CURRENT ADDRESS: 425 8TH ST, WASHINGTON, DC 20004

SUBJECT'S ADDRESS(ES) FOR LAST SEVEN (7) YEARS: 425 8TH ST, WASHINGTON, DC 20004
11200 NORTH KENDALL DR, MIAMI, FL 33176

ENCLOSURE - RELEASE FORM TO BE ATTACHED

b6
b7c

UNITED STATES OF AMERICA

AUTHORIZATION FOR RELEASE OF INFORMATION

Carefully read this authorization to release information about you, then sign and date it in ink.

I Authorize any investigator, special agent, or other duly accredited representative of the authorized Federal agency conducting my background investigation, to obtain any information relating to my activities from individuals, schools, residential management agents, employers, criminal justice agencies, credit bureaus, consumer reporting agencies, collection agencies, retail business establishments, or other sources of information. This information may include, but is not limited to, my academic, residential, achievement, performance, attendance, disciplinary, employment history, criminal history record information, and financial and credit information. I authorize the Federal agency conducting my investigation to disclose the record of my background investigation to the requesting agency for the purpose of making a determination of suitability or eligibility for a security clearance.

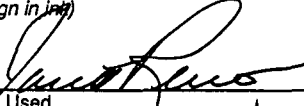
I Understand that, for financial or lending institutions, medical institutions, hospitals, health care professionals, and other sources of information, a separate specific release will be needed, and I may be contacted for such a release at a later date. Where a separate release is requested for information relating to mental health treatment or counseling, the release will contain a list of the specific questions, relevant to the job description, which the doctor or therapist will be asked.

I Further Authorize any investigator, special agent, or other duly accredited representative of the U.S. Office of Personnel Management, the Federal Bureau of Investigation, the Department of Defense, the Defense Investigative Service, and any other authorized Federal agency, to request criminal record information about me from criminal justice agencies for the purpose of determining my eligibility for access to classified information and/or for assignment to, or retention in, a sensitive National Security position, in accordance with 5 U.S.C. 9101. I understand that I may request a copy of such records as may be available to me under the law.

I Authorize custodians of records and other sources of information pertaining to me to release such information upon request of the investigator, special agent, or other duly accredited representative of any Federal agency authorized above regardless of any previous agreement to the contrary.

I Understand that the information released by records custodians and sources of information is for official use by the Federal Government only for the purposes provided in this Standard Form 86, and that it may be redisclosed by the Government only as authorized by law.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for five (5) years from the date signed or upon the termination of my affiliation with the Federal Government, whichever is sooner. Read, sign and date the release on the next page if you answered "Yes" to question 21.

Signature (<i>Sign in ink</i>) 		Full Name (<i>Type or Print Legibly</i>) Janet Reno		Date Signed 9/15/98
Other Names Used None			Social Security Number 267-60-7343	
Current Address (<i>Street, City</i>) 425-8th Street, N.W., Apt. 1149, Wash.DC		State	ZIP Code 20004	Home Telephone Number (<i>Include Area Code</i>) (202) 638-5416

PRIVACY ACT PROTECTED INFORMATION
(When Completed)

United States Department of Justice

Disclosure and Authorization
Pertaining to Consumer Reports
Pursuant to the Fair Credit Reporting Act

This is a release for the Department of Justice to obtain one or more consumer/credit reports about you in connection with your application for employment or in the course of your employment with the Department. One or more reports about you may be obtained for employment purposes, including evaluating your fitness for employment, promotion, reassignment, retention, or access to classified information.

I, Janet Reno , hereby
authorize the Department of Justice to obtain such report(s) from
any consumer/credit reporting agency for employment purposes.

Janet Reno
Signature

September 15, 1998
Date

267-60-7343
Social Security Number

Office of the Attorney General
Current Organization Assigned

FORM DOJ-555
SEPT. 97

***** EQUIFAX ACROFILE PLUS CREDIT REPORT W/ON-LINE DIRECTORY (DF) *****
 * BEARAK REPORTS / FBI CONTRACTING UNIT *
 *
 ***** Dept: SPIN / Queued by: SUPERVISOR *****

DATE:09-29-1998 TIME:13:46:20 SUBJECT ID:Look

NM-RENO, JANET, , , .
 CA-425, 8TH, ST, WASHINGTON, DC, 20004.
 ID-SSS-267-60-7343, BDS-07/21/38.

* 007 EQUIFAX CREDIT INFORMATION SERVICES, P O BOX 740241,
 1150 LAKE HEARN DRIVE STE 460, ATLANTA, GA, 30374-0241, 800/685-1111

*RENO, JANET SINCE 07/19/74 FAD 11/14/97 FN-216
 425, 8TH ST NW, APT 1149, WASHINGTON, DC, 20004, TAPE RPTD 05/93
 11200, NORTH KENDALL, DR, MIAMI, FL, 33156
 BDS-07/21/1938, SSS-267-60-7343

01 ES-, ATTORNEY
 02 EF-STATE ATTORNEY, STATE OF FLA
 03 E2-ATTORNEY

*SUM-08/75-09/98, PR/OI-NO, COLL-NO, FB-NO, ACCTS:9, HC\$0-10000, 8-ONES, 1-OTHER.
 FIRM / IDENT CODE CS RPTD LIMIT HICR BAL \$ DLA MR (30-60-90+)MAX/DEL
 ECOA/ACCOUNT NUMBER OPND P/DUE TERM 24 MONTH HISTORY

 FUNB *805BB87407 R1 06/98 6000 --- 0 04/97 46
 I/ 10/77 --- ---
 CREDIT CARD

FUNB *805BB87407 R1 06/98 10000 --- 2020 06/98 70
 I/ 07/84 --- ---
 CREDIT CARD

FCNB PRFCH*906DM10 R 11/97 --- 2310 0 22 (00-00-00)
 I/ 07/94 --- ---
 PAID ACCOUNT/ZERO BALANCE
 CHARGE

FUNB *805BB87407 R1 07/96 --- 0 0 07/96 47
 I/ 10/77 --- ---
 CREDIT CARD

FCNB PRFCH*906DM10 R1 06/96 2310 --- 0 06/96 07
 I/ 07/94 --- ---
 CHARGE

ANB CC *161BB5264 R1 09/94 --- 5000 0 09/94 10
 I/ 11/93 --- ---
 CREDIT CARD

NEIMAN *906DC656 R1 04/93 --- 0 0 70
 I/ 09/85 --- ---

REVOLVING TOTALS 18310 7310 2020
 --- ---

 AMEX *906ON259 O1 09/98 --- 0 0 09/98 01

I/ 08/75 --- ---
 BP OIL *148OC81 01 08/98 --- 0 0 09/92 95
 U/ 08/82 --- ---

OPEN TOTALS --- --- ---
 --- --- ---

 GRAND TOTALS 18310 7310 2020

*INQS-

* MEMBER #	COMP. NAME	TELEPHONE	* MEMBER #	COMP. NAME	TELEPHONE
805BB87407	FUNB	MAIL ONLY	906DM10	FCNB PRFCH	MAIL ONLY
CONS 10			P.O. BOX 2210		
CHARLOTTE		NC 28288	PORTLAND		OR 97208
161BB5264	ANB CC	800-5335600	906DC656	NEIMAN	800-8258255
P.O. BOX 15687			1201 ELM ST	ATTN: L JACKSON	
WILMINGTON		DE 19850	DALLAS		TX 75270
906ON259	AMEX	954-5033787			
PO BOX 7871					
FT. LAUDERDALE		FL 33329-7871			

&

END OF REPORT EQUIFAX AND AFFILIATES - 09/29/98

*** END OF REPORT ID: 09-29-1998/13:46:20 (ORN: 1434) [B-0/F-0/P-0/O-0] ***

***** TRANS UNION CONSUMER CREDIT REPORT WITH LOOK *****
* BEARAK REPORTS / FBI CONTRACTING UNIT *
*
***** Dept: SPIN / Queued by: SUPERVISOR *****

DATE:09-29-1998 TIME:14:02:34 SUBJECT ID:Look

ARPT0001000Look 14BTZ Y I09N AN00 L

TRANS UNION PEER REPORT FOR:
US DEPT OF JUSTICE
Z BT0004252 BUREAU: 17 NV

USER REF: LOOK
DATE REPORT PRINTED: 09/29/1998
CENTRAL STANDARD TIME: 13:02
IN OUR FILES SINCE: 01/1984

SUBJECT NAME:
RENO, JANET

SOCIAL SECURITY NUMBER: 267-60-7343
PHONE: 638-5416

CURRENT ADDRESS REPORTED 04/1993:
425 8TH ST NW, #1149. WASHINGTON DC. 20004

FORMER ADDRESSES REPORTED 07/1992:
11200 N. KENDALL DR., MIAMI FL. 33176

CREDIT INFORMATION

THE FOLLOWING CREDIT SUMMARY REPRESENTS THE SUBJECT'S TOTAL FILE HISTORY

PUBLIC RECORDS:	0	CURRENT NEGATIVE ACCTS:	0	REVOLVING ACCTS:	10
COLLECTIONS:	0	PREVIOUS NEGATIVE ACCTS:	0	INSTALLMENT ACCTS:	1
TRADE ACCTS:	13	PREVIOUS TIMES NEGATIVE:	0	MORTGAGE ACCTS:	0
CREDIT INQUIRIES:	0	EMPLOYMENT INQUIRIES:	1	OPEN ACCTS:	2

	HIGH CRED	CRED LIMIT	BALANCE	PAST DUE	MNTHLY	AVAIL
REVOLVING:	\$9277	\$24.0K	\$2020	\$0	\$	92%
OPEN:	\$0	\$	\$0	\$0		0%
TOTALS:	\$9277	\$24.0K	\$2020	\$0	\$	

THE FOLLOWING ACCOUNT INFORMATION IS PRINTED IN ORDER BY MOST NEGATIVE MANNER OF PAYMENT (MOP) AND DATE MOST RECENTLY UPDATED.

AMEX N 656N001 OPEN ACCOUNT
CREDIT CARD
VERIF'D 09/1998 BALANCE: \$0 INDIVIDUAL ACCOUNT
OPENED 08/1975 MOST OWED: \$0
PAID OFF 09/1998
STATUS AS OF 09/1998: PAID OR PAYING AS AGREED
IN PRIOR 48 MONTHS FROM DATE PAID NEVER LATE

CONTACT SUBSCRIBER: AMERICAN EXPRESS PH#:
P O BOX 7871 FORT, FL 33329

FIRST UNION B 362N400 REVOLVING ACCOUNT
CREDIT CARD
VERIF'D 07/1998 BALANCE: \$0 INDIVIDUAL ACCOUNT
OPENED 10/1977 MOST OWED: \$3939 CREDIT LIMIT: \$6000

PAID OFF 04/1997

STATUS AS OF 04/1997: PAID OR PAYING AS AGREED
IN PRIOR 48 MONTHS FROM DATE PAID NEVER LATE

CONTACT SUBSCRIBER: FIRST UNION NATIONAL BAN PH#: ROANOKE, VA 24040
PO BOX 13327, VA7586

FIRST UNION B 362N400 REVOLVING ACCOUNT
CREDIT CARD
VERIF'D 07/1998 BALANCE: \$2020 INDIVIDUAL ACCOUNT
OPENED 07/1984 MOST OWED: \$4603 PAY TERMS: 10 MONTHLY
CREDIT LIMIT: \$10000

STATUS AS OF 07/1998: PAID OR PAYING AS AGREED
IN PRIOR 48 MONTHS FROM DATE VERIF'D NEVER LATE

CONTACT SUBSCRIBER: FIRST UNION NATIONAL BAN PH#: ROANOKE, VA 24040
PO BOX 13327, VA7586

FIRST UNION B 362N400 INSTALLMENT ACCOUNT
CREDIT CARD
VERIF'D 06/1996 BALANCE: \$0 INDIVIDUAL ACCOUNT
OPENED 10/1977 MOST OWED: \$3939 PAY TERMS: 10 MONTHLY
CLOSED 06/1996

STATUS AS OF 06/1996: PAID OR PAYING AS AGREED
IN PRIOR 24 MONTHS FROM DATE CLOSED NEVER LATE

CONTACT SUBSCRIBER: FIRST UNION NATIONAL BAN PH#: ROANOKE, VA 24040
PO BOX 13327, VA7586

FCNB PRF CHG B 152B013 REVOLVING ACCOUNT
CREDIT CARD
VERIF'D 06/1996 BALANCE: \$0 INDIVIDUAL ACCOUNT
OPENED 07/1994 MOST OWED: \$198 CREDIT LIMIT: \$2300
PAID OFF 06/1996

STATUS AS OF 06/1996: PAID OR PAYING AS AGREED
IN PRIOR 08 MONTHS FROM DATE PAID NEVER LATE

CONTACT SUBSCRIBER: FIRST CONSUMERS NATL BK PH#: PORTLAND, OR 97208
P. O. BOX 2650

ANBCC B 282E001 REVOLVING ACCOUNT
CREDIT CARD
VERIF'D 09/1994 BALANCE: \$0 INDIVIDUAL ACCOUNT
OPENED 11/1993 MOST OWED: \$0 CREDIT LIMIT: \$5000
PAID OFF 11/1993

STATUS AS OF 11/1993: PAID OR PAYING AS AGREED
IN PRIOR 01 MONTH FROM DATE PAID NEVER LATE

CONTACT SUBSCRIBER: ASSOCIATES NATIONAL BANK PH#: (800) 533-5600
P O BOX 15687 WILMINGTON, DE 19850

NEIMAN MARCU D 2816001 REVOLVING ACCOUNT
CREDIT CARD
VERIF'D 05/1994 BALANCE: \$0 INDIVIDUAL ACCOUNT
OPENED 09/1985 MOST OWED: \$0 CREDIT LIMIT: \$0

STATUS AS OF 05/1994: PAID OR PAYING AS AGREED
IN PRIOR 30 MONTHS FROM DATE VERIF'D NEVER LATE

CONTACT SUBSCRIBER: NEIMAN-MARCUS PH#: (800) 753-0407
1201 ELM ST, 2800 RENAISSANCE DALLAS, TX 75270

BURDIN/FDSNB D 635D001 REVOLVING ACCOUNT

VERIF'D 03/1994 BALANCE: \$0 INDIVIDUAL ACCOUNT
OPENED 01/1982 MOST OWED: \$310 CREDIT LIMIT: \$700
PAID OFF 06/1992
STATUS AS OF 06/1992: PAID OR PAYING AS AGREED
IN PRIOR 01 MONTH FROM DATE PAID NEVER LATE

CONTACT SUBSCRIBER: BURDINES PH#: (800) 477-2167
13141 34TH ST N CLEARWATER, FL 34622

FST UN NTL B 907M001 REVOLVING ACCOUNT
TRANSFER

VERIF'D 06/1992 BALANCE: \$0 INDIVIDUAL ACCOUNT
OPENED 10/1977 MOST OWED: \$4100 CREDIT LIMIT: \$6000
CLOSED 06/1992
STATUS AS OF 06/1992: PAID OR PAYING AS AGREED
IN PRIOR 07 MONTHS FROM DATE CLOSED NEVER LATE

CONTACT SUBSCRIBER: FST UNION NTL BK PH#: (800) 359-3862
CONS-10-0349, BANKCARD CENTER CHARLOTTE, NC 28288

FST UN NTL B 907M002 REVOLVING ACCOUNT
TRANSFER

VERIF'D 06/1992 BALANCE: \$0 INDIVIDUAL ACCOUNT
OPENED 07/1984 MOST OWED: \$5000 CREDIT LIMIT: \$5000
CLOSED 06/1992
STATUS AS OF 06/1992: PAID OR PAYING AS AGREED
IN PRIOR 07 MONTHS FROM DATE CLOSED NEVER LATE

CONTACT SUBSCRIBER: FST UNION NTL BK PH#: (800) 359-3862
PO BOX 13327 ROANOKE, VA 24019

CHEVRON O 103T001 REVOLVING ACCOUNT
CLOSED

VERIF'D 04/1992 BALANCE: \$0 PARTICIPANT ON ACCOUNT
OPENED 12/1982 MOST OWED: \$43
PAID OFF 12/1990
STATUS AS OF 12/1990: PAID OR PAYING AS AGREED

CONTACT SUBSCRIBER: STANDARD OIL CA CHEV PH#: (510) 602-7020
POB 5010, ROOM 1242 CONCORD, CA 94524

JC PENNEY D 1972020 REVOLVING ACCOUNT
INDIVIDUAL ACCOUNT

VERIF'D 07/1990 BALANCE: \$0
OPENED 05/1985 MOST OWED: \$184
PAID OFF 07/1990
STATUS AS OF 07/1990: PAID OR PAYING AS AGREED

CONTACT SUBSCRIBER: JC PENNEY PH#: TAMPA, FL 33630
POB 30130

BP OIL O 980S001 OPEN ACCOUNT
INDIVIDUAL ACCOUNT

VERIF'D 07/1998 BALANCE: \$0
OPENED 08/1982 MOST OWED: \$0
PAID OFF 09/1992
STATUS AS OF 09/1992: UNRATED
IN PRIOR 12 MONTHS FROM DATE PAID NEVER LATE

CONTACT SUBSCRIBER: BP OIL PH#: (216) 586-6373
101 W PROSPECT AVE, 550 MIDLAND CLEVELAND, OH 44115

THE FOLLOWING COMPANIES HAVE REQUESTED THE SUBJECT'S FILE FOR EMPLOYMENT USE:

DATE	SUBCODE	SUBSCRIBER NAME
09/29/1998	Z 4252	US DEPT OF JUSTICE 935 PENNSYLVANIA A, ROOM WASHINGTON, DC 20535

END OF PEER REPORT - SERVICED BY:

TRANS UNION CORPORATION
760 W. SPROUL ROAD, PO BOX 390
SPRINGFIELD, PA 19064-0390
800-888-4213

COPYRIGHTED TRANS UNION 1994
A SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT

THE FEDERAL FAIR CREDIT REPORTING ACT (FCRA) IS DESIGNED TO PROMOTE ACCURACY, FAIRNESS, AND PRIVACY OF INFORMATION IN THE FILES OF EVERY "CONSUMER REPORTING AGENCY" (CRA). MOST CRA'S ARE CREDIT BUREAUS THAT GATHER AND SELL INFORMATION ABOUT YOU -- SUCH AS IF YOU PAY YOUR BILLS ON TIME OR HAVE FILED BANKRUPTCY -- TO CREDITORS, EMPLOYERS, LANDLORDS, AND OTHER BUSINESSES. YOU CAN FIND THE COMPLETE TEXT OF THE FCRA, 15 U.S.C §§1681-1681U, AT THE FEDERAL TRADE COMMISSION'S WEB SITE ([HTTP://WWW.FTC.GOV](http://www.ftc.gov)). THE FCRA GIVES YOU SPECIFIC RIGHTS, AS OUTLINED BELOW. YOU MAY HAVE ADDITIONAL RIGHTS UNDER STATE LAW. YOU MAY CONTACT A STATE OR LOCAL CONSUMER PROTECTION AGENCY OR A STATE ATTORNEY GENERAL TO LEARN THOSE RIGHTS.

- YOU MUST BE TOLD IF INFORMATION IN YOUR FILE HAS BEEN USED AGAINST YOU. ANYONE WHO USES INFORMATION FROM A CRA TO TAKE ACTION AGAINST YOU -- SUCH AS DENYING AN APPLICATION FOR CREDIT, INSURANCE, OR EMPLOYMENT -- MUST TELL YOU, AND GIVE YOU THE NAME, ADDRESS, AND PHONE NUMBER OF THE CRA THAT PROVIDED THE CONSUMER REPORT.
- YOU CAN FIND OUT WHAT IS IN YOUR FILE. AT YOUR REQUEST, A CRA MUST GIVE YOU THE INFORMATION IN YOUR FILE, AND A LIST OF EVERYONE WHO HAS REQUESTED IT RECENTLY. THERE IS NO CHARGE FOR THE REPORT IF A PERSON HAS TAKEN ACTION AGAINST YOU BECAUSE OF INFORMATION SUPPLIED BY THE CRA. IF YOU REQUEST THE REPORT WITHIN 60 DAYS OF RECEIVING NOTICE OF THE ACTION. YOU ALSO ARE ENTITLED TO ONE FREE REPORT EVERY TWELVE MONTHS UPON REQUEST IF YOU CERTIFY THAT (1) YOU ARE UNEMPLOYED AND PLAN TO SEEK EMPLOYMENT WITHIN 60 DAYS, (2) YOU ARE ON WELFARE, OR (3) YOUR REPORT IS INACCURATE DUE TO FRAUD. OTHERWISE, A CRA MAY CHARGE YOU UP TO EIGHT DOLLARS.
- YOU CAN DISPUTE INACCURATE INFORMATION WITH THE CRA. IF YOU TELL A CRA THAT YOUR FILE CONTAINS INACCURATE INFORMATION, THE CRA MUST INVESTIGATE THE ITEMS (USUALLY WITHIN 30 DAYS) BY PRESENTING TO ITS INFORMATION SOURCE ALL RELEVANT EVIDENCE YOU SUBMIT, UNLESS YOUR DISPUTE IS FRIVOLOUS. THE SOURCE MUST REVIEW YOUR EVIDENCE AND REPORT ITS FINDINGS TO THE CRA. (THE SOURCE ALSO MUST ADVISE NATIONAL CRA'S -- TO WHICH IT HAS PROVIDED THE DATA -- OF ANY ERROR.) THE CRA MUST GIVE YOU A WRITTEN REPORT OF THE INVESTIGATION, AND A COPY OF YOUR REPORT IF THE INVESTIGATION RESULTS IN ANY CHANGE. IF THE CRA'S INVESTIGATION DOES NOT RESOLVE THE DISPUTE, YOU MAY ADD A BRIEF STATEMENT IN FUTURE REPORTS. IF AN ITEM IS DELETED OR A DISPUTE STATEMENT IS FILED, YOU MAY ASK THAT ANYONE WHO HAS RECENTLY RECEIVED YOUR REPORT BE NOTIFIED OF THE CHANGE.

- INACCURATE INFORMATION MUST BE CORRECTED OR DELETED. A CRA MUST REMOVE OR CORRECT INACCURATE OR UNVERIFIED INFORMATION FROM ITS FILES, USUALLY WITHIN 30 DAYS AFTER YOU DISPUTE IT. HOWEVER, THE CRA IS NOT REQUIRED TO REMOVE ACCURATE DATA FROM YOUR FILE UNLESS IT IS OUTDATED (AS DESCRIBED BELOW) OR CANNOT BE VERIFIED. IF YOUR DISPUTE RESULTS IN ANY CHANGE TO YOUR REPORT, THE CRA CANNOT REINSERT INTO YOUR FILE A DISPUTED ITEM UNLESS THE INFORMATION SOURCE VERIFIES ITS ACCURACY AND COMPLETENESS. IN ADDITION, THE CRA MUST GIVE YOU A WRITTEN NOTICE TELLING YOU IT HAS REINSERTED THE ITEM. THE NOTICE MUST INCLUDE THE NAME, ADDRESS AND PHONE NUMBER OF THE INFORMATION SOURCE.
- YOU CAN DISPUTE INACCURATE ITEMS WITH THE SOURCE OF THE INFORMATION. IF YOU TELL ANYONE -- SUCH AS A CREDITOR WHO REPORTS TO A CRA -- THAT YOU DISPUTE AN ITEM THEY MAY NOT THEN REPORT THE INFORMATION TO A CRA WITHOUT INCLUDING A NOTICE OF YOUR DISPUTE. IN ADDITION, ONCE YOU'VE NOTIFIED THE SOURCE OF THE ERROR IN WRITING, IT MAY NOT CONTINUE TO REPORT THE INFORMATION IF IT IS, IN FACT, AN ERROR.
- OUTDATED INFORMATION MAY NOT BE REPORTED. IN MOST CASES, A CRA MAY NOT REPORT NEGATIVE INFORMATION THAT IS MORE THAN SEVEN YEARS OLD; TEN YEARS FOR BANKRUPTCIES.
- ACCESS TO YOUR FILE IS LIMITED. A CRA MAY PROVIDE INFORMATION ABOUT YOU ONLY TO PEOPLE WITH A NEED RECOGNIZED BY THE FCRA -- USUALLY TO CONSIDER AN APPLICATION WITH A CREDITOR, INSURER, EMPLOYER, LANDLORD, OR OTHER BUSINESS.
- YOUR CONSENT IS REQUIRED FOR REPORTS THAT ARE PROVIDED TO EMPLOYERS, OR REPORTS THAT CONTAIN MEDICAL INFORMATION. A CRA MAY NOT GIVE OUT INFORMATION ABOUT YOU TO YOUR EMPLOYER, OR PROSPECTIVE EMPLOYER, WITHOUT YOUR WRITTEN CONSENT. A CRA MAY NOT REPORT MEDICAL INFORMATION ABOUT YOU TO CREDITORS, INSURERS, OR EMPLOYERS WITHOUT YOUR PERMISSION.
- YOU MAY CHOOSE TO EXCLUDE YOUR NAME FROM CRA LISTS FOR UNSOLICITED CREDIT AND INSURANCE OFFERS. CREDITORS AND INSURERS MAY USE FILE INFORMATION AS THE BASIS FOR SENDING YOU UNSOLICITED OFFERS OF CREDIT OR INSURANCE. SUCH OFFERS MUST INCLUDE A TOLL-FREE PHONE NUMBER FOR YOU TO CALL IF YOU WANT YOUR NAME AND ADDRESS REMOVED FROM FUTURE LISTS. IF YOU CALL, YOU MUST BE KEPT OFF THE LISTS FOR TWO YEARS. IF YOU REQUEST, COMPLETE, AND RETURN THE CRA FORM PROVIDED FOR THIS PURPOSE, YOU MUST BE TAKEN OFF THE LISTS INDEFINITELY.
- YOU MAY SEEK DAMAGES FROM VIOLATORS. IF A CRA, A USER OR (IN SOME CASES) A PROVIDER OF CRA DATA, VIOLATES THE FCRA, YOU MAY SUE THEM IN STATE OR FEDERAL COURT.

THE FCRA GIVES SEVERAL DIFFERENT FEDERAL AGENCIES AUTHORITY TO ENFORCE THE FCRA:

FOR QUESTIONS OR CONCERNS REGARDING: PLEASE CONTACT:

CRA'S CREDITORS AND OTHERS NOT LISTED BELOW

FEDERAL TRADE COMMISSION
CONSUMER RESPONSE CENTER - FCRA
WASHINGTON, DC 20580
202-326-3761

NATIONAL BANKS, FEDERAL BRANCHES / AGENCIES OF FOREIGN BANKS (WORD "NATIONAL" OR INITIALS "N.A." APPEAR IN OR AFTER BANK'S NAME)

OFFICE OF THE COMPTROLLER OF THE CURRENCY
COMPLIANCE MANAGEMENT, MAIL STOP 6-6
WASHINGTON, DC 20219
800-613-6743

FEDERAL RESERVE SYSTEM MEMBER BANKS (EXCEPT NATIONAL BANKS, AND FEDERAL

FEDERAL RESERVE BOARD
DIVISION OF CONSUMER & COMMUNITY AFFAIRS

BRANCHES -/ AGENCIES OF FOREIGN
BANKS)

WASHINGTON, DC 20551
202-452-3693

SAVINGS ASSOCIATIONS AND FEDERALLY
CHARTERED SAVINGS BANKS (WORD
"FEDERAL" OR INITIALS "F.S.B."
APPEAR IN FEDERAL INSTITUTION'S

OFFICE OF THRIFT SUPERVISION
CONSUMER PROGRAMS
WASHINGTON, DC 20552
800-842-6929

FEDERAL CREDIT UNIONS (WORDS
"FEDERAL CREDIT UNION" APPEAR IN
INSTITUTION'S NAME)

NATIONAL CREDIT UNION ADMINISTRATION
1775 DUKE STREET
ALEXANDRIA, VA 22314
703-518-6360

STATE-CHARTERED BANKS THAT ARE NOT
MEMBERS OF THE FEDERAL RESERVE
SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION
DIVISION OF COMPLIANCE & CONSUMER AFFAIRS
WASHINGTON, DC 20429
800-934-FDIC

AIR, SURFACE, OR RAIL COMMON
CARRIERS REGULATED BY FORMER CIVIL
AERONAUTICS BOARD OR INTERSTATE

DEPARTMENT OF TRANSPORTATION
OFFICE OF FINANCIAL MANAGEMENT
WASHINGTON, DC 20590
202-366-1306

ACTIVITIES SUBJECT TO THE PACKERS
AND STOCKYARDS ACT, 1921

DEPARTMENT OF AGRICULTURE
OFFICE OF DEPUTY ADMINISTRATOR - GIPSA
WASHINGTON, DC 20250
202-720-7051

APER0000LOOK
GO

14BTZ 0000425200000100AP17NV RENO

JANE

*** END OF REPORT ID: 09-29-1998/14:02:34 (ORN: 1434) [B-0/F-0/P-0/O-0] ***



SEPTEMBER 30,1998

**TO: INVESTIGATION BACKGROUND BRANCH (IBB)
OPM**

ATTN: 

**FROM: Special Inquiry and General Background
Investigations Unit (SIGBIU)**

FBI Headquarters

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Please search the following names through OPM records:

NAME

DATE

SSAN

<u>NAME</u>	<u>DATE</u>	<u>SSAN</u>

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RENO, JANET (NMN)

7/21/38

267-60-7343 - miami, FL

OFI-79-SBI 2/19/93 FBI

Any questions, please call
number is (202) 324-2574.



SIGBIU fax

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February 10, 1993

BY COURIER

Honorable Bernard Nussbaum
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Nussbaum:

Reference is made to the name check provided to your office dated February 9, 1993, concerning Ms. Janet Reno. Reference is also made to your telephone conversation with [redacted] Unit Chief of our Special Inquiry Unit, on February 10, 1993.

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As indicated in the above-referenced telephone call, subsequent to the completion of the above-mentioned name check, our Special Inquiry Unit received a letter dated January 14, 1993, with enclosures containing allegations of improprieties on the part of Ms. Reno. These documents were facsimiled to you today. It should be noted that these allegations come from an inmate currently incarcerated in a Florida State Correctional Institution. Further inquiries concerning these allegations would be further explored during the course of a full-field background investigation.

Should you have any questions concerning the above, please contact Unit Chief [redacted] or Supervisory Personnel Security Specialist [redacted] at (202) 324-2568.

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Sincerely yours,

Larry A. Potts
Assistant Director
Criminal Investigative Division

- Exec AD Adm. _____
- Exec AD Inv. _____
- Exec AD LES _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Off. Cong. & Public Affs. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Off. of Int. Affairs _____
- Director's Sec'y _____

Enclosures (7)

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RETURN TO

[redacted]

ROOM 4371

MAIL ROOM

Department of Justice
Federal Bureau of Investigation
Internal Routing/Action Slip

To	Name/Title	Room	To	Name/Title	Room
<input type="checkbox"/>	Dep. Dir.	7142	<input type="checkbox"/>	Cong. Affairs Office	7240
<input type="checkbox"/>	ADD-Adm.	7110	<input checked="" type="checkbox"/>	Correspondence Unit	6226
<input type="checkbox"/>	ADD-Inv.	7116	<input type="checkbox"/>	Media Services	7659
Assistant Director:			<input type="checkbox"/>	Public Affairs Office	7222
<input type="checkbox"/>	Administrative Services	6012	<input type="checkbox"/>	Reading Room	6248
<input type="checkbox"/>	Criminal Investigative	5012	<input type="checkbox"/>	Speech Unit	7278
<input type="checkbox"/>	Criminal Justice Information	5829	<input type="checkbox"/>	Tour Unit	M956
<input type="checkbox"/>	Identification	11255	<input type="checkbox"/>	Office of EEO	7901
<input type="checkbox"/>	Information Management	5829	<input type="checkbox"/>	Office of Lia. & Int. Affairs	7446
<input type="checkbox"/>	Inspection	7125	<input type="checkbox"/>	SIOC	5045
<input type="checkbox"/>	Intelligence	4026	<input type="checkbox"/>	Info. Desk/Telephone Cntr.	6437
<input type="checkbox"/>	Laboratory	3090	<input type="checkbox"/>	Mail Rm./Courier Service	1B327
<input type="checkbox"/>	Legal Counsel	7427	<input type="checkbox"/>	Personnel Records	6912
<input type="checkbox"/>	Technical Services	7159	<input type="checkbox"/>	Routing Unit	1B309B
<input type="checkbox"/>	Training	QT	<input type="checkbox"/>	Place on Record & Return	
<input type="checkbox"/>			<input type="checkbox"/>	_____	b6
<input type="checkbox"/>			<input type="checkbox"/>	_____	b7C
<input type="checkbox"/>			<input type="checkbox"/>	_____	
<input type="checkbox"/>			<input type="checkbox"/>	_____	
<input type="checkbox"/>			<input type="checkbox"/>	_____	
<input type="checkbox"/>			<input type="checkbox"/>	_____	
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<input type="checkbox"/>			<input type="checkbox"/>	_____	
<input type="checkbox"/>			<input type="checkbox"/>	_____	
<input type="checkbox"/>			<input type="checkbox"/>	_____	

- Call Me For Your Information
- See Me Note & Return
- Appropriate Action Record & Return
- Initial See Reverse Side
- Per Inquiry For Your Approval

Remarks:

From: **Office of the Director
Room 7176**

Phone:

Date:

COUNTY ATTORNEY
METROPOLITAN DADE COUNTY, FLORIDA



November 20, 1992

SUITE 2810
METRO-DADE CENTER
111 N.W. 1st STREET
MIAMI, FL 33128-1993
(305) 375-5151
FAX (305) 375-5634

Honorable Robert A. Butterworth
Attorney General
State of Florida
Department of Legal Affairs
The Capitol
Tallahassee, Florida 32399-1050

Re: [REDACTED]

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Dear Mr. Attorney General:

I enclose herewith a handwritten document dated November 7, 1992, with attachments, sent by one [REDACTED]

The document alleges criminal violation of state and federal law committed, inter alia, by a sitting circuit judge of the State of Florida's Eleventh Judicial Circuit, with the complicity of the Office of the State Attorney for the Eleventh Judicial Circuit. A similar packet (copy attached) was received in July 1992 and forwarded to you at that time by Assistant County Attorney [REDACTED]. A copy of your August 20, 1992 response is attached.

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It is because of the accusation against the State Attorney that we forward these documents to you. We are also forwarding copies of them to the United States Attorney in Miami.

Yours very truly,

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[REDACTED]

Attachments

cc: [REDACTED]

The Miami Herald

A Knight-Ridder Newspaper

Dec. 2, 1992

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[REDACTED]

Dear [REDACTED]

I received your recent letter and court documents. Although you didn't address this point directly, I take it that at some point you had a list of 19 parents who accused [REDACTED] of child abuse. [REDACTED] told me he has never received such a list from you.

It would help enormously if we had this list. If it is impossible for you to supply this list, I will try to find it elsewhere. If you have the list or know someone willing to give us a copy, please let me know. As you know, these are very serious charges.

Until I am able to obtain the names and statements of parents making these charges, this matter remains in the area of rumor. I am as concerned with pursuing your charges as I am in protecting [REDACTED] reputation from unproven rumors.

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Please let me know if you can help further in obtaining the list.

Sincerely,

[REDACTED]
Investigations Editor



This complaint relates to one JANET RENO, State Attorney for Dade County, Miami, Florida, and [redacted] The complaint encompasses illegal activities engaged in by RENO, [redacted]

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With Reno's influence and backing, [redacted] opened illegal and unlicensed stores in HUD Project Areas. They sought and received Grant Funds from the State of Florida by using fraud to secure same. They took the same fraudulent scheme and information to area Banks and secured HUD loans in addition to monies from the private sector there in Miami.

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I had reported to Reno that I had first-hand information that [redacted]

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[redacted] I informed Reno of this in Jan. of 1986, several months later (late summer 86) while at a convention on child abuse I was approached by one woman named [redacted] who informed me that she was with HRS, and that the complaint against [redacted] was investigated and found to have no merit. Since she had informed me she was with HRS, I had no reason to doubt that what she had told me was true. Only later did I learn that [redacted] was not employed with HRS, but was instead working for Reno as one of her assistant attorneys.

These stores sold USDA Cheese, honey and peanut butter. They also took in USDA Food Stamps, without having permission to do so from the federal government. When I had discovered this, and brought it to the attention of [redacted] Reno and [redacted] at a meeting at the Chamber, [redacted] offered me a \$15,000.00 bribe in either cash or food stamps. Reno and [redacted] said nothing during this time but agreed that I would be wise to accept [redacted] offer and in turn, divert my investigation from them. I refused, from that time on, they began to plot to get me out of the way. Hence I am in prison for crimes I did not commit.

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I request that you and your office investigate this matter.

Respectfully,

[redacted signature block]

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cc: file

The locations of the stores are in the following projects: Larchmont Gardens, Modello, Liberty City.



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

FEB 9 1993

BY COURIER

2-11-93



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b7C

To: Honorable Bernard Nussbaum
Counsel to the President
The White House
Washington, D.C.

From:



Unit Chief
Special Inquiry Unit
Federal Bureau of Investigation
Room 4371, J. Edgar Hoover Building
10th & Pennsylvania Ave., N. W.
Washington, D.C. 20535

Re: JANET RENO
FBI NAME CHECK

Pursuant to your request of February 9, 1993, the FBI has completed a name check concerning Ms. Janet Reno. This name check, including a check of the FBI's Identification Division records, disclosed no pertinent information concerning Ms. Reno, except the following:

FBI files indicate that in September, 1979, the publisher (hereinafter referred to as "complainant") of Liberty News, a Florida-based publication, telephonically contacted the FBI and alleged that Bob Graham, former Governor of the State of Florida and Janet Reno, Dade County State Attorney, and other unknown State and County officials had used their positions and influence to conduct investigations and make accusations against the only black Metropolitan Dade County Commissioner (MDCC) which would ultimately force this individual to resign from office in fear for his life.



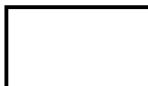
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The complainant felt that there was a conspiracy on the part of Florida State and County officials to



(2)

SEE NOTE PAGE THREE



MAIL ROOM

- Exec AD Adm. _____
- Exec AD inv. _____
- Exec AD LES _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Off. Cong. & Public Affs. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Off. Liaison & Int. Affs. _____
- Telephone Rm. _____
- Director's Sec'y _____

Janet Reno

violate the civil rights of black people and an effort on the part of white people to keep black people out of elected office.

No investigation was conducted by the FBI and the information provided by the complainant was furnished to the Civil Rights Division of the United States Department of Justice (DOJ). No further action was taken.

FBI files also indicate that in May, 1984, two individuals, who advised they were self-employed writers of a Miami Beach newspaper, the Herald Examiner, met with officials of the Public Integrity Section, DOJ and the FBI. The individuals charged election law irregularities in Dade County, Florida, dating from the 1970s and specifically named Janet Reno, Dade County State Attorney, and other county officials. A third individual present during the meeting was identified as a reporter from the Washington Times in Washington, D.C., and at that point the DOJ officials terminated the interview and referred the individuals to the DOJ Press Office. No investigation was conducted and no further action taken.

Should your office have any questions concerning the above please contact me or Supervisory Personnel Security Specialist [redacted] at 202-324-2568.

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NOTE: On 2/9/93, Bernard Nussbaum, Counsel to the President, the White House, was orally advised of the results of this name check by AC [redacted] SPIN Unit, FBIHQ. The name check is complete.

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Further details concerning the information provided in this name check concerning Ms. Reno can be found in '44-0-52567 (civil rights matter) and 56-0-5217 (election law violations matter).

Information concerning Ms. Reno's date and place of birth were developed during a review of the 1992-1993 Who's Who Reference.

RETURN TO [redacted] ROOM 4371

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TRANSMIT VIA: AIRTEL

CLASSIFICATION: _____

DATE: 2/19/93

FROM: Director, FBI (77A-1045971)

TO: SACs, Albany - Enc. (1)
Boston - Enc. (1)
Detroit - Enc. (1)
Jacksonville - Enc. (1)
Miami - Enc. (1)
New York - Enc. (1)
WMFO - Enc. (1)

JANET (NMN) RENO
BACKGROUND INVESTIGATION
PRESIDENTIAL APPOINTMENT WITH
SENATE CONFIRMATION (BI-PAS)
BUDED: 2/26/93
OO: BUREAU

Reference Butelcals to SSAs [redacted] Miami, and [redacted] WMFO, on February 18, 1993.

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Enclosed is a copy of the candidate's Standard Form-86 and appropriate forms.

The President of the United States has announced that he is considering captioned individual for appointment as Attorney General of the United States. If nominated, confirmation would be sought from the U.S. Senate before appointment.

The information gathered by virtue of this background investigation (BI) is an integral part in the determination of the candidate's suitability and will accordingly be disseminated to the Department of Justice (DOJ) and the White House.

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- Dep. Dir. _____
- ADD Adm. _____
- ADD Inv. _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv.
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Cong. Affs. Off. _____
- Off. of EEO _____
- Off. Liaison & Int. Affs. _____
- Off. of Public Affs. _____
- Telephone Rm. _____
- Director's Sec'y _____

[redacted]

COPY DELIVERED TO NEW YORK & WMFO BY COURIER.

RETURN TO [redacted] ROOM 4383.

*Sent via overnight express
Also Airtel + SF-86 was faxed
to each office*

[redacted]

MAIL ROOM

RE: JANET (NMN) RENO

Upon receipt of this airtel, the assigned Special Agent (SA) should familiarize their self with the Manual of Investigative Operations and Guidelines (MIOG), Part II, Section 17, and Part I, Section 77. It is also helpful for the SA to be cognizant of MIOG, Part II, Section 23-6, and the Manual of Administrative Operations and Procedures (MAOP), Part II, Section 10-13-3.5.

Field Offices should ensure that all interviews are conducted by experienced, mature SAs. This investigation is to be conducted without regard to holidays and weekends.

THE INVESTIGATION:

All investigation required by MIOG is to be conducted. Nothing is to be omitted without authorization of FBIHQ and written confirmation of oral conversations are necessary. The purpose of this investigation is to gather information about the candidate's professional reputation; legal ability; courtroom demeanor; reputation for fairness; temperament; bias (against social classes of citizens, members of any group - religious, ethnic, racial or sexual discrimination); bar membership; personal health; personal conduct in regard to character, associates, reputation and loyalty; financial solvency; use of alcohol and drugs; etc. In summary our effort is to solicit comments so that others can determine her suitability to be Attorney General of the United States. This information must be gathered through the interviews set out in this communication.

REPORTING:

All investigation must be submitted in report format as outlined in MIOG. Interviews relating to derogatory information must be recorded on FD-302 forms. Each office should send reports via an overnight package express company to FBI Headquarters marked: The Director, Attention:
GBI Unit, Room 4383.

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ISSUES:

All issues developed require FBI Headquarters participation for resolution and must be communicated in writing but preceded by telephone discussion (FTS 324-2759). Any questions or issues developed should be directed to FTS 324-2759.

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RE: JANET (NMN) RENO

MEDIA CONTACTS:

Refer all media inquiries to The White House, (202) 456-1414; DOJ Press Office, (202) 514-2007; or if the request involves only the FBI, FBI's Press Office, (202) 324-3691. Do **NOT** answer questions about the FBI's background investigative procedures with media representatives without FBIHQ concurrence.

DEADLINES:

Completed reports are to reach FBIHQ no later than noon on Buded. All deadlines are expected to be met.

LEADS:

ALBANY: Verify candidate's listed education. Conduct appropriate arrest checks and U.S. Attorney's Office checks regarding candidate and relative.

BOSTON: Verify candidate's listed education. Conduct appropriate arrest checks and U.S. Attorney's Office checks. Check state bar and grievance records.

DETROIT: Interview an official of the International Union of United Automobile, Aerospace and Agriculture Implement Workers of America, 3000 East Jefferson Avenue, Detroit, Michigan.

JACKSONVILLE: Verify candidate's date and place of birth through the Bureau of Vital Statistics. Conduct the appropriate DMV check concerning the candidate. Check state bar and grievance records. Conduct appropriate arrest checks and U.S. Attorneys Office checks regarding the candidate. Verify the candidate's employments to include review of any Official Personnel Folders, interview listed supervisors and any co-workers/peers, attorneys, secretaries, etc. Interview candidate's listed references.

MIAMI: Conduct the appropriate neighborhood investigation concerning the candidate's current residence. Interview candidate's listed roommates. Verify candidate's listed education. Interview listed references concerning the candidate. Conduct the appropriate indices checks concerning the candidate and her listed relatives. Verify candidate's memberships with listed organizations to include the membership policy, etc. Verify the candidate's ownership of all real estate, check deed(s) for any covenants regarding race, religion, etc. Check

RE: JANET (NMN) RENO

the records of the county clerks office to determine if there are any personal, tax, or mechanical liens concerning all property. Interview the following regarding the candidate: Federal, State and Local Judges; Chief Federal Judge; United States Attorney; Personal Physician; Political Party Leaders; Religious, Minority/Civil Rights Leaders; Law Enforcement Officials; and Labor Leaders. Interview fellow and opposing attorney's concerning the candidate. Review the records at the Public Defender Board and the State Personnel Board concerning the candidate to determine if candidate was involved in any legislative proceedings. Review the records located at the State Election Board concerning the candidate. Conduct appropriate arrest checks and U.S. Attorney's Office checks concerning the candidate, listed relatives, and roommates.

NEW YORK: Conduct appropriate arrest checks and U.S. Attorney's Office checks regarding candidate and listed relative. Interview an official of the American Civil Liberties Union, 132 West 43rd Street, New York City. Interview an official of the National Urban League, 500 East 62nd Street, New York City.

WASHINGTON METROPOLITAN FIELD: Interview candidate and forward copy of FD-302 by facsimile to FBIHQ and Miami. Check the records at the U.S. Secret Service concerning the candidate. Interview the senators from the state of Florida concerning the candidate. Check appropriate Security/IG records. Check records at DOJ Public Integrity Section. Interview an official from the Daughters of the American Revolution. Interview an official from the Republican National Committee, 310 First Street, S.E., Washington, D.C. Interview an official from the Democratic National Committee, 430 South Capital, Washington, D.C. Interview an officer of the International Association of Chiefs of Police, 13 First Field Road, Gaithersburg, Maryland. Interview an officer of the Police Foundation, Suite 200, D1001 22nd Street, N.W., Washington, D.C. Interview an officer of the National Organization of Black Law Enforcement Executives, 8401 Corporate Drive, Suite 260, Landover, Maryland. Interview an official from the National Association for the Advancement of Colored People, 1025 Vermont Avenue, N.W., Suite 820, Washington, D.C. Interview an official from the National Organization for Women, 1401 New York Avenue, N.W., Washington, D.C. Interview an Official from the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, 25 Louisiana Avenue, N.W., Washington, D.C. Interview an official from the National Right to Life Committee, 419 7th Street, N.W.,

RE: JANET (NMN) RENO

Washington, D.C. Interview an official from the Washington Legal Foundation, 1705 N Street, N.W., Washington, D.C. Interview an official from the Leadership conference on Civil Rights, 2027 Massachusetts Avenue, Washington, D.C. Interview an official from the National Sheriffs Association, 1450 Duke Street, Alexandria, Virginia. Interview an official of the National Conservative Action Committee, 1001 Prince Street, Alexandria, Virginia. Interview a representative of the Fraternal Order of Police.

ALL OFFICES: Additional leads may be forthcoming via teletype.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1424827-000

Total Deleted Page(s) = 156

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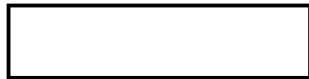
THE WHITE HOUSE

WASHINGTON

FEBRUARY 19, 1993

VIA FAX

MEMORANDUM TO



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CHIEF, GENERAL BACKGROUND INVESTIGATION UNIT
CRIMINAL INVESTIGATION UNIT
FEDERAL BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE

FROM:

VINCENT W. FOSTER ✓
DEPUTY COUNSEL TO THE PRESIDENT

This will confirm the request yesterday of the Office of Counsel to the President for the initiation of a background investigation of Janet Reno, candidate for nomination as Attorney General.

We appreciate the prompt attention the Bureau and your unit have given to this matter.

77A- HQ- 1045971-1

1- ENCLOSURE

QUESTIONNAIRE FOR SENSITIVE POSITIONS (For National Security)

Part 1		Codes	Case Number
Agency Use Only (Complete items A through P using instructions in FPM Supplement 296-33)			
A Type of Investigation	B Extra Coverage	C Sensitivity Level	D Access
E Nature of Action Code	F Date of Action	Month	Day Year
G Geographic Location	H Position Code	I Position Title	
J SON	K Location of Official Personnel Folder	None NPRC At SON	Other Address ZIP Code
L SOI	M Location of Security Folder	None At SOI NPI	Other Address ZIP Code
N OPAC-ALC Number	O Accounting Data and/or Agency Case Number		
P Requesting Official	Name and Title	Signature	Telephone Number FTS () Date ()
Persons completing this form should begin with the questions below. Please type or print your answers.			
1 FULL NAME	• If you have only initials in your name, use them and State (IO). • If you have no middle name, enter "NMN." • If you are a "Jr.," "Sr.," "II," etc., enter this in the box after your middle name.		2 DATE OF BIRTH
Last Name	First Name	Middle Name	Jr., II, etc. Month Day Year
RENO	JANET	NMN	N/A 17 2 11 3 18
3 PLACE OF BIRTH	• Use the two letter code for the State.		4 SOCIAL SECURITY NUMBER
City	County	State	Country (if not in the United States)
MIAMI	DADE	FL	
5 OTHER NAMES USED	Give other names you used and the period of time you used them (for example: your maiden name, name[s] by a former marriage, former name[s], alias[es], or nickname[s]). If the other name is your maiden name, put "nee" in front of it.		
Name	Month/Year	Month/Year	Name
None	To	To	
6 OTHER IDENTIFYING INFORMATION	Height (feet and inches)	Weight (pounds)	Hair Color
	6 1 1/2	189	Brown
			Eye Color
			Brown
7 TELEPHONE NUMBERS	Work (include Area Code and extension)	Home (include Area Code)	
	(X) Day (305) 547-7103	(X) Day (305) 271-2963	
	(X) Night (305) 547-5200	() Night (305) 271-2963	
8 CITIZENSHIP	a Mark the box at the right that applies to you and follow the instructions next to the box you marked.	I am a U.S. citizen by birth in the U.S. <input checked="" type="checkbox"/> Answer Items b and d	b Your Mother's Maiden Name
		I am a U.S. citizen, but I was NOT born in the U.S. <input type="checkbox"/> Answer Items b, c, and d	Jane Wallace
		I am not a U.S. citizen. <input type="checkbox"/> Answer Items b and e	Wood
C UNITED STATES CITIZENSHIP	If you are a U.S. Citizen, but were not born in the U.S., provide information about one or more of the following proofs of your citizenship.		
Naturalization Certificate (Where were you naturalized?)			
Court	City	State	Certificate Number
N/A			
Citizenship Certificate (Where was the certificate issued?)			
City	State	Certificate Number	Month/Day/Year Issued
State Department Form 240 - Report of Birth Abroad of a Citizen of the United States			
Give the date the form was prepared and give an explanation if needed.	Month/Day/Year	Explanation	
U.S. Passport			
This may be either a current or previous U.S. Passport.	Passport Number	Month/Day/Year Issued	
d DUAL CITIZENSHIP	If you are (or were) a dual citizen of the United States and another country, provide the name of that country in the space to the right.		
	Country		
	RECEIVED		
e ALIEN	If you are an alien, provide the following information:		
Place You Entered the United States:	City	State	Date You Entered U.S.
			Month Day Year
			Alien Registration Number
			AA - HO - 1045971 - 11

9 WHERE YOU HAVE LIVED

Fill in your full address for every place you have lived beginning with the present (#1) and working backward 15 years.

- If you attended school away from your permanent residence, list the address you lived at while attending school.
- For any address in the past 3 years:
 - List a person who knew you at that address, preferably someone who still lives in that area.
 - If address listed is "General Delivery," a Rural Route, or Star Route, provide directions for locating the residence on an attached continuation sheet, and show the block #.

#	Month/Year	Month/Year	Street Address	Apt. #	City (Country)	State	ZIP Code
#1 Present	6/73	To Present	11200 No. Kendall Drive		MIAMI	FL	33176
Name of Person Who Knows You							
#2	2/73	To 6/73	Jackson Bluff Road		Tallahassee	FL	90501
Name of Person Who Knows You							
#3	6/72	To 2/73	11200 North Kendall Dr.		Miami	FL	33176
Name of Person Who Knows You							
#4	3/71	To 6/72	Jackson Bluff Road		Tallahassee	FL	90501
Name of Person Who Knows You							
#5	6/63	To 3/71	11200 N. Kendall Dr.		Miami	FL	33176
Name of Person Who Knows You							
#6	9/62	To 6/63	383 Harvard Street		Cambridge	MA	02138
Name of Person Who Knows You							

10 WHERE YOU WENT TO SCHOOL

Fill in information about schools you have attended, beyond Junior High School, beginning with the most recent (#1) and working backward 15 years. Also list College or University degrees received beyond 15 years.

