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Date 6/30/86

TO: DIRECTOR, FBI (77-131275) (P)
FROM: SAC, WFO (77B-100656) (P) (A-2)

ANTONIN GREGORY SCALIA
DAPLI
BUDED: 7/3/86 WOF

Re Butel 6/21/86 to WFO et al.

Enclosed for FBIHQ are the following:

1. Copy of civil complaint (Superior Court of the District of Columbia Case Number CA05225-86) hand delivered by KENNETH FREDERICK COLLIER on 6/30/86 to the Washington Field Office.
2. Issue of The Home News also hand delivered to WFO on 6/30/86 by COLLIER.
3. FD-302 of interview on 6/27/86 of COLLIER (with attachments).
4. Sixteen (16) issues of The Home News and two (2) issues of the D.C. Home News. - detail for review

WFO is retaining no copies of above items #1, #2, or #4. They are being submitted to FBIHQ for appropriate review.

Inasmuch as a full set of attachments is being submitted with the FD-302 (item #3), only one additional set of attachments will accompany the FD-302 when it is incorporated in WFO's report of captioned matter for dissemination.

3. ENCLOSURE
3-Bureau
2-WFO 77B-100656 (A-2)
PTR:ptr
(5)

148

AUG 9 1986

Approved: [Signature] Transmitted _____ (Number) _____ (Time) Per _____

70 NOV 1 1989

[Handwritten signature]

WFO indices have been searched as noted for the applicant and his relatives as set forth in retel:

General indices searched on 6/19/86 by [redacted]

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CFR searched on 6/19/86 by [redacted]

ELSUR searched on 6/19/86 by [redacted]

[redacted]
WFO indices presently are being searched for the names of references/ associates as listed in the applicant's SF-86 and results will be submitted upon completion.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription June 28, 1986

KENNETH FREDERICK COLLIER, residing in the Washington, D.C. area (address declined) at telephone 202/544-3066 or 544-6254; and residing in the Miami, Florida, area (address declined), voluntarily appeared at the Washington Field Office of the Federal Bureau of Investigation (FBI) accompanied by his brother, JAMES MARSHALL COLLIER. They were advised of the identities of the interviewing agents, and they stated they are employed as reporters for the D.C. Home News, 300 Indiana Avenue, S.E., Washington, D.C. 20003, which also publishes The Home News, 4694 Palm Avenue, Hialeah, Florida, telephone 305/556-1156 [redacted]

[redacted]. KENNETH COLLIER advised that he and his brother have pressed lawsuits which they feel were wrongfully affected by Judge ANTONIN SCALIA. They filed two matters of pending litigation which they said are being affected, and they stated they intend to file a new suit against SCALIA alleging a felonious alteration of a court record or process in a court of the United States (Title 18, United States Code, Section 1506.) It was in this context that KEN COLLIER furnished the following information in the presence of his brother:

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The COLLIERs filed a civil rights action in 1984 against CRAIG C. DON SANTO, Department of Justice, Vote Fraud Section. They alleged that they were denied due process of law when DON SANTO ejected them from his office where they had been invited to present evidence they had collected in Dade County, Florida, allegedly implicating some ninety members of the League of Women Voters in vote fraud by way of poking holes in computer card ballots before tabulation. Their making of this videotape evidence in 1982 was prompted by a cash reward offer from the Republican National Committee (RNC). The RNC refused to pay until a complaint actually was filed by a prosecutor. Thus, the COLLIERs spent considerable time between 1982 and 1984 trying to facilitate filing of a federal complaint. The COLLIERs brought Washington Times reporter [redacted] with them to the aborted

Investigation on 6/27/86 at Washington, D.C. File #77B-100656
SA [redacted] SA [redacted]
by SA [redacted] Date dictated 6/28/86

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77-101395-145

ENCLOSURE

meeting in DONSANTO's office. Also present was Assistant United States Attorney [redacted] who has co-authored legal articles with DONSANTO, and FBI Special Agent [redacted]. The COLLIERs made it clear to DONSANTO that they were reporters, and they said [redacted] handed DONSANTO his card when he came in, however, DONSANTO became irate at a point already into the meeting when he apparently realized [redacted] was present as a reporter, and at that point, refused to even look at or consider looking at the tape as possible evidence of vote fraud. COLLIER filed suit on the basis of being denied the opportunity to present the tape to the FBI agent and all present and being denied access to the courts in furtherance of fraud prosecution.

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KEN and his brother are paralegals and represented themselves in court. In 1984, they first filed a breach of promise suit against the RNC and then filed the civil rights action against the United States and others, namely DONSANTO. The DONSANTO case was the first of COLLIER's suits to be dismissed in U.S. District Court. COLLIER appealed the dismissal and the appellate panel of the D.C. Circuit reversed and remanded the case back to the lower court. This order, date stamped September 9, 1985, was changed. (COLLIER furnished a copy of the front and back pages of the order, Case Number 84-5884, and the addendum which are attached.) The addendum came from SCALIA. COLLIER views it as an improper alteration of an order of the court and observed the following as problems with it indicating it was the product of SCALIA "acting as a private citizen to help a friend under color of judicial employment":

1. An asterisk tying the addendum to the order correlates to nothing in the body of the order, and so, is used improperly.
2. Use of asterisks is verboten in the courts where numbered footnotes must be used for proper format.
3. The addendum appears on plain grade xerox quality paper with an unrelated ink stamp on the back instead of on watermarked paper used for official products of the court.
4. The addendum is not date stamped at all from the appellate court. It is date stamped, however, 58 days after the date of the order with a stamp from the U.S. District Court.

5. The addendum misspeaks itself in claiming to be a concurrence. The order is a denial of affirmance, while SCALIA's addendum speaks to summary affirmance. This would indicate SCALIA pretended to concur in order to defend the actions of his friend DONSANTO so that lower court judges reading this addendum would "get the message" to support DONSANTO during rehearing.

COLLIER believes but does not know for a fact that SCALIA and DONSANTO are friends, based on their coincident employments at the Department of Justice between 1974 and 1977. Further, because both have Italian surnames, he speculates both must be members of Sons of Italy or a similar organization. In light of what COLLIER believes to have been SCALIA's past association with DONSANTO, he said SCALIA should have recused himself or have remained without input in this matter rather than issue a "pretended" concurrence. COLLIER considered SCALIA's insertion of an opinion so unusual and DONSANTO's refusal to view evidence likewise so unusual and unreasonable, that he wondered what could motivate two such acts. COLLIER does not accept the use of prosecutorial discretion as a reason for DONSANTO's action, since DONSANTO never viewed the evidence upon which to make any prosecutorial decision. A friendship between SCALIA and DONSANTO makes sense to COLLIER as the most plausible explanation for SCALIA's addendum.

COLLIER stated without first-hand knowledge or evidence that SCALIA would very likely be aware of an actual disinclination on DONSANTO's part to prosecute computer vote fraud. COLLIER postulates that DONSANTO does not want to bring attention to vote fraud so that domestic officials do not have to acknowledge abroad that democracy is not going on in the United States. DONSANTO himself gave COLLIER this impression when he confirmed that portions of a memorandum pertaining to a 1972 vote fraud investigation were excised under Freedom of Information due to national security. (COLLIER furnished a copy of the above mentioned memo dated May 16, 1972, which was Exhibit B in a brief filed with the U.S. Court of Appeals for the D.C. Circuit on April 9, 1985, and a copy of the brief is attached.) The 1972 investigation was the result of allegations COLLIER made then regarding computerized vote fraud.

Central to the vote rigging, is a company called NEWS ELECTION SERVICE located on Flatbush Avenue, Brooklyn, New York, in the basement of a telephone company. It was established in 1964 by the television networks and news wire services. COLLIER learned from a publication called Election Administrative Reports that there is a master link between all the election computers in use. The League of Women Voters has thousands of people working in election offices, and they are "the glue" holding this national link-up together, because they call in the early poll results which ultimately become the final official totals. COLLIER believes the computer tabulation systems are run by organized crime figures who must see to it that the systems are kept free of any hint of fraud in order to reap huge profits and political power.

COLLIER ran unsuccessfully against Florida Congressman Claude Pepper in the 1970 Democratic primary. COLLIER was surprised at broadcast early poll results from Dade County which were extraordinarily accurate when compared to the final totals. He realized then that Dade County was a pilot project for the three major television networks in projecting poll results that were "always correct." It was clear to COLLIER that the networks were pre-programming Dade County results by computer and testing the "gullibility" of the public as to what the public would accept as valid results. He wanted an investigation into the scheme he alleged involved both the computer tabulation company and the three local television stations. One of the three, WPLG, was owned by KATHERINE GRAHAM, who also owns the Washington Post, and who was at that time a nemesis to RICHARD NIXON and the Republican Party.

All three Dade County stations used the League of Women Voters in election coverage. COLLIER took his allegations to [redacted] telephone [redacted] who, in turn, presented them to NIXON at Key Biscayne. [redacted] later told COLLIER that NIXON was worried that GRAHAM and the Democrats had found a way to commit massive vote rigging that the Republicans did not have. The Watergate break-ins happened only about a month later. COLLIER postulates that the Committee to Re-Elect the President was in part motivated by the unproven Dade County revelations to commit the break-ins. He further speculates that after the first break-in, the Democrats were aware of the burglars and ambushed them on their second entry so that negative publicity would focus on the Republicans and stave off the negative publicity sure to ensue from any probe into the alleged Dade County vote rigging that would cost GRAHAM a great deal of money at a time she was trying to sell Post stock.

COLLIER used an analogy of a swimming pool to explain that the Watergate investigation took the first three feet of water from the depth of executive branch officials, but the remaining three feet of water represented the lower echelon young attorneys of the Justice Department and the White House who COLLIER assumes were involved in Watergate but were never prosecuted. COLLIER points to DONSANTO and SCALIA as being among those rising young attorneys who "paid their dues to the Republican Party" and are being rewarded with high office in later years. COLLIER stated he has no first-hand knowledge nor any evidence linking SCALIA to any events of Watergate. He stated his only knowledge of SCALIA's activities at that time is that SCALIA was in charge of the White House Office of Telecommunications and would have been in receipt of a detailed telegram COLLIER sent to the White House and to Attorney General JOHN MITCHELL setting forth his allegations of Dade County vote fraud. COLLIER does not know if SCALIA ever personally saw the telegram or was present when it was received. COLLIER postulates that if SCALIA received and read the telegram, he would have been in possession of the allegations he believes were a serious part of Republican concerns leading to Watergate. COLLIER further theorizes that if DONSANTO was involved in the Watergate cover-up, SCALIA would have known about it. He presumes SCALIA could have been giving advice to DONSANTO and others involved in the 1972 Dade County investigation, which COLLIER assumes is still an open matter since he cannot find documentation closing such an investigation. COLLIER infers an additional connection to Watergate, in that the burglars caught at Watergate were from Dade County.

Regarding the effect of SCALIA's addendum to the appellate court order in the DONSANTO case, COLLIER advised that the addendum has been relied upon by other judges for dismissal of other suits COLLIER filed. The DONSANTO suit was dismissed for a second time in U.S. District Court by Judge THOMAS HOGAN in 1985 (USDC Case Number 84-3570).

Like the DONSANTO case, the COLLIER's suit against the RNC also was dismissed based on the addendum. Judge NICHOLAS NUNZIO originally presided over the RNC case in Superior Court, and on December 9, 1985, he denied the RNC's motion for summary judgment. Former D.C. Bar president LAWRENCE CARR defended the RNC in that action. At the pre-trial, CARR warned COLLIER not to spend his money, implying to COLLIER that CARR was involved in some kind of "fix." On December 17, 1985, CARR filed for

reconsideration of summary judgment or a stay in proceedings. COLLIER advised that such a motion violated Rule 12-I(n) of the Motions Practice of Superior Court, in that no leave of the court had been granted to do so. NUNZIO at that point was too busy to hear additional proceedings in the case. (COLLIER furnished a copy of a letter dated March 10, 1986, from LARRY GORDON, Law Clerk to the Chief Judge, and a copy is attached.) COLLIER contends that because Judge HENRY GREENE was the next judge to call the court assignment office when the RNC case was lacking a pre-trial judge, GREENE was, therefore, reaching for that specific case at the behest of CARR who could not win unless he had a like-minded judge. COLLIER contends, based on supposition, that by virtue of GREENE's thirteen year employment with the Justice Department as an assistant U.S. attorney, GREENE must have been associated with DONSANTO and SCALIA in the 1974-1977 period they worked for the Justice Department. COLLIER had no other first-hand knowledge or evidence of a connection between these men.

COLLIER alleges that CARR and GREENE knew there was no legal way to conduct a hearing on the new motion for reconsideration, but because they knew the COLLIERs were not attorneys, they colluded and "ran roughshod" over the COLLIERs by conducting a pre-trial meeting in chambers on January 6, 1986, where COLLIER observed GREENE ask CARR what he should pay particular attention to in the motion and CARR responded he should pay particular attention to SCALIA's addendum. In violation of Practice Rule 12-I(h), an uncalendared hearing was then held on January 9. The three day interim was not sufficiently long to get GREENE recused from the case. At that hearing GREENE went on to improperly reverse the rulings of Judge NUNZIO as if GREENE was an appeals judge. GREENE then dismissed the suit based on CARR's motion which relied on SCALIA. (COLLIER furnished a copy which is attached of the January, 1986, payroll sheet from GREENE's court showing the hearing on January 9, which COLLIER stated was found no where else in court records as having taken place. The transcript of the January 9 hearing in the RNC case had more than nine hundred words deleted at GREENE's direction, and then a third corrected version was issued. COLLIER contends the third version is not necessarily accurate, and a question of legality regarding transcript changes is now before the Chief Judge of the D.C. Superior Court and has been submitted to the D.C. Court of Appeals.

COLLIER also sued the League of Women Voters for allegedly interfering in a contract. (The contract referred to the RNC reward offer for vote fraud evidence.) League defense attorney DANIEL WALDMAN received a copy of the SCALIA addendum by CARR along with the heavily excised second version of the January 9 RNC case hearing. The matter is pending.

COLLIER's personal opinion with no basis in fact is that Judge GREENE has been promised SCALIA'S appellate court seat once SCALIA is named to the Supreme Court. Such an arrangement would further account, in COLLIER's view, for GREENE's "bowing" to the SCALIA addendum.

After SCALIA's nomination to the Supreme Court, COLLIER telephoned SCALIA's secretary, [redacted]. He stated she could not explain why SCALIA's addendum was typed on non-watermarked paper with an apparently unrelated stamp on the back and was not date stamped by the appellate court. COLLIER advised that the other appellate judges who wrote the order to which SCALIA's concurrence was attached had no knowledge of SCALIA's addendum.

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COLLIER summarizes SCALIA's writing of the addendum as the act of a "big judge trying to influence little judges" with an "under the table message" to protect a friend or friends and to keep "under wraps" the associations he had in the White House in the handling of the Dade County League of Women Voters fraud allegations.

COLLIER advised that on June 25, 1986, he furnished the above information verbally to Senate Judiciary Committee investigators [redacted] and [redacted] along with copies of The Home News.

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(In addition to furnishing copies of documents mentioned above, COLLIER also furnished copies of the following items which also are attached:

- * News release of [redacted] dated November 9, 1982
- * CARR's statement of points in support of motion for dismissal in the D.C. Superior Court Case Number 10935-84 against the RNC

- * Letter dated January 30, 1985, from Deputy Assistant Attorney General JOHN C. KEENEY to Senator JOHN W. WARNER
- * Letter dated May 20, 1986, from D.C. Courts Deputy Executive Officer JAMES F. LYNCH to COLLIER
- * Request for removal/contempt citation dated May 27, 1986, filed in D.C. Superior Court
- * Response dated January 30, 1986, to defendants' motion to dismiss in the USDC Case Number 84-3570 against DONSANTO.)

(Sixteen copies of The Home News and two copies of the D.C. Home News also were furnished.)

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 84-5884

September Term, 19 85

Kenneth F. Collier,
Appellant

C.A. No. 84-03570

James M. Collier

United States Court of Appeals
For the District of Columbia Circuit

v.

FILED SEP - 4 1985

United States of America, et al.

GEORGE A. FISHER
CLERK

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, is inappropriate because the merits of this action have not yet received the "fullest consideration necessary to a just determination." 761 F.2d 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.

Per Curiam

* A concurrence by Circuit Judge Scalia is attached.

2 copy


Text: George A. Fisher
United States Court of Appeals
for the District of Columbia Circuit

Rosemary Costigan Deputy Clerk

No. 84-5884 - Kenneth F. Collier v. U.S. of America, et al.

SCALIA, Circuit Judge

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. See Gray v. Bell, 712 F.2d 490 (D.C. Cir. 1983). Moreover, to the extent that the district court's terse statement of its reasons does not comport with the requirement we announced in Sills v. Bureau of Prisons, 761 F.2d 792 (D.C. Cir. 1985), designed to facilitate our review, I would think it suffices that this decision was rendered before Sills was published.



cc: [unclear]

For: George A. Fisher
United States Court of Appeals
for the District of Columbia Circuit

Rosemary Estep Deputy Clerk

RECEIVED
APR - 9 1985
CLERK OF THE UNITED
STATES COURT OF APPEALS

United States Court of Appeals
For The District of Columbia Circuit
FILED APR - 9 1985
GEORGE A. FISHER
CLERK

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 84 - 5884

KENNETH F. COLLIER and
JAMES M. COLLIER,

APPELLANTS,

UNITED STATES OF AMERICA, Et Al.,

APPELLEE

On Appeal from the United States District
Court for the District of Columbia

APPELLANTS' OPENING BRIEF ON APPEAL

4 Appendix

15-9
P-9

Kenneth F. Collier pro se
James M. Collier pro se
in forma pauperis
300 Independence Ave., S.E.
Washington, D. C. 20003
(202) 5443066

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 84 - 5884

KENNETH F. COLLIER and
JAMES M. COLLIER,

APPELLANTS

v.

UNITED STATES OF AMERICA, Et Al.,

APPELLEE

Certificate required by Rule 8(c) of the General Rules of the United States Court of Appeals for the District of Columbia Circuit:

The undersigned pro se appellants certify that the following listed parties appeared below and/or were duly served with the Complaint filed and then dismissed below:

Appellants

Kenneth F. Collier and James M. Collier

Appellee

United States of America, William French Smith, Craig C. Donsanto

These representations are made in order that the judges of this Court, inter alia may evaluate possible disqualification or recusal.


Kenneth F. Collier pro se


James M. Collier pro se

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Statement of Issue presented for Review. 3

Statement pursuant to Local Rule 8(b). 3

Statement pursuant to Rule 8(c) of the General Rules,
U.S. Court of Appeals for the District of Columbia. 2

References to Parties and Rulings. 3 and 10

Statement of the Case. 5 through 8

EXHIBIT "A" unnumbered

EXHIBIT "B", two consecutive pages, unnumbered

The Opinion Below. 9 and 10

Argument. 11

THE COURT BELOW ERRED IN ITS ASSESSMENT THAT THE
COMPLAINED-OF BEHAVIOR OF DEFENDANT Donsanto LEG-
ITIMATELY FELL WITHIN HIS EXERCISE OF PROSECUTORIAL
DISCRETION, IN THAT THE REFUSAL TO ACCEPT, REVIEW
OR EVALUATE VITAL VIDEO-TAPE EVIDENCE OF VOTE-FRAUD
IN AN OFFICIAL MEETING CONVENED AND DESIGNATED FOR
THAT PURPOSE GOES BEYOND "PROSECUTORIAL DISCRETION"
AND CONSTITUTES "OBSTRUCTION OF JUSTICE" AND
CONSTRUCTIVELY ABRIDGES THE CIVIL RIGHTS OF APPELL-
ANTS WHO WERE LURED TO SAID MEETING UNDER FALSE PRETENSES.

Conclusion. 12

STATEMENT OF ISSUE PRESENTED FOR REVIEW

Where the Court below dismissed a civil action sua sponte, basing said dismissal on its unilateral analysis of events alleged in the Complaint, acting without any evidentiary hearing to so decide the case on the merits to benefit defendants by relieving them of the obligation to answer, should such dismissal on the merits (i. e., "Prosecutorial Discretion" as in the instant case) be vacated pending an adversarial hearing on the merits as would be provided by trial? In the alternative, if the Court below properly exercised its prerogative to dismiss, was it correct in assessing the merits or should it be reversed?

STATEMENT PURSUANT TO LOCAL RULE 8(b)

This case has not previously been before this Court or any other court other than the District Court from whose decision this appeal is taken.

The undersigned represent that a case at least partially related to this case (in that both have material witnesses in common) is pending trial in the Superior Court of the District of Columbia, i.e., Collier v. Republican National Committee, Et Al., case # 10935-84. A defendant, (CRAIG C. DON SANTO) in the instant case is a material witness in the case cited above. Also, three material witnesses named in the Complaint in the instant case (namely: PAT PALLIMAN, NANCY STEWART and GENE GOLTZ) are material witnesses in the case cited above. The docketed "Cause of Action" in the above-cited case is "Misrepresentation and Deceit" related to a contract between the Plaintiff-Appellant herein and the Republican National Committee.

PARTIES

Kenneth F. Collier and James M. Collier

--

United States of America, William French Smith, Craig C. Donsanto

REFERENCE TO RULINGS

November 21, 1984 "endorsement" through Clerk's memorandum dated 12/6/84 verifying Judge Pratt's dismissal on grounds of "Prosecutorial Discretion".

(Please see Page 10 herein.)

PAGE THREE

STATEMENT OF THE CASE

I. Statement of Facts

In the absence of any "record" in this case, the only evidence before the Court is the text and exhibits contained in the Complaint, as attached hereto and made a part hereof.

Text and exhibits follow:

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KENNETH F. COLLIER,
JAMES M. COLLIER
300 Independence Ave., S.E.
Washington, D.C. 20003

(202) 544-3066

84-3570

PLAINTIFFS,

Civil Action No. _____

vs.

UNITED STATES OF AMERICA,
WILLIAM FRENCH SMITH, ATTORNEY
GENERAL OF THE UNITED STATES and
CRAIG C. DON SANTO, DEPARTMENTAL
ATTORNEY OF THE UNITED STATES
JUSTICE DEPARTMENT

DEFENDANTS.

COMPLAINT: CIVIL RIGHTS
(FOR DAMAGES, DUE TO CIVIL RIGHTS VIOLATIONS
INVOLVING OBSTRUCTION OF JUSTICE)

COMES NOW THE PLAINTIFFS and say:

1. THAT Plaintiffs invoke jurisdiction of this Court pursuant to and based on 28 U.S.C. §1346, and the amount in controversy exceeds TEN THOUSAND DOLLARS (\$10,000.00).
2. THAT Plaintiffs are citizens of the United States of America and residents of the District of Columbia.
3. THAT Defendants' principal place of business and residency of record is deemed to be and represented to be in the District of Columbia.

4. THAT Defendant UNITED STATES OF AMERICA, acting by and through its duly authorized agent, Defendant CRAIG C. DON SANTO, a duly authorized attorney employed by the United States Department of Justice with official title and duties encompassing DON SANTO'S exclusive capacity within the Justice Department to determine the validity of any and all evidence related to prospective voting-fraud or election-fraud prosecutions originating in the Public Integrity Section, did violate the civil rights of Plaintiffs as a direct result of the willful, wrongful and negligent actions of DON SANTO who, acting in his official capacity, has engaged in a twelve (12) year conspiracy with others to obstruct justice in the matter of the alleged vote-fraud and election-fraud referred to in Department of Justice Memorandum of 1972, numbered 72-017-8, Plaintiffs' Exhibit "A", attached hereto and made a part hereof, and United States Government Memorandum dated "5/16/72", Plaintiffs' Exhibit "B", attached hereto and made a part hereof, said obstruction of justice manifesting itself in DON SANTO'S wrongfully denying Plaintiffs access to due process during said time period by means of wrongfully using his authority to ignore, cover-up or "lose" admissible evidence of federal vote-fraud which Plaintiffs, acting in their capacities as reporters and voluntary informants to the Miami, Florida office of the Federal Bureau of Investigation, 1971-1983, had brought to the personal attention of DON SANTO during said time period including 1972 through Plaintiffs' last encounter with DON SANTO on or about May 15, 1984 at DON SANTO'S office.

5. THAT on the occasion of the said May 15, 1984 meeting with Defendant CRAIG C. DON SANTO, Plaintiffs did present DON SANTO with tangible and physical evidence of several instances of federal vote-fraud in a venue within DON SANTO'S jurisdiction during the years 1972-1982, including the so-called "Blank-Backed Return Sheet" scheme and the so-called "Missing Keys" scheme, both of which fraudulent "schemes" involved vote-fraud and election fraud activities on the part of elections officials in Dade County, Florida, but which have gone unprosecuted due to DON SANTO'S wrongful conduct as cited in Paragraph Four (4) herein, said willful withholding of prosecution resulting in undermining and discreditation of Plaintiffs in the community.

6. THAT, further, during the said meeting of May 15, 1982, Plaintiffs delivered a videotape (3/4-inch) cassette to Defendant CRAIG C. DON SANTO in the clear sight and presence of three (3) independent witnesses with a clearly audible statement by Plaintiff KENNETH F. COLLIER who therein warranted to DON SANTO that Plaintiffs had risked their lives to infiltrate and then candidly videotape a so-called vote-racketeering ring in Dade County, Florida on election night, November 2, 1982, and that the resultant videotape would constitute such conclusively admissible evidence of vote-fraud and election-fraud (involving the same elections officials throughout the period 1972-1982) as would result in a valid prosecution in the event that DON SANTO were to carry out his duty to properly initiate charges in Federal Court against participants in the said frauds as evidenced by the Plaintiffs' videotape. Defendant DON SANTO thereupon refused to accept, review, evaluate or discuss said videotape, but instead unilaterally terminated the said meeting.

7. THAT the said witnesses referred to in Paragraph Six (6) were:

1. PAF-PALLIMAN, who identified herself via badge as representing the Federal Bureau of Investigation. 2. NANCY STEWART, who identified herself as an attorney in the Public Integrity Section of the United States Justice Department. 3. GENE GOLTZ, who had identified himself as a reporter of the "Washington Times" newspaper.

8. THAT concurrent with the termination of the said meeting between Plaintiffs and Defendant CRAIG C. DON SANTO as cited in Paragraph Six (6), DON SANTO declared that under no circumstances would he ever meet with Plaintiffs again and that he had no interest in accepting, reviewing, evaluating or discussing the scenes of vote-fraud and election-fraud which Plaintiffs had warranted were conclusively and candidly evidenced on said videotape, thereby foreclosing any possibility of prosecutions resulting from Plaintiffs' good-faith efforts to obtain and then deliver such information to the only official in the United States Justice Department designated, empowered and mandated to accept such information, with the result that Plaintiffs constitutionally guaranteed rights to access to due process have been arbitrarily abridged by DON SANTO'S willful obstruction of justice.

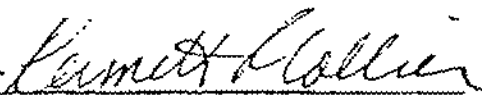
9. THAT as a result of the foregoing willful, wrongful, arbitrary and negligent conduct of Defendant CRAIG C. DON SANTO, who acted at all times material hereto under the mandate and authority of Defendant UNITED STATES OF AMERICA and Defendant WILLIAM FRENCH SMITH, ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA, Plaintiffs have been damaged by being subjected to unwarranted personal and professional discreditization, severe mental anxiety, mental stress, ridicule in the community, impoverishment and what Plaintiffs deem to be permanent threats to their lives from persons who would attempt to silence Plaintiffs through the use of violence, intimidation or both.

10. WHEREFORE, the premises considered, Plaintiffs demand judgment against Defendants in the amount of \$20,000,000.00 (TWENTY MILLION DOLLARS), plus Court costs, reasonable attorney's fees, together with the costs of this action.

11. Plaintiffs demand trial by jury.

RESPECTFULLY SUBMITTED,

Kenneth F. Collier
in pro se



James M. Collier
in pro se



Dated: November 6, 1984

300 Independence Ave., S.E.
Washington, D.C., 20003
(202) 544-3066

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO Acting Director, Federal Bureau of Investigation

DATE: May 11, 1972

FROM Henry E. Petersen
Assistant Attorney General
Criminal Division

HEP:JCK:CCD:mhh
72-017-18

SUBJECT Kenneth Collier - Victim; Election Laws; Subjects Unknown

cup

... 3 -

Reference is made to Bureau memoranda dated April 17, 1972, December 16, 1971, and April 26, 1971, attaching written statements executed by James Collier and his brother Kenneth concerning the possibility that the results of the primary Congressional election for the seat in Congress from the Seventh District of Florida which took place on September 8, 1970, was rigged by persons unknown. It is noted that Kenneth Collier was a candidate in this primary election, and that he lost to incumbent Congressman Claude Pepper.

In order that this Division may determine whether any of the allegations contained in these statements are true, the Bureau is requested to interview [redacted] and [redacted] both of whom the Colliers charge participated in the rigging of this election. During these interviews the Bureau should attempt to ascertain whether either of these individuals participated in a scheme to rig the September 8, 1970, election in Miami, Florida. If either [redacted] or [redacted] acknowledges that he did participate in rigging this election, the Bureau should attempt to ascertain in the manner in which this rigging was effected, for what purpose it was effected, and who directed that the election be rigged.

In addition, both [redacted] and [redacted]

[redacted] which James Collier charges was held on August 22, 1970, to establish the details concerning how the election would be fixed.

EXP. PROC.

40 MAY 12 1972

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b7c

5/16/72 NAZ/EPD

EX-115 MEMPHIS

56-4417-5-17 MAY 18 1972

Exhibit "A"



Memorandum

TO

[Redacted] b7C

DATE: 5/16/72

FROM

[Redacted]

SUBJECT: UNKNOWN SUBJECTS;
KENNETH COLLIER - VICTIM
ELECTION LAWS

- Callahan _____
- Campbell _____
- Casper _____
- Conrad _____
- DeLoach _____
- Malone _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

1 [Redacted] b7C
1 [Redacted]
1 [Redacted]
1 [Redacted]
1 [Redacted]
1 [Redacted]
1 [Redacted]

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

[Large redacted block]

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.

[Redacted] and [Redacted] apparently programmed the computers for the Miami television stations which predicted the election outcome. The Colliers allege [Redacted] 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 [Redacted] be interviewed to ascertain their possible involvement in alleged scheme to rig this election.

ACTION: Departmental Attorney Craig C. DonSanto, Criminal Division was contacted and advised as a matter of courtesy Congressman Pepper should be informed of the investigation being conducted.

[Redacted] (B) b7C

CONTINUED - OVER. . . .

51 MAY 30 1972

MAY 25 1972

Exhibit "B" (page one)

UNRECORDED COPY FILED IN

Memorandum
Re: UNSUBS; KENNETH COLLIER - VICTIM
ELECTION LAWS

b6
b7C

in this matter.

It is recommended the Crime Records Division advise Congressman Pepper that at the specific request of Assistant Attorney General (AAG) Henry E. Petersen, Criminal Division of the Department of Justice an investigation has been instituted.

NAZ LLM
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6/11
Approved
GA
5-17
11/18/76

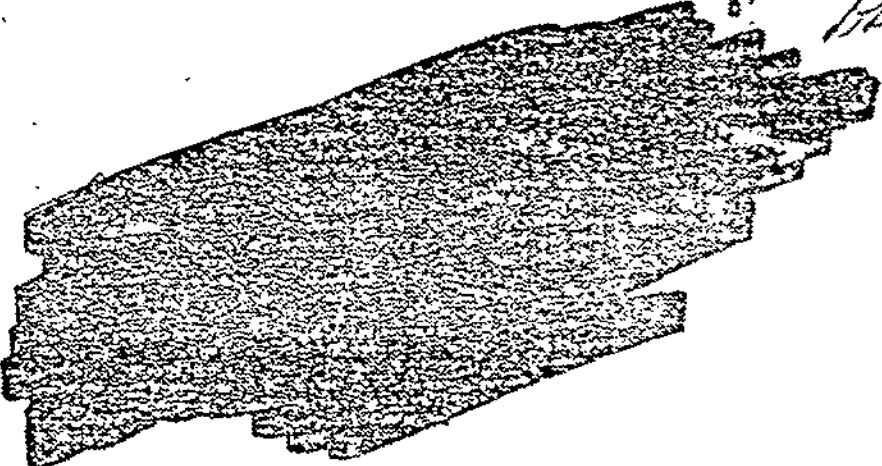


Exhibit "B" (page tag)

II. The Opinion Below

Attached hereto and made a part hereof is the U.S. District Court Clerk's notice of the opinion rendered by Judge Pratt, citing merely "prosecutorial discretion" as the sole factor in the Court's dismissal of the case.

Copy of Clerk's notification to Plaintiff/Appellant follows:

CLERK'S OFFICE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D.C., 20001

CO-217 e
Rev. 3/74

December 6, 1984

Kenneth F. Collier, Et AL.

vs.

Civil Action No. 84-3570

The U.S.A., Et AL.

Dear Mr. Collier

In the above-entitled cause, please be advised that on

November 21, 1984, Judge Pratt

endorsed thereon as follows:

"Leave to file without prepayment of costs granted;

Dismissed; Prosecutorial Discretion.

JAMES F. DAVEY, Clerk

By:

Kenneth J. Casper
Deputy Clerk

(All correspondence and papers in connection with the case pending
should bear the number referred to above.)

ARGUMENT

THE COURT BELOW ERRED IN ITS ASSESSMENT THAT THE COMPLAINED-OF BEHAVIOR OF DEFENDANT Donsanto LEGITIMATELY FELL WITHIN HIS EXERCISE OF PROSECUTORIAL DISCRETION, IN THAT THE REFUSAL TO ACCEPT, REVIEW OR EVALUATE VITAL VIDEO-TAPE EVIDENCE OF VOTE-FRAUD IN AN OFFICIAL MEETING CONVENED AND DESIGNATED FOR THAT PURPOSE GOES BEYOND "PROSECUTORIAL DISCRETION" AND CONSTITUTES "OBSTRUCTION OF JUSTICE" AND CONSTRUCTIVELY ABRIDGES THE CIVIL RIGHTS OF APPELLANTS WHO WERE LURED TO SAID MEETING UNDER FALSE PRETENSES:

It is well established that government employees with the job specification of expertise in assessing evidence of vote-fraud are required to act in good faith when such evidence is brought, through official channels, to their attention.

In this instance, however, governmental agents DONSANTO and SMITH both, in varying degrees, abrogated their responsibilities to delve into the matters raised by the existence of the aforementioned videotape, thus placing Plaintiff/Appellants' lives and credibility in jeopardy.

The Complaint tells in Paragraph Six of the "meeting in DONSANTO's office" with three witnesses present, in which the chief of the government's vote-fraud prosecution unit flatly refuses to view the videotape and further insists that no other prosecutor in his specialized unit view the tape either.

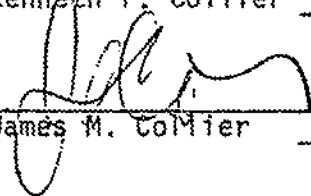
In view of the personal meetings and dealings of DONSANTO and SMITH with highly placed officials in the League of Women Voters (who are shown as a " in the tape unlawfully tampering with thousands of computer punch-card ballots in a federal election), the refusal to allow themselves specific knowledge of criminal activity by that organization as shown on the videotape goes to proving the contention of the Original Complaint that such refusals are motivated by political considerations or possibly by DONSANTO's past refusals to act in similar instances when similar proof was brought to him.

CONCLUSION

The order dismissing the complaint was issued without an evidentiary hearing and failed to take into account the duty owed Plaintiff/Appellants by the defendants whose sworn oaths attaching to their designations as judicial officers of the United States of America requires their cooperation when evidence of criminal fraud is brought forward by citizens as in the instant case; therefore, for all the foregoing reasons, Appellants respectfully request that the District Court's Order of November 21, 1984, dismissing the instant case, be reversed and/or vacated, and that the case be returned to United States District Court for the District of Columbia Circuit for trial on the merits.

Respectfully submitted,

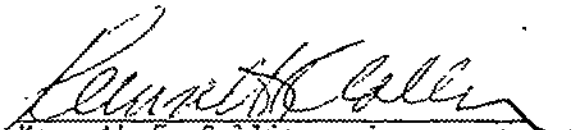

Kenneth F. Collier pro se


James M. Collier pro-se

300 Independence Ave., S.E.
Washington, D. C. 20003

CERTIFICATE OF SERVICE

I, Kenneth F. Collier, hereby certify that on the NINTH day of APRIL, 1985, I delivered a true copy of the within Appellants Brief on Appeal to the reception desk of the United States Attorneys' office, 2nd floor, Court of Appeals Bldg., Washington, D.C.


Kenneth F. Collier in pro se
300 Independence Ave., S.E.
Washington, D.C. 20003

RECEIVED

MAR 21 1986

U.S. Attorney's Office
For The District of Columbia

*Received copy of 3/10/86 ltr.
from Larry Gordon to Kenneth
Collins re: CA #10935-84.*

U. S. COMMISSION ON JUDICIAL
DISABILITIES & TENURE



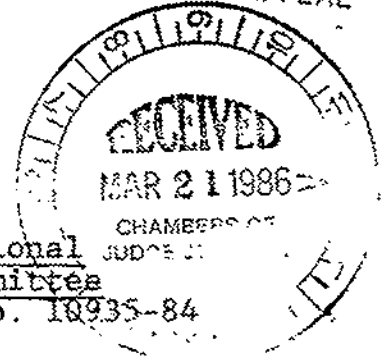
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Superior Court
District of Columbia
Washington, D. C. 20001

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1986 MAR 21 A 11:31

D.C. COURT OF APPEALS



H. Carl Moniz Jr
Chief Judge

March 10, 1986

Kenneth F. Collier
300 Independence Ave., S.E.
Washington D.C. 20003

Re: Collier v. National
Republican Committee
Civil Action No. 18935-84

Dear Mr. Collier:

This letter is in response to your letter of January 27, 1986, wherein you allege certain procedural irregularities with regards to the handling of the above captioned matter. After an extensive investigation of the allegations that you have raised, the following determinations have been made:

(1) The Chief Judge assigns one judge to the pre-trial calendar on a rotating basis every six (6) weeks. An average of 9 to 11 cases are on the pre-trial calendar on the date of pre-trial. At least eight of these cases are handled by the assigned pre-trial judge. The other 1 to 3 cases are assigned by the Assignment Office to a trial judge who has a break in his calendar or sometimes to a senior judge who is available. Trial judges call the Assignment Office when they are available, or when no one has called, the Assignment Office will call a judge who appears from the calendar to be ready for a case.

Judge Greene reached for case

(2) On January 6, 1986, the parties in Collier v. National Republican Committee, waited in the Assignment Office for the case to be sent to the next available judge for a pre-trial. ~~Judge Greene reached for case~~

~~Judge Greene reached for case~~ the Assignment Office, was assigned the case by Mr. Sanford Coleman, who was working the assignment board at the time. Later, after the case had been assigned, Judge Greene called Mr. Coleman to inquire about the appropriate way to handle pending motions for reconsideration of orders previously entered by

Emphasis Added

Kenneth F. Collier
page 2

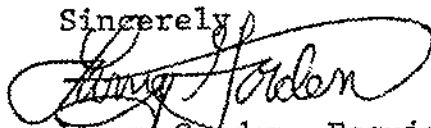
Judge Nunzio. They agreed that it would be more efficient for Judge Greene to hear the motion. Judge Greene kept jurisdiction of the case and entered an order on January 10, 1986 disposing of the motions.