- For schools you attended in the past 3 years, list a person who knew you at school (such as an instructor or a student).
- For correspondence schools and extension classes, list records location address.
- In the "Code" block, use one of these codes: **1 - High School** **2 - College/University** **3 - Vocational/Trade School**

#	Month/Year	Month/Year	Code	Name of School	Degree/Diploma/Other (show each degree and date received if Code 2)	Month/Year	State	ZIP Code
#1	9/1960	To 5/63	2	Harvard Law School	LLB	6/63	MA	02138
Street Address and City (Country) of School								
1525 Massachusetts Avenue, Cambridge								
#2	9/56	To 6/60	2	Cornell University	A.B.	6/60	NY	14853
Street Address and City (Country) of School								
222 Day Hall, Ithaca								
#3	9/52	To 6/56	1	Coral Gable High School	Diploma	6/56	FL	33146
Street Address and City (Country) of School								
450 Bird Road, Coral Gables								

Enter your Social Security Number before going to the next page

→ 2517-60-73413

11 YOUR EMPLOYMENT ACTIVITIES

Fill in your employment activities, beginning with the present (#1) and working backward 15 years. INCLUDE:

- all full-time work
- all part-time work
- all paid work
- active military duty
- self-employment
- all periods of unemployment

IN THE NUMBERED ACTIVITY SECTION USE ONE OF THESE CODES IN THE CODE BLOCK:

- 1 - Active military duty stations
- 2 - National Guard/Reserve
- 3 - U.S.P.H.S. Commissioned Corps
- 4 - Other Federal employment
- 5 - State Government (Non-Federal) employment
- 6 - Self-employment (Enter business name and/or name of person who can verify)
- 7 - Unemployment (Enter name of person who can verify)
- 8 - Federal Contractor (list Contractor, not Federal agency)
- 9 - Other

FOR EACH ACTIVITY SECTION, provide information requested. For example, if you had worked at XY Plumbing in Denver, CO, for 3 separate periods of time, you would enter dates and information concerning the most recent period of employment first, and provide dates, position titles, and supervisors for the two previous periods of employment in the appropriate blocks below that information. (For locations outside the U.S., show city and country.)

#1	Month/Year: Month/Year:	Code	Employer's Name/Military Service/Unemployment or Self-Employment Verifier	Your Position Title		
Present	1/78 To Pres.	5	State of Florida	State Attorney, 11th Judicial Circuit		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number
1351 N.W. 12 Street			Miami	FL	31215	305547-7090
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number
						()
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number
Elected Constitutional Officer						()

PREVIOUS PERIODS OF THE SAME ACTIVITY AND LOCATION - IF CONTINUATION SHEET IS USED, SHOW BLOCK #

Month/Year: Month/Year:	Your Position Title & Supervisor's Name	Month/Year: Month/Year:	Your Position Title & Supervisor's Name
12/72 To 2/73	Assistant State Attorney Supervisor was Richard E. Gerstein (now deceased)	To	
6/73 To 6/76	Same	To	

#2	Month/Year: Month/Year:	Code	Employer's Name/Military Service/Unemployment or Self-Employment Verifier	Your Position Title		
	6/76 To 1/78		Steel Hector & Davis	Partner		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number
Southeast Financial Center			Miami	FL		(305) 577-2800
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number
						()
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number
						()

PREVIOUS PERIODS OF THE SAME ACTIVITY AND LOCATION - IF CONTINUATION SHEET IS USED, SHOW BLOCK #

Month/Year: Month/Year:	Your Position Title & Supervisor's Name	Month/Year: Month/Year:	Your Position Title & Supervisor's Name
To		To	
To		To	

#3	Month/Year: Month/Year:	Code	Employer's Name/Military Service/Unemployment or Self-Employment Verifier	Your Position Title		
	2/73 To 6/73		State of Florida	Consultant to Senate Criminal Justice Committee		
Employer's/Verifier's Street Address			City (Country)	State	ZIP Code	Telephone Number
The Capitol			Tallahassee	FL	32399	(904) 487-2480
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number
						()
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number
State Senator Richard Pettigrew						()

PREVIOUS PERIODS OF THE SAME ACTIVITY AND LOCATION - IF CONTINUATION SHEET IS USED, SHOW BLOCK #

Month/Year: Month/Year:	Your Position Title & Supervisor's Name	Month/Year: Month/Year:	Your Position Title & Supervisor's Name
3/71 To 6/72	Staff Director, House Judiciary Talbot D'Alemberte, Supervisor	To	
To		To	

Enter your Social Security Number before going to the next page

→ 267-60-1734-3

YOUR EMPLOYMENT ACTIVITIES (Continued)

#4	Month/Year: 12/67 To: 3/71	Code:	Employer's Name/Military Service/Unemployment or Self-Employment Verifier Lewis & Reno	Your Position Title Partner		
Employer's/Verifier's Street Address 719 City National Bank Building			City (Country) Miami	State F L	ZIP Code 	Telephone Number ()
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ()
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ()

PREVIOUS PERIODS OF THE SAME ACTIVITY AND LOCATION - IF CONTINUATION SHEET IS USED, SHOW BLOCK #

Month/Year: To	Your Position Title & Supervisor's Name	Month/Year: To	Your Position Title & Supervisor's Name
To		To	

#5	Month/Year: 6/63 To: 12/67	Code:	Employer's Name/Military Service/Unemployment or Self-Employment Verifier Brigham & Dence, aka Brigham & Brigham,	Your Position Title Associate		
Employer's/Verifier's Street Address aka Brigham, Smith & Ford 846 Brickell Avenue			City (Country) Miami	State F L	ZIP Code 3 3 1 3 1	Telephone Number ()
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ()
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ()

PREVIOUS PERIODS OF THE SAME ACTIVITY AND LOCATION - IF CONTINUATION SHEET IS USED, SHOW BLOCK #

Month/Year: 6/62 To: 8/62	Your Position Title & Supervisor's Name Law Clerk/Toby P. Brigham	Month/Year: To	Your Position Title & Supervisor's Name
To		To	

#6	Month/Year: Summer 1960 To:	Code:	Employer's Name/Military Service/Unemployment or Self-Employment Verifier Dade County Sheriff's Office - Dade County Board of County Commissioners	Your Position Title Clerk-Typist		
Employer's/Verifier's Street Address Dade County Courthouse			City (Country) Miami	State F L	ZIP Code 	Telephone Number ()
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ()
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ()

PREVIOUS PERIODS OF THE SAME ACTIVITY AND LOCATION - IF CONTINUATION SHEET IS USED, SHOW BLOCK #

Month/Year: Summer 1958 To:	Your Position Title & Supervisor's Name Clerk-Typist Dade County Welfare Dept.	Month/Year: To	Your Position Title & Supervisor's Name
To		To	
Month/Year: Summer 1956 To:	Your Position Title & Supervisor's Name Clerk-Typist Dade County Sheriff's Office	Month/Year: To	Your Position Title & Supervisor's Name
To		To	

#7	Month/Year: Summer 1959 To:	Code:	Employer's Name/Military Service/Unemployment or Self-Employment Verifier Howard Hughes Medical Institute	Your Position Title Laboratory Assistant		
Employer's/Verifier's Street Address Jackson Memorial Hospital			City (Country) Miami	State F L	ZIP Code 	Telephone Number ()
Street Address of Job Location (if different than Employer's Address)			City (Country)	State	ZIP Code	Telephone Number ()
Supervisor's Name & Street Address (if different than Job Location)			City (Country)	State	ZIP Code	Telephone Number ()

PREVIOUS PERIODS OF THE SAME ACTIVITY AND LOCATION - IF CONTINUATION SHEET IS USED, SHOW BLOCK #

Month/Year: To	Your Position Title & Supervisor's Name	Month/Year: To	Your Position Title & Supervisor's Name
To		To	

Enter your Social Security Number before going to the next page

→ 25 17 - 60 - 72 13

YOUR EMPLOYMENT ACTIVITIES (Continued)

# 8	Month/Year Summer 1957	Month/Year To	Code	Employer's Name/Military Service/Unemployment or Self-Employment Verifier City of Miami Convention Bureau	Your Position Title Clerk-Typist
Employer's/Verifier's Street Address				City (Country) Miami	State F L
Street Address of Job Location (if different than Employer's Address)				City (Country)	State
Supervisor's Name & Street Address (if different than Job Location)				City (Country)	State
				ZIP Code 	Telephone Number ()

PREVIOUS PERIODS OF THE SAME ACTIVITY AND LOCATION - IF CONTINUATION SHEET IS USED, SHOW BLOCK #

Month/Year To	Month/Year To	Your Position Title & Supervisor's Name	Month/Year To	Month/Year To	Your Position Title & Supervisor's Name
Month/Year To	Month/Year To		Month/Year To	Month/Year To	

#	Month/Year To	Month/Year	Code	Employer's Name/Military Service/Unemployment or Self-Employment Verifier	Your Position Title
Employer's/Verifier's Street Address				City (Country)	State
Street Address of Job Location (if different than Employer's Address)				City (Country)	State
Supervisor's Name & Street Address (if different than Job Location)				City (Country)	State
				ZIP Code 	Telephone Number ()

PREVIOUS PERIODS OF THE SAME ACTIVITY AND LOCATION - IF CONTINUATION SHEET IS USED, SHOW BLOCK #

Month/Year To	Month/Year To	Your Position Title & Supervisor's Name	Month/Year To	Month/Year To	Your Position Title & Supervisor's Name
Month/Year To	Month/Year To		Month/Year To	Month/Year To	

#	Month/Year To	Month/Year	Code	Employer's Name/Military Service/Unemployment or Self-Employment Verifier	Your Position Title
Employer's/Verifier's Street Address				City (Country)	State
Street Address of Job Location (if different than Employer's Address)				City (Country)	State
Supervisor's Name & Street Address (if different than Job Location)				City (Country)	State
				ZIP Code 	Telephone Number ()

PREVIOUS PERIODS OF THE SAME ACTIVITY AND LOCATION - IF CONTINUATION SHEET IS USED, SHOW BLOCK #

Month/Year To	Month/Year To	Your Position Title & Supervisor's Name	Month/Year To	Month/Year To	Your Position Title & Supervisor's Name
Month/Year To	Month/Year To		Month/Year To	Month/Year To	

#	Month/Year To	Month/Year	Code	Employer's Name/Military Service/Unemployment or Self-Employment Verifier	Your Position Title
Employer's/Verifier's Street Address				City (Country)	State
Street Address of Job Location (if different than Employer's Address)				City (Country)	State
Supervisor's Name & Street Address (if different than Job Location)				City (Country)	State
				ZIP Code 	Telephone Number ()

PREVIOUS PERIODS OF THE SAME ACTIVITY AND LOCATION - IF CONTINUATION SHEET IS USED, SHOW BLOCK #

Month/Year To	Month/Year To	Your Position Title & Supervisor's Name	Month/Year To	Month/Year To	Your Position Title & Supervisor's Name
Month/Year To	Month/Year To		Month/Year To	Month/Year To	

Enter your Social Security Number before going to the next page → | | | | - | | | | - | | | |

12 PEOPLE WHO KNOW YOU WELL

List two people who know you well and live in the United States.

• Don't list spouse, other relatives, or former spouses.

• Try not to list anyone mentioned in item 9, 10, or 11.

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#	Name	Number Years Known	Telephone Number
#1			
Home			
#2			
Home			

13 YOUR OUTSIDE ACTIVITIES

List any activities which you may wish to have considered as reflecting favorably on your reputation for leadership, responsibility, honesty, and integrity in the last 15 years. (Response Optional)

#	Month/Year	Month/Year	Activity	Location of Activity	
				City (Country)	State
#1	1978	To Pres.	FPA (President: 1984-1985)	Tallahassee	FL
#2	1991	To Pres.	Member, Dade County Children's Services Council	Miami	FL
#3	1991	To Pres.	Chairperson, Governor's Interim Task Force on Social Services	Tallahassee	FL

14 YOUR FOREIGN ACTIVITIES

- a. Do you have any foreign property, business connections, or financial interests? Yes No
- b. Are you now or have you ever been employed by or acted as a consultant for a foreign government, firm, or agency?
- c. In the last 15 years, have you had continuing contact with a national of any foreign country designated by the agency instructing you to fill out this form? (NOTE: If the agency wants you to answer this question, it will provide you with a list of countries.)

If you answered "Yes" to a, b, or c, explain in the space below:

15 FOREIGN COUNTRIES YOU HAVE VISITED

List foreign countries you have visited, beginning with the most current (#1) and working backward 15 years.

• Do not include countries covered in items 9, 10, and 11.

• In the "Code" block, use one of these codes: 1 - Business

2 - Pleasure

3 - Education

4 - Other

Month/Year	Month/Year	Code	Country	Month/Year	Month/Year	Code	Country
#1	To		See Attached	#3	To		
#2	To			#4	To		

16 YOUR MILITARY HISTORY

- a. Have you served in the United States military? Yes No
- Have you served in the United States Merchant Marine?
- If your answer to both questions is "No," GO TO QUESTION 17.
- If your answer to either question is "Yes," GO TO b.

b. Starting with the most current (#1) and working backward, enter information for all periods of active service into the table below.

• Mark "O" block for Officer or "E" block for Enlisted.

• In the "Code" block, use one of these codes:

1 - Air Force 2 - Army 3 - Navy 4 - Marine Corps 5 - Coast Guard 6 - Merchant Marine 7 - National Guard

#	Month/Year	Month/Year	Code	Service/Certificate #	O	E	Status (Mark "X" in appropriate blocks - use State Code for National Guard)				
							None	Active Duty	Active Reserve	National Guard (show State)	Inactive Reserve
#1	To										
#2	To										
#3	To										
#4	To										

Enter your Social Security Number before going to the next page

→ 21671-60-7B143

17 YOUR RELATIVES

Give full names and enter the correct code for all relatives, living or dead, specified below:

- | | | | | | |
|---------------------|--------------------------|---------------|-------------------|--------------------|---------------|
| 1 - Mother (first) | 4 - Stepfather | 7 - Stepchild | 10 - Stepbrother | 13 - Half-sister | 16 - Guardian |
| 2 - Father (second) | 5 - Foster parent | 8 - Brother | 11 - Stepsister | 14 - Father-in-law | |
| 3 - Stepmother | 6 - Child (adopted also) | 9 - Sister | 12 - Half-brother | 15 - Mother-in-law | |

Full Name (If deceased, check box on the left before entering name)	Code	Date of Birth Month/Day/Year	Country of Birth	Country of Citizenship	Current Street Address and City (country) of Living Relatives	State
<input checked="" type="checkbox"/> Jane Wallace Wood Reno	1	5/28/13	Macon, GA USA	USA	N/A	
<input checked="" type="checkbox"/> Henry Olaf Reno	2	12/13/01	Ejby Denmark	USA	N/A	
* Mailing: Route 1, Box 566-A Napanoch, NY 12458						

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b7c

18 YOUR MARITAL STATUS

Mark one of the following boxes to show your current marital status:

- | | | |
|---|--|---------------------------------------|
| <input checked="" type="checkbox"/> 1 - Never married (go to question 19) | <input type="checkbox"/> 3 - Separated | <input type="checkbox"/> 5 - Divorced |
| <input type="checkbox"/> 2 - Married | <input type="checkbox"/> 4 - Legally Separated | <input type="checkbox"/> 6 - Widowed |

Current Spouse Complete the following about your current spouse.

Full Name	Date of Birth	Place of Birth (Include country if outside the U.S.)	Social Security Number
Other Names Used (Specify maiden name, names by other marriages, etc., and show dates used for each name)			
Country of Citizenship	Date Married	Place Married (Include country if outside the U.S.)	State
If Separated, Date of Separation (Mo./Day/Yr.)	If Legally Separated, Where is the Record Located? City (Country)		State
Address of Current Spouse (Street, city, and country if outside the U.S.)			State ZIP Code

Former Spouse(s) Complete the following about your former spouse(s), use blank sheets if needed.

Full Name	Date of Birth	Place of Birth (Include country if outside the U.S.)	State
Country of Citizenship	Date Married	Place Married (Include country if outside the U.S.)	State
Check One, Then Give Date	Month/Day/Year	If Divorced, Where is the Record Located? City (Country)	State
<input type="checkbox"/> Divorced <input type="checkbox"/> Widowed			
Address of Former Spouse (Street, city, and country if outside the U.S.)			State ZIP Code

19 PERSONS LIVING WITH YOU

Does the citizen of another country, or a United States citizen by other than birth, live at your residence? If "Yes," provide the information required below. If a United States citizen by other than birth lives with you, show both "United States" and prior country of citizenship below. Don't list your spouse or other relatives you provided in question 17.

Yes	No
	X

Name of Person	Country of Citizenship	Relationship

This concludes Part 1 of this form. If you have used Page 9, continuation sheets, or blank sheets to complete any of the questions in Part 1, give the number for those questions in the space to the right:

→

Enter your Social Security Number before going to the next page

→ 2167-160-7B 43

**QUESTIONNAIRE FOR
 SENSITIVE POSITIONS
 (For National Security)**

Part 2

20 YOUR SELECTIVE SERVICE RECORD

- a. Are you a male born after December 31, 1959? If "No," go to 21. If "Yes," go to b.
 b. Have you registered with the Selective Service System? If "Yes," provide your registration number. If "No," show the reason for your legal exemption below.

Yes	No
	X

Registration Number _____ Legal Exemption Explanation _____

21 YOUR MILITARY RECORD

- a. Have you ever received other than an honorable discharge from the military? If "Yes," provide:
Date of Discharge (Month and Year): _____ **Type of Discharge:** _____
 b. Have you ever been subject to court-martial or other disciplinary proceedings under the Uniform Code of Military Justice? If "Yes," list any disciplinary proceedings in the last 15 years and all courts-martial. (Include non-judicial and Captain's mast, etc.)

Yes	No
	X

Month/Year	Charge or Specification / Action Taken	Place (City and county/country if outside the United States)	State

22 YOUR EMPLOYMENT RECORD

Has any of the following happened to you in the last 15 years? If "Yes," begin with the most recent occurrence and go backward, providing date fired, quit, or left, and other information requested.

Yes	No
	X

Use the following codes and explain the reason your employment was ended:

- 1 - Fired from a job 3 - Left a job by mutual agreement following allegations of misconduct 5 - Left a job for other reasons under unfavorable circumstances
 2 - Quit a job after being told you'd be fired 4 - Left a job by mutual agreement following allegations of unsatisfactory performance

Month/Year	Code	Specify Reason	Employer's Name and Address	State	ZIP Code

23 YOUR POLICE RECORD (Do not include anything that happened before your 16th birthday.)

- a. Have you ever been charged with or convicted of any felony offense?
 b. Have you ever been charged with or convicted of a firearms or explosives offense?
 c. Are there currently any charges pending against you for any criminal offense?
 d. Have you ever been charged with or convicted of any offense(s) related to alcohol or drugs?
 e. In the last 5 years, have you been arrested for, charged with, or convicted for any offense(s) not listed in response to a, b, c, or d above? (Leave out traffic fines of less than \$100.)

Yes	No
	X
	X
	X
	X
	X

If you answered "Yes" to a, b, c, d, or e above, explain your answer(s) in the space provided.

Month/Year	Offense	Action Taken	Law Enforcement Authority or Court (City and county/country if outside the U.S.)	State	ZIP Code

24 YOUR MEDICAL RECORD

- a. Have you experienced problems on or off the job because of any emotional or mental condition?
 b. Have you ever seen a health care professional for any of the types of problems mentioned above?

Yes	No
	X
	X

If you answered "Yes" to questions a or b, explain below.

Month/Year	Month/Year	Explanation
To		
To		

Enter your Social Security Number before going to the next page

→ 2 | 67 | - 6 | 0 | - 734 | 3

25 ILLEGAL DRUGS AND ALCOHOL

a. In the last 5 years, have you used, possessed, supplied, or manufactured any illegal drugs? When used without a prescription, illegal drugs include marijuana, cocaine, hashish, narcotics (opium, morphine, codeine, heroin, etc.), stimulants (cocaine, amphetamines, etc.), depressants (barbiturates, methaqualone, tranquilizers, etc.), hallucinogenics (LSD, PCP, etc.). (NOTE: The information you provide in response to this question will not be provided for use in any criminal proceedings against you.)

Yes	No
	X

b. Have you experienced problems (disciplinary actions, evictions, formal complaints, etc.) on or off a job from your use of illegal drugs or alcohol?

If you answered "Yes" to question a or b above, provide information relating to the types of substance(s), the nature of the activity, and any other details relating to your involvement with illegal drugs or alcohol. Include any treatment or counseling received.

Month/Year	Month/Year	Type of Substance	Explanation
To			
To			
To			

26 YOUR INVESTIGATIONS RECORD

a. Has the United States Government ever investigated your background? If "Yes," use the codes that follow to provide the requested information below. If "Yes," but you can't recall the investigating agency and/or the security clearance received, enter "Other" agency code or clearance code, as appropriate, and "Don't know" or "Don't recall" under the "Other Agency" heading, below. If your response is "No," or you don't know or can't recall if you were investigated and cleared, check the "No" box.

Yes	No
	X

Codes for Investigating Agency		Codes for Security Clearance Received			
1 - Defense Department	4 - FBI	0 - Not Required	3 - Top Secret	6 - Q-Nonsensitive	
2 - State Department	5 - Treasury Department	1 - Confidential	4 - Sensitive Compartmented Information	7 - L	
3 - Office of Personnel Management	6 - Other (Specify)	2 - Secret	5 - Q-Sensitive	8 - Other	

Month/Year	Agency Code	Other Agency	Clearance Code	Month/Year	Agency Code	Other Agency	Clearance Code

b. To your knowledge, have you ever had a clearance or access authorization denied, suspended, or revoked, or have you ever been debarred from government employment? If "Yes," give date of action and agency.

Yes	No
	X

Month/Year	Department or Agency Taking Action	Month/Year	Department or Agency Taking Action

27 YOUR FINANCIAL RECORD

a. In the last 5 years, have you, or a company over which you exercised some control, filed for bankruptcy, been declared bankrupt, been subject to a tax lien, or had legal judgment rendered against you for a debt? If you answered "Yes," provide date of initial action and other information requested below.

Yes	No
	X

Month/Year	Type of Action	Name Action Occurred Under	Name/Address of Court or Agency Handling Case	State	ZIP Code

b. Are you now over 180 days delinquent on any loan or financial obligation? Include loans or obligations funded or guaranteed by the Federal Government. (If an SF 171, Application for Federal Employment, will be attached, you do not need to repeat Federal Government delinquencies. See the instructions headed, "How is the SF 171 used with this form?")

Yes	No
	X

If you answered "Yes," provide the information requested below:

Month/Year	Type of Loan or Obligation and Account #	Name/Address of Creditor or Obligor	State	ZIP Code

Enter your Social Security Number before going to the next page

→ 26 7-6 0-1734 3

28 YOUR ASSOCIATION RECORD

Yes	No
	X
	X

- a. In the last 15 years, have you been an officer or a member or made a contribution to an organization dedicated to the violent overthrow of the United States Government and which engages in illegal activities to that end, knowing that the organization engages in such activities with the specific intent to further such activities?
- b. In the last 15 years, have you knowingly engaged in any acts or activities designed to overthrow the United States Government by force? If you answered "Yes" to a or b, explain in the space below:

Continuation Space

Use the continuation sheet(s) (SF 86A) for additional answers to questions 9, 10, and 11. Use the space below to continue answers to all other questions and any information you would like to add. If more space is needed than what is provided below, use a blank sheet(s) of paper. Start each sheet with your name and Social Security Number. Before each answer, identify the number of the question.

- #9. 9/61 - 6/62 46 Avon Hill Street, Cambridge, MA
- 9/60 - 6/61 43 Kirkland Street, Cambridge, MA
- 9/59 - 6/60 Balch Hall, Cornell University, Ithaca, NY
- 9/58 - 6/59 Sage Hall, Cornell University, Ithaca, NY
- 9/57 - 6/58 Sage Hall, Cornell University, Ithaca, NY
- 9/56 - 6/57 Clara Dickson, Cornell University, Ithaca, NY
- 7/21/56 - 9/56 and summer 1956-63, 11200 North Kendall Dr., Miami, FL

After completing Parts 1 and 2 of this form and any attachments, you should review your answers to all questions to make sure the form is complete and accurate, and then sign and date the following certification and sign and date the release on page 10. If you attach an SF 171, Application for Federal Employment, make sure that it is updated and that any information added to the SF 171 is initialed and dated.

Certification That My Answers Are True

I read each question asked of me and understood each question. My statements on this form, and any attachments to this form, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both.

Signature (Sign in ink)	Date
	2/18/93

Enter your Social Security Number before going to the next page

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UNITED STATES OF AMERICA

AUTHORIZATION FOR RELEASE OF INFORMATION

Carefully read this authorization to release information about you, then sign and date it in ink.

I Authorize any investigator, special agent, or other duly accredited representative of the U.S. Office of Personnel Management, the Federal Bureau of Investigation, the Department of Defense, and any authorized Federal agency, to obtain any information relating to my activities from schools, residential management agents, employers, criminal justice agencies, retail business establishments, or other sources of information. This information may include, but is not limited to, my academic, residential, achievement, performance, attendance, disciplinary, employment history, and criminal history record information.


I Understand that, for financial or lending institutions, medical institutions, hospitals, health care professionals, and other sources of information, a separate specific release will or may be needed, and I may be contacted for such a release at a later date.

I Further Authorize the U.S. Office of Personnel Management, the Federal Bureau of Investigation, the Department of Defense, and any other authorized agency, to request criminal record information about me from criminal justice agencies for the purpose of determining my eligibility for, assignment to, or retention in, a sensitive position, in accordance with 5 U.S.C. 9101.

I Authorize custodians of records and sources of information pertaining to me to release such information upon request of the investigator, special agent, or other duly accredited representative of any Federal agency authorized above regardless of any previous agreement to the contrary.

I Understand that the information released by records custodians and sources of information is for official use by the Federal Government only for the purposes provided in this Standard Form 86, and may be redisclosed by the Government only as authorized by law.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for two (2) years from the date signed.

Signature (Sign in Ink) 		Full Name (Type or Print Legibly) JANET RENO		Date Signed 2/18/93	
Other Names Used None			Social Security Number 2 6 7 - 6 0 - 7 3 4 3		
Current Address (Street, City) 11200 North Kendall Drive, Miami		State FL	ZIP Code 3 3 1 7 6	Home Telephone Number (Include Area Code) (305) 271-2963	

SUPPLEMENT TO STANDARD FORM 86 (SF-86)
(Attach additional pages if necessary)

- 1S. Please list names of all corporations, firms, partnerships or other business enterprises, and all nonprofit organizations and other institutions with which you are now, or during the past five years have been, affiliated as an officer, owner, director, trustee, partner, advisor, attorney or consultant. In addition, please provide the names of any other organizations with which you were affiliated prior to the past five years that might present a potential conflict or appearance of conflict of interest with your prospective appointment. (Please note that in the case of an attorney's client listing, it is only necessary to provide the names of major clients and those that might present a potential conflict or appearance of conflict of interest with the prospective appointment).

American Judicature Society
Children's Services Council
Member, Rape Treatment Center Advisory Board
Chairperson, Governor's Interim Task Force on Social Services
Personal Representative of Estate of Margaret Ewell,
Probate Division, Dade County Circuit Court Case No.
89-6332

- 2S. Please list all your interests in real property, other than a personal residence, setting forth the nature of your interest, the type of property and the address.

None except personal residence

- 3S. Have you or any firm, company or other entity with which you have been associated ever been convicted of a violation of any Federal, state, county or municipal law, regulation or ordinance? If so, please provide full details.

No, except for minor traffic violations

- 4S. Have you or any firm, company or other entity with which you have been associated ever been the subject of Federal, state or local investigation for possible violation of a criminal statute? If so, please give full details.

Other than as reflected on the attachment, to my knowledge neither I nor either of the law firms (Steel, Hector & Davis and Lewis & Reno and Brigham & Pence) with which I was associated nor the Office of State Attorney as an entity, during the periods of my association, has been the subject of such investigation.

- 5S. Have you ever been involved in civil or criminal litigation, or in administrative or legislative proceedings of any kind, either as a plaintiff, defendant, respondent, witness or party in interest? If so, please give full details identifying dates, issues litigated and the location where the civil action is recorded.

See attached list

6S. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please give full details.

No

7S. Have you ever run for political office, served on a political committee or been identified in a public way with a particular organization, candidate or issue? Have any complaints been lodged against you or your political committee with the Federal Election Commission or state or local election authorities? If so, please describe.

See attached list

8S. Are you currently, or have you ever been, a member or office holder in any club or organization that restricts or restricted membership on the basis of sex, race, color, religion, national origin, age or handicap? If so, provide the name, address and dates of membership for each.

I have been a member of the Daughters of the American Revolution since approximately 1965

9S. Please identify any adults (18 years or older) currently living with you who are not members of your immediate family. Provide the names of those individuals, dates and places of birth, and whether or not they are United States citizens.

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10S. Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause an embarrassment to you or to the President if publicly known? If so, please provide full details.

No to both questions

I understand that the information being provided on this supplement to the SF-86 is to be considered part of the original SF-86 dated 2/18/93 and a false statement on this form is punishable by law.


Signature

Questionnaire for Sensitive Positions (For National Security)

Read this information carefully. Follow the instructions fully or we cannot process your form.

Why do we need the information you will give us and how will we use it?

The U.S. Government has conducted background investigations for over 50 years. It does this to establish that applicants for or incumbents in sensitive positions, either employed by the Government or working for the Government under contract, are eligible for a required security clearance or for performing sensitive duties. We use the information from this form primarily as the basis for an investigation that will be used to determine your eligibility for a national security position.

The information you give us is for Official Use Only; we will protect it from unauthorized disclosure. Authorized disclosures include the Privacy Act Routine Uses shown on this form. The information you provide in response to question 25a on use of illegal drugs will not be provided for use in any criminal proceedings against you.

Giving us the information we ask for is voluntary. However, we may not be able to complete your investigation, or complete it in a timely manner, if you don't give us each item of information we request. This may affect your placement or clearance prospects.

What authority do we have to ask you for the information requested on this form?

The U.S. Government is authorized to ask for this information under Executive Order 10450; section 2165 of title 42, U.S. Code; parts 5, 732, and 736 of Title 5, Code of Federal Regulations, and other statutes authorizing background investigations. We ask for your Social Security number to keep our records accurate, because other people may have the same name and birth date. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

What is the investigative process?

Background investigations for national security are conducted to develop information to show whether or not a person is reliable, trustworthy, of good conduct and character, and loyal to the United States. The information you provide on this form, including any specific agency instructions of Question 14c., and any other special instructions, is confirmed by investigation. Your current employer must be contacted, even if you indicated on your SF 171, or other form, that you do not want the present employer contacted. In addition to the questions on this form, inquiry also is made about a person's adherence to security requirements, mental or health disorders, dishonest conduct, sexual misconduct, vulnerability to blackmail or coercion, falsification, misrepresentation and any other behavior, activities, or associations that tend to show the person is not reliable, trustworthy, or loyal.

An interview with you is a normal part of the investigative process. This Personal Subject Interview is generally the first step in the investigation, and is conducted under oath, affirmation, or unsworn declaration. It provides you the opportunity to update, clarify, and explain more completely information on your form, which often helps to complete your investigation faster.

If your investigation requires a Personal Subject Interview, you will be contacted in advance by telephone or mail to arrange a time and location for the interview. It is important that the interview be conducted as soon as possible after you are contacted. Postponements will delay the processing of your investigation. Declining an interview may result in your investigation being delayed or canceled.

You will be asked to bring identification with your picture on it, such as a valid State driver's license, to the interview. There are other documents you may be asked to bring to verify your identity as well. These include: documentation of any legal name change; Social Security card; and/or birth certificate.

Documents that verify any significant claims or activities may also be requested, for example: alien registration; naturalization certificate; originals or certified copies of college transcripts or degrees; high school diploma; professional license(s) or certificate(s); military discharge certificate(s) (DD Form 214); marriage certificate(s); passport; and/or business license(s). You also may be asked to bring documents that pertain to information provided in your answers to questions on the form or other matters requiring specific attention. These matters include: termination or discharge from employment; delinquent loans or taxes, bankruptcy, judgments, liens, or other financial obligations; and arrests, convictions, probation and/or parole.

Who makes a final determination?

Final determination on your eligibility for a national security position and your being granted a clearance is the responsibility of the OPM or the Federal agency that requested your investigation. You may be provided the opportunity to personally explain, refute, or clarify any information before a final decision is made.

How is this form organized?

This form has two parts. Part 1 asks for background information, including where you have lived, gone to school, and worked. Part 2 asks about your activities and such matters as firings from a job, criminal history record, use of illegal drugs and alcohol consumption. In answering Part 2, you should keep in mind that your answers to questions are considered together with the information obtained in the investigation to reach an appropriate adjudication for a sensitive position.

What are the penalties for inaccurate or false statements?

The U.S. Criminal Code provides that knowingly falsifying or concealing a material fact is a felony which may result in fines of up to \$10,000, or 5 years imprisonment, or both. In addition, Federal agencies generally fire, do not grant clearance, or disqualify individuals who have materially and deliberately falsified these forms, and this remains a part of our permanent record for future placements. Because the position for which you are being considered is a sensitive one, your trustworthiness is a very important consideration in deciding your eligibility for security clearance. Your prospects of placement or clearance are better if you answer all questions truthfully and completely. In the course of an interview with a Federal official you will have

adequate opportunity to explain any information you give us on the form and make your comments part of the record.

How is the SF 171 used with this form?

For competitive civil service positions, a copy of the Application for Federal Employment (SF 171), or a form provided to you, will be attached to the SF 86. For certain other and contractor positions, the SF 171 is not required. You will be advised by the office assisting you.

How is this form filled out?

1. Follow the instructions of the person who gave you the form and any other supplementary information furnished by that person to assist you in completion of the form. Find out how many copies of the form you are to turn in. You must sign and date, in ink, the original and each copy you submit.

2. You will need a continuation sheet(s), SF 86A, if in the last 15 years you have lived in more than 6 residences, attended more than 3 schools, or had more than 7 employments/self-employments/unemployments.

If additional space is needed, use a blank piece of paper. Each blank piece of paper you use must contain your name and Social Security number at the top of the page.

3. Type or legibly print your answers. We cannot accept your form if it is not legible.

4. You must use the State codes (abbreviations) listed in the box below when you fill out your form.

5. The 5-digit postal ZIP codes are needed to speed the processing of your investigation. The office that provided you with the form will assist you in completing the ZIP codes.

6. Whenever "City (Country)" is shown in an address block, also provide in that block the name of the country when the address is outside the United States.

7. When providing dates, you may use numbers 1-12 to indicate months if you don't believe you have enough space to write the month; and for the same reason, for year you may show the last two numbers in the year. For example, June 8, 1967, could be shown as 6/8/67, or January 1984 could be shown as 1/84.

If you have any questions, call the office that gave you the form. Be sure to sign and date the certification statement on page 9 and complete the release on page 10. Any forms that are not completed according to these instructions will be returned. This will delay the processing of your case.

Alabama	AL	Hawaii	HI	Massachusetts	MA	New Mexico	NM	South Dakota	SD
Alaska	AK	Idaho	ID	Michigan	MI	New York	NY	Tennessee	TN
Arizona	AZ	Illinois	IL	Minnesota	MN	North Carolina	NC	Texas	TX
Arkansas	AR	Indiana	IN	Mississippi	MS	North Dakota	ND	Utah	UT
California	CA	Iowa	IA	Missouri	MO	Ohio	OH	Vermont	VT
Colorado	CO	Kansas	KS	Montana	MT	Oklahoma	OK	Virginia	VA
Connecticut	CT	Kentucky	KY	Nebraska	NE	Oregon	OR	Washington	WA
Delaware	DE	Louisiana	LA	Nevada	NV	Pennsylvania	PA	Wisconsin	WI
Florida	FL	Maine	ME	New Hampshire	NH	Rhode Island	RI	West Virginia	WV
Georgia	GA	Maryland	MD	New Jersey	NJ	South Carolina	SC	Wyoming	WY
American Samoa Trust Territory	AS TT	Dist. of Columbia Virgin Islands	DC VI	Guam	GU	Northern Marianas	CM	Puerto Rico	PR

PRIVACY ACT ROUTINE USES

This record and information in this record may be used in disclosing information:

- To designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, having a need to evaluate qualifications, suitability, and loyalty to the United States Government and/or a security clearance or access determination;
- To designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, and the District of Columbia Government, when such agency, office, or establishment conducts an investigation of the individual for purposes of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas;
- To designated officers and employees of agencies, offices, and other establishments in the executive, judicial, or legislative branches of the Federal Government, having the responsibility to grant clearances, to make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement;
- To intelligence agencies for use in intelligence activities;
- To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested;
- To the Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where

there is an indication of a violation or potential violation of civil or criminal law or regulation;

- To an agency, office, or other establishment in the executive, legislative, or judicial branches of the Federal Government, or the District of Columbia Government, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency;
- To Federal agencies as a data source for management information through the production of summary descriptive statistics and analytical studies in support of the functions for which the records are maintained or for related studies;
- To a congressional office in response to an inquiry made at the request of that individual;
- In litigation before a court or in an administrative proceeding being conducted by a Federal agency;
- To the National Archives and Records Administration for records management inspections;
- To the Office of Management and Budget in connection with private relief legislation;
- To respond to a request for discovery or for appearance of a witness; and
- To the Merit Systems Protection Board, the Office of Special Counsel, the Equal Employment Opportunity Commission, or the Federal Labor Relations Authority, in connection with functions vested in those agencies.

Public Burden Information

Public burden reporting for this collection of information is estimated to vary from 30 minutes to 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Reports and Forms Management Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room 6410, Washington, D.C. 20415; and to the Office of Management and Budget, Paperwork Reduction Project (3206-0007), Washington, D.C. 20503. Do not send your completed form to the address in this box.

In connection with my duties as State Attorney I asked the Governor of the State of Florida to appoint a Special Prosecutor to investigate allegations made by [redacted] as follows:

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1. Executive Order - 88-177 - see attached.

2. Executive Order - 90-169 - see attached.

3. There may have been investigations arising from a memo concerning [redacted] which I sent to several law enforcement agencies.

Democratic Candidate for Florida House of Representatives 1972 - lost to Republican Candidate in general election.

Successful Democratic Candidate for State Attorney, 11th Judicial Circuit, - 1978, 1980 (no opposition), 1984, 1988, 1992 (no opposition)

I have supported the Democratic nominee for President and the Democratic nominees for Governor and United States Senator of Florida in all elections.

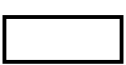
No complaints have been filed against me.

I have publicly supported (1) a resolution amending Article V (the Judicial Article) of Florida's Constitution in 1972; (2) 2 referendums creating a Children's Services Council in Dade County (passed) and giving it authority to levy certain ad valorem taxes in 1988 (defeated).

I have also supported the candidacy of Leonard Glick for Circuit Judge of the 11th Judicial Circuit, Senator Gwen Margolis for U.S. Congress in 1992, Janet McAliley for the Dade County School Board in 1980; Gerald Lewis for State Representative and State Senator in 1965-1970; William Sadowski for State Representative in 1970-1982; Richard Pettigrew for State Senate in 1974 or 1976. I advocated that chief Justice Rosemary Barkett be retained in office (1992).

12. People Who Know You Well (continued)

1. Business: Steel Hector & Davis, 215 So. Monroe, Suite
601, Tallahassee, FL 32301 (904) 222-2300
2. Business: Member, Dade County School Board, 1450 N.E. 2
Avenue, Room 309, Miami, FL 33132 (305) 995-1334



JANET RENO - 267-60-7343

15. Foreign Countries You have Visited

March 1992 - Aruba, Curacao, Venezuela, Grenada, Barbados, St. Lucia (2)

March/April 1991 - Costa Rica (2)

July/August 1991 - Canada (2)

July 1987 - Bahamas (2)

July 1986 - Bahamas (2)

July 25-29 1980 - Bahamas (2)

November 22-25 1979 - Bahamas (2)

October 19-21, 1979 - Bahamas (my calendar says this trip was scheduled but I do not think I went) (2)

July 11-August 1, 1979 - Scotland, England, Denmark (2)

State of Florida

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OFFICE OF THE GOVERNOR

TO: Janet Reno
 FAX NO: (305) 547-5191
 FROM: [Redacted]
 NO. OF PAGES: 14
 DATE: 2-17-93

EXECUTIVE ORDER NUMBER 88-177

(Executive Assignment of State Attorney)

WHEREAS, the Honorable JANET RENO, State Attorney for the Eleventh Judicial Circuit of Florida, has advised the Governor that she has received a criminal complaint alleging that certain statements made by Neil Rogers constitute violations of the criminal laws of the State of Florida, and

WHEREAS, the Honorable JANET RENO, has further advised the Governor that the criminal complaint was filed by a candidate who is running in opposition to her for the office of the State Attorney, Eleventh Judicial Circuit of Florida, and

WHEREAS, the Honorable JANET RENO, to avoid any appearance of conflict of interest or impropriety, has voluntarily disqualified herself and has requested the Executive Assignment of another State Attorney with respect to the investigation and prosecution of this case and all matters connected therewith, and

WHEREAS, the Honorable [Redacted] State Attorney for the Twentieth Judicial Circuit of Florida, has agreed to accept an Executive Assignment in this matter, and

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WHEREAS, it is in the best interest of the State of Florida, and the ends of justice can best be served, by the assignment of the Honorable [Redacted] to discharge the duties of the Honorable JANET RENO, pursuant to Section 27.14, Florida Statutes.

NOW, THEREFORE, I, BOB MARTINEZ, Governor of Florida, in obedience to my solemn constitutional duty to "take care

that the laws be faithfully executed," and pursuant to the
Constitution and laws of the State of Florida, do hereby promul-
gate the following executive order, effective immediately:

Section 1.

The Honorable State Attorney
for the Twentieth Judicial Circuit of Florida, hereinafter

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STATE ATTORNEY
METROPOLITAN JUSTICE BUILDING
MIAMI, FLORIDA 33125

JANET RENO
STATE ATTORNEY

August 10, 1988

TELEPHONE (305) 547-9200

Gregory C. Smith
Assistant General Counsel
Office of the Governor
The Capitol, Room 209
Tallahassee, Florida 32399-0001

RECEIVED
AUG 15 1988

Dear Mr. Smith:

OFFICE OF THE GOVERNOR

[redacted] has submitted a tape of a recent radio program claiming it is evidence of a crime committed by the commentator. I enclose a transcript of the tape.

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[redacted]

I want to avoid any appearance of conflict in any case involving [redacted]. Accordingly, I respectfully request the Governor appoint a special prosecutor to review [redacted] allegations and make the appropriate determinations.

Sincerely,

JANET RENO
State Attorney

[redacted]

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Enclosure

cc:

[redacted]

INVESTIGATION)

)

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)

The following is a transcript of a Neil Rogers Show on the radio station 94.9 (Zeta 4).

UMV = Unknown Male Voice

NR = Neil Rogers

UMV ...for details, Compact is an equal opportunity employer.

NR So anyway, like I was saying, it's 26 after 6:00 on Zeta 4. I didn't--I got up feeling okay this morning and came in and all of a sudden, man, I don't know what set me off. I feel just like World War III here today, I'm ready to take on the world.

UMV Surly to bed, surly to rise.

NR Exactly, that's--well it's that caller yesterday. Remember that woman, she said she is a new listener?

UMV Yeah.

NR And she doesn't know how I can be so surly in the morning?

UMV Ohh--

NR I'd like to have her come into this God-forsaken place at 5:30 in the morning and look around.

UMV That little old lady that calls?

UMV Yeah.

NE Oh, yeah, my pal.

UMV. She called--this is the second time she called me again off the air yesterday and I told her, I said, "The show is over, you know, I got nothing to say." She gets all upset and apoplectic and hangs up on me. She called me about a month ago when I was--

AJL

- 1 -

NR By the way, if there are any douchebags out there in the audience that want to call Fat Richard home like late at night again and try to pump him for information about God only knows what--

UMV Yeah.

NR Ah, Fat Rich, I don't know if you have ever seen him, any of you monitors out there in the audience, but he could turn you into a pretzel, okay?

UMV Yeah.

NR You know how big he is, he could pick up Hercules with one finger and just--

UMV I have seen some of the people that he turned into a pretzel, too, and it's a--

NR He can pick up Hercules and put him on a piece of toast, you know.

UMV Yeah.

NR And have him for breakfast. Anyway, I just mentioned that in passing because I am in this real, real combative, surly--I'm just not going to take it any more. I am really not. Enough is enough of this crap, okay?

UMV Yeah, you got nobody--you got to batten your own yard.

NR Exactly, you got to batten your own place.

UMV Uh huh.

NR In your own batting cage.

UMV Uh huh, uh huh.

NR As Frank Castro once said during a Hurricane

DaseDall warmcup... 27 page...

Dade and 77-600 in Broward.

END OF TAPE.

AJL

- 2 -

REPRESENTING:

**CHARLOTTE
COLLIER
GLADES
HENDRY
LEE**



OFFICE OF THE STATE ATTORNEY

Twentieth Judicial Circuit of Florida
PLEASE REPLY TO: P.O. DRAWER, 399

FT. MYERS, FL 33902
Telephone

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Joseph P. D'Alessandro
State Attorney

October 14, 1988

The Honorable Bob Martinez,
Governor
Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001

Re: Executive Order Number 88-177

Dear Governor Martinez:

Please accept this letter as my final report on the above-captioned Executive Order.

On August 17, 1988 you signed Executive Order Number 88-177 assigning Mr. D'Alessandro to the Eleventh Judicial Circuit to discharge the duties of The Honorable Janet Reno as they related to the investigation, prosecution, and representation of the State of Florida in all matters pertaining to, or arising from, the complaint filed against Neil Rogers for alleged violations of the criminal laws of the State of Florida. Upon receipt of this assignment, Mr. D'Alessandro assigned this matter to me.

This matter arose when an attorney in Dade County, Florida, commenced writing letters to the Honorable Janet Reno, State Attorney for the Eleventh Judicial Circuit, in which he accused Mr. Neil Rogers of Dade County, Florida, of a variety of criminal acts. A preliminary review of those allegations indicated to Ms. Reno's staff that no criminal charges were warranted and no evidence of crimes were found. became upset and declared as a candidate for the office of State Attorney for the Eleventh Judicial Circuit. Subsequently, Ms. Reno requested an Executive Assignment on this matter so as to avoid any appearance of impropriety. We were assigned to go to Dade County and investigate the allegations made by

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An initial meeting with and a review of the complete correspondence file between he and Ms. Reno's office indicated that had the following seven (7) complaints to make

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The Honorable Bob Martinez
October 14, 1988
Page Two

against Mr. Neil Rogers on the state level and three (3) complaints on the federal level. Each one will be set forth below and discussed individually.

1. [redacted] alleges that Mr. Neil Rogers committed criminal extortion against Dade County Commissioner Jorge Valdez in a radio broadcast made by Mr. Neil Rogers on March 24, 1988.

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During the course of investigating this complaint, we spoke with Commissioner Valdez who emphatically stated that no extortion was ever committed, or attempted to be committed, against him. We further spoke with Commissioner [redacted] who also stated that, in his judgement, no extortion has been made by Mr. Neil Rogers against he or Commissioner Valdez. We further spoke with [redacted] the First Assistant County Attorney for Dade County, who stated that in his review of this entire matter, no crime took place. We spoke with [redacted] the County Attorney for Dade County, who stated that in his judgement no crime took place and that further, he believed this was merely a personality clash between [redacted] and Mr. Rogers. Our independent review of the radio broadcast in question showed no evidence whatsoever of any criminal extortion, nor any attempted criminal extortion. This was the same finding that Ms. Reno's staff had come to from their initial and preliminary review of that radio broadcast.

2. [redacted] alleges that he has received numerous harassing phone calls that were generated by Mr. Neil Rogers.

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Our investigation discloses that he has indeed received harassing phone calls, however, with one exception there is no evidence to show from whom any of these harassing phone calls came. The one exception was when a "trap and trace" was placed on [redacted] telephone under the auspices of the Coral Gables Police Department and [redacted] the Security Director for Southern Bell Telephone Company. That "trap and trace" did reveal a threatening phone call that was made from a telephone number belonging to a [redacted] and more particularly, [redacted]. Unfortunately, [redacted] decided to conduct his own investigation. He went to visit [redacted] and came away convinced that they had not made the threatening telephone call. In fact, [redacted] was convinced by [redacted] that an individual

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The Honorable Bob Martinez
 October 14, 1988
 Page Three

known as [redacted] and whose real name may be [redacted] had somehow found a method by which he could electronically enter the telephone system and defeat the "trap and trace" from a third telephone while showing that it was [redacted] number that had initiated the call. Therefore, [redacted] declined to file any charges against [redacted] and Sgt. [redacted] of the Coral Gables Police Department then appropriately closed his file. This, somewhat bizarre theory of [redacted] is in no way supported by the Coral Gable Police Department nor by Southern Bell Telephone Company.

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3. [redacted] alleges that he received a physical threat to his person from Mr. Neil Rogers on a radio broadcast.

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We have reviewed that tape and a transcription of that radio broadcast, and in it Mr. Neil Rogers makes remarks alluding to the strength and power of an individual he calls [redacted] who is more formally known as [redacted] a friend of Mr. Neil Rogers. Our review of that radio broadcast indicates that no direct nor overt physical threat was made by Mr. Neil Rogers to [redacted] and that allegation is legally unsupported.

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4. [redacted] alleges that he has received numerous death threats solicited or induced by Mr. Neil Rogers.

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Again, [redacted] has received harassing telephone calls from unknown parties, but these phone calls do not rise to the level of a death threat. When asked to provide additional information on these alleged death threats, [redacted] says that he recalls specifically three (3) threats that he was unable to tape record and thus must go from his memory alone. These harassing phone calls were no doubt annoying to [redacted]. They involved the sending of unsolicited pizzas to his home, the making of medical appointments in his name with a Proctologist, etc.

[redacted] in order to defeat these harassing phone calls and perhaps to retaliate against the individual he believed instituted them, placed his telephone on "call forwarding" to the radio station where Mr. Neil Rogers is employed. He was subsequently advised by authorities in Dade County that said action on his part was an illegal and inappropriate response. It is our understanding that he has ceased to do that.

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The Honorable Bob Martinez
October 14, 1988
Page Four

5. [redacted] alleges that Mr. Neil Rogers is committing criminal solicitation for homosexual purposes of underage boys in Dade County in his broadcasts.

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Our review of those materials indicates this is an inference that is only drawn by [redacted] and again there is no evidence that Mr. Neil Rogers is engaging in criminal solicitation.

6. [redacted] alleges that Mr. Neil Rogers is extorting State Attorney Janet Reno by threatening to expose her as a lesbian.

In fact, [redacted] told us specifically that Mr. Neil Rogers had called Ms. Janet Reno a lesbian on a radio broadcast, and immediately thereafter Ms. Reno had dropped her investigation into his allegations against Mr. Neil Rogers. This simply is not borne out by the facts and is untrue. Ms. Janet Reno's Office never conducted an investigation of the allegations against Mr. Neil Rogers, and therefore could not have "dropped it". Mr. Neil Rogers did not call Ms. Janet Reno a lesbian, but rather said she had the characteristics of a diesel truck driver. While that is no doubt rude and insulting to both Ms. Reno personally and to the office which she represents; again, it neither rises to the status of a criminal act, nor does it constitute any sort of accusation on Mr. Neil Rogers' part that she is a lesbian. When [redacted] continued to write increasingly rude and hostile letters to Ms. Reno in regards to this allegation of his, she in no way attempted to drop this matter or cover it up. Rather, she sent the material to the following agencies so that if there was anything to be investigated, it could be:

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1. The Federal Bureau of Investigation
Dade County, Florida
2. United State's Attorney's Office Southern District
Dade County, Florida
3. Dade-Metro Police Department
Dade County, Florida
4. Florida Department of Law Enforcement
Dade County, Florida
5. The Prosecutor's Coordination Office
Office of the Governor
Tallahassee, Florida
6. The Executive Director of the Florida Bar

The Honorable Bob Martinez
October 14, 1988
Page Five

7. The Dade County Grand Jury

[redacted] the foreman of the Dade County Grand Jury, wrote to [redacted] advising him that if he had any facts or evidence which he wished to present in regards to this allegation he should take them to the appropriate criminal law enforcement agency so that an investigation could be conducted. [redacted] declined to do so. Once again, the perceptions of [redacted] are not in harmony with the facts of the situation.

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7. [redacted] filed a criminal complaint with the Miami Beach Police Department on September 8, 1988, alleging that Ms. Janet Reno had committed a battery against his person at a local elementary school.

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It is my understanding that [redacted] subsequently wrote to you that he did not desire any investigation or prosecution of Ms. Janet Reno for this alleged battery as she had, in his opinion, "learned her lesson." It was my opinion that Section I of your Executive Order Number 88-177, wherein it states, "...as they relate to the investigation, prosecution, and representation of the State of Florida in all matters pertaining to or arising from the complaint filed against Neil Rogers for alleged violations of the criminal laws of the State of Florida", was broadly enough drafted to give us the authority to investigate the battery complaint. Our investigation revealed that no criminal battery took place. This situation is particularly troubling in that it appears to have arisen as a political ploy on the part of [redacted]

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Essentially what took place was that both Ms. Reno and [redacted] had been invited to the North Beach Elementary School in Dade County, Florida, to give brief statements to the children about the electoral process. [redacted] approached Ms. Reno at the North Beach Elementary School and presented her with a letter (see Attachment A) demanding that she respond to its contents. We find its contents to have been inappropriate and offensive. Ms. Reno was being requested by [redacted] to check one of the following boxes:

"I, Janet Reno, am a:

Homosexual

Bisexual

Heterosexual"

The Honorable Bob Martinez
October 14, 1988
Page Six

All the witnesses found Ms. Reno's conduct to be exemplary, and [redacted] abhorrent. Our investigation disclosed that Ms. Reno responded to this request in a courteous and quiet fashion while gently placing her hand on his shoulder.

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[redacted]
[redacted] were shocked and disgusted at [redacted] conduct and the subsequent allegations he made against Ms. Reno. All of them were consistent in relating that no battery had taken place. Further, they were disturbed by the tactic of [redacted] presenting such an odious letter at an elementary school.

It is also interesting to note that Sgt. [redacted] of the Miami Beach Police Department, when questioned by us, recalled that [redacted] came to the Miami Beach Police Department, in a very agitated and hostile state, to report the alleged battery by State Attorney Janet Reno. It was Sgt. [redacted] recollection that when he tried to calm [redacted] he became very vocal and finally, to minimize the disturbance at the police station, Sgt. [redacted] in lieu of a clerk, himself received the information and prepared the Incident Report. Sgt. [redacted] also recalled that [redacted] had identified himself as a lawyer who stated that he knew what Sgt. [redacted] was supposed to do and expected him to do it.

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[redacted] stated to me, in the presence of two investigators from this staff, that he had discussed the tactic of confronting Ms. Janet Reno with his political campaign chairman.

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Taking all of the above into account, it is our conclusion that Ms. Reno acted in a most professional and dignified manner, while being distastefully provoked by [redacted]. No criminal battery took place and [redacted] did this as a political ploy.

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8. [redacted] alleges that Mr. Neil Rogers has violated the Mann Act, in that he took one or more juvenile males across state lines for sexual purposes.

We met with officials of the Federal Bureau of Investigation in Dade County, Florida, and they are conducting such investigation as they deem appropriate. We have no jurisdiction as regards that allegation.

The Honorable Bob Martinez
October 14, 1988
Page Seven

9. [] complained to the United States Secret Service in Dade County, Florida, that an unidentified telephone caller to the radio program of Mr. Neil Rogers had made threats against the life of Vice-Presidential aspirant, Senator Dan Quayle.

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We met with officials from the United States Secret Service in Dade County, Florida, and they are conducting such investigation as they deem appropriate. We have no jurisdiction as regards this allegation.

10 [] has filed complaints with the FCC as regards the language and statements made by Mr. Neil Rogers on his radio program.

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It is our understanding that they are conducting such investigation as they deem appropriate. We have no jurisdiction as regards that allegation.

It was clear at the conclusion of our investigation that there were no criminal violations of Florida Law for us to proceed with. It was also clear that [] appears to have an obsessional hatred of Mr. Neil Rogers and his radio show. [] infers crimes and deviant sexual practices where others do not perceive them. Finally, [] is engaged in a civil suit with the owners of the radio station where Mr. Neil Rogers is employed. This may or may not explain partially, or in whole, why he is so obsessed in his continuing complaints against Mr. Neil Rogers.

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Through our investigation, we have determined there is no credible evidence to support the allegations made by []

Therefore, as all matters have been concluded and as there is nothing further to do in this case, I respectfully request that this office be released from further duties in regards to Executive Order Number 88-177.

Thank you for appointing us to serve on this assignment, and if you have any questions, please do not hesitate to contact me.

Very truly yours,



Marshall King Hall
Deputy State Attorney
Twentieth Judicial Circuit

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MKH/ []



BOB MARTINEZ, GOVERNOR

STATE OF FLORIDA

Office of the Governor

LEGAL AND LEGISLATIVE AFFAIRS
THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

PETER M. DUNBAR
GENERAL COUNSEL

November 3, 1988

Honorable Joseph P. D'Alessandro
State Attorney
Twentieth Judicial Circuit
Post Office Drawer 399
Ft. Myers, Florida 33902

Dear Mr. D'Alessandro:

Thank you for your recent letter indicating that you have completed the duties assigned to you under Executive Order 88-177.

The Governor appreciates your thorough and professional handling of this case. Thank you for your service to the people of Florida.

With kind regards,

Sincerely,

A handwritten signature in cursive script that reads "Peter M. Dunbar".

Peter M. Dunbar
General Counsel

PD

cc: Honorable Janet Reno
State Attorney

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83404

REPRESENTING:

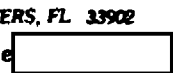
- CHARLOTTE
- COLLIER
- GLADES
- HENDRY
- LEE



RECEIVED
 OFFICE OF THE STATE ATTORNEY
 Twentieth Judicial Circuit of Florida
 PLEASE REPLY TO: P.O. DRAWER, 399

FT. MYERS, FL 33902

Telephone



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Joseph P. D'Alessandro
 State Attorney

October 14, 1988

The Honorable Bob Martinez,
 Governor
 Office of the Governor
 The Capitol
 Tallahassee, Florida 32399-0001

Re: Executive Order Number 88-177

Dear Governor Martinez:

Enclosed you will find the final report on the above captioned Executive Assignment prepared by my Deputy, Marshall King Hall. This concludes this investigation.

Mr. Hall kept me apprised at all steps in the investigation, and I have reviewed and concur with his final report.

Very truly yours,

Joseph P. D'Alessandro
 Joseph P. D'Alessandro
 State Attorney
 Twentieth Judicial Circuit

Enclosure

JPD



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[Redacted]

02/11/93 14:59

P02



OFFICE OF THE
STATE ATTORNEY
FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

TO: JANET RENO
FAX NO. (305) 547-519
FROM: [Redacted]
NO. OF PAGES: 1
DATE: 2-17

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BARRY E. KRISCHER
STATE ATTORNEY

February 11, 1993

[Redacted]

Chief Investigator
State Attorney's Office
Eleventh Judicial Circuit
1351 N.W. 12th Street, 6th Floor
Miami, Fl. 33125

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Dear [Redacted]

This office was appointed by the Governor, Executive Order Number 90-169, to investigate allegations of misconduct in the Dade State Attorney's Office. As part of that investigation, we received a letter from [Redacted] dated August 23, 1990, in which [Redacted] claimed to have been told by Metro-Dade Police Officer [Redacted] that Janet Reno was a "closeted lesbian." In addition, [Redacted] claimed that he had been told by Officer [Redacted] that the Officer had seen Janet Reno and another woman at Sundy's On the Bay on Key Biscayne engaging in a homosexual act while drunk.

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As part of our investigation, we interviewed Officer [Redacted] Officer [Redacted] specifically denied that he had told [Redacted] anything about Janet Reno or any alleged lesbian activity.

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[Redacted] made a number of other allegations about Janet Reno in his letter of August 23, 1990. In each instance, we attempted to corroborate [Redacted] allegations. Without exception, every person named by [Redacted] as a corroborating witness denied [Redacted] allegations. There was no evidence whatsoever of any misconduct by Janet Reno discovered in the course of our investigation.

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Please feel free to contact me if I may be of further assistance.

Sincerely,

Kenneth J. Selvig
Chief Assistant State Attorney

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KJS [Redacted]

DAVID H. BLUDWORTH
STATE ATTORNEY



POST OFFICE BOX 2905
WEST PALM BEACH, FL 33402
(407) 355-2460

OFFICE OF THE
STATE ATTORNEY
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

October 31, 1990

Honorable Bob Martinez
Governor State of Florida
The Capitol
Tallahassee, FL 32399-0001

RE: Executive Assignment 90-169

Dear Governor Martinez:

This office has now completed the investigation of the two matters in Executive Assignment 90-169. A summary of the findings and a full report of our investigation is included with this letter, so I will not attempt to summarize it here.

A copy of this report has been delivered to Honorable Janet Reno, State Attorney of the Eleventh Judicial Circuit.

We will be available to discuss this report with you or any other person who would like additional information or have any questions about the findings.

Sincerely,

A handwritten signature in cursive script, appearing to read "David H. Bludworth".

David H. Bludworth

DHB
Enclosures

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JANET RENO - 267-60-7343

OFFICE RELATED CASES INVOLVING JANET RENO
AND/OR STATE ATTORNEY'S OFFICE FILED IN U.S. FEDERAL COURT

<u>JUDGE</u>	<u>CASE NO.</u>	<u>CASE TITLE</u>	<u>DATE</u>
Marcus		[redacted] v Reno, .et al.	1987
Hastings		[redacted] v. The Honorable Firestone	1985
Spellman		[redacted] v. Reno, et al.	1982
King		[redacted]	1978
Davis		[redacted] v. State of Fla.	1981
Nesbitt		[redacted]	1981
Davis		[redacted]	1981
Kehoe		[redacted]	1982
Atkins		[redacted] v. Miami, City of	1982
Spellman		[redacted] v. Reno	1982
Eaton		[redacted] v. Reno	1982
Atkins		[redacted] v. Reno	1982
Aronovitz		[redacted]	1982
Aronovitz		[redacted] v. Reno	1982
Aronovitz		[redacted] v. Reno	1982
Spellman		[redacted] v. Reno	1983
Kehoe		[redacted] v. Att'y Gen'l	1983
King		[redacted] v. Reno	1983
King		[redacted] v. Harms	1983
Hoeveler		[redacted] v. Reno	1983
King	[redacted] v. Reno	1983	

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<u>JUDGE</u>	<u>CASE NO.</u>	<u>CASE TITLE</u>	<u>DATE</u>
* King		[redacted] v. Reno	1984
Spellman		[redacted] v. Reno	1984
Spellman		[redacted] v. Reno	1984
Davis		[redacted] v. Att'y Gen.	1984
Spellman		[redacted]	1984
Spellman		[redacted] v. Reno	1984
Kehoe		[redacted] v. Reno	1985
Hastings		[redacted] v. Reno	1985
Hoeverler		[redacted] v. Reno	1985
Zloch		[redacted] v. Metro-Dade	1985
Aronovitz		[redacted] v. Reno	1986
Marcus		[redacted]	1987
Marcus		[redacted] v. State of Fla.	1987
Spellman		[redacted]	1987
Roettger		[redacted]	1987
Marcus		[redacted]	1987
Atkins		[redacted] v. Reno	1988
Hoeverler		[redacted]	1988
*Davis		[redacted] v. Reno	1988
Kehoe		[redacted] v. Reno	1988
Davis		[redacted]	1989
Davis		[redacted] v. State of Fla.	1989
Paine		[redacted] v. Reno	1989
Davis		[redacted] v. State of Fla.	1989
Marcus		[redacted]	1989
Hoeverler		[redacted] v. Reno	1989
Marcus		[redacted]	1990

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*See Attached

<u>JUDGE</u>	<u>CASE NO.</u>	<u>CASE TITLE</u>	<u>DATE</u>
*Nesbitt		[redacted] v. Reno	1990
Marcus		[redacted]	1990
Kehoe		[redacted] v. Circuit of Fla.	1983
Atkins		[redacted] v. Reno	1986
Aronovitz		[redacted] v. Reno	1984
Hastings		[redacted] v. State HRS	1985
Hastings		[redacted] v. State of Fla. HRS	1985
Nesbitt		[redacted] v. State of Fla.	1985
Hastings		[redacted] v. State of Fla.	1985
Atkins		[redacted] v. State of Fla.	1985
Eaton		[redacted]	1981
Hastings		[redacted] v. State of Fla.	1985
Hastings		[redacted] v. State of Fla.	1985
King		[redacted]	1985
Eaton		[redacted] v. Public Safety Dept.	1981
Atkins		[redacted] v. Illhardt, Det.	1982
Hoeverler		[redacted]	1985
Roettger		[redacted] v. City of Hialeah	1982
Hastings		[redacted]	1988
Eaton		[redacted] v. Reno	1980
King	[redacted] v. State of Fla.	1985	
Kehoe	[redacted]	1982	
*Kehoe	[redacted] v. J. Reno, [redacted]	1991	
*Marcus	[redacted] v. State	1987	

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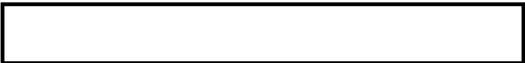
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ATTACHMENT - FEDERAL LAW SUITS



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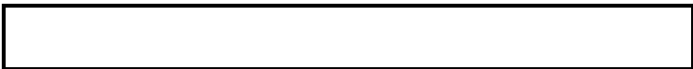


Action brought under 42 U.S.C. 1983 alleging that an Assistant State Attorney improperly intervened in the service of process on a Metro-Dade Police officer.



Alleges that Janet Reno and a former Assistant State Attorney ran a chain of convenience stores with public funds for their private gain.

*Employment v. Reno; CV-84-141-Cases Attached



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Allegations of misconduct by employees of State Attorney's Office, and others, regarding criminal complaint being made against plaintiff.

E.E.O.C. v. RENO**419**

Cite as 626 F.Supp. 419 (S.D.Fla. 1984)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff,

v.

Janet RENO, as State Attorney, 11th
Judicial District of Florida, or Her
Successors, Defendant.

No. 84-0141-CIV-JLK.

United States District Court,
S.D. Florida.

April 10, 1984.

Assistant state attorneys brought action against Florida state attorney under Age Discrimination in Employment Act. On defendant's motion to dismiss, the District Court, James Lawrence King, Chief Judge, held that assistant state attorneys who were appointed to serve Florida state attorney were not "employees" within meaning of Act.

Motion granted.

Civil Rights §9.15

Assistant state attorneys who were appointed to serve Florida state attorney were not "employees" within meaning of Age Discrimination in Employment Act of 1967. Age Discrimination in Employment Act of 1967, §§ 2-17, 11(b), as amended. 29 U.S.C.A. §§ 621-634. 630(b).

Patrick Q. White, Miami, Fla., for E.E.O.C.

Bruce A. Minnick, Asst. Atty. Gen., Dept. of Legal Affairs, Tallahassee, Fla., for Janet Reno.

**ORDER GRANTING MOTION
TO DISMISS**JAMES LAWRENCE KING, Chief
Judge.

THIS CAUSE comes before the court upon the defendant's Motion to Dismiss.

The defendant contends that this court lacks jurisdiction over all claims presented

by this plaintiff pursuant to the Age Discrimination Employment Act of 1967. 29 U.S.C. §§ 621-634 (1975 & Supp.1983). (Hereinafter ADEA.) In support of this contention the defendant makes two arguments. First, the defendant argues that she is not governed by the act because she is not an employer as defined by the act. The defendant cites 29 U.S.C. § 630(b) for the proposition that an employer under the act is a member of a class of persons who employ employees. The defendant then asks the court to analogize this statutory scheme with certain other statutory schemes so that the court will find that the defendant has no employees and, therefore, find that the defendant could not be an employer.

Interpreting 29 U.S.C. § 630(b) to mean that a State, or political subdivision or the agents or instrumentalities of either, can only be an employer when it has employees as defined by the act, the court finds that the defendant does not employ employees and, therefore, that she is not an employer as defined by the act.

The statute defines an employee to be:

[A]n individual employed by any employer except that the term "employee" shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policymaking level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency, or political subdivision.

29 U.S.C. § 630(f).

In interpreting the identical language found in the civil rights statute 42 U.S.C. § 2000e, the United States Court of Appeals for the Ninth Circuit found that a deputy district attorney was not an employee within the statute. *Ramirez v. San*

Mateo County, 639 F.2d 509 (9th Cir.1981). That court concluded that the above quoted language was intended to exempt certain workers, such as deputy district attorneys, who serve at the pleasure of their superior who has plenary power of appointment and removal. The court also noted that deputy district attorney's were unlike other workers in that the deputies were not subject to the normal protections of the county civil service system.

The court went on to explain:

This characterization of the deputy's position in county law tells us much about the working relationship the county envisions between district attorney and deputy. The exclusive powers of selection and retention indicate that deputies perform to the district attorney's personal satisfaction rather than to the more generalized standards applied to other county workers by the civil service system. Such a level of personal accountability is consistent with the highly sensitive and confidential nature of the work which deputies perform as well as with the considerable powers of the deputy to represent the district attorney in legal proceedings and in the eyes of the public. (Citations omitted). We conclude that when a job includes this level of personal accountability to one elected official, it is precisely the sort of job Congress envisioned to be within the "personal staff" of that official and thus exempt from Title VII.

Ramirez, 639 F.2d at 513.

The court finds the analysis in *Ramirez* to be persuasive in the interpretation of the ADEA. Florida law provides that the defendant herein shall appoint and direct assistant state attorneys. The assistant state attorney's so appointed serve at the pleasure of the state attorney appointing him. Further, assistant state attorneys have been exempted from the provisions of Florida's Career Service System. The court concludes that this is the exact type of personal accountability relied upon by the Ninth Circuit in *Ramirez* and the court agrees that assistant state attorneys are

precisely the sort of workers that Congress envisioned to be within the "personal staff" of the states attorney and thus exempt from the ADEA.

Since the pertinent portions of the ADEA only give this court jurisdiction to enforce the proscription of discrimination by an employer and since the defendant herein is not an employer, the court is forced to the conclusion that it does not have jurisdiction in this case.

Having come to this conclusion, it is not necessary for the court to consider the defendant's second argument.

Accordingly, the court does:

ORDER and ADJUDGE that the defendant's motion to dismiss be, and it is, GRANTED. This action is DISMISSED.



Marie ZAKARIAN, et al., Plaintiffs,

v.

The PRUDENTIAL INSURANCE CO. OF AMERICA, et al., Defendants.

No. 84 C 91.

United States District Court, N.D. Illinois, E.D.

May 23, 1984.

Beneficiaries under life insurance policies brought suit against the insurers seeking compensatory and punitive damages based on an allegation that the insurers breached their duty to deal fairly and in good faith with the beneficiaries. Upon the insurers' motion to dismiss certain counts, the District Court, Grady, J., held that Illinois statute permitting certain extraordinary costs to be taxed against insurers which vexatiously or unreasonably refuse to pay claims preempted common-law actions by beneficiaries against life insurers

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E.E.O.C. v. RENO

581

Cite as 758 F.2d 581 (1985)

entertaining suits to "[restrain] the assessment or collection of any tax" except under specific circumstances not applicable here. The Supreme Court has held that no injunction will issue unless the plaintiff can show that under no circumstances could the government ultimately prevail and there exists an independent basis for equity jurisdiction. *Enochs v. Williams Packing & Navigation Co.*, 370 U.S. 1, 7, 82 S.Ct. 1125, 1129, 8 L.Ed.2d 292 (1962); *Bob Jones University v. Simon*, 416 U.S. 725, 745, 94 S.Ct. 2038, 2050, 40 L.Ed.2d 496 (1974). Hobson's complaint satisfies neither prong of the *Enochs* test. First, Hobson could not prevail because his claim that he is not subject to the federal income tax laws is patently meritless. See *Simanovuk v. Commissioner*, 731 F.2d 743, 744 (11th Cir.1984). Second, equitable relief is not available because Hobson has an adequate remedy at law—he could pay the disputed tax and then sue for a refund.

The IRS urges us to impose sanctions in the form of extraordinary costs and attorneys' fees against Hobson for filing a frivolous appeal. We have held that, where an appeal is patently frivolous, the court may assess damages to the appellee, including reasonable attorneys' fees and double costs. See *Collins v. Amoco Production Co.*, 706 F.2d 1114, 1115 (11th Cir.1983); see also *Parker v. Commissioner*, 724 F.2d 469, 472 (5th Cir.1984); *Lonsdale v. Commissioner*, 661 F.2d 71, 72 (5th Cir.1981) (warning litigants that the continued advancing of long-defunct arguments invites sanctions).

[3] The arguments Hobson has presented in this appeal are without even arguable merit. They are foreclosed by statute and by case law. The district court fully cautioned him about the limitations of its jurisdiction at the hearing on the government's motion to dismiss his original complaint. He should have anticipated the district court's dismissal of his amended complaint and our summary rejection of his appeal. In short, he chose to vex the government with this litigation. Under the circumstances, economic sanctions are in order,

including reasonable attorneys' fees and double costs. We direct the district court, on receipt of the mandate, to determine, after a hearing, the amount thereof.

AFFIRMED, with instructions.



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff-Appellant,

v.

Janet RENO, as State Attorney, 11th Judicial District of Florida, or Her Successors, Defendant-Appellee.

No. 84-5443.

United States Court of Appeals,
Eleventh Circuit.

April 19, 1985.

The Equal Employment Opportunity Commission filed complaint against state attorney for judicial district of Florida, claiming violation of the Age Discrimination in Employment Act for refusal to hire an applicant for assistant state attorney position because of his age. The state attorney's motion to dismiss was granted by the United States District Court for the Southern District of Florida, James Lawrence M. King, Chief Judge, and the Commission appealed. The Court of Appeals, Brown, Circuit Judge, sitting by designation, held that: (1) assistant state attorney was not an "employee" within meaning of the Act, in view of fact that the position as ordained by Florida statutes was clearly one of policymaking level, involving one who necessarily advises, and acts upon, exercise of constitutional and legal powers of the state attorney, but (2) trial court in going beyond simply deciding that assistant state attorneys in Florida were exempt from coverage of the Act and in holding that state attorney was not "employer" for

582

758 FEDERAL REPORTER, 2d SERIES

purposes of the statute went too far, given narrow construction intended for exemptions from coverage and holding should have been limited to the position of assistant state attorney which was the position for which application was made.

Affirmed.

1. Federal Civil Procedure ⇨2533

Although matters outside pleadings were presented to court, defendant's motion to dismiss was not converted into summary judgment motion where lower court's authority made clear that judge ruled only on motion to dismiss, and case would be viewed on appeal accordingly.

2. Statutes ⇨223.1

Because prohibitions of the Age Discrimination in Employment Act were derived in haec verba from Title VII, decisions under analogous section of Title VII were highly relevant to issue, in suit under ADEA, as to personal staff exemption. Age Discrimination in Employment Act of 1967, § 11(f), 29 U.S.C.A. § 630(f); Civil Rights Act of 1964, § 701(f), 42 U.S.C.A. § 2000e(f).

3. Civil Rights ⇨9.15

Assistant state attorney for judicial district of Florida was not "employee" within meaning of the Age Discrimination in Employment Act, in view of fact that the position as ordained by Florida statutes was clearly one of policymaking level, involving one who necessarily advises, and acts upon, exercise of constitutional and legal powers of the state attorney. Age Discrimination in Employment Act of 1967, §§ 2 et seq., 4(a), 11(f), 29 U.S.C.A. §§ 621 et seq., 623(a), 630(f); Civil Rights Act of 1964, § 701(f), 42 U.S.C.A. § 2000e(f); West's F.S.A. §§ 27.01, 27.181(2, 3), 27.25(1), 110.205(2)(K).

* Honorable John R. Brown, U.S. Circuit Judge for the Fifth Circuit, sitting by designation.

1. § 623. Prohibition of age discrimination

Employer practices

(a) It shall be unlawful for an employer—

4. Civil Rights ⇨9.15

Ruling in Age Discrimination in Employment Act case that state attorney was not "employer" for purposes of the Act was overbroad, given narrow construction intended for exemptions from coverage of the Act, and holding should have been limited to the position of assistant state attorney which was the position for which application was made. Age Discrimination in Employment Act of 1967, § 11(f), 29 U.S.C.A. § 630(f).

Stephen O'Rourke, Appellate Section, E.E.O.C., Trial Div., Washington, D.C., for plaintiff-appellant.

Bruce A. Minnick, Asst. Atty. Gen., Dept. of Legal Affairs, Tallahassee, Fla., for defendant-appellee.

Appeal from the United States District Court for the Southern District of Florida.

Before RONEY and TJOFLAT, Circuit Judges, and BROWN*, Senior Circuit Judge.

BROWN, Circuit Judge:

Appellant Equal Employment Opportunity Commission (EEOC) filed a complaint against defendant Janet Reno, State Attorney for the Eleventh Judicial District of Florida, alleging a violation of § 1(a) of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 623(a) by refusal to hire an applicant for an assistant state attorney position because of his age. Defendant's motion to dismiss was granted, and this appeal followed. We affirm.

Background

In its complaint, the EEOC alleged that defendant Reno violated the ADEA by refusing to hire William Frieder as an assist-

(1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;

E.E.O.C. v. RENO

583

Cite as 758 F.2d 581 (1985)

at state attorney because of his age. The complaint also alleged that the defendant utilized employment selection techniques and criteria that have a foreseeable and demonstrated adverse effect on the employment opportunities of applicants in the protected age group (40-70)."

Defendant's responsive pleading, entitled Motion to Dismiss or Alternatively for Summary Judgment, asserted two arguments: first, that the defendant state attorney is not an employer within the meaning of the ADEA, and second, that the position applied for by plaintiff was exempted from the Act's coverage by virtue of the personal staff exception of 29 U.S.C. § 630(f), which provides:

(f) The term "employee" means an individual employed by any employer except that the term "employee" shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policymaking level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency, or political subdivision.

In support of her motion, defendant attached copies of Florida state statutes which provide, *inter alia*, that the state attorney is an elected official;² assistant state attorneys serve at the pleasure of the appointing state attorney;³ each state attorney is given complete discretion to determine the need for and to employ all assistant state attorneys;⁴ and the state attorney and all her employees are exempt-

ed from the provisions of Florida's career service system.⁵

[1] Without a formal hearing, the trial court granted defendant's motion to dismiss.⁶ The court concluded that defendant Reno does not employ any "employees" within the meaning of the Act, and that therefore the court lacked jurisdiction to hear the case. In so holding, the court relied heavily on *Ramirez v. San Mateo County District Attorney's Office*, 639 F.2d 509 (9th Cir.1981), which held that deputy district attorneys are excluded from the definition of "employee" contained in § 701(f) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e(f), a definition which is identical to that found in the ADEA. The *Ramirez* decision was based in large part on county charter provisions providing that deputy district attorneys serve at the pleasure of their superior and that they are exempt from the normal protections of the county civil service system. Citing the analogous Florida state statutes, *supra*, notes 2-5, the court below concluded that the defendant state attorney did not employ any "employees," and thus was not an employer under the Act.

Discussion

[2] While this court has yet to define the limits of the personal staff exemption contained in 29 U.S.C. § 630(f), we have ruled on the application of the identical exemption found in Title VII, 42 U.S.C. § 2000e(f). Since, as the Supreme Court has observed, the "prohibitions of the ADEA were derived *in haec verba* from Title VII," *Lorillard v. Pons*, 434 U.S. 575, 584, 98 S.Ct. 866, 872, 55 L.Ed.2d 40 (1978), we find decisions under the analogous sec-

dismiss was not converted into a summary judgment motion. The lower court's order makes clear that the judge ruled only on the motion to dismiss, and we treat the case as being in that posture. *Ware v. Assoc. Milk Producers, Inc.*, 614 F.2d 413 (5th Cir.1980).

1. Fla.Stat. § 27.01 (1981).

2. Fla.Stat. § 27.181(2) (1981).

3. Fla.Stat. § 27.25(1) (1981).

4. Fla.Stat. § 110.205(2)(k) (1981).

5. Although matters outside the pleadings were presented to the court, defendant's motion to

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tion of Title VII highly relevant to the issue before us today.⁷

In *Calderon v. Martin County*, 639 F.2d 271 (5th Cir., Unit B, 1981) (Tjoflat, J.),⁸ the Fifth Circuit discussed the personal staff exemption of Title VII in light of the district court's determination that a deputy sheriff was not an employee within the meaning of 42 U.S.C. § 2000e(f). The court observed that:

a plaintiff's status as an employee under Title VII is a question of federal, rather than of state, law; it is to be ascertained through consideration of the statutory language of the Act, its legislative history, existing federal case law, and the particular circumstances of the case at hand. See generally *McClure v. Salvation Army*, 460 F.2d 553, 556-7 (5th Cir.), cert. denied, 409 U.S. 896, 93 S.Ct. 132, 34 L.Ed.2d 153 (1972); *Howard v. Ward County*, 418 F.Supp. 494, 502-3 (D.N.D.1976); *Smith v. Dutra Trucking Co.*, 410 F.Supp. 513, 515-17 (N.D.Cal. 1976), aff'd, 580 F.2d 1054 (9th Cir. 1978); *Wall v. Coleman*, 393 F.Supp. 826 (S.D.Ga.1975). State law is relevant insofar as it describes the plaintiff's position, including his duties and the way he is hired, supervised and fired.

Id. at 272-73.

Other courts, often citing the legislative history of Title VII,⁹ have also concluded that the application of the personal staff exemption is a question of federal, not state law, and that the exemption is to be narrowly construed. See, e.g. *Anderson v. City of Albuquerque*, 690 F.2d 796, 800 (10th Cir.1982); *Owens v. Rush*, 654 F.2d

1370, 1375 (10th Cir.1981); *Gearhart v. State of Oregon*, 410 F.Supp. 597 (D.Or. 1976); *Wall v. Coleman*, 93 F.Supp. 826 (S.D.Ga.1975).

[3] Looking at this through Federal lenses, we agree with the district court's like conclusion that the assistant state attorney position at issue here falls within the federally prescribed personal staff exemption of the ADEA. The nature of the position—which invests the assistant state attorney with practically all of the duties, responsibilities and discretions of the state attorney—is such that the appointing state attorney must place a significant degree of trust in his assistants. As the Florida statutes indicate, the assistant state attorneys are given powers and responsibilities virtually co-extensive with those of the appointing state attorney. Fla.Stat. § 27.181(3). And to insure that these are fully carried out, the assistant state attorneys serve at the pleasure of the appointing state attorney. Fla.Stat. § 27.181(2). As a matter of Federal assessment, the position, as ordained by Florida statutes, is clearly one of policy-making level, involving one who necessarily advises, and acts upon, the exercise of constitutional and legal powers of the office of the state attorney.

We also believe that the trial court's inquiry passes muster under the analysis suggested in *Calderon*. As we there noted in the context of Title VII, an employee's status for purposes of the personal staff exemption is undoubtedly a question of federal, not state law. But, as in the present case, state laws describing the employment relationship are relevant and helpful, although not dispositive, in determining to whom the Act's protection apply. The

7. Our reliance on interpretations of 42 U.S.C. § 2000e(f) for purposes of delineating the personal staff exemption of the ADEA is based on the identical language of the statutory provisions. We thus express no opinion on whether the tests used in Title VII cases should be used to determine employee status in all ADEA cases. See *Hickey v. ARKLA Industries, Inc.*, 699 F.2d 748, 751 (5th Cir.1983).

8. Adopted as the law of the Eleventh Circuit by virtue of *Bonner v. City of Prichard*, 661 F.2d

1206 (11th Cir.1981) (en banc). The vitality of *Calderon* was also reaffirmed by this circuit in *Cobb v. Sun Papers, Inc.*, 67 F.2d 337 (11th Cir.1982), cert. denied, 459 U.S. 874, 103 S.Ct. 163, 74 L.Ed.2d 135 (1982).

9. For a legislative history of the Title VII provision, see 1972 U.S.Code Conf. & Adm.News 2179, 2180. See also, 118 Cong. Rec. 4096-4097 (1972) (debate on scope of personal staff exemption).

TALTON v. CITY OF SELMA, AL

585

Cite as 758 F.2d 585 (1985)

trial court here, in determining the particular nature of the employment relationship in question, was properly guided by the Florida statute describing that relationship.

[1] We do, however, disagree with the trial court's memorandum order in one respect. Rather than deciding simply that assistant state attorneys are exempt from the ADEA coverage, the district court went on to hold that defendant Reno is not an employer for purposes of the statute. Under this aspect of the district court's holding, not only would assistant state attorneys be denied the ADEA's protections, but so would all the investigators, secretaries, and other personnel who are appointed by and serve at the pleasure of the state attorney. We believe that such a holding sweeps too broadly, given the narrow construction intended for exemptions from Act's coverage. Because it was both unnecessary and too broad, we do not approve the lower court's ruling to that extent. We leave that to another day. As to the holding that the assistant state attorney position applied for is not covered by the ADEA, the district court's holding was correct, as was its judgment.

AFFIRMED.



Julius E. TALTON, et al.,
Plaintiffs-Appellees.

v.

CITY OF SELMA, AL; et al.,
Defendants,

and

F.D. Reese & Raymond Major,
Defendants-Appellants.

No. 84-7445.

United States Court of Appeals,
Eleventh Circuit.

April 19, 1985.

Two former members of a city council appealed from an injunction by the United

States District Court for the Southern District of Alabama, William Brevard Hand, Chief Judge, directing the election of members of the city council for the election in 1984 to be from five wards each having a single member. The Court of Appeals held that five-ward plan with one councilman from each ward for city in which black citizens were a majority did not reduce the number of blacks that could be practically elected to the city council from five out of ten to two out of five members, since district court's expert witness testified that two of the five wards appeared to be "safe" black wards, and swing ward showed a black majority with the black population increasing.

Affirmed.

Municipal Corporations §80

Five-ward plan with one councilman from each ward for city in which black citizens were a majority did not reduce the number of blacks that could be practically elected to the city council from five out of ten to two out of five members, since district court's expert witness testified that two of the five wards appeared to be "safe" black wards, and swing ward showed a black majority with the black population increasing. Voting Rights Act of 1965, §§ 2 et seq., 5, 42 U.S.C.A. §§ 1973 et seq., 1973c.

J.L. Chestnut, Jr., Carlos A. Williams,
Selma, Ala., for Reese and Major.

Joe T. Pilcher, Jr., John E. Pilcher, J.
Garrison Thompson, Selma, Ala., for plain-
tiffs-appellees.

Appeal from the United States District
Court for the Southern District of Ala-
bama.

Before RONEY and HILL, Circuit
Judges, and TUTTLE, Senior Circuit
Judge.

RECEIVED
MAY 1 1985
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SELMA, ALABAMA

JANET RENO - 267-60-7343

OFFICE RELATED CASES FILED AGAINST JANET RENO AND/OR STATE ATTORNEY IN STATE CIRCUIT COURT

<u>Case No.</u>	<u>Plaintiff</u>	<u>Date</u>	<u>Issue</u>
		03/20/85	Contract
		12/16/88	Other Civ
		12/26/85	Other Civ
		11/29/78	Replevin
		02/26/87	Other Neg
		07/19/82	Other Neg
		05/26/82	Other Neg
		06/07/89	Replevin
		08/16/85	Other Civ
		02/09/90	Other Civ
		06/18/81	Other Neg
		02/24/84	Mortgage
		03/26/84	Mortgage
		05/21/87	Other Civ
		10/29/91	Other Civ

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JANET RENO - 267-60-7343

<u>Case No.</u>	<u>Plaintiff</u>	<u>Date</u>	<u>Issue</u>
		10/05/88	Other Civ
		12/03/79	Other Civ
		12/03/79	Other Civ
		05/19/88	Other Civ
		11/10/86	Other Neg
		05/10/79	Other Civ
		12/12/80	Contract
		10/23/78	Other Civ
		08/31/90	Other Civ
		12/16/82	Other Neg
		07/29/80	Other Neg
		07/08/81	Other Neg
		09/19/80	Other Civ
		08/22/80	Other Civ
		08/26/80	Other Neg
		01/16/90	Other Civ
		01/04/90	Other Civ

*See Attached

02/18/93

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JANET RENO - 267-60-7343

<u>Case No.</u>	<u>Plaintiff</u>	<u>Date</u>	<u>Issue</u>
		02/84/84	Other Civ
		09/06/85	Contract
		09/06/85	Contract
		09/06/85	Contract
		09/06/85	Contract
		09/06/85	Contract
		09/06/85	Contract
		09/06/85	Contract
		07/30/85	Other Civ
		03/07/85	Mortgage
		02/08/83	Other Civ
		01/10/83	Other Civ
		05/15/84	Mortgage
		09/17/82	Other Civ
		10/28/82	Other Civ
		10/05/82	Other Civ
		06/20/89	Mortgage

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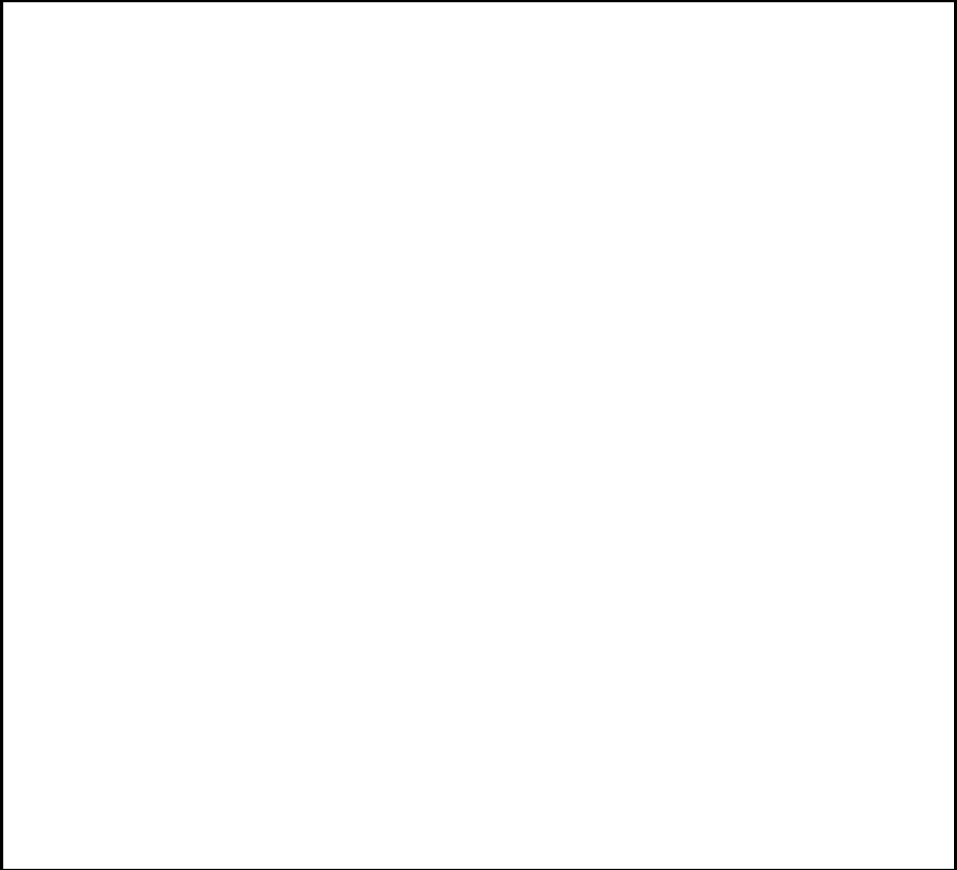
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015

JANET RENO - 267-60-7343

<u>Case No.</u>	<u>Plaintiff</u>	<u>Date</u>	<u>Issue</u>
		01/23/89	Mortgage
		11/03/81	Other Civ
		10/06/86	Other Civ
		09/29/83	Contract
		06/22/84	Other Civ
		07/19/91	Other Civ
		10/11/85	Other Civ
		12/14/81	Other Civ
		03/05/81	Contract
		03/04/81	Other Neg
		09/17/84	Other Civ
		10/01/81	Other Civ
		05/08/84	Other Neg
		06/14/84	Other Civ
		01/20/83	mortgage
		11/06/84	Mortgage

JANET RENO - 267-60-7343

<u>Case No.</u>	<u>Plaintiff</u>	<u>Date</u>	<u>Issue</u>
		11/28/79	Other Neg
		07/02/90	Mortgage
		09/18/91	Mortgage
		04/24/91	Mortgage
		07/19/90	Mortgage
		11/02/90	Mortgage
		09/21/87	Other Civ
		01/22/93	Mortgage
		01/11/93	Mortgage
		01/22/93	Mortgage
		02/24/92	Other Civ
		05/23/90	Other Civ
		1982	Other Civ

*See Attached

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ATTACHMENT - STATE/DEFENDANT LAW SUITS

[REDACTED]

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Suit filed by personal representative on behalf of estate of decedent. Plaintiff claims that State Attorney acted improperly in not processing complaint, but referring her back to police for issuance of report.

[REDACTED]

[REDACTED]

sought the issuance of a writ of mandamus directing Janet Reno as State Attorney to file a civil action for the removal of one or more members of the Dade County Commission. The application was denied and affirmed on appeal.

[REDACTED]

[REDACTED]

alleged that employees of the State Attorney's Office acted improperly in an investigation.

Janet Reno
267-60-7343

OFFICE RELATED CASES FILED BY JANET RENO AND/OR STATE ATTORNEY'S OFFICE IN STATE CIRCUIT COURT

<u>Case No.</u>	<u>Defendant</u>	<u>Date</u>	<u>Issue</u>
		03/25/85	Other Civ
		12/16/88	Witness P
		02/20/87	Witness P
		05/20/88	Witness P
		01/20/84	Other Civ
		06/24/88	Witness P
		06/16/88	Witness P
		06/10/88	Witness P
		06/10/88	Witness P
		06/16/88	Witness P
		06/17/88	Witness P
		06/16/88	Witness P
		12/18/87	Witness P
		11/08/88	Witness P
		08/08/75	Other Civ
		07/03/80	Other Civ
		10/03/78	Other Civ
		12/22/78	Other Civ

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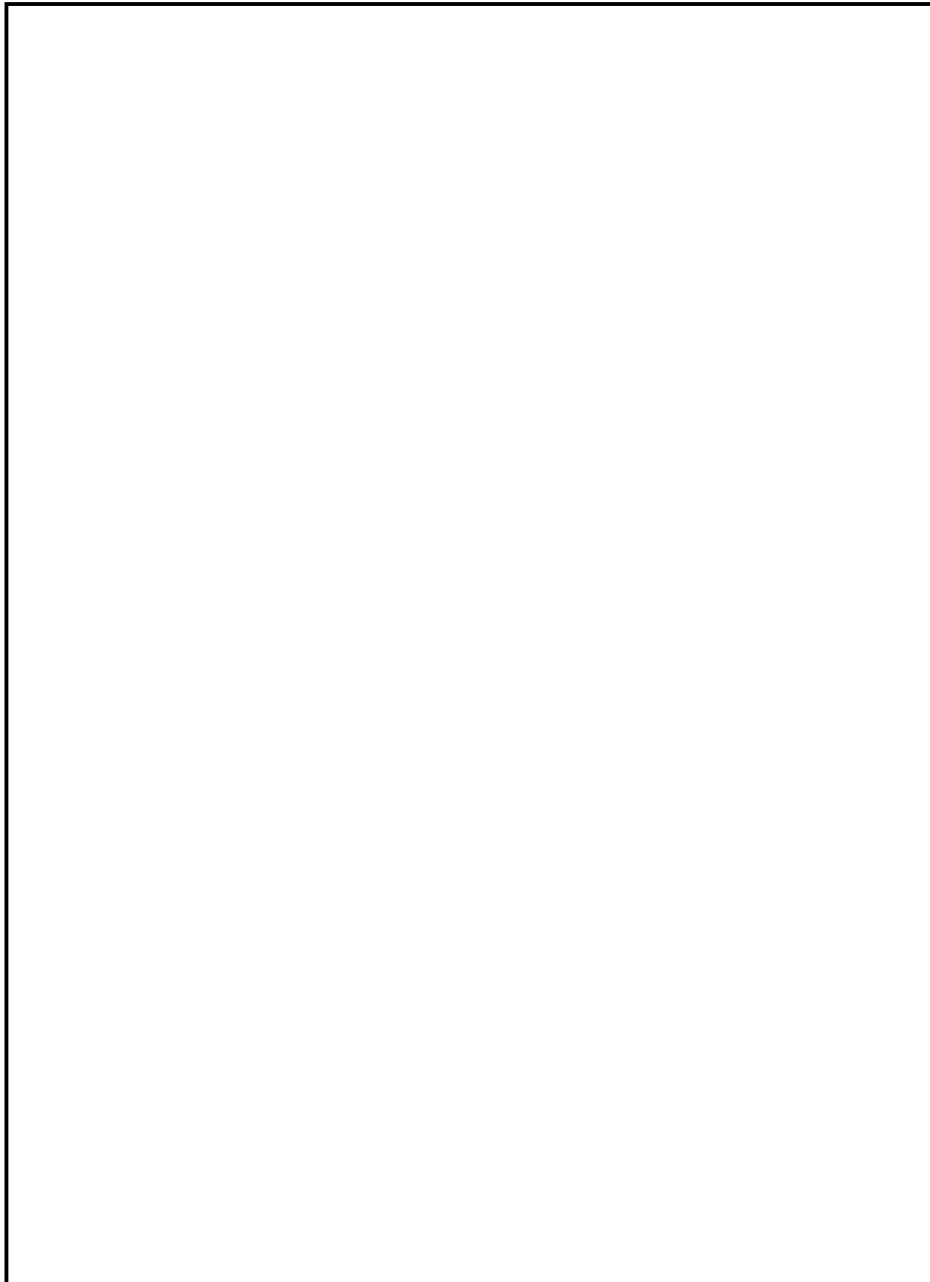
Janet Reno
267-60-7343

Case No.

Defendant

Date

Issue



12/21/79	Other Civ
12/04/79	Other Civ
02/21/78	Other Civ
04/02/79	Other Civ
06/15/79	Other Civ
07/30/79	Other Civ
07/13/79	Other Civ
08/17/82	Other Civ
02/28/86	Other Civ
02/14/78	Other Civ
08/05/86	Other Civ
09/15/78	Other Civ
06/29/78	Other Civ
08/17/78	Other Civ
03/03/87	Witness P
04/01/87	Other Civ
03/18/87	Witness D
03/06/87	Witness P
03/12/87	Witness P

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Janet Reno
267-60-7343

Case No.

Defendant

Date

Issue

	01/04/82	Other Civ
	05/23/80	Other Civ
	09/08/89	Other Civ
	11/10/80	Other Civ
	12/10/80	Other Civ
	12/13/89	Other Civ
	07/19/83	Other Civ
	07/22/83	Other Civ
	05/31/88	Other Civ
	01/10/83	Other Civ
	10/29/82	Other Civ
	06/09/89	Other Civ
	06/19/87	Witness P
	06/18/87	Witness P
	07/27/88	Other Civ
	12/08/81	Other Civ
	12/29/87	Witness P
	11/03/83	Other Civ
	07/10/87	Witness P
	07/10/87	Witness P

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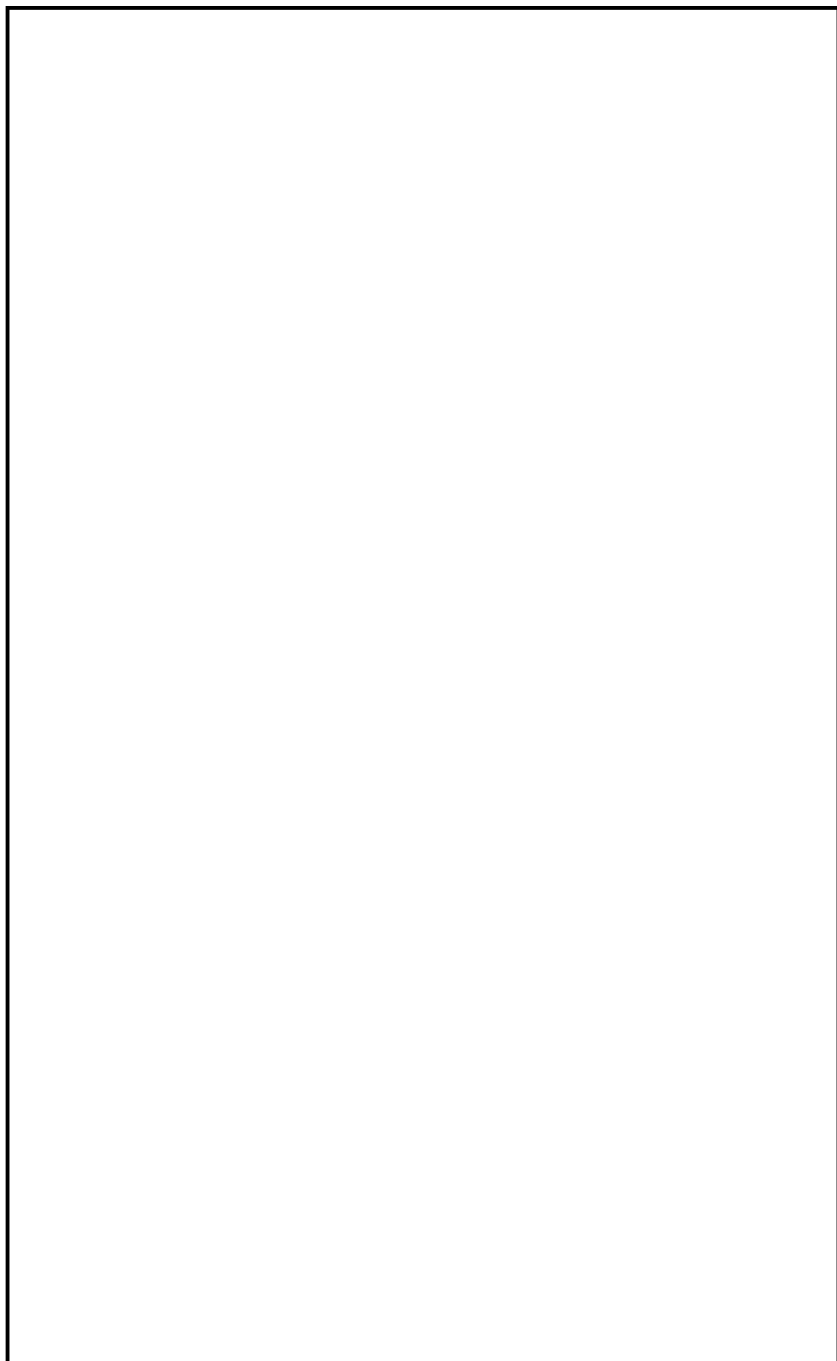
Janet Reno
267-60-7343

Case No.

Defendant

Date

Issue



06/12/87	Witness P
07/28/87	Witness P
06/17/87	Witness P
06/17/87	Witness P
07/17/87	Witness P
07/17/87	Witness P
06/03/88	Witness P
07/06/88	Witness P
03/06/84	Other Civ
12/04/87	Witness P
01/26/88	Witness P
12/03/87	Witness P
12/09/87	Witness P
01/26/88	Witness P
08/28/87	Witness P
08/25/87	Witness P
08/15/87	Witness P
09/25/87	Witness P
08/06/87	Witness P
08/07/87	Witness P

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Janet Reno
267-60-7343

Case No.

Defendant

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Date

Issue

02/04/81	Other Civ
06/01/87	Other Civ
05/06/87	Witness P
05/14/87	Witness P
05/28/87	Witness P
06/05/87	Witness P
05/27/87	Witness P
07/22/88	Witness P
08/31/88	Witness P
07/22/88	Witness P
07/29/88	Witness P
02/25/88	Witness P
03/23/88	Witness P
02/09/88	Witness P
03/18/88	Witness P
09/22/88	Witness P
11/12/87	Witness P
10/29/87	Witness P
11/19/87	Witness P
10/23/87	Witness P

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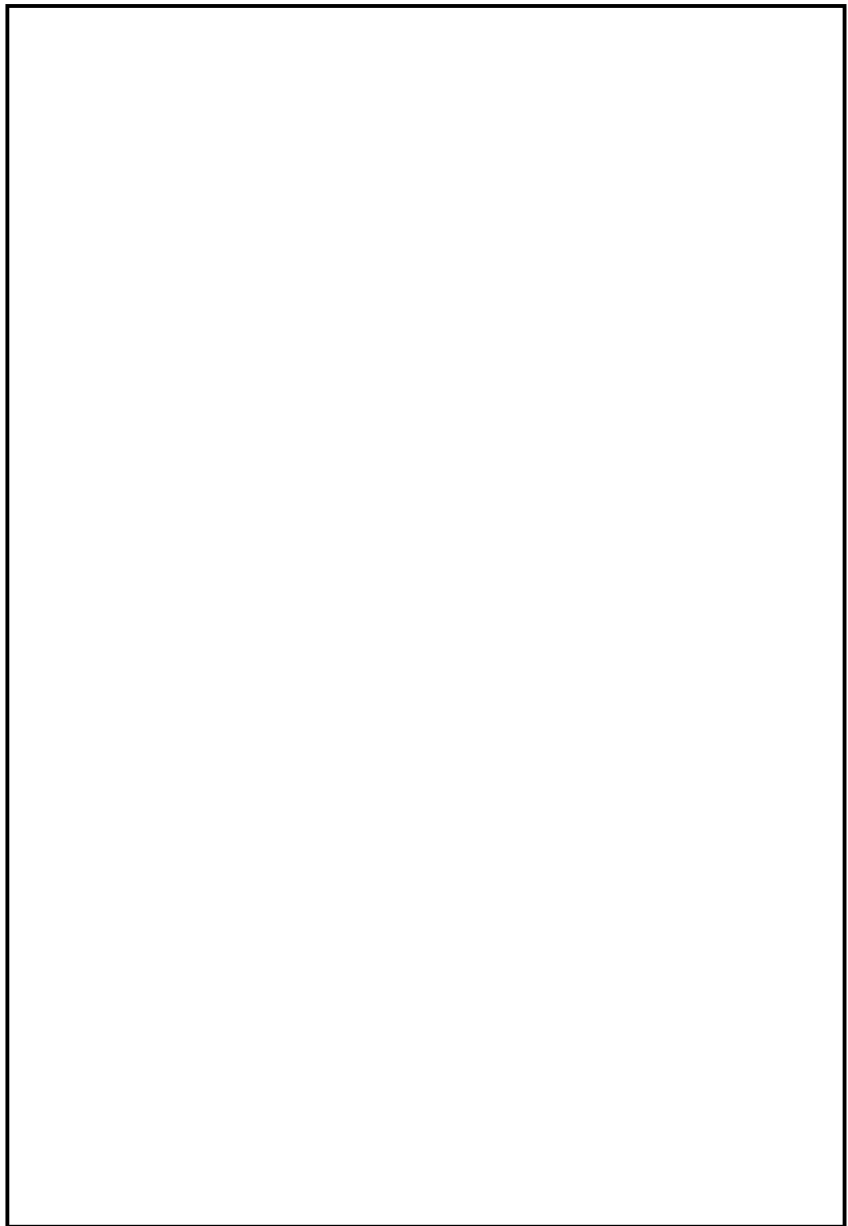
Janet Reno
267-60-7343

Case No.

Defendant

Date

Issue



11/03/87	Witness P
11/25/87	Witness P
10/21/87	Witness P
10/08/87	Witness P
11/30/87	Witness P
04/24/85	Contract
03/25/87	Witness P
03/26/87	Witness P
03/19/87	Witness P
03/25/87	Witness P
05/09/88	Witness P
04/27/88	Witness P
04/26/88	Witness P
05/06/88	Witness P
03/24/88	Witness P
04/27/88	Witness p
05/16/88	Witness P
05/01/87	Witness P
09/23/88	Witness P

02/18/93
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Janet Reno
267-60-7343

Case No.
*87-23716-CA-01

Defendant
State of Florida vs.
Metropolitan Dade County,
a political subdivision
of the State of Florida
d/b/a Dade County Dept.
of Housing and Urban
Development

Date
1987

Issue
Suit against HUD

* See Attached

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ATTACHMENT - STATE/PLAINTIFF LAW SUITS

*Dele County Department of Housing and Urban Development

State Attorney files action on behalf of public housing tenants alleging sub-standard housing conditions. Negotiated disposition.