(3) The normal practice in Superior Court of the District of Columbia, is to send motions for reconsideration back to the judge whose order is being asked to be reconsidered. SCR Civ. 16(c)(9), however, provides that the pre-trial judge shall consider and may take action on pending motions. If the pre-trial judge is willing to hear a motion to reconsider, it is more efficient for him to do it rather than delay the pre-trial.

(4) Judge Thompson was not assigned the above captioned case on January 6, 1986. It is a possibility that someone may have asked a clerk what judge might be available to hear a pre-trial. The response would have been any of the trial judges who may come available (naming them) and possibly Judge Thompson, who on occasion will take a pre-trial to help out. No one in the Assignment Office, including Mr. Coleman recalls anyone saying that Judge Thompson was "too old and slow" as was alleged in your letter.

This concludes the court's investigation of this matter. The other issues raised in your letter must be addressed to the District of Columbia Court of Appeals.

Sincerely,



Larry Gordon, Esquire
Law Clerk to Chief Judge
H. Carl Moultrie I

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Judge: Henry L. Broome Civil Division January 1966

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Date	Attendance in Court						Total Time		Trial Section					Calendar Control			Special Se						
	Arrival at Courthouse	Court Convened	Lunch Recess	Court Reconvened	Completed Last Case	Departure from Courthouse	Bench	Office	Urgent	Relax	Motion	Pretrial	Jury Trial	Court Trial	Disposition	Certified	Disposition	Traffic	Assignment and New Referrals	Divorce Support	Recourt. Divorce	Contempt	
1	HOLIDAY																						
2	Annual Leave																						
3	Annual Leave																						
4	SATURDAY																						
5	SUNDAY																						
6	8:30	9:00	1:00	2:00	4:45	5:45	2hrs 15min	2hrs 30min			1	1											
7	8:30	9:00	1:00	2:00	4:45	5:30	2hrs 15min	2hrs 35min														3	
8	7:30	8:00	12:30	1:45	4:45	6:15	3hrs 15min	4hrs 15min														*7:30 start of Judges	
9	8:30	9:00	1:00	2:00	4:00	6:00	5hrs 30min	3hrs 30min		1-Collier												3	
10	8:45	9:00	1:00	3:30	4:45	5:30	3hrs 45min	3hrs 30min		1	2			1-cont	1/15								
11	SATURDAY																						
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13	8:00	9:00	1:00	2:00	4:45	6:00	3hrs 15min	6hrs 15min			2	1										3	
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15	8:55	9:00	1:00	2:00	4:00	5:45	5hrs 15min	3hrs 25min															3
16	8:45	9:00	1:00	2:00	4:45	6:30	5hrs 15min	3hrs 15min															3
17	8:30	9:00	1:00	2:00	4:00	5:40	4hrs 15min	2hrs 15min					1										3
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21	8:30	9:00	1:00	2:00	4:45	5:30	4hrs 15min	1hr 15min					1										1
22	8:30	9:00	1:00	2:00	4:45	5:45	4hrs 15min	2hrs 30min															1
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25	SATURDAY																						
26	SUNDAY																						
27	8:30	9:00	1:00	3:00	4:15	6:00	4hrs 45min	3hrs 15min					1										1
28	8:30	9:00	12:30	1:45	4:30	5:45	6hrs 15min	2hrs 30min	1	1													*4:45 Legislation & Instruct
29	8:30	9:00	1:00	2:00	4:00	5:30	5hrs 30min	2hrs 30min			2												1
30	8:45	9:00	1:00	1:45	4:45	6:00	6hrs 30min	2hrs 15min															4
31	8:30	9:00	12:30	2:00	4:45	6:00	5hrs 45min	3hrs 15min															3
Total							195hrs 45min	63hrs 20min	3	3	6	5	3										16

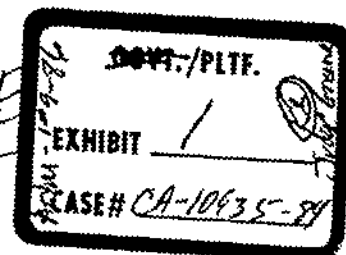
Signature: Henry L. Broome
Date: 1/2/66

Symbols (where space is not adequate, the following symbols should be used)

B - Bail Review or Condition Violation Hearing	C - Civil Division	V -
P - Probation Revocation Hearing	Cr - Criminal Division	S -
Co - Contemnation	F - Family Division	0 -
M - Mental Competency Hearing	T - Tax Division	
E - Emergency Matter	P - Probate Division	

FOR IMMEDIATE RELEASE

November 9, 1982
Miami, Florida



1. Computerized voting thwarts the will of the people. A cancer is growing on our most precious franchise. It must be eradicated.

2. In 1972, Circuit Court Judge Henry Balaban requested me to investigate and report on any alleged voting irregularities in Dade County. See Dade Circuit Court Case 71-4331, Collier v. Miller.

3. I submitted reports in 1972 and again in 1974, with copies to the Dade State Attorney and the Governor of Florida. I found plenty of "irregularities" and no official action . . . with the exception that, at my request, the Florida Secretary of State appointed Special Deputy Supervisors to monitor the September 10, 1974 Primary Election in Dade County. I understand that the F.B.I. also investigated in 1974; however, its 95 page report on machine voting has never been made public.

4. Now, we are into the computer age of voting, along with 39 other states and 35% of all U.S. voters.

5. On this past Election Day, November 2, 1982, some strange goings-on were video taped. You will be shocked and sickend to see 60 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 computer ballots prior to their counting. These women do not take oaths to perform this task, are not elected, and in fact, are not authorized at all by State law; in spite of this, they have been delegated to determine a voter's intent (even though State law gives this job to the Canvassing Board) and they can even reject so-called damaged cards and punch out duplicates. Nowhere does State law allow anyone to punch out partially made holes in ballots if that is all they are doing!

6. This same video tape would show the Assistant Elections Supervisor, Joe Malone, denying who he is to a reporter and while State law requires that "all proceedings at the central counting location . . . shall be open to the public" [F.S. 101.5614(3)], police officers are shown barring reporters from the premises, pointing to a window in a wall where the reporters can look into the counting room, and finally forcibly ejecting the video photographers out of the building itself.

7. F.S. 101.5603 (4) requires that piercing of ballots be done "by the voter." And F.S. 101.5606(4) makes it mandatory that any electronic or electromechanical voting system shall be constructed so as to be "capable of correctly counting votes." All voting, counting, tabulating, and recording of computer votes shall be controlled by rules and regulations of the Florida Department of State (101.5607). Further, canvass of returns is specifically detailed in F.S. 101.5614, adopted in 1973, 1977 and 1981. Everyone of the foregoing Florida laws was violated on November 2, 1982. THIS MUST STOP!! The people lose when votes are not accurately counted or when their confidence in the system is shaken. Computer voting has now led us to the ungodly fact that whatever the device says is what must be accepted as the official vote [F.S. 101.5614(2)]. Yes, a print out resulting from a process unseen by human eyes must be relied on _____ and even where there is an obvious error there is no chance for a count or recount by human beings!

8. In the September Primary in Broward County, the same ballot cards for the District 96 House race (State) were put through the same computer twice; two different sets of vote totals resulted. Yet, the Courts denied a candidate an accurate hand count or even access to the ballot cards!

9. In machine or paper ballot voting, Florida law mandates public counting, recording and posting of results in the precincts and at election central _____ all verified by hundreds and thousands of inspectors, clerks, candidates and poll watchers. WHY NOT THE SAME FOR COMPUTERS? No person is made accountable by law, even when, as in Broward District 96, an accurate count could not be verified when the computer was obviously in error. Man has been replaced by a computer programmed in California. What we need is a system where everybody who wants to can see the ballots and even count them over again, right at the precinct, if necessary.

10. It is time to either reject computerized elections or enact safeguards. Meanwhile, 40 states are being deceived and defrauded. The U.S. Congress will be asked to investigate! "1984" must not be allowed to happen in 1984.



ELLIS S. RUBIN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Reconsider has been mailed, postage prepaid, this 17th day of December, 1985, to:

Kenneth F. Collier
James M. Collier
300 Independence Avenue, S.E.
Washington, D.C. 20003

Lawrence E. Carr, Jr.
Lawrence E. Carr, Jr. *LAC*

SUPERIOR COURT FOR
THE DISTRICT OF COLUMBIA

Civil Division

KENNETH F. COLLIER
JAMES M. COLLIER

Plaintiffs,

v.

REPUBLICAN NATIONAL
COMMITTEE, et al.

Defendants.

:
:
:
:
:
:
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:
:
:
:
:

Civil Action No.: 10935-84

STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT
OF DEFENDANTS' MOTION TO RECONSIDER OR IN
THE ALTERNATIVE TO STAY THIS ACTION

On December 9, 1985, this Court heard oral argument on two Motions submitted by the Defendants: a Motion for Summary Judgment as to Liability and a Motion for Partial Summary Judgment as to Punitive Damages. Following argument, the Court, from the bench, granted Defendants' Motion for Partial Summary Judgment and denied their Motion for Summary Judgment on the issue of liability. On December 12, 1985, Plaintiffs filed a Motion for Reconsideration of the Order granting partial summary judgment, which defendants have opposed. Defendants now request that this Court reconsider its denial of their Motion for Summary Judgment as to Liability, or, in the alternative, to stay this action.

I. The Actions Of Craig C. Donsanto Are Not Genuine Issues Of Material Fact
In This Lawsuit And Should Not Be The Basis Of A Denial Of Summary Judgment.

In its denial of Defendants' Motion, the Court based its opinion on the fact that it perceived the existence of a genuine issue of fact as to whether Mr. Donsanto interfered with Plaintiffs' ability to perform under the 1982 reward offer. It is the position of defendants that, although Mr. Donsanto's actions are featured in the factual background of this case, they do not constitute a genuine issue of a material fact which would preclude summary judgment herein.

As this Court is aware, this lawsuit involves the issuance of a reward offer in 1982 by the Republican National Committee ["RNC"]. The offer promised \$5,000 for "information which leads to the arrest, conviction and punishment of any election official who violates state or federal law against vote fraud." The reward offer went on to state:

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.

Claiming reward monies in excess of \$450,000, plaintiffs allege that they provided such information, in the form of a videotape, to the RNC. They also allege that the RNC, by this offer, guaranteed that it would lend its "clout" to their claim and put them in contact with the Attorney General. Plaintiffs further allege that the RNC guaranteed, by this offer, that the Attorney General would prosecute the "election officials" featured on their videotape. Because the RNC allegedly failed to perform these alleged "guarantees," plaintiffs are claiming that the reward offer was intentionally misleading. Defendants aver that the reward offer made no such "guarantees" and that plaintiffs have failed to perform according to the offer's clear terms such that no reward is due.

To capsize Mr. Donsanto's involvement in this case, (which Defendants have set out at length in the body of their Motion for Summary Judgment as to Liability), Defendant E. Mark Braden initially referred plaintiffs to Mr. Donsanto in November, 1982 when plaintiffs contacted him about the reward offer. Mr. Braden felt that, inasmuch as Mr. Donsanto was the Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, plaintiffs should present their claims of vote fraud to him.

At that time, Mr. Braden was not aware, nor did plaintiffs advise him, that plaintiffs had dealt with Mr. Donsanto previously. In 1970, they had contacted Mr. Donsanto regarding their suspicions of vote fraud arising out of plaintiff Kenneth Collier's unsuccessful and unsupported primary bid for the congressional seat of the Honorable Claude Pepper. Because of the accuracy with which the networks forecasted Mr. Collier's loss, plaintiffs believed that the ballot process had been rigged in an elaborate scheme among the League

of Women Voters, the three major broadcasting networks and Computer Elections Systems, a national supplier of election computer hardware and software. As Kenneth Collier has testified, plaintiffs believed that they inadvertently touched off the Watergate scandal by their allegations of vote fraud. Plaintiffs assert that because of their accusations, a special investigator, Henry Peterson, was appointed by then-President Nixon to investigate the Colliers' claims, and that Mr. Donsanto assisted him in that probe. That investigation, the Colliers allege, led to the "bugging" of the Democratic National Committee ["DNC"] headquarters by five Dade County residents, later known in the media as "the plumbers." The eventual apprehension of the plumbers in the DNC headquarters eventually led to the historical event known as Watergate. Because of Mr. Donsanto's earlier involvement in the "real cause" of Watergate, plaintiffs assert that he was unlikely to undertake their case.

In 1982, however, when Mr. Braden referred plaintiffs to Mr. Donsanto, this peculiar background was not communicated to him. Mr. Braden has testified that he assumed that plaintiffs would contact Mr. Donsanto and all appropriate actions would then be taken by the Department of Justice. Instead, plaintiffs did not contact him, but instead returned to Florida where they contacted several law enforcement entities, including The Federal Bureau of Investigation, regarding their allegations of vote fraud. It was not until May, 1984 that plaintiffs contacted Mr. Donsanto about their alleged "prima facie" evidence of vote fraud. Mr. Donsanto met with them on May 15, 1984. The meeting lasted for approximately forty minutes when Mr. Donsanto became aware that a person accompanying plaintiffs was an investigative journalist with The Washington Times. Mr. Donsanto apparently suspended the meeting at that time and referred plaintiffs to the Public Information Section of the Justice Department.

Plaintiffs later filed suit in the United States District Court for the District of Columbia, alleging that Mr. Donsanto wrongfully refused to initiate an investigation into their claims and wrongfully attempted to "cover-up" their allegations of vote fraud. Exhibit A.^{1/} This Complaint was

^{1/} Complaint, Collier v. United States, William French Smith and Craig C. Donsanto, Civil Action No. 84-3570.

dismissed by Judge Pratt on the same date it was file because of "prosecutorial discretion." Plaintiffs appealed this Order and the D.C. Circuit reversed and remanded the case because of the extremely brief consideration that the Complaint had been given. Exhibit B.^{2/} To defendants' knowledge, this Complaint is still pending.

The foregoing sets forth the full extent of Mr. Donsanto's involvement in the entire vote fraud scenario. His involvement in the instant case, however, is that of a minor actor. The issues before this Court solely involve the wording of the 1982 reward offer and plaintiffs' actions pursuant to it. Relevant to this case is the undisputed material fact that, in November, 1982, Mr. Braden referred plaintiffs to Mr. Donsanto, then senior officer of the federal office which handled allegations of vote fraud. A further material fact, also undisputed, is that plaintiffs chose not to contact Mr. Donsanto until May, 1984, one and one half years later. It is further material and undisputed that plaintiffs chose not to advise Mr. Braden at the time of their 1982 discussion that they had had a prior unpleasant experience with Mr. Donsanto which may have impeded his ability to assist them. Defendants allege that Mr. Donsanto's actions following Mr. Braden's 1982 reference, however, are not material to a judicial resolution of this case and should therefore not constitute the basis of this Court's Order.

H. In The Alternative, This Action Should Be Stayed Pending The Resolution By District Court Of The Issues Raised In Plaintiffs' Lawsuit Against Craig C. Donsanto.

In the event that this Court feels that the issue regarding Mr. Donsanto's actions constitutes a genuine issue of fact in this case, Defendants would respectfully request that the Court stay this action pending a final resolution of plaintiffs' District Court claim against Mr. Donsanto. Any genuine issues which this Court may determine to have been raised by Mr. Donsanto's involvement with plaintiffs will be fully litigated and finally determined in the District Court suit. Until this occurs, any ruling on Defendants' Motion for

^{2/} Order, Collier v. United States, William French Smith and Craig C. Donsanto, Civil Action No. 84-3570.

Summary Judgment as to Liability in this forum is premature. This Court's consideration of these issues will be necessarily duplicative of issues in the Donsanto case that are fundamental to any final judgment in that suit. In the interests of judicial economy, therefore, defendants would ask that this action be stayed.

Conclusion

WHEREFORE, Defendants respectfully request that this Court reconsider its denial of their Motion for Summary Judgment as to Liability and either grant said Motion, or, in the alternative, stay this action pending the entry of final judgment in Collier v. United States, William French Smith and Craig C. Donsanto.

CARR, GOODSON & LEE, P.C.

By Lawrence E. Carr, Jr.
Lawrence E. Carr, Jr. #1925 *KAK*
Kyle A. Kane #375707
1919 Pennsylvania Avenue, N.W.
Suite 700
Washington, D.C. 20006
(202) 463-6063

SUPERIOR COURT FOR
THE DISTRICT OF COLUMBIA

KENNETH F. COLLIER AND
JAMES M. COLLIER

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Plaintiffs,

v.

Civil Action No.: 10935-84

REPUBLICAN NATIONAL
COMMITTEE, et al.

Defendants.

ORDER

In consideration of Defendants' Motion for Reconsideration, any
Opposition thereto and the premises considered, it is this _____ day of

ORDERED, that Defendants' Motion be, and the same hereby is,
GRANTED; and it is further

ORDERED, that Defendants' Motion for Summary Judgment as to
Liability be, and the same hereby is, GRANTED; and it is further

ORDERED, that this action be dismissed with prejudice.

Judge

cc: Kenneth F. Collier
James M. Collier
300 Independent Avenue, S.E.
Washington, D.C. 20003

Lawrence E. Carr, Jr., Esquire
Kyle A. Kane, Esquire
1919 Pennsylvania Avenue, N.W.
Suite 700
Washington, D.C. 20006

SUPERIOR COURT FOR
THE DISTRICT OF COLUMBIA

KENNETH F. COLLIER AND
JAMES M. COLLIER

Plaintiffs,

v.

REPUBLICAN NATIONAL
COMMITTEE, et al.

Defendants.

Civil Action No.: 10935-84

ORDER

In consideration of Defendants' Motion for Reconsideration, any
Opposition thereto and the premises considered, it is this _____ day of

ORDERED, that Defendant's Motion in the alternative, be, and the
same hereby is, GRANTED; and it is further

ORDERED, that this action be and the same hereby is stayed, pending
resolution of Collier, et al. v. Donsanto, et al., Civil Action No. 84-3570.

Judge

cc: Kenneth F. Collier
James M. Collier
300 Independence Avenue, S.E.
Washington, D.C. 20003

Lawrence E. Carr, Jr., Esquire
Kyle A. Kane, Esquire
1919 Pennsylvania Avenue, N.W.
Suite 700
Washington, D.C. 20006



GOV. DEPT.
COURT
EXHIBIT 1
CASE# CA-10935-BV
1-9-76

U.S. Department of Justice

Criminal Division

Office of the Assistant Attorney General

Washington, D.C. 20530

JAN 10 1985

Honorable John W. Warner
United States Senate
Washington, D.C. 20510

Dear Senator Warner:

This will reply to your letter of December 11, 1984, forwarding to this office for consideration and comment correspondence that you received from John Caldwell of Bedford, Virginia.

Mr. Caldwell is concerned about a series of newspaper articles written by freelance journalists Kenneth and James Collier, which appeared in the Populist publication, "The Spotlight." These articles charge that computer voting equipment manufactured by the Computer Election Systems Corporation (CES) of Berkeley, California, is not secure and that this equipment has been utilized as part of a conspiracy to corrupt the honesty of elections throughout the United States. The Collier brothers believe that this conspiracy has existed since the mid-1960's, and that it has been aided by the League of Women Voters, which over the years has frequently assisted local election officials in the tabulation of votes.

We are well aware of the charges made by the Collier brothers. They have been making similar allegations to the Federal Bureau of Investigation, to the Criminal Division, and to various United States Attorneys offices since 1972. To date, they have not produced any credible evidence that CES voting equipment is functionally insecure, that this equipment has been used as part of a nationwide vote fraud conspiracy, or that the League of Women Voters has acted improperly in the discharge of their civic duties. As such, there is no basis for investigating the allegations made in "The Spotlight" series.

Please assure Mr. Caldwell that this Department places the highest priority on protection of the integrity of the right to vote, and that we have and will continue to prosecute vigorously those who engage in election fraud. Enclosed for Mr. Caldwell's information in this regard is a copy of the Justice Department's manual describing our anti-vote fraud program.

(emphasis added)
OPPOSITION
EXHIBIT "E" (page one)

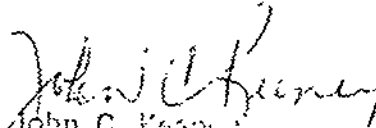
I trust that this information will be responsive to Mr. Caldwell's concerns.

Sincerely,

Stephen S. Trott
Assistant Attorney General
Criminal Division

Enclosure

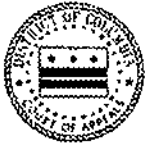
By:



John C. Keenan
Deputy Assistant Attorney General
Criminal Division

OPPOSITION'S

Exhibit "E" (page two)



District of Columbia Courts
 500 Indiana Avenue, N.W.
 Washington, D. C. 20001



Larry P. Polansky
 Executive Officer

May 20, 1986

202 878-1700

Mr. Kenneth F. Collier
 300 Independence Avenue, S.E.
 Washington, D.C. 20003

Re: CA 10935-84
 Collier v. Republican National
 Committee

Dear Mr. Collier:

You had raised a question regarding inaccuracies in the above-referenced transcript. The Court Reporter Division has compared the written transcript of the reporter, Miss Edna E. Simms, with the Court tape and made changes to the transcript which reflect as accurately as possible the actual proceedings before Judge Henry F. Greene, in Courtroom Number 47 on January 19, 1986.

A copy of the corrected transcript is enclosed.

Sincerely,

James F. Lynch
 James F. Lynch
 Deputy Executive Officer
 D.C. Courts

cc: Honorable Henry F. Greene
 Mrs. Shirley Shepard-Curley
 Kyle A. Kane, Esquire

WRONG. The tape still contains TWO telephone conversations from the bench and one phony-fabricated "Supreme Court" opinion by Judge Greene. → (see letter for details)

§ 1506. Theft or alteration of record or process;

Who feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect.

RECEIVED

MAY 27 1986

CHAMBERS OF
JUDGE GEORGE HERBERT GOODRICH

26 May 1986

TO: ACTING CHIEF JUDGE, THE HONORABLE
GEORGE HERBERT GOODRICH, SUP. CT., D.C.

COPY: HON. WILLIAM C. PRYOR
CHIEF JUDGE, D.C. CT. OF APPEALS

- + LARRY P. POLANSKY
EXEC. ADMINISTRATOR, SUP. CT. D.C.
- + U.S. ATTORNEY JOSEPH DIGENOVA

GENTLEMEN:

REQUEST FOR REMOVAL;
REQUEST FOR CONTEMPT CITATION

RE: HENRY F. GREENE
SUBORNATION OF CORRUPTION
OF COURT REPORTER EDNA SIMMS
BY ORDERING HER TO DELETE
KEY PORTIONS OF THE RECORD
IN CONVERSATIONS AND ACTIONS
OCCURRING OFF-THE-BENCH

THEFT OF 900 WORDS BY
SUBORNATION OF COURT REPORTER

THE UNDERSIGNED INVESTIGATIVE REPORTERS COMPARED THE TRANSCRIPT WHICH WAS RECENTLY PROVIDED AS A "CORRECTED" VERSION IN CASE #10935-84 AND HEREBY INFORM THE COURT THAT JUDGE HENRY F. GREENE TOOK IT UPON HIMSELF TO SUBORN THE CORRUPTION OF COURT REPORTER EDNA SIMMS WHEN HE HAD HER SUBMIT A "WORKING COPY" OF THE PROCEEDINGS SO THAT HE COULD TAKE A "BLUE PENCIL" AND ALTER THE FIRST VERSION BY DELETING MORE THAN 900 (NINE HUNDRED) WORDS FROM THE TEXT PRIOR TO ITS ORIGINAL RELEASE TO THE PARTIES. AS SUCH, IT IS A STARK VIOLATION OF CRIMINAL STATUTE 1506 U.S.C. WHICH PROHIBITS THE "THEFT OR ALTERATION OF RECORDS OR PROCESS;" (WHOEVER FELONIOUSLY STEALS, TAKES AWAY, ALTERS, FALSIFIES OR OTHERWISE AVOIDS ANY RECORD, , OR OTHER PROCEEDING IN ANY COURT OF THE UNITED STATES, WHEREBY ANY JUDGMENT IS REVERSED, MADE VOID, OR DOES NOT TAKE EFFECT SHALL BE FINED, , OR IMPRISONED, , ETC.)

SUBORNATION OF CIVIL MOTIONS COMMISSIONER

IN ADDITION, WE HAVE SPOKEN WITH CIVIL MOTIONS COMMISSIONER JANE FORSYTHE WHO CONFIRMED THAT JUDGE GREENE TOLD HER TO ACT IN AN ANOMALOUS MANNER WHEN SHE RECEIVED PLEADINGS FROM THE UNDERSIGNED, TO IMMEDIATELY SEND SUCH PLEADINGS IN CASE #10935-84 DIRECTLY TO HIS CHAMBERS FOR QUASHING, AS OCCURRED TWO TIMES IN THE ABOVE CASE AFTER GREENE HAD ILLEGALLY DISMISSED THE CASE ON A "MOTION" TO RECONSIDER WHICH HE AND FORSYTHE BOTH KNEW HAD NO LEAVE-OF-COURT TO BE FILED

RULE 12-1/4

JUDICIAL PERJURY COMMITTED ON THE BENCH;
FABRICATION OF "SUPREME COURT" OPINION

IN ADDITION TO THE GROSS BASTERDIZATION OF THE RECORD WHICH WAS ACCOMPLISHED BY GREENE AND SIMMS AS ABOVE-DESCRIBED, THERE IS STILL A SIGNIFICANT PORTION OF THE RECORD WHICH HAS BEEN DELIBERATELY LEFT OUT. IT IS THE PORTION WHEREIN JUDGE GREENE (IN THE SO-CALLED "HEARING" OF 1/9/86) ACTUALLY WAVED AROUND A BOOK WHICH HE SAID CONTAINED THE FOLLOWING:

" . . . A SUPREME COURT DECISION HAS BEEN HANDED DOWN IN THE LAST TWO WEEKS TO THE EFFECT THAT THE WORD "WILL" IN A CONTRACT MEANS ONLY TH "PREDICTIVE" AND NOT PROMISSORY AND THEREFORE IN THE CONTRACT AT ISSUE I FIND THAT WHERE THE WORD "WILL" IS USED IN THE FINAL CLAUSE IT COULD NOT BE CONSTRUED BY ANY REASONABLE PERSON TO MEAN A GUARANTEE OF PERFORMANCE".

IT IS OBVIOUS THAT JUDGE GREENE WAS FABRICATING SUPREME COURT "LAW" TO JUSTIFY HIS OVERTURNING AND REVERSING THE ORDER OF TWO PREVIOUS SUPERIOR COURT JUDGES (KOTELLY AND NUNZIO) WHO HAD PREVIOUSLY DENIED SUMMARY JUDGMENT TO THE REPUBLICAN NATIONAL COMMITTEE (DEFENDANT).

HOWEVER, WHEN THE UNDERSIGNED ACTUALLY FILED SUIT AGAINST GREENE JUST DAYS AFTER THE PHONY "SUPREME COURT DECISION" WAS FOISTED OFF, GREENE BECAME FEARFUL THAT HIS FABRICATION WOULD BE USED AGAINST HIM AND SO HE TOOK STEPS TO EITHER HAVE THE RECORDING SYSTEM TURNED OFF, THE TAPE ERASED, AND/OR INSTRUCTED SIMMS TO DELETE THE OFFENDING STATEMENT. THE UNDERSIGNED LITIGANTS REFERRED TO THE PHONY "SUPREME COURT" DEFINITION BY ASKING JUDGE GREENE THREE TIMES (3) IN THE 1/9/86 "HEARING" TO REVEAL WHAT BOOK HE (GREENE) HAD WAVED AROUND AS A "SOURCE" FOR HIS STATEMENT (ABOVE) BUT JUDGE GREENE SIMPLY IGNORED THE REPEATED REQUESTS AND WENT ON TO DISMISS THE CASE. THERE IS ABSOLUTELY NO QUESTION ABOUT THE FACT THAT NO LEAVE-OF-COURT HAD BEEN OBTAINED BY THE R.N.C.'S LEGAL COUNSEL L. CARR, Esq. TO "FILE" THE FATAL MOTION, AND THAT JUDGE GREENE KNEW IT AND "PLAYED ALONG" ANYWAY.

SUPERIOR COURT JUDGE (GREENE) IGNORES RULES;

SEEKS AND GETS "PERMISSION" FROM ADMINISTRATOR TO "PROCEED"
FINALLY, THE UNDERSIGNED BRING THE ATTENTION OF THE COURT AND

ITS ADMINISTRATORS TO THE FACT THAT TWO PHONE CALLS WERE RECORDED ON THE TAPE OF THE 1/9/86 "PROCEEDINGS" AND HAVE NOT BEEN INCLUDED IN THE LATEST "VERSION" OF THE TRANSCRIPT. ONE OF THE PHONE CALLS WAS TO JAMES F. LYNCH FROM JUDGE GREENE, CONDUCTED FROM THE BENCH, WHEREIN GREENE SEEKS FROM LYNCH SOME KIND OF "OKAY" TO HEAR THE MOTION FOR RECONSIDERATION WHICH GREENE KNEW HAD NO LEGAL BASIS TO BE HEARD AT ALL. THUS GREENE IMPLICATED LYNCH UNDER THE THEORY THAT THE "RETIREMENT" (UNTRUE) OF JUDGE NUNZIO SOMEHOW JUSTIFIED GREENE'S ASSUMPTION OF JURISDICTION AND THE REOPENING OF THE ENTIRE MERITS OF THE CASE AS SOME KIND OF "OKAYED" "DE-NOVO" HEARING. RULE 59, RE: MOTIONS TO RECONSIDER, DOES NOT PERMIT REHEARINGS WHERE THE MOTION REQUESTING SUCH HAS NO LEGAL STANDING.

REQUESTED ACTION

1. JUDGE GREENE SHOULD BE CALLED IN TO FACE THESE CHARGES FORTHWITH, BEFORE HE ACTS SIMILARLY IN STILL MORE CASES PENDING BEFORE THIS HONORABLE COURT AND BEFORE MORE LITIGANTS ARE CYNICALLY HOODWINKED AND ABUSED.
2. A COPY OF THIS LETTER IS BEING PROVIDED TO ALL MEMBERS OF THE JUDICIAL TENURE COMMISSION FOR ACTION AS WELL, THUS A REPLY IS REQUESTED.
3. THE UNDERSIGNED REQUEST A COPY OF THE TAPE TO EXAMINE IT FOR ANY MISSING LANGUAGE BEYOND THE 900 WORDS ALREADY DISCOVERED MISSING, OR ANY UNEXPLAINED "GAPS". THERE SHOULD BE NOTHING "CONFIDENTIAL" ON THE TAPE.
4. CIVIL MOTIONS COMMISSIONER JANE FORSYTHE SHOULD BE DISMISSED FOR COOPERATING IN WHAT SHE KNEW WAS WRONGFUL BEHAVIOR, AND FOR FAILING TO REJECT THE MOTION WHICH SHE KNEW HAD NO LEAVE-OF-COURT TO BE FILED.
5. ADMINISTRATOR JAMES F. LYNCH, WHO HAS NOT RESPONDED TO THE LETTER HE REQUESTED FROM THE UNDERSIGNED RE THIS MATTER SHOULD BE CLOSELY QUESTIONED AS TO WHAT ROLE HE PLAYED IN "OKAYING" JUDGE GREENE'S WRONGFUL CONVENING OF THE MOCK "HEARING" IN CASE #10935. MR. LYNCH IS MENTIONED BY JUDGE GREENE IN THE TRANSCRIPT AND A PHONE CALL TO HIM ENSUED


COURT ADMINISTRATOR HAMMOND IGNORES SUBPOENA

6. ADMINISTRATOR THOMAS HAMMOND SHOULD BE REQUIRED TO PROVIDE THE UNDERSIGNED WITH A XEROX COPY OF THE PRETRIAL CALENDAR FOR 1/6/86, WHICH HE HAS TOLD THE THE UNDERSIGNED CONTAINS "CONFIDENTIAL NOTATIONS" RE: CASE #10935-84; THESE "CONFIDENTIAL NOTIATIONS" ALLEGEDLY FORMED THE BASIS FOR JUDGE GREENE TO ASSUME "JURISDICTION" OF THE CASE AS A "PRETRIAL JUDGE", WHEN, IN FACT, HE WAS NOT IN THE PRETRIAL DIVISION ON THAT DATE AND HAD ACTUALLY PHONED-IN TO CIVIL ASSIGNMENT CLERK SANFORD COLEMAN TO INSIST THAT COLEMAN RE-ROUTE THE CASE OUT OF THE PRETRIAL DIVISION AND SEND IT TO GREENE. (AS A MATTER OF INTEREST, WE INCLUDE THE FACT THAT WHEN THE PARTIES ARRIVED AT THE CHAMBERS WHICH JUDGE GREENE USED TO "CONDUCT" THE SO-CALLED "PRETRIAL CONFERENCE" THAT GREENE GREETED THE COUNSEL FOR THE R.N.C. BY DECLARING AS FOLLOWS: "OH, I THOUGHT THIS CASE WAS JUST GOING TO BE A 'SLIP-AND-FALL' AND IT TURNS OUT TO BE THE REPUBLICAN NATIONAL COMMITTEE!") (FEIGNED "INNOCENCE") SO FAR, HAMMOND HAS REFUSED TO PROVIDE THE UNDERSIGNED WITH A COPY OF THE PRETRIAL CALENDAR FOR THAT DATE, SAYING THAT IT IS CONFIDENTIAL. MOREOVER, WE SUBPOENAED HAMMOND TO APPEAR AT A PREVIOUSLY SCHEDULED "SANCTIONS HEARING" IN FRONT OF JUDGE HANNON (4/22) AND TO BRING THE "CONFIDENTIAL" PRETRIAL CALENDAR WITH HIM, BUT ON THE DATE OF THE HEARING (WHICH WAS LATER TRANSFERRED TO JUDGE GOODRICH AND IS STILL PENDING) HAMMOND IGNORED THE SUBPOENA AND WAS ABSENT, (SUBPOENA WAS ISSUED IN CASE #0440-86 PENDING BEFORE JUDGE GOODRICH).

RESPECTFULLY SUBMITTED,



JAMES M. COLLIER
DISTRICT OF COLUMBIA HOME NEWS



KENNETH F. COLLIER
DADE COUNTY HOME NEWS
300 INDEPENDENCE AVE., S.E.
WASHINGTON, D.C., 20003
PHONE 544-3066

cc/ L. CARR, ESQ.
THE HONORABLE HENRY F. GREENE
JANE FORSYTHE
THOMAS HAMMOND

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA CIVIL DIV.

KENNETH F. COLLIER
JAMES M. COLLIER

PLAINTIFFS,

v.

UNITED STATES OF AMERICA,
ET AL,

CIVIL ACTION # 84-3570

DEFENDANTS

JAMES F. COLLIER
U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

JAN 30 3 40 PM '86

RECEIVED

OPPOSITION

TO DEFENDANTS' MOTION TO DISMISS

COMES NOW THE PLAINTIFFS AND SAY:

PLAINTIFFS OPPOSE DEFENDANTS MOTION TO DISMISS FOR THE FOLLOWING REASONS:

1. AS TO THE CONTENTION THAT PLAINTIFFS "HAVE NO JUDICIALLY COGNIZABLE CAUSE OF ACTION AGAINST THE DEFENDANTS AND FAIL TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED," PLAINTIFFS POINT OUT THAT THE ACCOMPANYING (ATTACHED) COPY OF A BRIEF IN OPPOSITION TO APPELLEES' MOTION FOR SUMMARY AFFIRMANCE (ADOPTED AS PART OF THIS OPPOSITION BY REFERENCE), WHICH FORMED THE BASIS OF OUR RECENT APPEAL IN THIS CASE, CLEARLY DELINEATES THE "CAUSE OF ACTION" AS BEING "WITNESS INTIMIDATION, HARASSMENT OF WITNESSES, HINDERANCE OF WITNESSES, ETC, WHICH HAD THE PROXIMATE CAUSE OF CHOKING OFF OUR CONSTITUTIONALLY GUARANTEED RIGHTS OF EQUAL ACCESS TO DUE PROCESS IN A JUDICIAL HEARING WHICH WE HAD BEEN SUMMONED MORE THAN 1,000 MILES TO ATTEND AND PROFFER VIDEOTAPE EVIDENCE.

151375-148

2. PLAINTIFFS CONCEDE THAT DEFENDANT WILLIAM FRENCH SMITH DID NOT ORCHESTRATE NOR NECESSARILY KNOW ABOUT NOR DID HE CONDONE THE BEHAVIOR OF DEFENDANT DON SANTO IN DON SANTO'S ALLEGED OBSTRUCTION OF JUSTICE VIA WITNESS-INTIMIDATION IN THIS MATTER, HOWEVER PLAINTIFFS DO NOT CONCEDE THAT THE UNITED STATES OF AMERICA SHOULD BE SEVERED AS A DEFENDANT (DUE TO THE DOCTRINE OF RESPONDEAT SUPERIOR) AND SHOULD BE HELD RESPONSIBLE FOR DAMAGES RESULTING FROM THE NEGLIGENT AND/OR OTHERWISE COMMONLAW TORTIOUS BEHAVIOR COMMITTED BY AN EMPLOYEE ACTING BEYOND THE SCOPE OF HIS AUTHORITY TO THE DETRIMENT OF A MEMBER OF THE PUBLIC WHOM HE IS HIRED TO SERVE. DON SANTO, AS EXPLAINED IN THE ACCOMPANYING MATERIAL, IS ALLEGED -- AS A CAUSE OF ACTION OF JUDICIALLY COGNIZABLE PROPORTIONS -- TO HAVE VIOLATED THE CODE OF THE DISTRICT OF COLUMBIA PROHIBITING OBSTRUCTION OF JUSTICE VIA WITNESS INTIMIDATION WHEN HE DELIBERATELY STIFLED THE COLLIERS TESTIMONY TO THE FBI AGENT PAT PRILLIMAN (OF THE D.C. FIELD OFFICE) (, , PLEASE SEE ORIGINAL COMPLAINT FOR ADDITIONAL WITNESSES, , .)

3. IF THE COMPLAINED-OF BEHAVIOR COULD (IN THE MIND OF THE COURT) RISE TO THE LEVEL OF A COGNIZABLE OFFENSE AGAINST THE COLLIERS WHO HAD BEEN "HOODWINKED" INTO COMING ALL THE WAY TO WASHINGTON, D.C. TO MAKE AN UNHINDERED PRESENTATION OF CRIMINAL EVIDENCE TO THE FBI WHERE-UPON DON SANTO SUSPENDS THE MEETING AT THE CRITICAL MOMENT AND WARNS THE COLLIERS NEVER TO RETURN TO THE PUBLIC INTEGRITY SECTION WITH ANY INFORMATION WHATSOEVER, -- THEN THIS CASE SHOULD NOT BE DISMISSED. IF SUCH BEHAVIOR IS ACCEPTABLE AND LEGITIMATE AND PROTECTED, THEN THIS CASE SHOULD BE DISMISSED.

4. IMMUNITY UNDER TERMS OF THE FTCA DOES NOT APPLY IF THE MATTER OF "PROSECUTORIAL DISCRETION" IS RENDERED MOOT BY THE BEHAVIOR OF A PROSECUTOR WHO INTIMIDATES AND SILENCES WITNESSES AS DON SANTO HEREIN.

5, IT IS A COMPLETE "RED HERRING" FOR THE GOVERNMENT COUNSEL TO REPEATEDLY ASSERT IN A MOTION TO DISMISS THAT THE COLLIERS ARE UPSET WITH DONSANTO BECAUSE HE FAILED TO ACT UPON THEIR INFORMATION WHEN THE COMPLAINT MAKES PERFECTLY CLEAR THAT DONSANTO PREVENTED THE COLLIERS FROM COMPLETING THEIR TESTIMONY UPON WHICH A SUBSEQUENT DECISION AS TO ANY FURTHER PROSECUTORIAL MOVES DEPENDED. THIS WILLFUL ACT OF PREVENTION BY DONSANTO WAS TO STIFLE THE COLLIERS BEFORE THE VIDEOTAPE EVIDENCE THEY WERE ABOUT TO PLAYBACK FOR THE FBI AGENT GAVE EVERYBODY IN THAT CONFERENCE ROOM, INCLUDING DONSANTO, GUILTY KNOWLEDGE OF VOTE FRAUD AND THE EXISTENCE OF ADMISSIBLE EVIDENCE CONCLUSIVELY PROVING SAME, AS DISCOVERY IN THIS CASE WILL SHOW.

6. THE DOCTRINE OF PROSECUTORIAL DISCRETION IS BOTH RECOGNIZED AND UNCHALLENGED BY PLAINTIFFS, BUT IT DOES NOT EXTEND TO WITNESS-TAMPERING FOR THE PURPOSE OF STIFLING EVIDENCE THAT MAY REFLECT POORLY ON DONSANTO'S RECORD AS A VOTE FRAUD PROSECUTOR (FOR 14 YEARS) WHO SEES NO EVIL IN DADE COUNTY, FLORIDA PRECISELY BECAUSE HE HAS A PERSONAL HISTORY IN GIVING THE INCUMBANT CONGRESSMAN FROM THAT AREA INSIDERS INFORMATION RELATIVE TO A VOTE-FRAUD PROBE HELD BY THE JUSTICE DEPT. IN 1972, DONSANTO'S FIRST YEAR ON THE JOB. AS THE ACCOMPANYING EXHIBITS WILL SHOW, THE DONSANTO "TIP-OFF" IN THAT DISTANT ERA LED DIRECTLY TO THE AMBUSH OF THE 7 BURGLARS INSIDE THE WATERGATE ON JUNE 17, 1972.

8. AS TO THE TECHNICAL REQUIREMENTS OF THESE PLEADINGS, OUR PRO SE STATUS WOULD REQUIRE THAT THE COURT ALLOW APPROPRIATE AMENDMENTS TO THE PLEADINGS WHICH WOULD INCLUDE THE MOST PROPER CITINGS OF CODES WHICH WE ARE SUING UNDER, INCLUDING WHICH AMENDMENTS TO THE U.S. CONSTITUTION ARE VIOLATED IN THE EVENT A PERSON IN DONSANTO'S POSITION ACTUALLY DOES IN FACT "INTIMIDATE, HINDER, ETC., A WITNESS FROM TESTIFYING TRUTHFULLY

IN A FEDERAL JUDICIAL PROCEEDING, AS WAS THE CASE HERE. GOVERNMENT COUNSEL CITES REPEATED "ERRORS" IN THE TECHNICAL REQUIREMENTS OF THE COMPLAINT, BUT CITES NO PROBITIVE REASON WHY THE ^{ARGUABLY} CRIMINAL BEHAVIOR OF A FEDERAL EMPLOYEE (DONSANTO) SHOULD ESCAPE CIVIL REMEDY IN A DAMAGE, SUIT. INSTEAD, IT APPEARS AS IF THERE IS VIRTUALLY NO SCENARIO WHATSOEVER IN THE GOVERNMENT COUNSEL'S VIEW WHICH WOULD ENABLE CITIZENS UNLAWFULLY INTIMIDATED AND OBSTRUCTED (AS ABOVE) TO BE COMPENSATED IN THE FORM OF MONEY DAMAGES. BIVENS, HOWEVER, IS JUST SUCH AN EXAMPLE OF GOVERNMENT EMPLOYEES SHEDDING THEIR FTCA IMMUNITY FOR COMMITTING ACTS WHICH WERE IN AND OF THEMSELVES UNLAWFUL. IN THE CASE AT BAR, DONSANTO IS ALLEGED TO HAVE EXERCISED A WATERGATE ERA RELATED MOTIVE (FULLY EXPLAINED IN THE ATTACHED MATERIAL AND EXHIBITS "A" AND "B") WHEN HE UNLAWFULLY PREVENTED THE COLLIERS FROM COMPLETING THEIR TESTIMONY IN A FEDERAL JUDICIAL PROCEEDING, IN THE PRESENCE OF FBI AGENT PAT PRILLIMAN AND OTHER WITNESS IN A JUSTICE DEPARTMENT CONFERENCE ROOM IN MAY, 1984. AS THE COMPLAINT ALLEGES, THE COLLIERS WERE SUDDENLY AND UNACCOUNTABLY "BANNED" FROM PRESENTING MATERIAL TO DONSANTO'S UNIT (THE VOTEFRAUD UNIT) FOREVER. WHILE IT IS TRUE THAT THE COLLIERS HAVE TRIED REPEATEDLY SINCE THAT TIME TO GO "OVER THE HEAD" OF DONSANTO TO GET A PUBLIC INTEGRITY SECTION REVIEW OF DONSANTO'S BEHAVIOR AND A SERIOUS RE-CONVENING OF THE CONFERENCE WHICH THE COLLIER HAD BEGUN IN THE PRESENCE OF THE FBI, 5/84, THAT EXCEPT FOR THE O.P.R. CONTINUING INVESTIGATION (EX. 4), NO LUCK AT ALL.

9. SIGNIFICANTLY, PLAINTIFFS CONCEDE THAT DONSANTO HAD FULL "PROSECUTORIAL DISCRETION" NOT TO ACT ON THE EVIDENCE (VIDEOTAPE) WHICH WE WERE ABOUT TO SHOW THE FBI AGENT, BUT DONSANTO DID NOT HAVE THE "DISCRETION" TO PREVENT THE COMPLETION OF OUR TESTIMONY SIMPLY BECAUSE HE GOT THE DRIFT DURING THE COURSE OF OUR PRESENTATION THAT HIS OWN PERSONAL INTEREST WOULD BE BEST SERVED IF THE TONGUES OF THE COLLIERS COULD BE SILENCED BEFORE THE FBI HEARD ENOUGH TO TRIGGER A PROBE OF DONSANTO HIMSELF FOR WATERGATE-ERA AND SUBSEQUENT OBSTRUCTIONS OF JUSTICE.

10. CLEARLY, PLAINTIFFS ARE NOT PRACTICING ATTORNEYS, HOWEVER, GRAY V. BELL ONLY ADDRESSES DISCRETIONARY FUNCTIONS OF PROSECUTORS AND DOES NOT CONCEIVABLY APPLY TO A SITUATION INVOLVING PRE-PROSECUTORIAL WITNESS INTIMIDATION, HARASSMENT, HINDRENCE, PREVENTION, ETC. TO ARGUE THAT GRAY'S FACTUAL SITUATION IS EVEN REMOTELY AKIN TO THE CASE AT BAR IS TO IGNORE BOTH THE COMPLAINT AND THESE PLEADINGS.

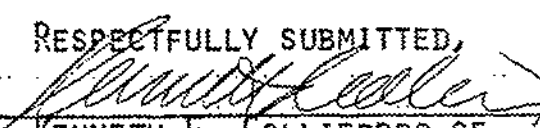
11. AS TO WHETHER OR NOT THERE WAS A "CONSPIRACY" INVOLVED IN DONSANTO'S BEHAVIOR, THE PLAINTIFFS REQUEST LEAVE TO AMEND (AND WILL DO SO AT THE APPROPRIATE TIME VIA MOTION) TO ADD LANGUAGE TO THE COMPLAINT IN CONFORMANCE WITH REQUIREMENTS FOR PLEADING CIVIL CONSPIRACY, INCLUDING ALLEGATIONS THAT DONSANTO HAD A MEETING OF THE MINDS WITH OTHERS TO UNLAWFULLY INTERFERE WITH THE RIGHTS OF THE COLLIERS, PROXIMATELY THEREFORE DAMAGING THE COLLIERS WHO WERE THE VICTIMS OF A "CONSPIRACY TO OBSTRUCT JUSTICE."

WHEREFORE, PLAINTIFFS RESPECTFULLY REQUEST THE COURT DENY THE MOTION TO DISMISS AND TO ALLOW THIS CASE TO PROCEED TO DISCOVERY FORTHWITH, AFTER WHICH CROSS-MOTIONS FOR SUMMARY JUDGMENT WOULD BE IN ORDER.



JAMES M. COLLIER PRO SE

RESPECTFULLY SUBMITTED,



KENNETH F. COLLIER PRO SE
300 INDEPENDENCE AVE., S.E.
WASHINGTON, D.C. 20003 544-6254

CERTIFICATE OF SERVICE

I, KENNETH F. COLLIER, HEREBY CERTIFY THAT I HAND DELIVERED A TRUE COPY OF THE WITHIN OPPOSITION TO THE DEFENDANTS' MOTION TO DISMISS TO EDITH MARSHALL AUSA, U.S. COURTHOUSE, RM 2124E, 3RD AND CONST. AVE., N.W., WASH. D.C. THIS 30 DAY OF JANUARY 1986.



KENNETH F. COLLIER

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

No. 84-5884

(C.A. No. 84-3570)

KENNETH F. COLLIER AND
JAMES M. COLLIER

APPELLANTS,

V.

UNITED STATES, ET AL.,

APPELLEES.

OPPOSITION TO APPELLEES' MOTION
FOR SUMMARY AFFIRMANCE

COMES NOW THE APPELLANTS AND SAY:

THE GOVERNMENT'S ARGUMENTS APPEAR TO HINGE ON TWO PROPOSITIONS, TO WIT: 1. IMMUNITY UNDER THE F.T.C.A. APPLYING IN VARYING DEGREES TO EACH OF THE DEFENDANTS; 2. NOT WITHSTANDING SAID IMMUNITY, PLAINTIFF/APPELLANTS ARE REQUIRED TO SHOW THE CONNECTION BETWEEN THE ACTS OF THE DEFENDANTS AND THE APPLICABILITY OF RIGHTS INVOKED BY PLAINTIFFS UNDER THE U.S. CONSTITUTION IN A SUIT FOR DAMAGES RESULTING FROM THE WRONGFUL ABRIDGEMENTS OF SUCH RIGHTS BY ACTS OF THE DEFENDANTS, NAMELY, THE RIGHT TO TESTIFY AT A LAW ENFORCEMENT PROCEEDING WITHOUT INTIMIDATION,

THE ORIGINAL COMPLAINT IN THIS CASE CLEARLY SETS FORTH ALLEGEMENTS AND SUPPLIES LEGALLY SUFFICIENT DETAILS PURSUANT TO THE OVER-ALL CAPTIONED CLAIM OF "CIVIL RIGHTS VIOLATIONS INVOLVING OBSTRUCTION OF JUSTICE" THE BEHAVIOR AND ACTIVITIES OF DEFENDANT DONSANTO IN HIS CAPACITY OF U.S. JUDICIAL OFFICER DURING THE OFFICIAL-BUSINESS HEARING 5/15/ WHICH HE CONDUCTED AND CHAIRED PURSUANT TO AN OFFICIAL U.S. JUSTICE DEPT. INVESTIGATION CONSTITUTES THE VERY DEFINITION OF "WITNESS TAMPERING."

PARAGRAPH 1512 OF THE U.S. CODE, TITLE 18 VIRTUALLY MIRRORS THE FACTS ALLEGED IN THE COMPLAINT IN THE INSTANT CASE,, Para.6,7, I., E., AT THE OFFICIAL EVIDENTIARY HEARING IN DONSANTO'S OFFICE:5-15-84:
1512. TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT.

(a) Whoever knowingly uses intimidation, . . .or threatens another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to--

1) influence the testimony of any person in an official proceeding.

2) cause or induce any person to--

A) withhold testimony, or withhold a record, document, or other object, from an official proceeding. . .

3) Hinder or delay or prevent the communication to a law enforcement officer, . . .information relating to the commission or possible commission of a Federal offence. . .

. . .shall be fined not more than \$250,000 or imprisoned not more than ten years or both.

(b) Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from--

1) attending or testifying an an official proceeding;

2) reporting to a law enforcement officer. . .the commission or possible commission of a Federal offence. . .

3) . . .seeking the arrest of another person in connection with a Federal offence; or

4) causing a criminal prosecution, . . .to be sought or instituted, or assisting in such prosecution or proceeding; or attempts to do so. . .shall be fined, etc.

IN ADDITION, SECTION 1505, U.S. CODE ANNOTATED, TITLE 18, ALSO MIRRORS THE FACTS ALLEGED IN THE COMPLAINT IN THE INSTANT CASE, TO WIT: AT THE MEETING WHERE PLAINTIFFS WERE SUMMONED BY DONSANTO;

1505 OBSTRUCTION OF PROCEEDINGS BEFORE DEPARTMENTS, AGENCIES, AND COMMITTEES

. . . (w)hoever corruptly, or by any threatening letter or communication influences, obstructs, or impedes or endeavor to influence, obstruct, or impede the due and proper administration of law under which any pending proceeding is being had before any department or agency of the United States. . . shall be fined. . . etc.

DEFENDANT DONSANTO HAD SUMMONED THE PLAINTIFFS TO TRAVEL FROM A DISTANT (1,000 MILES DISTANT) HOME LOCATION TO ATTEND A FORMAL HEARING FOR THE SPECIFIC PURPOSE OF PRESENTING TESTIMONY AND EVIDENCE RELATIVE TO A PENDING FEDERAL INVESTIGATION DIRECTLY INVOLVING PLAINTIFFS AS "VICTIMS" OF ELECTION FRAUD PERPETRATORS, AND TO RECEIVE CERTAIN VIDEOTAPED EVIDENCE OF THE COMMISSION OF FEDERAL CRIMES OVER WHICH DONSANTO HAS EXCLUSIVE JURISDICTION WITHIN HIS AGENCY, THE UNITED STATES JUSTICE DEPARTMENT.

THE MEETING ITSELF WAS ATTENDED BY AN AGENT OF THE F.B.I. AND AN ASSISTANT ATTORNEY GENERAL, BOTH OF WHOM WERE TAKING NOTES UNTIL, SUDDENLY, WHEN IT APPEARED AS IF PLAINTIFFS WERE ABOUT TO PHYSICALLY PLACE THE CRUCIAL VIDEO-CASSETTE INTO THE SPECIALLY ORDERED VIDEO-PLAYBACK DEVICE, DONSANTO CUT OFF ALL FURTHER TESTIMONY BY THE PLAINTIFFS. (SEE COMPLAINT, PARA. 6,7,8)

WHILE THE GOVERNMENT MAY ARGUE THAT DONSANTO HAD THE "DISCRETION" TO SILENCE THE PLAINTIFFS IN THEIR CAPACITIES AS WITNESSES IN PROCEEDINGS BEFORE A JUDICIAL AGENCY, IT IS SIMPLY WITNESS-TAMPERING

SIGNIFICANTLY, IN A CRIMINAL PROSECUTION FOR AN OFFENCE COMMITTED UNDER PARAGRAPHS 1505 AND 1512 OF THE U.S. CODE, ONLY AN "AFFIRMATIVE DEFENSE", AS TO WHICH THE DEFENDANT HAS THE BURDEN OF PROOF BY A PREPONDERANCE OF THE EVIDENCE, "... THAT THE CONDUCT CONSISTED SOLELY OF LAWFUL CONDUCT AND THAT THE DEFENDANTS' SOLE INTENTION WAS TO ENCOURAGE, INDUCE OR CAUSE THE OTHER PERSON TO TESTIFY TRUTHFULLY," (PARA 1512, P 196, U.S.C. TITLE 18) WILL SUFFICE TO COUNTERACT THE INDICTABLE ALLEGATION OF WITNESS-TAMPERING

THUS THE CHARGE IN THE COMPLAINT THAT DEFENDANT DONSAUTO ACTED "WRONGFULLY" AND "NEGLIGENTLY" WHEN HE SUSPENDED THE OFFICIAL PROCEEDING AND ORDERED PLAINTIFFS "... NEVER TO COME BACK" (COMPLAINT, PARA 8) CLEARLY GOES BEYOND EVEN THE "OUTER LIMITS" OF HIS "DISCRETIONAL AUTHORITY" AND WAS INTERPRETED BY PLAINTIFFS TO BE COERCIVE AND INTIMIDATING, INJURIOUS TO THEIR CONSTITUTIONALLY GUARANTEED CIVIL RIGHTS TO TESTIFY UNHINDERED BEFORE A GOVERNMENT AGENCY AND LAW ENFORCEMENT OFFICIALS (COMPLAINT, PARA. 7), INJURIOUS TO THEIR MENTAL STATES, PRODUCING ANXIETY AND STRESS, (COMPLAINT, PARA. 9), AND INJURIOUS IN EVERY INARTICULABLE MANNER WHICH LOGICALLY MIGHT BE EXPECTED TO RESULT WHEN CITIZENS ARE CYNICALLY USED BY A JUDICIAL AUTHORITY-FIGURE IN THAT FIGURE'S SELF-SERVING SCHEME TO OBSTRUCT JUSTICE IN HIS OWN "INVESTIGATION" OF FEDERAL VOTE-FRAUD BY SILENCING AND INTIMIDATING KEY WITNESSES, AS THE PLAINTIFFS HEREIN.

PLEADINGS STATE TORT
CAUSE OF ACTION UNDER
DISTRICT OF COLUMBIA LAW

THE GOVERNMENT SUGGESTS THAT PLAINTIFFS HAVE NOT PROCEEDED ACCURATELY TO SUE THE U.S., ITS ATTORNEY GENERAL AND A JUSTICE DEPARTMENT OFFICIAL UNDER ANY PROPER PROVISION OF THE F.T.C.A.

IN FACT, THE GOVERNMENT COUNSEL, IN ITS ZEAL TO PERSUADE THIS HONORABLE COURT THAT THE COMPLAINT BELOW WAS PROPERLY DISMISSED, CITED A SECTION OF THE F.T.C.A. IN THE PENDING MOTION FOR SUMMARY AFFIRMANCE (PAGE 3, DEFENDANTS' MOTION) AND UNACCOUNTABLY DELETED THE ALL-IMPORTANT KEY PHRASE, ". . . EXERCISING DUE CARE, . . ." FROM THE CITATION IN ITS MOTION/BRIEF. THIS PHRASE, OF COURSE, IS THE PROPER DETERMINANT AS TO WHETHER OR NOT A GOVERNMENT AGENT (DONSANTO AND SMITH) HAS BEHAVED IN SUCH A MANNER AS TO WARRANT IMMUNITY FROM TORT CLAIMS OR, IN THE ALTERNATIVE, WHETHER SUCH AGENT HAS FAILED TO EXERCISE DUE CARE IN THE DISCHARGE OF HIS DUTIES, AND HAS ACTUALLY CROSSED THE BOUNDARY OF "THE OUTER LIMITS" OF HIS DISCRETION, INTO THE REALM OF FELONIOUS OBSTRUCTION OF JUSTICE, THUS INJURING PLAINTIFFS AS ALLEGED IN THE COMPLAINT, (Text of F.T.C.A. attached hereto as "exhibit A" please note Page 3 for key language deleted by Govt as above.) IF, AS THE COMPLAINT CHARGES, DONSANTO FAILED TO EXERCISE DUE CARE TO UPHOLD HIS MANDATORY OATH TO:

". . . support and defend the Constitution of the United States, . . . well and faithfully discharge the duties of the office which I am about to enter. OATH ADMINISTERED UPON JUSTICE DEPT. OFFICIAL'S TAKING OFFICE.)

. . . THEN ANY AND ALL PROTECTION HE ENJOYED UNDER THE IMMUNITY CLAUSE CITED BY THE GOVERNMENT (2680 (A), F.T.C.A., ATTACHED) (IN THIS PENDING MOTION SEEKING TO AFFIRM DISMISSAL) HAS BEEN CONSTRUCTIVELY FORFEIT, THUS EXPOSING ALL THE DEFENDANTS TO A SUIT FOR DAMAGES, EITHER IN THEIR OFFICIAL CAPACITIES OR AS INDIVIDUALS OR BOTH,

OF CRITICAL IMPORTANCE ALSO IN DETERMINING WHETHER OR

NOT A TORT ACTION WILL LIE AGAINST THE GOVERNMENT OR AGAINST OFFICIALS OF THE GOVERNMENT, (NOTWITHSTANDING OTHER PROVISIONS OF THE F.T.C.A. WHICH MAY OR MAY NOT BE TO THE CONTRARY,) IS WHETHER THE ALLEGED VIOLATION (WITNESS TAMPERING, AS HEREIN, AS IN COMPLAINT) OF A FEDERAL STATUTE ALSO CONSTITUTES A VIOLATION OF SOME OTHER COMMON LAW DUTY UNDER THE APPLICABLE STATE LAW.

IN THE INSTANT CASE, OBSTRUCTION OF JUSTICE BY MEANS OF WITNESS-TAMPERING AS DESCRIBED IN THE COMPLAINT IS ALSO CONSIDERED FELONIOUS BEHAVIOR IN THE DISTRICT OF COLUMBIA, WHERE THE INCIDENT IS ALLEGED TO HAVE OCCURED, AND AS SUCH GOES DIRECTLY TO SATISFYING THAT PORTION OF THE F.T.C.A. WHICH REQUIRES SUCH A SHOWING. (SECTION 19, D.C. CODE)

ONCE THE OFFICIAL PROCEEDING BEGAN, DEFENDANT DONSANTO HAD NO RIGHT OF DISCRETION TO HINDER, DELAY OR PREVENT WITNESSES FROM TESTIFYING.

WHILE IT IS TRUE AND CONCEDED BY PLAINTIFFS THAT DONSANTO AT ALL TIMES RETAINED THE DISCRETIONARY POWER TO CHOOSE TO EITHER PROSECUTE THE VOTE-FRAUD PERPETRATORS SHOWN ON THE VIDEOTAPE (PARA. 6, COMPLAINT) OR NOT TO PROSECUTE, IT IS PLAINTIFF'S CONTENTION THAT ONCE THE OFFICIAL PROCEEDING BEGAN IN THE PRESENCE OF THE F.B.I. (COMPLAINT, PARA. 7) THAT DONSANTO NO LONGER HAD THE RIGHT TO INTERFERE WITH THE SCRUPULOUSLY PROFFERED (COMPLAINT, PARA. 6) AND DOCUMENTED VIDEOTAPE PRESENTATION WHICH CONSTITUTED AN INTEGRAL PART OF THE INFORMATION PLAINTIFFS WERE SUMMONED TO PRESENT AT SUCH PROCEEDINGS.

CLEARLY, IT IS NOT THE INTENTION OF THIS SUIT TO SECOND-GUESS THE MANNER IN WHICH ANY GOVERNMENTAL OFFICIAL HAS DISCHARGED HIS "DUE CA OFFICIAL DUTIES, REGARDLESS OF WHETHER OR NOT PLAINTIFFS AGREE WITH SUCH DECISIONS, AND THE COMPLAINT DOES NOT DEPEND UPON ANY SUCH MONDAY* MORNING QUARTERBACKING TO DESCRIBE THE CAUSE OF ACTION, TO WIT: (CIVIL RIGHTS VIOLATIONS INVOLVING OBSTRUCTION OF JUSTICE, CAPTION OF INSTANT CASE.) GOVERNMENT COUNSEL DELIBERATELY CLOUDS THE ISSUE WHEN IT SUGGESTS OTHERWISE.

THE "CIVIL RIGHTS VIOLATIONS" REFERRED TO IN THE CAPTION CITED ABOVE ARE SPECIFICALLY DELINEATED IN THE COMPLAINT (PARA. 8) NAMELY: ". . . CONSTITUTIONALLY GUARANTEED RIGHTS OF ACCESS TO DUE PROCESS. . ." (FROM COMPLAINT) SUCH ACCESS IS A BASIC CIVIL RIGHT. NO "DISCRETIONARY ACT OF A GOVERNMENT OFFICIAL" CAN ABRIDGE SUCH ACCESS THE LOWER COURT'S DISMISSAL OF THIS CASE WHICH CITED SOLELY "PROSECUTORIAL DISCRETION" AS THE BASIS FOR ITS RULING, FAILED TO GIVE SUFFICIENT JUDICIAL NOTICE TO THE AGGREGATE ALLEGEMENTS IN THE COMPLAINT WHICH, IF PROVEN BY A TRIAL ON THE MERITS TO BE ACCURATE AND EVEN UNCHALLENGED, MAY RESULT IN CRIMINAL CHARGES AGAINST DONSANTO FOR THE FEDERAL OFFENCE OF "WITNESS-TAMPERING", AS DESCRIBED ABOVE (INERA), WHEN HE UTTERLY FAILED TO EXERCISE DUE CARE AND INSTEAD WILLFULLY SILENCED PLAINTIFFS, THEREBY VIOLATING PLAINTIFF'S CIVIL RIGHTS AS DEFINED BY U.S. CODE, TITLE 42, /1983

IN FACT, THE COMPLAINT CHARGES (PARA. 4) THAT DONSANTO HAS ACTED FOR SEVERAL YEARS IN CONSPIRACY WITH OTHERS (WHO ARE NAMED BY PROPER NAMES AND BY INITIALS IN PLAINTIFF'S EXHIBITS WHICH ARE PART OF THE COMPLAINT) TO DENY, INTERFERE WITH AND ABRIDGE THE CIVIL RIGHTS OF THE PLAINTIFFS WHOSE TESTIMONY DONSANTO HAS REPEATEDLY SOUGHT TO CONCEAL, COVER-UP AND ABORT AS PART OF A PATTERN EFFECTUATED BY DONSANTO AND HIS ASSOCIATE, JOHN C. KEENEY, (INITIALS "JCK", INTRODUCED INTO ORIGINAL COMPLAINT IN EXHIBIT "A", UPPER RIGHT).

AS TO GOVERNMENT COUNSEL'S CONTENTION IN THE PENDING MOTION THAT CERTAIN OF THE ACTS CITED BY PLAINTIFFS AS GERMANE TO DEFENDANTS' MOTIVATION FOR THE COMPLAINED-OF BEHAVIOR (PARA. 4, 5, COMPLAINT) FALL OUTSIDE OF THE STATUTE OF LIMITATIONS, PLAINTIFFS COUNTER BY POINTING OUT THAT A "CONSPIRACY, . . ." TO OBSTRUCT JUSTICE IS ALLEGED IN THE COMPLAINT AND THAT THIS ALLEGED CONSPIRACY HAS BEEN CONTINUOUS AND UNBROKEN SINCE 1972, HENCE THE STILL ACTIVE POSTURE OF ANY CLAIM ARISING FROM DEFENDANTS' WRONGFUL ACTS OVER THAT PERIOD (INVOLVING DENIAL OF PLAINTIFFS' CIVIL RIGHTS) ALLOWS SUIT.

EXHIBITS PROFFERED

FOR THE PURPOSES OF OPPOSING THE GOVERNMENT'S MOTION FOR SUMMARY AFFIRMANCE, PLAINTIFFS ATTACH HERETO AND MAKE A PART HEREOF, "OPPOSITION EXHIBITS "B", "C", "D", "E"" EACH OF WHICH WILL ASSIST THE COURT IN ASSESSING THE QUESTION OF DONSANTO'S BEHAVIOR RELATED TO HIS MOTIVATION FOR "KEEPING THE LID ON" PLAINTIFFS' TESTIMONY AND ACTUALLY SILENCING AND EJECTING THE PLAINTIFFS WHEN THE EVIDENCE THEY WERE PRESENTING IN THE DULY AUTHORIZED HEARING APPEARED TO CAST DONSANTO'S INTEGRITY AND COMPETENCE IN A POOR LIGHT, ONE WHICH SUGGESTED POSSIBLE FELONIOUS BEHAVIOR ATTRIBUTABLE TO DONSANTO FOR ACTS AND OMISSIONS BEYOND HIS AUTHORITY IN ORDER TO PROTECT THE INTERESTS OF A PRIVATE POLITICAL CLUB, NAMELY, THE LEAGUE OF WOMEN VOTERS, WHOSE UNAUTHORIZED ACTIVITIES INVOLVING HANDS-ON VOTE-TAMPERING IN A FEDERAL ELECTION WAS VIDEOTAPED BY PLAINTIFFS) BUT SAID VIDEOTAPE WAS SUPPRESSED BY DONSANTO, PREVENTING ITS BEING SEEN BY THE F.B.I. AGENT OR THE OTHER OFFICIAL WITNESSES PRESENT AT THE ABORTIVE HEARING.

SIGNIFICANTLY, GOVERNMENT COUNSEL HAS INCLUDED THE TEXT OF THE COMPLAINT IN ITS PENDING MOTION, BUT DELIBERATELY OMITTED THE ONLY TWO EXHIBITS WHICH WERE ALSO A PART OF THE COMPLAINT: (PLAINTIFF'S EXHIBITS "A" AND "B"). PLAINTIFFS DIRECT THE COURT'S ATTENTION TO THESE TWO DOCUMENTS, AS THEY REVEAL THE PRIOR INVOLVEMENT OF DEFENDANT DONSANTO WITH THE LONG-PENDING JUSTICE DEPARTMENT INVESTIGATION IN WHICH PLAINTIFFS KENNETH F. COLLIER AND JAMES M. COLLIER ARE LISTED AS "VICTIM" AND MATERIAL WITNESS, RESPECTIVELY, AND WHICH INVESTIGATION (HEREINAFTER REFERRED TO AS THE "PETERSEN INVESTIGATION", AS IT WAS INITIATED UNDER THE MANDATE AND AUTHORITY OF HENRY PETERSEN, CHIEF, CRIMINAL FRAUDS SECTION, JUSTICE DEPT., IN MAY OF 1972 AND HAS NEVER BEEN OFFICIALLY OR UNOFFICIALLY "CLOSED"), DONSANTO AND HIS ASSOCIATE JOHN C. KEENEY, (INITIALS "JCK" AND "CCD" ARE SEEN ON EXHIBIT "A", COMPLAINT, DIRECTLY ADJACENT TO ONE ANOTHER, UPPER RIGHT, "CCD", THE INITIALS OF DEFENDANT CRAIG C. DONSANTO) HAVE WORKED VIRTUALLY HAND-IN-HAND TO FRUSTRATE AND IMPEDE, BECAUSE TO DO OTHERWISE MAY SERVE TO INCREASE THE LIKLIHOOD THAT DONSANTO AND KEENEY WOULD BE REVEALED AS HITHERTO UNIDENTIFIED MATERIAL WITNESSES IN THE SO-CALLED "WATERGATE AFFAIR". IN THIS REGARD, PLAINTIFFS PROFFER AS FOLLOWS, BASED ON DOCUMENTATION FROM F.B.I. FILES RELATED TO DONSANTO, OBTAINED UNDER THE FREEDOM OF INFORMATION ACT: (EXHIBITS ACCOMPANYING COMPLAINT WERE CENSORED BY THE RECORDS DIVISION OF THE F.B.I. WITH THE CONSIDERATION AND APPROVAL OF DONSANTO.)

PROFFER AS TO RELEVANCE

THIS PROFFER, MOST SIMPLY STATED, IS THAT THE PETERSEN INVESTIGATION BLEW UP INTO "WATERGATE" WHEN THE BURGLARS WERE CAUGHT, IN OTHER WORDS, WHAT HAS BECOME FAMOUS AS THE "WATERGATE AFFAIR" WAS MORE STRICTLY SPEAKING THE "PETERSEN INVESTIGATION" INTO VOTE FRAUD GONE AWRY. NOBODY KNOWS THE TRUTH OF THIS BETTER THAN DONSANTO, WHO

SINCE THAT TIME HAS SPENT A PORTION OF HIS CAREER ATTEMPTING TO OBFUSCATE AND KICK OVER THE TRACES OF HIS AND KEENEY'S INTIMATE KNOWLEDGE OF EVENTS AND FIGURES INVOLVED PROMINENTLY IN THE "WATERGATE AFFAIR", (SOME OF WHOM WERE DONSANTO'S CLOSE FRIENDS AND ASSOCIATES) AND WHICH KNOWLEDGE WAS WITHHELD FROM WATERGATE COMMITTEE INVESTIGATORS BY DONSANTO AND KEENEY IN A FLAGRANT AND ARGUABLY FELONIOUS AND CONSPIRATORIAL DECISION BETWEEN THE TWO YOUNG DEPARTMENTAL ATTORNEYS. (IN 1972 DONSANTO WAS 27 YEARS OF AGE) TO WILLFULLY WITHHOLD KNOWLEDGE AND INFORMATION RELATED TO THE MANY "WATERGATE" RELATED COURT AND CONGRESSIONAL PROCEEDINGS, ARISING FROM THE "PETERSEN INVESTIGATION"

IT IS PROFFERED THAT THE INFORMATION AND KNOWLEDGE THUS WITHHELD RELATED TO DONSANTO'S SPECIAL ASSIGNMENT FROM HENRY PETERSEN, (FOUR WEEKS PRIOR TO "WATERGATE, (JUNE 17, 1972)" AND THE EARLIER UNAPPREHENDED "WATERGATE" FORAY OF MAY 30, 1972) AS IT PERTAINED TO THE POSSIBLE PARTICIPATION OF PROMINENT FIGURES IN VOTEFRAUD DONSANTO'S SO-CALLED "SPECIAL ASSIGNMENT" IS CLEARLY DELINEATED IN PLAINTIFF'S EXHIBITS "A" AND "B", ORIGINAL COMPLAINT, WHEREIN DONSANTO WAS ORDERED TO NOTIFY "AS A COURTESY" VARIOUS PROMINENT INDIVIDUALS IN DADE COUNTY, FLORIDA, INCLUDING AN INCUMBANT CONGRESSMAN IN THAT VENUE, ABOUT THE "PETERSEN INVESTIGATION" INTO FEDERAL VOTE-FRAUD INVOLVING THE LEAGUE OF WOMEN VOTERS. THIS ADVISES DONSANTO'S INTIMATE KNOWLEDGE OF THE FEDERAL INVESTIGATION BEING CONDUCTED IN THE VERY COUNTY WHERE THE PRESIDENT OF THE UNITED STATES MAINTAINED HIS OFFICIAL VACATION RESIDENCE SET OFF ALARMS WITHIN THE LOCAL DADE COUNTY POLITICAL AND MEDIA ESTABLISHMENT WHICH STOOD ACCUSED OF USING THE LOCAL CHAPTER OF THE LEAGUE OF WOMEN VOTERS AND THE LOCAL TELEVISION STATIONS TO PERPETRATE AN ELECTION FRAUD SO SHOCKING AND PORTENTIOUS AS TO MOTIVATE THE U.S. JUSTICE DEPT. TO INSTITUTE THE "PETERSEN INVESTIGATION" IN THE FIRST PLACE.

THE CONSEQUENCES OF DONSANTO'S APPROACH TO THE INCUMBENT DEMO
CONGRESSMAN IN THE AFFECTED VENUE (AT THE ORDERS OF HENRY PETERSEN,
WHO WAS ALSO A REGISTERED DEMOCRAT WORKING AS AN ASST. ATTY GENERAL
IN THE MITCHELL JUSTICE DEPT.) WAS TO SET THE STAGE FOR A VIRTUAL
"AMBUSH" OF THE WATERGATE BURGLARS INSIDE THE DEMOCRATIC HEADQUARTER
WITHIN SCANT DAYS OF DONSANTO'S CONTACT WITH THE DADE COUNTY, FLA.
DEMOCRATIC ESTABLISHMENT FIGURES. AT STAKE IN THE "PETERSEN
INVESTIGATION" WAS THE FATE OF THE DADE COUNTY, FLA.-BASED WATERGATE
BURGLARY TEAM WHICH HAD MANAGED TO ENTER THE WATERGATE BUILDING
IN THE PREVIOUSLY MENTIONED "UNAPPREHENDED FORAY" OF MAY 30, 1972,
AND EMERGE AFTER SUCCESSFULLY PLANTING A SO-CALLED "BUG", OR
PHONE TAPPING DEVICE ON THE PHONE OF THE DEMOCRATIC COMMITTEE
CHAIRMAN. THEN, DURING THE TWO WEEKS THAT ELAPSED BEFORE THE
SECOND, UNSUCCESSFUL BURGLARY OF THE WATERGATE (JUNE 17, 1972),
WORD HAD LEAKED IN AND AROUND DADE COUNTY, FLA. DEMOCRATIC
CIRCLES, FROM THE CONGRESSMAN ON DOWN, THAT THE "PETERSEN
INVESTIGATION" BEING CONDUCTED BY THE JUSTICE DEPT. WAS OUT TO
LINK THE DEMOCRATIC PARTY WITH THE NEWLY EMERGING FIELD OF
ELECTION FRAUD COMMITTED BY USE OF COMPUTERS AND A COMPLIANT
TELEVISION MEDIA WHICH WAS BEGINNING THE PRACTICE OF PREDICTING
AND "PROJECTING" THE OUTCOME OF ELECTIONS BEFORE THE POLLS CLOSE.
(PLEASE SEE THE TEXT OF THE JUSTICE DEPT. MEMOS WHICH COMPRISE
PLAINTIFFS' EXHIBITS "A" AND "B" FOR SPECIFICS OF THE TV-COMPUTER-
SCHEME WHICH PROMPTED THE "PETERSEN INVESTIGATION".)

THUS THE STAGE WAS SET FOR THE "AMBUSH", CAREFULLY
ORCHESTRATED BY AT LEAST ONE MEMBER OF WATERGATE BURGLARY TEAM,
(NAMELY JAMES MCCORD) WITH THE RESULTANT EFFECT ON THE PRESIDENCY
AND ON AMERICAN HISTORY. IN SHORT, THE "AMBUSH" ENDED THE

JUSTICE DEPT, PROBE INTO VOTE-FRAUD (CENTERING AROUND THE DEMOCRATIC COMMITTEE'S POSSIBLE INVOLVEMENT WITH ORGANIZED CRIME FIGURES WHO HAD RECENTLY PURCHASED CONTROLLING INTEREST IN THE NEWLY-EMERGING COMPUTERIZED VOTE-COUNTING COMPANY) AND DRAMATICALLY SHIFTED ATTENTION TO THE PRACTICES OF THE JUSTICE DEPARTMENT, PLACING THAT DEPARTMENT, THE PRESIDENT, THE ATTORNEY GENERAL AND REPUBLICAN PARTY ON THE EXTREME DEFENSIVE.

THE RESULT OF THE AFFAIR WAS TO CAUSE HENRY PETERSEN, ASST. A TO BECOME CHIEF INVESTIGATOR INTO THE "WHY" AND "WHO" OF THE BREAK-IN AND TO TOTALLY ABANDON THE "PETERSEN INVESTIGATION" INTO VOTE-FRAUD (EXHIBITS "A" AND "B", COMPLAINT) AS PART OF THE JUSTICE DEPT, "COVER-UP" OF THE "WATERGATE AFFAIR". FINALLY, WHEN HENRY PETERSEN WAS RELIEVED OF HIS POST IN THE JUSTICE DEPT., DONSANTO TOOK OVER AS "CHIEF VOTE-FRAUD PROSECUTOR", A POST WHICH HE HAS HELD CONTINUOUSLY SINCE THAT TIME.