JANET RENO - 267-60-7343

MISCELLANEOUS COURT ACTIONS INVOLVING JANET RENO

[Redacted]

1981

Testified

PERSONAL INVOLVEMENT

[Redacted]

Personal
Representative

Personal
Representative

[Redacted]

JANET RENO - 267-60-7343

ADMINISTRATIVE PROCEEDINGS - EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[redacted] v. State Attorney's Office
Charge [redacted] - Determination Attached

[redacted] v. State Attorney's Office
Charge [redacted] - Determination Attached

[redacted] v. State Attorney's Office
Charge [redacted] - Determination Attached

[redacted] v. State Attorney's Office
Charge [redacted] - Determination Attached

[redacted] v. State Attorney's Office
Charge [redacted] - Determination Attached

[redacted] v. State Attorney's Office
Charge [redacted] - Determination Attached

[redacted] State Attorney's Office
Charge [redacted] - Determination never forwarded, EEOC records show determination in favor of State Attorney.

NOTE: It is our belief that this information is ~~confidential~~ and is not subject to public disclosure.

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[redacted]

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02/18/93

ADDENDUM TO LAWSUITS FILED AGAINST JANET RENO OR OFFICE OF THE STATE ATTORNEY

3

12024561647-202 324 4504

8-19-93 ; 1:08PM ;

SENT BY Xerox Telecopier 7020 ;

Received	STYLE	CASE #	R/Mgt. Claim # & Date	STATUS/COMMENTS
3-16-88 letter from esq	[redacted] v. SAO	None	[redacted] 8-20-86	5-4-88 letter sent to R/Mgt. by Legal; 7-27-92 per [redacted] from R/Mgt. indicated that file closed on 8-8-89 as it was never pursued by def. - unless is extremely necessary he will not send this info. in writing as the file is in a warehouse
2-10-89	[redacted] v. state	[redacted] State		7-12-90 file closed - defense prevailed w/o any payment to plaint. (copy in file)
7-17-89	[redacted]	[redacted] State	None	3-21-89 dismissed (copy in file)
7-17-89 letter from esq	[redacted] v. SAO	None		4-19-90 closed w/o payment (copy in file)
2-11-90 letter from esq	[redacted] v. SAO	[redacted] State	[redacted] 4-26-90	2-11-92 file closed by [redacted] R/Mgt. - computer printout in file
3-6-90	[redacted] v. J. Reno	[redacted] State	[redacted] 7-1-85	[redacted] AG's Office handling it 7/92 AG's office filing for dismissal of default judgement; 9-8-92 Spoke to [redacted] and he hasn't heard anything yet ref. the dismissal of default - he will let us know; 9-14-92 still pending before the District Court per [redacted]
3-11-90	[redacted] v. State	[redacted] State		[redacted] from R/Mgt. recommended dismissal on 3-11-90 12-3-90 file closed w/o payment (copy in file)
4-16-90	Alamo Rent A Car v. State	90-0929 State	None	Per [redacted] SAO not named therefore out of our hands
5-23-90 letter from esq	[redacted] v. State	None	None	8-12-92 dead file - nothing ever happened per [redacted] from R/Mgt. in 6/90 he advised attorney that his letter was not in accordance with Fla. Statutes and nothing was ever done

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Received	STYLE	CASE #	R/Mgt. Claim # & Date	STATUS/COMMENTS
7-16-90	[redacted] v. State	State		12-14-90 file closed - settled with the claimant for \$3,000
8-7-90	Metro Mini-Bus, Inc. v. Metro Dade	90-38669 State	None	8-21-91 copy of order on Plaintiffs' motion to discharge and dissolve injunction bond & defendants' motion to assess damages in file. Handled by [redacted] from Legal Affairs (SAO not mentioned)
8-20-90	Miami Transit System v. Metro Dade	90-41038 State	None	[redacted] for County was handling it (375-5151) & [redacted] 11-8-91 copy of Nunc Pro Tuc order on plaintiffs' motion to discharge and dissolve injunction bond and defendants' motion to assess damages (SAO not mentioned)
8-27-90	[redacted] v. Metro & Dept. of Corr. & Rehab.	[redacted] Federal	Unknown	8-28-90 sent to County & R/Mgt. - out of our hands since SAO is not mentioned (served improperly)
8-22-90	[redacted] v. CSED	[redacted] Federal	1-1-90	9-7-90 sent to R/Mgt. & [redacted] from CSED 2-5-91 Closed per [redacted] from R/Mgt. w/o payment
9-6-90	[redacted] v. City of Miami, County of Dade, State	[redacted] State	Unknown	9-7-90 Sent to R/mgt., City & County served Notice of voluntary dismissal in file effective 9-12-90
11-6-90	[redacted] v. [redacted] Metro State, DOT	State		11-6-90 State & County were served - SAO not named (served improperly)
11-19-90	[redacted] v. [redacted]	[redacted]	None	11-19-90 Sent to [redacted] county was served - SAO not named (served improperly)

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Received	STYLE	CASE #	R/Mgt. Claim # & Date	STATUS/COMMENTS
12-4-90	[redacted] v. State DOT	90-56526 State	Unknown	12-4-90 sent to R/Mgt. (incident happened in Broward County (served improperly)
2-12-91	[redacted] v. state	84-18975 & 84-21357		5-6-91 no liability found - letter in file from r/Mgt.
4-9-91 letter from esq	[redacted] v. SAO	90-106	5-30-89	2-20-92 file closed by [redacted] R/Mgt. - note from R/Mgt. in file
5-8-91	[redacted] v. DOT	91-19244CA16 State	Unknown	5-9-91 sent to R/Mgt. - SAO not mentioned (improperly served)
5-10-91	Metro v. State & [redacted]	91-08610 State	Unknown	5-16-91 sent to R/Mgt. - SAO not mentioned (improperly served)
5-22-91 Cert. let from esq	J. Reno & [redacted] & Metropolitan Dade Co.	None		5-22-91 sent to R/Mgt. 8-22-91 closed w/o payment - copy in file
7-1-92 cplint served		92-1555 CIV-Moreno Federal		7-1-92: [redacted] was served with a complaint - Jurisdiction & Venue by the US District Court; [redacted] 8-8-92 Att. [redacted] filed motion to dismiss complaint & support memo. of law
6-3-91	[redacted] v. Publix & State DOT	91-23603 State		Sent to R/Mgt (improperly served upon the SAO for DOT)
6-14-91	[redacted]	91-26299 State	Unknown	[redacted] from County handling it - SAO not mentioned
	City of Miami			

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Received	STYLE	CASE #	R/Mgt. Claim # & Date	STATUS/COMMENTS
7-9-91	[redacted] v. Janet Reno	[redacted] Federal	90900023 30 6-30-91	10-29-91 dismissed due to nonpayment of filing fee Court order in file
7-17-91	[redacted] v. state, Dade County & Metro Poli.	[redacted] Federal	None	[redacted] AG handling (SAO not mentioned)
7-29-91 letter from R. Smith	[redacted]	[redacted]	Suspense file # F14883	7-19-91: Letter sent to R/Mgt.; 7-29-91 Per [redacted] from R/ Mgt. suspended-complaint not filed in court 7-31-92: [redacted] is out of prison and contacted [redacted] to check status and sent letter again. Letter sent to R/Mgt., [redacted] 8-13-92: [redacted] reviewed file & nothing to be done at this, he is mainly after P&P
8-12-91	[redacted] v. CSED	[redacted]	G0891055 8-12-91	[redacted] represented SAO (371-8797) 9-18-91 volunteer dismissal - copy in the file
9-13-91 letter from esq 9-10-92 AGO in Tall was served	[redacted] v. SAO	[redacted] None	G0991096	1-3-92 [redacted] from R/Mgt. denied claim based on investigation - copy of denial letter in file Attorney [redacted] from AGO in Hollywood (SC 473-4780) is assigned to this case - 10-1-92 Robin is working on the Motion to Dismiss - 10-20-92 Motion to dismiss was granted, but we will be served with another summons indicating a specific ASA or J. Reno 12-7-92: Dismissed - copy of Final Order in file
1-13-92 10/92	[redacted] [redacted] & J. Reno	[redacted]	88900023 34 11-13-89	[redacted] Hwd AG, handling it [redacted] 3-31-92 cases dismissed (Order of dismissal in file) 10/92 - [redacted] received Initial Appellate Brief via interoffice mail - I faxed it to AGO in Hwd., R/Mgt and sent copy to Legal for [redacted]
1-16-92 Cert. mail	[redacted] v. State of Florida	[redacted]	None	Sent to [redacted] for review
3-18-92	[redacted] v. J. Reno,	[redacted] Federal	None	3-19-92 sent to R/Mgt. & [redacted] 3-31-92: Letter from R/Mgt. does not handle suits seeking injunctive relief. 8-21-92 per [redacted] case is dismissed

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Received	STYLE	CASE #	R/Mgt. Claim # & Date	STATUS/COMMENTS
4-1-92 letter from esq	[redacted] v. SAO	None	11-9-90	11-12-91 letter from R/Mgt. received indicating no legal liability found based on investigation
4-8-92	[redacted] v. Janet Reno, Metro-Dade, S/Bell	Federal	10 7-7-89	7-27-92 according to [redacted] from AG's office [redacted] the motion to dismiss is pending - waiting to hear from the US Magistrate Linnea Johnson, he stated we should hear something soon; 9-3-92 Per [redacted] nothing has come in 11-19-92 sent to R/Mgt.
1-18-92	[redacted] City of Miami, et. al.	Federal		
4-20-92	[redacted] v. Janet Reno	State	None	A records request was not acknowledge until now - 5-15-92 records sent - case closed
7-29-92 regular mail	[redacted]	CIV-Atkins	None	[redacted] from AG's is handling it [redacted] 8-31-92 spoke to Angie and the case has been dismissed
10-20-92 cert. mail	[redacted] v. Janet Reno, [redacted]	CIV-Neabitt Federal		Sent Certified Mail to R/Mgt. and copy to Legal; 11-9-92 Defendant's Motion to Dismiss Complaint was issued by Atts. [redacted] from AGO in Hollywood
10-27-92	[redacted] v. State of Fla. & Metropolitan Dade Coun.	State		Reviewed by [redacted] and faxed to R/Mgt. on 11-2-92 - [redacted] from R/Mgt. is handling and Attorney [redacted] in Miami has been assigned to represent Dade County (371-6800)
11-18-92 regis.	[redacted] v. MDPD & State of Florida	01		Registered letter received and sent to R/Mgt., Legal, & MDPD 11-24-92; Summons served and faxed to R/Mgt., copied Legal & MDPD 1-13-93 dismissed (see new case number below)
1-21-93	[redacted]			Summons sent to R/Mgt., Legal & MDPD
12-3-92	[redacted] v DOT, FPL, Southern Bell	State		Reviewed by [redacted] - not a SAO case - copy sent to DOT, origi. to R/Mgt. and Dade County was also served.

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IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT,
IN AND FOR DeSOTO COUNTY, FLORIDA

CASE NUMBER:

b6
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THE STATE OF FLORIDA,

Plaintiff,

v.

Defendant.

NOLLE PROSSE MEMORANDUM

JANET RENC

Assigned State Attorney for the
Twelfth Judicial Circuit of Florida

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1424827-000

Total Deleted Page(s) = 86

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Page 172 ~ b6; b7C;
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Page 174 ~ b6; b7C;
Page 175 ~ b6; b7C;
Page 176 ~ b6; b7C;

Page 177 ~ b6; b7C;
Page 178 ~ b6; b7C;
Page 179 ~ b6; b7C;
Page 180 ~ b6; b7C;
Page 181 ~ b6; b7C;
Page 182 ~ b6; b7C;
Page 183 ~ b6; b7C;
Page 184 ~ b6; b7C;
Page 185 ~ b6; b7C;
Page 186 ~ b6; b7C;
Page 187 ~ b6; b7C;
Page 188 ~ b6; b7C;
Page 189 ~ b6; b7C;
Page 194 ~ b6; b7C;
Page 195 ~ b6; b7C;
Page 197 ~ b6; b7C;
Page 198 ~ b6; b7C;
Page 199 ~ b6; b7C;
Page 202 ~ b6; b7C;

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IN THE CIRCUIT COURT OF THE
TWELFTH JUDICIAL CIRCUIT IN
AND FOR MANATEE COUNTY,
FLORIDA

CASE NO.

[Redacted Case Number]

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FRANK SCHAUB,

Plaintiff,

vs.

[Redacted Defendant Name]

Defendants.

_____ /

State Attorney's Office
Metropolitan Justice Building
Miami, Florida
September 24, 1990
2:00 p.m.

DEPOSITION OF JANET RENO

Taken before SALLY A. SHUTE, Court Reporter
and Notary Public in and for the State of Florida at
Large, pursuant to Notice of Taking Deposition.

RECEIVED

OCT 01 1990

LAW OFFICES OF

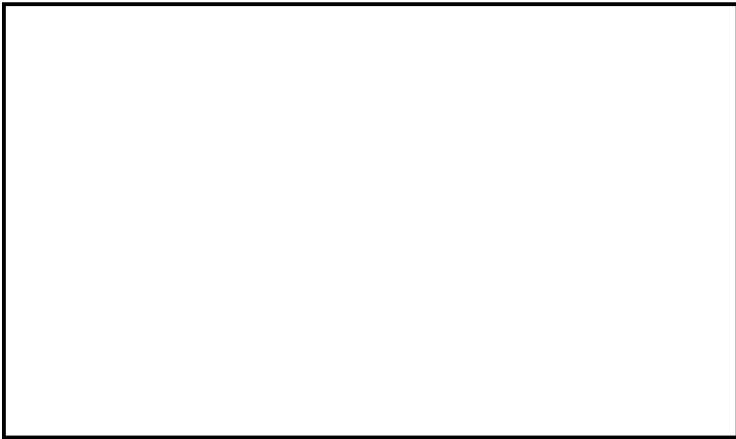
[Redacted Law Office Name]

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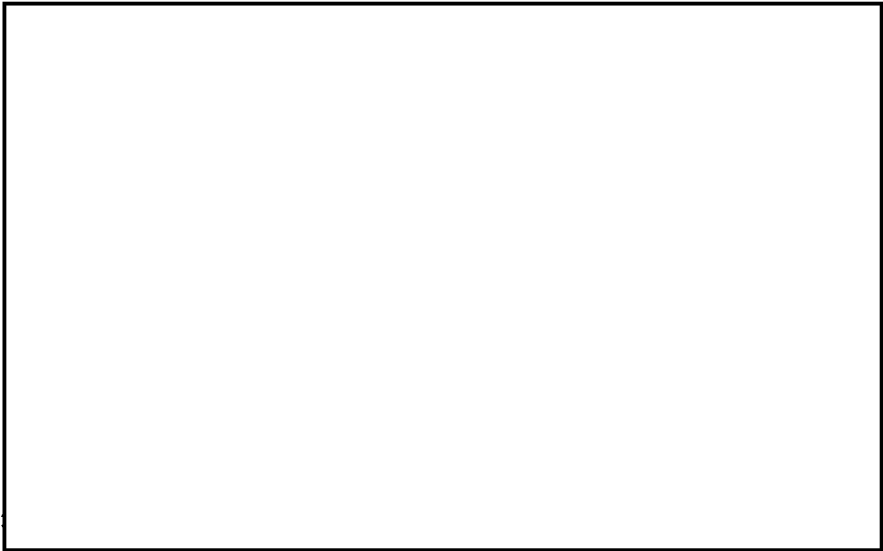
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APPEARANCES:



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On behalf of Frank Schaub.



ALSO PRESENT:

I N D E X

Witness

Direct

Cross

JANET RENO

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(By
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1 THEREUPON:

2 JANET RENO

3 was called as a witness on behalf of the Plaintiff,
4 and, after having been first duly sworn, was examined
5 and testified as follows:

6 DIRECT EXAMINATION

7 BY

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8 Q. Would you state your name, please?

9 A. Janet Reno.

10 Q. And your official position?

11 A. State Attorney of the 11th Judicial
12 Circuit.

13 Q. And how long have you held that
14 position, Ms. Reno?

15 A. Since 1978.

16 Q. And prior to that?

17 A. I was a partner in the law firm of
18 Steel, Hector and Davis.

19 Q. And before that you were an Assistant
20 State Attorney for Mr. Gerstein?

21 A. That's right.

22 Q. Ms. Reno, I am here to ask questions
23 pertaining to an executive assignment or executive
24 assignments that you had regarding

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25 Have you had an opportunity to review

1 any of your material or talk to anyone who assisted
2 you and worked with you during the course of those
3 executive assignments?

4 A. Not in about a year.

5 Q. Do you remember when you first were
6 assigned by the Governor to investigate the matter of

7 [redacted]

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8 A. Sometime in early 1989. Precisely when
9 I don't know. You would have to check the executive
10 order date.

11 Q. Do you remember how many executive
12 orders that you operated under?

13 A. No, I don't.

14 Q. And do you remember the purpose of the
15 initial executive assignment?

16 A. I would have to look at it to be
17 accurate.

18 Q. Did the executive assignment or did your
19 investigation subsequent to the executive assignment
20 begin to gravitate from determining whether [redacted]

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21 [redacted] would be retried to investigating the
22 investigation of and prosecution of [redacted]

23 A. I don't recall gravitations. I mean my
24 memory of the case is based pretty much on
25 documentation of the case.

1 With the case load we have here, I don't
2 have an independent memory of our actual files and
3 court records.

4 Q. I would assume that during the course of
5 the investigation you had an assistant and/or
6 investigators of your office working with you?

7 A. We had, as I recall, representatives
8 with the Florida Department of Law Enforcement. I
9 had Assistant State Attorney [redacted] and
10 Assistant State Attorney [redacted] working on it.
11 Occasionally, some of our investigators would assist
12 the Department of Law Enforcement.

b6
b7C

13 Q. Any others?

14 A. They were -- I do not remember which
15 specific investigators from our office assisted.

16 Q. Other than those people named, do you
17 recall any other persons, personnel of your office
18 that may have assisted you?

19 A. There may have been people assisting [redacted]

b6
b7C

20 [redacted] There may have been people assisting [redacted]
21 [redacted] but those were the two principal lawyers
22 working on the case with me.

23 Q. During the course of the investigation
24 and after your assignment by the Governor, would it
25 be fair to say that you were in charge of the

1 investigation as State Attorney?

2 A. The buck stops with me.

3 Q. So the answer is yes?

4 A. Uh-huh.

5 Q. In that regard, did you, in fact, head
6 the investigation?

7 A. I don't know what you mean by head the
8 investigation.

9 Q. Did you direct it?

10 A. Yes, sir.

11 Q. [redacted] as you say,

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12 your two assistants were involved in the
13 investigation, but my question would pertain to the
14 fact that you directed the conduct of the
15 investigation as opposed to either [redacted]

16 [redacted]

17 A. They would make some day-to-day
18 decisions with respect to the case. The general
19 direction of the case I directed.

20 Q. Was there ever a time that they operated
21 without your direction?

22 A. They would make day-to-day decisions
23 without having to check with me. I would delegate
24 responsibility to them.

25 Q. Did you ultimately determine what

1 day-to-day decisions they may have made after the
2 fact?

3 A. I don't remember whether I learned at
4 the time or after the fact what day-to-day decisions
5 they would make.

6 Q. Do you remember whether or not the
7 Florida Department of Law Enforcement was assigned to
8 conduct any investigation before or after your first
9 executive assignment?

10 A. My understanding was that the old
11 predecessor of the Florida Department of Law
12 Enforcement may have been involved. I have a
13 recollection of that and that the present Florida
14 Department of Law Enforcement had conducted some
15 investigation prior to our executive order.

16 Q. Before your executive assignment, your
17 first executive assignment in the matter, did you
18 have any conversation either telephonically or in
19 person with either the Governor or any member of the
20 Governor's office?

21 A. I don't recall a conversation with the
22 Governor. I had a conversation with
23 which is the way I heard about this, which is I think
24 would have had to have been before the executive
25 order.

b6
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1 Q. I know who Mr. Dunbar is, but for the
2 record, Ms. Reno, at that time would you identify who
3 Mr. Dunbar was?

4 A. My understanding was he was general
5 counsel to the Governor at the time.

6 Q. Do you remember whether the
7 conversations you had with [redacted] was in person
8 or telephonically?

b6
b7C

9 A. My recollection is I didn't see [redacted]
10 [redacted] before the executive order, so it would have
11 had to have been by telephone.

12 Q. And do you remember the substance of the
13 conversation? Obviously not verbatim, but the
14 substance of it.

15 A. He asked if I knew anything about the
16 case and I think there had been an article in Tropic
17 and that's basically what I knew about it.

18 Q. An article --

19 A. In Tropic magazine and I said I read
20 that, but didn't know other than that and he asked if
21 I would review it and that he -- I think he said that
22 he wanted me to take the executive assignment.

23 Q. At that time, did he express any opinion
24 as to the [redacted] case in any regard?

b6
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25 A. I have no recollection of an opinion

1 expressed.

2 Q. Did he give you any direction that he --

3 A. But, again, understand, he may have
4 expressed an opinion. I don't have any recollection
5 of it with the volume of cases we have here. I try
6 to document my actions and move on. Whether he did
7 or not, I do not recall.

8 Q. Do you recall any meetings or
9 conversations with [redacted] after the executive
10 assignment appointing you the first executive
11 assignment?

b6
b7C

12 A. I don't know whether it was after -- at
13 what point in terms of the executive assignment, but
14 I did meet with [redacted]

15 Q. In Tallahassee?

16 A. Yes.

17 Q. And what was the purpose of that
18 meeting?

19 A. I would have to check the course of the
20 correspondence and I do not have either the details
21 or the chronology. I don't have an independent
22 recollection of that, but I think [redacted] had
23 indicated that the Governor and cabinet would be
24 meeting and that they wanted a report in advance of
25 that and I think that was the purpose of it.

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1 Q. Do you recall about when that meeting
2 was?

3 A. No, I don't.

4 Q. Using the date in May of 1990, the date
5 of the nol pros memo, do you recall how many months
6 or days prior to that?

7 A. It would have been before that. It
8 would have been before the hearing in Arcadia.

9 Q. And at that time did you receive any
10 directions from [redacted]

b6
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11 A. No.

12 Q. Did [redacted] express any opinions as
13 to what he would like to see during the course of the
14 investigation?

15 A. I don't recall what [redacted] said to me.
16 My recollection is that we determined preliminarily
17 that clemency would not be the appropriate step at
18 that point and that we needed to -- since that had
19 been the issue framed in [redacted] request, we'd
20 report to him in advance of the cabinet meeting. The
21 issue then became what the appropriate remedy was and
22 I asked, as I recall, for additional time to research
23 that.

24 Q. You say "we" determined that clemency
25 was not the appropriate remedy. Is that you and

1 members of your staff?

2 A. That's right.

3 Q. What did you base that on?

4 A. Again, I would have to go back and look
5 at all the -- I don't have an independent
6 recollection of the specifics.

7 Q. Did any discussion occur between you and
8 Mr. Dunbar or you and members of your office that
9 clemency would not exonerate [redacted] as far as
10 the finding of guilt by the jury?

b6
b7C

11 A. No. I think the way it would come up,
12 because we were asked, as I recall, to meet with
13 representatives of cabinet members and the issue --
14 and I do not recall which representative raised it,
15 but the issue became if he was wrongfully charged is
16 clemency the way to proceed and that was the issue as
17 I recall that we faced.

18 Q. Had you at that time determined or
19 formed an opinion that [redacted] had been
20 wrongfully accused?

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21 A. I don't know whether that was formed at
22 that time or thereafter. I don't recall the precise
23 chronology.

24 Q. Did you take a sworn statement from the
25 attorney that represented [redacted] at his trial

1 in 1967?

2 A. I do not recall. I did not take such a
3 sworn statement as I recall.

4 Q. Through your office I had an opportunity
5 to review all the material in the 119 and I did not
6 find any sworn statement such as Mr. Schaub [redacted]

b6
b7C

7 [redacted] gave.

8 A. Again, I do not recall personally taking
9 such a statement. I do not know whether one was
10 taken. I don't have a recollection and the file
11 would reflect better than my recollection as to
12 whether one was taken by the Department of Law
13 Enforcement or any of the Assistant State Attorneys
14 involved.

15 Q. [redacted] the gentleman seated at
16 my right and your left front -- you know [redacted] I
17 would assume?

b6
b7C

18 A. Yes, I do.

19 Q. How long have you known [redacted]

20 A. About fifteen years.

21 Q. And would it be fair to assume you have
22 had professional dealings with [redacted] as a
23 prosecutor? [redacted] is a prominent defense
24 attorney in Miami?

25 A. I think this may have been the first

1 time that I ever had a direct connection with [REDACTED]
2 [REDACTED] in his role as defense attorney.

3 I think I also had a situation -- I
4 think the contact I had with him was when he was
5 complaining about violations of law.

6 Q. Violations of law?

7 A. But I am sure that he's had --

8 Q. I can't hear you.

9 A. Violations of law. I am sure he's had
10 contact with the office in his role as defense
11 attorney.

12 Q. In that regard, did you have any
13 discussions with [REDACTED] regarding the [REDACTED]
14 case?

15 A. I think [REDACTED] called me on one or
16 two occasions and I can think of two instances and I
17 can't confirm one, but my recollection is that I
18 talked to him to tell him that I was trying to get a
19 hearing date before the judge.

20 Q. And that would be before Judge Kelly?

21 A. That's correct.

22 Q. And other than talking to [REDACTED]
23 about the hearing date, did you talk to [REDACTED]
24 about any other matters pertaining to your
25 investigation?

1 A. I think there may have been a previous
 2 conversation where [redacted] called me after we had
 3 been to Tallahassee. There could have been earlier
 4 conversations where he called and said I understand
 5 that you have been appointed, that you have an
 6 executive order and [redacted] may
 7 have talked to him, but I recall those two specifics.

b6
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8 I think there was a newspaper comment
 9 based on comment that had been made in Tallahassee
 10 after we left and I think [redacted] called then and
 11 then I think I recall talking to him about the
 12 hearing date.

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b7C

13 Q. What was the comment that you refer to
 14 in your testimony?

15 A. Which comment?

16 Q. The newspaper.

17 A. I don't recall what the comment was.

18 Q. Do you recall the conversation that you
 19 had with [redacted]

b6
b7C

20 A. No.

21 Q. You knew [redacted] was representing [redacted]
 22 [redacted] at that time?

23 A. I believe he was.

24 Q. Do you know [redacted]

25 A. I met [redacted] I think for the first

1 time at the hearing in Arcadia.

2 Q. That was in front of Judge Kelly?

3 A. That's correct.

4 Q. And what was his role at that time?

5 A. I don't know.

6 Q. Who actually handled the hearing for [redacted]

7 [redacted] as his lawyer in court?

8 A. I forget the sequence that they used.

9 Q. Did [redacted] participate at all?

10 A. My recollection is that he did.

11 Q. Did [redacted] participate at all?

12 A. He's the -- [redacted]

13 Q. The trial attorney.

14 A. I can't remember whether the court -- I

15 think [redacted] at one point or maybe it was -- I

16 don't think he testified, but he may have but he did

17 not appear as counsel.

18 Q. Do you recall correspondence from either

19 [redacted] to you or your office

20 pertaining to the investigation?

21 A. I have no independent recollection of

22 any correspondence.

23 Q. Did anyone in your office advise you of

24 any offers by the attorneys, either [redacted]

25 [redacted] to make witnesses available to you?

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1 A. I have no independent recollection of
2 whether they did or not.

3 Q. So if your records that are contained
4 just around the corner from here show or show no
5 documentation that you talked to any witnesses, if
6 that were the case by the attorneys, you would have
7 to rely on that, the records?

8 A. I don't understand the question.

9 Q. In other words, if your records that you
10 have in I think about ten boxes -- I may be short on
11 the number of boxes of material -- reflect first that
12 there was letters from the -- at least one of the
13 attorneys to you saying that they -- the witnesses
14 are available, do you have any recollection of such a
15 letter?

16 A. I don't have a recollection of such a
17 letter.

18 Q. Do you even recall whether or not that
19 you spoke to any witnesses that may have been
20 provided to either

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21 A. I don't recall speaking to a specific
22 witness provided by them.

23 Again, the Florida -- what I tried to do
24 in those situations if there were additional leads to
25 follow, I would ask the Department of Law Enforcement

1 to pursue them and for [REDACTED] to
2 keep me advised.

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3 Q. Ms. Reno, during the course of your
4 investigation which, apparently was not --
5 approximately about five months. Not quite five
6 months; is that correct?

7 A. Again, I don't know the precise time.

8 Q. You don't have any recollection of
9 talking to the trial lawyer, [REDACTED]

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10

11 A. I don't recall [REDACTED] I have a
12 recollection that either [REDACTED] talked to [REDACTED] or
13 he may have talked to me and then I transferred him
14 to [REDACTED] But it could have been any one
15 of those combinations.

16 Q. And a sworn statement?

17 A. No. I am talking about a telephone
18 call. When you say -- I have a recollection that one
19 of us may have talked to [REDACTED] before, but as to
20 whether a sworn statement was taken from him, I do
21 not recall such a sworn statement.

b6
b7C

22 Q. If there were to be a sworn statement or
23 a report from [REDACTED] of FDJE, would that
24 refresh your recollection better that he may have
25 talked to [REDACTED]

1 A. As I say, I really have got to rely on
2 the documentation.

3 Q. Let me show you -- call this Exhibit J
4 for identification. See if that doesn't -- if that
5 refreshes your recollection.

6 (Thereupon, the above-referred to
7 document was marked as Plaintiff's Exhibit J for
8 Identification.)

9 A. This looks like an investigative report
10 of the Department of Law Enforcement done prior to
11 the time we received an executive order. I do not
12 have an independent recollection of having seen that
13 document, though I think I reviewed all the Florida
14 Department of Law Enforcement files.

15 Q. I am going to tell you we have to stand
16 corrected. That was the only written memorandum I
17 could find of any interview of [REDACTED] Do you
18 have anything that you could tell me that would
19 contradict that statement I just made?

20 A. I don't know. Again, I don't have
21 any -- I don't have any knowledge as to whether or
22 any remembrance of whether [REDACTED]
23 talked to him or not. I don't, as I told you
24 previously, I did not take a sworn statement from [REDACTED]

25 [REDACTED]

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1 Q. As the State Attorney in charge of the
2 investigation, do you have any recollection that you
3 directed anyone in your office to take a sworn
4 statement from the attorney that represented [REDACTED]
5 [REDACTED] at his trial?

b6
b7C

6 A. I do not have a recollection one way or
7 the other of the day-to-day events of the
8 investigation.

9 Q. During the course of your
10 investigation -- I looked at, in particular, the
11 statement that was taken by [REDACTED] that showed
12 your presence, [REDACTED]

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b7C

13 A. A statement taken by [REDACTED]

14 Q. No. Of you. A statement taken by you
15 of [REDACTED] I have that if
16 you would like to use that to refresh your memory.

17 This is a copy of the statement that you
18 took March 22, 1989, that your office was kind enough
19 to provide me under 1.910.

20 During the course of that statement, it
21 would appear in it each of you took turns asking
22 questions of [REDACTED]

b6
b7C

23 If you would like to take a second to
24 look at that, see where your name appears, where you
25 interjected questions.

1 A. Yes.

2 Q. When you were taking a sworn statement
3 from [REDACTED] some areas of inquiry arose
4 pertaining to -- I use the word alleged [REDACTED]
5 violation summary and failure to disclose certain
6 witness statements by the prosecution to the defense.

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7 Do you recall those?

8 A. No, sir. I don't have an independent
9 recollection of the statement.

10 Q. Do you recall that being the thrust of
11 your nol pros memo?

12 A. Sir, the nol pros memo would have to
13 speak for itself. I do not have an independent
14 recollection of it.

15 Q. Let me give you a copy of it so it might
16 help you testify.

17 Let me show you this. Does that look to
18 be a copy of the nol pros memo?

19 A. It looks as if it is, sir.

20 Q. Ma'am?

21 A. Yes, sir, it does.

22 Q. When you were conducting your
23 investigation, do you recall whether or not you were
24 applying the law as you understand it today on a
25 prosecutor's duty or had you reviewed the existing

1 law in 1967 and '68 during the conduct of your
2 investigation as to the prosecutor's obligations?

3 A. I recall we considered both, sir.

4 Q. Let me show you -- mark this as an
5 exhibit, a portion of the Rules of Discovery and I
6 have the original book if you care to look at that.

7 First, this is a copy of 1.220 taken out
8 of that, Florida Rules of Criminal Procedure as they
9 existed in 1968.

10 There is the pamphlet I took it out of
11 if you would like to compare it just to make sure.

12 I would just mark that as number two,
13 please.

14 (Thereupon, the above-referred to
15 document was marked as Plaintiff's Exhibit 2 for
16 Identification.)

17

BY

18 Q. Prior to interrogating either
19 Mr. Schaub, had you reviewed this
20 particular rule that existed in 1968?

21 A. I do not have a specific recollection of
22 steps I took in the conduct of this investigation. I
23 could not tell you that I had a specific memory of
24 reviewing that rule.

25 Q. Do you have your nol. pros memo in front

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1 of you, ma'am?

2 A. Uh-huh.

3 Q. Would you look at page three and I can't
4 read upside down --

5 [REDACTED] Here is your copy you gave
6 me.

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b7C

7 [REDACTED] Okay. Thank you.

8 BY [REDACTED]

9 Q. The sentence -- the very short
10 paragraph -- really the second paragraph, "Neither
11 [REDACTED] statement of October 26, 1967 or October 27,
12 1967 were finished to the defense," if I read that
13 accurately in your nol pros memo.

14 A. Yes, sir.

15 Q. Was it your opinion at the time that the
16 prosecutor was obligated to provide [REDACTED] a
17 statement?

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18 A. I have not gone back over this in years,
19 sir. The nol pros memorandum and the documents in
20 the files speak for themselves and constitute my best
21 recollection of it.

22 Q. Let me show you -- I'll mark this as
23 number three, Ms. Reno, in evidence for
24 identification.

25 (Thereupon, the above-referred to

1 document was marked as Plaintiff's Exhibit 3 for
2 Identification.)

3

BY [REDACTED]

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6

Q. Let me show you Exhibit Number 3 and ask
you to take just a second and review that if you
would.

7

A. Yes, sir.

8

Q. Do you recall seeing that order before?

9

A. I don't have any independent
10 recollection of seeing that order.

11

12

13

14

Q. Would you take the nol pros memorandum
which you have in front of you which I don't think
has been introduced. If you all want to introduce
it, I will be happy to.

15

[REDACTED]

Yes. I would like it.

16

BY [REDACTED]

17

18

19

20

Q. In that regard, do you find any mention
in your nol pros memo -- you might have to take a few
minutes to read through it -- that reflect Exhibit
Number 3 being mentioned?

21

A. I am going have to read the whole thing.

22

Q. Okay.

23

24

25

A. It says here the trial court record was
reviewed and this was a part of the trial court
record. We would have reviewed it.

1 Q. So it's safe to say that the trial court
2 record was reviewed?

3 A. Yes. On page -- it cuts off at the
4 bottom, but I think it's the first page one. It says
5 during the investigation the following files and
6 documents were reviewed and one of them says and the
7 trial court record.

8 Q. Did you read in Exhibit Number 3 what
9 the court's order was with regard to witness
10 statements?

11 A. I have not read the order.

12 Q. Would you like a chance to read it,
13 ma'am, just take a look at it?

14 A. Your question is about witness
15 statements being furnished?

16 Q. Statements having to be furnished.

17 It might help just prior to the last
18 adjudicatory provision the sentence beginning after
19 the semi colon.

20 A. Do you want to point it out to me?

21 Q. Yes, ma'am. This last sentence right
22 here.

23 A. Yes. What is your question?

24 Q. All right. The adjudicatory provision
25 states, and correct me if I read it incorrectly, the

1 defendant's request to be furnished copies of all the
2 state's witnesses' statements and interviews he and
3 the same is hereby denied.

4 A. That's what it says.

5 Q. In review of the record, did you read
6 the defendant's motion for production of any witness'
7 statement?

8 A. I don't have an independent recollection
9 of the record.

10 Q. Would you agree or disagree it appears
11 that issue was addressed by the trial court, whether
12 correctly or incorrectly? It was addressed by the
13 trial court?

14 A. It appears that that language says
15 exactly what you say it says.

16 Q. Let me mark each one of these cases as
17 Exhibits 4, 5 and 6.

18 What are the cites?

19 (Thereupon, the above-referred to
20 documents were marked as Plaintiff's Exhibits 4, 5,
21 and 6 for Identification.)

22 BY

23 Q. Let me ask you to look at these exhibits
24 four, five and six respectfully and take your time if
25 you would.

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1 Which case are you looking at, Ms. Reno?

2 A. [REDACTED]

b6
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3 Q. Okay. That's in [REDACTED]
4 counselor. That's a second DCA case, second district
5 court.

6 Do you recall seeing that case prior to
7 today, ma'am?

8 A. I have no independent recollection of
9 seeing that case prior to today. I may have, I may
10 have not.

11 Q. The date on this opinion shows October
12 3, 1969.

13 Now which case are you looking at now,
14 Ms. Reno?

15 A. State versus [REDACTED]

b6
b7C

16 Q. That appears in [REDACTED]
17 counselor. That's also a second district court case,
18 October 31st, '69 case.

19 Do you recall seeing that case?

20 A. I have no independent recollection of
21 whether or not I saw that case.

22 Q. You can not tell me whether or not that
23 case was considered either by your or your two
24 assistants working under your direction?

25 A. I have no recollection of having seen it

1 or not seeing it and I do not know whether they saw
2 it or didn't see it.

3 Q. And the last case that you're looking at
4 is?

5 A. Is State versus [REDACTED]

b6
b7C

6 Q. That's cited, counselor?

7 A. [REDACTED]

8 Q. It's also a second district court case,
9 is that correct?

10 A. Yes, sir.

11 Q. And this case appears it has even been
12 prosecuted by Mr. Schaub, State Attorney for Sarasota
13 County at that time; is that correct?

14 A. Yes.

15 Q. And this case is a second DCA, August 6,
16 1965 which pre-dated the [REDACTED] case; is that
17 correct? The [REDACTED] trial.

b6
b7C

18 A. That's correct.

19 I have no independent recollection of
20 whether I have seen this case or not.

21 Q. So you have no way of knowing whether
22 either of your assistants had the benefit of this
23 case prior to arriving at the opinions and
24 conclusions of your nol pros memo?

25 A. I do not know.

1 Q. Do you have any recollection of applying
2 the law as it was written in 1967, '68 or applied in
3 1967 to '68? Do you have any independent
4 recollection?

5 A. As I indicated previously, I have a
6 recollection of having looked at both the law, of
7 course, then and subsequently.

8 Q. Who actually drafted the nol pros memo?

9 A. [redacted] and myself with [redacted]
10 also drafting portions of it.

b6
b7C

11 Q. May I ask which of the three of you
12 would be considered the major contributor of the
13 language in the nol pros memo, the actual drafting of
14 it?

15 A. I think [redacted] did the first draft.
16 [redacted] made some changes to that. I made some
17 changes to that. I am not sure that you could
18 identify who was who in terms of the language.

b6
b7C

19 Q. During the course of reviewing the
20 documents made available here in your office several
21 months ago, Ms. Reno, I did not find any sworn
22 statements, as I say, other than [redacted] Schaub
23 and [redacted] that were taken by you or one of your
24 assistants.

25 Did you make the conscious decision not

1 to take sworn statements from any other witnesses
2 prior to your concluding the investigation?

3 A. I have no recollection of a conscious
4 decision one way or the other on that.

5 Q. Did you contact either [REDACTED] b6
6 [REDACTED] for the purpose of making [REDACTED] b7C
7 available for a statement?

8 A. I have no recollection of contacting [REDACTED]
9 [REDACTED] with respect to making [REDACTED]
10 [REDACTED] available for a statement.

11 Q. Would it be fair to assume that you have
12 personally conducted many extensive statements during
13 the course of your tenure as State Attorney? I am
14 saying many more than ten.

15 A. We have been responsible for more than
16 ten. I am -- I have not personally conducted them
17 all.

18 Q. Is the normal policy of your office that
19 prior to concluding an investigation that you make an
20 effort to interview the, quote, suspect or the
21 accused?

22 A. It would depend on, again, on the
23 circumstances. I don't have any normal policy with
24 respect to cases such as this. This is the first
25 time I have ever handled a case such as this.

1 Q. In the -- keeping the enormity of this
2 case as you have just expressed considered with the
3 high profile it was conducted -- the investigation
4 was conducted -- I am not suggesting that was for you
5 at all by the question, but it was a high profile
6 investigation, correct?

7 A. That's correct.

8 Q. Did you discuss with your assistants or
9 [REDACTED] of FDLE the feasibility of attempting to
10 take a statement from [REDACTED]

b6
b7C

11 A. I have no specific recollection of
12 discussing with a particular person whether we should
13 take [REDACTED] statement or not.

14 Q. As a prosecutor and sometimes
15 prosecutors are thrust into the role of
16 investigator, would it be fair to say that you
17 participated in the direction of the investigation or
18 did you rely completely on the Florida Department of
19 Law Enforcement to conduct the investigation?

20 A. We participated in it. After the
21 executive order, I directed.

22 Q. Is it fair to say that [REDACTED] then
23 on behalf of FDLE received his direction from you or
24 your office?

b6
b7C

25 A. That's correct.

1 Q. Do you not believe that it would have
2 been helpful to you had [redacted] agreed to talk b6
3 to you through his attorneys? b7C

4 A. I don't have a specific recollection
5 without going through the files and looking at
6 everything. My recollection is that we were trying
7 to judge it from the point of view with the evidence
8 most beneficial to the State, not accept anything
9 self serving from the defendant who claimed he was
10 innocent or anybody else. We would look at it from
11 the point of view from the evidence.

12 Q. The question is, and I don't mean to be
13 argumentative or forgive me for sounding --

14 A. I am giving you my best recollection.

15 Q. But that very same statement, looking at
16 it in the light most favorable to the State without
17 seeking anything beneficial from the defense, isn't
18 that the very posture that you criticize Mr. Schaub b6
19 in your nol pros memo, ma'am? b7C

20 A. No.

21 Q. Isn't it -- would you not perceive that
22 prior to concluding your investigation, if [redacted]
23 [redacted] had anything to say, whether it was good,
24 bad or indifferent for him or good, bad or
25 indifferent for the State, that effort would have

1 been made? I am not saying you could assume one
2 wasn't or one was, but don't you think that should
3 have been made?

4 A. I think the investigation was exhaustive
5 in terms of trying to establish what should be done.

6 Q. What should be done, okay.

7 During the course of taking Mr. Schaub's
8 deposition, do you recall being there?

b6
b7c

9 A. No, I was not.

10 Q. I'm saying deposition. Sworn statement.

11 A. I was not there.

12 [REDACTED] I didn't get a cover sheet
13 for him. I don't know whether you did.

14 [REDACTED] Have you got the nol pros
15 memo marked yet?

16 [REDACTED] It is right there.

17 [REDACTED] I thought we agreed to go
18 ahead and have it introduced as Plaintiff's
19 Number 7.

20 [REDACTED] We will. I haven't taken it
21 away from her.

22 [REDACTED] All right. I just don't
23 want you to get ahead of yourself.

24 [REDACTED] It's always nice to have a
25 little reminder.

1 We'll keep an eye on it.

2 BY

b6
b7c

3 Q. This is a copy that was given to me from
4 your office of a statement of Mr. Schaub.

5 Does that look familiar?

6 A. I have no independent recollection of
7 it, sir.

8 Q. How long have you known Frank Schaub?

9 A. I think I met him when he was first
10 reelected to the State Attorney's Office. I may have
11 met him before, but I have no recollection of it.

12 Q. He had served as State Attorney and then
13 retired and became elected a Circuit Judge of the
14 Twelfth Circuit and then became State Attorney again;
15 is that correct?

16 A. That's correct.

17 Q. In about 1984 he was elected?

18 A. I don't remember the date.

19 Q. '84 would have been a year you would
20 have run, right?

21 A. That's right. But I don't know -- there
22 are some State Attorneys that -- at least one, maybe
23 more that have off year elections. I don't know
24 whether he was in an off year election or not.

25 Q. Have you had any dealings with Mr.

1. Schaub?

2. A. Since I met him.

3. Q. Prior to the investigation.

4. A. Yes.

5. Q. And were they through the Florida
6. Prosecuting Attorney's Association?

7. A. Yes.

8. Q. And was he a member of the association?

9. A. I don't think he joined.

10. Q. Did you have difficulty with Mr. Schaub
11. professionally?

12. A. No. He claimed to have difficulties
13. with me, but it -- he was always very courteous and
14. very gracious with me.

15. Q. As a matter of fact, he claimed to have
16. difficulty with you prior to your executive
17. assignment, didn't he?

18. A. He said that we were trying to give him
19. difficulty with respect to his funding and we kept
20. trying to point out to him that the Twelfth Judicial
21. Circuit per capita -- that what we were trying to do,
22. we were trying to increase their share. So he was
23. always extremely gracious. Word got back to me that
24. he fussed a lot about me.

25. Q. This was prior to the executive

1 assignment?

2 A. That's right.

3 Q. You -- and I probably understand fully
4 the budget wars, okay. Mr. Schaub, of course, was
5 not a member of the association and you were
6 president during that period of time?

7 A. I was president for '85, '86.

8 Q. That was while he was State Attorney in
9 the Twelfth Judicial Circuit?

10 A. Uh-huh.

11 Q. Did you advise the Governor in any
12 discussions with the Governor that Mr. Schaub may
13 have some feelings that you had some personal or
14 professional disagreement or dislikes with him?

15 Did that come up in any discussion with
16 the Governor or

17 A. I have no specific recollection of it,
18 but it would -- what I usually try to do is when the
19 Governor calls and asks if I can take an executive
20 assignment, to let the Governor know if there are any
21 problems and I might well have told him that. I have
22 no specific, independent recollection of it. Frank
23 Schaub has -- is reported to have told people that he
24 didn't think much of what I was doing.

25 Q. Back in '85, '86?

b6
b7c

1 A. Uh-huh.

2 Q. During your tenure as president of the
3 association.

4 A. Uh-huh.

5 Q. During the course of your investigation,
6 Ms. Reno, and before the nol pros memorandum was
7 actually prepared, did you form an opinion that Mr.
8 Schaub had committed any criminal offense?

9 A. I have never formed an opinion that
10 he -- that I can prove that he committed a criminal
11 offense.

12 Q. Did you form an opinion that he may
13 have, in your opinion, committed a criminal offense,
14 albeit not prosecutable, at the same time frame
15 during the course of your investigation and before
16 the nol pros memo was drafted?

17 A. I can't remember what my opinions were
18 with reference to something such as that, you know,
19 in terms of something that I couldn't prove.

20 Q. Was it your opinion or was it the
21 opinion of

22 A. You would have to check with
23 and get his opinion.

24 Q. I am talking about discussions you had
25 with your assistant.

b6
b7c

1 A. Again, I don't have specific
2 recollections of the discussions with -- concerning
3 [REDACTED] opinion.

b6
b7C

4 Q. Had you or a member of your office
5 actually taken a sworn statement or attempted to take
6 a sworn statement of [REDACTED] would you not
7 recall that?

8 A. If I had attempted to take a sworn
9 statement or had taken a sworn statement, I think I
10 would recall that. I do not have a specific
11 recollection of the circumstances involving either
12 [REDACTED] and what was
13 done in that regard.

b6
b7C

14 Q. What is the date of the nol pros memo
15 that you have on the last page 35, I believe?

16 A. It shows a certificate of service as it
17 being forwarded to [REDACTED] on the 5th of May,
18 1989.

19 Q. I notice on the nol pros memo that your
20 signature and that of your two assistants appear; is
21 that correct?

22 A. That's correct.

23 Q. Legally, either you or any one of your
24 assistants could have signed the nol pros and been
25 legally sufficient, correct?

1 A. Yes.

2 Q. Why did you direct the two assistants to
3 sign the nol. pros memo?

4 A. I don't have a recollection of directing
5 them to sign it.

6 Q. Do you know why the two assistants
7 signed it in addition to yourself?

8 A. I can say that generally when Assistant
9 State Attorneys have put a great deal of effort into
10 the case and it represents the work of us all and
11 they want to sign their name to it, I permit them to
12 sign their name to it.

13 Q. Kind of like that a boy?

14 Object to the form of the
15 question.

16 BY

17 Q. He's right. Is that giving a little bit
18 of a pat on the back, credit?

19 A. No. I think when people do work they
20 should be recognized for it.

21 Q. That was the purpose of their signatures
22 on there, for recognition or some other reason? You
23 tell me.

24 A. It's for the reason I just stated.

25 Q. I saw nothing in the records, and

b6
b7c

1 correct me if I am wrong, that indicated that you or
2 either of your assistants or any other assistants in
3 your office took any sworn statement from any prison
4 officials during the time that [REDACTED] was
5 incarcerated after his conviction in the Department
6 of Corrections.

b6
b7C

7 Would that be correct?

8 A. I did not take any statement from any
9 prison officials and I have no independent
10 recollection of whether anyone in this office or with
11 the Department of Law Enforcement did so --

12 Q. Did you review any prison records to
13 determine what inmates [REDACTED] may have been
14 housed with during the time he was incarcerated with
15 the Department of Corrections?

b6
b7C

16 A. I cannot, in reviewing all of the
17 Department of Law Enforcement investigative files, I
18 have a recollection of prison records, but whether
19 they related to the jail in Arcadia or to others, I
20 have no independent recollection of that.

21 Q. Did you have a discussion with either
22 [REDACTED] the Florida Department of Law
23 Enforcement or your own assistants during the course
24 of the investigation being conducted by you as to
25 whether or not efforts would be made to determine

b6
b7C

1 what visitors [REDACTED] may have had during the
2 period of time that he was incarcerated on his
3 conviction?

4 A. I have no specific recollection of
5 discussing that with anyone, whether I did or did
6 not.

7 Q. Did anyone suggest to you the necessity
8 for reviewing the jail records in an effort to find
9 any persons for which [REDACTED] may have
10 discussed the poisoning of the children with while he
11 was incarcerated?

12 A. Are you saying jail records or prison
13 records?

14 Q. Prison records.

15 A. I don't have -- again, I have the
16 recollection of the discussion about jail or prison,
17 but I don't have -- as to the specifics, I don't have
18 an independent recollection of the specifics.

19 Q. Do you know [REDACTED]

20 A. I do not recollect that name.

21 Q. During the course of your interrogation
22 of [REDACTED] you indicated you were present.

23 Do you have a recollection of being
24 present and participating in that discussion?

25 A. Yes, I do.

b6
b7Cb6
b7Cb6
b7C

1 Q. Do you know who [REDACTED] is? b6

2 A. Yes, I do. b7C

3 Q. He was the Assistant State Attorney in
4 DeSoto County at that time during the trial?

5 A. Where he was assigned I don't have a
6 specific recollection.

7 Q. He's the person of the theft of the
8 alleged [REDACTED] files? That's the same person?

9 A. That's my understanding.

10 Q. There was an inquiry at that time as to
11 whether or not the prosecution of [REDACTED]
12 was politically motivated. b6
b7C

13 Do you recall that?

14 A. I don't have a specific recollection of
15 the questions that you're asking me of [REDACTED]
16 at the time.

17 Q. [REDACTED] trial was actually b6
18 conducted in Lee County, in Fort Myers; is that b7C
19 correct?

20 A. I believe so. But then you would have
21 to again check the actual record to see.

22 Q. Let me show you this as the [REDACTED]
23 statement which you took on March 22, '89.

24 Showing you the front page, it reflects
25 you were present, right?

1 If you go to page 65 -- 65, 66, you
2 identified -- who was the interrogator at that time?

3 A. It appears that it was [REDACTED]
4 according to this transcript.

b6
b7c

5 Q. [REDACTED]

6 A. Yes.

7 Q. Okay.

8 A. That's the first person identified
9 before the page 65.

10 Q. Does it accurately reflect the question
11 I asked you that it appears that he was -- the
12 interrogation was that the investigation may have
13 been politically motivated?

14 A. Which portion do you want me to read?

15 Q. Page 65.

16 A. The transcript says:

17 "Question: I understand that. I
18 understand that, but you were aware that all
19 this information was disseminated before the
20 trial?"

21 Answer: There were certain items
22 released, right.

23 Question: Do you think in the public
24 mind the defendant was guilty?

25 Answer: Well, no. I couldn't elaborate

1 on -- I couldn't even voice an opinion. Do I
2 think in the public's mind the public thinks
3 he's guilty?

4 Question: Do you think they would be
5 lead to believe you had enough evidence to
6 convict

b6
b7C

7 Answer: I couldn't even comment on
8 that. I don't know what the public thought
9 because I don't remember what was released,
10 the information that was released.

11 Question: Do you think the public
12 opinion had anything to do with the way the
13 case was handled?

14 Answer: We certainly didn't want to try
15 the case in Arcadia. I know that we
16 stipulated to move to Fort Myers. In fact,
17 the grand jury indictment was in Tampa, as I
18 recall. We anticipated a motion for change of
19 venue and we certainly weren't going to resist
20 a change in venue and we didn't and as a
21 result the case was tried in Fort Myers."