SO IT IS WITHIN THE CONTEXT DESCRIBED ABOVE THAT DONSANTO FINDS HIMSELF UNABLE TO COUNTENANCE ANY DEALINGS WHATSOEVER WITH THE "VICTIM" AND "MATERIAL WITNESS" (PLAINTIFFS, HEREIN) IN ANY PROCEEDINGS WHICH MAY LIKELY DREDGE UP HIS EARLY DEALINGS OF ABANDONING THE DADE COUNTY, FLA. ELECTION FRAUD PROBE OF 1972 (WHICH "BLEW UP" INTO "WATERGATE,") AND INSTEAD CHOOSES TO SILENCE AND INTIMIDATE SAID WITNESSES WHEN THEY SOUGHT TO DELIVER TO THE JUSTICE DEPT, AND TO THE F.B.I. CERTAIN VIDEOTAPE EVIDENCE PROVING SERIOUS, WIDE-SPREAD, ALL-PERVASIVE VOTE-FRAUD IN DADE COUNTY, FLA. AS CITED IN THE COMPLAINT HEREIN. THE SPECTRE OF "WATERGATE" RE-EMERGING AS A JUSTICE DEPT, "COVER-UP" OF DONSANTO'S "TIPPING OFF THE DEMOCRATIC ESTABLISHMENT OF DADE COUNTY, FLA. OF THE VOTE FRAUD PROBE BACK IN 1972 IS MORE THAN DONSANTO/^{can}STOMACH, EVEN AT THIS LATE DATE, HENCE, THE ATTEMPT TO SILENCE PLAINTIFFS AS CITED HEREIN

PLAINTIFFS FILE CHARGES
AGAINST DONSANTO IN OFFICE
OF PROFESSIONAL RESPONSIBILITY

EXHIBIT "B", ATTACHED HERETO, IS A COPY OF THE DOCUMENT FILED BY PLAINTIFFS (JUNE 6, 1984) WITH THE OFFICE OF PROFESSIONAL RESPONSIBILITY OF THE UNITED STATES JUSTICE DEPARTMENT, DETAILING IN BROAD TERMS THE ALLEGED WRONGDOING OF DONSANTO AND ASKING THAT AGENCY TO INVESTIGATE OUR CHARGES THAT DONSANTO HAS SUPPRESSED TESTIMONY AND EVIDENCE IN A FEDERAL INVESTIGATION, AND HAD DONE SO FOR POSSIBLE PERSONAL "FINANCIAL GAIN".

ON JULY 24, 1984, PLAINTIFFS WERE SUMMONED TO THE JUSTICE DEPARTMENT BY O.P.R. INVESTIGATORS DAVID BOBZIEN AND KIETH THOMAS. THERE, IN A LENGTHY HEARING, PLAINTIFFS PRESENTED DOCUMENTATION AND VIDEOTAPE EVIDENCE TO BACK UP THE SERIOUS CHARGES AGAINST DONSANTO WHICH ARE DETAILED IN EXHIBIT "B" HERETO. (OPPOSITION, EXHIBIT "B")

PLAINTIFFS RECEIVE VERIFICATION
OF THE STATUS OF THE "DONSANTO"
INVESTIGATION CONDUCTED BY THE
OFFICE OF PROFESSIONAL RESPONSIBILITY

EXHIBIT "C", ATTACHED HERETO, IS A COPY OF A COMMUNICATION RECEIVED BY PLAINTIFF/COMPLAINANTS (DATED APRIL 19, 1985), SHOWING THAT THE O.P.R. HAS NOT YET GIVEN DONSANTO A CLEAN "BILL OF HEALTH", EVEN THOUGH MORE THAN TEN MONTHS HAVE PASSED SINCE THE CHARGES WERE FILED. (TO DATE, NO FURTHER INFORMATION REGARDING A VERDICT IN THIS MATTER HAS BEEN RECEIVED BY PLAINTIFFS.)

A UNITED STATES' SENATOR
INQUIRES OF DONSANTO'S
"VOTE-FRAUD" UNIT ABOUT
CHARGES THAT DONSANTO
HAS BEEN ENGAGING IN A
"COVER-UP" IN BEHALF OF
A PRIVATE POLITICAL CLUB.

EXHIBIT "C", ATTACHED HERETO, IS A DOCUMENT WHICH STEMMED FROM AN INQUIRY TO DONSANTO'S SUPERIOR IN THE CRIMINAL FRAUDS SECTION OF THE JUSTICE DEPARTMENT, ASKING FOR A 'RESPONSE' OF THE DEPARTMENT'S VOTE-FRAUD SPECIALISTS AS TO CHARGES OF "COVER-UP" LEVELLED BY PLAINTIFFS IN NEWSPAPER ARTICLES ABOUT THE VIDEOTAPE EVIDENCE SUPPRESSED SHOWING HANDS-ON VOTE-TAMPERING BY A PRIVATE POLITICAL CLUB IN A FEDERAL ELECTION.

SAID DOCUMENT WAS ADDRESSED TO A CONSTITUENT OF U.S. SENATOR JOHN WARNER OF VIRGINIA AND WAS LATER SENT TO PLAINTIFFS BY THAT PERSON TO ASSIST IN ILLUMINATING THIS ISSUE FOR THE COURT.

DONSANTO'S LONG-TIME FRIEND AND
ASSOCIATE, JOHN C. KEENEY, ANSWERS
SENATOR WARNER, CONDONING AND
APPROVING HANDS-ON VOTE-TAMPERING
BY A PRIVATE POLITICAL CLUB IN
FEDERAL ELECTIONS ACROSS THE U.S.
WHILE CONDEMNING PLAINTIFFS' "CREDIBILITY"

EXHIBIT "D", ATTACHED HERETO, IS A LETTER FROM JOHN C. KEENEY, (PROMINENTLY MENTIONED IN THE FOREGOING "PROFFER,") TO SENATOR WARNER, ASSERTING THAT THE PRIVATE POLITICAL CLUB "LEAGUE OF WOMEN VOTERS" IS SOMEHOW EXERCISING A "CIVIC DUTY" WHEN IT TAMPERS WITH BALLOTS IN FEDERAL ELECTIONS.

CONCLUSION

NO PERSON IN THE JUDICIAL SYSTEM SHOULD BE CONSIDERED INFINITELY AND PERPETUALLY IMMUNE FROM PROSECUTION AND/OR SUIT IF THAT PERSON IS ACTUALLY ENGAGING IN CONDUCT AS PLAINTIFFS ALLEGE DEFENDANT DONSANTO HAS ENGAGED IN OVER A PERIOD OF YEARS.

AS THE ATTACHED EXHIBITS "A" AND "B" OF THE ORIGINAL COMPLAINT SHOW, DONSANTO'S NAME AND THE NAMES OF PLAINTIFFS KENNETH F. COLLIER AND JAMES M. COLLIER ARE LINKED IN OFFICIAL JUSTICE DEPARTMENT MEMOS SINCE 1972 WHEN THE COLLIERS AND DONSANTO MET FOR THE FIRST TIME AS DONSANTO SOUGHT INFORMATION IN THE PETERSEN INVESTIGATION (WHICH HAD ITSELF BEEN INITIALLY INSTIGATED SOLELY BECAUSE OF INFORMATION ON DADE COUNTY, FLORIDA VOTE-FRAUD SUPPLIED TO THE JUSTICE DEPT. BY THE COLLIERS, WHO RESIDED IN SAID COUNTY AND DULY REPORTED THE RAW DATA RELATED TO THE VOTE-FRAUDS OF THAT ERA DIRECTLY TO THE MIAMI BUREAU OF THE F.B.I., AS ALLEGED IN THE COMPLAINT, PARAGRAPH 4.)

PLAINTIFFS, AS YEARS WENT BY, CONTINUED TO RELAY INFORMATION ON THE CONTINUING VOTE-FRAUD TECHNIQUES BEING VIRTUALLY FIELD TESTED IN DADE COUNTY, FLORIDA, LEADING UP AND INCLUDING THE OCCASION WHEN THE MOST CONCLUSIVE PROOF OF ALL WAS OBTAINED, I.E., THE VIDEOTAPE PRODUCED DURING THE FEDERAL ELECTION OF NOV. 2, 1982.

THUS, WHEN DONSANTO, ACTING AS A DULY AUTHORIZED AGENT OF DEFENDANT UNITED STATES OF AMERICA, SILENCED PLAINTIFFS DURING THE KEY EVIDENTIARY HEARING, AND THEN PROCEEDED TO INTIMIDATE PLAINTIFF RIGHT OUT OF HIS CONFERENCE ROOM, WARNING PLAINTIFFS IN NO UNCERTAIN TERMS NOT TO RETURN, CERTAINLY THIS IS BEHAVIOR BEST DESCRIBED AS "OBSTRUCTION OF JUSTICE--WITNESS INTIMIDATION", A POTENTIAL FELONY, AND CERTAINLY A TORT.

PLAINTIFFS PETITION THIS HONORABLE COURT TO SCHEDULE AN ORAL HEARING ON THIS MATTER IF SUFFICIENT DOUBT REMAINS AS TO THE QUALITY OF DON SANTO'S BEHAVIOR IN ALLEGEDLY FAILING UTTERLY TO "...EXERCISE DUE CARE" AS REQUIRED FOR PROSECUTORIAL IMMUNITY UNDER TERMS OF THE F.T.C.A. (ATTACHED)

WHEREFORE, PLAINTIFFS RESPECTFULLY SUBMIT FOR ALL OF THE FOREGOING REASONS, THAT DEFENDANTS' MOTION FOR SUMMARY AFFIRMANCE BE DENIED AND THE CASE REMANDED BELOW FOR TRIAL ON THE MERITS.

CASE LAW RELIED ON: "...IF THE FACTS OR CIRCUMSTANCES RELIED UPON BY A PLAINTIFF MAY BE A PROPER SUBJECT OF RELIEF, HE OUGHT TO BE AFFORDED AN OPPORTUNITY TO TEST HIS CLAIM ON THE MERIT." (FOMAN v. DAVIS 371, US 182)

DATED, 20 MAY, 1985

COPY TO COUNSEL:
AUSA EDITH MARSHALL
U.S. ATTORNEY'S OFFICE
CIVIL DIVISION
U.S. COURTHOUSE ROOM 2124D
CONSTITUTION AVE.,
WASHINGTON, D.C.

BY HAND DELIVERY

RESPECTFULLY SUBMITTED,


KENNETH F. COLLIER PRO SE



JAMES M. COLLIER PRO SE

300 INDEPENDENCE AVE., S.E.

WASHINGTON, D.C., 20003

PHONE 544-3066

CERTIFICATE OF SERVICE

I, KENNETH F. COLLIER, HEREBY CERTIFY THAT I DELIVERED A TRUE COPY OF THE WITHIN MOTION TO TREAT APPELLANTS' OPPOSITION TO APPELLEE'S MOTION FOR SUMMARY AFFIRMANCE AS APPELLANTS' BRIEF AND ALSO A TRUE COPY OF THE WITHIN OPPOSITION TO APPELLEES' MOTION FOR SUMMARY AFFIRMANCE TO EDITH MARSHALL AT THE ABOVE ADDRESS 20 MAY 1985
KENNETH F. COLLIER 

Federal Tort Claims Act, 28 U.S.C.
§§ 1346(b), 2671-2680 (1976)

§ 1344. United States as defendant

(b) Subject to the provisions of chapter 171 of this title, the district courts, together with the United States District Court for the District of

the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(c) The jurisdiction conferred by this section includes jurisdiction of any set-off, counterclaim, or other claim or demand whatever on the part of the United States against any plaintiff commencing an action under this section.

(d) The district courts shall not have jurisdiction under this section of any civil action or claim for a pension.

(e) The district courts shall have original jurisdiction of any civil action against the United States provided in section 7425 or section 7426 (in the case of the United States district court for the District of Columbia) or section 7429 of the Internal Revenue Code of 1954.

(f) The district courts shall have exclusive original jurisdiction of civil actions under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States.

(June 25, 1948, ch. 646, 62 Stat. 933; Apr. 25, 1949, ch. 92, § 2(a), 63 Stat. 62; May 24, 1949, ch. 139, § 50(a), (b), 63 Stat. 101; Oct. 31, 1951, ch. 655, § 50(b), 65 Stat. 727; July 30, 1954, ch. 445, § 1, 68 Stat. 589; July 7, 1958, Pub. L. 85-506, § 12(c), 72 Stat. 345; Aug. 30, 1964, Pub. L. 88-519, 78 Stat. 699; Nov. 2, 1966, Pub. L. 89-719, title II, § 202(a), 80 Stat. 1146; July 23, 1970, Pub. L. 91-350, § 1(a), 84 Stat. 449; Oct. 25, 1972, Pub. L. 92-562, § 1, 86 Stat. 1176; Oct. 4, 1976, Pub. L. 94-455, title XII, § 1204(c)(1), title XIII, § 1306(b)(7), 90 Stat. 1697, 1719.)

§ 2671. Definitions

As used in this chapter and sections 1346(b) and 2401(b) of this title, the term "Federal agency" includes the executive departments, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States, but does not include any contractor with the United States.

"Employee of the government" includes officers or employees of any federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.

"Acting within the scope of his office or employment", in the case of a member of the military or naval forces of the United States, means acting in line of duty.

(June 25, 1948, ch. 646, 62 Stat. 932; May 24, 1949, ch. 139, § 124, 63 Stat. 106; July 18, 1966, Pub. L. 89-506, § 2, 80 Stat. 307.)

§ 2672. Administrative adjustment of claims

The head of each Federal agency or his designee, in accordance with regulations prescribed by the Attorney General, may consider, ascertain, adjust, determine, compromise, and settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred: Provided, That any award, compromise, or settlement in excess of \$25,000 shall be effected only with the prior written approval of the Attorney General or his designee.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all offices of the Government, except when procured by means of fraud.

Any award, compromise, or settlement in an amount of \$2,500 or less made pursuant to this section shall be paid by the head of the Federal agency concerned out of appropriations available to that agency. Payment of any award, compromise, or settlement in an amount in excess of \$2,500 made pursuant to this section

or made by the Attorney General in any amount pursuant to section 2677 of this title shall be paid in a manner similar to judgments and compromises in like causes and appropriations or funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises, or settlements under this chapter.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the government whose act or omission gave rise to the claim, by reason of the same subject matter.

(June 25, 1948, ch. 646, 62 Stat. 983; Apr. 25, 1949, ch. 92, § 2(b), 63 Stat. 62; May 24, 1949, ch. 139, § 125, 63 Stat. 106; Sept. 23, 1950, ch. 1016, § 9, 64 Stat. 987; Sept. 8, 1959, Pub. L. 86-238, § 1(i), 73 Stat. 471; July 18, 1966, Pub. L. 89-506, §§ 1, 9(a), 80 Stat. 306, 308.)

§ 2672. Reports to Congress

The head of each federal agency shall report annually to Congress all claims paid by it under section 2672 of this title, stating the name of each claimant, the amount claimed, the amount awarded, and a brief description of the claim.

(June 25, 1948, ch. 646, 62 Stat. 983.)

§ 2674. Liability of United States

The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States shall be liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons respectively, for whose benefit the action was brought, in lieu thereof.

(June 25, 1948, ch. 646, 62 Stat. 983.)

§ 2675. Disposition by federal agency as prerequisite; evidence

(a) An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope

of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail. The failure of an agency to make final disposition of a claim within six months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section. The provisions of this subsection shall not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third party complaint, cross-claim, or counterclaim.

(b) Action under this section shall not be instituted for any sum in excess of the amount of the claim presented to the federal agency, except where the increased amount is based upon newly discovered evidence not reasonably discoverable at the time or presenting the claim to the federal agency, or upon allegation and proof of intervening facts, relating to the amount of the claim.

(c) Disposition of any claim by the Attorney General or other head of a federal agency shall not be competent evidence of liability or amount of damages.

(June 25, 1948, ch. 646, 62 Stat. 983; May 24, 1949, ch. 139, § 125, 63 Stat. 107; July 18, 1966, Pub. L. 89-506, § 2, 80 Stat. 306.)

§ 2676. Judgment as bar

The judgment in an action under section 1346 (b) of this title shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the government whose act or omission gave rise to the claim.

(June 25, 1948, ch. 646, 62 Stat. 984.)

§ 2677. Compromise

The Attorney General or his designee may arbitrate, compromise, or settle any claim cognizable under section 1346(b) of this title, after the commencement of an action thereon.

(June 25, 1948, ch. 646, 62 Stat. 984; July 18, 1966, Pub. L. 89-506, § 3, 80 Stat. 307.)

§ 2678. Attorney fees; penalty

No attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 25 per centum of any judgment rendered pursuant to section 1346(b) of this title or any settlement made pursuant to section 2677 of this title, or in excess of 20 per centum of any award, compromise, or settlement made pursuant to section 2672 of this title.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

(June 25, 1948, ch. 646, 62 Stat. 984; July 18, 1966, Pub. L. 89-506, § 4, 80 Stat. 307.)

§ 2679. Exclusiveness of remedy

(a) The authority of any federal agency to sue and be sued in its own name shall not be construed to authorize suits against such federal agency on claims which are cognizable under section 1346(b) of this title, and the remedies provided by this title in such cases shall be exclusive.

(b) The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property or personal injury or death, resulting from the operation by any employee of the Government of any motor vehicle while acting within the scope of his office or employment, shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his estate whose act or omission gave rise to the claim.

(c) The Attorney General shall defend any civil action or proceeding brought in any court against any employee of the Government or his estate for any such damage or injury. The employee against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomsoever was designated by the head of his department to receive such papers and such person shall promptly furnish copies of the pleadings and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the head of his employing Federal agency.

(d) Upon a certification by the Attorney General that the defendant employee was acting within the scope of his employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings deemed a tort action brought against the United States under the provisions of this title and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (b) of this section is not available against the United States, the case shall be remanded to the State court.

(e) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677, and with the same effect.

(June 25, 1948, ch. 646, 62 Stat. 984; Sept. 21, 1961, Pub. L. 87-253, § 1, 75 Stat. 539; July 18, 1966, Pub. L. 89-506, § 5(a), 80 Stat. 307.)

§ 2680. Exceptions

The provisions of this chapter and section 1346(b) of this title shall not apply to—

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(d) Any claim for which a remedy is provided by sections 741-752, 781-790 of Title 46, relating to claims or suits in admiralty against the United States.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of sections 1-31 of Title 50, Appendix.

(f) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

[(g) Repealed. Sept. 26, 1950, ch. 1049, § 13 (5), 64 Stat. 1043.]

(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrep-

resentation, deceit, or interference with contract rights. *Provided*, That, with regard to acts or omissions of investigative or law enforcement officers of the United States Government, the provisions of this chapter and section 1346(b) of this title shall apply to any claim arising, on or after the date of the enactment of this proviso, out of assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution. For the purpose of this subsection, "investigative or law enforcement officer" means any officer of the United States who is empowered by law to execute searches, to seize evidence, or to make arrests for violations of Federal law.

(i) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(j) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.

(k) Any claim arising in a foreign country.

(l) Any claim arising from the activities of the Tennessee Valley Authority.

(m) Any claim arising from the activities of the Panama Canal Company.

(n) Any claim arising from the activities of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives.

(June 25, 1948, ch. 646, 62 Stat. 984; July 16, 1949, ch. 340, 63 Stat. 444; Sept. 26, 1950, ch. 1049, §§ 2(a)(2), 13(5), 64 Stat. 1038, 1043; Aug. 18, 1959, Pub. L. 86-168, title II, § 202(b), 73 Stat. 389; Mar. 16, 1974, Pub. L. 93-253, § 2, 88 Stat. 50.)

Kenneth F. Collier
C/O SPOTLIGHT
300 Independence Ave. S.E.
Washington, D.C.

Mr. Mark Shoheen
Director, Office of Professional Responsibility
Washington, D. C.

June 6, 1984

Dear Mr. Shoheen:

This communication is to formally lodge a Complaint against the Justice Department's chief vote-fraud prosecutor, Departmental Attorney Craig C. Donsanto for taking specific actions to cover-up and suppress proof of vote-fraud in Dade County, Florida since 1972, through 1982.

The evidence upon which this Complaint is based consists of documented and videotape material which conclusively shows the manner and methods used by the vote-fraud perpetrators during the above mentioned time period to accomplish their county-wide vote-rigging, all of which evidence has been ignored, covered-up or suppressed by Mr. Donsanto.

The comprehensive F.B.I. file on these cases has provided us with the material to prove that Mr. Donsanto has known about each of the rigging schemes and has conspired with others to keep the "lid" on, possibly for his own financial benefit.

Among the vote-frauds we have documented from the F.B.I. file on Dade County, Fla. are those involving forgery; total non-certification of entire elections; confiscation of voting-machine keys from all poll workers; massive ballot-tampering by private political club members on election night; mass perjury-suborned poll workers who were forced to sign fraudulent statements on Janva Reports in order to receive their pay from the perpetrators who run

OPPOSITION Exhibit "R" page 1

PAGE TWO

MARK SHARHEEN
COMPLAINT RE: Craig. C. Donsanto

This brief letter conforms with the requirement that a Complaint must be lodged on the record in order for your office to take appropriate action.

We stand ready to flesh out the accusations articulated here with every manner of evidence, much of which has been published and has gained widespread support for the calling to account of Mr. Donsanto, the one individual in the government with authority to order investigations and/or prosecutions of vote fraud perpetrators.

Unfortunately, as we see from the F.B.I. file, Mr. Donsanto has mocked the intent of the Justice Department when it initiates Mr. Donsanto's exclusive position and the undersigned represent the de-frauded voters of Dade County in demanding that your office take action to remove Mr. Donsanto from his position and to verify the accuracy of our documented charges as already verified in the F.B.I. file referred to herein.

We seek Mr. Donsanto's arrest and trial on obstruction of justice and conspiracy to obstruct justice for refusing to act in any of the above-described frauds, but particularly the Nov. 2, 1980 Dade County election where massive vote-tampering was actually VIDEOTAPED.

This communication was typed at the City Desk of the Miami Beach Examiner by its Editor-in-Chief, who was cameraman on the videotape production.

Sincerely,

Kenneth F. Collier

Kenneth F. Collier
Phone: 544-1794 Washington D.C.

Opposition Exhibit "B" page 2



U.S. Department of Justice

Office of Professional Responsibility

(H)

Washington, D.C. 20530

APR 19 1985

Mr. Kenneth Collier
300 Independence Avenue, S.E.
Washington, D.C. 20003

Dear Mr. Collier:

This is in response to your recent telephone inquiries about the status of the allegations you brought to this Office concerning election fraud in Dade County, Florida and the government's response to that information.

Please be advised that we still have the matter under review and will advise you of the results of that review when it is concluded.

Sincerely,

MICHAEL E. SHAHEEN JR.
Counsel

By:

David P. Bobzien
David P. Bobzien
Assistant Counsel

OPPOSITION
Exhibit "C"

*Call [unclear]
300 av
4/30/85*

*Call [unclear]
Dade Co*

JOHN W. WARNER
VIRGINIA

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P15
200
Richmond 23219
804 441 3279

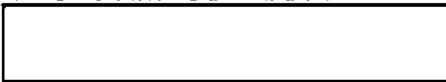
U.S. Postal Post Building
1100 East Main Street
Richmond 23219
804 771 2579

United States Senate
WASHINGTON, D.C. 20510

SENATE COMMITTEE ON
LEGISLATION
SUBCOMMITTEE ON
CONSTITUTIONAL AFFAIRS
1000 SENATE BUILDING
WASHINGTON, D.C. 20540

February 7, 1985

Mr. John Cardwell



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Dear Mr. Cardwell:

Enclosed is the letter that I have received from the Department of Justice in response to my inquiry on your behalf concerning the newspaper articles that you sent to my office..

I hope that this information is helpful. If my office can be of assistance to you in any other way, please let me know.

With all good wishes,

Sincerely,

John W. Warner

JWW/kjk

OPPOSITION
EXHIBIT "D"

Delivered to [redacted] Congressman

7/10/05 Kenneth [redacted] James M. Collier

Received 7-10

SPECIAL REPORT

NEWS ELECTION SERVICE ORGANIZES FOR TALLYING ACCURACY AND SPEED

News Election Service (NES) is the only organization in the nation to tally on election night all votes nationwide for President, Congress and governor. For this special report, ELECTION ADMINISTRATION REPORTS observed the NES system in operation April 10 during the Pennsylvania Primary Election.

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Prior to the 1964 general election, each network and wire service compiled its own election night tally and reported results independently. Because each system obtained results in a different sequence, the vote totals reported during the evening by the networks and wire services could vary dramatically. This occurred during the 1964 California Presidential Primary Election between Sen. Barry Goldwater, R-Ariz., and New York Governor Nelson Rockefeller.

To provide consistency and confidence election night vote totals, the three major networks, ABC, CBS and NBC, together with the AP and UPI wire services established News Election Service as the agency to gather and disseminate the election results. NES works full time at this task and has no other function.

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NES utilizes two separate tally systems. It tabulates the vote from precinct returns for fast early results and from county or municipal figures to obtain the complete totals. The Pennsylvania election night operation was typical. NES reported votes for presidential preferences and for delegates to the Democratic national convention. Individual delegate totals were important because delegates were directly elected, not apportioned on the basis of presidential preference voting. NES also reports on U. S. Senate and gubernatorial primary election results but there were no such races in Pennsylvania this year.

Precinct reporters were stationed at about one-half of the state's 9,560 polling places to telephone voting machine totals. Other reporters were stationed at the central counting location in each of Pennsylvania's 67 counties to report results as soon as the county made unofficial election night returns available.

The telephone calls were answered in a Brooklyn office building where NES employed 185 persons to process the returns. Seventy of these responded to telephone calls from precinct reporters and another fifteen took calls from county reporters. The seventy precinct telephones were connected in sequence so that a line would always be available. At no time April 10 were all lines being used. All phones were equipped with an attachment which flashed an electric light rather than ringing to indicate a call. The flashing lights made it easy for supervisors to monitor the process. As soon as each call was completed, a runner took the result to the tabulation section where the number was entered into the system at one of 54 precinct tabulation terminals.

Fifteen operators accepted county results which were then delivered to one of six county tabulation terminal operators for entry into the system.

Before accepting a precinct or a county total, the computer checked the information against the system parameters. For example, if the number of precinct votes reported exceeded the number of registered voters in the largest precinct in that county, the system is programmed to reject the result.

This Report reveals ALL U.S. ELECTIONS ARE RIGGABLE BY NETWORK COMP.

Similarly, for county returns, if the number of precincts reporting or votes reported by the county decreases, or if it exceeds the number of voters registered in the county, the system will reject the data and the new numbers must be checked at the source.

Early in the evening, returns from precinct telephone calls provided most of the results reported by NES. Soon, however, some county tally systems began to overtake the totals from precincts. When the number of votes reported from a county location exceeds the numbers reported from polling places in that county, the system switches to the county report. The precinct reports continue to be accepted and are used as a check against the county numbers.

This dual tally system enables NES to provide some early returns quickly and yet ensure that the totals will eventually be identical to those reported by the county. The early precinct totals provided by NES and fed by the wire services to many small subscribers provide the first on-the-air returns for many radio and television stations. Because these returns are often broadcast before any precinct officials have submitted precinct tally sheets to the county officials, media pressure on county election officials for the first results is greatly reduced.

NES executive director Robert Flaherty emphasized however, that accuracy not speed, is the most important feature "and we go to great lengths to get it." The day after the election, NES calls to verify each county result because the NES totals for statewide races and for some congressional races may be the single source of vote totals for these races until official returns are compiled.

an illegal monopoly

NES reported its Pennsylvania totals continuously with new figures every five minutes and new tables including presidential voting by county every fifteen minutes. It also reported results of the vote for delegates to the national convention at thirty minute intervals.

NES records and tallies county returns for as long as it takes the counties to report until the state is completed. There is a complete back-up system of computers in case the main system fails. County results are fed into the back-up system throughout the night so that it can be utilized whenever needed.

To ensure completeness of reporting, NES will tally what some jurisdictions do not. For example, Luzerne County, Pa. decided not to compile voting machine totals for delegates to the party national conventions on election night. Because it had this information in advance of the election, NES sent six people to the Luzerne County courthouse to obtain vote totals for candidates for delegate from the precinct reports. These totals were then telephoned to NES and reported election night.

Flaherty said the system is dependent upon the cooperation of local election officials with NES state and area managers. "Almost all county officials and precinct officials have been most willing to help us obtain the numbers," he said.

Flaherty pointed out that NES works only with the vote totals and does not conduct any surveys or exit polls. These are done by the networks or by other news organizations but not by NES.

NES precinct reporters are recruited from a wide variety of civic

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etc*

private political club

organizations including the League of Women Voters, 4-H groups, church groups and college students. Many of the NES central election night workers - similar to polling place workers - return year after year because they feel they are part of something important. But even with experienced workers, nothing is taken for granted. Prior to each election night, there is an extensive rehearsal during which the entire system is tested. Test election returns are telephoned and processed. Even the messengers are rehearsed to make certain that all reports are delivered to the correct locations in the shortest time possible without jamming aisles.

NES election night employees each have one task and one task only. Precinct telephone operators answer only telephone calls from precincts, county operators only from counties, and messengers do not answer telephones. Almost all precinct operators are released within four hours after the polls close, but the county operators will work throughout the night to obtain complete returns. For Pennsylvania, they worked well into Wednesday afternoon.

For the 1984 presidential election during which NES will tally and report all presidential, congressional and gubernatorial votes, a very similar organizational structure will be used. Three regional telephone locations - Chicago, Cincinnati and Dallas - will be established to process precinct telephone calls, with the results electronically transferred to a central location in the New York City area. All county returns will be telephoned directly to the central location.

NES expects to install 350 telephones at each region and 500 at its central location to respond to the calls from the 90,000 of the 179,000 precincts and from the 5,000 jurisdictions responsible for a federal election. More than 1,500 people will work at the three regional locations, and another 800 at the national center. *Private Corp. with a monopoly on unofficial "earshot" vote total*

Before the night is over, NES will have tallied more than 80 million votes for president, almost that many for candidates for the House of Representatives, another 50 million for U.S. Senate candidates and additional millions of votes for governor from the 13 states that have a gubernatorial election this year. *is U. elec*

INFO BANK

U.S. to probe '84 election computer

By DAVID BURNHAM
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 nonmilitary agencies such as the Federal Reserve Board and the Federal Aviation Administration and for such private purposes as banking.

The Computer Security Center was established three years ago to improve the security of computers within the military services but was recently given a broader mandate. The annual budgets and number of employees of the agency and the center are secret.

"We have no interest in any particular election," Levin said. "We are only interested in the possible misuse of computers to compile election results."

But Rep. Dan Glickman, chairman of a House Science and Technology subcommittee that has held hearings on the role of the Computer Security Center, said he had "serious reservations" about a Defense Department agency such as the

center's becoming involved in computer systems handling sensitive civilian matters like elections.

"The computer systems used by counties to collect and process votes has nothing to do with national security and I am really concerned about the National Security Agency's involvement," said Glickman, a Kansas Democrat.

The target of the Computer Security Center's investigation is the vote-counting program of Computer Election Systems 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.

Levin said the Computer Security Center became interested in the question of the vulnerability of the company's programs because of separate pending lawsuits, brought in Indiana, West Virginia, Maryland and Florida, which have challenged the election results processed by it.

Two independent experts and expert computer consultants hired by the plaintiffs in three of the states have said the company's program used to process votes in West Virginia, Indiana and Maryland in 1980, 1982 and 1984 was poorly designed and subject to secret manipulation. In Indiana and West Virginia the company and county officials are charged with fraudulent manipulation of the votes. The suits in the other two states are aimed at county officials and not specifically the company.

John H. Kemp, president of the company, and county officials involved in the four lawsuits have denied that they were involved in any fraud and have strongly defended the design of the company's vote-processing system.

After the publication of a report about these allegations in late July, Frank Wiadkowski, an official in the Computer Security Center, traveled to California to interview Kemp. He has also been interviewing other experts in the field.

"That directive calls upon us to improve the security standards of computers used for various applications all over the country," he said. The spokesman added that the center's major role was to develop security standards that computer concerns would then adopt.

Various aspects of the president's order broadening the Computer Security Center's role in protecting information of civilian agencies and in applying security measures have been questioned by Congress's General Accounting Office and the Institute for Electrical and Electronic Engineers, the world's largest engineering society.

In testimony before the House Government Operations Committee last week, for example, Milton J. Secolar, special assistant to the head of the accounting office, said the new role given the National Security Agency and the center by Reagan's directive "raises basic questions concerning the extent to which the Defense establishment should be involved in policy formulation and program administration within the Government's civilian agencies."

RECEIVED
Civil Clerk's Office

JUN 30 1986

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

Superior Court of the
District of Columbia

CA05225-'86

1. KENNETH F. COLLIER
2. JAMES M. COLLIER
c/o HOME NEWS
300 Independence Ave., S.E.
Washington D.C. 20003
Phone 544-6254
544-3066

Plaintiff(s)

vs.
1. ANTONIN SCALIA (PRIVATE CITIZEN)
c/o Court of Appeals for D.C.
U.S. Courthouse, 3rd Floor
Constitution Ave., N.W.
Washington, D.C. 20001
2. REPUBLICAN NATIONAL COMMITTEE
301 First St., S.E.
Washington, D.C. 20003
Resident agent FRANK FAHRENKOPF, JR.

Defendant(s)

CIVIL ACTION No. _____

FRAUD/MALICIOUS interference
TORT ACTION IN DAMAGES ARISING FROM
CIVIL CONSPIRACY TO TAMPER WITH
COURT RECORDS TO ABRIDGE CIVIL RIGHTS
PER 42 U.S.C. 1985(c): CONVERSION

Comes now the Plaintiffs: **COMPLAINT**

- Jurisdiction of this court is founded on D.C. Code Annotated, 1973 edition, as amended, Sec. 11-921.
- Plaintiffs are residents of the District of Columbia, appearing pro se.
- Defendant SCALIA is regularly employed in the District of Columbia and Defendant Republican National Committee, an unincorporated Association, has its principal offices in the District.
- This is an action for damages-in-tort with respect to several overt acts committed by Defendants in furtherance of a civil conspiracy to deny Plaintiffs their civil rights and property rights by means of unlawfully tampering with court records, to attain a result which Defendants mutually sought to be accomplished, namely: the expedient dismissal of a \$20 million lawsuit (CA 10935-84) against the R.N.C. which had previously cleared every legal hurdle in surviving summary judgments and which lawsuit appeared headed toward a time-certain for a trial date when Defendant SCALIA activated his end of the scheme by acting under color of his judicial employment to add prejudicial language off-the-record and off-the-bench to an ORDER of the three judge appeals panel and thus to use his high-profile celebrity-status as rumored heir-apparent to the U.S. Supreme Court to provide a physical memorandum for use by R.N.C. attorneys to enter into evidence in the D.C. Superior Court for the since-accomplished purpose of using the under-the-table "message" to wrongfully influence co-conspirator D.C. Associate Judge HENRY F. GREENE to violate local Rules 12-1/h and 12-1/n by agreeing to "hear" an illegally "filed" motion to "reconsider" the previously entered Order of Judge NICHOLAS NUNZIO, and thereby to unlawfully deprive the Colliers of their hard-won legal position in CA 10935-84 and their civil rights to pursue their claims in Court without interference and cronyism surreptitiously undermining their efforts. The times and dates of the complained-of memorandum and its subsequent use as above are contained on the face of the Exhibits attached hereto and made a part hereof, and have occurred within the years 1985 and 1986. The transcript of the GREENE hearing was tampered-with by GREENE, a co-conspirator (as above) who had been promptly sued by the COLLIERS (attached) in Case#0440-86, Sup. Ct. for his above-described role in the conspiracy, also involving an attorney hired by the R.N.C. to "fix" the R.N.C. case by entering the SCALIA "memorandum" into the GREENE hearing to exonerate a mutual friend/colleague (CRAIG DONSANTO) from testifying.
- Plaintiffs were damaged as a proximate ^{cause} of the aforesaid acts of Defendants.

Wherefore, Plaintiff demands judgment against Defendant in the sum of \$ 20,000,000 plus (TWENTY MILLION DOLLARS) sanctions and punitive damages.

with interest and costs. Plaintiffs demand a jury trial but will file this action at the \$45.00 rate with the intent to pay any further fees

Phone: 544-6254 KENNETH F. COLLIER

DISTRICT OF COLUMBIA, ss whenever appropriate.
and James M. Collier

~~Kenneth F. Collier~~ _____, being first duly sworn on oath deposes and says that the foregoing is a just and true statement of the amount owing by defendant to the plaintiff, exclusive of all set-offs and just grounds of defense.

(Plaintiff) _____ (Agent)

Subscribed and sworn to before me this _____ day of _____ 19____

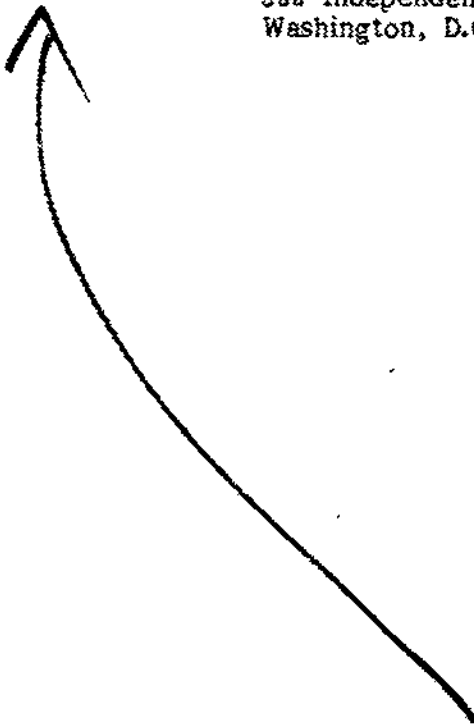
(Notary Public/Deputy Clerk)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Reconsider has been mailed, postage prepaid, this 17th day of December, 1985, to:

Kenneth F. Collier
James M. Collier
300 Independence Avenue, S.E.
Washington, D.C. 20003

Lawrence E. Carr, Jr.
Lawrence E. Carr, Jr. *LAC*



NOTE:

This is the "motion" filed by R.N.C. attorneys without the necessary LEAVE of COURT ^{in violation} (Rule 12-I/n) so that the Tainted SCALIA MEMO could be "entered" per the plan between Defendants.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

FILED
JAN 16 1986
Superior Court
of the
District of Columbia
Washington, D. C.

CA 0440-86

KENNETH F. COLLIER

JAMES M. COLLIER, Plaintiff(s)
300 Independence Ave., S.E. (S.E.)
Wash. D.C. 20003

vs.

CIVIL ACTION No. _____

LAWRENCE E. CARR, JR.
1919 Penn Ave. N.W., Suite 700, Wash D.C. 20006

HENRY GREENE
c/o D.C. Superior Courthouse, Wash. D.C. Judge's
Chambers, 3rd floor

Defendant(s)

COME NOW THE PLAINTIFFS AND SAY: COMPLAINT (CIVIL CONSPIRACY TO DENY DUE PROCESS and equal access to due process by fraud)

1. Jurisdiction of this court is founded on D.C. Code Annotated, 1973 edition, as amended, Sec. 11-921.
2. THAT Plaintiffs are residents of the District of Columbia, appearing pro se.
3. THAT each defendant is a resident of the District of Columbia and/or conduct their principal business activities and job activities in the District of Columbia.
4. 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 10935-84) both on and off the bench.
5. 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 relates 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 (1/6/86) 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.
6. 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.
7. Plaintiffs were damaged as a proximate cause of Defendants' acts. RE: Amount of suit #10935-1

Wherefore, Plaintiff demands judgment against Defendant in the sum of \$20,000,000.00 plus punitive damages:

with interest and costs.

(TWENTY MILLION DOLLARS) five damages:

Plaintiffs demand jury trial
BUT WILL FILE THIS ACTION AT
THE \$60 RATE WITH THE INTENT TO PAY
THE ADDITIONAL \$60 TIMELY.

DISTRICT OF COLUMBIA, ss
Kenneth F. Collier,

James M. Collier, being first duly sworn on oath deposes and says that the foregoing is a just and true statement of the amount owing by defendant to the plaintiff, exclusive of all set-offs and just grounds of defense.

Kenneth F. Collier
Kenneth F. Collier pro se
Phone: 544-3066 544-6254

James M. Collier
James M. Collier pro se

Kenneth F. Collier
Kenneth F. Collier
(Plaintiff) James M. Collier Agent)

Subscribed and sworn to before me this 16 day of January 1986

Lori Petersen
(Notary Public/Deputy Clerk)

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THE COURT: What?

MR. CARR: That was the purpose of going to the OPR.

THE COURT: But is the OPR in the record here?

MR. COLLIER: How do you mean in the record, is it mentioned?

THE COURT: Yes, sir.

MR. COLLIER: Yes, sir.

THE COURT: Did you, in fact, go to the OPR and claim you were not treated properly by Donsanto because he was the proper person to see about these things?

MR. COLLIER: Yes, sir, but not because he was the proper person; because he was the person whose name was uttered.

MR. CARR: Your Honor, the genesis of the lawsuit in United States District Court filed against Donsanto and that department is the fact that he was the proper official and refused to carry out the prosecutorial mandate, and intimidated them as witnesses and refused to follow up on the complaint they brought to him.

THE COURT: As part of one of your pleadings, you attached something in connection with that District Court suit.

MR. CARR: It's probably nothing more than the name of the suit, Your Honor.

PENGAD CO., DAYTON, N.J. 07001 FORM 740

1 MS. KANE: We attached, I think, a copy of the
2 complaint, a copy of the dismissal of that complaint by
3 Judge Pratt, and I think, also, a copy of the decision by
4 the Court of Appeals which indicates that decision was
5 reversed. It was remanded for consideration one more time.

6 THE COURT: All right. Just a moment.

7 (A pause)

8 Mr. Collier, in fact, alleges knowledge, in his
9 very complaint filed in District Court, which is part of
10 the record in this case, Donsanto had exclusive capacity
11 in the Justice Department to determine the validity of
12 any and all evidence with respect to voting fraud or
13 election fraud prosecutions originating in the public
14 integrity section.

15 Now, Mr. Collier, you come to this Court and you
16 allege that the Defendants failed to assist in putting you
17 in touch with the proper state and federal officers, and
18 then you go to the United States District Court and allege
19 in a complaint against that official that he was -- that
20 the very person you were referred to by the Defendants was,
21 in fact, the proper official.

22 Now, are you alleging he was the proper official,
23 or not?

24 MR. COLLIER: It turned out, Your Honor, that he
25 was not, but at the time we wrote the complaint --

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

JAMES M. COLLIER and
Kenneth F. Collier
300 Independence Ave. S.E.
Washington D.C. 20003 Plaintiff(s)

CA 10935-84

REPUBLICAN NATIONAL COMMITTEE, by
and through and in addition to
its Chairman FRANK FAHRENKOPF and
its Principal Legal Counsel
MARK BRADEN acting as resident agent.

CIVIL ACTION No. _____

310 1st St. S.E. Defendant(s)
Republican National Committee Bldg.
Washington, D.C. 20003 COMPLAINT

1. Jurisdiction of this court is founded on D.C. Code Annotated, 1973 edition, as amended, 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 and 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 furing 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, doing so at the risk of our lives and at the peril of our families. Our efforts produced vital information.
6. THAT Defendant, by and through its chief counsel and agent Mark Braden, acknowledged in writing (May 30, 1984) its knowledge of Plaintiff's substantial compliance with the "Reward Program", absent an arrest in the case, admitting Plaintiffs had "obtained information." (Please see EXHIBIT "B", attached hereto and made a part hereof)) Defendant BRADEN and Defendant FAHRENKOPF co-authored the memo's content.
7. THAT Defendant failed to make any effort to get State or Federal proceedings started
8. THAT as a result of the foregoing misrepresentation Defendants have caused Plaintiff to suffer impoverishment, mental anguish, anxiety and permanent threats to their lives

Wherefore, Plaintiff demands judgment against Defendant in the sum of \$ \$20,000,000 (TWENTY MILLION DOLLARS) with interest and costs. *12 person jury demand*

[Signature]
Plaintiffs
Phone: 544-3066

DISTRICT OF COLUMBIA, SS

James M. Collier and Kenneth F. Collier, being first duly sworn on oath deposes and says that the foregoing is a just and true statement of the amount owing by defendant to the plaintiff, exclusive of all set-offs and just grounds of defense.

[Signature]
[Signature]
(Plaintiff) (Agent)

Subscribed and sworn to before me this 6th day of August 1984

[Signature]
(Notary Public/Deputy Clerk)

Republican
National
Committee

EXHIBIT "A"

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.

In order to help in such efforts, the Republican National Committee has decided to post a reward of \$5,000.00 to any citizen who gives information which 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 Catharine Gensior at 202/484-6638.

Very truly yours,

Richard Richards

RR:jd

cc: State Chairmen
CLA Members



Republican
National
Committee

E. Mark Braden
Chief Counsel

Catherine E. Genslor
Michael A. Hess
Deputy Chief Counsels

7/2/84
EXHIBIT "B"
May 30, 1984

Mr. Kenneth F. Collier
Washington, D. C.

RE: Ballot Security - 1982

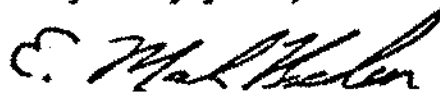
Dear Mr. Collier:

This will acknowledge receipt of the letter from you and James M. Collier, dated May 15, 1984, concerning the Republican National Committee's Ballot Security program during the 1982 elections.

As the attached news release, dated October 20, 1982, clearly specifies, the Republican National Committee offered a \$5,000 reward to individuals who gave information leading to the arrest, conviction, and punishment of any election official who violated state or federal laws against voting fraud. This criteria must be satisfied by individuals claiming entitlement to the reward.

Although the information you have obtained may contain material which will lead to the arrest and conviction of election officials, it has not, as of this date. I strongly urge that you provide your information to all law enforcement agencies which may have jurisdiction over these matters. The Committee looks forward to issuing the reward when its terms have been met. Your concern in regard to fair elections is shared by the Republican National Committee.

Very truly yours,



E. Mark Braden

EMB:jd
Enclosure

JAMES M. COLLIER
KENNETH F. COLLIER

935 '81 VOL. I

DISTRICT OF COLUMBIA
COURT OF APPEALS

VERSUS

REC'D

W.C. Newman
Clerk

REPUBLICAN NATIONAL COMMITTEE, by
and through and in addition to
its chairman Frank Fahrenkope,
and principal Lega counsel Mark Braden

VOL I 1 of 3

DATE	COURT CLERK'S MEMORANDUM	JUDGE
31 1985	REVENUE REFUND	
	MAR 13 1985	
2-27-85	Refund of \$10.00 Motion Filing Fee duplicated on 5-30-85	
MAY 21 1985	REVENUE REFUND VOUCHER TO D.C. TREASURER - SEE COPY FILED. FINANCE OFFICE	
15-85	Judge Kennedy continued pre-trial scheduled for 6-26-85 - case to be reset in normal course of business - Deborah DeMille-Wagman, Civil Motions - atty Can for defr. called at 2:40 p.m. - message left at 544-3066 for plffs. at 2:45 p.m. RJGW	MICROFILM JUL 17 1985
14-85	Case #44: Discovery conference held and taken under advisement. D's oral mtr for leave to file mtr. for summary judgment - granted, case before 9-5-85. Response due by 9-13-85. P's oral mtr for leave to file cross mtr for summary judgment granted by committee. IT granted leave to take deposition of Mark Braden on hearing 9-3-85. Order to be presented.	4/11/85 Hawkins

W CV (6)-455/DEC 75

"INFORMATION" WHICH DEFENDANTS ADMIT PI

OBTAINED" IS RECOVERABLE BY A P

00,000.00 EA

REC'D

DISTRICT OF COLUMBIA
COURT OF APPEALS

APR 11 1985

W. S. Newman
Clerk

James M. Collier, et al.

VERSUS

Republican Nat'l Committee

VOL II 2 of 3

DATE	COURT CLERK'S MEMORANDUM	JUDGE
12-86	James and Kenneth Collier present in court at 1:30 pm for "preliminary matter" asking for ruling on plaintiff's "petition for chief judge to hear pending motion to Nullify Proceedings." After full hearing on the record said petition is denied	von Kann
2/10/86	Notice of Appeal filed	
2/14/86	The jacket entry dated 12/9/85 is amended to show the courts ruling (order filed 12/10/85) of the motions heard on 12/9/85 as follows: Def'ts motion for Partial Summary Judgment as to punitive damages is granted. Def'ts motion for Summary Judgment as to liability is denied. Amendment made per Judge von Kann's instructions after P. 117. Kenneth Collier having much such a request on 2/12/86.	1985 1986 von Kann
2/10		

REC'D DISTRICT COURT OF APPEALS

8/15/85

Order granting authorization for...
before 9/3/85. Pl's oppo/
Cross S.G. before 9/13/85.
Ordering Civ. Assigned to set hearing
at earliest available date. J. Greene
Motion Set For Hearing, 12-9-85 @ 1045 A.M. Justice Sent.

307 13 1995

12/7/85

attys. called and case present.
Defendants' motion for partial
summary judgment is granted as to
order to be submitted.

2/14/86
J. Green Kern
summary damages

1-6-85

Def's motion for summary judgment as to liability is denied.
Pre-trial hearing continued for 1-9-86
at 10:00 a.m. Motions for reconsideration
of summary judgment will also be
heard. This matter was handle in chambers
with all parties present.

1-9-86

O.C.R. Edna Simms. All parties present.
Plaintiff's motion for reconsideration of Judge
Nunzio's ruling granting defendant's
motion for summary judgment as to punitive
damages granted. Defense motion for recon-
sideration of Judge Nunzio's ruling
denying motion for summary judgment
as to liability granted. Motion for
summary judgment granted. Defendant to
prepare an order within the next few business
days. Exhibit filed herein. CHM 4/7.

1-13-86

Plaintiffs' Motion to Nullify "Proceedings" emanating
from Star Chamber and "Secret" Courtroom #47
filed this date.

1-15-86

Defendants' Opposition to Plaintiffs' Motion to Nullify
filed this date.

1-23-86

Order denying Plaintiffs' Motion to Nullify signed
and filed this date.

J. Green
MICROFILM Greene
JAN 27 1986
J. Greene
J. Greene

IN THE
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CIVIL DIVISION

FILED

OCT 15 1984

Superior Court

No. CA 10935-84

JAMES M. COLLIER
and
KENNETH F. COLLIER,
Plaintiffs,

vs.

REPUBLICAN NATIONAL COMMITTEE,
et al.
Defendants.

ORDER

This cause having been heretofore taken under advisement on the motion of the defendants to dismiss the complaint after due consideration of the pleadings and briefs filed herein and the Court

finding that it is being requested to consider matters outside the pleadings,

It is ordered that motion to dismiss for failure to state a claim is denied without prejudice to the defendant's filing of a motion for summary judgment.

Dated: 10/15/84


Judge of the Superior Court

Judge N. Nuzzio

Plaintiffs, Pro Se:

James M. Collier
Kenneth F. Collier
300 Independence Avenue, S. E.
Washington, D. C. 20003

Counsel for Defendants:

Michael A. Hess
310 First Street, S. E.
Washington, D. C. 20003
D. C. Bar No. 940270

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

FEB 1984
DEC 1984

JAMES M. COLLIER,
KENNETH F. COLLIER,

Plaintiffs,

vs.

Civil Action #0935-84

REPUBLICAN NATIONAL COMMITTEE,
et al.,

Defendants.

ORDER

The Court has considered the defendants' motion for summary judgment and the plaintiffs' opposition filed with respect thereto. The Court finds that there are material facts in dispute. Accordingly, it is this 4 day of ^{December} ~~November~~, 1984,

ORDERED that the defendants' motion for summary judgment is denied.

Colleen M. ...
JUDGE

Michael A. Hess, Esq.
310 First Street, S. E.
Washington, D. C. 20003

MF10

DE -

*Circled phrase above
(emphasis added)
by Plaintiff 1/13/86
for motion
argument*

IN THE SUPERIOR COURT
of the
DISTRICT OF COLUMBIA/ civil division

JAMES M. COLLIER

and

KENNETH F. COLLIER,

Plaintiffs

vs.

REPUBLICAN NATIONAL COMMITTEE,

at al.

Defendants.

CA 10935-84

ORDER

THIS CAUSE having ~~been considered~~ ^{been considered} ~~on~~ ^{on} the motion of the Plaintiffs to compel the testimony under deposition of Mr. Richard Richards ~~on the date of~~, Plaintiffs' motion is hereby granted.

It is so ordered that as October 26th has passed, the plaintiffs and Mr. Richards are to agree to a date, on or before, ~~January 4, 1985~~ for the taking of Mr. Richards' deposition.

January 4, 1985

Dated: _____

Collins W. ...
Judge of the Superior Court

Plaintiffs, Pro Se:
James M. Collier
Kenneth F. Collier
300 Independence Ave., S.E.
Washington, D.C. 20003

Counsel for Defendants
Michael A. Hess
310 First Street, S.E.
Washington D. C. 20003

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CIVIL DIVISION

FILED
MAY 3 - 1985
Superior Court
of the District of Columbia

KENNETH F. COLLIER, et al

*

PLAINTIFFS

*

v.

*

CA NO. 10935-84

REPUBLICAN NATIONAL COMMITTEE
et al

*

DEFENDANTS

*

ORDER

The Court has considered the plaintiffs' motion to amend, the opposition thereto and the plaintiffs' rebuttal. It is, this 31 day of May, 1985,

ORDERED, That the plaintiff's motion to amend is granted and that the plaintiffs are given leave to file and serve an amended complaint as requested, on or before May 31, 1985.

[Handwritten Signature]
JUDGE

COPIES TO: MAILED MAY 7 1985

Judge S. Holmes

Michael A. Hess, Esq
Republican National Committee
301 First St, S.E.
Washington, D.C. 20003

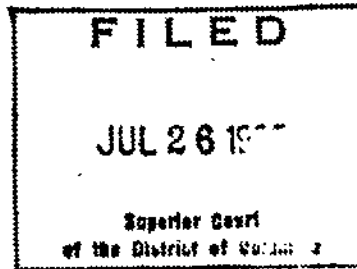
Kenneth F. Collier
James M. Collier
300 Independence Ave., S.E.
Washington, D.C. 20003

FILED

MAY 7 1985

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CIVIL DIVISION



KENNETH F. COLLIER, et al *

PLAINTIFFS *

v. *

REPUBLICAN NATIONAL COMMITTEE *
et al

DEFENDANTS *

CA NO. 10935-84

O R D E R

The Court has considered the following motions: 1) the plaintiffs' motion for sanctions and reasonable expenses for failure to appear for properly - noticed deposition; 2) the defendants' motion to dismiss; 3) the plaintiffs' motion to compel discovery and produce financial records; 4) the plaintiffs' motion for summary judgment; 5) the defendants' motion for continuance of pre-trial and; 6) the defendants' motion for partial summary judgment. The Court has also considered the oppositions and replies filed with respect to each motion. It is, this 26th day of June, 1985,

ORDERED, That the plaintiffs' motion for sanctions and reasonable expenses for failure to appear for properly - noticed deposition is denied. It is

FURTHER ORDERED, That the defendants' motion to dismiss is denied. It is

FURTHER ORDERED, That the plaintiffs' motion to compel discovery and produce financial records (filed on May 20, 1985 and refiled on May 30, 1985) is denied. It is

FURTHER ORDERED, That the plaintiff's motion for summary judgment is denied. It is

FURTHER ORDERED, That the defendants' motion for continuance of pre-trial is denied as moot in light of the sua sponte continuance by the Court on April 25, 1985. It is

FURTHER ORDERED, That a decision on the defendants' motion for partial summary judgment is held in abeyance until August 9, 1985, pending which the defendants are to supplement their motion with affidavits, and/or references to deposition testimony and answers to interrogatories. Said supplement is to be filed and served on or before July 24, 1985. The plaintiffs are to have until on or before August 9, 1985, to respond to the supplement. The supplement and the response are to be filed with the Civil Motions Commissioner. It is

FURTHER ORDERED, That this matter be scheduled for a discovery conference after August 9, 1985, pursuant to S.C.R. Civ. 26(g). It is

FURTHER ORDERED, That 10 days before the conference is scheduled the parties are to file and serve the following information:

- 1). a statement of the issues as they appear;
- 2). a proposed plan and schedule for discovery;
- 3). any limitations to be placed on discovery; and
- 4). any proposed orders with respect to discovery

It is

FURTHER ORDERED, That all discovery in this case is stayed pending the discovery conference. It is

FURTHER ORDERED, That this case be rescheduled for a pre-trial conference in the normal course of business.


JUDGE

COPIES TO: **MAILED** JUL 1 1985

Kenneth F. Collier
James M. Collier
300 Independence Ave., S.E.
Washington, D.C. 20003

Judge H. Kennedy
Lawrence E. Carr, Jr., Esq
1919 Penn Ave., N.W., Suite 700
Washington, D.C. 20006

MFLD

JUL 1 1985

AUG 16 1985

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
Civil Division

KENNETH F. COLLIER AND
JAMES M. COLLIER

Plaintiffs,

v.

REPUBLICAN NATIONAL COMMITTEE,
et al.,

Defendants.

Civil Action No.: 10935-84

MFLD

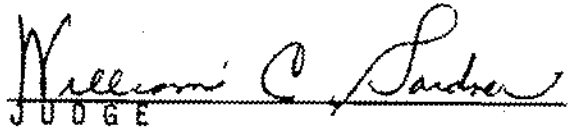
AUG 16 1985

ORDER

UPON CONSIDERATION of the oral motions of the plaintiffs and defendants for authorization to file motions for summary judgment, it is by the Court this 15th day of August, 1985,

ORDERED, that the parties herein be, and the same hereby are authorized to file motions for summary judgment. The motion for defendants shall be filed on or before September 3, 1985. The plaintiffs' opposition thereto and/or cross for summary judgment motion shall be filed on or before September 13, 1985, and it is,

FURTHER ORDERED, that the Civil Assignment Office shall set the hearing on the aforesaid motions at the earliest available date. Said hearing shall also include argument on defendants' pending Motion for Partial Summary Judgment as to Punitive Damages.


JUDGE

cc: Kenneth F. Collier
James M. Collier
300 Independence Avenue, S.E.
Washington, D.C. 20003

Lawrence E. Carr, Jr.
Kyle A. Kane
1919 Pennsylvania Ave., N.W.
Washington, D.C. 20006

August 16, 1985
Copies mailed to above-named counsel and plaintiffs, pro se,
at their respective addresses.

EXHIBIT "A"

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

FILED
IN OPEN COURT
DEC 10 1985
S. C. COURT
of the District of Columbia
Washington, D. C.

KENNETH F. COLLIER AND
JAMES M. COLLIER

Plaintiffs,

v.

REPUBLICAN NATIONAL
COMMITTEE, et al.

Defendants.

Civil Action No.: 10935-84

RECEIVED FOR DOCKETING
Civil Clerk's Office

DEC 17 1985

Superior Court of the
District of Columbia

ORDER

In consideration of the Defendants' Motion for Partial Summary Judgment as to Punitive Damages, their Motion for Summary Judgment as to Liability, the Plaintiffs' Oppositions thereto, and the premises considered, it is this 10 day of December, 1985,

ORDERED, that the Defendants' Motion for Partial Summary Judgment as to Punitive Damages be, and the same hereby is, GRANTED; and it is further

ORDERED, that the Defendants' Motion for Summary Judgment as to Liability be, and the same hereby is, DENIED.


The Honorable Nicholas S. Anzio

cc: Kenneth F. Collier
James M. Collier
300 Independence Avenue, S.E.
Washington, D.C. 20003

Lawrence E. Carr, Jr., Esquire
Kyle A. Kane, Esquire
1919 Pennsylvania Avenue, N.W.
Suite 700
Washington, D.C. 20006

MFLD

DEC 17 1985

This is the Order that Judge H. Greene "reversed" (?) Despite the fact that RULE 12-1/2 had been violated by Defendants' Counsel in order to get another (UNAUTHORIZED) "bite at the apple"

IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA CIVIL DIVISION

KENNETH F. COLLIER

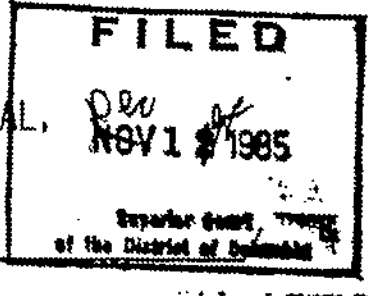
JAMES, M. COLLIER

PLAINTIFFS

V.

LEAGUE OF WOMEN VOTERS, ET AL,

DEFENDANTS



CA 05019 - 85

ORDER

THIS COURT, HAVING CONSIDERED THE ~~ARGUMENT OF COUNSEL~~ ~~IN THE~~ PENDING MOTION FOR ORDER TO COMPEL DISCOVERY HEREBY GRANTS SAID MOTION AND IT IS THE ORDER OF THIS COURT THAT RICHARD SMOLKA APPEAR FOR DEPOSITION IN THE ABOVE CAPTIONED CASE OR SCHEDULE A TIME TO SO APPEAR ON OR BEFORE Jan 15, 1986

[Signature]

JUDGE

MAILED ~~DECEMBER~~ 1985

[Signature] Judge N. Nunzio

COPY TO COUNSEL

PLAINTIFFS: KENNETH F. COLLIER

JAMES M. COLLIER

300 INDEPENDENCE AVE., S.E.

WASH D.C. 20003

MAILED DEC 18 1985
re-mailed w/ correct file stamp date.

DEFENDANTS

DANIEL WALDMAN, Esq.

ARNOLD AND PORTER LAW FIRM

1200 NEW HAMPSHIRE AVE., N.W.

WASHINGTON, D.C. 20036

MFLD
DEC 12 1985

RECEIVED

JAN 10 1986

CLERK OF
JUDGE GREENE

SUPERIOR COURT FOR THE
DISTRICT OF COLUMBIA

Civil Division

KENNETH F. COLLIER AND
JAMES M. COLLIER

Plaintiffs,

v.

REPUBLICAN NATIONAL
COMMITTEE, et al.

Defendants.

Civil Action No.: 10935-84

RECEIVED FOR DOCKETING
Civil Clerk's Office

JAN 14 1986

ORDER

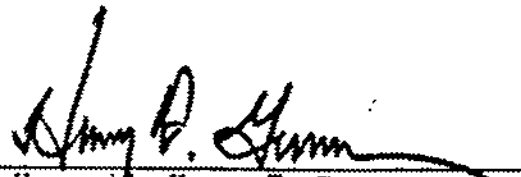
Superior Court of the
District of Columbia

In consideration of Plaintiffs' Motion for Reconsideration of the grant of Defendants' Motion Partial Summary Judgment as to Punitive Damages, Defendants' Opposition thereto, Defendants' Motion for Reconsideration of the denial of its Motion for Summary Judgment as to Liability, Plaintiffs' Opposition thereto and the premises considered, it is this 10th day of January, 1986

ORDERED, that Plaintiffs' Motion for Reconsideration be, and the same hereby is, DENIED, for the reasons stated by the Court in open court; it is further

ORDERED, that Defendants' Motion for Reconsideration be, and the same hereby is, GRANTED, for the reasons stated by the Court in open court; and it is further

ORDERED, that Defendants' Motion for Summary Judgment as to Liability, be, and the same hereby is, GRANTED for the reasons stated by the Court in open court.



The Honorable Henry F. Greene

cc: Kenneth F. Collier
James M. Collier
300 Independence Avenue, S.E.
Washington, D.C. 20003

Lawrence E. Carr, Jr., Esquire
Kyle A. Kane, Esquire
1919 Pennsylvania Avenue, N.W.
Suite 700
Washington, D.C. 20006

MFLD

JAN 14 1986

RECEIVED FOR DEPOSIT
Civil Clerk's Office

SUPERIOR COURT FOR THE
DISTRICT OF COLUMBIA

JAN 14 1986

KENNETH F. COLLIER AND
JAMES M. COLLIER

Plaintiffs,

v.

REPUBLICAN NATIONAL
COMMITTEE, et al.

Defendants.

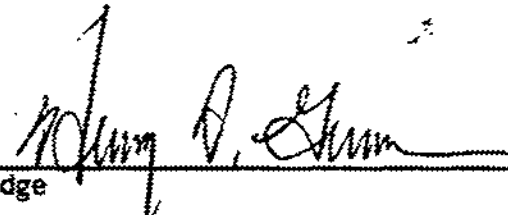
Superior Court
District of C.

Civil Action No.: 10935-84

ORDER

In consideration of Plaintiffs' Motion for Reconsideration,
Defendants' Opposition thereto, and the premises considered, it is this 13th day
of November, 1986,

ORDERED, that Plaintiffs' Motion be, and the same hereby is,
DENIED.



Judge

cc: Kenneth F. Collier
James M. Collier
300 Independence Avenue, S.E.
Washington, D.C. 20003

Lawrence E. Carr, Jr., Esquire
Kyle A. Kane, Esquire
1919 Pennsylvania Avenue, N.W.
Suite 700
Washington, D.C. 20006

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

RECEIVED FC
Civil Clerk's Office

Civil Division

JAN 23 1986

KENNETH F. COLLIER AND
JAMES M. COLLIER,

Plaintiffs,

v.

REPUBLICAN NATIONAL
COMMITTEE, et al.,

Defendants.

Superior Court of the
District of Columbia

Civil Action No.: 10935-84

ORDER

In consideration of Plaintiffs' Motion to Nullify
"Proceedings" Emanating from Star Chamber and "Secret" Courtroom
#47, Defendants' Opposition thereto, and the premises considered,
it is this 23rd day of January, 1986,

ORDERED, that Plaintiffs' Motion be, and the same hereby is,
DENIED.



J U D G E

cc: Kenneth F. Collier
James M. Collier
300 Independence Avenue, S.E.
Washington, D.C. 20003

Lawrence E. Carr, Jr.
Kyle A. Kane
1919 Pennsylvania Ave., N.W.
SuN.W.
Suite 700
Washington, D.C. 20006

JAN 23 1986

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

Civil Division

KENNETH F. COLLIER, et al., :
 :
 Plaintiffs, :
 :
 v. :
 :
 LAWRENCE E. CARR, JR., et al., :
 :
 Defendants :

Civil Action No. 0440-86

FILED
MAR 11 1986
Superior Court
District of Columbia

ORDER

Upon consideration of the motion of defendant ~~Henry R.~~ Greene to dismiss the complaint, and the memorandum of points and authorities filed in support thereof, ^{the opposition thereto} and it appearing to the Court that the complaint fails to state a claim against defendant Greene upon which relief can be granted, it is, by the Court, this 11 day of March, 1986,

ORDERED: That the motion of defendant Greene be, and the same is, hereby granted; and it is,

FURTHER ORDERED: That the instant complaint be, and the same is, hereby dismissed with prejudice against defendant Greene. ~~///~~


Associate Judge

MAILED MAR 12 1986

Judge S. Grace

CC: Candida Staempfli
Assistant Corporation Counsel, D.C.
Room 310 - District Building
Washington, D.C. 20004

James M. Collier
Kenneth F. Collier
c/o the Liberty Lobby
300 Independence Ave., S.E.
Washington, D.C. 20003

James F. Lee, Jr., Esquire
Carr, Goodson & Lee, P.C.
1919 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

MAILED
MAR 12 1986

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

KENNETH F. COLLIER,
JAMES M. COLLIER,

Plaintiffs,

v.

LAWRENCE E. CARR, JR.,

and

THE HONORABLE HENRY GREENE,

Defendants.

Civil Action No. 0440-86

FILED
MAR 11 1986
Superior Court
of the District of Columbia

ORDER

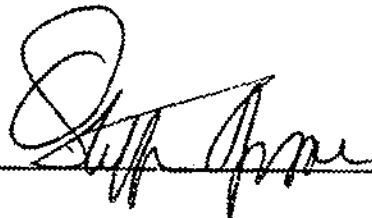
Upon consideration of the Motion to Dismiss of Defendant Lawrence E. Carr, Jr., the Opposition thereto, and the entire record, it is this 11 day of March, 1986,

ORDERED, that the Complaint be, and the same hereby is DISMISSED WITH PREJUDICE as to defendant Lawrence E. Carr, Jr., and it is further;

ORDERED, that ^{the} Plaintiffs ^{are to appear in Courtroom #9 on} April 1, 1986 at 10 a.m. to show cause why sanctions should not be entered against them pursuant to SCRCiv 11 as requested by the defendant, Lawrence E. Carr, Jr.

MAILED MAR 12 1986

JUDGE



Judge S. Grace

Copies To:

James F. Lee, Jr., Esquire
CARR, GOODSON & LEE, P.C.
1919 Pennsylvania Avenue, N.W.
Suite 700
Washington, D.C. 20006

MFLD

MAR 12 1986

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
Washington, D.C. 20001

FILED
IN OPEN COURT
APR 22 1986
Superior Court
of the District of Columbia
Washington, D.C.

Kenneth F. Collier
James M. Collier Plaintiff
v.
Lourence E. Carr, Jr.
et al Defendant

CA No. 440-86

ORDER

Upon consideration of the motion for summary judgment
filed by James M. Collier
and after hearing argument on behalf of all parties concerned, it is, by the Court, this
day of April, 1986

ORDERED:

(1) That the motion be, and it is hereby, GRANTED DENIED

(2) That summary judgment be granted to the plaintiff
because the defendant has failed to set forth
any facts which would entitle him to a trial.
The facts as stated in the motion are
conclusive and undisputed.

Copies to:

JUDGE

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

MAY 27 1986

CIVIL DIVISION

Superior Court of the
District of Columbia

KENNETH F. COLLIER, et al.
Plaintiffs

v.

CIVIL ACTION NO.
0440-86

LAWRENCE E. CARR, JR., et al.
Defendants

ORDER

This matter is before the Court by virtue of Plaintiffs' request for leave of Court to file a post-dismissal motion.

The instant action was dismissed by order of Judge Steffen Graae of this court. The basis for the dismissal was Defendants' motion to dismiss. The Plaintiffs now contend that Defendant Carr's motion to dismiss contained factual inaccuracies and misleading statements. On the basis of the alleged misrepresentations, Plaintiffs seek an order from this Court permitting them to file a post-dismissal motion seeking sanctions against Defendant Carr pursuant to Super.Ct.Civ.R. 11. It appears from Plaintiffs' written request, however, that the grounds upon which they seek sanctions were not raised with the trial judge who granted the motion to dismiss, either prior or subsequent to his ruling. This Court is of the view that the appropriate forum for Plaintiffs' claims is with the trial judge who ruled on the Defendant's motion, not with this Court. To find otherwise, would put this Court in the position of relitigating Defendant's motion to dismiss, which issue is not before this Court.

Wherefore, it is this 27th day of May, 1986

ORDERED that Plaintiffs' request to file a post-dismissal motion be and hereby is denied.

MFLE

MAY 27 1986

George Herbert Goodrich
GEORGE HERBERT GOODRICH
ACTING CHIEF JUDGE

JUN 4 - 1986

NM

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Civil Clerk's Office

JUN 2 1986

Superior Court of the
District of Columbia

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

KENNETH F. COLLIER, et al.
Plaintiffs

v.

CIVIL ACTION NO.
440-86

LAWRENCE E. CARR, et al.
Defendants

ORDER

On May 27, 1986, the Judicial Nominating Committee appointed Fred B. Ugast as the Chief Judge of this Court, said appointment to be effective Sunday, June 1, 1986.

Inasmuch as the Plaintiffs have requested that the pending matters be heard by the Chief Judge of the Court, it is this 2nd day of June, 1986

ORDERED that all pending matters be and hereby are certified to Chief Judge Fred B. Ugast.

George Herbert Goodrich
GEORGE HERBERT GOODRICH
ACTING CHIEF JUDGE

copies to:

Kenneth F. Collier
James M. Collier
300 Independence Avenue, S.E.
Washington, D.C. 20003

James F. Lee, Esquire
Carr, Goodson & Lee, P.C.
1919 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

MFLD

JUN 2 1986

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

FILED
JUN 12 1986
Superior Court
of the District of Columbia

KENNETH F. COLLIER and
JAMES M. COLLIER,

Plaintiffs,

v.

LEAGUE OF WOMEN VOTERS
EDUCATION FUND, DOROTHY
RIDINGS and LEAGUE OF
WOMEN VOTERS OF THE
UNITED STATES,

Defendants.

Civil Action No. CA05019-85

ORDER

Upon consideraton of the defendants' ^{unopposed} Motion for
Leave of Court to Permit the Defendants to File a Motion
for Summary Judgment and any opposition thereto, it is
this 12th day of June, 1986, by the Court,

ORDERED that defendants' Motion is hereby granted
and the defendants are permitted 35 days from the date
of this Order to file a Motion for Summary Judgment.

MAILED JUN 16 1986

Viguer L. Riley
Judge

Judge V. Riley

TO: Kenneth F. Collier
James M. Collier
300 Independence Avenue, S.E.
Washington, D.C. 20003

Daniel Waldman, Esquire
Arnold & Porter
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036

MFLD

JUN 16 1986

DISTRICT OF COLUMBIA
COURT OF APPEALS
REC'D JUN 17 1986
Clara S. Newman
Clerk

IN THE DISTRICT COLUMBIA COURT OF APPEALS

CIVIL DIVISION

KENNETH F. COLLIER

JAMES M. COLLIER

PLAINTIFF/APPELLANTS

V

REPUBLICAN NATIONAL COMMITTEE,

CIVIL APPEAL

ET AL.,

86-350

DEFENDANT/APPELLEES

MOTION TO STRIKE UNAUTHORIZED

"CORRECTED" TRANSCRIPT OF HEARING (OF 1/9/86)

WHICH IS CURRENTLY IN THE RECORD (OF THIS COURT)

(per: Rule 10 prima facie violation)

COMES NOW THE PLAINTIFF/APPELLANTS AND MOVE THIS HONORABLE COURT TO STRIKE THE ENTIRE TRANSCRIPT OF THE SO-CALLED "HEARING" OF 1/9/86, WHICH WAS HELD BEFORE THE HONORABLE JUDGE HENRY F. GREENE THAT DATE, AND AS CAUSE THEREFOR WOULD REFER THE COURT TO THE ACCOMPANYING MEMORANDUM IN SUPPORT OF SAID MOTION AND THE ATTACHED POINTS AND AUTHORITIES.

RESPECTFULLY SUBMITTED,

J. M. Collier

JAMES M. COLLIER PRO SE

Kenneth F. Collier

KENNETH F. COLLIER PRO SE

300 INDEPENDENCE AVE., S.E. WASH. D.C. 20003 PHONE 544-3066 544-6254

IN THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIVIL DIVISION

JAMES M. COLLIER

KENNETH F. COLLIER

PLAINTIFF/APPELLANTS

v

REPUBLICAN NATIONAL COMMITTEE,

ET AL.,

DEFENDANT/APPELLEES

CIVIL ACTION

86-350

MEMORANDUM OF POINTS AND AUTHORITIES

IN SUPPORT OF MOTION TO STRIKE TRANSCRIPT, ETC.

FACTUAL
BACKGROUND

1. ON JANUARY 9, 1986 A HEARING WAS HELD BEFORE THE HONORABLE JUDGE HENRY F. GREENE, RESULTING IN THE "REVERSAL" OF THE RULING OF JUDGE NICHOLAS NUNZIO (WHICH/^{RULING} WAS RENDERED A MONTH EARLIER AND WHICH RULING (NUNZIO DENIED SUMMARY JUDGMENT TO THE REPUBLICAN NATIONAL COMMITTEE AS TO LIABILITY.) AS A RESULT OF THE APPARENT ^{"in house"} REVERSAL, A CONTROVERSY AROSE.

2. COURT REPORTER EDNA SIMMS FROM THE SUPERIOR COURT COURT REPORTERS OFFICE TRANSCRIBED THE GREENE HEARING AND LATER HAD HER NOTES TYPED UP ONTO SPECIALLY DESIGNATED "ONIONSKIN" PAPER AS THE FIRST ORIGINAL COPY OF THE TRANSCRIPT OF THAT HEARING. (See Affidavit attached)

3. THEN EDNA SIMMS TURNED IN THAT FIRST ORIGINAL TYPED TRANSCRIPT TO THE COURT REPORTERS OFFICE, Rm 195, SUPERIOR COURT, AND SIGNED A CERTIFICATE OF COURT REPORTER (EXHIBIT A HEREIN) DATED FEB. 11, 1986.

4. THEN, SEVERAL DAYS LATER, EDNA SIMMS RECEIVED INSTRUCTIONS TO RETRIEVE THE SAID FIRST ORIGINAL TRANSCRIPT FROM THE COURT REPORTERS OFFICE AND TO TYPE IT ALL OVER AGAIN ON THE SAME SPECIAL "ONIONSKIN" PAPER RESERVED FOR ORIGINAL COPIES OF TRANSCRIPTS AND TO ALSO DATE IT 2/11/86 BUT THIS TIME SIMMS OBSERVED THE "BLUE-PENCILED" REVISIONS AND ALTERATIONS IN THE "PILOT COPY" WHICH HAD BEEN UNILATERALLY TAMPERED-WITH BY THE TRIAL JUDGE AND AS A RESULT SIMMS TURNED OUT A TOTALLY FALSE VERSION OF HER ORIGINAL "FIRST ORIGINAL" AND INSTEAD PRODUCED A "SECOND ORIGINAL" WHICH SIMMS THEN FALSELY CERTIFIED AS BEING THE ONE AND ONLY ORIGINAL TRANSCRIPT OF THE 1/9/86 PROCEEDINGS. THIS "SECOND ORIGINAL" WAS PASSED OFF ON THE COLLIERS AS THE ONE-AND-ONLY ORIGINAL, AND WAS USED IN PLEADINGS BY THE DEFENDANT/APPEES

5. WHEN QUESTIONS AROSE BY THE COLLIERS AS TO THE FACT THAT CERTAIN SUBSTANTIVE PORTIONS OF THE TRANSCRIPT APPEARED TO BE MISSING, YET A THIRD ORIGINAL COPY OF THE TRANSCRIPT WAS TYPED UP ^{ON "ONIONSKIN" PAPER} BY THE COURT REPORTERS OFFICE (USING COURT TAPES AS A SOURCE) AND IT IS THIS THIRD ORIGINAL "CORRECTED TRANSCRIPT" DATED MAY 16, 1986 WHICH PURPORTS TO BE THE EQUIVALENT OF THE FIRST ORIGINAL (AS ABOVE) AND WHICH CURRENTLY RESIDES IN THE FILE OF THIS CASE IN THE COURT OF APPEALS. NOTE: EDNA SIMMS' "CERTIFICATE OF REPORTER" APPEARS ON THIS THIRD VERSION THOUGH SHE DIDN'T TYPE IT

6. A GRAPHIC DIAGRAM IS ATTACHED TO THESE PLEADINGS WHICH ILLUSTRATES HOW THE THREE SEPARATE "ORIGINALS" CAME INTO EXISTENCE.