22 Q. Okay. With that in mind then, do you
23 see the area of suggestion as to the inquiry as to
24 whether or not the investigation and prosecution of
25 was politically motivated?

b6
b7C

1 A. All I can tell you is read you what this
2 page says.

3 Q. The investigation that was being
4 conducted in 1989, had there been any discussion
5 between any member of your office, FDLE or the
6 Governor's office as to the political expediency of
7 the [redacted] investigation?

b6
b7C

8 A. I recall discussions of people being up
9 for election, but I don't recall specifics about it.

10 Q. And who do you recall those discussions
11 with?

12 A. It could have been with any one or all
13 three. [redacted]

b6
b7C

14 Q. Would you take a look at page 75 of that
15 same statement that you took of [redacted]

16 Do you see some questions there
17 pertaining to the autopsy?

18 A. Yes, sir.

19 Q. Would you read those to me?

20 A. "Question: Did you review the autopsy
21 findings in this case?

22 Answer: No. No.

23 Question: Why not?

24 Answer: I knew it was parathion
25 poisoning. I probably looked at the reports.

1 I am sure -- I think I have copies of the
2 reports.

3 Question: If you would learn from the
4 autopsy findings that the children had
5 grits for breakfast and rice and beans for
6 lunch and that would have refuted the State's
7 case, why didn't you check it out?"

8 Q. If you'll stop right there then, go back
9 and tell me who that interrogator is. Tell us --

10 A. The person identified -- the first
11 person identified before those questions is myself.

12 Q. Janet Reno?

13 A. That's right.

14 Q. Would you agree that in asking the --
15 was it your purpose in asking [redacted] questions
16 at that time to mislead him in any way?

b6
b7c

17 A. I have no recollection of trying to
18 mislead anybody.

19 [redacted] These are all the autopsy
20 reports of all the children.

21 You have seen those, right?

22 [redacted] Yes.

23 [redacted] Let me mark this as number
24 seven. Actually, it is a composite of autopsy
25 reports and death certificates.

1 Have you seen them?

2 [REDACTED] Yes. Premeditated murder. b6
b7C

3 I saw it.

4 [REDACTED] You've seen those.

5 (Thereupon, the above-referred to
6 documents were marked as Plaintiff's Exhibit 7 for
7 Identification.)

8 BY [REDACTED] b6
b7C

9 Q. If you'd look at number seven for
10 identification, Ms. Reno. If you'll read the autopsy
11 report. The purpose of the question and tell me
12 where in that autopsy report the stomach contents are
13 reflected.

14 A. I don't know that they are reflected.

15 Q. I read the autopsy report and I find
16 they are not reflected.

17 If you'd take just a minute and see
18 whether I am making a misstatement or not, I'd
19 appreciate it.

20 [REDACTED] Despite what either you or
21 Ms. Reno say, the documents will speak for
22 themselves. b6
b7C

23 THE WITNESS: It says here the stomach
24 is distended and contains a large amount of
25 undigested material with a large component of

1 fat; a sample was taken for study.

2 That's as far as I read. This is opened
3 in the usual manner revealing distended loops
4 of bowel as well as stomach. The stomach
5 contents are previously described. There is
6 no increased fluids in the peritoneal cavity.

7 BY

b6
b7c

8 Q. I think the question is -- of course,
9 he's correct it does speak for itself and that really
10 wasn't the question.

11 Anywhere in the autopsy report do you
12 have anything that indicates the children had grits
13 for breakfast and rice and beans for lunch or
14 anything that would indicate what the stomach
15 contents were at all? I found nothing in the report.

16 A. What is your question again?

17 Q. Do you find anything in your report that
18 would indicate what the stomach contents of the
19 autopsy report revealed?

20 A. The stomach is distended and contains a
21 large amount of undigested material with a large
22 component of fat; a sample is taken for study.

23 Further, the other point, this is opened
24 in the usual manner revealing distended loops of
25 bowel as well as stomach. The stomach contents were

1 previously described.

2 The esophagus, stomach and duodenum show

3 no evidence of erosion or hyperemia and

b6
b7C

4 says the stomach is full of partially
5 digested food particles, approximately 120 cc.

6 Q. Nothing to tell an investigator what the
7 stomach contents may have been; is that correct?

8 A. I don't know, sir.

9 Q. You have it in front of you. Is there
10 anything that indicates to you what the stomach
11 contents were?

12 A. It indicates a sample was taken and I
13 don't see any follow-up to see what was in the
14 sample.

15 Q. I would ask is there anything in your
16 records that I wasn't able to find that would
17 indicate that they be provided under the previous
18 request of 119?

19 A. Would indicate what?

20 Q. That would indicate what the stomach
21 contents were. I could find nothing in the boxes of
22 material that were supplied.

23 A. I don't know. I have no independent
24 recollection of whether there is anything in the
25 boxes or not.

1 Q. During the course of your tenure as a
2 State Attorney, have you had -- do you work the grand
3 jury yourself or do you assign other assistants to
4 work grand jury?

5 A. Both.

6 Q. You have worked many grand juries?

7 A. Yes, sir.

8 Q. And are you familiar with the debate
9 over whether the grand jury is the tool of the
10 prosecutor or whether they operate independently with
11 a good and proper legal investigation from the State
12 Attorney?

13 A. Yes, sir.

14 Q. And there are those who are opposed to
15 the grand jury and those who are advocates of the
16 grand jury; is that correct?

17 A. Yes, sir.

18 Q. Which category do you fall in? Are you
19 a proponent of the grand jury or an opponent of the
20 grand jury system?

21 A. I am a proponent.

22 Q. That if matters are fairly presented to
23 the grand jury, they are, in fact, not the tool of a
24 prosecutor? Do you agree with that statement?
25 Presented properly by a fair state attorney.

1 A. That the grand jury is not a tool?

2 Q. Is not just a tool of the prosecutor,
3 but can act independently?

4 A. I think grand juries can act very
5 independently.

6 Q. Did you discuss with your assistants the
7 feasibility or propriety of presenting this case to
8 the grand jury?

9 A. I have a recollection of discussing it,
10 but a specific recollection I do not have.

11 Q. A grand jury could have been convened
12 especially for this case, correct?

13 Let me rephrase that. This case could
14 have been presented to a grand jury?

15 A. I don't know that I could have presented
16 it to a grand jury.

17 Q. Presented the facts from the law. You
18 could not in good faith do that?

19 A. I think to present something to the
20 grand jury and suggest that they make a finding of
21 fact has to be supported by the evidence. I don't
22 think in this instance that I could present to the
23 grand jury the evidence and come up with my
24 conclusion that I did.

25 Q. A no true bill is what, Ms. Reno?

1 A. A no true bill in this context?

2 Q. Any context. Grand jury cases presented
3 to a grand jury that return a no true bill.

4 A. That can mean a number of things.

5 Q. Is that synonymous with a nol pros or a
6 no information by the State Attorney?

7 A. In the usual case, it is synonymous with
8 no information or no action as we would call it.

9 Q. Now, the grand jury could have been
10 presented the case and under the law found
11 insufficient evidence to return an indictment?

b6
b7c

12 A. It could have.

13 Q. Had you presented the case to a grand
14 jury and there had been no indictment returned, would
15 that have impeded you -- the grand jury that is from
16 returning a presentment containing much of the
17 language of your nol pros memo?

18 The question is cumbersome. If you
19 don't understand, I will try and break it down.

20 A. It is cumbersome. Please do.

21 Q. First of all, unless a grand jury
22 returns an indictment, they cannot write a
23 presentment that is critical of an individual, is
24 that correct?

25 A. There is case law on that. I have to

1 refer you to the specific case law.

2 Q. Your opinion as a prosecutor.

3 A. I'll refer you to the specific case law.

4 Q. You don't have an opinion as to whether
5 or not a grand jury could return a presentment
6 without an indictment that's critical?

7 A. I'll refer you to specific case law
8 because I try not to give opinions base on
9 hypotheticals.

10 Q. Does that consideration -- was that a
11 factor in your not presenting this case to the grand
12 jury?

13 A. No.

14 Q. So you would be able to write a nol pros
15 memo?

16 A. No. That was not a fact.

17 Q. Did that discussion arise between you
18 and [redacted] and you and [redacted]

19 A. I don't have a recollection of that at
20 all.

21 Q. If it did, you don't recall it?

22 A. That's correct.

23 Q. Ms. Reno, you indicated earlier that you
24 had reviewed the court file. You or someone of your
25 direction in the office.

b6
b7c

1 A. What I indicated was -- you asked me
2 about whether this nol pros memorandum reflected
3 whether we had reviewed the order and as I indicated
4 to you on page -- looks like page one it indicates
5 that the trial court record was reviewed.

6 Q. You don't recall you doing it, so it may
7 have been one of your assistants?

8 A. I recall reviewing voluminous files. To
9 give you a specific recollection that I reviewed a
10 particular file, I do not have an independent
11 recollection of that. As I indicated to you, I have
12 tried to rely on what has been documented to give you
13 as accurate a picture of what we did.

14 Q. I reviewed your memorandum and note that
15 you outlined files and documents that were, in fact,
16 reviewed by your office, correct, in your nol pros
17 memo?

18 A. On page one I think it indicates the
19 files that were reviewed.

20 Q. Does it reflect any of the evidence that
21 was used in the prosecution of [REDACTED] in 1967 as
22 being reviewed?

23 A. It indicates the materials received from
24 [REDACTED] were reviewed and also from Frank Schaub.

25 My recollection is that some of the

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1 evidence was destroyed and could not be located.
2 Other evidence, whether it was evidence or not, was
3 furnished to the investigators, but I have no
4 independent recollection of it.

5 Q. Do you know what attempt, if any, was
6 made to locate the receipt of a business card of
7 who was the insurance agent?

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8 A. I have no independent recollection of
9 steps taken in that regard.

10 Q. Do you know whether on either side of
11 that card it reflected an amount of insurance that
12 was --

13 A. I don't have an independent
14 recollection.

15 Q. That was issued?

16 A. I don't have an independent recollection
17 of the details with respect to the card.

18 Q. Do you have anything in your file or any
19 recollection of reviewing any documents that would
20 reflect that had written down the

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21 information on the back of a card, that same card
22 that you refer to on page one of your nol pros memo?

23 A. I have no independent recollection of
24 the details with respect to the card.

25 Q. On page 18 of your nol pros memorandum,

1 you refer to the investigator's failure to follow
2 through on an investigation of [redacted] possible
3 involvement in the killings; is that correct? b6
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4 A. At the top of page 18 it says not only
5 did investigators fail to follow through on an
6 investigation of [redacted] involvement --

7 Q. Do you further state that the
8 investigators ignored a clear indication that [redacted]
9 [redacted] was not telling the truth?

10 A. That sentence goes on to say: "But they
11 also ignored clear indications that [redacted] was
12 not telling the truth."

13 Q. Does your memorandum indicate on
14 November 14, 1967, that [redacted] supervisor
15 of the latent fingerprint section submitted [redacted]
16 [redacted] inked fingerprints as a suspect to be
17 compared with an identified fingerprint impression
18 taken from the scene?

19 A. I don't know, sir. I haven't reviewed
20 it.

21 Q. If it does, it does and if it doesn't --
22 it's not in there, right?

23 A. Yes, sir.

24 Q. That would be an investigatory effort in
25 your opinion, wouldn't it? A fingerprint -- latent

1 fingerprint comparison with a known fingerprint at
2 the scene, wouldn't that be an investigatory effort?

3 A. Yes, sir.

4 Q. [REDACTED] were
5 polygraphed by the Florida Bureau of Law Enforcement
6 as it was then known, correct?

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7 A. I do not have an independent
8 recollection of whether they were or not, sir.

9 [REDACTED] That's the polygraph report
10 of [REDACTED]

11 We'll mark this as number eight.

12 (Thereupon, the above-referred to
13 document was marked as Plaintiff's Exhibit 8 for
14 Identification.)

15 BY [REDACTED]

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16 Q. I show you this, Ms. Reno, if I could
17 please.

18 Look at number eight. That reflects a
19 polygraph examination report?

20 A. It appears to be. Well, the first one
21 appears to be [REDACTED] but it doesn't say
22 anything -- it says prior to the polygraph
23 examination.

24 The second page is with reference to
25 [REDACTED] and it does refer to as a result of the

1 polygraph examination. But there is no indication
2 that [REDACTED] had a polygraph examination taken.

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3 Q. This pertains to [REDACTED], the
4 polygraph opinion of [REDACTED]. If you'll look at
5 the last paragraph --

6 A. The second page of what you have marked
7 number eight, as I indicate, says that -- at the
8 bottom, as a result of the polygraph examination,
9 indicating that one was taken of [REDACTED]. But
10 the first page does not indicate the same with
11 respect to [REDACTED].

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12 Q. What does that reflect as to [REDACTED]
13 [REDACTED]

14 A. It says prior to the polygraph
15 examination [REDACTED] stated in substance and as
16 follows and then it appears to state what [REDACTED]
17 stated.

18 Q. Does that look like a record that came
19 from your boxes or can you identify that at this
20 time?

21 A. It looks like records we saw from the --
22 Department of Law Enforcement, but I can not tell you
23 as a fact that it came from our box or from the
24 Florida Department of Law Enforcement.

25 Q. The Florida Bureau of Law Enforcement

1 was the predecessor to the Florida Department of Law
2 Enforcement, correct?

3 A. That's correct, as I understand it.

4 Q. And it was actually the Bureau of Law
5 Enforcement that existed in 1967 and 1968 as opposed
6 to the current FDLE?

7 A. Yes. I can't recall what the names
8 were. At one time, as I recall, it was the Bureau of
9 Criminal Law Enforcement.

10 Q. It is embarrassing to become one of
11 those, the last few ex-prosecutors that does remember
12 the transition. That's correct. It was the Florida
13 Bureau. They operated independent of the State
14 Attorney; is that correct? The Florida Bureau of Law
15 Enforcement as does the Florida Law Enforcement
16 Department?

17 A. I don't know -- when you say
18 independent, they were certainly not an agent of the
19 State Attorney in the sense that they were one of his
20 investigators. But in the course of this, as I
21 recall, there were requests made by Mr. Schaub. I
22 don't know whether they acted independently of him or
23 pursuant to his direction.

24 Q. Let me show you number nine for
25 identification.

1 Does that reflect, that memorandum of
2 the Florida Bureau of Law Enforcement, polygraphs of
3 certain individuals and found -- came to certain
4 conclusions?

5 A. This is entitled polygraph examinations.
6 It doesn't say who prepared it, but it is a document
7 that does say during the period October 31, November
8 1, 1967. [REDACTED] polygraph examiner, FDLE,
9 administered polygraph examinations to the following
10 listed persons and there are four names listed.

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11 Q. What is the conclusion of the polygraph
12 operator as to the names listed?

13 A. As a result of the polygraph
14 examination, it was the opinion of the examiner that
15 [REDACTED] was involved in the poisoning of
16 his seven children and he brought a bag of parathion
17 poisoning to his house.

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18 Q. And your file will reflect these same
19 documents and evidence was available to the
20 prosecutors at the time?

21 A. Again, I can't say that it's that
22 precise document, but it looks as if it is one of
23 those documents that was presented.

24 Q. Did you or [REDACTED] talk
25 to [REDACTED]

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1 A. I don't know whether they talked to [redacted] b6
2 [redacted] one of your investigators or whether it was an b7C
3 investigator from the Florida Department of Law
4 Enforcement that talked to him. My understanding was
5 that he was talked to.

6 Q. Your understanding?

7 A. That's correct. I did not talk to him.

8 Q. So you don't know whether you talked to
9 him?

10 A. No. I did not talk to him.

11 Q. How about [redacted] Do you know
12 the name [redacted]

13 A. Yes, I do.

14 Q. Did you or one of your assistants talk
15 to [redacted] and take a sworn statement?

16 A. I did not talk to [redacted]

17 Q. Why? Any reason why you did not?

18 A. Again, I do not recall precisely who [redacted]
19 [redacted] is, so I could not tell you -- answer that
20 question.

21 Q. In an investigation of this magnitude
22 and particularly prior to writing a nol pros
23 memorandum of the magnitude you authored or co-
24 authored with your assistants, did you consider that
25 it might be proper to personally -- or one of your

1 assistants to personally take a sworn statement from
2 every material and relevant witness prior to
3 concluding your investigation?

4 A. If it was necessary to based on all the
5 evidence?

6 Q. In your opinion, you and your assistants
7 concluded it was not necessary to take any sworn
8 statements other than those that we have found being

9 [redacted] Schaub and [redacted] is that correct?

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10 A. Again, I have no --

11 Q. Those were the only ones we could find.

12 A. I have no specific recollection of which
13 sworn statements were taken.

14 Q. Do you remember whether you or any
15 members of your office, the State Attorney's Office
16 specially assigned to the Twelfth Circuit met with
17 any member of law enforcement in Volusia or Duval
18 County?

19 A. I do not have an independent
20 recollection. I did not meet with anybody from
21 Volusia County or Duval County and I do not know
22 whether they did or not or whether [redacted] did.

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23 Q. Did you know who [redacted] is?

24 A. I do not have a specific independent
25 recollection of [redacted] The name is familiar.

1 Q. Does it help to suggest to you who he
2 is? A. co-counsel for Mr. Schaub at the trial of [REDACTED]

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3 [REDACTED]
4 A. I do not have a recollection of who [REDACTED]
5 [REDACTED] is.

6 Q. And I found nothing to indicate you
7 had -- you or [REDACTED] had taken a
8 sworn statement of [REDACTED]

9 Do you have any information or
10 recollection to correct that misapprehension if it
11 is?

12 A. Since, as I indicated, I do not
13 specifically recall [REDACTED] as being the
14 co-counsel to Mr. Schaub, I can't address
15 intelligently the reasons for or for not taking a
16 sworn statement as to whether one was taken by anyone
17 from my office or by [REDACTED]

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18 Q. Would you not consider co-counsel of the
19 trial a rather substantial and relevant witness that
20 should be interrogated by sworn testimony such as Mr.
21 Schaub, [REDACTED] were?

22 A. Again, I don't have a specific
23 recollection of it, so I couldn't answer that
24 question.

25 Q. Do you know who [REDACTED] is?

1 A. That name is also one that I recall, but
2 I do not have an independent recollection of his
3 specific role.

4 Q. Does it refresh your recollection if J
5 were to designate him a former investigator for Frank
6 Schaub?

7 A. No.

8 Q. You have no recollection of his name
9 being mentioned as an investigator with Mr. Schaub
10 during the [REDACTED] trial?

11 A. I have a recollection as to his name,
12 but as to what his role was, I do not have an
13 independent recollection.

14 Q. Do you know why you or your assistants
15 made a decision not to take a sworn statement from

16 [REDACTED]

17 A. I do not have an independent
18 recollection of any decision one way or the other on
19 that.

20 Q. The same question with regard to [REDACTED]

21 [REDACTED]

22 Did you attempt to locate [REDACTED] to
23 take a sworn statement from him?

24 A. I did not take a sworn statement from
25 [REDACTED] and I do not have an independent

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1 name.

2 Q. Do you recall any polygraph examination

3 of a [redacted]

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4 A. I don't have any recollection of that
5 name.

6 Q. Do you have any recollection of your
7 office relying on a polygraph examination conducted
8 of [redacted]

9 A. I don't have any recollection of that
10 name or of a polygraph given to a man by that name.

11 Q. Do you know [redacted]

12 A. That name is familiar, but I do not
13 recall -- I don't have a recollection of what his
14 role was in the investigation.

15 Q. Prior to concluding your investigation,
16 did you make any effort to determine how many
17 children [redacted] had prior to his relationship
18 with [redacted]

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19 A. I do not recall whether that effort was
20 made prior to the time the executive order was
21 obtained or after and whether that was done by the
22 Department of Law Enforcement or by our office.

23 Q. Ms. Reno, throughout the noj pros memo,
24 the word "apparent" or "apparently" is used.

25 Do you recall that?

1 A. No, sir. I do not recall the terms of
2 the nol pros memorandum.

3 Q. If you would like to just take a few
4 moments to refresh your recollection.

5 A. If you would direct me to a particular
6 point, I will be happy to look at it.

7 Q. No. Pretty well interlaced throughout
8 the memo the word "apparent" or "apparently."

9 And the purpose of my asking you that --

10 A. First let me find it for you.

11 Q. Okay. Sure.

12 A. Page fourteen I find -- I have been
13 skimming, so I can't tell you, but it says with

14 apparently suspected that first

15 husband had also died under mysterious circumstances.

16 Q. You're on what page?

17 A. Page fourteen.

18 Q. There are 30, 35 pages of which about 33
19 and a half of them would contain opinions and reasons
20 for the nol pros and I think you'll find in addition
21 to that the word "apparent" or "apparently."

22 Is there anything during the course of
23 your investigation that you were precluded from
24 either finding with specificity or excluding the
25 statement made, where you proceeded with the word

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1 apparent or apparently?

2 A. With respect to this sentence, I can
3 tell you what is stated here based on my -- I don't
4 have an independent recollection of that, nor of the
5 cite here.

6 Q. One area of your no] pros memo reflects
7 that according to a newspaper article,
8 had testified either at the inquest or a preliminary
9 hearing to certain matters.

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10 Do you recall that?

11 A. I don't recall that one way or the
12 other. I don't have any independent recollection of
13 it.

14 Q. Did you direct anyone to take a sworn
15 statement from any person who may have attended
16 either the inquest or preliminary hearing to advise
17 you, in fact, what testimony, if any, occurred as
18 opposed to relying on a newspaper article?

19 A. I don't have any independent
20 recollection of any decision one way or the other on
21 that.

22 Q. Do you know what a coroner's jury was at
23 that time?

24 A. I don't know what it was in DeSoto
25 County.

1 Q. Do you know what it was -- did you have
2 such a thing in Dade County in '67?

3 A. I was not in the State Attorney's Office
4 at the time. I do not know.

5 Q. Now, of course, none of that testimony
6 was introduced at the trial, was it, assuming it took
7 place?

8 A. I did not have any recollection of
9 whether it was or was not.

10 Q. Did you have the benefit of the trial
11 testimony --

12 A. I have not looked at it in well over a
13 year.

14 Q. -- at the time you wrote the nol pros
15 memo?

16 A. I do not know what I had available from
17 my own independent recollection.

18 What would be reflected here is what is
19 in our file and what is in the nol pros memorandum.

20 Q. Did you or [redacted] b6
21 speak to anyone other than Schaub [redacted] b7C
22 who
23 were in attendance at the trial, take a sworn
24 statement?

25 A. My recollection is that I took a
statement of [redacted] or participated in the

1 taking of the statement of [REDACTED] I don't
2 recall taking the statement of anybody else
3 personally other than [REDACTED] and
4 I don't have any independent recollection of what --
5 the statements [REDACTED]
6 [REDACTED] or others took.

7 Q. Do you know who represented [REDACTED]
8 [REDACTED] subsequent to his conviction, after his
9 conviction and before [REDACTED] made
10 an appearance as his attorney?

11 A. I don't have an independent recollection
12 of who represented him.

13 Q. You don't know whether it was [REDACTED]
14 [REDACTED] alone?

15 A. I don't know whether it was him alone or
16 whether it was with other people or if there were
17 other counsel.

18 Q. You don't know whether [REDACTED] was
19 representing [REDACTED] at all hearings, whether
20 they were hearings, clemency hearings or --

21 A. Here, again, I don't have any
22 independent recollection.

23 Q. How about the appeals? Did you look at
24 the motion for new trial filed by [REDACTED]

25 A. Again, I cannot tell you. I do not have

1 an independent recollection of which specific
2 documents I looked at.

3 We reviewed the entire file of the
4 Department of Law Enforcement and all the other files
5 we were able to obtain, but I do not have a specific
6 independent recollection of reviewing the file.

7 Q. You had subpoena power which was plenary
8 throughout the State at the time of the government
9 assignment; is that correct?

10 A. That's correct.

11 Q. You could have subpoenaed [REDACTED]
12 the attorney that represented [REDACTED]

13 A. Yes, sir.

14 Q. You could have by virtue of subpoena and
15 investigated him to determine as to whether or not he
16 had the information available to him?

17 A. Your question is could I subpoena him
18 and the answer is yes.

19 The answer is, yes, I can subpoena him.

20 Q. But you didn't subpoena him.

21 Is there any reason why?

22 A. I don't have an independent recollection
23 of what was involved in the decision and whether it
24 was necessary.

25 Q. Did you or [REDACTED]

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1 discuss whether or not you should determine from

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2 as to whether or not he had the information
3 available to him that you complained was not given in
4 your nol pros memo?

5 A. I do not have an independent
6 recollection of what we discussed.

7 Q. He, actually, would have been the best
8 one to have known what, if anything, he had or didn't
9 have prior to the trial, correct, as the trial
10 lawyer?

11 A. Logic would indicate that, but I don't
12 have an independent recollection of who might have
13 had the best -- been in the best position to do it.

14 Q. Up until appearance on
15 behalf of do you recall ever seeing
16 anything in the files suggesting a 3.850 matter,
17 competency of counsel?

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18 A. I don't have an independent recollection
19 of anything in the file or not in the file.

20 Q. Would not a review of the motion for new
21 trial filed by have given some relevant
22 material, information to you as to what matters he
23 would be complaining of that were prejudicial?

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24 A. I don't have an independent recollection
25 of what was in the motion for new trial, so I can't

1 answer that question.

2 Q. Do you know why there were no sworn
3 statements taken of the chemists, [REDACTED]

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4 Those are the chemists used in the trial.

5 A. I do not have an independent
6 recollection of whether sworn statements were taken
7 of the chemists or not. I did not take such sworn
8 statements.

9 Q. How about [REDACTED] does that
10 name ring a bell?

11 A. The name rings a bell, but I do not have
12 any independent recollection of his role.

13 Q. Former elected chief of police in
14 Arcadia back then.

15 Does that ring a bell?

16 A. I recall the chief of police of Arcadia
17 as having a role, but I do not recall his name.

18 Q. Any reason why a sworn statement was not
19 taken by your office?

20 A. I did not take a sworn statement from
21 him and I don't have an independent recollection of
22 whether or not a sworn statement was taken by our
23 office or by anyone else.

24 Q. Apparently, there was no transcript or
25 no court reporter present at the inquest; is that

1 correct?

2 A. I don't have an independent recollection
3 as to whether or not our files that we received
4 indicated there was a court reporter there or not. I
5 was not there, so I couldn't --

6 Q. Do you know why no effort was made to
7 take a sworn statement from anyone who might have
8 been present at the inquest or subpoenas issued?

9 A. Well, as I have indicated, I assisted in
10 the taking of the statement of [redacted] and somehow b6
11 I don't have an independent recollection of who was b7C
12 present at the inquest other than those two people.
13 I did not take the statement of anyone and I don't
14 have an independent recollection whether a statement
15 was taken or not of anyone else other than those that
16 I have indicated.

17 Q. Did you direct that any authenticity of
18 the files that were allegedly stolen from [redacted] b6
19 [redacted] office be made, any efforts to determine b7C
20 authenticity of those files, the so-called stolen
21 files?

22 A. We looked at those files and tried to --
23 again, I don't have a specific -- an independent
24 recollection of exactly what was done with those
25 files, but I do have a general recollection of

1 concern about their authenticity and have a general
2 recollection of trying to do everything possible to
3 insure that what we relied on was valid.

4 Q. Do you remember what you did, if
5 anything, to determine the authenticity?

6 A. No. As I indicated to you, I don't have
7 an independent recollection of what was done with
8 respect to determining the authenticity or validity
9 of files.

10 Q. I notice in your nol pros memorandum
11 that you indicated one paragraph was dedicated to
12 from the St. Petersburg
13 Times.

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14 Do you recall that?

15 A. I do not have a specific independent
16 recollection of that other than what is in the nol
17 pros memorandum. I do recall a mention of a St.
18 Petersburg Times reporter. I don't have a
19 recollection of his name.

20 Q. Did you attempt to subpoena him or take
21 a sworn statement from

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22 A. I did not take a sworn statement from
23 him, nor did I attempt to subpoena him. I do not
24 have an independent recollection of what
25 or anyone in my office did.

1 Q. [REDACTED] presumably reported
2 everything to you during the course of the
3 investigation; is that correct?

4 A. I think he tried to report everything to
5 go me.

6 Q. Do you know who [REDACTED] is?

7 A. Again, the name is familiar, but I don't
8 have an independent recollection of his specific role
9 in this matter.

10 Q. He had been the one that obtained the
11 so-called stolen files.

12 A. He could have been. I do not recall the
13 name of the person or the manner which the so-called
14 stolen files were obtained.

15 Q. Let me show you a newspaper article.
16 We'll call this Exhibit 10.

17 (Thereupon, the above-referred to
18 document was marked as Plaintiff's Exhibit 10 for
19 Identification.)

20 BY [REDACTED]:

21 Q. Here is an extra copy of it.
22 Did you take a look at that?

23 A. Yes, sir.

24 Q. Have you seen that before?

25 A. I do not know. I have no independent

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recollection of seeing it.

Q. As part of the documents from your many boxes.

Let me show you the second page of this article where it starts up, "Finally, [redacted] agreed to give the file to [redacted] said [redacted] on the condition [redacted] would not get it."

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Would you start there and just read that.

A. Finally, [redacted] agreed to give --

Q. You don't have to read it outloud. We'll put it in evidence.

A. I read that paragraph.

Q. And the one beneath it pertaining to [redacted] [redacted] statement that he gained nothing from the [redacted] files, suggested that he was aware of everything in it.

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Do you see that?

A. Where is it?

Q. [redacted] could almost pinpoint when and where the exchange took place. He said he spent one Saturday trying to reach both [redacted] to no avail. [redacted] said the two met in Lake Placid for the exchange. After picking up the file, [redacted] said [redacted] --

1 A. Then he said his verdict, said [REDACTED]
2 there is nothing in there he didn't already know.

3 Q. Do you know why no effort was made to
4 take a sworn statement from [REDACTED]

5 A. I did not take a sworn statement from
6 him and I do not have any independent recollection
7 whether any attempt was made to take a sworn
8 statement from him or not.

9 Q. In a review of the court file in DeSoto
10 County, the court file itself, the trial file, did
11 you determine that a list of witnesses had been
12 furnished to the defense?

13 A. I don't have an independent recollection
14 of whether such determination was made or not.

15 Q. The file would reflect that or should
16 reflect that; is that correct?

17 A. I don't have an independent recollection
18 of whether the file will reflect it or not.

19 Q. You knew depositions were permissible in
20 '67, '68, correct, in criminal cases?

21 A. So far as I understood.

22 Q. I left you the portion of the rule that
23 was applicable at the time.

24 Do you know why the defense attorney
25 elected not to take any depositions at the time?

1 A. I do not have an independent
2 recollection of whether J knew or -- and if I did,
3 why.

4 Q. So nothing you can tell me would
5 indicate that he either didn't take depositions
6 because he didn't need to take depositions or elected
7 to take depositions?

8 A. I don't have an independent recollection
9 of whether he took the depositions and whether or not
10 if he didn't, why he didn't.

11 Q. In a murder case, would you not deem it
12 rather significant that a defense attorney took no
13 depositions?

14 A. I don't know whether it would be
15 significant in that date and time or not in Arcadia,
16 in DeSoto County.

17 Q. Even considering Arcadia at that day and
18 time, twenty-two years ago, twenty-one years ago,
19 from your investigation you didn't deem it
20 sufficiently puzzling to note that in your nol pros
21 memo that no depositions were taken by the defense
22 attorney?

23 A. I don't know whether it was noted or
24 not. I don't have an independent recollection of it,
25 referring to the nol pros memorandum.

1 Q. You have nothing that would indicate to
2 us or if you do, please direct us in the right place,
3 that would indicate whether or not [REDACTED] had
4 taken statements of all of these witnesses at that
5 time?

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6 A. I don't have an independent recollection
7 of whether we learned whether he had taken statements
8 or not or whether he had, in fact, taken statements.

9 Q. Did you look at the list of witnesses
10 that the defense represented that they would call to
11 trial?

12 A. I don't have an independent recollection
13 of looking at a list or not looking at a list.

14 Q. Do you know whether or not you
15 personally reviewed and read the transcript of the
16 trial?

17 A. I personally reviewed and read all the
18 documents that were available in Tallahassee when we
19 received the executive order. Whether everything was
20 a part of that transcript at that time, I do not
21 know.

22 Q. It would appear neither [REDACTED]
23 nor [REDACTED] were called by
24 either the State or the defense; is that correct?

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25 A. I do not have an independent

1 recollection of whether or not they were called.

2 Q. From a review of the investigation prior
3 to writing your nol pros memo, did your investigation
4 reveal that Mr. Schaub may have felt that the
5 testimony of either [REDACTED] would be
6 unreliable?

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7 A. I don't have an independent recollection
8 of it, but you asked me to refer to something in this
9 nol pros memorandum earlier in this deposition and
10 you asked me to read it and it said on the top of
11 page eighteen "Not only did investigators fail to
12 follow through on an investigation of [REDACTED]
13 involvement, but they also ignored clear indications
14 that [REDACTED] was not telling the truth."

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15 It then goes on to say Frank Schaub says
16 [REDACTED] lied all over the place. You certainly
17 couldn't rely on what he said because he contracted
18 himself everytime he talked. Schaub even concluded
19 probably [REDACTED] put the poison in the shed,
20 but he never pursued a case against [REDACTED]

21 I don't have an independent recollection
22 of anything in there with reference to [REDACTED]
23 I just happened to see that when you asked me to
24 refer to that line.

25 Q. Then from the nol pros memo, could you

1 tell me whether or not [redacted] attempted at any
2 time to use that witness at the trial?

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3 A. I don't know. Whatever the nol pros
4 memorandum indicates would be what it indicates.

5 Q. Ms. Reno, in reviewing your nol pros
6 memo, would it be fair to assume it was your intent
7 to recite the facts and legal opinions as it stands
8 and avoiding any speculation?

9 A. The memorandum has to speak for itself.

10 Q. The reason I ask you that is earlier I
11 asked you with regard to the decision to speak or not
12 to speak to [redacted] or at least make efforts
13 to see whether or not he was being available inasmuch
14 as reviewing a lot of the records reflected that the
15 attorneys that represented him in '88 and '89 were
16 offering cooperation of witnesses, et cetera.

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17 Let me show you on page twenty-one of
18 your nol pros memo that particular paragraph.

19 A. Yes, sir.

20 Q. It states it appears what probably
21 happened is the defendant was accused, et cetera, et
22 cetera; is that correct?

23 A. Whatever it says there, sir.

24 Q. In that regard, did you not discuss or
25 make a conscious decision to attempt to ask the

1 defendant as opposed to putting in a statement of
2 probability?

3 A. I don't have an independent recollection
4 of what we did with respect to the defendant.

5 Q. Certainly, in view of the fact that a
6 polygraph was taken by a member of the Florida Bureau
7 of Law Enforcement of the defendant,
8 at the time, 1967, would lead a reasonable, prudent
9 investigation team to attempt to talk to the accused,
10 yes or no?

11 A. Depends on the circumstances.

12 Q. The circumstances in this case were a
13 polygraph was taken of the defendant and he,
14 according to the agent, failed the polygraph and
15 under all the circumstances, just to give the
16 defendant a fair opportunity to tell you whatever he
17 wanted to, if anything, wouldn't those circumstances
18 dictate an effort to talk to the accused?

19 A. I don't have an independent recollection
20 of the circumstances, sir, that lead to the
21 determination we made.

22 Q. And, as I understand, it is a general
23 rule or policy you decide when the circumstances
24 dictate that a suspect is interviewed by you or not
25 interviewed by you?

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1 A. No. As I told you previously, I don't
2 have a general policy covering a case like this
3 because I never had a case like this.

4 Q. Murder cases. This is a murder case you
5 were investigating initially, correct?

6 A. As I indicated to you, sir, I have never
7 had a case like this.

8 Q. Do you try cases now yourself?

9 A. No, sir. I have not tried a case since
10 I became State Attorney.

11 Q. You have not tried a case since you
12 became State Attorney?

13 A. That's correct.

14 Q. You tried a case when you were with Mr.
15 Gerstein?

16 A. That's correct.

17 Q. And was that a fraud case?

18 A. I don't recall the exact indictment. My
19 recollection is it was more real estate violations.

20 Q. And other than that trial, have you
21 prosecuted any other trials?

22 A. Not criminally.

23 Q. Doctor do you know who he
24 is?

25 A. No, sir, I don't.

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b7c

1 Q. Let me show you Exhibit Number 7, the
2 signature at the end of the -- take a look at that
3 signature.

4 A. Yes, sir.

5 Q. Does that refresh your recollection of
6 who Doctor [REDACTED] is?

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7 A. It just appears to be on the autopsy and
8 the third page appears to be signed by [REDACTED]

9 [REDACTED]

10 Q. He would have been the person that
11 purportedly performed the autopsy according to your
12 records?

13 A. He's the person that appears to have
14 signed the autopsy.

15 Q. Were any efforts made to subpoena Doctor
16 [REDACTED] interrogate Doctor [REDACTED]

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17 A. I don't have an independent recollection
18 of whether or not a determination was made to
19 subpoena Doctor [REDACTED]

20 Q. Do you have any reason to believe that
21 his testimony would be relevant to your
22 investigation?

23 A. I don't have an independent recollection
24 of whether it would be based on the information we had,
25 it would be relevant.

1 Q. [REDACTED] Do you know who that
2 is?

3 A. You inquired about [REDACTED]
4 before and I do not have an independent recollection
5 of what his role was.

6 You indicated, I think, in your
7 questioning that he may have been an investigator,
8 but I am not sure. That may be the general
9 information I had.

10 Q. Do you have any recollection of any
11 files reflecting that he took a sworn statement from

12 [REDACTED]

13 A. I don't have an independent recollection
14 of what our files indicate.

15 Q. Had that been the case, would you agree
16 or disagree that [REDACTED] would be a relevant
17 witness to subpoena and take a sworn statement from?

18 A. I don't have an independent recollection
19 of the circumstances surrounding and I have to look
20 at the files to answer that question.

21 Q. You know who [REDACTED] is,
22 right?

23 A. My recollection is he's one of the
24 inmates that was with [REDACTED]

25 Q. Did you attempt to subpoena and/or take

1 sworn statements from any persons in an effort to
2 rebut [redacted] statements that he stated
3 that he received from [redacted] while he was in
4 jail?

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5 A. I don't have an independent recollection
6 of the steps taken in response to any statements made
7 by [redacted] at any time either in affirmation
8 or in rebuttal.

9 Q. You know Judge Walter Tally in Manatee
10 County?

11 A. I have heard that name and I do not have
12 an independent recollection of his specific role.

13 Q. Would it refresh your recollection --

14 A. If any.

15 Q. I'm sorry. I didn't mean to interrupt
16 you.

17 Would it refresh your recollection to
18 review any reports to determine that he was the
19 Public Defender in 1967 and 1968?

20 A. I don't have an independent recollection
21 of what our records reflect.

22 Q. Assuming that he was the Public Defender
23 in 1967 and 1968 and represented [redacted]
24 would it not be relevant and material to your
25 investigation to take a sworn statement from Mr.

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1 Tally to determine what deals, if any, were made with
2 the State Attorney and [REDACTED] if any?

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3 A. I did not take such a statement. I don't
4 have an independent recollection of whether such a
5 statement was taken or not.

6 Q. Was there any reason Exhibit Number 3
7 was not mentioned with specificity in your nol pros
8 memo?

9 A. I do not have an independent
10 recollection of whether Exhibit Number 3 is mentioned
11 or is not mentioned. And if it's not mentioned, why
12 it's not mentioned.

13 [REDACTED] I don't have anything else
14 to ask.

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15 Thank you.

16 [REDACTED] I have a few questions.

17 CROSS-EXAMINATION

18 BY [REDACTED]

19 Q. Ms. Reno, you were not asked to review
20 any documents prior to this deposition, were you?

21 A. No.

22 Q. You weren't asked to go through that
23 seven or eight boxes of files, were you?

24 A. No.

25 Q. Now, [REDACTED] named off quite a few

1 people. For instance, [REDACTED]

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2 [REDACTED] and asked you whether or not either your
3 office or the Florida Department of Law Enforcement
4 had taken sworn statements of these persons and your
5 answer was you did not have an independent
6 recollection.

7 I could tell you that our review of your
8 file showed that statements were -- sworn statements
9 were taken of all of these people and --

10 [REDACTED] Let me interrupt with an
11 objection. The question was not whether FDLE
12 had taken statements. The question was -- I
13 asked did you or members of your office, Ms.
14 Reno.

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15 So with that objection, you may go
16 ahead.

17 BY [REDACTED]

18 Q. Your office worked in conjunction with
19 FDLE in the investigation of this case; is that
20 correct?

21 A. That's correct.

22 Q. And FDLE, whatever work they did on the
23 case, they did at your direction?

24 A. No. They did work on the case way prior
25 to the executive order as well as after. After the

1 executive order all the work that I am aware of was
2 done under our direction.

3 Q. Is it a fair statement, Ms. Reno, to say
4 that any statements that were taken were taken at
5 your direction or by someone in your office?

6 Let me put it this way: Either at your
7 direction or with the knowledge of someone in your
8 office?

9 A. There may have been statements taken
10 prior to the time the executive order was entered.

11 Q. Let me qualify that to after the
12 executive order.

13 A. That's correct.

14 Q. Is it a fair statement to say that any
15 statements that you felt were required to do a fair
16 and complete investigation were, in fact, taken
17 either by your office or FDLE?

18 A. Based on the information we had and the
19 evidence we had and knowledge we had, we did
20 everything we thought should be done to conduct a
21 fair, objective investigation.

22 Q. Do you have any recollection of when the
23 Florida Bureau of Investigation became involved in
24 the investigation and I am talking now back in 1967?

25 A. No. I don't have an independent

1 recollection of when that occurred.

2 Q. Would it be helpful to you --

3 A. Actually, what I should say, I don't
4 have an independent recollection of whether our file
5 reflects when it happened. I obviously don't know of
6 my own knowledge.

7 Q. Do you have any recollection of who the
8 person was that took the polygraph examinations of
9 certain individuals immediately after the children
10 died?

11 A. Based on the information that -- I don't
12 have an independent recollection, but based on the
13 information that -- the documents that [REDACTED]
14 furnished today, it looks like his name was [REDACTED]

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15 [REDACTED]

16 Q. Isn't it a fact that [REDACTED] was
17 not employed by the Florida Bureau?

18 A. I don't have an independent recollection
19 of whether he was or was not.

20 Q. What was your official capacity with
21 regard to the investigation of the prosecution of

22 [REDACTED]

23 A. You would have to refer to each one of
24 the executive orders to understand it and I don't
25 have an independent recollection of what the

1 executive orders say.

2 Q. Were you assigned by the Governor of the
3 State of Florida to do the investigation?

4 A. The nol pros memorandum that [redacted]
5 furnished me today refers to us on the face as the
6 Assigned State Attorney for the Twelfth Judicial
7 Circuit of Florida.

8 Q. And in that capacity --

9 A. And that's the way I have signed it.

10 Q. And in that capacity, as well as [redacted]
11 [redacted] who was your assistant and [redacted] who was

12 your assistant, all three of you, were you acting on
13 behalf of the State of Florida at the time you signed
14 that memorandum?

15 A. Yes.

16 Q. [redacted] asked you several times --
17 actually, I think it was three times regarding some
18 prior problems or feelings that you may have had from
19 Mr. Schaub or Mr. Schaub may have had for you and I
20 would like to ask you if any of those feelings -- and
21 I don't think they were very clearly defined today,
22 but if there was any personal feelings that you had
23 towards Mr. Schaub influence your investigation of
24 the prosecution of [redacted] in any way?

25 A. The only specific time -- I think I may

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1 have met him on one -- more than one occasion, but
2 the specific time I remember him, as meeting him at
3 the capital and he was -- I remember him as being
4 very courtly. As I recall, he had on a tweed coat
5 and I remember the tweed coat because it kind of went
6 with his courtly manner and I frankly was very
7 surprised when I heard from his executive director
8 that he was upset with me and thought I was in some
9 way trying to hurt the Twelfth Judicial Circuit.

10 Q. So your answer then, if I may
11 characterize it then, is that there really wasn't
12 prior feelings as far as you were concerned, any
13 prior problems or negative feelings?

14 A. As I say, the first time that I -- the
15 only time I really recall meeting him, and I have a
16 general impression that it might have been other
17 times, is the time I specifically described to you.
18 I was puzzled because what we were trying to do in
19 developing the funding formula was to make sure that
20 historical inequities were corrected and circuits
21 such as the 10th, the 12th, the 18th, the 20th and
22 the 5th had an increase in per capita funding.

23 Q. Would you explain what the genesis of
24 that statement is?

25 In other words, you sort of came in the

1 middle of funding.

2 A. There are twenty judicial circuits and
3 historically the legislature had tried to get the
4 twenty judicial circuits, the twenty State Attorneys
5 to come up with a funding formula that could be
6 applied.

7 It had always been difficult because
8 some circuits were historically much better funded in
9 terms of per capita funding than other circuits and
10 what we were trying to do is address the mid range
11 circuits which we generally characterize as the 10th,
12 the 12th and the 18th and also the 20th and then the
13 5th which had the lowest per capita funding of any
14 circuit.

15 We developed a formula based on
16 population plus per capita. I mean index arrests
17 based on, again, on per capita. We also had a
18 function for some of the very small counties as far
19 as city factor and instead of just bringing everybody
20 up based on the formula, we estimated the difference
21 between what the formula would produce and what that
22 circuit had and tried to give the circuits with
23 smaller funding a bigger increase.

24 Q. Did you learn after the fact that Mr.
25 Schaub had taken issue with the funding for his

1 circuit? Is that the problem?

2 A. I knew at the time that he was very
3 concerned with the funding. We all were. Since 1984
4 it has been very difficult and we all were very
5 concerned about the funding with the increase in case
6 loads.

7 I learned after the -- after I met with
8 him that he was upset with me because he thought that
9 somehow or another I was trying to do something to
10 the 12th.

11 Q. Did that influence the findings and
12 conclusions in the nol pros memorandum in any way?

13 A. Not at all.

14 Q. Did that influence your investigation of
15 the prosecution of [REDACTED] in any way?

16 A. Not at all.

17 Q. Were there any other personal -- prior
18 personal dealings or relationships with Mr. Schaub
19 that influenced the nol pros memorandum?

20 A. Not at all.

21 Q. Or the investigation of the [REDACTED]
22 case.

23 A. Not at all.

24 Q. I have one more question, Ms. Reno.

25 There were a couple of times [REDACTED]

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1 also asked you if you had reviewed the law as it was
2 in 1967 versus the law in 1989 prior to coming to the
3 conclusions that you came to in the nol pros
4 memorandum and taking the finding that you made and I
5 just want to ask you -- and you said, yes, that you
6 had looked at the law both in 1967 and 1989. And I
7 want to ask you if the conclusions and findings in
8 the nol pros memorandum are based upon the
9 considerations of the law as it was in 1967 as well
10 as the law as it is now?

11 A. Yes.

12 [REDACTED] I have no other
13 questions.

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14 CROSS-EXAMINATION

15 BY [REDACTED]

16 Q. Ms. Reno, my name is [REDACTED] I
17 represent [REDACTED] I'm here on behalf of [REDACTED]
18 [REDACTED] who was unable to attend today.

19 I have a few questions myself.

20 As a State Attorney for Dade County, are
21 you familiar with [REDACTED] reputation in this
22 community as both an ethical and competent criminal
23 attorney?

24 A. I am familiar with his reputation in the
25 community.

1 Q. What is your understanding of [redacted]
2 [redacted] reputation in this community regarding his
3 ethics and competence as a criminal lawyer?

4 A. Some people think that he's a great
5 advocate for the underdog and is ethical in his
6 advocacy and other people think he's unethical and it
7 goes beyond the bounds of proper representation,
8 particularly as it relates to attracting press.

9 Q. And what is your personal opinion
10 regarding [redacted] along these lines?

11 [redacted] Let me object and I am not
12 -- can not instruct this witness. She's on
13 her own. That's not a relevant, proper
14 question. She can testify as to what she
15 -- hearsay as to the exception to the
16 hearsay rule and I think she has already
17 answered the question.

18 [redacted] Well, I note your objection
19 to relevancy.

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20 BY [redacted]:

21 Q. Would you please answer my question, Ms.
22 Reno?

23 A. I don't think I have enough information
24 of my own knowledge to form an opinion.

25 Q. Upon your review of the file which you

1 would have done or your office would have done in
2 preparation or as part of your investigation, did you
3 make a determination regarding the competency with
4 which [redacted] represented [redacted]

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5 A. I don't have an independent recollection
6 of making such a determination.

7 [redacted] You say [redacted] You mean
8 [redacted]

9 I misunderstood you. Would you read the
10 question back, please?

11 (Thereupon, the above-referred to
12 portion of the testimony was read back by the
13 Court Reporter as above recorded.)

14 [redacted] At the trial?
15 No. As to [redacted]
16 competency representing [redacted]

17 Did she answer the question?

18 I have no more questions.

19 [redacted] Let me just show you this.
20 I don't think I ever got it marked or if I
21 did -- let me show her number one.

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22 With your permission, I am going to
23 substitute number one for the record in its
24 entirety.

25 [redacted] You mean you're going to

1 substitute this for that?

2 [REDACTED] Yes. Because that just has
3 one page or I'll leave that --

4 [REDACTED] No. Put that. Put the
5 whole thing in.

6 [REDACTED] Let's change this number one
7 to this number one.

8 Do you see what I am doing, [REDACTED]

9 RE-DIRECT EXAMINATION

10 BY [REDACTED]

11 Q. If you would take a look -- this is the
12 only report that I could find of any indication of
13 you or anyone on your behalf talking to [REDACTED]

14 [REDACTED]

15 I don't see any indication there was a
16 sworn statement.

17 A. I don't see any indication that it is a
18 sworn statement.

19 Q. Could you, and I am asking you because I
20 don't know, tell me whether it was taken
21 telephonically or in person from that report, the
22 interview of [REDACTED]

23 A. I can't tell you because it says it is a
24 document with the Department of Law Enforcement and I
25 would not know.

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1 Q. This was actually done in November which
2 is prior to your entry into the case, right?

3 A. That's correct.

4 Q. So if it is prior to your entry into the
5 case, do you know of any efforts since November 15th
6 that anyone made to contact [REDACTED]

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7 A. I have no independent recollection of
8 efforts made to contact [REDACTED] whether or not
9 it was done.

10 Q. So if it was the only document we could
11 find in your files, I would ask you to make a note if
12 you want to direct anyone to see if there were any
13 additional interviews of [REDACTED] in fairness to
14 accuracy, Ms. Reno. That's all I could find.

15 A. Okay, sir.

16 Q. In this regard, in looking at this
17 Exhibit Number 1 on the first page it appears that

18 [REDACTED] stated that -- to [REDACTED] that

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19 [REDACTED] did not

20 testify at [REDACTED] trial. Okay. Further he

21 states in his report that [REDACTED] added that he

22 expected the prosecution to call them as witnesses.

23 However, they did not do so. It further states in

24 his report, attributes the statement to [REDACTED] in

25 the report that [REDACTED] feels that in hind sight he

1 should have had them testify, but feels at the time
2 they could do nothing but strengthen the State's
3 case, period.

4 Do you recall anybody bringing that
5 report to your attention? Do you recall that with
6 specificity, this report being brought to your
7 attention?

8 A. I do not have an independent
9 recollection of that report.

10 Q. That would appear to be a rather
11 damaging statement of the conduct of the trial, would
12 it not, by the defense lawyer by himself?

13 A. I do not have an independent
14 recollection of it. I have a recollection of
15 discussions between [redacted] and myself
16 as to information we received concerning [redacted]
17 conduct at the trial and concerning -- expressed by
18 all of us concerning the conduct of the trial.

19 Q. Until the advent of [redacted] in the
20 case, did it appear that [redacted] was a sole
21 attorney that continued to represent [redacted]
22 post conviction?

23 A. I do not have an independent
24 recollection of that, who represented [redacted]

25 Q. This Exhibit Number 1 front page goes on

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1 to state that [] states that the most damaging
2 testimony to be given at the trial was provided by

3 []
4 former jailmates of []

5 That's why I had asked you earlier if
6 anyone had given you this report so you could
7 determine whether or not [] attorney
8 should be talked to. That was now Judge Walter
9 Tally. You have already answered you have no
10 recollection of any efforts made to talk to Judge
11 Tally.

12 A. I have no independent recollection.

13 Q. In this report [] states that
14 [] further states that SAO Schaub erred by
15 providing the death certificate indicating the cause
16 of injury/death on Betty Jean Bryant as premeditated
17 murder to the jury at the time of trial.

18 Do you recall reading in the trial
19 testimony itself or talking to anyone that was
20 present at the trial that there was a conference -- a
21 bench conference initiated by the State Attorney in
22 an effort to block that statement out of the death
23 certificate, that [] objected and wanted it
24 left in for defense reasons?

25 Do you have any recollection of that?

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1 A. I have no independent recollection of
2 that.

3 Q. Would that be significant in your
4 investigation? It should have been pointed out to
5 you in hind sight now?

6 A. I don't have any recollection that would
7 enable me to answer the question.

8 Q. Just based on what you have heard.

9 A. I don't answer things based on what I
10 have heard. I answer things based on my total review
11 of the information.

12 Q. I understand you're standing on your
13 memo based upon the information that you had whether
14 it was made available to you.

15 In this report, [redacted] attributes to
16 [redacted] the further statement that he adds that he
17 filed this complaint with the Florida Supreme Court
18 and presented the case before them. However, the
19 court ruled sufficient evidence existed to find
20 conviction.

21 In that regard, your nol pros memo
22 states that there was insufficient evidence not only
23 to charge [redacted] but to find him guilty; is
24 that correct?

25 A. That's correct.

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1 Q. He was tried by a jury of at least
2 twelve people in Lee County, correct?

3 A. That's my understanding.

4 Q. In 1967, the element of proof beyond and
5 to the exclusion of every reasonable doubt existed
6 then as it does today?

7 A. Correct. I believe it was tried in
8 1967, 1968.

9 Q. Existed then as it does today, the same
10 burden of proof?

11 A. So I understand.

12 I appreciate your courtesy,

13 Mr. Reno.

14 Do you want to read or waive?

15 THE WITNESS: Read.

16 (Thereupon, Plaintiff's Exhibit 11 was
17 marked for Identification.)