ARGUMENT

ONLY THE FIRST ORIGINAL TRANSCRIPT ^{WHEREVER IT IS} SHOULD BE ACCEPTED IN THE RECORD ON APPEAL, CERTAINLY NOT A TRANSCRIPT WHICH IS SELF-LABELED AS A "CORRECTED" TRANSCRIPT AND WHICH WOULD NEVER HAVE COME INTO BEING IF THE COLLIERS HAD NOT COMPLAINED ABOUT THE TAMPERED VERSION WITH WHICH THEY HAD BEEN DEVIOUSLY PROVIDED BY SIMMS.

"pilot version"

THE MERE FACT THAT THE FIRST ORIGINAL IS NOW "BLUE-PENCILED" AND APPEARS IN NO CONDITION TO BE MADE PUBLIC DOES NOT CHANGE OR SUSPEND

THE REQUIREMENTS OF THE RULES OF THIS COURT WHICH DEMAND THAT ONLY THE ORIGINAL TRANSCRIPT OR A ^{"CORRECTED"} VERSION WHICH HAS BEEN APPROVED AND STIPULATED BY THE TRIAL JUDGE AND THE PARTIES (RULE 10) BE ADMITTED INTO THE COURT OF APPEALS.

CONCLUSION

THERE IS ABSOLUTELY NO QUESTION ABOUT THE FACT THAT RULE 10 WAS VIOLATED BY THE TRIAL JUDGE IN THIS CASE, AS JUDGE GREENE SEVERELY "BLUE-PENCILED" SIMMS FIRST ORIGINAL "pilot" TRANSCRIPT, LEAVING OUT KEY WORDS AND PHRASES, AND DID SO WITHOUT ANY NOTICE WHATSOEVER TO THE COLLIERS. AS SUCH, THE SUBSEQUENT "REVISED" TRANSCRIPTS, INCLUDING THE ONE MADE BY THE COURT REPORTERS OFFICE, (5/16/ ARE WHOLLY LACKING IN AUTHENTICITY, AND IN FACT ARE FRAUDULENT, INCOMPLETE COUNTERFEITS OF THE VIRGIN ORIGINAL THEY WERE ARTFULLY DEvised TO SECRETLY SUPPLANT.

THE COPY OF THE THIRD ORIGINAL NOW ON FILE IN THIS CASE IS TOTALLY UNACCEPTABLE, THEREFORE, AND SHOULD BE STRICKEN FROM THE RECORD.

IF, FOR ANY REASON, THE FIRST ORIGINAL TRANSCRIPT (AS ABOVE) HAS BEEN "LOST" OR "DESTROYED" OR IS OTHERWISE UNAVAILABLE IN ITS BLUE-PENCILED (~~—see exhibit attached—~~ MORE THAN 900 WORDS DELETED) GLORY, THEN THE COLLIERS ARE ENTITLED TO AN IMMEDIATE SUMMARY REVERSAL OF THIS MATTER DUE TO THE FACT THAT WITHOUT THE FIRST ORIGINAL TRANSCRIPT NO EXAMINATION OF THE "MERITS" OF THE INSTANT CASE WOULD BE RELIABLE.

WHEREFORE THE PLAINTIFF/APPELLANTS RESPECTFULLY REQUEST THIS COURT TO STRIKE THE "CORRECTED" TRANSCRIPT FROM THE RECORD AND TO ORDER THE COURT REPORTERS OFFICE TO COME UP WITH THE FIRST ORIGINAL "pilot" VERSION, EVEN IF IT HAS BEEN "BLUE-PENCILED" IN VIOLATION OF RULE 10.


JAMES M. COLLIER

300 INDEPENDENCE AVE., S.E., WASH., D.C. 20003

RESPECTFULLY SUBMITTED


KENNETH F. COLLIER
PHONE 544-3066

CERTIFICATE OF SERVICE

I, KENNETH F. COLLIER, HEREBY CERTIFY THAT I HAND-DELIVERED A TRUE COPY OF THE WITHIN MOTION TO STRIKE UNAUTHORIZED "CORRECTED TRANSCRIPT" FROM THE RECORD OF THE INSTANT CASE TO L. CARR, ESQ., 1919 PENN AVE., N.W. WASHINGTON, D.C. SUITE 700 THIS 17 DAY OF JUNE, 1986.


KENNETH F. COLLIER

NOTE:

AFFIDAVIT

The within ORIGINAL WAS previously filed in pleadings in CASE CA 0440-86 (Sup. Ct)

I, KENNETH F. COLLIER, HEREBY AFFIRM THAT I AM THE AUTHOR OF THE FOLLOWING STATEMENTS AND THAT I HAVE PERSONAL KNOWLEDGE OF THE MATTER SET FORTH BELOW:

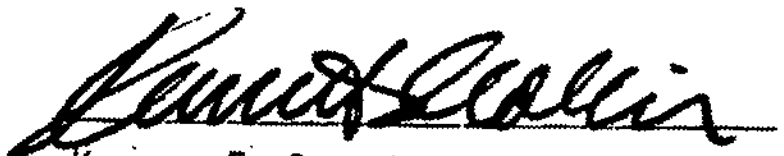
1. THAT I INTERVIEWED COURT REPORTER EDNA SIMMS ON 6 JUNE, 1986 IN THE SUPERIOR COURT COURTHOUSE AND ASKED SIMMS ABOUT THE FACTS SURROUNDING THE TYPING-UP AND SUBMISSION OF THE TRANSCRIPT IN CASE #10935-84.

2. SIMMS STATED THAT SHE DID NOT TYPE THE ORIGINAL COPY, BUT THAT HER TYPIST DID SO, AND THAT SIMMS THEN SUBMITTED THAT COPY TO THE COURT REPORTERS' OFFICE AS USUAL.

3. SIMMS FURTHER STATED THAT A TIME CAME WHEN SHE WAS CONTACTED BY THAT OFFICE TO DO A RE-TYPING OF THE SAME TRANSCRIPT, BUT WAS UNDER INSTRUCTIONS TO DELETE THOSE PORTIONS OF THE RECORD WHICH HAD BEEN "BLUE-PENCILED" BY THE TRIAL JUDGE.

4. SIMMS FURTHER STATED THAT SHE NOW CONSIDERES HERSELF TO HAVE VIOLATED THE CERTIFICATE OF COURT REPORTER (WHICH APPEARS BY REGULATION ON EACH TRANSCRIPT) AS SHE FALSELY "SWORE" THAT THE RESULTANT TRANSCRIPT (WHICH SHE TURNED OUT FROM THE VERSION EDITED BY THE TRIAL JUDGE) HAD BEEN TAKEN FROM HER ORIGINAL TRANSCRIPTION, WHEN, IN FACT, IT WAS NOT TRUE.

5. THE ACCOMPANYING EXHIBIT A REVEALS THAT 927 WORDS WERE DELETED BY SIMMS' SECOND COPY. FURTHER AFFIANT SAYETH NOT



KENNETH F. COLLIER

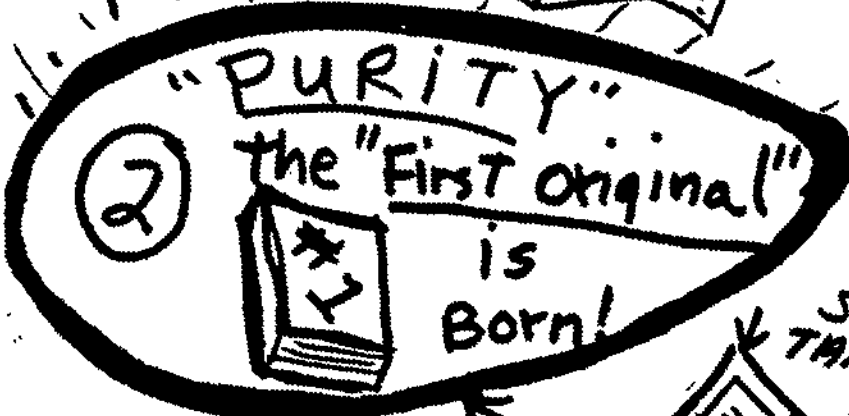
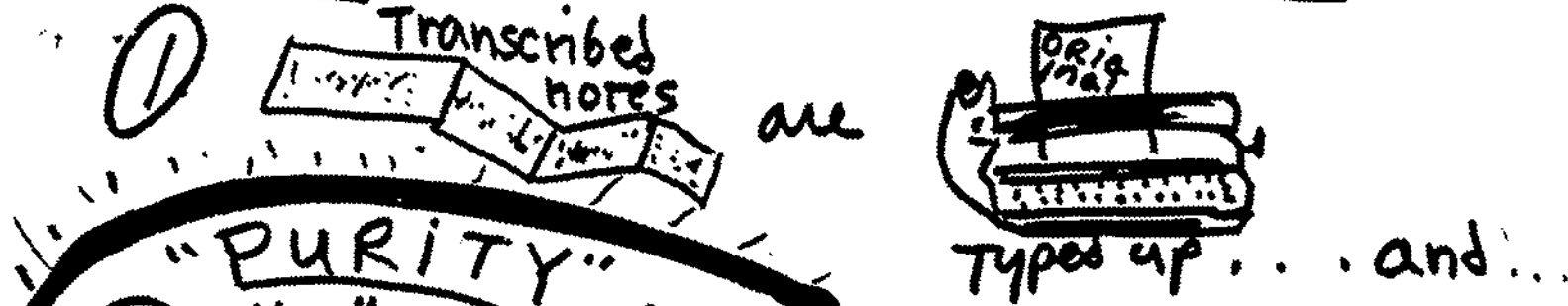
NOTARY SEAL

PERSONALLY APPEARED BEFORE ME THIS 9 DAY OF June, 1986,

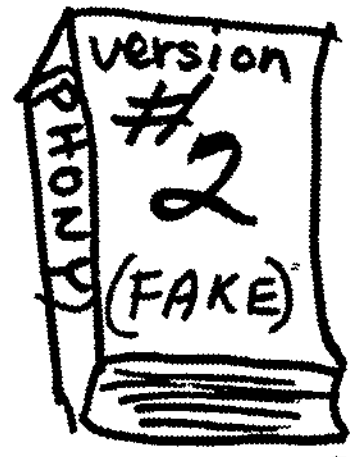
IS KENNETH F. COLLIER, AND HAVING BEEN SWORN IN THE PREMISES, AFFIRMS THE ABOVE.

*

A 10935-84
Appeal # 86-350 WHERE IS THE "FIRST ORIGINAL"?



③ Next, the trial judge secretly "blue-pencils" 900 words from the "First Original"; and reporter RE-TYPES the changed version, producing a "Second Original" (minus the 900 words) which is passed-off on the Plaintiffs as the "Original" and filed with the Court.



④ Then, a suspicion arises in the minds of Plaintiffs that a great deal of substance appears to be missing from the "Original" transcript they have been led to believe was the "Original", (but which IN FACT was an adulterated "second original"); so a THIRD COPY is produced by the court reporters office which is self-labeled as a so-called "CORRECTED TRANSCRIPT" and it is THIS latest version currently on file with the Court. WHERE IS THE "FIRST ORIGINAL"?



CERTIFICATE OF REPORTER

I, Edna E. Simms, an Official Court Reporter for the Superior Court of the District of Columbia, do hereby certify that I reported, by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the motions hearing in the case of JAMES M. COLLIER, et al. v. REPUBLICAN NATIONAL COMMITTEE, Civil Action Number 10935-84, in said Court on the 9th day of January, 1986.

I further certify that the foregoing 151 pages constitute the official transcript of said proceedings, as taken from my machine shorthand notes.

In witness whereof, I have hereto subscribed my name, this the 11th day of February, 1986.

Edna E. Simms
EDNA E. SIMMS
Official Court Reporter

RECEIVED
MAR 14 9 50 AM '86
DISTRICT OF COLUMBIA
SUPERIOR COURT
OFFICE OF THE CLERK
COURTS

NOTE: This is NOT the
"FIRST ORIGINAL"

THIS IS THE
NOTE: SECOND
"ORIGINAL"

PERKINS CO., BAYONNE, N.J. 07001

1 SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

2 CRIMINAL DIVISION

3
4 JAMES M. COLLIER, et al.,

5 Plaintiffs

6 v.

7 REPUBLICAN NATIONAL COMMITTEE,

8 Defendant

Civil Action Number:

10935-84

9
10 Washington, D. C.

11 Thursday, January 9, 1986

12 The above-entitled action came on for a motions
13 hearing before the Honorable HENRY F. GREENE, Associate
14 Judge, in Courtroom Number 47, commencing at approximately
15 10:15 a.m.

16 THIS TRANSCRIPT REPRESENTS THE PRODUCT OF AN
17 OFFICIAL REPORTER, ENGAGED BY THE COURT, WHO
18 HAS PERSONALLY CERTIFIED THAT IT REPRESENTS
19 HER ORIGINAL NOTES AND RECORDS OF TESTIMONY
20 AND PROCEEDINGS OF THE CASE, AS RECORDED.

21 APPEARANCES:

22 On behalf of the Plaintiffs:

23 Pro Se

24 On behalf of the Defendant:

25 LAWRENCE E. CARR, JR., Esquire

KYLE A. KANE, Attorney

1919 Pennsylvania Avenue, Northwest

Washington, D. C. 20006

EDNA E. SIMMS, RPR-CP-CM

Official Court Reporter

RECEIVED
Mar 12 1 28 PM '86
U.S. District Court
District of Columbia

EXHIBIT D
12173 Report
Telephone: 879-1039

THIS IS ALSO THE
NOTE: "ORIGINAL"

CERTIFICATE OF REPORTER

I, Miss Edna E. Simms, an Official Court Reporter for the Superior Court of the District of Columbia, do hereby certify that I reported, by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the motions hearing in the case of JAMES M. COLLIER, et al. v. REPUBLICAN NATIONAL COMMITTEE, Civil Action Number 10935-84, in said Court of the 9th day of January, 1986.

I further certify that the foregoing 159 pages constitute the official transcript of said proceedings, as taken from my machine shorthand notes.

In witness whereof, I have hereto subscribed my name, this the 11th day of February, 1986.

Edna E. Simms

Official Court Reporter

NOTE: This is not the FIRST or SECOND ORIGINAL

This is the
NOTE: THIRD
"ORIGINAL"

1 SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

2 CIVIL DIVISION

3 -----X
4 JAMES M. COLLIER, et al.,

5 Plaintiffs

6 v.

Civil Action Number:
10935-84

7 REPUBLICAN NATIONAL COMMITTEE

8 Defendant.
9 -----X

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KYLE A. KANE, Attorney
1919 Pennsylvania Avenue, Northwest
Washington, D. C. 20006

MISS EDNA E. SIMMS, RPR, CP, CM
OFFICIAL COURT REPORTER

This is also the
NOTE: THIRD
"ORIGINAL"

This exhibit
 is a copy
 of a card on file
 in the Appeal
 Coordinator's Office
 re: "Corrected transcript
 sent to
 D.C.C.A."

No. CA 10935-84 Collier, JAMES et al vs Republican National
 Committee et al

Judge Greene

F.P

86-350

January 10, 1986 - Order Appealed From.

February 10, 1986 - Notice of Appeal Filed.

3/2/86 - Denial of Record (see)
 No Transcript.

*P. J. ...
 463.600*

(R 3/11/86)

3/25/86 Counter Designation of Record T of 1/9/86

4/10/86 Order to send original and
 original Record to D.C.C.A.

4/15/86 - Supp Record to D.C.C.A. w/ Deposition

5/15/86 - R.T. filed: 161 pp of 1/9/86 Session *(Corrected transcript)
 3-159, 5/16/86
 Sims*

6/6/86 - Supp Rec to D.C.C.A.

Estimate Received:

Record must be prepared on or before:

J-0451-75

Please
 Note

Exhibit "A" Unauthorized Deletions 5 pages

- 31) P3 L2 HOW ARE YOU DOING? GOOD TO SEE YOU. OKAY. THIS IS THE -- IS THE
TAPE RECORDER ON THERE YET, GEORGE? L8 I'D ASK COUNSEL FOR --
L23 THEY WERE WORKING. L25 FOLKS, BUT MISTER, MISTER -- (COURT)
- 4) P4 L1 RIGHT, SIR? L3 (MATTER OF) FORM L6 OKAY (COURT)
- 3) P5 L6 KYLE, THANK YOU. (COURT)
- 5) P6 L6 (DENIED IN PART) THE DEFENDANT'S MOTIONS, L25 OF THAT (COURT)
- 3) P10 L15 DOES THAT ANSWER YOUR QUESTION, SIR? L18 OKAY. L19 IN TERMS OF
WHAT HAPPENED? L23 OKAY. (COURT)
- 1) P11 L21 HAVE YOU BEEN ABLE TO FIND OUT ANYTHING ABOUT THIS? L24 OKAY.
GET ME 727 -- GET ME 879-1700, MISTER POLANSKY OR MISTER LYNCH. (COURT)
- 4) P12 L4 (DAMAGES) WOULD NOT BE L12 COLLIER (COURT)
P13 L4 (JUDGE TAKES PHONE CALL RELATED TO INSTANT CASE RE: MR. LYNCH)
- 0) P17 L20 FROM THE PLEADINGS, I JUST WANT TO MAKE L25 OKAY. NOW. (COURT)
- 4) P22 L6 EVIDENCE? L13 OKAY. SO YOU ARE NOT ALLEGING L17 NOT JUST RUNNING
IN IN 1982 L20 INITIAL (MEETING) (COURT)
- 9) P23 L11 AND IN OTHER WAYS L14 DOES THAT ANSWER YOUR QUESTION? (MR. COLLIER)
- 2) P24 L1 No. L2 WAIT, WAIT. L11 BUT WHO IS THE PARTY? L21 BUT THAT YOU
L23 REFERENCED (COURT)
- 19) P25 L3 ISN'T IT? L6 OKAY. OKAY, YOU TELL ME WHAT L10 THAT'S CORRECT (COURT)
L19 WELL, THEN, YOU TELL ME WHAT LAW, TELL ME. (COURT)
- 8) P27 L8 HE HAS NOT BEEN INPLEADED (SIC) L9 (SHOULD READ: HE HAS NOT BEEN MA
A THIRD PARTY PLAINTIFF (COURT)
- 6) P28 L9 OKAY. L13 RIGHT UP L19 INDEED, OF COURSE (COURT)
- 6) P30 L1 AND L20 SO YOU MEAN -- AND (COURT)
- 5) P31 L5 YES. L12 WHEN HE WAS CHAIRMAN L14 THEY ARE THE ONES WHO CLAIM IT
EXISTED. L20 THE -- THE (MR. COLLIER) (L20 WAS COURT)
- 11) P32 L9 YOU DO UNDER STAND THAT, L19 FROM THE POINT AGAIN, MR. COLLIER (COURT)
- 9) P33 L8 OKAY. L10 IF THAT LANGUAGE MEANS L11 AND IF L12 OF COURSE
L16 I'M INTERESTED IN L19 THAT IS L21 VERSUS AREO, A-E-R-O (COURT)
- 1) P35 L1 TO MAKE A PUNITIVE DAMAGES CLAIM. L15 THERE IS ONE L20 WHAT WAS?
- 6) P38 L2 HE (ADMITTED) (NOT "WE") L15 YES. (COURT) L17 OWN L20 HOW DID T
- 9) P39 L13 THEY HADN'T MADE ANY MISTAKES BY THEN. L14 HAD L18 HIM (MR. COLLIER)
- 2) P42 L9 NOT AT ALL. L11 UP TO L17 WHICH IS EXPLAINING L19 WHAT IS THE
LETTER? (COURT)
- 1) P43 L1 IN YOUR ARGUMENT TODAY? L6 IN SUPERIOR COURT L7 THAT YOUR HONOR
- 5) P44 L7 (WRITTEN BY AN INDIVIDUAL) IN JUSTICE L13 WELL, WHAT DOES

unauthorized deletions (cont.)

- P45 L1 THAT L3 WHAT THEY CALL (THEIR CIVIC DUTY) POKING HOLES IN OUR VOTE
L8 AS PLAINTIFF'S EXHIBIT NUMBER ONE. L15 OMBUDSMAN, CASE
L18 ALLEGED VOTING (IRREGULARITIES) L19 IN PARAGRAPH FIVE OF THIS
DOCUMENT, HE STATES: (MR. COLLIER'S REMARKS)
- P47 L9 WELL -- YOU'VE GOT ONE MORE CASE. WHY DON'T YOU SEE IF YOU CAN
FIND IT.
- P48 L9 I'M SORRY. L10 I MEAN DEFENDANT (COURT)
(JUDGE GREENE ALTERED THE ORIGINAL
VERSION TO READ MORE INTELLIGENTLY, I.E., "I MEANT DEFENDANT'S MOTION."
L13 NOW, LET'S SEE. WHEN I --
- P49 L2 WILL (ASSIST) L2 WILL (PROCEED) L12 AND THEY ARE SAYING THAT (CARR)
L16 TO THE CONTRARY.
- P53 L17 THE JUDGE WOULD HAVE THE RECORD BELIEVE THAT I COULD GO (TO THE
ATTORNEY GENERAL) THE NEXT DAY WITH A TELEPHONE CALL TO SAY, 'PLEASE,
WILL YOU DO SOMETHING?'
- P54 L1 NOW, (YOU'RE ON NOTICE FOR CONTEMPT) L8 AN OFFEREE L14 OKAY. (COURT)
- P55 L11 WELL, THEN (COURT) L13 MAY I COLLECT MY THOUGHTS FOR ONE MOMENT?
L15 YEAH (COURT) L17 WHAT? (COURT) L19 MAY I HAVE LEAVE TO SPEAK?
- P56 L13 (COURT) IT SEEMS TO ME NOTIFICATION OF WHO A PROPER OFFICIAL IS IS
SUFFICIENT.
- P58 -- (THIS PAGE WAS MIS-NUMBERED AS PAGE "53" IN THE "CORRECTED MANUSCRIPT",
THUS, THERE ARE TWO PAGES IN THAT MS NUMBERED "53") L21 (COURT) OKAY.
THANK YOU. THANK YOU. I'VE GOT TO ASK COUNSEL AND THE PARTIES TO HAVE
A SEAT IN THE COURTROOM. I HAVE A JURY OUT, AND I'VE GOT TO TAKE A
VERDICT, AND THEN WE'LL PROCEED WITH THIS MATTER.
- P62 L15 I'LL JUST ORGANIZE SOME OF MY PAPERS, I HOPE. ON THE BREACH (COURT)
- P63 L24 (READS) "WHICH REALLY IS"
(FORMERLY READ: "AS IF IT WERE")
- P69 L15 (WHO CAN INITIATE) A VOTE FRAUD PROSECUTION. L18 THAT IS NOT CLOSED
L19 (COURT) OKAY.
- P72 L15 MAYBE YOU (DIDN'T UNDERSTAND) (INSTEAD OF "I KNOW YOU DIDN'T UNDERSTA
- P73 L2 (COURT) NOW, TELL ME L8 (COURT) OKAY. L12 (COURT) I THINK THAT --
- P74 L8 (COURT) I -- I -- I
- P76 L12 (COURT) YES. YES. (IN RESPONSE TO REQUEST BY MR. COLLIER FOR PERMISSI
TO SPEAK, WHICH THE JUDGE RECINDS SOON AFTER, LEAVING THE RECORD
TO SUGGEST THAT MR. COLLIER WAS SPEAKING OUT-OF-TURN.)

unauthorized deletions (cont.)

- 38 P78 L1 (COURT) AND I'M L16 (COURT) THAT'S ENTIRELY -- I DON'T EVEN KNOW WHAT I'M GOING TO DO YET, BUT -- (COURT) L21 RIGHT. ALL RIGHT. BUT THE SHORT OF THE STATEMENT YOU DID MAKE THAT MADE ME TURN SOME WARNING LITES ON IN MY HEAD -- (THIS LAST DELETED STATEMENT WAS MADE BY MR. J. COLLIER)
- 23 P79 L1 (MR. COLLIER) WILL ASSIST L10 PROOF. THEY NEVER SENT US TO ANYONE. L12 AND NAMED NAMES L24 SAYING IF THAT DOESN'T HIT YOU, THERE'S NOTHIN I CAN DO.
- 69 P80 L3 (MR. COLLIER) I DIDN'T NEED TO GO THROUGH ALL OF THIS BECAUSE THE REPUBLICANS PROMISED ME THEY COULD DO IT. L9 ANYWHERE LIKE YOU PROMISED TO. WE'LL DO ANYTHING REQUIRED L11 CARR SAID THAT'S A FRAUD. L12 RICHARD RICHARDS SAYS HE COULDN'T L15 AND PERHAPS FACE YOU AGAIN. L23 AND FILED A REPORT AND SAID WE SPEND FOUR HOURS WITH HIM. HE NEVER HE NEVER -- AFTER THAT IT WAS ALL SELF-HELP IN ORDER TO
- 31 P81 L1 (COURT) IS THIS MR. BRADEN OR MR. DONSANTO?
L2 (MR. COLLIER) BRADEN.
L6 (MR. COLLIER) FINALLY CALLED HIM ON THE PHONE.
L8 (COURT) INVESTIGATIVE (AGENCIES) L12 NO, NOT AT THIS POINT
L15 (COURT) WE ARE NOT-- (COURT) L21 BECAUSE I DON'T WANT TO -- I DON'T WANT --
- 9 P82 (COURT) YEAH. L3 L8 (COURT) IN HALF AN HOUR TO AN HOUR
L15 OKAY.
- 7 P84 L13 (COURT) IS THAT THEIR ASSERTION? IN OTHER WORDS --
- 3 P85 L3 (COURT) TO SEE L3 INDICATED (THEY WENT BACK)
- 8 P86 L13 (COURT, DELETES THE FOLLOWING CLAUSE IN FIRST TRANSCRIPT) "WE WERE NOT PUT IN TOUCH WITH ANYONE."
(COURT) L22 OKAY. WAIT. WAIT. WAIT.
- 25 P87 L7 (COURT) THEIR OPR CLAIM L9 (MR. COLLIER) I'M SURE IT IS, YOUR HONOR. L10 (COURT) IS IT, MR. COLLIER? IS IT IN THE DEPOSITION?
(MR. COLLIER) IS IT MENTIONED? IT'S IN THE DEPOSITION.

Unauthorized Deletions (Cont.)

- ⑤ P89 L15 (COURT) YOU DID. COPY OF COMPLAINT.
- ⑦ P91 L4 (MR. COLLIER) IF I MAY, WITH THAT ANSWER SIR?
- ⑥ P93 L1. (COURT) WHAT DO YOU WANT TO SAY?
- ⑪ P95 L7 (MR. COLLIER) IN 1984 L8 (COURT) OKAY. IN 1984?
L12 (COURT) NO. NO. NO. JUST A MOMENT.
- ② P97 L12 (MR. COLLIER) (THINGS WHICH MOST TROUBLE) YOUR HONOR. (FIRST
TRANSCRIPT CHANGES THE ABOVE PHRASE TO SAY: "THINGS WHICH MOST
TROUBLE US."
- ⑥ P98 L5 (COURT) OKAY. L15 TWENTY FULL MINUTES (OF ARGUMENT) (COLLIER)
L17 STARE DECISIS.
- ⑱ P103 L5 (COURT) I WANT TO KNOW IF -- L8 (MR. CARR, DEFENDANT'S ATTORNEY:)
IT'S BASICALLY, BOTH ON A CROSS-MOTION TO RECONSIDER, IT'S
L18 (COURT) OF DONSANTO L21 (COURT) I'M SORRY
- ⑦ P104 L3 JUST ONE MOMENT, OKAY? (COURT) L17 IS THAT RIGHT? (COURT)
- ② P110 L4 (MR. COLLIER) ELLIS RUBIN, THE VOTE FRAUD OMBUDSMAN
- ③ L7 (MR. COLLIER) MR. BOBZENE I MENTIONED BOBZENE.
- ① P113 L19 (MR. COLLIER) LET ME ASK, THEN, WHY YOUR HONOR . . . L23 BECAUSE
OTHERWISE WE SHOULD
- ⑱ P115 L5 (MR. COLLIER) OTHERWISE, WHAT JUDGE NUNZIO FOUND
L10 (MR. COLLIER) THAT CAN'T BE THE RULE, THE RULE THE WAY THIS
HAS UNDERGONE
- ⑱ P118 L20 (COURT) PERHAPS YOU WOULD CALL A FEDERAL PROSECUTOR FOR US.
L22 (MR. COLLIER) THAT WOULD BE -- AND WE WOULD REST OUR CASE UPON
L24 CALL US A FEDERAL PROSECUTOR (COURT)
- ⑩ P121 L10 (MR. COLLIER) THE ONE THEY DIDN'T WANT TAKEN, THAT WAS BRADEN'S
AND
- ③ P124 L13 (MR. COLLIER) THE OMBUDSMAN, CIRCUIT COURT APPOINTED
- ⑨ P125 L24 (MR. COLLIER) WELL, TO ME, THE JURY CAN UNDERSTAND THAT KIND
- ① P126 L24 (MR. COLLIER) IF THEY, THE RNC, DON'T LIKE IT L25 IF NOT. . .

Unauthorized
Deletions (cont.)

- (19) P127 L19 (MR. COLLIER) . . . AND I DON'T BELIEVE ANYWHERE THE WORD "WILL"
IS (DEFINED BY THE SUPREME COURT AS YOUR HONOR CLAIMED EARLIER.)
- (6) P129 L4 (MR. COLLIER) ABOUT US L15 (COURT) DADE COUNTY HOME NEWS?
- (7) L24 (MR. COLLIER) I'VE GOT THE SCAR TO SHOW IT.
- (3) P130 L15 (MR. COLLIER) JANET RENO, STATE ATTORNEY.
- (8) P135 L21 (MR. COLLIER) I WILL REFER TO WHAT MR. CARR SAID.
- (1) P138 L21 (MR. COLLIER) . . . RELATED TO YOUR FORMER EXPERIENCE IN THE
JUSTICE DEPARTMENT AS AN OFFICIAL, YOUR HONOR. (FORMERLY READ: "OUR"
EXPERIENCE, ETC., A TOTALLY DIFFERENT CONCEPT)
- (7) P142 L1 (COURT) EXCUSE ME. DID I SAY PLAINTIFF'S COUNSEL?
- (9) P147 L8 (COURT) IN VIEWING THE LIGHT IN -- L18 TO THE (BREACH)
L24 (COURT) IN THEIR
- (6) P151 L16 (COURT) THAT FEDERAL OFFICIALS . . . WILL BE IN
- (3) P153 L14 (COURT) THAT. . . THAT L18 DEFENDANTS (COULD NOT PREVAIL)
(CHANGED IN CORRECTED TRANSCRIPT FROM: PLAINTIFFS "COULD NOT PREVAIL")
- (17) P158 L2 (COURT) . . . OR THE COURT OF APPEALS DOESN'T HAVE JURISDICTION.
L6 ABOUT THAT. APPRECIATE HEARING --
L15 (COURT) . . . ON THE MOTION TO RECONSIDER.

NOTE: ALSO COMPLETELY MISSING FROM THE PRESENT VERSION OF
THE TRANSCRIPT IN CASE #10935-84 IS THE FOLLOWING WORDS
OF JUDGE HENRY F. GREENE, SPOKEN FROM THE BENCH IN THE
AFTERNOON SESSION, BUT WHICH STATEMENT WAS EITHER DELIBERATELY
NOT TAPERECORDED BY THE IN-HOUSE TAPING SYSTEM OR IT WAS
ERASED FROM THE TAPE BY JUDGE GREENE, WHO ALSO ALTERED THE
TRANSCRIPT AS SHOWN ABOVE:

(69) ". . . A SUPREME COURT DECISION HAS BEEN HANDED DOWN IN THE LAST TWO
WEEKS TO THE EFFECT THAT THE WORD "WILL" IN A CONTRACT MEANS ONLY THE
PREDICTIVE, AND NOT PROMISSORY OR GUARANTORY AND THEREFORE IN THE CONTRACT
AT ISSUE IT SEEMS TO ME THAT WHERE THE WORD "WILL" IS USED IN THE FINAL
CLAUSE IT COULD NOT BE CONSTRUED BY ANY REASONABLE PERSON TO MEAN A
GUARANTEE OF PERFORMANCE." JUDGE HENRY F. GREENE

THE HONORABLE CARL MOULTRIE I
CHIEF JUDGE
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C.

RECEIVED
CLERK OF THE

JAN 29 1 00 PM '86
JANUARY 27, 1986

DISTRICT OF COLUMBIA

RE: ADMINISTRATIVE

AND
PROCEDURAL
IRREGULARITIES
CA-10935-84

Rule 60-B

DEAR JUDGE MOULTRIE:

THIS LETTER IS WRITTEN PURSUANT TO INSTRUCTIONS GIVEN THE UNDERSIGNED BY LARRY GORDON OF YOUR OFFICE 1/27, AFTER HE REVIEWED ALL OF THE FILE, AND AFTER AN EXTENSIVE BRIEFING FROM THE UNDERSIGNED DURING WHICH BRIEFING MR. GORDON WAS REQUESTED TO "SCREEN" OR PRELIMINARILY EVALUATE OUR UNIQUE PROBLEM AND ONLY TO REFER THE MATTER TO YOUR HONOR IF THE CAREFUL CONSIDERATION THUS ACCOMPLISHED BY MR. GORDON SHOWED "GOOD CAUSE" ON THE VERY FACE OF IT.

APPARENTLY IT HAS MET THIS PRELIMINARY "TEST".

IN PLAIN LANGUAGE, THE UNDESIGNED PRO SE LITIGANTS' CASE HAD BEEN VIRTUALLY CERTIFIED FOR TRIAL BY JUDGES KOTELLEY AND NUNZIO, BOTH OF WHOM DENIED THE DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT, AND THE PRE-TRIAL CONFERENCE WAS SCHEDULED FOR JAN. 6, 1986, WITH ONLY THE POTENTIALLY "DISPOSITIVE" MOTION TO RECONSIDER BY THE DEFENDANTS (OF JUDGE NUNZIO'S RULING DENYING SUMMARY JUDGMENT) HANGING FIRE. (THE MOTION TO RECONSIDER WAS BASED ON AN APPEAL TO JUDGE NUNZIO HIMSELF TO SOMEHOW "FURTHER EXPLORE HIS THOUGHT PROCESSES" DURING THE MOTIONS HEARING IN WHICH HE FOUND TRIABLE ISSUES IN DISPUTE, AND TO REVERSE HIMSELF.) THE MOTION WAS TIMELY ANSWERED AND ARGUED ON THE VERY NARROW TERMS UPON WHICH IT WAS FRAMED TO BE HEARD BY JUDGE NUNZIO, AND THE UNDERSIGNED PREPARED FOR PRE-TRIAL AND THE PRESUMABLE SETTING OF A TRIAL DATE. THE CASE IS HIGHLY POLITICAL AND THE DAMAGES SOUGHT AS TO LIABILITY ARE SUBSTANTIAL.

AT THIS POINT, THE ABOVE-CAPTIONED CASE BEGAN TO BE TREATED DIFFERENTLY THAN ANY OTHER CASE ^{in its division} IN SUPERIOR COURT, CULMINATING IN ITS "DISMISSAL" BY "SUMMARY JUDGMENT" AT THE HANDS OF A JUDGE WHO DELIBERATELY USURPED THE ROLE OF A DULY-APPOINTED MEMBER OF THE PRE-TRIAL DIVISION,

(WHICH IS EXPRESSLY SET UP FOR THE PURPOSE OF HEARING PRE-TRIAL CONFERENCES), AND "TOOK OVER JURISDICTION" IN SPITE OF THE FACT THAT OUR CASE HAD ALREADY BEEN ASSIGNED TO A LEGITIMATE PRETRIAL JUDGE NAMED ^{THE HONORABLE} WILLIAM THOMPSON AT 11:00 AM, JAN. 6, 1986. (THE "MOTION TO RECONSIDER" WAS THE PRETEXT USED TO DISMISS) IN OTHER WORDS, WE HAD BEEN TOLD BY CIVIL ASSIGNMENT CLERK SANFORD COLEMAN TO GO TO JUDGE THOMPSON'S CHAMBERS FOR PRETRIAL WHEN OPPOSING COUNSEL LAWRENCE CARR, JR. SAID TO COLEMAN: "OH, WE DON'T WANT THOMPSON FOR PRETRIAL, HE'S TOO OLD TO UNDERSTAND THIS CASE, HE'S TOO SLOW." THIS REMARK CAUSED COLEMAN TO DISAPPEAR INTO THE BACK ROOM WHILE PLAINTIFF JAMES COLLIER IMMEDIATELY DEPARTED TO GO TO JUDGE THOMPSON'S CHAMBERS AS INITIALLY INSTRUCTED BY COLEMAN. PLAINTIFF KENNETH COLLIER REMAINED AT THE COUNTER OF THE CIVIL ASSIGNMENT OFFICE WITH ATTORNEY L. CARR AND HIS ASSOCIATE KYLE KANE FOR ABOUT THREE MINUTES UNTIL COLEMAN SUDDENLY RETURNED TO ANNOUNCE THAT "JUDGE GREENE HAS CALLED IN FOR A PRETRIAL SO WE'RE SENDING YOUR CASE TO HIM." JAMES COLLIER EVENTUALLY RETURNED WONDERING WHY EVERYBODY HADN'T YET APPEARED AT THE THOMPSON OFFICE. THIS WAS OUR CASE "DRAGOONED" BY A CIVIL II JUDGE WHO JUST "HAPPENED" TO BE "AVAILABLE" AFTER CARR PERSUADED COLEMAN THAT "THOMPSON IS TOO OLD, . . . TOO SLOW, ETC." AS IF "ORDERING UP" A JUDGE OF CARR'S PERSONAL LIKING IS THE ACCEPTABLE PROCEDURE IN THE CIVIL ASSIGNMENT OFFICE. WE OBJECTED IN EVERY CONCEIVABLE WAY TO BEING SUBJECT TO THE WHIM OF A TOO EAGER CIVIL II TRIAL JUDGE (GREENE) WHO HAD DELIBERATELY REACHED OUT FOR THE CASE, BUT WE WERE LAUGHED OFF BY CARR AT THE CIVIL ASSIGNMENT LOBBY AREA, AND CARR ADDED, "PLAINTIFFS HAVE TO CARRY THE FILE, WE'LL MEET YOU AT JUDGE GREENE'S CHAMBERS" AND HE LEFT WITH KANE FOR A DESTINATION THAT DID NOT TURN OUT TO BE THE CHAMBERS OF JUDGE GREENE AT ALL, BUT RATHER THE BORROWED OFFICE OF AN UNKNOWN JUDGE IN BUILDING "A", BEHIND COURTROOM #47, WHERE GREENE WAS INVOLVED IN A JURY TRIAL AND WASN'T "FREE" TO DEAL WITH A "PRETRIAL" AT ALL.

EVENTUALLY THE COLLIERS FOUND OUT WHERE JUDGE GREENE WOULD HOLD "PRETRIAL
 IN FACT, JUDGE GREENE KEPT ALL OF US WAITING FOR WELL OVER AN HOUR,
 AS THE JURY WAS IN THE PROCESS OF RETURNING IN ANOTHER CASE, ETC., SO
 IT DIDN'T MAKE ANY SENSE AT ALL TO THE UNDERSIGNED WHY A WELL-OCCUPIED
 TRIAL JUDGE WOULD BURDEN HIS SCHEDULE TO REACH INTO THE PRETRIAL DIVISION
 JUST SO THAT HE COULD INCONVENIENCE CIVIL LITIGANTS WHO HAD ALREADY BEEN
ASSIGNED TO A DULY-AUTHORIZED PRE-TRIAL JUDGE, BY KEEPING THEM WAITING.
 (THE MYSTERY DEEPENED FURTHER WHEN WE FOUND OUT FROM THE THOMPSON OFFICE
 THAT JUDGE THOMPSON WAS AVAILABLE AT 11:00 A.M. AND FREE TO HEAR OUR
CASE.)