18 (Thereupon, the deposition was
19 concluded.)

20 (Reading and signing having not been
21 waived.)

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WITNESS

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CERTIFICATE

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STATE OF FLORIDA)
 : SS.
COUNTY OF DADE)

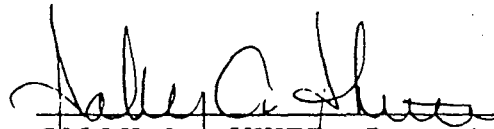
I, SALLY A. SHUTE, a Notary Public in and for the State of Florida at Large, hereby certify that the foregoing transcript, pages 1 through 103, is a true and correct transcript of the deposition of JANET RENO taken before me at the time and place stated in the caption thereof.

I further certify that said witness was duly sworn according to law.

I further certify that reading and signing were not waived.

I further certify that I am not of counsel to either of the parties hereto, or otherwise interested in said cause.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this 28 day of September, 1990.


SALLY A. SHUTE, Reporter

My Commission Expires:
May, 1992

1 LAWS REPORTING, INC.
2 1360 N.W. 16th Street
3 Miami, FL 33125
4 September 28, 1990

5 Ms. Janet Reno
6 c/o Metro Justice Building
7 1351 N.W. 12th Street
8 Miami, FL 33125

9 JN RE: FRANK SCHAUR VS. [REDACTED]

10 CASE NO. [REDACTED]

11 Dear Ms. Reno:

12 This letter is to inform you that your deposition
13 taken on September 24, 1990, is ready for your
14 reading and signing.

15 It is available at the Metropolitan Justice Building,
16 Miami, Florida.

17 Your attention in this matter will be appreciated.

18 Yours truly,

19 _____
20 SALLY A. SHUTE, Reporter

21 cc:
22 Clerk, Circuit Court
23 [REDACTED]

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(12/31/1995)

FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 12/17/1998

Date: 10/07/1998

To: BICS

Attn: Region 1
Region 4

Denver
Jacksonville
Miami
New York
Washington Field

Attn: IA Unit

From: Administrative Services Division
Special Inquiry and General Background Investigations
Unit (SIGBIU)/Room 4371

Contact: PSS [redacted] Ext. 2023

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b7C

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 77L-HQ-1045971 (Pending)

Title: JANET (NMN) RENO
BACKGROUND REINVESTIGATION -
DEPARTMENT OF JUSTICE (BI-DOJ)

Synopsis: Initiation of 5-Year Scope background reinvestigation on captioned candidate.

Administrative: BUDED is 12/17/1998.

NOTE: [redacted]

[Large redacted area]

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10-1-98
MAIL DIRECT UNIT, C BY

BICS 1 & 4
copies hand
delivered to [redacted]

77L-HQ-1045971-4

[Redacted box]

To: BICS From: Administrative Services Division
Re: 77L-HQ-1045971, 10/07/1998



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All Offices Note: Each field office should set appropriate leads using SF-86, in addition to leads set forth.

Direct results/questions to PSS [redacted] supra. Advise SIGBIU (PSS [redacted] and appropriate field offices of any derogatory information in accordance with MIOG, Part II, Section 17-5.1(1). If Buded will not be met, telephonically advise PSS [redacted] and set forth reason(s) in Administrative Section of investigative report. SIGBIU facsimile numbers are (202) 324-2574, (202) 324-1865, and (202) 324-4504.

b6
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[redacted] **Enclosures:** Being forwarded to each field office/BICS Region with a hard copy of this EC, via Bureau mail, is one copy each of the following: candidate's SF-86 dated 09/15/1998, and release forms, and investigative packet revised 04/08/1998 to be used in conducting candidate's 5-year background reinvestigation.

Details: Bureau has been requested by the DOJ to conduct a 5-year background reinvestigation of candidate using the SF-86. Candidate is currently the Attorney General of the United States, DOJ, Washington, D.C. Candidate was the subject of a previous 77A FBI BI completed in 03/93. Update accordingly.

To: BICS From: Administrative Services Division
Re: 77L-HQ-1045971, 10/07/1998

LEAD (s):

Set Lead 1:

BICS

AT REGION 1, VA

Review EC, SF-86, and guidelines regarding current procedures and conduct appropriate investigation.

Interview candidate per attached guidelines. Set any additional leads, if applicable.

Conduct neighborhood; employment; and ensure appropriate representative at DOJ is interviewed to confirm all suits involving candidate were in her official capacity only and not against her personally.

Set Lead 2:

BICS

AT REGION 4, VA

Review EC, SF-86, and guidelines regarding current procedures and conduct appropriate investigation.

Conduct two reference interviews; and interview two additionally developed references in your territory.

Set Lead 3:

DENVER

AT DENVER, CO

Review EC, SF-86, and guidelines regarding current procedures and conduct appropriate investigation.

Conduct indices check on listed relative.

To: BICS From: Administrative Services Division
Re: 77L-HQ-1045971, 10/07/1998

Set Lead 4:

JACKSONVILLE

AT JACKSONVILLE, FL

Review EC, SF-86, and guidelines regarding current procedures and conduct appropriate investigation.

Conduct BAR/grievance record checks.

Set Lead 5:

MIAMI

AT MIAMI, FL

Review EC, SF-86, and guidelines regarding current procedures and conduct appropriate investigation.

Conduct indices checks on listed relatives.

Set Lead 6:

NEW YORK

AT NEW YORK, NY

Review EC, SF-86, and guidelines regarding current procedures and conduct appropriate investigation.

Conduct indices checks on listed relatives.

Set Lead 7:

WASHINGTON FIELD

AT WASHINGTON, DC

Review EC, SF-86, and guidelines regarding current procedures and conduct appropriate investigation.

Conduct BAR; DMV; USAO; arrest; DOJ-OPF; and indices checks.

◆◆

FD-340 (Rev. 7-29-92)

Universal Case File Number 77L-410 1045971

Field Office Acquiring Evidence 6/16/92

Serial # of Originating Document _____

Date Received 10/9 - 10/14

From _____
(Name of Contributor)

By _____

To Be Returned Yes No

Receipt Given Yes No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)

Federal Rules of Criminal Procedure

Yes No

Title: SA Kurt Reno

Reference: memo 10/14/92
(Communication Enclosing Material)

Description: Original notes re interview of
all

Item	Date Filed

b6
b7C



Developed Ref

Memorandum



To : Assistant Director
Information Management Division

Date 10/19/98

From :



b6
b7C

Subject:

JANET (HUMAN) KERO

BACKGROUND INVESTIGATION
CONTRACT SERVICES (BICS) PROGRAM

77L HQ 104597/ (File Number)

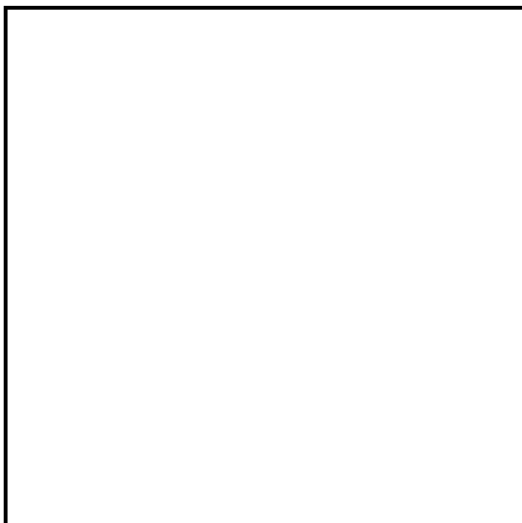


(BICS Analyst)

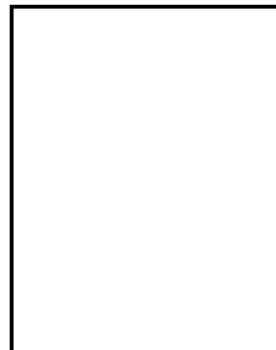
(HQ Analyst/Room #) 437/

The attached documents were generated in connection with a background investigation conducted by a Special Investigator, under contract of the FBI. These documents should be maintained in captioned HQ file and made a matter of permanent record for future retrieval.

Enc.



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b7C



(Title) _____

(File No.) _____

Item	Date Filed	To be returned		Disposition
		Yes	No	
1A1	2/22/93		X	Release Form
1A2	3/1/93		X	INV. NOTES
1A3	3/1/93		X	INV. NOTES
1A4	3/1/93		X	INV. NOTES

77A-HQ-1045971-1A3



Universal File Case Number 77A-40-1045971-1A3

Field Office Acquiring Evidence _____

Serial # of Originating Document _____

Date Received 2-24-93

From _____
(Name of Contributor)

b6
b7C

(Address of Contributor)

Tallahassee FL
(City and State)

By _____
(Name of Special Agent)

To Be Returned Yes No

Receipt Given Yes No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

Yes No

Title: JANET DEVO

Reference: _____
(Communication Enclosing Material)

Description: Original notes re interview of

b6
b7C

Universal File Case Number 77A-40-1045971-1A4

Field Office Acquiring Evidence _____

Serial # of Originating Document _____

Date Received 2-24-93

From
(Name of Contributor)

b6
b7C

(Address of Contributor)

Tallahassee, FL
(City and State)

By
(Name of Special Agent)

To Be Returned Yes No

Receipt Given Yes No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

Yes No

Title: Janet Rev0

Reference: _____
(Communication Enclosing Material)

Description: Original notes re interview of

b6
b7C

Universal File Case Number 77P-HQ-1045971-1A2

Field Office Acquiring Evidence _____

Serial # of Originating Document _____

Date Received _____

From _____
(Name of Contributor)

(Address of Contributor)

(City and State)

By IA R. FLORES MEDRANO
(Name of Special Agent)

To Be Returned Yes No

Receipt Given Yes No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

Yes No

Title:

Reference: _____
(Communication Enclosing Material)

Description: Original notes re interview of

Inv. Notes

2/22/93

Re: Janet Reno

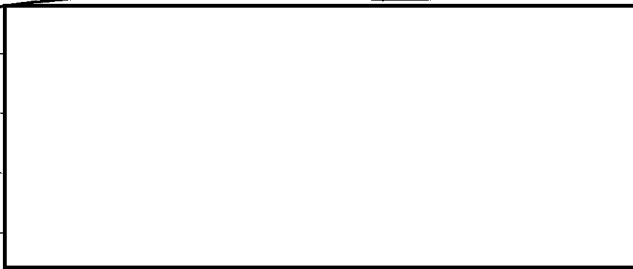


1351 N.W. 12th St.
Miami, Fla.

b6
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Alm. on 11/15/63
+ Cur. good standing.

066002



Complaint filed 10/7/92
Closed 10/13/92
" no jurisdiction
on 11/15/92

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St. J. [Redacted]
5900 N. Andrews Ave
S. 835
Cypress Frig. Center
Ft. Lauderdale, Fla.

Del. to HA + MM
Circulated 2/22/93

2/23/93

7) S. Ottomano's Office



b6
b7c

No record

2/22/93

b6
b7c

Janet Reno
11200 N. Penckel Dr.
MM, IL.

R 500-420-35-761 - 5/23/54
7/20/90
X 7/21/96
DOB - 7/21/38

No Violations Noted

2/22/93

Re: Janet Reno - 7/21/88

P.D. —

No record

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S.O. —

No record

Universal File Case Number 77A-HQ-1045971-1A1

Field Office Acquiring Evidence _____

Serial # of Originating Document _____

Date Received _____

From _____
(Name of Contributor)

(Address of Contributor)

(City and State)

By _____
(Name of Special Agent)

To Be Returned Yes No

Receipt Given Yes No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

Yes No

Title:

Reference: _____
(Communication Enclosing Material)

Description: Original notes re interview of

RELEASE FORM

UNITED STATES OF AMERICA

AUTHORIZATION FOR RELEASE OF INFORMATION

Carefully read this authorization to release information about you, then sign and date it in ink.

I Authorize any investigator, special agent, or other duly accredited representative of the U.S. Office of Personnel Management, the Federal Bureau of Investigation, the Department of Defense, and any authorized Federal agency, to obtain any information relating to my activities from schools, residential management agents, employers, criminal justice agencies, retail business establishments, or other sources of information. This information may include, but is not limited to, my academic, residential, achievement, performance, attendance, disciplinary, employment history, and criminal history record information.


I Understand that, for financial or lending institutions, medical institutions, hospitals, health care professionals, and other sources of information, a separate specific release will or may be needed, and I may be contacted for such a release at a later date.

I Further Authorize the U.S. Office of Personnel Management, the Federal Bureau of Investigation, the Department of Defense, and any other authorized agency, to request criminal record information about me from criminal justice agencies for the purpose of determining my eligibility for, assignment to, or retention in, a sensitive position, in accordance with 5 U.S.C. 9101.

I Authorize custodians of records and sources of information pertaining to me to release such information upon request of the investigator, special agent, or other duly accredited representative of any Federal agency authorized above regardless of any previous agreement to the contrary.

I Understand that the information released by records custodians and sources of information is for official use by the Federal Government only for the purposes provided in this Standard Form 86, and may be redisclosed by the Government only as authorized by law.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for two (2) years from the date signed.

Signature (Sign in Ink) 	Full Name (Type or Print Legibly) JANET RENO	Date Signed 2/18/93
Other Names Used None	Social Security Number 21617 - 610 - 7131413	
Current Address (Street, City) 11200 North Kendall Drive, Miami	State FL	ZIP Code 33176 Home Telephone Number (Include Area Code) (305) 271-2963

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1424827-000

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Page 42 ~ b6; b7C;
Page 43 ~ b6; b7C;
Page 45 ~ b6; b7C;
Page 48 ~ b6; b7C;
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ELECTRONIC CASE FILE

Case Reclassification

09/29/1998

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Case Reclassification of Documents
77L-HQ-1045971

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Page 1

Case ID (with new class)	Documents	Old Class : 77A
77L-HQ-1045971	2	
Total Documents Reclassified :	2	

UNIVERSAL INDEX

Case Reclassification

09/29/1998

RUN BY:

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07:03:37

Case Reclassification

UNI020P2

***** Statistical Information from Universal Index *****

Old Case ID	:	77A-HQ-1045971
New Case ID	:	77L-HQ-1045971
Mains	:	1
References	:	19
Total records processed:		20

BACKGROUND INVESTIGATION

OF

JANET RENO

TABLE OF CONTENTS

<u>DOCUMENT</u>	<u>PAGES</u>
MEMORANDUM DATED 3-1-93.....	2
MEMORANDUM DATED 2-26-93.....	5
ENCLOSURES (28) TO MEMORANDUM DATED 2-26-93.....	99
NEW YORK REPORT OF SA [REDACTED] DATED 2-26-93.....	5
MIAMI REPORT OF SA [REDACTED] DATED 2-26-93.....	3
MIAMI REPORT OF SA [REDACTED] DATED 2-26-93.....	3
ENCLOSURE TO MIAMI REPORT DATED 2-26-93.....	19
JACKSONVILLE REPORT OF SA [REDACTED] DATED 2-26-93.....	32
ENCLOSURES (20) TO JACKSONVILLE REPORT DATED 2-26-93.....	108
ATLANTA REPORT OF SA [REDACTED] DATED 2-26-93.....	53
WMFO REPORT OF SA [REDACTED] DATED 2-25-93.....	35
MIAMI REPORT OF SA [REDACTED] DATED 2-25-93.....	356
TAMPA REPORT OF SA [REDACTED] DATED 2-25-93.....	20
ENCLOSURES (17) TO TAMPA REPORT DATED 2-25-93.....	630
CHARLOTTE REPORT OF SA [REDACTED] DATED 2-25-93.....	2
ALBANY REPORT OF SA [REDACTED] DATED 2-25-93.....	2
DETROIT REPORT OF SA [REDACTED] DATED 2-23-93.....	2
BOSTON REPORT OF SA [REDACTED] DATED 2-23-93.....	3
STANDARD FORM 86 (QUESTIONNAIRE FOR SENSITIVE POSITIONS) FOR JANET RENO.....	101
MEMORANDUM OF [REDACTED] DEPUTY COUNSEL TO THE PRESIDENT DATED 2-19-93.....	1

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FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 12/17/1998

Date: 10/19/1998

To: Administrative Services

Attn: SIGRILL Room 4371
PSS [redacted]

b6
b7C

From: Miami

A-1

Contact: IA [redacted] 305-944-9101

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 77L-HQ-1045971 (Pending)

Title: JANET (NMN) RENO
BACKGROUND REINVESTIGATION -
DEPARTMENT OF JUSTICE (BI-DOJ)

Synopsis: Indices checks revealed no information concerning the candidate's relatives, [redacted]

[redacted]

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Reference: 77L-HQ-1045971 Serial 4

Details: On 10/16/1998, [redacted] conducted indices searches which revealed no information concerning the candidate's relatives, [redacted]

[redacted]

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77L-HQ-1045971-5

To: Administrative Services From: Miami
Re: 77L-HQ-1045971, 10/19/1998

LEAD (s):

Set Lead 1: (Adm)

ADMINISTRATIVE SERVICES

AT SIGBIU, DC

Miami investigation complete.

◆◆

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Dep. Dir.	_____
ADD Adm.	_____
ADD Inv.	_____
Asst. Dir.:	
Adm. Servs.	_____
Crim. Inv.	_____
Ident.	_____
Info. Mgmt.	_____
Insp.	_____
Intell.	_____
Lab.	_____
Legal Coun.	_____
Tech. Servs.	_____
Training	_____
Comp. Affs. Off.	_____
Off. of PEO	_____
Off. Liaison & Int. Affs.	_____
Off. of Public Affs.	_____
Telephone Rm.	_____
Director's Office	_____

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13 MAR 93 03 21
FEDERAL BUREAU
OF INVESTIGATION



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PP RUCNFB
DE FBIMM #0021 0712030
ZNR UUUUU
P 122029Z MAR 93

FM FBI MIAMI (77A-HQ-1045971) (A-1) (P)
TO DIRECTOR FBI/PRIORITY/

BT
UNCLAS

CITE: //3460//

PASS: DEPUTY ASSISTANT DIRECTOR DANNY D. COULSON.

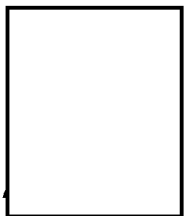
SUBJECT: JANET (NMN) RENO, BACKGROUND INVESTIGATION -
PRESIDENTIAL APPOINTMENT - ATTORNEY GENERAL (BI-PAS); BUDED:
PAST.

RE TELCAL OF SAC ANDREW J. DUFFIN, MIAMI DIVISION TO DAD
DANNY D. COULSON DATED 3/10/93 AND MIAMI REPORTS TO BUREAU
DATED 2/25 - 26/93.

ON 3/12/93 A MEETING WAS HELD BETWEEN SAC ANDREW J.
DUFFIN, SSA [REDACTED] ATTORNEY [REDACTED] AND HIS
CLIENT MIAMI TV NEWS ANCHORWOMAN ANN BISHOP, WPLG (ABC

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RECEIVED



1 destroyed

PAGE TWO DE FBIMM 0021 UNCLAS

AFFILIATE).

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[REDACTED] RELATED THAT ON 3/9/93, ATTORNEY [REDACTED] HAD TELEPHONICALLY CONTACTED RADIO TALK SHOW HOST BOB GRANT, NEW YORK CITY, NEW YORK AND PARTICIPATED IN THAT PROGRAM [REDACTED]

[REDACTED] IT SHOULD BE NOTED THAT DURING INSTANT BACKGROUND INVESTIGATION THOMPSON AND ASSOCIATES WERE INTERVIEWED AND IT WAS DETERMINED THAT ALLEGATIONS WERE FALSE. THOMPSON THROUGH AN ASSOCIATE HAD RELAYED INFORMATION

[REDACTED] CAUSING HER TO BE INTERVIEWED BY SPECIAL AGENTS ON 2/25/93.

[REDACTED] ADVISED THAT THE DETAILS RELATED BY [REDACTED] DURING THE BOB GRANT SHOW APPEARED TO BE IDENTICAL TO QUESTIONS ASKED OF BISHOP DURING THE FBI INTERVIEW, THEREFORE [REDACTED] HAS ASSUMED THAT [REDACTED] HAD DIRECTLY PROVIDED THE DEROGATORY SLANDEROUS INFORMATION. [REDACTED] BASED ON HIS ERRONEOUS ASSUMPTION REQUESTED THAT THE FBI PURSUE A CRIMINAL INVESTIGATION OF [REDACTED] UNDER TITLE 18, USC 1001, THAT IS, MAKING FALSE STATEMENTS TO AN FBI AGENT. [REDACTED] STATED THAT [REDACTED] HAD INDUCED AGENTS TO CONFRONT A WITNESS (BISHOP) AND

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PAGE THREE DE FBIMM 0021 UNCLAS

THEN HAVE THIS INFORMATION BECOME PART OF THE CONGRESSIONAL RECORD.

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b7C

[REDACTED] STATED THAT HE HAS FILED AN OFFICIAL GRIEVANCE WITH THE FLORIDA BAR ASSOCIATION PERTAINING TO [REDACTED] ACTIVITIES AND [REDACTED] IS ALSO CONTEMPLATING A CIVIL ACTION.

BISHOP STATED THAT [REDACTED]

[REDACTED]

[REDACTED] BISHOP DOES NOT KNOW WHY [REDACTED] HAS ASSOCIATED HER WITH RENO. BISHOP EXPRESSED CONCERNS OF HER REPUTATION BY STATING THAT WHEN SHE OBSERVED THE SENATORS (AT RENO'S CONFIRMATION HEARINGS) OPEN THEIR FOLDERS SHE KNEW HER "NAME, WAS IN THERE AND THAT IT WASN'T RIGHT."

[REDACTED] AND BISHOP WERE BOTH INFORMED THAT DUE TO THE PRIVACY ACT ANY INFORMATION FROM AN OFFICIAL INVESTIGATION COULD NOT BE REVEALED, HOWEVER, THE FBI WOULD PRESENT THE ABOVE MENTIONED CRIMINAL ALLEGATIONS TO THE USA'S OFFICE SOUTHERN DISTRICT OF FLORIDA FOR AN OPINION.

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DUE TO THE CONTINUING BEHAVIOR OF [REDACTED] WHICH HAS

PAGE FOUR DE FBIMM 0021 UNCLAS

BEEN DOCUMENTED AS FAR BACK AS 1986, SAC MIAMI HAS RECOMMENDED THAT THE ATTORNEY GENERAL PROTECTION DETAIL BE PROVIDED A PHOTOGRAPH AND BACKGROUND INFORMATION OF

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LEADS:

MIAMI AT MIAMI, FLORIDA - (1) WILL PRESENT ABOVE MENTIONED CRIMINAL ALLEGATIONS TO USA'S OFFICE, SOUTHERN DISTRICT OF FLORIDA FOR AN OPINION. (2) PROVIDE PHOTOS AND BACKGROUND INFORMATION OF THOMPSON TO ATTORNEY GENERAL PROTECTIVE DETAIL.

BT

#0021

NNNN

ACKNOWLEDGEMENT OF RECEIPT

I hereby acknowledge the receipt on March 12, 1993,
from FBI Personnel Security Specialist [redacted] a copy of
the FBI's background investigation of U. S. Attorney General
Janet Reno for the purpose of issuing a DOJ security clearance

Name [redacted]

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b7C

Title Chief, Personal Security, DoS

Date 3/12/93

8A THURSDAY, MARCH 11, 1993
THE MIAMI HERALD

NRA lobbyist loses job for passing 'rumors' about Reno to Senate aides

Herald Washington Bureau

WASHINGTON — A lobbyist for the National Rifle Association lost his job Wednesday for passing on "unsubstantiated rumors" about Janet Reno to the Senate Judiciary Committee, an NRA spokesman said.

NRA chief lobbyist James Baker confirmed that a colleague, Dave Gibbons, had been the source of false allegations passed on to Senate aides about Reno, and had left the influential gun lobby.

"We don't put out unsubstantiated rumors," Baker told The Herald. "We may disagree with Janet Reno on her positions toward law-abiding gun owners, but we don't put out unsubstantiated rumors. The man who put out those rumors resigned today."

Gibbons told the Capitol Hill newspaper Roll Call last week that he had passed on to Senate Republican aides rumors that Reno had avoided drunk driving arrests after being stopped by police in Miami.

Memorandum



To : SAC, MIAMI (77A-HQ-1045971)

Date 3/3/93

From : SA [redacted] (A-1)

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b7C

Subject: JANET RENO -
BACKGROUND INVESTIGATION
BUDED: 2/26/93
OO: BUREAU

On 3/3/93 [redacted] who was previously interviewed on 2/24/93, by SA [redacted] telephonically advised SA [redacted] of "additional information" pertaining to the nomination of JANET RENO as Attorney General.

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[redacted] stated she received a telephone call on 3/2/93 from [redacted] whom she identified as a "phone acquaintance" and a "gentleman who used to be a cop". [redacted] then stated, "I think he was a cop; I am 99 percent sure". According to [redacted] had previously introduced himself telephonically to [redacted] during her handling of the BUCHANON Presidential Campaign in Dade County and during her participation in the anti retention petition against Florida Supreme Court Justice ROSEMARY BARKETT.

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According to [redacted] is currently enrolled in law school and "flies to D.C. a lot". [redacted] stated that [redacted] either "worked briefly " for the FBI, has friends in the FBI or applied to the FBI.

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According to [redacted] furnished her with the name of [redacted] (telephone number [redacted]) local police officers in Dade County, Florida. [redacted]

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2 - 77A-HQ-1045971

(2)

[redacted] furnished [redacted] telephone number as [redacted] adding that she did not wish to have her name utilized in any FBI discussion with [redacted]

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b7C

According to [redacted] had recommended that the FBI interview [redacted] formerly affiliated with METRO DADE POLICE DEPARTMENT, as [redacted] had a lot of "dirt" on RENO.

Memorandum**To : SAC, MIAMI (77A-HQ-1045971)****Date 3/3/93****From : SSA [REDACTED] (A-1)****Subject: JANET RENO -
BACKGROUND INVESTIGATION
BUDED: 2/26/93
OO: BUREAU**b6
b7C

On 3/3/93 captioned writer telephonically contacted [REDACTED] telephone [REDACTED] regarding telephone calls that he had made to SA [REDACTED] on 3/2/93.

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[REDACTED] advised that he wanted to ascertain the status of the JANET RENO investigation and the results of the specific allegations that he had made regarding [REDACTED]

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b7C

[REDACTED] was informed that the FBI could not relate the details of its investigative efforts and that if he possessed additional information it should be directed to captioned writer.

[REDACTED] obviously agitated, then proceeded to state; that the FBI worked for him, the taxpayer; the FBI could not do an impartial investigation on its prospective Attorney General, and, that it was obvious that captioned writer could not conduct an investigation on RENO inasmuch as "you were probably in the closet with HOOVER."

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After completing the above statements [REDACTED] terminated this conversation by hanging up his telephone.

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b7C

2 - 77A-HQ-1045971

[REDACTED]
(2)
[REDACTED]



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

March 1, 1993

BY COURIER

Honorable Bernard W. Nussbaum
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Nussbaum:

In accordance with a request received from your office on February 18, 1993, a background investigation has been conducted concerning Ms. Janet Reno. Enclosed are investigative reports and memoranda containing the results of the background investigation which covered Ms. Reno's entire adult life.

This completes our investigation.

Sincerely yours,

Larry A. Potts
Assistant Director
Criminal Investigative Division

Enclosure (16)

SEE NOTE PAGE 2.

b6
b7C

RETURN TO [Redacted] ROOM 4383

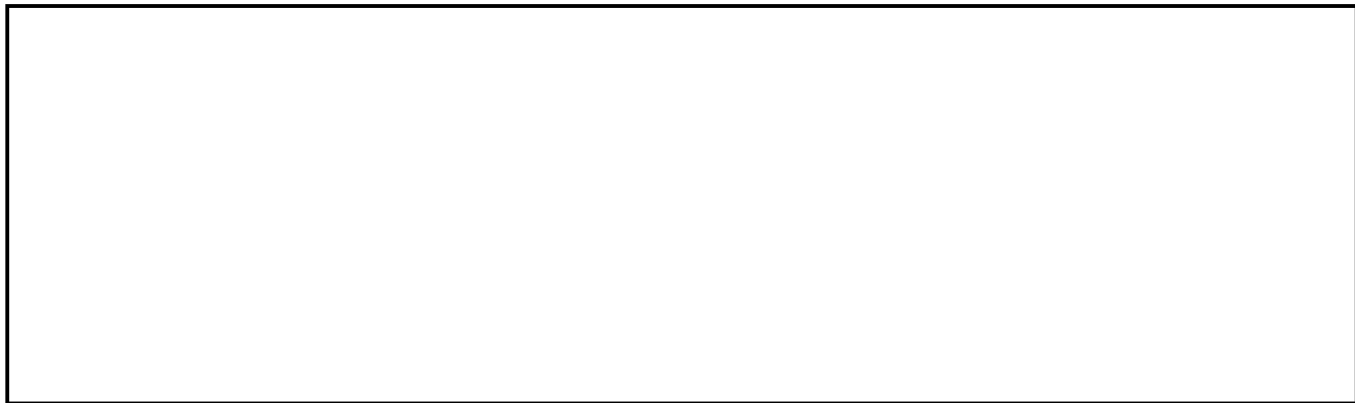
ORIGINAL DELIVERED TO WHITE HOUSE ON 3/1/93.

- Dep. Dir. _____
- ADD Adm. _____
- ADD Inv. _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Cong. Affs. Off. _____
- Off. of EEO _____
- Off. Liaison & _____
- Int. Affs. _____
- Public Affs. _____
- Records Mgmt. _____
- Sec'y _____

MAIL ROOM

RE: JANET (NMN) RENO

NOTE: The background investigation (BI) of Janet Reno for the position of United States Attorney General was opened on 2/18/93. Ms. Reno is currently the State Attorney of the 11th Judicial Circuit of the state of Florida, a position she has held since 1978. There have been no previous FBI BIs on her.



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3) Candidate has failed to aggressively seek prosecutions of public corruption and civil rights matters. Alternately, she has pursued these type cases too zealously, particularly prosecutions of law enforcement officers. One interviewee, [redacted] submitted an unpublished manuscript, entitled Votescam: The Stealing of America, in which the candidate is claimed to have disregarded and, possibly, covered up, evidence of election fraud in Dade County.

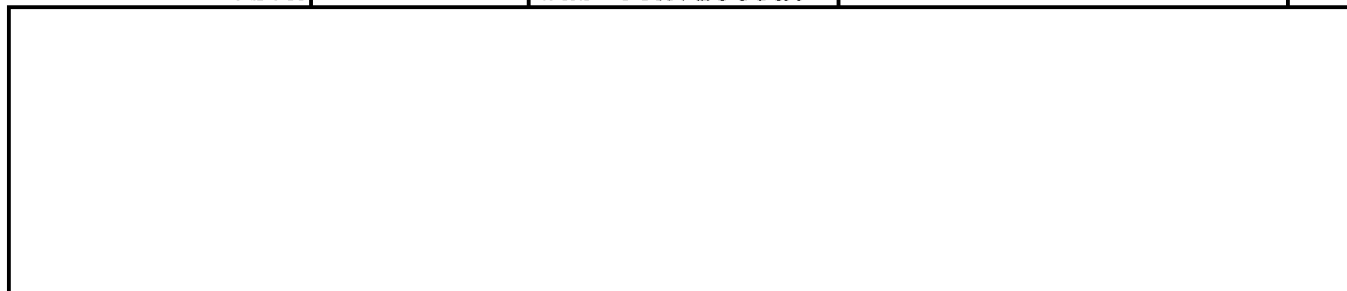
b6
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4) Candidate mishandled the state's investigation of the 1968 murder prosecution of [redacted] which resulted in his release from prison.

Investigation did not corroborate the first three allegations which, for the most part, appeared to be generated and publicized over the years by [redacted] a Miami attorney who was defeated by candidate in the 1988 election for State Attorney.

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The fourth allegation has been made by defense counsel and a witness for former State Attorney Frank Schaub, under whose administration [redacted] was convicted. [redacted]



JANET RENO

During the course of this BI, two interviewees requested confidentiality: [REDACTED]

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This investigation is complete and favorable, not withstanding the above-mentioned uncorroborated allegations. [REDACTED] matter has not been resolved in the state of Florida.

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RECEIVED
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UNIT

MAR 33 12 51

FEDERAL BUREAU
OF INVESTIGATION

0009 MRI 00355

00 P12

DE FBIWMFO #0001 0601158

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FM FBI WMFO (77A-HQ-1045971) (RUC) (A-2)

TO DIRECTOR ~~FBI~~ IMMEDIATE

BT

UNCLAS

CITE: //3920//

PASS: GBIU, ROOM 4383, [REDACTED]

SUBJECT: JANET (NMN) REND; BI-PAS; BUDED: 2/26/93; OO:
BUREAU.

RE BUTEL TO JACKSONVILLE, ET AL, DATED 2/25/93.

ON INSTANT DATE, TRUDY NOVICKI, CHIEF ASSISTANT FOR
SPECIAL PROSECUTION, STATE ATTORNEY'S OFFICE, MIAMI, FLORIDA,
WAS CONTACTED AT THE OLD EXECUTIVE OFFICE BUILDING,
WASHINGTON, D.C. NOVICKI ADVISED THAT SHE PROVIDED REQUESTED
INFORMATION TO UNIT CHIEF [REDACTED] FBIHQ, GBIU, ON THE
EVENING OF 2/25/93.

TRACE
GEN BYS [REDACTED]

MAR 1 5 11 PM '93

RECEIVED

Dep. Dir.	_____
ADD Adm.	_____
ADD Inv.	_____
Asst. Dir.:	_____
Adm. Servs.	_____
Crim. Inv.	_____
Ident.	_____
Info. Mgmt.	_____
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Legal Coun.	_____
Tech. Servs.	_____
Training	_____
Cong. Affs. Off.	_____
Off. of EEO	_____
Off. Liaison & Int. Affs.	_____
Off. of Public Affs.	_____
Telephone Rm.	_____

[REDACTED]

R/M 4383

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1 Retried

[REDACTED]

PAGE TWO DE FBIWMFO 0001 UNCLAS

IN LIGHT OF THE FACT THAT INVESTIGATION HAS ALREADY BEEN
CONDUCTED BY FBIHQ, WMFO IS TAKING NO FURTHER ACTION AND
CONSIDERS THIS MATTER RUC'D.

BT

#0001

NNNN



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

March 1, 1993

JANET RENO
BACKGROUND INVESTIGATION
PRESIDENTIAL APPOINTMENT
WITH SENATE CONFIRMATION

AGENCY CHECK

A record check at the United States Secret Service, Department of the Treasury, Washington, D.C., conducted on March 1, 1993, disclosed no information identifiable with Ms. Reno.

INTERVIEWS

On February 22, 1993, [redacted] Fraternal Order of Police of Florida and Deputy Sheriff, Duval County, Jacksonville, Florida, advised he does not personally know Ms. Reno and, therefore, could not offer any comments as to the Fraternal Order of Police's position regarding her possible appointment. [redacted] advised that [redacted] FOP Lodge Number 20, Miami, Florida, may be able to provide information regarding Ms. Reno.

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On February 24, 1993, [redacted] [redacted] after being advised of the identity of the interviewing Agents and nature of the interview, did not provide any information regarding Ms. Reno for the record.

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On February 23, 1993, FBI Miami developed information indicating [redacted] is currently being held in the Psychiatric Unit of the Dade County, Florida, Jail. In view of this, [redacted] was not interviewed regarding Ms. Reno.

b6
b7C

Based upon initial contact with [redacted] Attorney, Washington, D.C., concerning the [redacted] case, the following information was provided to Supervisory Special Agent [redacted] General Background Investigations, FBI Headquarters, Washington, D.C.:

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- Dep. Dir. _____
- ADD Adm. _____
- ADD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Cong. Affs. Off. _____
- Off. of EEO _____
- Off. of Public Affs. _____
- Telephone Rm. _____
- Director's Sec'y _____

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

MAIL ROOM

JANET RENO

On February 25, 1993, Trudy Novicki, Chief Assistant for Special Prosecution, State Attorney, 11th Judicial Circuit, Miami, Florida, presently in Washington, D.C., telephonically advised that Governor Lawton Chiles of Florida recently ordered a new investigation of [redacted] prosecution case which has been assigned to her. She advised she could not discuss any details of the pending investigation. She advised that J. Peterson, General Counsel, Office of the Governor, Tallahassee, Florida, telephone number [redacted] could be contacted to explain why a new investigation of the [redacted] case was ordered.

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2-24-93

WMFO 77A-HQ-1045971

[Redacted]

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[Redacted]

[Redacted]

[Redacted] after being
advised of the identity of the interviewing Agents and nature of
the interview, [Redacted] did not provide any information.

WMFO 77A-HQ-1045971

[REDACTED]

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United States Secret Service (USSS)
Department of the Treasury
Washington, D.C.

On March 1, 1993, Investigative Assistant (IA) [REDACTED]
[REDACTED] caused a search to be made of the files of the USSS,
Department of the Treasury, Washington, D.C., and was advised
that no record was located regarding the candidate JANET (NMN)
RENO.

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[REDACTED]

Based upon initial contact with [REDACTED] Attorney, Washington, D.C., concerning the [REDACTED] case, the following information was provided to Supervisory Special Agent [REDACTED] General Background Investigations, FBI Headquarters, Washington, D.C.:

On February 25, 1993, Trudy Novicki, Chief Assistant for Special Prosecution, State Attorney, 11th Judicial Circuit, Miami, Florida, presently in Washington, D.C, telephonically advised that Governor Lawton Chiles of Florida recently ordered a new investigation of the [REDACTED] prosecution case which has been assigned to her. She advised she could not discuss any details of the pending investigation. She advised that J. Peterson, General Counsel, Office of the Governor, Tallahassee, Florida, telephone number [REDACTED] could be contacted to explain why a new investigation of the [REDACTED] case was ordered.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE ATLANTA	OFFICE OF ORIGIN BUREAU	DATE 2/26/93	INVESTIGATIVE PERIOD 2/24/93-2/25/93
TITLE OF CASE JANET (NMN) RENO		REPORT MADE BY SA [REDACTED]	TYPED BY:
		CHARACTER OF CASE NOMINEE FOR ATTORNEY GENERAL OF THE UNITED STATES	

b6
b7C

REFERENCE:

Reference Miami teletype to Atlanta, 2/23/93; facsimile from Miami Division to Atlanta, 2/23/93; Atlanta telcal to Miami, 2/25/93.

- RUC -

ADMINISTRATIVE:

WHERE APPROPRIATE, PRIVACY ACT DATA WAS FURNISHED TO PERSONS INTERVIEWED. EXPRESSED PROMISES OF CONFIDENTIALITY, BOTH LIMITED AND UNLIMITED, HAVE BEEN NOTED WHERE GRANTED.

Review of Atlanta indices and asset records revealed no record identifiable with appointee.

APPROVED	[REDACTED]	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW			
COPIES MADE:						
② - BUREAU (77A-HQ-1045971)						
1 - ATLANTA (77A-HQ-1045971)						
DISSEMINATION RECORD OF ATTACHED REPORT			Notations			
Agency						
Request Recd.						
Date Fwd.						
How Fwd.						
by						

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77A-HQ-1045971

LEADS:

MIAMI DIVISION

AT MIAMI, FLORIDA

Re telcal, review file 84-191 which Federal Records Center, Atlanta, Georgia, advises is checked out to U.S. District Court, Miami, Florida.

UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to:

Report of:

SA

[Redacted]

Office: ATLANTA

b6

Date:

February 26, 1993

b7C

Field Office File #:

77A-HQ-1045971

Bureau File #:

77A-HQ-1045971

Title:

JANET (NMN) RENO

Character:

NOMINEE FOR ATTORNEY GENERAL OF THE UNITED STATES

Synopsis:

Review of the below listed civil suits identified no negative circumstances regarding JANET (NMN) RENO.

- RUC -

DETAILS:

On February 24, 1993, Assistant Director WILLIAM CRAIG, National Archives, FEDERAL RECORDS CENTER, 1557 Joseph Avenue, East Point, Georgia, was contacted by Supervisory Special Agent [Redacted] regarding review of civil suits supplied by Miami Division. He advised he would have the files available for review on February 25, 1993.

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b7C

On February 25, 1993, Atlanta Division reviewed civil suits and each review is attached.

CASE NAME: vs Janet Reno.

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b7c

CASE #:

ACCESSION #:

BOX #:

LOCATION #:

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE Stanley Marcus

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: June 19, 1987

REASON: No cause of action.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleges constitutional rights violated.
alleging he was deprived of liberty without due
process of law.

ATTACHED CASE: YES/NO

CASE NAME: [redacted] and Janet Reno

CASE #: [redacted]

ACCESSION #: [redacted]

BOX #: [redacted]
LOCATION #: [redacted]

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE Roettger

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: Dec. 14, 1987

REASON: Both Judge and Prosecutor immune from
prosecution.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleged Constitutional rights violated.

ATTACHED CASE: YES (NO)

CASE NAME: [redacted] vs. Janet Reno, Et Al.

CASE #: [redacted]

ACCESSION #: [redacted]

BOX #: [redacted]

LOCATION: [redacted]

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE Sidney M. Aronovitz

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 7/31/86

REASON: No cause of action and immune from damages.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleges violation of his civil rights.

ATTACHED CASE: YES/**NO**

CASE NAME: vs Janet Reno, Et Al.

CASE #:

ACCESSION #:

BOX #:

LOCATION

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE Hastings

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 3/5/87

REASON: Dismissed for lack of prosecution.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleges violation of 1st, 5th, 4th, 6th, 8th, 9th, and 14th Amendments.

ATTACHED CASE: YES/**(NO)**

CASE NAME: [redacted]
vs. Janet Reno, Et Al.

CASE #: [redacted]

ACCESSION #: [redacted]

BOX #: [redacted]

LOCATION: [redacted]

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE William M. Hoeveler

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 9/23/85

REASON: Voluntary dismissal.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleged civil rights violated.

ATTACHED CASE: YES/NO

CASE NAME: vs. Reno, Et Al.

b6
b7C

CASE #:

ACCESSION #:

BOX #:

LOCATION:

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE William M. Hoeveler

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 9/30/85

REASON: No merit.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleges civil rights violated.

ATTACHED CASE: YES/NO NO

CASE NAME: Spanish International Communications Corporation,
d/b/a WLTV, Channel 23, a Delaware Corporation vs.
The Hon. George Firestone, Secretary of State

CASE #: 85-3453 Hastings

ACCESSION #: 021910152

BOX #: 216

LOCATION #: J0131243

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE Hastings

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 10/22/86

REASON: Dismissed with Prejudice.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT

DISPOSITION: N/A

SYNOPSIS: N/A

ATTACHED CASE: YES/NO

CASE NAME: Equal Employment Opportunity Commission vs.
Janet Reno, as State Attorney, Et Al.

CASE #: 84-141

ACCESSION #: 021900072

BOX #: 11

LOCATION #: H0035121SAN

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE James Lawrence M. King

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 5/17/85

REASON: State Attorney's motion to dismiss granted by
Judge King. Decision appealed but affirmed by
11th Circuit Court of Appeals.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT

DISPOSITION: N/A

SYNOPSIS: EEOC filed complaint against State Attorney claiming
violation of the Age Discrimination in Employment
Act for refusal to hire an applicant for Assistant
State Attorney position because of his age.

ATTACHED CASE: YES/NO

CASE NAME: N/A

CASE #: 84-1359

ACCESSION #: 021900072

BOX #: 100

LOCATION #: H0035121SAN

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE N/A

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: N/A

REASON: N/A

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT

DISPOSITION: N/A

SYNOPSIS: Janet Reno was not a party to the civil law suit.

ATTACHED CASE: YES/NO

CASE NAME: [redacted] vs. The State of Florida, Attorney General Janet Reno, et al.

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CASE #: [redacted]
ACCESSION #: [redacted]
BOX #: [redacted]
LOCATION #: [redacted]

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Edward B. Davis

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: Dec. 10, 1984

REASON: Dismissed as moot.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleges constitutional rights were violated.

ATTACHED CASE: YES/NO NO

CASE NAME: [redacted] et al vs. Janet Reno, et al.

b6
b7C

CASE #: [redacted]

ACCESSION #: [redacted]

BOX #: [redacted]

LOCATION #: [redacted]

JURISDICTION: U.S. District Court, Southern District of Florida.

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Eugene P. Spellman

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 9/14/88

REASON: No cause of action.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiff: Alleged civil rights were violated.

ATTACHED CASE: YES/NO

CASE NAME: [redacted] Plaintiff, vs. Janet Reno,
[redacted] Defendant

b6
b7C

CASE #: [redacted]
ACCESSION #: [redacted]
BOX #: [redacted]
LOCATION #: [redacted]

JURISDICTION: Southern District of Florida.

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Eugene P. Spellman

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 2/7/85

REASON: Dismissed pursuant to 28, USC, 1915 (d).

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiff: Alleges wrongful actions taken by defendants in connection with successful prosecution of a criminal case against plaintiff.

ATTACHED CASE: YES/NO

CASE NAME: Pete's Video, Inc., et al vs. Janet Reno, et al.

CASE #: 84-2852

ACCESSION #: 021900072

BOX #: 210

LOCATION #: H0035121SAN

JURISDICTION: Southern District of Florida.

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Sidney M. Aronovitz

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: March 25, 1985

REASON: Dismissed - Granted with prejudice.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiff claimed damages in seizure of video tapes from his place of business. Case was appealed and this was dismissed, 8/7/85, for want of prosecution for failure of appellate to file brief and records excerpts.

ATTACHED CASE: YES/NO

CASE NAME:

[Redacted]

vs. Janet Reno, State Attorney
for Dade County, Florida.

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CASE #:

[Redacted]

ACCESSION #:

[Redacted]

BOX #:

[Redacted]

LOCATION #:

[Redacted]

JURISDICTION: Southern District of Florida.

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Eugene Spellman

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: May 27, 1983

REASON: N/A

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: N/A

ATTACHED CASE: YES/NO

CASE NAME: Edmar Properties, Inc., Plaintiff vs. Janet Reno and Metropolitan Dade County, Defendants.

CASE #: 83-1671

ACCESSION #: 021890701

BOX #: 115

LOCATION #: F0282735SAN

JURISDICTION: Southern District of Florida.

PRESIDING JUDGE: U.S. DISTRICT JUDGE: W. M. Hoeverler

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 2/22/84

REASON: Dismissed without prejudice pursuant to Rule 41(a)(1).

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION:N/A

SYNOPSIS: Plaintiff alleges denial of constitutional rights.

ATTACHED CASE: YES/NO

CASE NAME: [redacted] Plaintiff vs. Janet Reno, Dade State Attorney, et al, Defendants.

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CASE #: [redacted]

ACCESSION #: [redacted]

BOX #: [redacted]

LOCATION #: [redacted]

JURISDICTION: Southern District of Florida.

PRESIDING JUDGE: U.S. DISTRICT JUDGE: James Lawrence King

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 1/11/84

REASON: Dismissed due to plaintiff's failure to state cause of action upon which relief can be granted.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleges violation of constitutional rights.

ATTACHED CASE: YES/NO NO

CASE NAME:

[Redacted]

vs. Janet Reno, et al.

b6
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CASE #:

[Redacted]

ACCESSION #:

[Redacted]

BOX #:

[Redacted]

LOCATION #:

[Redacted]

JURISDICTION: Southern District of Florida.

PRESIDING JUDGE: U.S. DISTRICT JUDGE: C. Clyde Atkins

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 4/23/84

REASON: No cause of action.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleges civil rights violated.

ATTACHED CASE: YES/NO

CASE NAME:

[Redacted]

vs. Janet Reno, et

al.

b6
b7C

CASE #:

[Redacted]

ACCESSION #:

[Redacted]

BOX #:

[Redacted]

LOCATION #:

[Redacted]

JURISDICTION: Southern District of Florida.

PRESIDING JUDGE: U.S. DISTRICT JUDGE: James W. Kehoe

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: Jan. 21, 1983

REASON: Dismissal pursuant to 28 USC, 1915(d).

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiff claims violation of his civil rights.

ATTACHED CASE: YES/NO

CASE NAME: [redacted] vs. Janet
Reno, as State Attorney, et al, Respondents.

b6
b7c

CASE #: [redacted]
ACCESSION #: [redacted]
BOX #: [redacted]
LOCATION #: [redacted]

JURISDICTION: Southern District of Florida.

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Eugene P. Spellman

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 2/9/83

REASON: Dismissal with prejudice.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleges he was deprived of his constitutional rights.

ATTACHED CASE: YES/NO

CASE NAME: [redacted] vs. Janet Reno, et al.

CASE #: [redacted]

ACCESSION #: [redacted]

BOX # [redacted]

LOCATION #: [redacted]

JURISDICTION: U.S. District Court, Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE: James W. Kehoe

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 3/17/83

REASON: N/A

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: USCA 2/7/84

SYNOPSIS: Plaintiff alleged he was denied due process under Fifth Amendment and illegal denial of parole.

ATTACHED CASE: YES/NO NO

CASE NAME:

[Redacted]

vs. Janet Reno, et al.

b6
b7C

CASE #:

[Redacted]

ACCESSION #:

[Redacted]

BOX #:

[Redacted]

LOCATION #:

[Redacted]

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Eugene Spellman

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: Mar. 11, 1983

REASON: No merit to plaintiff claim.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleges civil rights violation.

ATTACHED CASE: YES/NO

CASE NAME: [redacted] vs. Janet Reno, et al.

CASE #: [redacted]

ACCESSION #: [redacted]

BOX #: [redacted]

LOCATION #: [redacted]

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Joe Eaton

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: N/A

REASON: N/A

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: Report and recommendation filed 2/1/83 pursuant to Rule 12(b) these complaints be dismissed for failure to state a claim, without prejudice to state court proceedings. No dismissal located in file after latest filing of report and recommendations, 2/1/83.

SYNOPSIS: Plaintiff claimed his civil rights have been violated due to failure of police to return property seized from him during arrest.

ATTACHED CASE: YES/NO

CASE NAME: [redacted] vs. Janet Reno, et al.

CASE #: [redacted]

ACCESSION #: [redacted]

BOX #: [redacted]

LOCATION #: [redacted]

JURISDICTION: U.S. District Court, Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE: C. Clyde Atkins

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 12/30/82

REASON: Failure to exhaust state remedies.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleges civil rights were violated.

ATTACHED CASE: YES/NO

CASE NAME: [redacted] vs. Janet
Reno, State Attorney for the Eleventh Judicial
Circuit of Florida, et al, Defendants.

CASE #: [redacted]
ACCESSION #: [redacted]
BOX #: [redacted]
LOCATION #: [redacted]

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Sidney M. Aronovitz

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 1/19/83

REASON: Dismissed without prejudice.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiffs allege defendants' actions in search warrant
were illegal, unlawful, and in contravention of both
state and federal constitutions.

ATTACHED CASE: YES NO

CASE NAME:

[Redacted]

vs. Janet Reno, et

al.

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b7c

CASE #:

[Redacted]

ACCESSION #:

[Redacted]

BOX #:

[Redacted]

LOCATION #:

[Redacted]

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Sidney M. Aronovitz

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 4/8/83

REASON: Plaintiffs failure to file appropriate motion.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiffs allege a conspiracy existed to interfere with his civil rights.

ATTACHED CASE: YES/NO

CASE NAME:
PSD, Janet Reno, State Attorney, et al.

CASE #:

ACCESSION #:

BOX #:

LOCATION #:

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Joe Eaton

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 9/30/82

REASON: Plaintiff failed to exhaust his state remedies.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiffs alleges he was tried as an adult even though defendants knew he was only seventeen (17) and that his Fifth Amendment rights were violated because he was tried for three offenses by only charged with two in the information.

ATTACHED CASE: YES/NO NO

CASE NAME: [redacted] Plaintiffs vs. The State of Florida, State Attorney Janet Reno, Defendants.

CASE #: [redacted]

ACCESSION #: [redacted]

BOX #: [redacted]

LOCATION #: [redacted]

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Joe Eaton

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 4/24/82

REASON: Dismissed with prejudice.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: Plaintiffs alleges violation of civil rights.

ATTACHED CASE: YES/NO (YES circled)

CASE NAME:

[Redacted]

vs. Janet Reno, et al.

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b7C

CASE #:

[Redacted]

ACCESSION #:

[Redacted]

BOX #:

[Redacted]

LOCATION #:

[Redacted]

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE: Davis

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: N/A

REASON: Magistrate on 4/26/83 recommended dismissal for no cause factior. File does not have order to dismiss but file closed. File reflects no adjudication.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT:

DISPOSITION: N/A

SYNOPSIS: N/A

ATTACHED CASE: YES/NO (NO)

CASE NAME: vs. Janet Reno, Et Al.

CASE #:

ACCESSION #:

BOX #:

LOCATION

JURISDICTION: Southern District of Florida

PRESIDING JUDGE: U.S. DISTRICT JUDGE Stanley Marcus

DISMISSAL AS DEFENDANT:

DATE APPOINTEE DISMISSED FROM LITIGATION: 8/31/88

REASON: No cause of action.

FINAL JUDGEMENT:

PLAINTIFF OR DEFENDANT

DISPOSITION: N/A

SYNOPSIS: Plaintiff alleged violation of civil rights.

ATTACHED CASE: YES/NO NO

D-263 (Rev. 4-30-85)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE CHARLOTTE	OFFICE OF ORIGIN BUREAU	DATE 2/25/93	INVESTIGATIVE PERIOD 2/24/93
TITLE OF CASE JANET (NMN) RENO		REPORT MADE BY SA [REDACTED]	TYPED BY:
		CHARACTER OF CASE BI-PAS	

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REFERENCE

Miami teletype to the Director, dated 2/23/93.