FINALLY, AROUND 12:15 P.M. ON JANUARY 6, 1986, WE WERE USHERED
 INTO THE DIMLY LIT CHAMBERS OF A JUDGE WHO WAS MAKING HIS PERSONAL
 OFFICE AVAILABLE TO JUDGE GREENE, ONE LOCATED IN THE AREA BEHIND
 COURTROOM #47. JUDGE GREENE'S FIRST REMARK UPON GREETING THE ENTOURAGE
 WAS, "OH, I THOUGHT THIS WAS JUST GOING TO BE A 'SLIP AND FALL' AND
IT TURNS OUT TO BE THE REPUBLICAN NATIONAL COMMITTEE."

As to Rule 63-I Bias or Prejudice...

IN THIS BIZARRE SETTING, WITH JUDGE GREENE BALANCING A NOTEPAD
 ON HIS KNEE WHILE SITTING IN A CHAIR IN FRONT OF THE DESK, JUDGE GREENE
 CONVERSATIONALLY REVEALED THAT HE HAD WORKED AS A PROSECUTOR OR SOME CLEARLY
 RELATED JOB AT THE JUSTICE DEPARTMENT FOR A PERIOD OF 13 YEARS.
 THE UNDERSIGNED OBJECTED ^{ON GROUNDS THAT} THAT JUDGE GREENE WAS THUS ^{Certain} TO HAVE
 BEEN A COLLEAGUE FOR THAT SAME ^{13 year} PERIOD OF TIME WITH CRAIG DON SANTO, WHO WAS
 ALSO A JUSTICE DEPT. PROSECUTOR DURING YEARS CONCURRENT WITH JUDGE GREENE'S
 TENURE THERE, (IN ADDITION TO WHICH BOTH MEN ARE APPROXIMATELY THE SAME
 AGE,) AND THAT SINCE DON SANTO IS LISTED ON PRE-TRIAL FOPM 103 AS A
 MATERIAL WITNESS (ADVERSE) IN THE CASE, THAT JUDGE GREENE WAS PREJUDICED
 TOWARD THE INTEREST OF DON SANTO WHICH WOULD TEND TO MOTIVATE JUDGE GREENE
 INTO FIGURING OUT ^{Novel} A WAY TO OVERTURN JUDGES KOTFLLY AND MINZIO, IGNORING
 ALL THE LAW OF THE CASE, FABRICATING "SUPREME COURT" OPINIONS", MOVING SUA

SPONTE TO VIRTUALLY RE-OPEN THE ENTIRE MERITS OF THE CASE AS IF THE PREVIOUS 18 MONTHS OF INTENSE LITIGATION MEANT NOTHING, AND TO DISMISS IT.

THE PRETEXT USED BY JUDGE GREENE TO ACT AS A SELF-APPOINTED TRICKY "IN-HOUSE" APPEALS COURT WAS THE MOTION FOR RECONSIDERATION MENTIONED EARLIER IN THIS LETTER. IT HAD BEEN NARROWLY FRAMED TO BE HEARD AND/OR RULED UPON BY JUDGE NUNZIO, AS IT CALLED INTO QUESTION SOLELY THE "FRAME OF MIND" OF THE JUDGE HIMSELF (NUNZIO), AND COULD NEVER BE ADDRESSED BY ANY OTHER HUMAN BEING EXCEPT JUDGE NUNZIO HIMSELF. HOWEVER, JUDGE GREENE SIMPLY IGNORED THE UNDERSIGNED'S PROTESTATIONS AND OBJECTIONS AND INSTEAD CONVENED A "HEARING" IN WHICH HE PROMISED, "FOR THE PURPOSES OF THE HEARING, I WILL BECOME JUDGE NUNZIO."

THE SO-CALLED "HEARING" WHICH RESULTED WAS ARBITRARY AND ILLEGAL. (WE CONTACTED JUDGE NUNZIO'S OFFICE AFTER THIS EVENT OCCURRED AND WERE TOLD THAT NO PERMISSION WAS EITHER ASKED FOR NOR GIVEN FOR ANY OTHER SUPERIOR COURT JUDGE TO "BECOME JUDGE NUNZIO" FOR THE PURPOSE OF REVERSING JUDGE NUNZIO'S RULINGS.)

AS TO Rule 60-B/3

IN THE WAKE OF JUDGE GREENE'S SNARING THIS CASE (DESPITE HIS OBVIOUS CONFLICT-OF-INTEREST RELATED TO DON SANTO'S BEING ON THE WITNESS LIST,) WE CHECKED AS FAR AS WE COULD INTO THE EXACT NUMBER OF PRE-TRIAL CONFERENCES JUDGE GREENE HAS CONDUCTED SINCE HIS TENURE BEGAN IN 1981. THE NUMBER IS, TO THE BEST OF OUR INFORMATION FROM HIS CLERKS, ZERO. INDEED, IT APPEARS AS IF JUDGE GREENE'S SOLE FORAY INTO THE AREA OF PRE-TRIAL DIVISION JURISDICTION WAS IN OUR \$20 MILLION DOLLAR LAWSUIT INVOLVING THE POLITICAL PARTY OF THE PRESIDENT OF THE UNITED STATES, AND JUDGE GREENE'S VIOLATION OF WELL-ESTABLISHED PROCEDURES WAS AN OBVIOUS ABBERRATION WHICH WAS CONTRIVED INTO EXISTENCE FOR THE SOLE PURPOSE OF SWINDLING THE UNDERSIGNED OUT OF THE EQUAL PROTECTION OF THE COURT'S WELL-ESTABLISHED PROCEDURES, AND BY SO DOING JUDGE GREENE APPARENTLY SOUGHT TO BE A "HERO" BY HAVING THE "GUTS" TO PULL A THING LIKE THIS OFF AGAINST TWO "LAWYERLESS" PRO SE LITIGANTS WHO WERE "BULLIED" IN A "STAR-CHAMBER".

OUR FIRST MOVE AFTER BEING "RAILROADED" OUT OF COURT DUE TO OUR HAVING BEEN "SWITCHED" ON TO THE "SIDE TRACK" OUT OF NORMAL PRE-TRIAL DIVISION PROCEDURE BY CLERK COLEMAN (THE SWITCHMAN) AND SENT TO OUR FATE AT THE HANDS OF A "BUSHWHACKER" JUDICIAL EMPLOYEE (GREENE), WAS TO ASK JUDGE GREENE'S OFFICE FOR INFORMATION ON HOW WE COULD GET A COPY OF THE TRANSCRIPT OF THE SO-CALLED "HEARING", WHO THE COURT REPORTER WAS, AND SO FORTH. WE WERE TOLD NEVER TO CALL GREENE'S CHAMBERS AGAIN UNDER PENALTY OF HARASSMENT, BUT NOTHING ELSE, SO WE DON'T HAVE ANY WAY TO GET A COPY OF THE RECORD. WE SEEK YOUR HELP, YOUR HONOR, IN REMOVING ANY IMPEDIMENT IN OUR GETTING THAT RECORD.

NOT THAT EVEN ONE SINGLE WORD OF THE SO-CALLED "PROCEEDINGS" WHICH WERE HELD IN AN ADJACENT COURTROOM (#47) ON THE "MOTION TO RECONSIDER" (DEFENDANTS) IS THE FOCUS OF THIS LETTER, FOR THAT WOULD UNDULY BURDEN THIS ISSUE WITH THE WELL-SETTLED MERITS OF THE LAWSUIT NEATLY "REVERSED" BY JUDGE GREENE. INSTEAD, IT IS THE UNPRECEDENTED INSIDE MANIPULATION OF THE TRIED AND TESTED AND SOLIDLY ESTABLISHED PROCEDURES IN ASSIGNING PRE-TRIAL APPOINTMENTS WITH JUDGES WORKING THAT DETAIL THAT HAS LED TO THIS DISGRACEFUL INCIDENT WHICH WE SEEK TO REDRESS VIA ADMINISTRATIVE REMEDY, *Rule 60-B*

WE HAVE ALSO FILED A "MOTION TO NULLIFY" THE SO-CALLED "PROCEEDINGS" WHICH JUDGE GREENE CONDUCTED (AS ABOVE), BUT INSTEAD OF THAT MOTION BEING ROUTED THROUGH THE NORMAL CHANNELS OF MOTIONS COURT AND BEING RULED UPON BY THE SITTING CALANDAR CONTROL JUDGE, JUDGE GREENE ONCE AGAIN DEPARTED FROM HIS NORMAL DUTIES AND "REACHED" INTO THE JACKET TO DENY THE MOTION, THUS RUPTURING WELL-ESTABLISHED PROCEDURES WHICH PROTECT CIVIL LITIGANTS FROM ARBITRARY, SELF-SERVING JUDICIAL FIAT BY HAVING AN IMPARTIAL ROUTINELY ASSIGNED JUDGE IN COURTROOM #9 DECIDE CIVIL MOTIONS.

STILL PENDING IN CASE # 10935-84, HOWEVER, IS YET ANOTHER MOTION WE
 TIMELY FILED (JAN. 21) WHICH MOVES FOR THE CHIEF JUDGE OF THE SUPERIOR COURT
 TO SCHEDULE A HEARING TO DECIDE THE "MOTION TO NULLIFY" DUE TO THE FACT
 THAT A "LINE" JUDGE'S ACTS ARE BEING CALLED INTO QUESTION AND WOULD BEST
 BE REVIEWED BY A JUDGE WHOSE RANK EXCEEDS THAT OF A "LINE" JUDGE. WE
 STILL MAINTAIN THAT POSITION, DESPITE THE FACT THAT THE VERY JUDGE (GREENE)
 WHOSE ACTS ARE BEING QUESTIONED IN THAT "MOTION TO NULLIFY" HAS REACHED OUT
 TO BREACH TO NORMAL PROCEDURES OF MOTIONS COURT PRACTICE (AS ABOVE) TO
 UNILATERALLY DECIDE THE MOTION LESS THAN TWO DAYS (2) AFTER IT WAS
 FILED, IN A CLUMSY ATTEMPT TO KEEP OTHER JUDGES FROM SEEING OR HEARING
 ABOUT THIS INCIDENT. DESPITE JUDGE GREENE'S ACTIONS, THE MOTION SHOULD BE

refer Rule 60-B
 HEARD.

WE HAVE PROVIDED A COURTESY COPY OF THE PENDING MOTION
 TO LARRY GORDON, AND IT IS UNOPPOSED BY COUNSEL FOR THE
 REPUBLICAN NATIONAL COMMITTEE. WE PRAY THIS HONORABLE COURT
 TO HEAR THE MOTION TO NULLIFY WHICH JUDGE GREENE WRONGFULLY
 QUASHED IN HIS ATTEMPT TO COVER UP THE COURTSCAM HE RAN ON US.
 WE WILL ALSO SEEK SANCTIONS AGAINST ATTORNEY CARR.

DECLARATION:

WE, THE UNDERSIGNED KENNETH F. COLLIER AND JAMES M. COLLIER
 DECLARE THAT WE HAVE WRITTEN AND READ THE ABOVE LETTER
 TO JUDGE MOULTRIE I, AND FURTHER DECLARE UNDER PENALTY OF
 PERJURY THAT ALL REPRESENTATIONS MADE HEREIN ARE TRUE
 AND THAT WE HAVE PERSONAL KNOWLEDGE OF SAID EVENTS IN IT.

RESPECTFULLY SUBMITTED,

Kenneth F. Collier

 KENNETH F. COLLIER

James M. Collier

 JAMES M. COLLIER

LETTER WRITTEN:
 JAN. 27/28/29, 1986



Superior Court
of the District of Columbia
Washington, D. C. 20001

H. Carl Moniz Jr.
Chief Judge

March 10, 1986

Kenneth F. Collier
300 Independence Ave., S.E.
Washington D.C. 20003

Re: Collier v. National
Republican Committee
Civil Action No. 10935-84

Dear Mr. Collier:

This letter is in response to your letter of January 27, 1986, wherein you allege certain procedural irregularities with regards to the handling of the above captioned matter. After an extensive investigation of the allegations that you have raised, the following determinations have been made:

(1) The Chief Judge assigns one judge to the pre-trial calendar on a rotating basis every six (6) weeks. An average of 9 to 11 cases are on the pre-trial calendar on the date of pre-trial. At least eight of these cases are handled by the assigned pre-trial judge. The other 1 to 3 cases are assigned by the Assignment Office to a trial judge who has a break in his calendar or sometimes to a senior judge who is available. Trial judges call the Assignment Office when they are available, or when no one has called, the Assignment Office will call a judge who appears from the calendar to be ready for a case.

Judge Greene reached for case.

(2) On January 6, 1986, the parties in Collier v. National Republican Committee, waited in the Assignment Office for the case to be sent to the next available judge for a pre-trial. ~~Judge Henry Green, the next available judge to call~~ the Assignment Office, was assigned the case by Mr. Sanford Coleman, who was working the assignment board at the time. Later, after the case had been assigned, Judge Greene called Mr. Coleman to inquire about the appropriate way to handle pending motions for reconsideration of orders previously entered by

*Emphasis
Added*

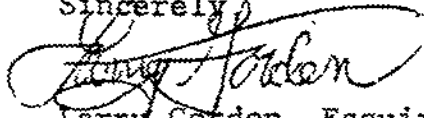
Judge Nunzio. They agreed that it would be more efficient for Judge Greene to hear the motion. Judge Greene kept jurisdiction of the case and entered an order on January 10, 1986 disposing of the motions.

(3) ~~The court reports in the District of Columbia Court of Appeals for reconsideration back to the judge whose order is being asked to be reconsidered.~~ SCR Civ. 16(c)(9), however, provides that the pre-trial judge shall consider and may take action on pending motions. If the pre-trial judge is willing to hear a motion to reconsider, it is more efficient for him to do it rather than delay the pre-trial.

(4) Judge Thompson was not assigned the above captioned case on January 6, 1986. It is a possibility that someone may have asked a clerk what judge might be available to hear a pre-trial. The response would have been any of the trial judges who may come available (naming them) and possibly Judge Thompson, who on occasion will take a pre-trial to help out. No one in the Assignment Office, including Mr. Coleman recalls anyone saying that Judge Thompson was "too old and slow" as was alleged in your letter.

This concludes the court's investigation of this matter. The other issues raised in your letter must be addressed to the District of Columbia Court of Appeals.

Sincerely,



Larry Gordon, Esquire
Law Clerk to Chief Judge
H. Carl Moultrie I

*2/11/86
Ades*

FBI Seeks Data From Media Chiefs

'Positive or Negative' Information Sought on Rehnquist, Scalia

By Eleanor Randolph
Washington Post Staff Writer

The Federal Bureau of Investigation this week took the unusual step of asking a number of news executives for any information "positive or negative" they might know about President Reagan's two Supreme Court nominees, William H. Rehnquist and Antonin Scalia.

Those contacted by the FBI, however, said that they knew little or nothing about the nominees personally or that they told bureau representatives any information they felt they could release to the FBI would be published first.

Rehnquist was nominated by President Reagan to be chief justice of the United States upon the retirement this summer of Warren E. Burger and Scalia was named to be an associate justice to replace Rehnquist. Both nominations are subject to Senate confirmation.

FBI agent Steve Raimsey of the Washington Field Office said he had been asked by headquarters' officials to talk to Washington network television bureau chiefs and Washington Post Executive Editor Benjamin C. Bradlee about the nominees. He said it was his understanding that in the past major religious groups and other national organizations had been contacted for their opinions about those proposed for the judiciary.

NBC News reported Tuesday evening that an FBI agent said "the government wants to find out 'sooner rather than later' what the major news organizations might have on Rehnquist and Scalia."

"I don't think this is a clandestine thing," Raimsey said. "We looked at it as an opportunity to have them voice their opinion."

"They called our Washington bureau chief, Jack Smith, and he talked to me about it," said David Buksbaum, CBS vice president for news coverage and operations. "We decided to tell them that anything we find out pro or con we are going to report. You can find out by watching the broadcast. Our feeling is that if we have anything to say, we're going to say it on the air."

Bradlee said that when he was first contacted to be interviewed, "I thought it was a practical joke" because he did not know Scalia and had only met Rehnquist.

Bradlee said he told FBI agents who went to his office yesterday that "I don't know anything about



Judge Scalia descends Senate steps with Judiciary Committee Chairman Strom Thurmond (R-S.C.), whose panel will hear two high court nominations.

them, and I specifically refrained from commenting on their opinions and their reputations based on those opinions."

Robert McFarland, Washington bureau chief of NBC News, said that he had not yet spoken with the FBI agents but would talk to them because "I'll always talk to the FBI. But all I can say is that we don't have anything," he said.

ABC News Washington bureau chief George Watson said that when an FBI agent called him, he said, "I had nothing to say. I know nothing except what I read in the paper and saw on the broadcasts . . ."

Raimsey said that he had not been asked to call The New York Times or The Wall Street Journal; if those papers were contacted, it would be through the New York Field Office.

GOOD YEAR

POLITIC

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1345080-0

Total Deleted Page(s) = 22

- Page 28 ~ b6; b7C; b7D;
- Page 29 ~ b6; b7C;
- Page 38 ~ Duplicate;
- Page 39 ~ Duplicate;
- Page 40 ~ Duplicate;
- Page 41 ~ Duplicate;
- Page 42 ~ Duplicate;
- Page 43 ~ Duplicate;
- Page 44 ~ Duplicate;
- Page 45 ~ Duplicate;
- Page 110 ~ b6; b7C; b7D;
- Page 111 ~ b7D;
- Page 155 ~ Duplicate;
- Page 156 ~ Duplicate;
- Page 157 ~ Duplicate;
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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE PITTSBURGH	OFFICE OF ORIGIN BUREAU	DATE 6/30/86	INVESTIGATIVE PERIOD 6/25-27/86
TITLE OF CASE ANTONIN GREGORY SCALIA		REPORT MADE BY IA 	TYPED BY 11
CHARACTER OF CASE DAPLI CANDIDATE FOR ASSOCIATE JUSTICE U.S. SUPREME COURT			

b6
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REFERENCES:

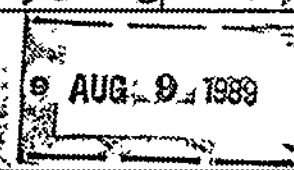
Butel to WFO, 6/20/86.

-RUC-

ADMINISTRATIVE:

All persons contacted in this matter were advised of the provisions of the Privacy Act of 1974, and none requested confidentiality.

ACCOMPLISHMENTS CLAIMED					<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
CON VIC	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES		

APPROVED <i>WRS</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW
COPIES MADE: ② - Bureau 1 - Pittsburgh (77B-R-1043)		77-137273-149 

Dissemination Record of Attached Report				Notations
Agency	Request Recd.	Date Fwd.	How Fwd.	
	<i>lcc to AAG</i>	<i>7/8/86</i>		
	<i>lcc to WHITE HOUSE</i>	<i>7/9/86</i>		
By				

70 NOV 1 1989

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COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: IA [redacted]
Date: 6/30/86

Office: PITTSBURGH

b6
b7C

Field Office File #: 77B-R-1043

Bureau File #:

Title: ANTONIN GREGORY SCALIA

Character: DEPARTMENTAL APPLICANT
CANDIDATE FOR ASSOCIATE JUSTICE
UNITED STATES SUPREME COURT

Synopsis:

Office of Personnel Management (OPM) checks show no information since previous investigation.

-RUC-

DETAILS:

On June 27, 1986, [redacted] [redacted] UNITED STATES OFFICE OF PERSONNEL MANAGEMENT (USOPM), NACI Center, Boyers, Pennsylvania, advised that OPM files contain no additional information for captioned applicant since last investigation conducted.

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JUN 11 1989

RC

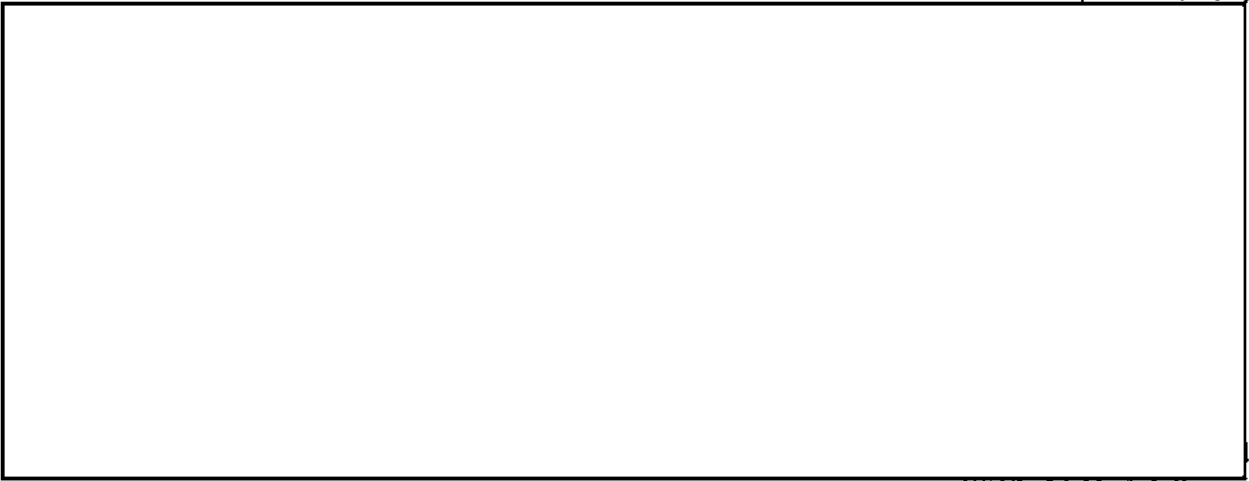
FEDERAL GOVERNMENT

ANTONIN SCALIA

Captioned individual, who you advised was born March 11, 1936, in Trenton, New Jersey, was the subject of applicant investigations by the FBI in 1972, 1974 and 1982 with favorable results concerning him.

b6
b7C
b7D

(161-8959)
(77-13127)



ORIGINAL FILED IN 62-5-62843

The central files at FBI Headquarters, the records of the Identification Division and appropriate computer data bases contain no additional pertinent information identifiable with the captioned individual based upon background information furnished in connection with this name check request.



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b7D

- 1 - [redacted]
- 1 - [redacted] Room 5161
- ① - 77-131275

PJL:ald (6)

77-131275
FEB 11 1989
DUPLICATE

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JUN 11

371
14 MAR 16 1989

FEDERAL BUREAU OF INVESTIGATION

CLASS 76
SRC'D 10
SER 1

REPORTING OFFICE ALEXANDRIA	OFFICE OF ORIGIN BUREAU	DATE 6/30/86	INVESTIGATIVE PERIOD 6/26/86 - 6/27/86
TITLE OF CASE ANTONIN GREGORY SCALIA		REPORT MADE BY SA 	TYPED BY jll
		CHARACTER OF CASE DEPARTMENTAL APPLICANT CANDIDATE FOR ASSOCIATE JUSTICE UNITED STATES SUPREME COURT	

b6
b7C

REFERENCE: Director airtel to Alexandria, 6/23/86.

-RUC-

correct

ADMINISTRATIVE:

All individuals contacted were apprised of the provisions of the Privacy Act, and those requesting confidentiality have been so noted.

⊕

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW
COPIES MADE:	<i>JAN/KS</i>	77-131275-150
② Bureau 1-Alexandria (77A-3866)	<i>[Signature]</i>	9 AUG 21 1989
Dissemination Record of Attached Report		Notations
Agency		<i>[Signature]</i>
Request Recd.	<i>1 cc to AAG 7/8/86</i>	
Date Fwd.		
How Fwd.	<i>1 cc to WHITE HOUSE 7/9/86</i>	
By		

COVER PAGE

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[Handwritten signature]

**UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation**

Copy to:

Report of: SA [REDACTED] Office: Alexandria, Virginia
 Date: 6/30/86
 Field Office File #: 77A-3866 Bureau File #:
 Title: ANTONIN GREGORY SCALIA

b6
b7C

Character: DEPARTMENTAL APPLICANT
 CANDIDATE FOR ASSOCIATE JUSTICE
 UNITED STATES SUPREME COURT

Synopsis: United States Attorney's Office revealed no record concerning applicant and family members. Membership in recreational clubs verified and favorable.

-RUC-

DETAILS:UNITED STATES ATTORNEY

IA [REDACTED] caused a search to be made of the files of the United States Attorney's Office, Eastern District of Virginia, Alexandria, Virginia, and was advised on June 27, 1986, that no record was located regarding the applicant, [REDACTED]

b6
b7CRECREATIONAL CLUBS

The following investigation was conducted by SA [REDACTED] on June 26, 1986, at McLean, Virginia:

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[REDACTED] the LANGLEY CLUB, INCORPORATED, Live Oak Drive, McLean, Virginia, advised that the applicant [REDACTED] of the club for an unspecified period of time. [REDACTED]

advised that there are no restrictions whatsoever regarding membership, such as race, color, creed or national origin. [redacted] stated that this is a neighborhood swim and tennis club that has been in existence since 1957. [redacted] stated that most of the neighbors live within a one mile radius. [redacted] stated that currently there are 335 families which are members. [redacted] stated that in order to get on the waiting list one simply needs to deposit \$25. [redacted] stated that the waiting list is currently three to five years long.

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[redacted] stated that yearly membership fee is \$175. [redacted] stated that to date he has never known the board to turn down any applicant, for any reason, where a vacancy exists.

[redacted] advised that he had no records relating to the extent of the applicant's participation in the club.

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The following investigation was conducted by SA [redacted] on June 27, 1986, at McLean, Virginia:

[redacted] MCLEAN SWIMMING AND TENNIS ASSOCIATION, P.O. Box 391, McLean, Virginia, advised that the applicant [redacted] have been members of that association for an unspecified period of time.

[redacted] advised that there are no restrictions whatsoever regarding membership, such as race, color, creed or national origin. [redacted] did state that membership is limited to persons that reside in the geographic boundaries as defined by MCLEAN HIGH SCHOOL and LANGLEY HIGH SCHOOL. [redacted] stated that there are no other restrictive factors used. [redacted] stated that the primary activities of the association are to provide tennis courts and act as a summer swimming club. [redacted] stated that the only criteria for membership is a \$185 fee per year. [redacted] stated that to the best of her knowledge the applicant was not an active member. [redacted] concluded the interview by stating that the association has been in existence for 25 years.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE ALEXANDRIA	OFFICE OF ORIGIN BUREAU	DATE 6/30/86	INVESTIGATIVE PERIOD 6/19/86 - 6/26/86
TITLE OF CASE ANTONIN GREGORY SCALIA		REPORT MADE BY SA 	TYPED BY jll
CHARACTER OF CASE DEPARTMENTAL APPLICANT CANDIDATE FOR ASSOCIATE JUSTICE UNITED STATES SUPREME COURT			

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REFERENCE: Director teletype to Alexandria, 6/20/86.
 Director airtel to Alexandria, 6/23/86.
 Alexandria teletype to Director and Denver, 6/23/86.

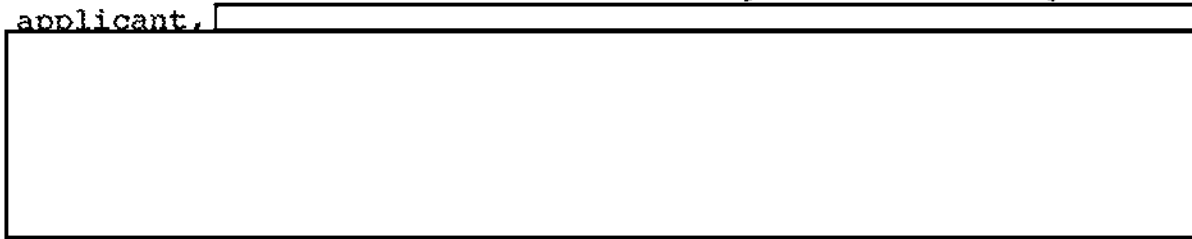
-p-

Correct 1, 3, 4, 6, 7

ADMINISTRATIVE:

All individuals contacted were apprised of the provisions of the Privacy Act, and those requesting confidentiality have been so noted.

Alexandria General indices, Confidential indices, Elsur indices and ISIS indices were negative concerning applicant.



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APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW
COPIES MADE:	<i>[Handwritten Signature]</i>	<i>77-131275-151</i>
<i>2-Bureau (77-131275)</i> <i>1-Alexandria (77A-3866)</i>		AUG 9 1989

Dissemination Record of Attached Report				Notations
Agency				<i>[Handwritten Signature]</i>
Request Recd.	<i>1 CC TO AAG</i>	<i>7/8/86</i>		
Date Fwd.				
How Fwd.	<i>1 CC TO WHITE HOUSE</i>	<i>7/9/86</i>		
By				

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AX 77A-3866



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LEADS:

ALEXANDRIA

AT ALEXANDRIA, VIRGINIA

Will forward results of membership verification at MCLEAN SWIMMING AND TENNIS ASSOCIATION, and LANGLEY CLUB, INCORPORATED, when available.

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**UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation**

Copy to:

Report of: SA [redacted] Office: Alexandria, Virginia b6
 Date: 6/30/86 b7C
 Field Office File #: 77A-3866 Bureau File #: 77-131275
 Title: ANTONIN GREGORY SCALIA

Character:

DEPARTMENTAL APPLICANT
 CANDIDATE FOR ASSOCIATE JUSTICE
 UNITED STATES SUPREME COURT

Synopsis:

Neighborhoods verified and favorable comments received. Credit check satisfactory. Arrest checks negative. Personal physician [redacted] notes applicant in excellent health, and has recently completed Supreme Court Justice Physical. Land records indicate applicant has clear title for residence with no indication of tax liens. Personal property taxes current. No restrictive covenants exist in applicant's subdivision. Leaders of professional associations have never met the applicant.

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DETAILS:

NEIGHBORHOOD

6713 Wemberly Way
 McLean, Virginia
June 1, 1983 - present

On June 23, 1986, [redacted] advised that the applicant had [redacted] for the past couple of years. She had met him once at a party, and had very limited contact with him since then. The applicant seemed very nice, and polite. He had been a very good neighbor, [redacted] had kept to themselves. [redacted] did not know the applicant well enough to comment on any aspect of his character, associates, responsibility or loyalty.

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On June 24, 1986, [redacted] advised that he had met the applicant a few times at neighborhood type functions. The applicant had been an excellent neighbor, and in fact, the applicant's [redacted] was the [redacted]. [redacted] noted that he did not know the applicant well, but would characterize him based on his limited knowledge as a conservative, broad minded individual who possessed many good ideas. The applicant also maintained a high ability to express his ideas. [redacted] had never met any of the applicant's personal friends or associates. An absolutely responsible individual, there was certainly no reason to question any aspect of his loyalty. [redacted] was not aware of any excessive alcohol use nor any type of illicit narcotic use by the applicant. [redacted] noted that based on his limited contact, he believed the United States government was fortunate to have an individual such as the applicant.

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On June 25, 1986, [redacted] advised that the applicant had moved into his home in the middle of 1983. The applicant had been a very good neighbor and never caused any type of problems in the neighborhood. [redacted] noted that she really did not know the applicant and had only met him at a social function. She had never heard anything bad from the neighbors about the applicant. In fact, the neighbors all seemed to be glad to have him living there. The applicant had done an outstanding job with his large family. [redacted] believed that she did not know the applicant well enough to comment on any aspect of his character, associates, responsibility or loyalty. She was unaware of excessive alcohol use or any type of illicit narcotic use by the applicant.

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1509 Twisting Tree Lane
McLean, Virginia
September 1, 1980 - May 30, 1983

On June 23, 1986, [redacted] advised that she knew the applicant had resided [redacted] but had never seen much of him. She only knew the applicant [redacted] well enough to speak with them as neighbors in the driveway occasionally. It had been at least two and a half years since the applicant and his large family had resided there. [redacted] noted

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AX 77A-3866

that she did not know the applicant well enough to comment on any aspect of his character, associates, responsibility, or loyalty.

On June 23, 1986, [redacted] advised she had become good friends with the applicant's [redacted] when they were living [redacted] and the applicant's [redacted]. [redacted] considered the applicant to be of good character, and an extremely responsible individual. The applicant [redacted] had done an excellent job [redacted]. She had never met any of the applicant's personal friends or associates. There was no reason at all to question any aspect of the applicant's loyalty to the United States. She had never heard the applicant express any type of bias or prejudice against any type of race, religion or social origin. [redacted] did not feel that she knew the applicant well enough to comment on his temperament or demeanor. She noted that she would be surprised to hear anything but good information about the applicant. She recommended the applicant for a position on the United States Supreme Court. She was unaware of excessive alcohol use or any type of illicit narcotic use by the applicant.

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On June 23, 1986, [redacted] advised she and her husband, had known the applicant [redacted] for a number of years. [redacted] was [redacted] as the applicant. The applicant has resided in the corner home during the dates indicated. Since the applicant [redacted] had moved to another home in McLean, the family stayed in touch with each other, and the applicant's [redacted]. [redacted] noted that although her husband had maintained a professional contact with the applicant, hers was primarily social. She characterized the applicant as a congenial, friendly and brilliant individual. The applicant was extremely responsible, and loyal to the aims and goals of the United States. The applicant's personal friends and associates were all very high quality people. Most of the applicant's friends were other judges, or government employees. [redacted] was unaware of any excessive alcohol use, or the use of any type of illicit narcotics by the applicant. [redacted] was unaware of any type of discriminatory tendencies or biases by the applicant. She considered the applicant to be outstanding in all aspects of personal health, temperament, and fairness. The applicant was very fair, and even tempered. [redacted] highly recommended the applicant for a position on the United States Supreme Court.

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On June 24, 1986, [redacted] advised the applicant had been a good neighbor while residing in corner house. [redacted] did not know the applicant well enough to comment on any aspect of his character, associates, responsibility or loyalty.

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CREDIT CHECK

On June 26, 1986, IA [redacted] caused a search to be made of the files of the CREDIT BUREAU OF NORTHERN VIRGINIA, INCORPORATED, Post Office Box 232, Manassas, Virginia, which covers the Washington Metropolitan area and was advised that the files contained a satisfactory credit record regarding the applicant.

ARREST CHECKS

On June 19, 1986, a computerized check of the CENTRAL CRIMINAL RECORDS EXCHANGE (CCRE), VIRGINIA STATE POLICE (VSP), Richmond, Virginia, was negative regarding applicant [redacted]

IA [redacted] caused a search to be made of the files of the FAIRFAX COUNTY, VIRGINIA, POLICE DEPARTMENT, and was advised on June 23, 1986, that no record was located regarding the applicant or his spouse. It is to be noted that in applicant matters only class 3 and 4 misdemeanors are available.

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IA [redacted] caused a search to be made of the files of the FAIRFAX COUNTY, VIRGINIA, POLICE DEPARTMENT, and was advised on June 25, 1986, that no record was located concerning [redacted]

[redacted] It is to be noted that in applicant matters only class 3 and 4 misdemeanors are available.

On June 27, 1986, a computerized check of the CENTRAL CRIMINAL RECORDS EXCHANGE (CCRE), VIRGINIA STATE POLICE (VSP), Richmond, Virginia, failed to reflect any information identifiable with [redacted]

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PERSON PHYSICIAN

On June 26, 1986, [redacted] McLean, Virginia, advised that he had been the applicant's personal physician since June, 1983. He first saw the applicant for a case of the flu. Since that time, he had seen the applicant in April, 1985,

for a physical so the applicant could take an "Outward Bound" trip. In June, 1986, he last saw the applicant for a complete physical for the applicant's appointment to the Supreme Court. [redacted] had completed the necessary paper work and had sent it back to the court system as requested. The applicant was in extremely good shape, and had no risk factors for possible coronary disease. [redacted] had only maintained a professional relationship with the applicant, and had never had any type of social contact with him. There was no problem in receiving payment. As far as he knew, he was the applicant's primary physician. He was unaware of any mental consultations.

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He characterized the applicant as a very likable person who always gave a good impression. The applicant was very friendly, and always looked you straight in the eye. [redacted] noted that he was impressed with the applicant's physical condition. He considered the applicant to be a responsible and loyal individual, and had never observed any indication of the excessive alcohol use or illicit narcotic use. [redacted] recommended the applicant for a position of trust and responsibility.

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LAND RECORDS

On June 25, 1986, Fairfax County land records were searched by SA [redacted]. Applicant went to settlement on Wemberly Way, lot #23, Parkview Hills, on May 2, 1983. He purchased this home for \$325,000, and the deed was recorded in both the applicant, and his spouses name. Deed was registered in deed book 5765, page 1773, May 7, 1983. This deed superceded the prior purchasers deed 5603-1632. At the time of settlement, applicant assumed a \$107,000 loan.

On November 16, 1983, the Fairfax County, Virginia Board of Supervisors obtained a sanitary sewer easement. This easement was recorded on December 30, 1983, and was agreed to be all parties concerned.

The original deed establishing the Parkview Hills subdivision, was recorded in Fairfax County deed book 2243 page 154, this deed recorded the following covenants:

1) Trailers were not permitted to be used as residences.

AX 77A-3866

- 2) Lots were not to be used for business purposes.
- 3) Lots were not to be used for the raising of livestock or commercial animal breeding.
- 4) The plans for the specifications, evaluations, roof types, and site plans were subject to approval by the original developer, [REDACTED]
- 5) Lots could not be re-subdivided.
- 6) Homes could be situated no more than 50 feet to the front of the property line.
- 7) No fences or walls could be erected without approval.
- 8) A five foot easement existed along all property lines for the installation of utilities.
- 9) Only residential buildings and garages as approved by [REDACTED] could be erected.
- 10) [REDACTED] reserved the right to amend, modify, vacate any restrictions which existed by filing the appropriate deed. The above covenants were to remain in effect until January 1, 1988, at which time they would be automatically renewed and extended for a 10 year period unless the majority of residents decided to alter them. The ground floor of all one story residences could be no less than 1,500 square feet, nor less than 1,000 square feet for structures of more than one story.

A search of the records of the Fairfax County Circuit Court from 1982, until present failed to locate the existence of any judgments concerning the applicant.

PERSONAL PROPERTY TAX

On June 24, 1986, [REDACTED] Property Tax Office, Massey Building, Fairfax County, Virginia, advised that the applicant currently owned one car assessed at \$3,300 which was registered in Fairfax County.

On June 24, 1986, [REDACTED] Finance Office,

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AX 77A-3866

Fairfax County Government Building, Fairfax, Virginia, advised that all personal property taxes were current in the applicant's account.

PROFESSIONAL ASSOCIATIONS

The following investigation was conducted by
SA [REDACTED]

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On June 24, 1986, [REDACTED] [REDACTED] National Sheriff's Association, 1450 Duke Street, Alexandria, Virginia, advised that he has never met nor had any conversations with the applicant, so that his opinions and impressions of the applicant are based upon public perception, media reports and court decisions that the applicant has made.

[REDACTED] stated that everything he has heard or read about the applicant is positive, and that he has heard of nothing negative or derogatory concerning the applicant. [REDACTED] advised that he is pleased with the applicant's legal ability and past performance, and feels that the appointment is an excellent choice as the applicant is an outstanding judge.