- RUC -

ADMINISTRATIVE

Individual contacted was apprised of the provisions of the Privacy Act and no confidentiality requested.

Charlotte general indices and FOIMS checks were all negative for the candidate.

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW		
COPIES MADE: 2 - Bureau (77A-HQ-1045971) ATTN: [REDACTED] GBI, ROOM 4383 2 - Charlotte (77A-HQ-1045971)				
DISSEMINATION RECORD OF ATTACHED REPORT		Notations		
Agency				[REDACTED]
Request Recd.				
Date Fwd.				
How Fwd.				
By				

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A*

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to:

Report of: SA [redacted]
Date: February 25, 1993

Office: CHARLOTTE

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Field Office File #: 77A-HQ-1045971

Bureau File #: 77A-HQ-1045971

Title: JANET (NMN) RENO

Character: BACKGROUND INVESTIGATION - PRESIDENTIAL APPOINTMENT WITH
SENATE CONFIRMATION

Synopsis: [redacted]
[redacted] Miami, Florida, has no recollection
of any shoplifting incident involving the candidate.

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- RUC -

DETAILS:

77A-HO-1045971

[Redacted]

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MISCELLANEOUS/IDENTIFICATION

On February 24, 1993.

[Redacted]

[Redacted]

[Redacted]

[Redacted] Miami, Florida, during 1981. [Redacted] advised he has no recollection of any shoplifting incident involving the candidate. If an incident of this nature had occurred, it would have been immediately brought to his attention.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE JACKSONVILLE	OFFICE OF ORIGIN BUREAU	DATE 2/26/93	INVESTIGATIVE PERIOD 2/22/93 - 2/26/93
TITLE OF CASE JANET (NMN) RENO		REPORT MADE BY SA [REDACTED]	TYPED BY:
		CHARACTER OF CASE BACKGROUND INVESTIGATION - PRESIDENTIAL APPOINTMENT WITH SENATE CONFIRMATION (BI-PAS)	

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*correct
PS, 11, 14, 16, 17, 18, 19,
20, 21, 22, 23, 24, 28, 29,
301*

REFERENCES

Bureau airtel to Albany and others dated February 19, 1993; WMFO teletype to the Bureau and others dated February 22, 1993; Miami teletypes to the Bureau and others dated February 22, 1993; Bureau teletype to Jacksonville and others dated February 22, 1993; Jacksonville teletypes to the Bureau and Miami dated February 22, 1993; Miami teletype to the Bureau and Jacksonville dated February 23, 1993; Tampa teletype to the Bureau and others dated February 23, 1993; and Bureau teletype to Jacksonville and others dated February 26, 1993.

- RUC -

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW		
COPIES MADE: 2 - Bureau (77A-1045971) (ATTN: PSS [REDACTED]) GBI UNIT, ROOM 4383 1 - Jacksonville (77A-HQ-1045971)				
		CLERK [REDACTED]		
DISSEMINATION RECORD OF ATTACHED REPORT		Notations		
Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

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**UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation**

Copy to:

Report of: SA [REDACTED] **Office:** JACKSONVILLE
Date: February 26, 1993
Field Office File #: 77A-HQ-1045971 **Bureau File #:** 77A-HQ-1045971
Title: JANET (No Middle Name) RENO

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Character: BACKGROUND INVESTIGATION - PRESIDENTIAL APPOINTMENT WITH
SENATE CONFIRMATION (BI-PAS)

Synopsis:

Candidate's birth verified as July 21, 1938, in Miami, Florida. Investigation determined candidate's personnel file regarding employment with the STATE ATTORNEY'S OFFICE is located in Miami, Florida. Employments with the State of Florida Legislature verified and favorable. Former supervisor and co-workers highly recommend. Former law partner highly recommends. Professional associate recommends. Former FBI Special Agent in Charge, Miami Division, recommends. Florida Bar membership verified and candidate is currently a member in good standing. Grievance records reflect a complaint was filed against candidate on October 7, 1992; however, case was closed on October 13, 1992, inasmuch as the Florida Bar had no jurisdiction. Arrest checks negative. Records of the UNITED STATES ATTORNEY'S OFFICE negative. Driving record reviewed with no violations noted. Records of the FLORIDA ETHICS COMMISSION reflect one complaint against candidate which was dismissed. Records of the GOVERNOR'S OFFICE reflect Executive Order #88-177, investigated by STATE ATTORNEY'S OFFICE, 20th Judicial Circuit of Florida, and Executive Order #90-169, investigated by STATE ATTORNEY'S OFFICE, 15th Judicial Circuit of Florida, resulted in findings of no probable cause or misconduct by candidate. The GOVERNOR'S OFFICE provided a copy of candidate's report involving [REDACTED] [REDACTED] along with accompanying documents,

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77A-HQ-1045971

which report led to the release of [redacted] from prison. The GOVERNOR'S OFFICE also provided a copy of Executive Order #92-294, dated October 16, 1992, assigning candidate as Special State Attorney to the 12th Circuit, and a copy of a letter from FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) Commissioner, dated October 8, 1992, describing the [redacted] case. Assistant General Counsel, GOVERNOR'S OFFICE, advised the only part the GOVERNOR'S OFFICE played in the [redacted] matter was to appoint candidate as the Special State Attorney in the 12th Circuit. Review of FDLE records revealed three Preliminary Inquiries regarding allegations against candidate. All allegations were determined to be unfounded. Officials of the OFFICE OF THE ATTORNEY GENERAL advised their office had no official involvement in the [redacted] matter.

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- RUC -

DETAILS:

77A-HO-1045971

[REDACTED]
Jacksonville Division
At Jacksonville, Florida

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BIRTH:

The following investigation was conducted by
Investigative Assistant [REDACTED]

On February 23, 1993, [REDACTED] Records
Administrator, BUREAU OF VITAL STATISTICS, DEPARTMENT OF HEALTH
AND REHABILITATIVE SERVICES, State of Florida, Jacksonville,
Florida, verified candidate's birth as July 21, 1938, in Miami,
Florida, as reflected in Volume 1194, Page 15164.

77A-HO-1045971

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[REDACTED]
Jacksonville Division
At Tallahassee, Florida

EMPLOYMENTS:

The following investigation was conducted by Special Agent [REDACTED]

STATE ATTORNEY'S OFFICE
11th Judicial Circuit
Miami, Florida
December, 1972 - February, 1973
June, 1973 - June, 1976
January, 1978 - Present

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On February 22, 1993, [REDACTED]
STATE ATTORNEY'S OFFICE, Tallahassee, Florida, advised the
candidate's personnel file would be located at the OFFICE OF THE
STATE ATTORNEY, 11th Judicial Circuit, Miami, Florida. [REDACTED]
advised each circuit in the State of Florida maintains its own
personnel files.

Jacksonville Division
At Tallahassee, Florida

EMPLOYMENTS:

The following investigation was conducted by Special Agent [REDACTED]

State of Florida Legislature
House of Representatives
House Judiciary Committee
Tallahassee, Florida
March, 1971 - May, 1972

State of Florida Legislature
Senate
Senate Criminal Justice Committee
Tallahassee, Florida
March, 1973 - June, 1973

State of Florida Legislature
House of Representatives
Tallahassee, Florida
February, 1969 - April, 1969

On February 24, 1993, [REDACTED]
Florida Legislature, Joint Legislative Management Committee,
Administrative Services Division, Room 701G, 111 West Madison
Street, Tallahassee, Florida, telephone number [REDACTED]
provided candidate's official personnel file which contained the
following information:

Candidate was employed as a Staff Director III, Florida House of Representatives, for the House Judiciary Committee, from March 8, 1971, through May 11, 1972. Candidate's direct supervisor was Representative TALBOT D'ALEMBERTE. Candidate's specific job responsibilities were not available. Candidate received a performance evaluation with an overall evaluation of exceptional, dated September 1, 1971, by Representative D'ALEMBERTE. Exceptional was the highest rating possible. No other information was contained in candidate's file for this position. Candidate is eligible for rehire.

[REDACTED] advised candidate was a Consultant for the Florida Legislature, Senate Criminal Justice Committee, from March 1, 1973, through June 8, 1973. Candidate's supervisor was listed as State Senator RICHARD PETTIGREW. No other information was contained in candidate's file regarding this position. No unfavorable information was reflected and candidate is eligible for rehire.

EMPLOYMENTS:

[redacted] further advised candidate worked for the Florida House of Representatives from February 24, 1969, through April 7, 1969. No job title, committee, or other pertinent information was contained in candidate's file regarding this position. The only notations in the file were candidate's dates of employment, name of [redacted] and candidate's salary which was \$2.50 an hour for a required twenty hours of work a week.

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On February 22, 1993, HERBERT TALBOT D'ALEMBERTE, U.S. 27, Route 9, Box 58, Tallahassee, Florida, telephone number 904/562-5323, was contacted and advised of the identity of the interviewing agent and the nature of the interview. D'ALEMBERTE thereafter provided the following information:

D'ALEMBERTE is a white male, date of birth June 1, 1933, and was the Chairman of the State of Florida Legislature, House Judiciary Committee, in 1971 and 1972. D'ALEMBERTE is currently a partner with the law firm of STEEL, HECTOR AND DAVIS, 215 South Monroe Street, Suite 601, Tallahassee, Florida, telephone number 904/222-2300.

D'ALEMBERTE advised that he has known candidate since approximately 1962 or 1963, when both were young attorneys just starting off. Both worked numerous state campaigns during the 1960's. When D'ALEMBERTE was elected to the Florida House of Representatives, D'ALEMBERTE hired candidate as a Staff Director for the House Judiciary Committee. D'ALEMBERTE was the chairman of this committee. D'ALEMBERTE advised that candidate was in this position from approximately March, 1971, through approximately May, 1972. Candidate's main responsibility was the drafting of legislation principally regarding the reorganization of the Florida judicial system involving a Constitutional Amendment and accompanying Florida Statutes. Candidate, through her diligent work, successfully drafted both the Florida Constitutional Amendment and Statutes which were enacted. Candidate was also responsible for other House Judiciary Committee legislation.

D'ALEMBERTE advised that he has had no other staff director as outstanding as candidate. Candidate was described as having impeccable character and was respected by all. Candidate had high moral ethics and was extremely family oriented. Candidate's associates were other attorneys, legislators and professional people. Candidate's reputation was described as outstanding. He believes candidate was the first

EMPLOYMENTS:

woman staff director of any legislative committee in the State of Florida. Candidate was highly regarded by everybody on the judicial staff. D'ALEMBERTE advised candidate has never expressed any dissatisfaction with the United States or its form of Government, nor has candidate ever been known to have ever used illegal drugs or abused alcohol or prescription drugs. Candidate's financial situation is unknown; however, candidate seems to live well within her means. Candidate is frugal with her money and lives a simple lifestyle. At no time has candidate ever expressed or manifested any bias or prejudice against any group or groups of individuals based upon sex, race, age, national origin or handicap. D'ALEMBERTE advised that candidate even became a member of the NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE. Candidate is one of the most highly skilled attorneys D'ALEMBERTE has associated himself with, and he highly recommends candidate for a position of trust within the United States Government.

EMPLOYMENTS:

On February 24, 1993, [redacted] Attorney, [redacted]

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[redacted] Tallahassee, Florida, telephone number [redacted] was contacted and advised of the identity of the interviewing agent and the nature of the interview. [redacted] thereafter provided the following information:

[redacted] is a white male, date of birth [redacted] and is a partner in the above mentioned law firm. [redacted] has been acquainted with candidate since early 1971, when [redacted] was a [redacted] for State of Florida Representative TALBOT D'ALEMBERTE. Candidate was hired as a Staff Director for the House Judiciary Committee for which Representative D'ALEMBERTE was the Chairman. During that time, candidate was responsible for drafting legislation and overseeing the staff for the House Judiciary Committee.

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Candidate was described as having a character above reproach and being one of the most outstanding persons [redacted] has known. Candidate only associates herself with other professionals, including attorneys, legislators, judges, and law enforcement individuals. Candidate had the reputation as being one of the best staff directors in the legislature in the early 1970's. Candidate was able to run the operation successfully and accomplished many things in the legislature, including the drafting and eventual enactment of a Florida Constitutional Amendment and accompanying Statutes.

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At no time has candidate ever expressed any dissatisfaction with the United States or its form of Government, nor has candidate ever been known to have ever used illegal drugs or abused alcohol or prescription drugs. At no time has candidate ever expressed any bias or prejudice against any group or groups of individuals based upon sex, race, age, national origin or handicap. [redacted] had no knowledge concerning candidate's financial situation; however, candidate seemed to live well within her financial means. Candidate's ability as an attorney is outstanding. [redacted] believes candidate has one of the best legal minds around and is able to analyze all situations thoroughly and fairly. [redacted] highly recommends candidate for a position of trust within the United States government and advised that candidate would be an outstanding employee of the United States Government.

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On February 24, 1993, [redacted] white female, date of birth [redacted] telephone number [redacted] [redacted] was contacted and advised of the identity of the interviewing agent and the nature of the interview. [redacted] thereafter provided the following information:

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EMPLOYMENTS:

[redacted] has known candidate since approximately 1970 or 1971, when candidate was Staff Director of the House Judiciary Committee for which Representative D'ALEMBERTE was the Chairman.

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[redacted] advised that candidate was responsible for drafting legislation in regards to the Florida judicial system. Since [redacted] became acquainted with candidate, they have become friends and maintained contact, speaking with each other approximately once a year. Candidate is described as having impeccable character and is regarded as a role model to [redacted]

Candidate is an outstanding individual and a "true friend". Candidate is only known to associate with other professionals, including governors, state senators and lobbyists. Candidate's reputation was excellent when candidate was Staff Director for the House Judiciary Committee. Candidate was regarded as an outstanding Director.

At no time has candidate ever expressed any dissatisfaction with the United States or its form of Government, nor has candidate ever been known to have ever used illegal drugs or abused alcohol or prescription drugs. Candidate lives well within her financial means and lives a very simple lifestyle. At no time has candidate ever expressed or manifested any bias or prejudice against any group or groups of individuals based upon sex, race, age, national origin or handicap.

Candidate is an outstanding attorney who is able to handle all aspects of a job given to her. [redacted] advised that candidate's abilities have been shown through her continued advancement in the public domain, including being elected as Florida State Attorney in South Florida. [redacted] advised that she highly recommends candidate for any position of trust within the United States Government based upon the fact that candidate has impeccable character, is hard working, is an outstanding organizer, and has a legal mind unmatched by others.

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On February 22, 1993, [redacted] white male, date of birth [redacted] was contacted and advised of the identity of the interviewing agent and the nature of the interview. [redacted] thereafter provided the following information:

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[redacted] Tallahassee, Florida, and advised that he has known candidate since the early-1970's when both were working for the State of Florida Legislature in staff positions. [redacted] advised that both he and candidate had an opportunity to work on the House Judiciary staff drafting legislation with regards to the Florida judicial system. [redacted] has maintained contact with

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EMPLOYMENTS:

candidate and sees candidate approximately five to six times a year. Candidate was described as having the highest moral character and integrity of anyone he has known. Candidate only associates herself with other professionals, including legislators, attorneys and law enforcement individuals. Candidate's reputation was described as outstanding, being an individual who is respected by all. Candidate is also a highly qualified attorney, one who always accomplishes the tasks assigned to her and is able to organize her staff accordingly.

At no time has candidate ever expressed any dissatisfaction with the United States or its form of Government, nor has candidate ever been known to have ever used illegal drugs or abused alcohol or prescription drugs. At no time has candidate ever expressed or manifested any bias or prejudice against any group or groups of individuals based upon sex, race, age, national origin or handicap. Candidate lives well within her financial means and is a very frugal individual. Candidate's abilities as an attorney are outstanding, and she is able to handle a large staff appropriately. Candidate was described as having a very bright, legal mind and the ability to analyze complicated issues thoroughly. [redacted] highly recommends candidate for a position of trust within the United States Government and advised that the Government would be gaining an outstanding, highly qualified person.

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On February 22, 1993, [redacted] white male, date of birth [redacted] was contacted and advised of the identity of the interviewing agent and the nature of the interview. [redacted] thereafter provided the following information:

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[redacted] has known candidate for approximately twenty years when both became acquainted during the 1972 State of Florida Legislative Session. Both worked on committees in the House of Representatives. [redacted] also advised that in the mid-1970's, he became a State of Florida Public Defender in Miami, Florida, and coincidentally defended cases against candidate, who was an Assistant State Attorney. [redacted] advised that candidate is one of the most professional attorneys he has known. Candidate always prepared her cases extremely well, and when he went to court, he felt very professional working with candidate. Candidate always presented a fair but aggressive argument for the prosecution as Assistant State Attorney. Candidate was described as having a character above reproach and as being "one of the best people I've ever known". Candidate only had the highest integrity and moral ethics. Candidate only associated herself with other professional individuals and was described as being a very family oriented individual concerned

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EMPLOYMENTS:

with children's issues. Candidate had an outstanding reputation both when he knew her in the Florida Legislature and when he knew her as an Assistant State Attorney.

At no time has candidate ever expressed any dissatisfaction with the United States or its form of Government, nor has candidate ever been known to have ever used illegal drugs or abused alcohol or prescription drugs. At no time has candidate ever expressed or manifested any bias or prejudice against any group or groups of individuals based upon sex, race, age, national origin or handicap. [redacted] had no information concerning candidate's financial situation; however, candidate seemed to live a very moderate lifestyle. [redacted] maintains contact with candidate approximately two or three times a year and highly recommends candidate for a position of trust within the United States Government. He advised the United States Government would gain an extremely qualified individual for whatever position candidate received.

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On February 24, 1999, [redacted] State of Florida, Tallahassee, Florida, [redacted] was contacted and advised of the identity of the interviewing agent and the nature of the interview. [redacted] thereafter provided the following information:

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[redacted] advised candidate was his law partner in the late 1960's. [redacted] further advised that in the late 1960's, most probably in the spring of 1969, he was a Representative for the House of Representatives for the State of Florida. During that time, he believed candidate worked with him on some legislation, but he cannot specifically recall if candidate was actually paid for this position by the legislature. [redacted] advised that since it was 25 years ago that candidate possibly worked with him on this legislation, he could recall no additional information or details regarding this employment.

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Attempts to locate and interview former co-workers regarding candidate's employment with the Senate Criminal Justice Committee from March, 1973, to June, 1973, met with negative results.

Jacksonville Division
At Tallahassee, Florida

EMPLOYMENTS:

The following investigation was conducted by Special Agent [REDACTED]

[REDACTED] AND RENO
719 City National Bank Building
Miami, Florida
December, 1967 - March, 1971

On February 24, 1993, [REDACTED] State of Florida, Tallahassee, Florida, telephone number [REDACTED] advised that he has known the candidate since the early 1960's. [REDACTED] met the candidate through a Harvard Law School Alumni Association in Miami, Florida. Through this association, [REDACTED] and the candidate became friends. In 1966, [REDACTED] ran for the State of Florida Legislature. As a newcomer to politics, [REDACTED] sought out contemporaries who would be willing to work for his campaign. These individuals included the candidate. In working on the campaign, it soon became evident to [REDACTED] that the candidate was a "details person", and was instrumental in helping to get [REDACTED] elected to the Legislature. During the campaign, the candidate became the defacto campaign manager for [REDACTED] and did a tremendous job.

In 1967, [REDACTED] attended a party at the residence of the candidate's parents. At this party, candidate brought up the idea of going into a legal partnership with [REDACTED]. According to [REDACTED] candidate's firm at that time was not in a position to make the candidate one of the leaders of the firm. In effect, the firm was being groomed by its founder to have his sons take over in a few years, and candidate decided that it was best to open her own law practice. As a result of this conversation, he and the candidate opened a law firm partnership in 1967. [REDACTED] noted that he and the candidate were friends as well as law partners. The candidate was well-organized and was an excellent attorney. The candidate possessed excellent courtroom skills and was very thorough in her legal preparation. The candidate possessed an excellent personal and professional reputation in the Miami area. In fact, [REDACTED] cannot recall any unfavorable information regarding any aspect of the candidate's personal or professional life. As an example of the candidate's ethics and moral character, [REDACTED] recalled a probate case taken on by their firm which would have generated a large fee based upon a

EMPLOYMENTS:

percentage fee scale established by the probate court. In other words, because the size of the estate was very large, the firm would receive a percentage as a significant fee. Since the estate was extremely well-planned, [redacted] and candidate's law firm did not have much work to do on the matter. As a result, candidate believed that the fee schedule rate would be overly excessive and agreed to be paid on an hourly basis instead. [redacted] cited this example as evidence of the fact that the candidate is not driven by monetary concerns in her life.

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The firm dissolved in 1971 when candidate accepted a Staff Director position with State of Florida Senator TALBOT D'ALEMBERTE. [redacted] and the candidate parted on very amicable terms. In her position as Staff Director, candidate was responsible for being a major influence on the re-writing of the Judiciary Section of the Florida Constitution. The candidate, however, not only had the ability to assist in the re-writing of this portion of the Constitution, she also possessed the ability to lobby for the passage of the revision. Due in part to her efforts, this constitutional revision was accepted.

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The candidate is honest, trustworthy and a person whose integrity is beyond question. [redacted] has never observed nor had any indication that the candidate has expressed or manifested any bias or prejudice against any individual or group of individuals based upon sex, race, age, religion, handicap or national origin. To his knowledge, the candidate has never used illegal drugs or abused alcohol or prescription drugs. The candidate is fiscally conservative and lives within her means financially. [redacted] is unaware of any health problems regarding the candidate. The candidate is extremely well-respected, both personally and professionally. [redacted] described the candidate as very family oriented. He believes that the candidate will be an excellent choice for Attorney General of the United States. He recommends her very highly and believes that her background as a State Attorney will prove to be extremely beneficial.

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Jacksonville Division
At Tallahassee, Florida

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PROFESSIONAL ASSOCIATE:

The following investigation was conducted by Special Agent [REDACTED]

On February 24, 1993, ROBERT BUTTERWORTH, Attorney General, State of Florida, Tallahassee, Florida, telephone number [REDACTED] advised that he has known the candidate for over 20 years. He first became acquainted with the candidate when he and the candidate were Legislative Aides in the Florida State Legislature. Since that time, their career paths have covered similar ground. In 1978, BUTTERWORTH was elected as the Sheriff of Broward County, Florida, while the candidate was elected the State Attorney for the 11th Judicial Circuit, Miami, Florida. Since that time, both BUTTERWORTH and the candidate have appeared on various television shows, as well as government committees and panels, in order to discuss law enforcement and crime in the state of Florida.

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BUTTERWORTH described his relationship with the candidate as strictly professional. BUTTERWORTH noted that the candidate was an easy individual with whom to work, and, in her position as the State Attorney, provided assistance to any agency, state or Federal, that requested it. The candidate is not the type of person who is concerned with "turf wars", and over the years, she has gone out of her way in her position as the State Attorney to fight crime without regard to who gets the credit for the success of a particular enterprise or prosecution.

BUTTERWORTH recalled that when he became Sheriff of Broward County during 1978, local law enforcement was having "a hell of a problem with the Feds." In this regard, BUTTERWORTH stated that Federal law enforcement agencies were attempting to come into South Florida and work on the "drug problem" without trying to work out liaison or information sharing with local law enforcement agencies and officials. The candidate, together with the United States Attorney, was able to help "tear down the fences" which had been built between local and Federal law enforcement. Today, cooperation between the Federal and state authorities is excellent and significantly improved from the late 1970's. BUTTERWORTH believes that the candidate will be a tremendous asset in promoting cooperation between local, state and Federal law enforcement on a national level.

PROFESSIONAL ASSOCIATE:

The candidate is fair, honest, trustworthy, loyal to the United States Government and highly intelligent. The candidate's integrity is beyond question. The candidate is well respected, both personally and professionally, and is "as close to Mother THERESA as you can get." BUTTERWORTH has never observed nor had any indication that the candidate has expressed or manifested any bias or prejudice against any individual or group of individuals based upon sex, race, age, religion, handicap or national origin. To his knowledge, the candidate has never used illegal drugs or abused alcohol or prescription drugs. The candidate appears to live within her means financially. In fact, candidate has donated significant sums of money as "seed money" in order to initiate programs she feels strongly about. This has occurred in programs regarding children. BUTTERWORTH is unaware of any personal health problems of the candidate. The candidate will work well with the President of the United States and will use the power of the OFFICE OF THE ATTORNEY GENERAL in order to effect social change. The candidate understands the criminal justice system and is tough on crime; however, she knows that law enforcement cannot cure all of society's ills. The candidate will make children a first priority in the United States.

In short, BUTTERWORTH believes that the candidate will be a perfect choice for Attorney General of the United States. The candidate has the stature, background and experience that will permit the candidate to address the numerous crime problems in the United States. After having been tested as the State Attorney in South Florida for 15 years, BUTTERWORTH knows that the candidate is ready to be a successful Attorney General of the United States.

[REDACTED]
Jacksonville Division
At Mount Dora, Florida

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LAW ENFORCEMENT OFFICIAL:

The following investigation was conducted by Special Agent [REDACTED] at Mount Dora, Florida, on February 25, 1993:

ARTHUR F. NEHRBASS was interviewed at his residence, [REDACTED] Florida, home telephone number [REDACTED] (non-published) [REDACTED]. In May, 1979, Mr. NEHRBASS had been the Special Agent in Charge of the Federal Bureau of Investigation (FBI) Pittsburgh Division and was transferred as Special Agent in Charge to the FBI Miami Division, Miami, Florida. He retired from the FBI at the end of December, 1980, and was immediately employed as the Commander of the Organized Crime Bureau for the Miami Metro-Dade Police Department. In 1988, he left the Organized Crime Bureau and became the legal advisor to the Miami-Dade Police Department. He retired in September, 1991.

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He first met candidate in 1979, as she was the current State Attorney in Dade County, Florida. In 1982, she ran for State Attorney again and was easily re-elected. She was very popular amongst the Spanish and black communities, and ran a very successful grassroots-type campaign. He recollects her spending a lot of time addressing members of small black churches and groups in the Spanish neighborhoods. Her only detractor Mr. NEHRBASS was aware of during her 1982 campaign was an attorney by the name of [REDACTED] who made a lot of wild allegations about candidate that Mr. NEHRBASS did not believe to be true. He considers [REDACTED] to be unbalanced.

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Candidate conducts herself very well in press conferences, acts in a responsible manner when dealing with the press, and studies issues in detail before making any kind of comments. He has never known her to "shoot from the hip", but rather examines the issues from all angles before rendering decisions. Candidate's parents were newspaper people, and Mr. NEHRBASS believes that her father was a columnist or a reporter, or both, for the MIAMI HERALD. The newspapers in Miami were favorable toward candidate. He is not aware of any of candidate's financial investments in real estate or otherwise. Her physical appearance and dress is rather unstylish, bordering on unkempt. He was not aware of any mental or physical problems or use of any drugs (illegal or prescribed) or alcohol by candidate. Mr. NEHRBASS has had lunch with candidate on two or

LAW ENFORCEMENT OFFICIAL:

three occasions in his official capacity in Miami, and has seen candidate in over a dozen social settings with law enforcement officials where alcohol was available, and he has never seen her drink more than an occasional glass of wine. Perhaps her closest friend and associate is [redacted] who is candidate's [redacted] [redacted] at the State Attorney's Office. [redacted] is considered her [redacted] and it is he with whom she shares her major prosecutive and investigative problems. Mr. NEHRBASS was not aware of any particular clubs that candidate belonged to, nor was he aware of any special interest groups to which she would be sympathetic as it pertained to any civil or criminal legal matters. He has never known her to misrepresent the facts in any situation and believes that she is truly loyal to the United States Government. He would never expect that she would act in an unprofessional manner. He is not aware of how candidate spends her leisure time, but knows that she is single and is a highly educated Harvard lawyer. She lives in a rather reclusive neighborhood in Dade County in an old house in a wooded area that does not even have air-conditioning. He has no knowledge of any of her private investments or any tax matters. He considers her to be emotionally stable, but was aware of an occasional loss of temper, although he could not recall any particular situation. Regarding any biases or prejudices, he knows that candidate is well thought of in the minority communities, and she has prosecuted her share of civil rights violations. His first real association with her involved a Tampa case that was lost in court which resulted in riots in Miami. He could not recall the exact case, but did remember that candidate conducted herself very professionally with the press and with civil rights groups.

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Mr. NEHRBASS considers candidate legally mature enough to handle the United States Attorney General position. Regarding leadership/supervisory ability, Mr. NEHRBASS said that after he left the position of Commander of the Organized Crime Bureau, he asked candidate for a job as an Assistant State Attorney. She spoke to him at length, but then told him that he would have to go before a board she had set up to interview prospective Assistants. He was impressed that candidate had set up and instructed a board of six to eight very experienced attorneys to handle employment interviews, and he went through the interview process, which he considered to be very thorough.

Regarding ability to work under pressure, Mr. NEHRBASS recalled a major case involving drugs and corruption wherein the Organized Crime Bureau had a microphone surveillance case. Interception of a conversation that dealt with an intended murder forced the investigation into high gear that necessitated immediate legal action. Candidate personally, along with Mr. NEHRBASS, three detectives with the Organized Crime Bureau, and

LAW ENFORCEMENT OFFICIAL:

the Chief Prosecutor, were able to draw up very complicated complaints and warrants in a six hour period that led to arrests that prevented the murder.

About one and one-half to two years ago, a judge was convicted in Miami, Florida, in an FBI investigated case Mr. NEHRBASS could not recall the name of the judge, but commented that there had been about four judges, all of whom grew up with candidate, who had been convicted of various crimes in Miami, Florida. Mr. NEHRBASS points out this fact as he feels that if candidate has any detractors during the Senate confirmation hearings, the focus will be on the associates she had when she was an Assistant State Attorney under the late RICHARD E. GERSTEIN. Before Mr. NEHRBASS arrived in Miami, Florida, STEVEN BERTUCCELLI was the Organized Crime Bureau Chief for the Miami Dade Police Department. BERTUCCELLI was conducting an investigation, code named the MARKET CONNECTION, which involved bribery and corruption on the part of several Miami judges in the State of Florida. Some of those judges had been Assistant State Attorneys under GERSTEIN, and toward the end of the investigation, tapes and photographs were suppressed in State court. BERTUCCELLI would be in a better position to comment on the investigation, but since candidate was in the State Attorney's Office at the time, some of the targets of that investigation would have been her associates. Again, Mr. NEHRBASS said that he was not aware of any shred of information that the MARKET CONNECTION case had anything at all to do with candidate. When GERSTEIN stepped down, he recommended candidate to be the next State Attorney.

In spite of the above, Mr. NEHRBASS is very much in favor of the appointment of candidate as United States Attorney General. He believes that she will handle the position very well, and he has no reservations about recommending her for the position. He feels that she has the organizational ability to run such a large organization and is well experienced by virtue of the huge Miami-Dade prosecutive staff. Candidate's staff has handled the most complicated cases that have occurred in the United States, and he feels that she will be a very strong asset of the United States Government.

When asked about any legal issues which candidate attempted to change, Mr. NEHRBASS advised that he and candidate together worked on attempting to change the State of Florida Discovery Rules to attract the Federal Discovery Rules. They worked many hours on that issue, but were unable to bring about change.

[REDACTED]
Jacksonville Division
At Tallahassee, Florida

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FLORIDA BAR:

The following investigation was conducted by
Investigative Assistant [REDACTED]

On February 22, 1993, [REDACTED] Membership Records,
Florida Bar, Tallahassee, Florida, advised candidate, 1351
Northwest 12th Street, Miami, Florida, was admitted to the
Florida Bar on November 15, 1963, and is currently a member in
good standing.

On February 22, 1993, [REDACTED] Lawyer
Regulations, Florida Bar, Tallahassee, Florida, advised a
complaint was filed with her office against candidate on
October 7, 1992; however, case was closed on October 13, 1992,
inasmuch as the Florida Bar had no jurisdiction. She advised
this matter was handled by Staff Counsel [REDACTED]
[REDACTED] Fort
Lauderdale, Florida. She advised contact would have to be made
with [REDACTED] for details regarding this matter.

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On February 22, 1993, [REDACTED] Lawyer
Regulations, Florida Bar, Tallahassee, Florida, advised the
Florida Bar does not have jurisdiction regarding complaints
received by his office against elected officials who are
attorneys. He advised any referrals received by his office from
candidate would have been turned over to the GOVERNOR'S OFFICE
for appropriate action. He further advised records regarding
complaints received by his office are purged after approximately
12 months if no probable cause is found or if complaint is
referred to another agency.

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77A-HQ-1045971
[REDACTED]

Jacksonville Division
At Tallahassee, Florida

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ARREST:

The following investigation was conducted by
Investigative Assistant [REDACTED]

On February 23, 1993, the following listed individuals
advised no record could be located in their respective files
identifiable with the candidate:

(1) [REDACTED] Identification Division, POLICE
DEPARTMENT, Tallahassee, Florida.

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(2) [REDACTED] Identification Division, LEON
COUNTY SHERIFF'S OFFICE, Tallahassee, Florida.

77A-HO-1045971

[REDACTED]

Jacksonville Division
At Tallahassee, Florida

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UNITED STATES ATTORNEY'S OFFICE:

The following investigation was conducted by
Investigative Assistant [REDACTED]

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On February 22, 1993, [REDACTED] Clerk, UNITED STATES ATTORNEY'S OFFICE, Northern District of Florida, Tallahassee, Florida, advised no record, either civil or criminal, active or inactive, could be located in his files identifiable with the candidate.

77A-HO-1045971

[REDACTED]

Jacksonville Division
At Tallahassee, Florida

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DEPARTMENT OF MOTOR VEHICLES:

The following investigation was conducted by
Investigative Assistant [REDACTED]

On February 23, 1993, [REDACTED] Clerk, DRIVER'S
LICENSE BUREAU, Tallahassee, Florida, advised candidate, 11200
North Kendall Drive, Miami, Florida, Date of Birth July 21, 1938,
was issued a Florida driver's license, number R500-420-38-761, on
August 23, 1954, and license was last renewed on July 20, 1990,
with an expiration date of July 21, 1996. She further advised
candidate has a clear driving record with no violations noted.

77A-HQ-1045971

[REDACTED]

Jacksonville Division
At Tallahassee, Florida

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FLORIDA ETHICS COMMISSION:

Investigative Assistant [REDACTED] conducted the following investigation:

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On February 25, 1993, [REDACTED]
[REDACTED] Tallahassee, Florida, advised a
complaint was filed with her office on May 21, 1991, against
candidate, State Attorney, 11th Judicial Circuit of Florida, by
[REDACTED]
[REDACTED] The
complaint alleged candidate, [REDACTED]
[REDACTED]
[REDACTED] Miami, Florida, falsely accused and were
instrumental in obtaining conviction of [REDACTED] on unspecified
charges as a result of which he, [REDACTED] is serving a prison
sentence.

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[REDACTED]

Jacksonville Division
At Tallahassee, Florida

GOVERNOR'S OFFICE:

The following investigation was conducted by
Investigative Assistant [REDACTED]

On February 24, 1993, J. HARDIN PETERSON, General Counsel, Legal Affairs, OFFICE OF THE GOVERNOR, Tallahassee, Florida, advised Executive Order #88-177 was signed by Governor BOB MARTINEZ on August 17, 1988, assigning State Attorney JOSEPH P. D'ALESSANDRO, 20th Judicial Circuit of Florida, to accept executive assignment in connection with complaint filed by [REDACTED] alleging that certain statements made by [REDACTED] constituted violations of the criminal laws of the State of Florida. He advised the findings of Mr. D'ALESSANDRO'S office were reported to the GOVERNOR'S OFFICE on October 14, 1988, stating there was no creditable evidence to support the allegations made by [REDACTED]. He stated the findings of Mr. D'ALESSANDRO were adopted.

Mr. PETERSON also advised Executive Order #90-169 was signed by Governor BOB MARTINEZ on June 15, 1990, assigning State Attorney DAVID BLUDWORTH, 15th Judicial Circuit of Florida, to accept executive assignment in connection with complaint filed by [REDACTED] alleging that employees of the candidate, State Attorney for the 11th Judicial Circuit of Florida, improperly handled evidence in violation of Florida laws, and additionally, that a charging decision regarding an allegation of sexual abuse received by candidate's office in 1988 was improperly made. He advised the findings of Mr. BLUDWORTH'S office were reported to the GOVERNOR'S OFFICE on October 31, 1990. He stated the findings of Mr. BLUDWORTH'S office were adopted with no further action.

Mr. PETERSON further advised a letter from [REDACTED] dated August 23, 1990, directed to the STATE ATTORNEY'S OFFICE, 15th Judicial Circuit of Florida, alleged [REDACTED] had been told by Metro-Dade Police Officer [REDACTED] that [REDACTED]. He stated as part of the investigation, Officer [REDACTED] was interviewed and denied that he had told [REDACTED] anything about candidate or any [REDACTED]. He stated there was no evidence whatsoever of any misconduct by candidate discovered in the course of the investigation.

77A-HQ-1045971

GOVERNOR'S OFFICE:

Mr. PETERSON advised the candidate voluntarily disqualified herself and requested executive assignment of another State Attorney with respect to the investigations referred to in Executive Orders #88-177 and #90-169 in order to avoid any appearance of conflict of interest or impropriety.

[redacted]

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Jacksonville Division
At Tallahassee, Florida

GOVERNOR'S OFFICE:

The following investigation was conducted by Special Agent [redacted]

On February 24, 1993, J. HARDIN PETERSON, General Counsel, OFFICE OF THE GOVERNOR, The Capitol, Tallahassee, Florida, 904/488-3494, was contacted and advised of the identity of the interviewing agent and the nature of the interview. PETERSON thereafter provided the following documents which are attached:

Report of JANET RENO, Assigned State Attorney for the 12th Judicial Circuit of Florida, Nolle Prose Memorandum, Case Number [redacted] in the Circuit Court of the 12th Judicial Circuit, in and for DeSoto County, Florida, the State of Florida, Plaintiff, vs. [redacted] Defendant, dated May 5, 1989.

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Letter from the OFFICE OF THE GOVERNOR, J. HARDIN PETERSON, General Counsel, to [redacted] DEPARTMENT OF INSURANCE, Legal Affairs, Plaza Level, The Capitol, Tallahassee, Florida, dated December 15, 1992.

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Letter from the OFFICE OF THE GOVERNOR, J. HARDIN PETERSON, General Counsel, to the Honorable CLIFTON M. KELLY, 721 Northeast Lakeview Drive, Sebring, Florida, dated December 15, 1992.

Handwritten note from CLIFTON M. KELLY, Circuit Court Judge to "Jay" (J. HARDIN PETERSON), General Counsel. THE GOVERNOR'S OFFICE, with attached letter from [redacted] AND [redacted] Attorneys at Law, signed [redacted] DEPARTMENT OF INSURANCE, The Capitol, Tallahassee, Florida, dated October 8, 1992.

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"Exhibit 1" [redacted] vs. STATE, Number [redacted] SUPREME COURT OF FLORIDA, June 29, 1989, rehearing denied September 8, 1989.

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"Exhibit 2", Court Order, in the Circuit Court of the 12th Judicial Circuit of Florida, in and for DeSoto County, State of Florida vs. [redacted] Case Number [redacted] order granting motion to vacate judgment and sentence, and a new trial, and release of defendant from custody.

77A-HQ-1045971

GOVERNOR'S OFFICE:

[redacted] "Exhibit 3", handwritten affidavit from [redacted] dated December 3, 1988.

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"Exhibit 4", seven Death Certificates of the [redacted] children.

"Exhibit 5", article from the SOUTHERN REPORTER, Second Series, of [redacted] Appellant vs. State of Florida, Appellee, Number [redacted] Supreme Court of Florida, April 21, 1971.

"Exhibit 6", report of conclusion of RENO investigation.

STATE OF FLORIDA Courts Memorandum Opinion, in the Circuit Court of the 12th Judicial Circuit, in and for DeSoto County, Florida, State of Florida, Plaintiff, vs. [redacted] Defendant, Case Number [redacted] dated December 11, 1992.

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[REDACTED]
Jacksonville Division
At Tallahassee, Florida

GOVERNOR'S OFFICE:

The following investigation was conducted by Special Agent [REDACTED]

On February 26, 1993, attempts to locate and interview J. HARDIN PETERSON, General Counsel, OFFICE OF THE GOVERNOR, The Capitol, Tallahassee, Florida, met with negative results. The GOVERNOR'S OFFICE advised that PETERSON was out of town en route to Orlando, Florida for a seminar. The GOVERNOR'S OFFICE advised that [REDACTED] Assistant General Counsel, is knowledgeable regarding the [REDACTED] vs. STATE OF FLORIDA matter.

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On February 26, 1993, [REDACTED] Assistant General Counsel, OFFICE OF THE GOVERNOR, The Capitol, Tallahassee, Florida, telephone number [REDACTED] was contacted and advised of the identity of the interviewing agent and the nature of the interview. [REDACTED] thereafter provided the following information:

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[REDACTED] was asked if he knew why Florida Governor LAWTON CHILES ordered a new investigation of the [REDACTED] case. [REDACTED] advised that [REDACTED] had filed a civil suit against the then-State Attorney FRANK SCHAUB and the STATE OF FLORIDA. [REDACTED] advised that the Risk Management Division of the DEPARTMENT OF INSURANCE handles all defense for suits against the STATE OF FLORIDA and was assigned to defend then-State Attorney FRANK SCHAUB. TOM GALLAGHER, Florida Insurance Commissioner, employed [REDACTED] to evaluate [REDACTED] claims against the Florida State officials to determine what settlement offer should be entertained. After [REDACTED] report was complete, the DEPARTMENT OF INSURANCE requested EARL MORELAND, the present State Attorney in the 12th Circuit, to review [REDACTED] report since the case had its genesis in the 12th Circuit. Because of the impact upon the budget of the 12th Circuit, Mr. MORELAND thought he had a conflict and requested the GOVERNOR'S OFFICE to appoint another State Attorney to serve instead. [REDACTED] advised that [REDACTED] report had raised numerous questions regarding candidate's report of the [REDACTED] case. [REDACTED] report brought out allegations that candidate had overlooked evidence and did not do a thorough job regarding her overall report. [REDACTED] advised that since this report raised numerous questions, the Governor, through the General Counsel to the Governor, decided to reopen the investigation and give candidate an opportunity to respond to [REDACTED] allegations.

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GOVERNOR'S OFFICE:

[redacted] advised that since candidate had been the Special Prosecutor originally assigned to the [redacted] case, the Governor felt that it was appropriate to appoint candidate to perform the task which would have normally been assigned to Mr. MORELAND. This is the only role that the GOVERNOR'S OFFICE has played in this matter. The actual part that the GOVERNOR'S OFFICE played was to appoint candidate as the Special State Attorney in the 12th Circuit. [redacted] advised that candidate was to produce a report responding to the allegations of the [redacted] report and provide this to the GOVERNOR'S OFFICE'S General Counsel. To date, candidate's report has not been received.

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[redacted] provided STATE OF FLORIDA, OFFICE OF THE GOVERNOR, Executive Order #92-294, dated October 16, 1992, assigning candidate as Special State Attorney to the 12th Circuit. [redacted] also provided letter from FLORIDA DEPARTMENT OF LAW ENFORCEMENT Commissioner TIM MOORE, dated October 8, 1992, to the Governor, describing the [redacted] case. Both the Executive Order and Commissioner MOORE's letter are attached.

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Jacksonville Division
At Tallahassee, Florida

FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE):

The following investigation was conducted by Special Agent [redacted]

On February 24, 1993, [redacted] FDLE, Executive Investigations, Tallahassee, Florida, [redacted] was contacted and advised of the identity of the interviewing agent and the nature of the interview. [redacted] thereafter provided the following information:

[redacted] provided FDLE Preliminary Inquiry, File Number [redacted] dated February 25, 1991, concerning Honorable JANET RENO, State Attorney, 11th Judicial Circuit, and Complainant [redacted] Attorney at Law.

[redacted] advised that his report is only a preliminary inquiry and not a full investigation. [redacted] advised that a preliminary inquiry is an investigative administrative procedure to first validate a complaint for its authenticity before a full-fledged investigation is begun. [redacted] advised that the above mentioned case involved a request received by FDLE on February 14, 1991, by Mr. J. HARDIN PETERSON, General Counsel, OFFICE OF THE GOVERNOR, in which PETERSON requested that FDLE conduct a preliminary inquiry into the alleged criminal activities reported by [redacted] to the GOVERNOR'S OFFICE. A summary of the complaint as related by [redacted] is as follows:

[redacted] alleged in his complaint that State Attorney JANET RENO is a lesbian, and, due to this fact, pornographers were blackmailing her in an effort to avoid prosecution. Further, [redacted] stated that the STATE ATTORNEY'S OFFICE, 11th Judicial Circuit, has previously obtained sworn testimony to support his allegations.

[redacted] allegations apparently stem from his concern that an alleged gay bathhouse and an alleged pornography company were operating within Dade County and had not been appropriately prosecuted.

Inspector [redacted] findings were as follows:

The allegations as reported by [redacted] were essentially unfounded and did not warrant further investigative efforts.

FLORIDA DEPARTMENT OF LAW ENFORCEMENT:

[redacted] provided accompanying correspondence regarding this issue which are attached.

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[redacted] also advised that two other preliminary inquiries have been conducted by FDLE regarding candidate. All of the inquiries determined that all allegations were unfounded and no further investigations were conducted.

Case Number [redacted] dated May 26, 1989, involved [redacted] who alleged that candidate was the cause of [redacted] problems. [redacted] advised that this case involved

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[redacted]

[redacted] believes that candidate, in her capacity of State Attorney, was responsible for his imprisonment.

Case Number [redacted] dated October 24, 1990, which involved [redacted] and candidate in which [redacted] made unfounded allegations of nonperformance against candidate. [redacted] advised that no actual preliminary inquiry was conducted in this matter because it involved only a letter of unfounded allegations by [redacted] against candidate.

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[redacted] advised that these are the only records FDLE has regarding candidate.

77A-HO-1045971

[REDACTED]
 Jacksonville Division
 At Tallahassee, Florida

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OFFICE OF THE ATTORNEY GENERAL:

The following investigation was conducted by Special Agent [REDACTED] at Tallahassee, Florida:

On February 25, 1993, ROBERT A. BUTTERWORTH, Attorney General, State of Florida, telephone number [REDACTED] advised that his office had no official involvement in the [REDACTED] matter, and therefore, he could not comment regarding the re-opening of the case, or candidate's handling of the matter. BUTTERWORTH advised that [REDACTED] Statewide Prosecutor, Office of the Attorney General, Tallahassee, Florida, may possess more information relating to the [REDACTED] case.

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On February 26, 1993, [REDACTED] Statewide Prosecutor, Office of the Attorney General, Tallahassee, Florida, telephone number [REDACTED] advised that his office, which falls under the supervision of the State of Florida Attorney General, had no official involvement in the [REDACTED] matter. According to [REDACTED] former Governor ROBERT MARTINEZ appointed candidate to review the [REDACTED] case. Her review resulted in the overturning of [REDACTED] murder conviction in 1989. After a report by [REDACTED] was issued criticizing candidate's review of the matter, Governor LAWTON CHILES ordered another review of the case. According to [REDACTED] only involvement in the case was peripheral. BUTTERWORTH sat on the State of Florida Clemency Board that denied [REDACTED] Motion For Clemency. [REDACTED] advised that since the [REDACTED] matter was in litigation at the time [REDACTED] clemency appeal was heard, it was denied by unanimous vote by the Board. It is standard practice for the Clemency Board to deny every appeal on a matter that is in litigation at the time the appeal is heard. The Board views clemency appeals as a means of last resort for those incarcerated.

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LAWTON CHILES
GOVERNOR

STATE OF FLORIDA
Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

December 15, 1992

[Redacted]

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In re:

[Redacted]

Dear [Redacted]:

Enclosed herewith are a note and enclosures concerning the subject case which was received by the Governor's Office from Judge Clifton M. Kelly. Judge Kelly was the judge who vacated the sentence imposed on [Redacted] I thought you should have this information for your review and consideration.

With kind regards,

Sincerely,


J. Hardin Peterson
General Counsel

JHP [Redacted]

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LAWTON CHILES
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-0001

December 15, 1992

The Honorable Clifton M. Kelly
721 NE Lakeview Drive
Sebring, Florida 33870

Dear Judge:

I appreciate your letter and memorandum opinion.

The only part that the Governor's Office has played in this matter was the appointment of Janet Reno as the special state attorney in the 12th Circuit.

As you know, [redacted] had filed a suit against the sheriff and then state attorney, Frank Schaub, and the Risk Management Division of the Department of Insurance is defending that suit. When settlement discussions were undertaken, the Department of Insurance employed [redacted] to evaluate [redacted] [redacted] claims against the state officials to determine what settlement offer should be entertained.

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Ater [redacted] report, the Department of Insurance requested Earl Moreland, the present state attorney in the 12th Circuit, to review [redacted] report since the case had its genesis in the 12th Circuit. Because of the impact upon the budget of the 12th Circuit, Mr. Moreland thought he had a conflict and requested the Governor's Office to appoint another state attorney to serve in his stead.

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Since Ms. Reno had been the special prosecutor originally assigned to this case, the Governor felt that it was appropriate to appoint Ms. Reno to perform the task which would have normally been assigned to Mr. Moreland. This is the only role that the Governor's Office has played.


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I have taken the liberty of forwarding your letter and enclosures to [redacted] in the Department of Insurance, for his review and evaluation.

Thank you for providing us with this information.

With kind personal regards,

Sincerely,


J. Hardin Peterson
General Counsel

JHP



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CLIFTON M. KELLY
CIRCUIT COURT JUDGE (RETIRED)



721 N.E. LAKEVIEW DRIVE
SEBRING, FLORIDA 33870

Jay -

I do not agree with any of
[redacted] *Zurdenge*

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from an analysis of [redacted]
[redacted]

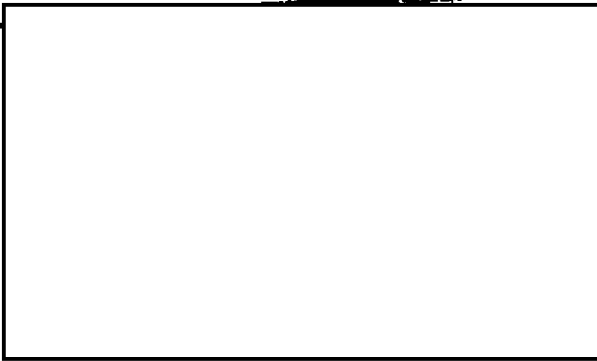
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Why! what did the state
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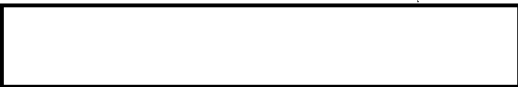
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October 8, 1992

VIA FEDERAL EXPRESS



Department of Insurance
The Capitol
Tallahassee, FL 32399-0300

Re: [redacted] v. State of Florida,
DeSoto County, Florida, Frank Schaub
and [redacted]

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Case No: [redacted]

Our File No: [redacted]

Dear [redacted]

Pursuant to our conversations with Mr. Tom Gallagher, Commissioner of Insurance, enclosed herewith is a copy of the Memorandum Opinion authored by [redacted] regarding the investigation, prosecution and conviction of [redacted] for the premeditated murder of Betty Jean Bryant and the "Response for Motion for Post-Conviction Relief" and "Nolle Prose Memorandum" filed by the State Attorney for the Eleventh Judicial Circuit, which resulted in the vacation of [redacted] conviction.

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Prior to our meeting in Tallahassee, a copy of a preliminary draft of this opinion was furnished to you, [redacted] of the D.R.M. and to this law firm. In conjunction with [redacted] we specifically requested these drafts not be copied or disseminated as the Memorandum Opinion was confidential work product not subject to disclosure at that time. Additionally, at the meeting in Tallahassee [redacted] provided a revised draft Opinion to you, [redacted] and us. In compliance with our earlier request regarding the confidential nature of this Memorandum, we ask that you and your department make an expedited effort to return every copy of the preliminary draft/revised draft Opinion which may be in your possession, directly to [redacted] including any copies given to the FDLE, or other agencies, or both.

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October 8, 1992
Page 2

Based on my discussions with [redacted] we were informed that someone has provided Janet Reno with a copy of the draft Opinions regarding the foregoing matter. Despite assurances made to us by the FDLE regarding the confidentiality of this document, nonetheless Janet Reno has had access to this report without the express permission of our office or [redacted]. As you are aware, the interests of State Attorney Reno, her staff and the Plaintiff in this case conflict with the Department's.

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Accordingly, we will contact Ms. Reno directly to request immediate return of the draft/revised draft Memorandum Opinion. As discussed in Tallahassee, we are not convinced that the Memorandum Opinion should be released without a full awareness of the ramifications of such release. Please note, however, that it is [redacted] position that he has no objection to Reno's review of the final Memorandum Opinion provided that the document remain confidential and [redacted] and/or his counsel are not given access to the Opinion and/or any portion thereof. It is our understanding that the Memorandum Opinion will be provided to Tim Moore, Commissioner, FDLE, for review and analysis.

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Following our analysis of this Memorandum Opinion we remain firm in our opinion that [redacted] claims are wholly without merit and are not well-grounded in fact or law. Moreover, with respect to the prosecution of [redacted]

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1. There was more than sufficient evidence upon which to rest and secure an indictment against [redacted] for murder.

2. The prosecution presented its case at trial with sufficient evidence to support [redacted] conviction.

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3. There is no evidence to support a claim that [redacted] fundamental due process rights were violated by any actions taken by the State Attorney's Office following commencement of the investigation into the circumstances and responsibility for the deaths of the seven children on October 25, 1967, to and through the completion of trial on May 31, 1968.

4. Based on the actions, conduct, and presentation of evidence by the State, [redacted] did, in fact, receive a fair trial.

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5. At all times prosecutor Frank Schaub conducted himself pursuant to the canons of ethics for prosecutors in the state of Florida which governed in 1968.

6. [redacted] Motion for Post-Conviction Relief, the "3.850 Motion," the State's response thereto, and the State's Nolle Prose Memorandum misstates, omits, and distorts the facts. The Order vacating [redacted] conviction was entered in spite of the fact

[redacted]

October 8, 1992
Page 3

that the Motion itself was filed beyond the time period established by Rule 3.850 for such motions. Additionally all claims upon which the Motion was based were already known to [redacted] and/or his attorney or would have been readily apparent by the exercise of due diligence prior to [redacted] trial.

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7. The evidence contained in the record does not establish any knowing use of perjured testimony by the State Attorney's Office or any other witness during the course of the trial.

8. The State Attorney's Office did not fail to investigate any potential suspect for the murders committed, ignore information, or suppress evidence regarding the case against [redacted]

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9. The State Attorney's Office did not wrongfully charge or convict [redacted] as the evidence in the case supports the murder charge against him and the State's theory of the case.

During the course of your review of the Opinion, if you have any questions or need additional information, please do not hesitate to contact us at your convenience. With kindest personal regards, I am

Very truly yours,

[redacted]

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RICHARDSON v. STATE

Fla. 1037

Cite as 546 So.2d 1037 (Fla. 1989)

James Joseph RICHARDSON,
Petitioner.

v.

STATE of Florida, Respondent.

No. 73435.

Supreme Court of Florida.

June 29, 1989.

Rehearing Denied Sept. 8, 1989.

Defendant applied for leave to petition the Circuit Court for writ of error coram nobis. The Supreme Court, Ehrlich, C.J., held that all newly discovered evidence claims must be brought in motion for post-conviction relief and are not cognizable in application for writ of error coram nobis unless defendant is not in custody.

Application denied.

McDonald, J., dissented and filed opinion.

Criminal Law ¶997.8

All newly discovered evidence claims must be brought in motion for postconviction relief and are not cognizable in application for writ of error coram nobis unless defendant is not in custody. West's F.S.A. RCrP Rule 3.850.

Ellis S. Rubin of Rubin, Rubin & Fuqua, P.A., Miami, for petitioner.

Earl Moreland, State Atty., Twelfth Judicial Circuit, Bradenton, Frank Schaub, State Atty. (Retired), and Richard W. Seymour, Asst. State Atty., Twelfth Judicial Circuit, Bradenton, and Robert A. Butterworth, Atty. Gen., and Peggy A. Quince, Asst. Atty. Gen., Tampa, for respondent.

EHRlich, Chief Justice.

Richardson seeks leave to apply to the circuit court for a writ of error coram nobis. We have jurisdiction. Art. V, § 3(b)(7), Fla. Const. We deny Richardson's application, with leave to file a motion in the trial court pursuant to rule 3.850. Florida Rules of Criminal Procedure.

In 1968, Richardson was convicted of first-degree murder in the poisoning death of his stepdaughter. The victim, along with six other children, three of whom were Richardson's natural children, became ill after eating lunch at home while their parents were away at work. All seven children died, and showed evidence of having ingested large quantities of the poison parathion. The poison had been placed in almost all of the food which the children might have eaten for lunch. Richardson's conviction and death sentence were affirmed by this Court in *Richardson v. State*, 247 So.2d 296 (Fla.1971). His death sentence was later converted to life imprisonment without possibility of parole for twenty-five years, pursuant to the United States Supreme Court's decision in *Furman v. Georgia*, 408 U.S. 288, 92 S.Ct. 2726, 38 L.Ed.2d 846 (1972).

Now, twenty years after his original conviction, Richardson seeks to vacate that judgment by obtaining a writ of error coram nobis, alleging the discovery of facts unknown to the court, the defendant, or counsel at trial. The alleged newly discovered evidence in this case includes evidence of perjury by prosecution witnesses with the knowledge of the prosecution, evidence of the suppression of evidence by the prosecution, the recantation of prosecution witness James Weaver, and other evidence.

Traditionally, a defendant seeking a new trial on the basis of evidence discovered after his conviction has been affirmed on appeal has been required to first apply to the appellate court for leave to petition the trial court for a writ of error coram nobis. See, e.g., *Smith v. State*, 400 So.2d 956, 960 (Fla.1981). However, we believe that Florida Rule of Criminal Procedure 3.850 has supplanted the writ of error coram nobis, and that all of Richardson's claims based on newly discovered evidence should be brought under rule 3.850.

Florida Rule of Criminal Procedure 3.850 was adopted in 1963 as Criminal Procedure Rule No. 1 to "provide a complete and efficacious post-conviction remedy to correct convictions on any grounds which subject them to collateral attack." *Roy v.*

EXHIBIT 1

1038 Fla.

546 SOUTHERN REPORTER, 2d SERIES

Wainwright, 151 So.2d 825, 828 (Fla.1963) (emphasis added). See also *State v. Mat-era*, 268 So.2d 661, 663 (Fla.1972). The rule by its terms expressly lists as proper grounds for its invocation where "the sentence is otherwise subject to collateral attack." A writ of error coram nobis, like the writ of habeas corpus, is a form of collateral attack. The rule was copied almost verbatim from its federal counterpart, section 2255 of Title 28 of the United States Code, in effect since 1948. *Id.* As this Court noted in *State v. Mat-era*, "[t]he Reviser's Note following § 2255 states: 'This section restates, clarifies and amplifies the procedure in the nature of the ancient writ of error coram nobis.'" *Id.* (emphasis added). It therefore appears that from the beginning this rule was intended to serve the function of a writ of error coram nobis.

Further, as this Court recently noted in *State v. Bolyea*, 520 So.2d 562, 568 (Fla. 1988), rule 3.850 "was designed to simplify the process of collateral review and prescribe both a fact-finding function in the lower courts and a uniform method of appellate review." (Citation omitted.) Coram nobis is a cumbersome process where the petitioner first applies to the appellate court for leave to file in the trial court. The requirements for an application to the appellate court are set out in *Hallman v. State*, 371 So.2d 482, 484-85 (Fla.1979):

A petition for this writ addressed to the appellate court must disclose fully the alleged facts relied on; mere conclusory statements are insufficient. The appellate court must be afforded a full opportunity to evaluate the alleged facts for itself and to determine whether they establish prima facie grounds. Furthermore, the petition should assert the evidence upon which the alleged facts can be proved and the source of such evidence.... The facts upon which the petition is based must have been unknown by the trial court, by the party, or by counsel at the time of trial, and it must appear that defendant or his counsel could not have known them by the use of diligence.

....

The general rule repeatedly employed by this Court to establish the sufficiency of an application for writ of error coram nobis is that the alleged facts must be of such a vital nature that had they been known to the trial court, they *conclusively* would have prevented the entry of the judgment.

(Citations omitted; emphasis in original.)

If the appellate court determines that the application is legally sufficient, "the next step is for the trial court to determine the truth of the allegations in an appropriate evidentiary hearing." *Id.* If those facts are proved to the trial court's satisfaction, the judgment is vacated and a new trial is ordered. See *Smith*, 400 So.2d at 980 ("The appropriate first step for a defendant seeking a new trial on the basis of new evidence ... is a petition to the appellate court for leave to file a petition for error coram nobis." (Emphasis added.)); *Russ v. State*, 95 So.2d 594, 601 (Fla.1957) ("We therefore hold that, if found to be true in appropriate proceedings, the allegations of the petition are sufficient to vitiate the verdict, judgment and sentence and entitle Russ to a new trial." (Emphasis added.)); see also 28 Fla.Jur.2d *Habeas Corpus* § 169 (1981); 18 Am.Jur.2d *Coram Nobis* § 39 (1985). This is the same relief available under rule 3.850. Holding that newly discovered evidence claims are properly brought under rule 3.850 would further the purpose of the rule to streamline the post-conviction appeals process.

The 1984 amendment to rule 3.850, while not making any substantive changes, implicitly recognized that a motion pursuant to rule 3.850 is the appropriate place to bring newly discovered evidence claims by including, as one of the exceptions to the two-year time limitation for bringing claims under the rule, situations where "the facts upon which the claim is predicated were unknown to the movant or his attorney and could not have been ascertained by the exercise of due diligence." *The Florida Bar re Amendment to Rules of Criminal Procedure*, 460 So.2d 907, 907 (Fla.1984). The writ of error coram nobis is only concerned with questions of fact, *Hallman*,

296 Fla.

247 SOUTHERN REPORTER, 2d SERIES

workers for loss of earning capacity it may well be that to refuse to allow combination of wages in dissimilar employment will in some instances result in an inequity to a worker since his compensation may be based on wages which do not accurately reflect his actual earning capacity.

"While the Act is intended to be and is liberally construed in favor of the worker, nevertheless the drafters also, no doubt, considered the position of the employer and intended to be fair to him and his carrier. This no doubt accounts for the use by the legislature of words which we have held require that compensation be based on the wages earned by a claimant in the *same type or kind of employment* as that in which he was working at the time of his injury.

"If this was not the intention of the legislature it can readily correct our misinterpretation of the statute. It would be easy to change the statute to allow for combination of wages in dissimilar employment." ⁵ (emphasis added) (Apparently no legislative change is considered necessary for SIMILAR employment.)

The opinion in Murphy then concludes with the factual finding that the wages involved there came from two dissimilar employments and therefore could not be combined but it recognized the opposite result in the event of similar employments, as here.

Accordingly, I would deny certiorari, approving the Judge's action, as the Industrial Relations Commission did, and would allow the petition for attorney's fee here.

ERVIN, J., concurs.

James Joseph RICHARDSON, Appellant,

v.

STATE of Florida, Appellee.

No. 38003.

Supreme Court of Florida.

April 21, 1971.

Defendant was convicted in the Circuit Court for Lee County, John D. Justice, J., of murdering his stepdaughter, and he appealed. The Supreme Court held that allowing State witnesses to testify as to their recollection of deceased witness' testimony at preliminary hearing was not error, where no court reporter was present and no official record was made of deceased witness' testimony at preliminary hearing, but defendant was present and represented by counsel at time deceased witness testified, and defendant's attorney cross-examined deceased witness at that time.

Affirmed.

1. Criminal Law \S 394.4(10)

Where search of defendant's premises was made for purpose of identifying poison substance eaten by defendant's children in an effort to save their lives, and at time of search there was no reason to suspect that any crime had been committed and no reason to suspect that defendant had poisoned the children, evidence taken from defendant's house was not subject to motion to suppress.

2. Criminal Law \S 1189

A defendant who is unhappy with results of a criminal proceeding at which he did not request making of a record should not be permitted a new trial on ground that no record was made. F.S.A. \S 43.06.

3. Criminal Law \S 547(1)

Allowing State witnesses to testify as to their recollection of deceased witness'

5. J. J. Murphy & Son, Inc. v. Gibbs, *supra*.

EXHIBIT 5

RICHARDSON v. STATE

Fla. 297

Cite as, Fla., 247 So.2d 290

testimony at preliminary hearing was not error, where no court reporter was present and no official record was made of deceased witness' testimony at preliminary hearing, but defendant was present and represented by counsel at time deceased witness testified, and defendant's attorney cross-examined deceased witness at that time. F.S.A. Const. art. 1, § 16; F.S.A. §§ 901.03, 901.06-901.08, 901.23; 33 F.S.A. Rules of Criminal Procedure, rules 1.121, 1.122(a).

4. Criminal Law § 720(9)

Evidence that defendant's wife in conversation with coroner, who was attempting to determine source of poison eaten by defendant's children, stated that she did not have any idea what type of poison, that maybe there was some rat poison, and that it was locked up in refrigerator was sufficient to support state attorney's alleged reference in closing argument to a bag of parathion in defendant's refrigerator in his home.

poisoning for lunch while their parents were miles away picking fruit. The poison had been placed in almost all of the food which the children might have eaten for lunch. It was never contended that this could have been accidental.

The State adduced the testimony of a series of witnesses as to the toxicological and pharmacological analysis of the tissues of the deceased and the contents of the cooking vessel from which the victim took her lunch on the day of her death. These analyses revealed high level concentration of the organic phosphate, parathion, a highly toxic insecticide. The cause of death was thus determined by a postmortem examination as well as the testimony of a number of teachers at the elementary school regarding the victim's symptoms after she returned from lunch that day. Also in evidence was the testimony of the doctors regarding the symptoms of the dying children as they found them in the hospital and commenced treatment.

John Spencer Robinson of Robinson & Whitson, Daytona Beach, for appellant.

Robert L. Shevin, Atty. Gen., and George R. Georgieff, Asst. Atty. Gen., for appellee.

PER CURIAM.

This cause is before us on appeal from the Circuit Court of the Twelfth Judicial Circuit in and for Lee County, to review the lengthy proceedings wherein the appellant, hereinafter referred to as defendant, James Joseph Richardson, was convicted of murdering his stepdaughter, Betty Jean Bryant. The jury did not recommend mercy and a sentence of death was imposed.

The testimony at the trial revealed that the victim, an eleven-year-old child, along with six younger children, three of whom were the natural children of the defendant, were fed massive amounts of parathion

James Cunningham, a witness for the State, testified that he was a prisoner in the County Jail in Arcadia when the defendant was first incarcerated. He testified that defendant, in a conversation with him, admitted that he had killed his children. Cunningham also testified that he overheard a conversation in the jail between the defendant and another prisoner named Ernell Washington, during which Washington asked him if he did kill his children, whereupon defendant said, "Yes." Cunningham further testified that defendant's wife, who had also been incarcerated but who was being kept on the floor above him, called down to the defendant asking, "Why did you kill my children?" Another state witness, James Weaver, also testified that while an inmate in the Arcadia jail, defendant told him that he had killed his children but did not state why.

Defendant's first point on appeal to this Court is that the State has failed to prove the material elements of its case beyond a reasonable doubt. As indicated by the evi-

298 Fla. 247 SOUTHERN REPORTER, 2d SERIES

dence summarized above, the record refutes defendant's contention in this regard. Indeed, a thorough review of the entire record reveals evidence more than adequate to establish defendant's guilt of murder in the first degree beyond and to the exclusion of a reasonable doubt.

The next point on appeal is the trial court's asserted error in refusal to grant defendant's motion to suppress evidence taken from defendant's house. The specific items of evidence objected to on motion to suppress included two bags of parathion, a plastic bag for parathion, an eight-inch pot lid and a frying pan.

The factual background of the search of defendant's premises in this case is unique in that the search was made for the purpose of identifying the poison substance eaten by the children in an effort to save their lives. On the day of the tragedy, the children came home from school shortly after 11:00 a. m. and consumed the poisoned food. Within minutes all of them began showing symptoms of extreme pain. The school teacher and neighbors rushed the children to a local hospital for treatment. Notice was sent to the parents to come to the hospital. When Sheriff Frank Cline of DeSoto County learned that the children were critically sick and dying as a result of some substance they had apparently consumed at home, the Sheriff rushed to the home to determine what type of chemical the children had consumed. At this time the children were still alive and the purpose of the search was to enable doctors to provide proper treatment. Nothing was removed from the premises at this time by the Sheriff.

The Sheriff then went to the hospital and talked to defendant Richardson. He told defendant he would like to look around the house and Richardson gave him the keys to the refrigerator which he had around his neck and invited him to make a further and complete inspection of the premises. The Sheriff and his assistants then returned to the premises and removed

the poisoned food and containers in which it was cooked and eaten from the premises. Defendant claims that the Sheriff should have warned him of his constitutional rights before making the search. However, at the time of this search, there was no reason to suspect that any crime had been committed and certainly no reason to suspect that defendant had poisoned the children.

The Sheriff went back to the home on several occasions after the first visit and on one occasion the defendant was there and helped him search. There was still no apparent reason to suspect foul play. During the first four visits to the premises, articles were taken and given to agricultural and chemical experts, as well as toxicological experts for analysis. These were taken as a result of defendant's voluntary consent that the Sheriff have free rein to look over the premises so that he might find whatever it was that might have caused the death of the children. Thereafter a search warrant was secured and further articles were taken in pursuance thereof, all of which were turned over to experts for detailed examination. The search warrant was secured after it was discovered that on the very night before the tragedy, defendant had contracted to insure the lives of all of the children, each in the amount of \$1,000. This fact, coupled with certain other evidence, made the defendant highly suspect, so the search warrant was issued.

[1] The trial court properly denied the motion to suppress in this case. The initial searches of the premises were made for the purpose of aiding doctors to save the children's lives and before defendant became suspect. Furthermore, the initial searches were made with defendant's consent and subsequent searches with a search warrant.

Defendant's Point Three on appeal is that the trial court erred in not having a court reporter present at the preliminary hearing and at the pretrial voir dire exam-

RICHARDSON v. STATE

Fla. 299

Cite as, Fla., 247 So.2d 206

ination of the veniremen. Point Four on appeal is related in that it involves the alleged error of the trial court in excusing fifteen jurors for cause for opposing the death penalty, contrary to the rule of the United States Supreme Court laid down in *Witherspoon v. Illinois*.¹

Florida Statutes § 43.06, F.S.A., provides that proceedings shall be reported in constitutional courts of Florida if the State or the defense shall move for same or that the Court, in its discretion may require the proceedings reported. The record before us does not reveal that any request was made by the defendant or his attorney to have either the preliminary hearing or the voir dire examination reported. If the defendant had wanted a reporter present, the filing of a written motion would have preserved his objection to the court's ruling. No such motion was filed. A reporter was present at the voir dire examination but simply noted the identification of the jurors and a finding by the court that all jurors had been examined and found qualified to serve under the laws of Florida. The identity of the excluded jurors, the specific questions propounded to them and answers given, are not preserved in the record nor stated by the defendant in any way. In his motion for a new trial, defendant raises many points but does not raise the objection that jurors were excluded because of their views relating to capital punishment contrary to the *Witherspoon* doctrine.

[2] The record comes to this Court with the presumption that the learned trial judge knew and followed the law. We presume that the trial court was fully aware of the holding in *Witherspoon* and mindful that for many years prior to the holding in *Witherspoon*, the standards laid out therein had been followed by the State of Florida.² It is our view that a defend-

ant who is unhappy with the results of a criminal proceeding at which he did not request the making of a record should not be permitted a new trial on the ground that no record was made.³

[3] Another point on appeal is the alleged error of the trial court in allowing state witnesses Bryant, Oppel, Whidden and Hollingsworth to testify as to their recollection of Ernell Washington's testimony at the preliminary hearing. At the preliminary hearing on March 25, 1968, Ernell Washington testified that he was a prisoner in the DeSoto County Jail at the time defendant was first incarcerated; that he heard defendant confess that he poisoned the children and that he did so to eliminate problems arising with his wife and her former husband, the natural father of one of the victims. After Washington's testimony at the preliminary hearing and before the trial, he was murdered.

No court reporter was present and no official record was made of Ernell Washington's testimony at the preliminary hearing. However, the defendant was present and represented by counsel at the time Washington testified. Furthermore, defendant's attorney cross-examined Washington at that time.

The trial court permitted Thelma Ted Bryant, reporter for the Fort Myers News Press and Tampa Tribune; Richard Oppel, a reporter for the Associated Press; Worley Whidden, an Arcadia real estate broker; T. R. Hollingsworth, a salesman; and John Treadwell, an assistant state's attorney, to testify concerning the statements which Ernell Washington made at the preliminary hearing. The witness Oppel during his testimony referred to his written notes made at the time of the preliminary hearing. The witnesses were not permitted to give conclusions as to what they understood the testimony to mean but were con-

1. 391 U.S. 510. 88 S.Ct. 1770, 20 L.Ed.2d 776 (1968).

2. *Campbell v. State*, 227 So.2d 873 (Fla. 1969).

3. *Williamson v. United States*, 224 A.2d 300 (D.C.App.1966); *House v. United States*, 234 A.2d 805 (D.C.App.1967).

300 Fla. 247 SOUTHERN REPORTER, 2d SERIES

fined to simply reciting the statements made by Ernell Washington.

Defendant contends that the testimony of these witnesses is hearsay and should not have been permitted. In support of this contention he cites *Alvarez v. State*.⁴ In that case, Alvarez and Murrell were tried as codefendants and neither of them testified. A third person was permitted to take the stand on behalf of the State and testify as to statements made by Murrell implicating Alvarez in the crime for which they were both on trial. (Both Murrell and Alvarez were alive and present as codefendants during the trial. This Court's reversal of the conviction is in accord with the decision of the United States Supreme Court decided some fifty years later in *Bruton v. United States*,⁵ but is not pertinent here.

A time-honored and universally recognized exception to the hearsay rule is the so-called "former testimony" exceptions.⁶ Under this rule, evidence of third parties as to the testimony of a deceased witness given under oath in a preliminary hearing or other judicial proceeding where the defendant was represented by counsel, had opportunity to confront and cross-examine the witness, is admissible in a subsequent trial.

Wigmore treats "former testimony" as being outside the hearsay rule because the requirements of the rule are complied with:⁷

"When, therefore, a statement has already been subjected to cross-examination and is hence admitted—as in the case of a deposition or testimony at a

former trial,—it comes in because the rule is satisfied,—not because an exception to the rule is allowed. The statement may have been made before the present trial, but if it has been already subjected to proper cross-examination, it has satisfied the rule and needs no exception in its favor. This is worth clear appreciation, because it involves the whole theory of the rule."

Specifically, regarding testimony before a committing magistrate or a justice of the peace, Wigmore states:⁸

"If there was under the procedure of that official an opportunity of cross-examination, the testimony is admissible; otherwise, not. There never has been any doubt on this point since the establishment of the general doctrine (ante § 1364) in *R. v. Paine*, in 1696 * * *"

The methods of proof of former testimony are set out by McCormick in his work on evidence.⁹ One of the recognized methods of proof is by testimony of any first-hand observer of the giving of the former testimony. This observer may testify to the purport of the former testimony from his unaided memory or may use written notes or memoranda of the testimony made at the time the former testimony was given to refresh his memory or as a past recollection recorded.

This Court has followed the majority allowing in evidence the former testimony given by a deceased or otherwise unavailable witness. In *Blackwell v. State*,¹⁰ a capital case, the testimony of two witnesses at a former trial was admitted on a showing by the state, that both witnesses were

4. 75 Fla. 286, 78 So. 272 (1918).

5. 391 U.S. 123, 88 S.Ct. 1620, 20 L.Ed.2d 470 (1968).

6. 15 A.L.R. 495, Annot: Use in Criminal Case of Testimony Given on Former Trial, or Preliminary Examination by Witness Not Available At Present Trial (1921), Supplemented in 79 A.L.R. 1392

(1932), 122 A.L.R. 425 (1939), 159 A.L.R. 1240 (1945).

7. 5 Wigmore, Evidence 50 (3rd Ed. 1940).

8. 5 Wigmore, Evidence 56 (3rd Ed. 1940).

9. McCormick, Evidence § 297 (1954).

10. 79 Fla. 709, 86 So. 224 (1920).

RICHARDSON v. STATE

Fla. 301

Cite as Fla., 247 So.2d 296

o sick to attend court. The *Blackwell* decision, citing many authorities, holds:¹¹

"It has long been a settled rule of evidence, as one of the exceptions to the general rule excluding hearsay, that the testimony of a witness given in a former action, or at a former stage of the same action, is competent in a subsequent action, or in a subsequent proceeding of the same action, where it is shown that such witness is dead, has become insane or disqualified, is beyond the jurisdiction of the court (that is, out of the state), cannot conveniently be found, or has been kept away by the opposite party, where it is also shown that the former giving of such testimony was under oath, and that opposing party cross-examined, or was afforded an opportunity to cross-examine, such witness. This rule has been generally applied in criminal causes, and has been held not to be in conflict with article 6 of the United States constitutional amendments, providing that 'in all criminal prosecutions the accused shall enjoy the right to be confronted with witnesses against him,' nor in conflict with the state Constitution, such as ours (article 6, § 7), which provides that 'in all criminal prosecutions the accused shall have the right to meet the witnesses against him face to face;' it being held that, where the defendant has once, at some proper stage of the proceeding, been confronted with and met such witness face to face, has cross-examined him, or been given the privilege to do so, the provisions of these Constitutions have been satisfied, and that such evidence is not objectionable on that account."

We have carefully reviewed the provisions of the 1968 Constitution, Article 1, § 16, F.S.A., and find that the confrontation requirement is still met where there is opportunity to cross-examine the witness under oath as in this case.

In the instant case, the former testimony was introduced into evidence on behalf of the prosecution. It is important to remember that a defendant may also need to use former testimony of a deceased or otherwise unavailable witness.

In *Putnal v. State*,¹² a liquor law violation case, testimony of a witness in a former trial in a municipal court, as testified to by a person who was present, was allowed in evidence on showing that the witness was unavailable. In *Putnal*, this Court stated:¹³

"The rule seems to be well settled that 'facts may be established by evidence thereof given on a former trial, provided the court is satisfied: (1) That the party against whom the evidence is offered, or his privy, was a party on the former trial; (2) that the issue is substantially the same in the two cases; (3) that the witness who proposes to testify to the former evidence is able to state it with satisfactory correctness; and (4) that a sufficient reason is shown why the original witness is not produced. * * * The great weight of authority is to the effect that the admission of such testimony, when a proper predicate has been laid therefor, is not violative either of the hearsay rule or the constitutional provision of confrontation."

In *Dorman v. State*,¹⁴ a manslaughter case, the trial court refused to allow defendants to use the deposition of an absent witness taken at preliminary hearing on the ground that sufficient diligence had not been shown to procure the attendance of the witness. To like effect is *Davis v. State*,¹⁵ a breaking and entering case, where this Court held it reversible error to allow into evidence the transcript of testimony of seven complaining witnesses on a showing by the State that a deputy sheriff had "Made one attempt to serve the subpoena but the places where the witnesses

11. Id. at 728, 80 So. at 230.

12. 50 Fla. 80, 47 So. 864 (1908).

13. Id. at 83, 47 So. at 808.

14. 48 Fla. 18, 37 So. 561 (1904).

15. 65 So.2d 307 (Fla.1953).

had resided had closed for the summer and he was told that they had gone North."

There are statements in the *Davis* case to the effect that former testimony given at a preliminary hearing is not entitled to be received on an equal basis with testimony given at a former trial because of the nature of the preliminary hearing. We have found no authorities recognizing such a distinction. Whether the former testimony was given at a preliminary hearing or at a former trial, is immaterial so long as there was full and adequate opportunity to confront and cross-examine the witness.¹⁶

In times past some preliminary hearings have been held in an informal manner without counsel present or warnings of constitutional rights being given. However, in the seventeen years since the *Davis* decision, the preliminary hearing has come to be recognized as an important step in the accusatory process. Under Florida law the accused has a right to a preliminary hearing.¹⁷ The Florida Statutes and Rules of Criminal Procedure require that a person arrested, either with or without a warrant, "shall without unnecessary delay" be taken before a magistrate.¹⁸ Rule 1-122(a), Florida Rules of Criminal Procedure, 33 F.S.A. provides:

"(a) Duty of Magistrate. When the defendant is brought before the magistrate upon an arrest, either with or without a warrant, on a complaint of having committed an offense, the magistrate shall immediately inform him:

(1) of the charge against him;

(2) of the purpose of a preliminary hearing;

(3) of his right to the aid of counsel during the preliminary hearing;

(4) of his right to have or to waive such hearing;

(5) of his right not to testify, and also caution him that in the event he does testify, anything that he says may be used against him in a subsequent hearing or proceeding."

The preliminary hearing has been held "not a step in due process of law"¹⁹ or a "necessary step in the criminal proceedings."²⁰ These statements do not alter the fact that a preliminary hearing is required by law and, when held, can be of critical importance to the State and the accused, as is apparent from the facts of the instant case.

The United States Supreme Court in its recent decision in *Coleman v. State of Alabama*²¹ holds preliminary hearings in Alabama a critical stage in the State's criminal process requiring counsel and as a basis for this holding states:²²

"Plainly the guiding hand of counsel at the preliminary hearing is essential to protect the indigent accused against an erroneous or improper prosecution. First, the lawyer's skilled examination and cross-examination of witnesses may expose fatal weaknesses in the State's case, that may lead the magistrate to refuse to bind the accused over. Second, in any event, the skilled interrogation of witnesses by an experienced lawyer can fashion a vital impeachment tool for use in cross-examination of the State's witnesses at the trial, or *preserve testimony favorable to the accused of a witness who does not appear at the trial*. Third,

16. 5 Wigmore, Evidence 56 (3rd Ed. 1940).

17. Fla.Stat. §§ 901.03, 901.06, 901.07, 901.08, F.S.A. (1969); Fla.R.Crim.P. 1.121, 1.122.

18. Fla.Stat. §§ 901.06, 901.23, F.S.A. (1969).

19. *Sangree v. Hamlin*, 235 So.2d 729, 730 (Fla.1970); *Haugus v. State*, 141

So.2d 264, 267 (Fla.1962), cert. den. 371 U.S. 879 (1962), 83 S.Ct. 153, 9 L.Ed.2d 117.

20. *Palmieri v. State*, 198 So.2d 633, 635 (Fla.1967).

21. 399 U.S. 1, 90 S.Ct. 1999, 26 L.Ed.2d 357 (1969).

22. *Id.* at 0, 90 S.Ct. at 2003.

RICHARDSON v. STATE

Fla. 303

Cite as Fla., 247 So.2d 290

trained counsel can more effectively discover the case the State has against his client and make possible the preparation of a proper defense to meet that case at the trial. Fourth, counsel can also be influential at the preliminary hearing in making effective arguments for the accused on such matters as the necessity for an early psychiatric examination or bail." (Emphasis supplied.)

The four considerations set out in the *Coleman* case, supra, are also considerations under the laws of Florida and the facts of the instant case meet the requirements of *Coleman*. We are not called upon to decide the effect, if any, of the *Coleman* holding on the law of Florida regarding the nature of, and right to counsel at, preliminary hearings.²³ *Coleman* is cited as an indicator of the importance of preliminary hearings today supporting our view that former testimony taken under appropriate safeguards at a preliminary hearing is entitled to be received on an equal basis with testimony taken at a former trial. No reason exists for distinguishing a preliminary hearing from a previous trial in the application of the "former testimony" exception to the hearsay rule.

Former testimony of a deceased or otherwise unavailable witness given at a preliminary hearing must, of course, meet all the standard evidentiary requirements, materiality, relevancy, etc., when offered into evidence at the trial.

In the instant case, a further safeguard exists in the use of the former testimony in that it is merely supportive of testimony given in person at the trial by the witnesses, James Cunningham and James Weaver, who were also inmates in the Arcadia jail at the time of defendant's incarceration there. Cunningham testified to the conversation between the defendant and Washington. Weaver testified at the trial

that the defendant told him that he, the defendant, killed his children.

Point Ten on appeal to this Court is the asserted error of the trial court in allowing the prosecutor, allegedly, to make reference in closing argument to a bag of parathion in defendant's refrigerator in his home. Defendant's objection to this statement is that it is not supported by the facts in evidence.

Defendant has not furnished this Court with any record of the alleged remarks by the State Attorney or the alleged objection made to the remarks. Despite the lack of a record of the alleged statement, we have, nonetheless, searched the record to determine whether there is evidence which would support the statement allegedly made by the State Attorney. We note that in the deposition of Judge Gordon Hayes, on page 613 of the record, there is the following testimony regarding a conversation with Mrs. Annie Mae Richardson, defendant's wife, at the hospital at a time when Hayes, in his capacity of Coroner, was attempting to determine the source of the poison eaten by the children:

"Q What did Annie May say? Did she have any idea what type of poison?

"A Annie Mae said there wasn't any—maybe that there was some rat poison.

"Q Did she name the type of rat poison?

"A No, she didn't. She told me where it was. It was locked up in the refrigerator." (Emphasis supplied.)

[4] This testimony is sufficient to support the statement allegedly made by the State Attorney to the jury.

Other points raised by defendant have been carefully reviewed but do not warrant reversal. We have also scrutinized the record of the proceedings below in accord-

cause of differences between preliminary hearings in Florida and Alabama.

23. See *Harrison v. Wainwright*, 242 So.2d 427 (Fla.App. 1st 1971), concluding that *Coleman* is not applicable in Florida be-

304 Fla.

247 SOUTHERN REPORTER, 2d SERIES

ance with F.S. § 924.32(2), F.S.A. and have determined that the interests of justice do not require a new trial.

Accordingly, the judgment below is affirmed.

It is so ordered.

ROBERTS, C. J., and ERVIN, CARLTON, ADKINS, BOYD and DREW (Retired) JJ., concur.



Philip F. NOHRR, State of Florida et al.,
Appellants,

v.

BREVARD COUNTY EDUCATIONAL FACILITIES AUTHORITY, Appellee.

No. 39805.

Supreme Court of Florida.

April 21, 1971.

Proceeding brought by county educational facilities authority for validation of certain revenue bonds. The Circuit Court, Brevard County, E. Thom Rumberger, J., entered judgment validating the bonds and appeal was taken by an intervenor. The Supreme Court, Adkins, J., held that trust indenture under which county educational facilities authority bonds were to be issued could not properly grant mortgage with right of foreclosure on lands and buildings which constituted dormitory-cafeteria project to be financed at private institution where the grant of mortgage was not approved at an election.

Judgment modified, and as modified, affirmed.

Roberts, C. J., dissented, and Boyd, J., dissented and filed opinion.

1. Schools and School Districts ⇐97(4½)

County educational facilities authority was authorized to bring validation proceedings to determine its authority to incur bonded debt. F.S.A. §§ 75.02, 243.21(1); U.S.C.A.Const. Amends. 1, 14.

2. Constitutional Law ⇐84

State cannot pass a law to aid one religion or all religions, but state action to promote the general welfare of society, apart from any religious considerations, is valid, even though religious interests may be indirectly benefited. U.S.C.A.Const. Amends. 1, 14.

3. Constitutional Law ⇐84

If primary purpose of state action is to promote religion, that action violates the first amendment, but if statute furthers both secular and religious ends, an examination of the means used is necessary to determine whether the state could reasonably have attained the secular end by means which do not further promotion of religion. U.S.C.A.Const. Amends. 1, 14.

4. Colleges and Universities ⇐2

Constitutional Law ⇐84

Educational facilities law which enables institutions of higher learning to obtain financing for expansion and improvement of educational facilities did not violate federal and state constitutional provisions for separation of church and state. F.S.A. §§ 75.02, 243.21(1); F.S.A.Const. art. 1, § 3; U.S.C.A.Const. Amends. 1, 14.

5. States ⇐119

Enumeration in constitutional provision against pledging of state credit of exempt public revenue bond financing projects was not intended to be exclusive and would not deny ab initio public revenue bond financing of all other types of projects. F.S.A.Const. art. 7, § 10.

6. States ⇐119

The word "credit" as used in constitutional prohibition against pledging of state

CONCLUSIONI. THE RENO INVESTIGATION AND REPORTS WERE BIASED, FALSE INFORMATION WAS PROVIDED TO THE COURT RESULTING IN THE ORDER VACATING [REDACTED] CONVICTION. THE DETERMINATION TO DECLINE PROSECUTION WAS NOT WELL FOUNDED.b6
b7C

As noted throughout this memorandum opinion, the Reno documents upon which the judicial order vacating [REDACTED] conviction and the determination not to re prosecute [REDACTED] were based were intrinsically and fundamentally flawed. They asserted as fact propositions which are conclusively established not to be fact. They indulged in conclusions predicated on assumptions which are either not established in the record or in fact are controverted in the record. They advanced speculation and innuendo which was wholly unsupported in the record and in fact shown to be false by the record. They additionally suppressed material evidence which refuted completely the allegations made to the court.

Because of the great deference which would ordinarily be accorded to formal pleadings filed by the State and a formal court order to the extent they bear on issues in this case, we believe that it is imperative that an examination be conducted into the legitimacy of the process resulting in the order vacating [REDACTED] conviction and Reno's Nolle Prose decision.

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We have noted the unusual character of the written order entered vacating [REDACTED] conviction insofar as it declines to make findings of fact and conclusions of law and purports to recite seven enumerated questions on the second page of the order which page is rendered in totally different type than the first. Our concerns with regard to the format and content of the second page of the order were heightened by the fact that there did not appear to be anything in the record before the court justifying either specific references made in the questions, or assertions of fact in the questions.²¹⁸ Moreover, the questions in their content and form did not relate to any issue before the court or otherwise addressed in the formal body of the court's order or in the remarks made by the court in orally announcing its ruling on April 25, 1989 at the conclusion of the evidentiary hearing.

It is noted that the formal order asserts that the court "reviewed the record of the original proceedings --- and having been otherwise fully advised in the premises." (Order, p. 1)

On September 29, 1992, Judge Clifton M. Kelly advised the

²¹⁸ One such example: "Why Arcadia Police Chief, Richard Bernard, was asked or directed by the Governor's office to leave the case alone: stop investigating it?" This was determined not to have occurred. See deposition of FDLE agent [REDACTED] 10/03/90, p. 112.

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author of this opinion that he, in fact, prepared the questions on the second page of the order after the original order was prepared. He stated that he did not have a specific reason in mind other than that he thought it was a "good idea". Judge Kelly acknowledged that the information asserted in the questions was not presented to him in any evidentiary hearing and to his recollection was obtained by him from reading newspapers which he felt established the information as "common knowledge". Judge Kelly further advised that he did not review the record of the investigation in the case including the numerous transcripts of witness interviews, and the interviews of [redacted]. He stated that he relied on the advice of Janet Reno concerning what was done in the investigation and the only record that he read in connection with the matter was the trial transcript which he stated he read. He stated the case wasn't investigated properly. Sheriff Cline did not investigate [redacted] should have been "indicted" for murder and the case would have been "solved."²¹⁹

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Judge Kelly further advised that he originally intended to make findings of fact and conclusions of law, but did not feel it was necessary because: (1) Janet Reno told him before the hearing that the State was "rolling over" and wanted [redacted] conviction vacated; (2) he presumed that Janet Reno was a reputable and competent state attorney; and (3) he was receiving a "deluge" of calls from television and newspapers concerning the case.²²⁰

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Finally, Judge Kelly advised that his real concern and reason for his order was that [redacted] defense counsel was ineffective. He added that he did not at any time intend to suggest [redacted] despite what was in the rhetorical questions; that [redacted] had not committed the crime; and that he made no such finding in his order. He asserted that he had "no doubt" that Frank Schaub did not do anything intentionally to "frame" [redacted]. According to Judge Kelly, any prosecutor who sought to frame and wrongfully prosecute someone would not leave the file in the State Attorney's Office as Schaub did.

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The validity of the order vacating [redacted] conviction is doubtful. Per the advice of Judge Kelly, any arguable validity to the order was predicated on advice provided the court in the Reno Response to the Motion to Vacate and the unquestioned acceptance by the court of the accuracy of such advice. The State was not independently represented by Reno's office and the State did not seek or in fact receive a meaningful evidentiary hearing as

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²¹⁹ This assertion betrays the court's ignorance of the evidence in the record. There was no evidence to sustain an indictment of [redacted] never mind the State's burden of proof at trial.

²²⁰ My understanding of this stated reason was the court perceived the high publicity and public clamor for the result Reno wanted rendered undesirable any delay caused by belaboring the record to make findings of fact.

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
PRELIMINARY INQUIRY

FDLE CASE [REDACTED] DATE: February 25, 1991

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CASE AGENT: Insp. [REDACTED]

REPORT PREPARED BY: Insp. [REDACTED]

DATES COVERED FROM: 2/22/91 TO: 2/25/91

SUBJECT: Honorable Janet Reno
State Attorney
Eleventh Judicial Circuit

Complainant: [REDACTED]
Attorney at Law

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I. INVESTIGATIVE PREDICATE/ALLEGATIONS

On February 14, 1991, Mr. J. Hardin Peterson, Governor's General Counsel, forwarded to the Office of Executive Investigations several letters of complaint related to State Attorney Janet Reno, Eleventh Judicial Circuit. Mr. Peterson indicated that the letters of complaint were sent by [REDACTED] Attorney at Law. Mr. Peterson has requested that FDLE conduct a preliminary inquiry into the alleged criminal activities reported by [REDACTED]. On February 22, 1991, Inspector [REDACTED] was directed to conduct a preliminary review of the matter. A summary of the complaint as related by [REDACTED] is as follows.

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[REDACTED] alleged in his complaint that State Attorney Janet Reno is a lesbian and due to this fact pornographers are blackmailing her in an effort to avoid prosecution. Further, [REDACTED] stated that the State Attorney's Office, Eleventh Judicial Circuit, has previously obtained sworn testimony to support his allegations.

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[REDACTED] allegations apparently stem from his concerns that an alleged gay bathhouse and an alleged pornography company are operating within Dade County and have not been appropriately prosecuted.

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[redacted]
Summary
Page 2

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II. INVESTIGATIVE NARRATIVE

As previously stated, [redacted] alleges that pornography distributors from the Dade County are criminally extorting State Attorney Janet Reno due to the fact that she is a lesbian. Further, [redacted] alleges that for this reason Reno is reluctant to seek prosecution against individuals or companies involved in the sale, manufacture and distribution of obscene materials. In addition, [redacted] has alleged that the State Attorney's Office in Palm Beach County has obtained sworn testimony related to this matter.

On February 25, 1991, Inspector [redacted] contacted Chief Assistant State Attorney [redacted] Fifteenth Judicial Circuit, regarding [redacted] allegations. [redacted] advised that the State Attorney's Office has not received any evidence related to the allegations as indicated by [redacted]. Further, [redacted] advised that the only sworn statement received related to this issue was a statement provided by [redacted] himself. [redacted] added that his review [redacted] complaint determined the allegations to be essentially UNFOUNDED, with no witnesses or evidence available to support his claims.

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[redacted] allegations apparently stem from his concerns that an alleged gay bathhouse and an alleged pornography manufacturing and distribution company are operating within Dade County and have not been appropriately prosecuted.

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On February 25, 1991, Inspector [redacted] contacted Assistant State Attorney's [redacted] Eleventh, Circuit regarding these issues.

ASA [redacted] advised that [redacted] has previously filed a complaint regarding the Dugent Publishing Company with the City of Coral Gables and that a copy of the complaint was forwarded to her attention for a prosecutorial review. ASA [redacted] added that this review is currently underway but her preliminary evaluation indicates that the magazine manufactured and distributed by [redacted] may not be in violation of Florida Statutes. ASA [redacted] added that the subject matter contained within the magazine may be offensive, but does not readily appear to be criminally obscene.

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ASA/Division Chief [redacted] advised that the development and implementation of innovative enforcement and prosecutorial initiatives related to the alleged gay bathhouse are currently being explored and evaluated by the State Attorney's Office and the Department of Health and Rehabilitative Services. ASA [redacted] also advised that efforts will be made to include the City of Miami Police Department in this pending investigative/enforcement endeavor.

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ASA [redacted] advised that the prosecution of individuals involved in the sale and distribution of pornographic materials remains a priority concern within State

[redacted]

Summary
Page 3

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Attorney Janet Reno's office. Further, ASA [redacted] advised that ASA [redacted] is currently assigned exclusively in the area of pornography prosecution and enforcement.

III. FINDINGS

The allegations as reported by [redacted] are essentially UNFOUNDED and do not warrant further investigative efforts at this time.

THE CITY OF CORAL GABLES

OFFICE OF
POLICE CHIEF



THE CITY BEAUFIEU.

2801 SAUL ZIEGLER
CORAL GABLES, FLORIDA 33134
TELEPHONE (305) 442-2000

August 29, 1990



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SUBJECT: DUGENT PUBLISHING CORP.

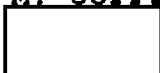

Dear 

Your letter of August 28, 1990 addressed to Mayor Corrigan has been sent to this office. The subject has been referred to the State Attorney's Office.

Thank you for bringing this matter to our attention.

Sincerely yours,

C. W. Skalaeki
Chief of Police
Coral Gables Police Dept.
460-5418

CC: H. G. Kade, Jr., City Manager
Mayor George M. Corrigan
Bureau Chief 
Bureau Chief 

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LAWTON CHILES
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

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February 14, 1991

*To be reviewed
for file*

[Redacted]

Florida Department of Law Enforcement
Post Office Box 1489
Tallahassee, Florida 32302

Dear [Redacted]

Enclosed are letters received from [Redacted] concerning charges of misconduct against State Attorney Janet Reno. Please conduct a preliminary investigation and advise me of any action which would be appropriate.

With kindest personal regards,

Sincerely,

J. Hardin Peterson
General Counsel

JHP/ [Redacted]

cc: [Redacted]

Esq.

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February 14, 1991

J. Hardin Peterson
General Counsel
Office of the Governor
The Capitol
Tallahassee, FL VIA FAX

Re: Janet Reno

Dear Mr. Peterson:

As a follow-up to my earlier letter of even date, please note that Janet Reno was informed six months ago of the criminal publication of [redacted] which is clearly obscene (see attachments), in Coral Gables. Despite requests from the City, she will not proceed.

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Reno has participated in a cover-up of the Dugent Publishing matter and the criminal activities of other obscenity traffickers [redacted]

The notorious criminal operation of the gay bathhouse by Democratic Party honcho, Jack Campbell, personally well-known to Ms. Reno, is just the latest scandal [redacted]

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Please persuade the Governor to suspend this severely compromised State Attorney before this Democratic scandal touches this Democratic Governor, who now is on notice that Dade's State Attorney a) is not doing her job, and b) has some pretty disturbing reasons alleged by many as to why she is not doing her job.

Governor Chiles has the suspension statutes at his disposal. He must, in this instance, use them immediately.

attachments (this is page 1 of 9 pages)

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(not attached) (non-pertinent)



February 14, 1991

J. Hardin Peterson
General Counsel
Office of the Governor
The Capitol
Tallahassee, Florida VIA FAX


Re: Official Misconduct of Dade State Attorney Reno

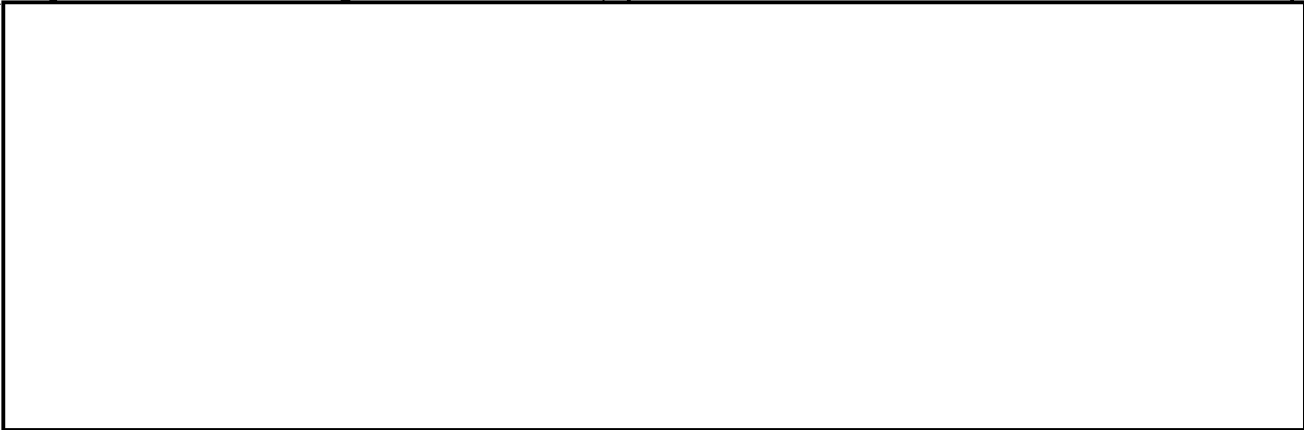
Dear Mr. Peterson:

You are in receipt of a letter dated January 17, 1991, from me regarding the Dade County State Attorney's ongoing misconduct in refusing to prosecute obscenity statute violators in Dade County.

Transmitted herewith are articles in this week's Miami Herald regarding the decade-long criminal operation in Dade County of a gay bathhouse during Janet Reno's tenure as State Attorney here.

The criminal nature of Mr. Campbell's enterprise has been known to the highest levels of law enforcement in this County, most significantly including Janet Reno.

Possibly the primary reason Janet Reno has refused to proceed against this known bathhouse, just as she has refused to proceed against obscenity traffickers, 



Please, Mr. Peterson, respond in some meaningful way to my January 17 letter other than by writing a letter "with kindest personal regards," as you did on January 17, to the woman who is the problem.

BACK FROM OUR BIRTHDAY... 11:50 AM 11:50 AM 11:50 AM 11:50 AM 11:50 AM
I would suggest that you keep this documented scandal from Governor Chiles at significant risk to his credibility. Governor Chiles is now has information, through you, that a State Attorney over which he exercises the statutory power of removal for misconduct, has been severely compromised in the discharge of her official duties.

Please advise what you and the Governor intend to do about this burgeoning scandal.

Best,



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attachments

Florida Department of
Law Enforcement

James T Moore
Commissioner

P.O. Box 1489
Tallahassee, Florida 32302
(904) 488-8771

Lawton Chiles, Governor
Jim Smith, Secretary of State
Robert A. Butterworth, Attorney General
Gerald Lewis, Comptroller
Tom Gallagher, Treasurer
Bob Crawford, Commissioner of Agriculture
Betty Castor, Commissioner of Education

March 7, 1991

Mr. J. Hardin Peterson
General Counsel
Office of the Governor
The Capitol
Tallahassee, Florida 32399-0700

RE: FDLE File Number: EI-91-26-006

Dear Mr. Peterson:

On February 14, 1991, you requested the Department of Law Enforcement to conduct a preliminary inquiry into allegations of possible criminal misconduct on the part of the Honorable Janet Reno, State Attorney, Eleventh Judicial Circuit.

Our preliminary inquiry into this matter has been completed with no evidence of misconduct being revealed.

Please advise if I can be of further assistance regarding this matter.

Sincerely,

James T. Moore
Commissioner

JTM

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J. Hardin

State of Florida

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 90-169

Adopted

(Executive Assignment of State Attorney)

WHEREAS, the Honorable JANET RENO, State Attorney for the Eleventh Judicial Circuit of Florida, has advised the Governor that a complaint has been made alleging that her employees improperly handled evidence in violation of Florida laws, and additionally that a charging decision regarding an allegation of sexual abuse received by her office in 1988, was improperly made, and

WHEREAS, the Honorable JANET RENO, to avoid any appearance of conflict of interest or impropriety, has voluntarily disqualified herself and has requested the executive assignment of another State Attorney with respect to the investigation and prosecution of this case and all matters connected therewith, and

WHEREAS, the Honorable DAVID BLUDWORTH, State Attorney for the Fifteenth Judicial Circuit of Florida, has agreed to accept an executive assignment in this matter, and

WHEREAS, it is in the best interest of the State of Florida, and the ends of justice can best be served, by the assignment of the Honorable DAVID BLUDWORTH to discharge the duties of the Honorable JANET RENO, pursuant to Section 27.14, Florida Statutes.

NOW, THEREFORE, I, BOB MARTINEZ, Governor of Florida, in obedience to my solemn constitutional duty to "take care that the laws be faithfully executed," and pursuant to the Constitution and laws of the State of Florida, do hereby promulgate the following Executive Order effective immediately:

Section 1.

The Honorable DAVID BLUDWORTH, State Attorney for the Fifteenth Judicial Circuit of Florida, hereinafter referred to as the "Assigned State Attorney," is hereby assigned to discharge the duties of the Honorable JANET RENO, State Attorney for the Eleventh Judicial Circuit of Florida, as they relate to the investigation, prosecution, and representation of the State of Florida in all matters pertaining to or arising from the complaint which has been received by her office alleging that her employees improperly handled evidence in violation of Florida laws, and to additionally investigate the charging decision regarding an allegation of sexual abuse received by her office in 1988.

Section 2.

The Assigned State Attorney or one or more of his Assistant State Attorneys and Investigators which he may designate shall proceed forthwith to the Eleventh Judicial Circuit of Florida, and are hereby vested with the authority to perform the duties prescribed herein.

Section 3.

All residents of the Eleventh Judicial Circuit of Florida are requested, and all public officials are directed, to cooperate and render whatever assistance is necessary to the Assigned State

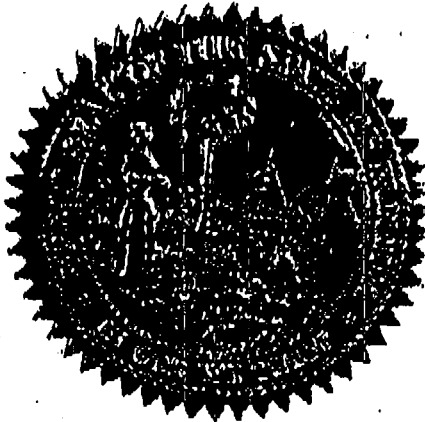
Attorney, to the end that justice may be served.

Section 4.

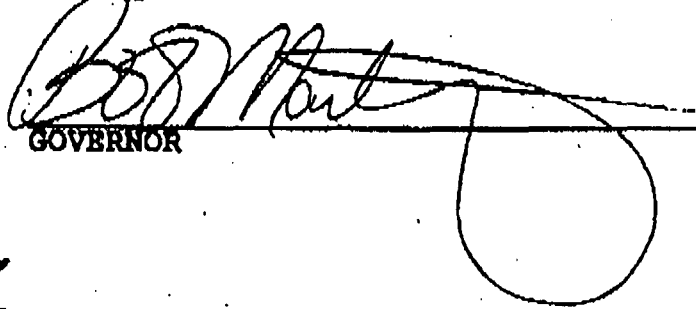
The period of this Executive Assignment shall be for six (6) months, to and including December 15, 1990.

Section 5.

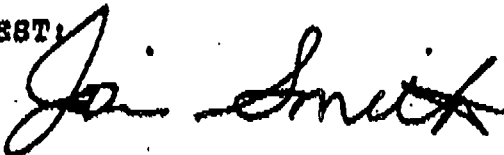
Assigned State Attorney shall notify the Governor on or before November 15, 1990, if additional time is required.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 15th day of June, 1990.


GOVERNOR

ATTEST:



SECRETARY OF STATE