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On June 25, 1986, [REDACTED] National Conservative Political Action Committee, 1001 Prince Street, Alexandria, Virginia, advised that he has never met nor had any conversations with the applicant. [REDACTED] stated his opinions and impressions of the applicant are based upon his reading of the applicant's writings and decisions and from what he has heard from friends and associates who discuss the applicant. [REDACTED] stated that he has heard favorable things about the applicant for some time. [REDACTED] said that as a lawyer, he has read the applicant's opinions, and while he does not always agree with every opinion, he is impressed with the applicant's reasoning and admits the applicant's writings are well done. [REDACTED] concluded by stating he rates the applicant as "excellent" in the areas of professional reputation, legal ability and reputation for fairness

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CLASS 1/1
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SER 1/4
REC

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE BOSTON	OFFICE OF ORIGIN BUREAU	DATE 6/30/86	INVESTIGATIVE PERIOD 6/23-27/86
TITLE OF CASE ANTONIN GREGORY SCALIA		REPORT MADE BY SA 	TYPED BY mad
		CHARACTER OF CASE DAPLI CANDIDATE FOR ASSOCIATE JUSTICE UNITED STATES SUPREME COURT	

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REFERENCE:

Boston airtel to Bureau 6/26/86; Bureau airtel to Boston 6/23/86; Bureau teletype to Boston et al 6/23/86.

Cont 2, 4

-RUC-

ADMINISTRATIVE:

All persons contacted in this matter were advised of the provisions of the Privacy Act of 1974 and none desired confidentiality.

Investigation conducted by SA

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ACCOMPLISHMENTS CLAIMED					<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS.	RECOVERIES		

APPROVED *JW/MLH* SPECIAL AGENT IN CHARGE

COPIES MADE:
 2-Bureau (77-131275)
 1-Boston (77B-18511)

MW *J*

DO NOT WRITE IN SPACES BELOW

77-131275-152

AUG 9 1989

Dissemination Record of Attached Report			
Agency			
Request Recd.	<i>1 cc to AAG</i>	<i>7/8/86</i>	
Date Fwd.			
How Fwd.	<i>1 cc to WHITE HOUSE</i>	<i>7/9/86</i>	
By			

Notations
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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:	SA [REDACTED]	Office:	Boston, Mass.	b6
Date:	June 30, 1986			b7C
Field Office File #:	Boston 77B-18511	Bureau File #:	77-131275	
Title:	ANTONIN GREGORY SCALIA			

Character: DEPARTMENTAL APPLICANT
 CANDIDATE FOR ASSOCIATE JUSTICE
 UNITED STATES SUPREME COURT

Synopsis: Associate recommends. Opposing attorneys do not recall applicant. Applicant not admitted to Massachusetts Bar. No prosecutive action on applicant at U. S. Attorney's Office.

-RUC-

DETAILS:

BS 77B-18511

ASSOCIATES

On June 27, 1986, [redacted]
[redacted] Harvard Law School, Cambridge, Massachusetts, advised he and ANTONIN SCALIA were classmates at Harvard Law School. While at Harvard Law School, he and the applicant spent a lot of time together. Since that time, he has seen the applicant on a irregular basis.

[redacted] said that although the applicant's legal and political philosophy are more conservative than his, he feels the applicant is well qualified for the Supreme Court position. He stated the applicant has both the intellect and proper temperament to serve on the Supreme Court. He feels the applicant would be fair and impartial in his decision making. He knows nothing derogatory about the applicant. He has no knowledge the applicant has ever used illegal drugs or abused alcohol. He has no reason to question the applicant's loyalty to the United States and would highly recommend the applicant for the position of Associate Justice of the United States Supreme Court.

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BS 77B-18511

OPPOSING ATTORNEYS

On June 26, 1986, [REDACTED] SILVERGATE, GERTNER, BAKER, FINE & GOOD, 88 Broad Street, Boston, Massachusetts, advised that he had no recollection of opposing the applicant and did not know the applicant. He was, therefore, unable to comment about the applicant.

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On June 26, 1986, [REDACTED] SILVERGATE, GERTNER, BAKER, FINE & GOOD, 88 Broad Street, Boston, Massachusetts, advised that she had no recollection of opposing the applicant and did not know the applicant. She was, therefore, unable to comment about the applicant.

BS 77B-18511

MISCELLANEOUS

On June 23, 1986, [redacted] Massachusetts Supreme Judicial Court, Commonwealth of Massachusetts, Boston, Massachusetts, advised that ANTONIN GREGORY SCALIA was not a member of the Massachusetts Bar.

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On June 27, 1986, [redacted] United States Attorneys Office, District of Massachusetts, Boston, Massachusetts, advised that their office had no record of any prosecutive action concerning the applicant.

FEDERAL BUREAU OF INVESTIGATION

REC

REPORTING OFFICE CHICAGO	OFFICE OF ORIGIN BUREAU	DATE 6/30/86	INVESTIGATIVE PERIOD 6/24/86 - 6/30/86
TITLE OF CASE ANTONIN GREGORY SCALIA		REPORT MADE BY SA 	TYPED BY des
CHARACTER OF CASE DAPLI, CANDIDATE FOR ASSOCIATE JUSTICE UNITED STATES SUPREME COURT			

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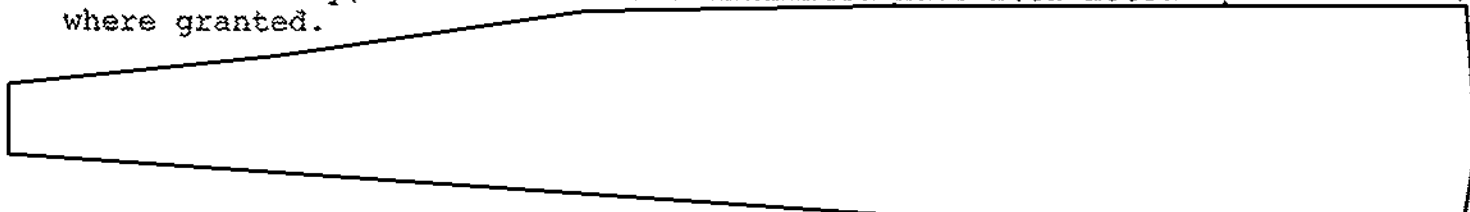
REFERENCE:

Bureau teletype dated 6/20/86, Bureau airtel dated 6/23/86.

- Ric

ADMINISTRATIVE:

Where appropriate, Privacy Act (e) (3) data was furnished to persons interviewed. Express promises of confidentiality, both limited and unlimited have been noted where granted.



ACCOMPLISHMENTS CLAIMED					<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES		

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APPROVER <i>Ed H. Jelk</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW
COPIES MADE: 2 - Bureau (77-131275) 2 - Chicago (77B-20652)		77-131275-153
		9 AUG 9 1986



Dissemination Record of Attached Report				Notations <i>Blk</i>
Agency				
Request Recd.	1 cc TO AAG	7/8/86		
Date Fwd.				
How Fwd.	1 cc TO WHITE HOUSE	7/9/86		
By				

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ADMINISTRATIVE:



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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA [redacted]
Date: JUNE 30, 1986

Office: CHICAGO

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Field Office File #: 77B-20652

Bureau File #:

Title: ANTONIN GREGORY SCALIA

Character: DEPARTMENTAL APPLICANT, CANDIDATE FOR ASSOCIATE
JUSTICE UNITED STATES SUPREME COURT

Synopsis: Associate interviewed and advised his only differences with the applicant were political and that he knew of no reason why applicant should not be a Supreme Court Justice. [redacted] recommended highly. Illinois Bar revealed no record regarding applicant. U.S. Attorneys' Office records were negative regarding applicant [redacted] Membership in the Justinian Society verified. Arrest checks [redacted]

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DETAILS:

ASSOCIATE:

On 6/25/86, [REDACTED] UNIVERSITY OF CHICAGO LAW SCHOOL, Chicago, Illinois, advised he has known the applicant for a number of years, [REDACTED] at the UNIVERSITY OF CHICAGO. [REDACTED] stated that the applicant is intelligent, conscientious and a person of high integrity.

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[REDACTED] stated the applicant does not use illegal drugs, abuse alcohol, nor has he ever known him to be prejudiced.

[REDACTED] advised that the applicant maintains a fine moral character and reputation and that he has never had any reason to question the applicant's loyalty to the United States.

[REDACTED] advised that the applicant would not be his choice for the United States Supreme Court, but that is because of slight differences in political views. [REDACTED] indicated that there is no question the applicant has the credentials to be an Associate Justice of the United States Supreme Court.

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MISCELLANEOUS:

CHICAGO TRIBUNE
Chicago, Illinois

On 6/24/86, [redacted] advised Special Agent (SA) [redacted] that he knows applicant as "NINO". He met applicant through [redacted] [redacted] approximately three years ago. He sat on a panel with applicant in New Jersey entitled "PRESS AND THE LAW". He knows applicant socially and professionally.

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[redacted] advised that he knew of applicant when applicant was in the Justice Department under Attorney General EDWIN LEVI. [redacted] described applicant as "The straightest man in America" and the applicant is a wonderful appointment who can be trusted to do an exceptional job.

[redacted] advised that applicant's character, integrity, reputation and associates are of the highest caliber. Applicant has an air of sincerity and is well-respected in the legal community. Applicant is definitely loyal to the United States and does not use drugs or abuse alcohol. Applicant has dedicated his life to understanding the constitution. He is a scholar who displays no racial, religious or ethnic biases. Applicant knows the law to the ultimate degree.

[redacted] advised that applicant is "not corruptible" and he would give him the highest recommendation for the position of Justice of the United States Supreme Court.

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SUPREME COURT OF ILLINOIS

On 6/25/86, [redacted] ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION, SUPREME COURT OF ILLINOIS, 203 North Wabash Avenue, Chicago, advised Special Agent (SA) [redacted] that her records contain no information concerning appointee.

U.S. ATTORNEY'S OFFICE
Chicago, Illinois

On 6/30/86, [redacted] DOCKETS SECTION, U.S. ATTORNEY'S OFFICE, Chicago, Illinois, advised her records were negative regarding applicant [redacted]

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MISCELLANEOUS:

JUSTINIAN SOCIETY
Chicago, Illinois

On 6/27/86, public source records in the Chicago, Illinois, area revealed no record regarding captioned society.

On 6/30/86, AMERICAN BAR ASSOCIATION, INFORMATION SECTION, Chicago, Illinois, revealed no record regarding captioned society.

On July 3, 1986, [redacted] Circuit Court of Cook County, 2309 Daley Center, Chicago, Illinois, advised that the Justinian Society of Jurists came into existence in 1966. It is a semi-fraternal group interested in cultural affairs and educational programs. [redacted] stated that the group contains approximately twelve hundred judges of Italian derivation. The society is open to all judges and the educational and cultural programs are open to all. [redacted] stated that he is [redacted] [redacted] of the society and the candidate is a current member.

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CG 77B-20652

ARREST:

On 6/26/86, Investigative Assistant (IA) [redacted] caused the records of the Chicago, Illinois, Police Department to be searched regarding the applicant [redacted]. [redacted] advised her records were negative.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

AIRTEL

DATE: 6/30/86

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TO : DIRECTOR, FBI (77-131275)
(ATTN: [redacted] ROOM 5136)

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FROM : ADIC, NEW YORK (77B-40433) (RUC) (A-4)

SUBJECT: ANTONIN GREGORY SCALIA;
DAPLI,
CANDIDATE FOR ASSOC. JUSTICE,
US SUPREME COURT;
BUDED: 7/3/86, WOF

Re New York rep, dated 6/27/86, and New York telcal to
[redacted] on 6/30/86.

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Enclosed for the Bureau is one copy of New York Times
articles regarding candidate from the NEXIS Computer Data Base.

detached for handling

No further investigation is outstanding in the New York
Division.

- ② - Bureau
- 1 - New York

DB:cb
(4)

77-131275-154

AUG 2 1986

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CLASSIFIED FEDERAL BUREAU OF INVESTIGATION

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REPORTING OFFICE DENVER	OFFICE OF ORIGIN BUREAU	DATE 7/1/86	INVESTIGATIVE PERIOD 6/30/86
TITLE OF CASE ANTONIN GREGORY SCALIA		REPORT MADE BY SA [redacted]	TYPED BY SMT
CHARACTER OF CASE DAPLI - CANDIDATE FOR ASSOCIATE JUDGE, U. S. SUPREME COURT			

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REFERENCE: Alexandria teletype to the Bureau, dated 6/24/86.

- RUC -

ADMINISTRATIVE:

Privacy Act (e) (3) data was furnished to persons interviewed. Express promises of confidentiality, both limited and unlimited, have been noted where granted.

Check of general indices, 6/25/86, revealed no record regarding applicant, checked by Clerk [redacted]

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ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES			
								PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED *GA*
SPECIAL AGENT IN CHARGE

COPIES MADE:
 ② - Bureau (77-131275)
 1 - Denver (77B-10011)

[Handwritten signatures and initials]

DO NOT WRITE IN SPACES BELOW

77-131275-155

AUG 9 1986

Dissemination Record of Attached Report			
Agency			
Request Recd.	ICC TO AAG	7/8/86	
Date Fwd.			
How Fwd.	ICC TO WHITE HOUSE	7/9/86	
By			

Notations

[Handwritten signature]

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA [redacted]

Office: DENVER, COLORADO

b6
b7c

Date: July 1, 1986

Field Office File #: 77B-10011

Bureau File #: 77-131275

Title: ANTONIN GREGORY SCALIA

Character: DEPARTMENTAL APPLICANT, CANDIDATE FOR ASSOCIATE JUDGE
U. S. SUPREME COURT

Synopsis:

Owner of property in Mc Lean, Virginia, [redacted] interviewed concerning candidate's having rented property, comments favorably, recommends. b6
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- RUC -

DETAILS:

NEIGHBORHOOD

On June 30, 1986, [redacted] was interviewed by SA [redacted] confirmed that she and her husband, [redacted] rented their residence at [redacted] to the candidate [redacted]

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[redacted] stated that the files concerning this property were not readily available and further advised that the property was rented to the candidate by [redacted] PEAKE PROPERTIES, a management company in Mc Lean, Virginia, while she and her husband were overseas with her husband's company. Her husband met the [redacted] briefly, on one occasion, but other than that neither had contact with the candidate, his family, close associates, etc., and could not, therefore, comment concerning them.

[redacted] stated that she believes the candidate and his family rented the property from about September, 1981, to June, July or August, 1983. She believes the rental was for a period of about one and a half (1½) years, while their home was being built. She stated that the reason she cannot be more specific concerning the dates is that there was a renter just prior to the candidate and his family having rented the property.

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[redacted] stated that the rental property was a large home and partially furnished and was suitable for the candidate for those same reasons. The property was left in "perfect" condition by the candidate and his family, consisting of [redacted] and she and her husband were very pleased with them. In addition, [redacted] supra, advised they were very good tenants. She and her husband also had occasion to speak to the neighbors concerning the applicant and his family and the neighbors described them as being "nice people" and good neighbors.

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[redacted] stated that there exists no covenants or restrictions as to residency in this area.

[redacted] stated she knew of no reason not to recommend the candidate for a position of trust and confidence with the United States Government.

ESP

FEDERAL BUREAU OF INVESTIGATION

CLASS 11
SRC'D 11
SER 11
REG

REPORTING OFFICE DETROIT	OFFICE OF ORIGIN BUREAU	DATE 7/1/86	INVESTIGATIVE PERIOD 6/1/86 - 6/1/86
TITLE OF CASE ANTONIN GREGORY SCALIA		REPORT MADE BY SA 	TYPED BY efz
CHARACTER OF CASE DAPLI CANDIDATE FOR ASSOCIATE JUSTICE U.S. SUPREME COURT BUDED: 7/3/86			

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REFERENCE: Bureau teletype to WFO, et al, dated 6/20/86.

- RUC -

ADMINISTRATIVE

All individuals contacted were apprised of the provisions of the Privacy Act, and those requesting confidentiality have been so noted.

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES			
								PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED *KW/RRG*
SPECIAL AGENT IN CHARGE

COPIES MADE:

- ② Bureau
- 1- Detroit (77B-9812)(C-4)

(Handwritten initials)

DO NOT WRITE IN SPACES BELOW

77-131215-156

9 AUG 9 1989

Dissemination Record of Attached Report				Notations
Agency	Request Recd.	Date Fwd.	How Fwd.	
	ICC TO AAG	7/8/86		
	ICC TO WHITE HOUSE	7/9/86		
By				

(Handwritten initials)

70 NOV 1 1989

COVER PAGE
-A-

DE 77B-9812

ADMINISTRATIVE

FBI, Detroit, indices, elsur and ISIS records reflect no derogatory information regarding applicant.

COVER PAGE

- B* -

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA [redacted]
Date: 7/1/86

Office: Detroit, Michigan

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Field Office File #: 77B-9812

Bureau File #: ***

Title: ANTONIN GREGORY SCALIA

Character: DEPARTMENTAL APPLICANT
CANDIDATE FOR ASSOCIATE JUSTICE
U.S. SUPREME COURT

Synopsis: Labor leader could not recommend applicant due to the fact that he did not have any direct professional contact with applicant; although, labor leader had no derogatory information regarding applicant. Indices checks negative.

- RUC -

DETAILS:

DE 77B-9812

The following investigation was conducted by
SA [REDACTED]

LABOR LEADER

On June 1, 1986, [REDACTED] INTERNATIONAL
UNION OF UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA, 8000 East Jefferson Avenue,
Detroit, Michigan, was interviewed regarding applicant.

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[REDACTED] advised he did not know applicant personally
and that he had not had any direct professional contact
with applicant.

[REDACTED] further advised he possessed no knowledge
of any derogatory information regarding applicant.

CLASS 2
 SRC'D 11
 SER 13
 REC

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE NEW HAVEN	OFFICE OF ORIGIN BUREAU	DATE 7/2/86	INVESTIGATIVE PERIOD 6/27/86 - 7/2/86
TITLE OF CASE ANTONIN GREGORY SCALIA		REPORT MADE BY SA 	TYPED BY Laj
CHARACTER OF CASE DEPARTMENTAL APPLICANT CANDIDATE FOR ASSOCIATE JUSTICE UNITED STATES SUPREME COURT			

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Reference: Butel to WFO, 6/21/86, Bureau airtel to WFO, 6/23/86.

-RUC-

Administrative: Person interviewed was advised of provisions of the Privacy Act and he did not request confidentiality.

A copy of this report was furnished to FBIHQ on 7/3
DL

ACCOMPLISHMENTS CLAIMED <input type="checkbox"/> NONE						ACQUIT-TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES		
APPROVED <i>[Signature]</i>						SPECIAL AGENT IN CHARGE	
COPIES MADE: ② - Bureau 1 - New Haven (77A-8344)						DO NOT WRITE IN SPACES BELOW 77-131275-158 AUG 9 1986 <i>DL</i> <i>20. Jan E</i> <i>DL6</i>	
Dissemination Record of Attached Report						Notations	
Agency						10865 DL	
Request Recd.	1 cc to AAG		7/8/86			20. Jan E	
Date Fwd.							
How Fwd.	1 cc to WHITE HOUSE		7/4/86				
By							

70 NOV 1 1986

COVER PAGE

A

Administrative, cont'd:

On June 30, 1986, [redacted] United States Attorney's Office, New Haven, Connecticut, advised Investigative Assistant (IA) [redacted] the records of her office contain no information identifiable with the applicant or members of his immediate family.

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On June 19, 1986, [redacted] checked the FOIMS and General Indices of the New Haven Division FBI, and on the same date, [redacted] reviewed the Confidential and ELSUR Indices of the New Haven Division, both with negative results pertaining to the applicant and his immediate family.

On June 25, 1986, ISIS Indices was searched by [redacted] and this referred to NH 206-101-EB355. A review of this determined that it was a Grand Jury document which contained [redacted]

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA [REDACTED] Office: New Haven
Date: July 2, 1986
Field Office File #: NH 77A-8344 Bureau File #:
Title: ANTONIN GREGORY SCALIA

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Character: DEPARTMENTAL APPLICANT, CANDIDATE FOR ASSOCIATE
JUSTICE, UNITED STATES SUPREME COURT

Synopsis: Peer recommends.

-RUC-

Details: PEER

On July 2, 1986, [REDACTED], [REDACTED]
[REDACTED] AETNA LIFE AND CASUALTY
COMPANY, 151 Farmington Avenue, Hartford, Connect-
icut, advised that in approximately 1960 or 1961, he
[REDACTED] in the law firm of JONES, DAY,
COCKLEY AND RAVIS in Cleveland, Ohio. He had been
[REDACTED] for that law firm and had visited
HARVARD Law School, and after having read the resume
of ANTONIN SCALIA, he was very impressed by him and
they talked into the early hours of the morning until
SCALIA consented to visiting Cleveland. After having
visited the firm, he decided to join the firm as an
associate and they became close associates for the
next five or six years. He recalls SCALIA had been
[REDACTED] and they also
became close socially as well as professionally.
At that time, SCALIA was involved in corporate law
and real estate.

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[REDACTED] stated that all his expectations of
the applicant were realized, and that his position
as an officer of the HARVARD Law Review was indicative
of the potential he possessed at that time and has
certainly realized in the succeeding years.

[redacted] stated that in 1969, he went to Washington as the [redacted] and subsequently became [redacted]. In that same time frame, SCALIA eventually became General Counsel to the Office of Telecommunications under [redacted], and then subsequently moved on to the office of legal counsel in the Department of Justice.

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From the early years of their association, [redacted] could see that the applicant possessed "the reflective type of mind like a scholar or judge" in that he would never be satisfied with remaining in corporate law, and that he would go on to greater things.

[redacted] stated that he still maintains contact with SCALIA and even though they see each other rarely because of geographical distance, he still considers himself a close friend of SCALIA. During the years he has known him, he has never witnessed or been aware of any bias or prejudice on the part of the applicant and he is aware of no practice, habit, or moral character defect which would disqualify him for a highly sensitive position in the United States Government. He has certainly been aware, he stated, of the applicant's nomination to the Supreme Court and he believes this is a "first class appointment". The applicant possesses the reputation of being fair, "straight up in his thinking process", and one who possesses outstanding judicial temperament. He examines all sides of issues and is very careful and considerate of all viewpoints before arriving at any conclusion.

[redacted] stated that his moral character, reputation, loyalty, stability, and judgment are of the highest caliber, and he has never had reason to believe or even suspect that he has ever been involved with drugs or that he abuses alcohol. He described SCALIA as less than a moderate drinker and one who may have a drink only in a limited social setting. SCALIA is an excellent family man and is very devoted to his

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[redacted] [redacted] stated that he wholeheartedly concurs with the choice of SCALIA to the Supreme Court, and he added that he believes all persons in various stages of the political spectrum will respect SCALIA because of his honesty, integrity, judgment, and outstanding intellect, and that all these attributes will be an asset to the bench and it is certain

NH 77A-8344

that all his opinions will be unbiased, fairminded, and meticulously arrived at.

concluded by highly recommending SCALIA for a position of trust and confidence without any reservations.

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CLASS 1B
 SEC'D 1B
 E. R. 1B
 REC 1B

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE Washington Field	OFFICE OF ORIGIN Bureau	DATE 7/3/86	INVESTIGATIVE PERIOD 6/19/86 - 7/3/86
TITLE OF CASE ANTONIN GREGORY SCALIA		REPORT MADE BY SA [redacted]	TYPED BY ptr
		CHARACTER OF CASE DAPLI	

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REFERENCE: Butels 6/18 & 6/21/86; Bureau 6/23/86; WFO telcalls to the Bureau 6/27/86; Butel to WFO 6/30/86; WFO airtel to the Bureau 6/30/86.

(RUC)

ADMINISTRATIVE:

Where appropriate, Privacy Act (e) (3) data was furnished to persons interviewed. Express promises of confidentiality, both limited and unlimited, have been noted where granted.



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WFO general, confidential, and ELSUR indices reveal no derogatory information identifiable with references/associates or the candidate's nickname.

ACCOMPLISHMENTS CLAIMED					<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:	
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES			PENDING OVER ONE YEAR
							PENDING PROSECUTION OVER SIX MONTHS	<input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED *[Signature]* SPECIAL AGENT IN CHARGE

COPIES MADE:
 ② - Bureau 77-131275
 1 - WFO 77B-100656 (A-2) *[Signature]*

DO NOT WRITE IN SPACES BELOW

77-131275-159

AUG 24 1986

Dissemination Record of Attached Report			
Agency			
Request Recd.	1 cc to AAG	2/8/86	
Date Fwd.			
How Fwd.	1 cc to WHITE HOUSE	2/9/86	
By			

Notations

[Signature]

70 NOV 1 1989 *[Signature]*

**UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation**

Copy to:

Report of: SA [REDACTED] Office: WASHINGTON FIELD
 Date: 7/3/86
 Field Office File #: 77B-100656 Bureau File #: 77-131275
 Title: ANTONIN GREGORY SCALIA

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Character: DEPARTMENTAL APPLICANT
 CANDIDATE FOR ASSOCIATE JUSTICE
 UNITED STATES SUPREME COURT

Synopsis: Employment verified. AOUSC record not unfavorable. Co-workers and three fellow jurists recommend. Two fellow jurists who refrain routinely from making recommendations were favorable and had no reason not to recommend. Ethics questions raised by the media regarding recusal and issuance of individual statements attached to court orders were addressed with resulting favorable comments by [REDACTED] [REDACTED] unavailable.

Candidate maintained membership in male members only COSMOS CLUB while a jurist until December, 1985. No unfavorable record at club. Active membership in CAPITOL HILL SQUASH & NAUTILUS CLUB (non-restrictive membership policy) with no unfavorable record.

References recommend. Opposition attorney recommends. Three peers recommend and one unavailable with his secretary offering her personal recommendation. Two individuals with opposing views recommend.

USDC judges recommend. Appellate judges of Federal Circuit favorable but refrain from making recommendations. Nothing adverse. Judicial officials recommend with conservatism noted.

D.C. BAR president notes unmovable stances in connection with fairness but is not unfavorable. Candidate not his choice due to philosophical differences, but he recommends based on competence. WASHINGTON BAR does not recommend based on "unfair" civil rights views, inflexibility, and philosophical differences. HISPANIC BAR recommends. [REDACTED]

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Law enforcement officials do not know candidate. Two have no reason not to recommend. NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT OFFICIALS spokesman notes conservatism and "unacceptable" civil rights positions but states no reason not to recommend. NAACP official notes bias against women and minorities and disputes candidate's affirmative action stance; does not recommend citing "narrow" views. NATIONAL RIGHT TO LIFE COMMITTEE official recommends. No response from N.O.W. president. Two religious leaders do not know candidate, one recommends. AFL/CIO president unavailable. NEA does not know candidate. Other labor leaders cite philosophical differences with TEAMSTERS official recommending and UFCW official having no reason not to recommend. Virginia senators recommend. DNC official does not know candidate. RNC official recommends. U.S. Attorney unavailable. D.C. Mayor unavailable. Administrator/Deputy Mayor notes conservatism and philosophical differences, but has no objection to appointment. Acting Corporate Counsel recommends.

ABC, NBC, CBS officials decline comment. KENNETH & JAMES COLLIER employed by D.C. Home News came forward with allegations of the candidate improperly altering a court order based upon an alleged connection to a defendant in the case. COLLIERs were plaintiffs. "Alteration" involved candidate's attachment of his individual opinion to an order issued by a three judge panel of which he was a member. Fellow panel member [redacted] and [redacted] state individual attachments are normal and routine. [redacted] states there is no prescribed format for such, and she does not use a set format herself. DOJ OPR closed their investigation of COLLIERs' allegations as having no merit. COLLIERs filed civil complaint against candidate on June 30, 1986, and matter pending before D.C. Superior Court as of July 1, 1986. [redacted] also addressed question of recusal ethics raised by Washington Post in article printed June 22, 1986. He does not differ with candidate's decision. Post editor BRADLEE called the question resolved and moot on basis of information developed in same article that raised it.

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No record at police agencies, Secret Service, U.S. Attorney's Office for candidate/relatives. DOJ Public Integrity & AOUSC IG no record. D.C. Bar no record.

(RUC)

DETAILS: AT WASHINGTON, D.C.

NOTE:

A T symbol has been used in this report to protect the identity of a certain individual. While the reference to "he" has been used throughout the interview, it does not necessarily refer to any certain gender.

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EMPLOYMENT

WFO 77B-100656
GBM:rdc

On June 25, 1986, IA [redacted] reviewed the personnel file located at the Administrative Office of the U.S. Courts, Personnel Division, 811 Vermont Avenue, N.W., Washington, D. C., concerning ANTONIN GREGORY SCALIA. The following pertinent information was obtained subsequent to July, 1982:

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<u>DATE</u>	<u>ACTION</u>
8-17-82	Appointed as the U.S. Circuit Judge U.S. Courts of Appeals for the District of Columbia Circuit Washington, D. C. Currently on duty

No adverse information was obtained.

The following investigation regarding the candidate, ANTONIN GREGORY SCALIA, was conducted by Special Agent (SA) [redacted] at Washington, D. C.:

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On June 24, 1986, [redacted] UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA, 333 Constitution Avenue, N. W., Washington, D. C., telephone [redacted] was contacted at her place of employment. [redacted] advised as follows:

[redacted] has been employed as the [redacted] for the UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA for about six and one-half months. She cautioned that her dealings with the candidate were limited to monthly meetings in the COURT OF APPEALS. She has been in the candidate's presence for a total of about eight hours during this six and one-half months. Given the constraints of her limited contact with the candidate, she described him as affable, reasonable, and intelligent. He is respected by the other judges and has a good reputation for honesty and reliability. [redacted] was not familiar with the candidate's social friends and associates with the exception of [redacted] an Attorney, is a mutual friend, who is a person of good character. [redacted] believed that the candidate is loyal to the United States and its constituted form of government. [redacted] has never known the candidate to use drugs of abuse, including marijuana, or abuse alcohol.

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The candidate has a reputation as an excellent legal scholar, and [redacted] considered the candidate to possess superb legal writing skills. On matters concerning civil rights, the candidate is considered to be very conservative by the legal community. [redacted] understood that the candidate is not convinced that racial quotas are a good idea; however, she has never known the applicant to manifest or express any bias or prejudice against any class or group of persons. She believed that the candidate is a fair jurist and person. [redacted] has never known the candidate to use drugs of abuse, including marijuana, or abuse alcohol. She recommended the candidate for the position of Associate Justice, UNITED STATES SUPREME COURT.

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WFO 77B-100656
JMA:amw

The following investigation was conducted by (SA) [redacted]
[redacted] at Washington, D.C.:

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On June 26, 1986, [redacted] [redacted] to
[redacted] Circuit Court of Appeals for the
District of Columbia, 333 Constitution Avenue, N.W., telephone
number 535-3000, advised that [redacted] was out of the country
and would not be returning until July 7, 1986.

On June 27, 1986, [redacted] Circuit Court
of Appeals for the District of Columbia, 333 Constitution Avenue,
N.W., telephone number 535-3366, advised that she has known Judge
SCALIA for approximately 3 to 3 1/2 years professionally. [redacted]
further advised that [redacted] are located next to each
other. She further advised that the candidate is a highly
intelligent and qualified judge and there is nothing in his
background of a derogatory nature that she is aware of. [redacted]
[redacted] added that she has been present during the candidate's
courtroom proceedings and that he is enthusiastic, and he stays
well in the range of judicial questions. As to his jury
presentation, [redacted] advised that they do not have juries and
she has no knowledge as to this area.

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The candidate has good writing abilities and he does
very well in this area. He is articulate and has very good
grammar. Commenting on the candidate's ability to manage complex
legal matters, [redacted] stated that the candidate "certainly
has that; he has a fine tuned mind and can keep a lot in his
mind." His background is in administrative law and in his
present position, he does not specialize. [redacted] stated that
the candidate has a sense of humor. He is a fine and good
person, and she has never seen him lose his "cool." He has "fine
professional ethics," and there has never been any situation that
has become an issue to indicate otherwise. [redacted] stated
that the candidate has a conscience and a sense of fairness. She
is unaware of any bias or prejudice that the candidate has
expressed towards a particular class of citizen. From his
opinions, he has a positive view on civil rights.

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[redacted] advised that she does not know what
involvement the candidate has in civic, organizational and
professional activity. She is aware that he does "a fair amount
of speaking since he has been on the court." She further advised
that she is not aware of any major awards he has received or
accomplishments. His personal and professional reputation are
both excellent.

WFO 77B-100656
JMA:amw

[redacted] knows of no reason to question the loyalty of the candidate or his associates.

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[redacted] stated, "I know of absolutely no reason why he should not be recommended for a judicial position. He is qualified to obtain a judicial position but it is not my position to recommend him. It is upon the recommendation of the President and Senate confirmation."

The following investigation was conducted by Special Agent (SA) [redacted] on June 24, 1986:

[redacted] Court of Appeals for the District of Columbia Circuit, 333 Constitution Avenue, N.W., Washington, D.C., telephone number [redacted] advised that he has "pretty much" known the candidate professionally for four years. [redacted] further advised that he has known the candidate "by reputation" prior to 1982 and that all the comments were positive as to his reputation. [redacted] added that the candidate's legal ability is "top" and that he has a splendid background, excellent mind and he applies himself. His general knowledge and tools of the law are very good and he is very painstaking as to his courtroom preparation. He is very articulate as to his cases, arguments and opinions. [redacted] stated he had not observed the candidate in front of a jury prior to him becoming a judge for the District. [redacted] stated that the candidate's writing ability is good. His opinions are well read by the bar where they are well thought of. There is no question as to his ability to manage complex legal matters as exhibited by his heavy caseload at times. [redacted] added that the candidate does not specialize but handles "the types of cases that he receives."

As to his temperament and demeanor, even under stress, he is a very pleasant person and this carries over to stressful situations. [redacted] added that he has no reason to have any doubts in regards to his professional ethics, or fairness. He stated that he has never noted or observed the candidate express any bias or prejudice against any religious group, racial group or special group of persons. [redacted] advised that the candidate's views on civil rights have been reflected in the candidate's "following the law." [redacted] further advised that he is not aware of the candidate being involved in any civic, organizational or professional activity; nor of him receiving any awards. [redacted] stated that he knows of no unfavorable information that is reflected in the candidate's personal or professional reputation and that he is held in very high esteem. This is illustrated by his nomination for the position on the Supreme Court.

[redacted] advised that he has "absolutely no reason" to question the candidate's loyalty to the United States Government and that he has never shown "in the slightest way" any disloyalty to the U.S. Government. He has observed the candidate holding a glass of alcohol at social functions but he has never shown any signs of alcohol abuse or use of illegal drugs.

[redacted] advised that the candidate has made a fine judge. He is respected and admired. [redacted] gives his "resounding yes" in recommending the candidate for a judicial position.

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[redacted] Circuit Court of Appeals for the District of Columbia, 333 Constitution Avenue, N.W., advised that he first met the candidate when he presented a paper at the University of Virginia when he was a [redacted]. [redacted] added that he has known the candidate professionally for 10 to 12 years and during that time, has come to know him socially. His legal ability is rather extensive being that he was a head professor at the University of Virginia, and University of Chicago, and was head of the Administrative Conference of the United States. He is "very, very proficient in his general knowledge and tools of the law." He is well recognized in his field and he has great proficiency on the law for the entire government, of which he is thoroughly knowledgeable.

[redacted] advised that he sat with the candidate a number of times in the courtroom and he was always prepared and presented his views forcefully with lawyers. He had ample courtroom experience. He is very articulate and his writing abilities are excellent. [redacted] stated that he does not know about the candidate's courtroom advocacy experience. [redacted] does know the candidate's ability to manage complex legal matters is "top." He is an expert in administrative procedure and as stated above, was head of the Administrative Conference of the United States. He is very even tempered and fair and listens well. [redacted] sees no conflicts in his professional ethics. He has never observed any indication as to the candidate being biased or prejudiced toward any racial, ethnic, religious or special group. As to the candidate's views on civil rights, [redacted] added that he has never seen him in that connection and was aware of no such cases that he has presided over. [redacted] added that he is aware that the candidate does deliver speeches and lectures but does not know where specifically. He is unaware of the candidate receiving any major awards.

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As to the candidate's personal and professional reputation, they are highly viewed by men and women. His loyalty to the United States Government is absolute. [redacted] never observed the candidate abuse alcohol nor is he knowledgeable of him ever using illegal drugs.

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[redacted] stated that he highly recommends the candidate for a judicial position and that he is a hard worker and takes his work very seriously.

On July 1, 1986, Special Agent [redacted] contacted [redacted] Court of Appeals for the District of Columbia Circuit, [redacted] concerning ANTONIN GREGORY SCALIA and he advised as follows:

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[redacted] From time to time, he has seen fellow jurists, especially new ones, very prudently call someone else on the bench to determine what that person may think of a problem for which there is no law or precedent. Such a thing happened when SCALIA conferred with [redacted] several months ago (specific time frame not recalled) regarding a question of possibly recusing himself from a case. [redacted] forgot the event until he was contacted by someone from the Washington Post shortly before an article appeared on June 22, 1986, raising questions of ethics in a case SCALIA heard wherein one of the parties was AMERICAN TELEPHONE AND TELEGRAPH (AT&T). [redacted] vaguely remembered the situation when the reporter called, but he did not specifically remember that the case involved AT&T. [redacted] still has no independent memory of AT&T being the specific party. The central issue to him when the question of recusal was brought to him by SCALIA was recusal itself and not the names of actual parties involved.

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[redacted] felt it would be inappropriate to comment to the reporter who called regarding any background issue of the court. After receiving the call, however, he did mention to SCALIA that a reporter had called and that he did not really remember the situation the reporter referred to. At that point, SCALIA refreshed his memory, and SCALIA's reiteration of the details jogged [redacted] own memory. [redacted] recounted what SCALIA originally presented to him as the details when the need to decide whether to recuse himself originally emerged. SCALIA worked briefly as a consultant for AT&T sometime before taking the bench. [redacted] was not certain whether SCALIA was hired by AT&T or the law firm representing the company, but SCALIA assured [redacted] that he was not otherwise connected to the company's law firm. In [redacted] opinion, the role SCALIA played with AT&T was unusual compared to the attorney/client role most often found in a recusal question. SCALIA's consultancy was limited to possibly being needed as an expert witness, and he had no prior connection with AT&T.

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There is no formal guideline regarding circumstances under which a judge must recuse himself from a case, not even regarding cases in which the judge's former law clerk is representing one of the litigants. When similar questions arose before SCALIA ever came to the bench, [redacted] resolved them by analyzing the Rules of Practice of the Supreme Court. Thus, he determined that judges should recuse themselves from cases in which his former law clerk is counsel if it has been less than two years since that person clerked for him. Many judges use a one-year standard in this situation, but [redacted] likes to "play it safe" and abides by two-years as his own personal guideline. He pointed out that some judges use no set guideline regarding elapsed time since a connection between themselves and a person in a case. "In my book, it depends on the circumstances." Time elapsed since a connection is only one factor to consider. Also to be considered are the capacity in which the judge served if he worked for one of the litigants and the duration of that role. Regarding SCALIA's consultancy, [redacted] noted the connection was of a short duration and was not the traditional role lawyers perform for clients, making it somewhat less significant.

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[redacted] stressed that he would not have tried to make up SCALIA's mind for him, but would simply have given his input so that SCALIA could appropriately make his own decision. [redacted] felt, nonetheless, that enough time had passed in SCALIA's situation to remove any reasonable basis for a belief that SCALIA's old connection could influence his decision in the case at hand. With the two-year guide as a stricter rule than any guide actually imposed, SCALIA's past connection was well beyond the frame of recency. [redacted] reiterated that he is not aware of any rule of thumb regarding any set period of time which must elapse, whether the situation involves a former law clerk, former client, or connection to counsel. "Each case is unique. SCALIA called on me to see what I thought, so he could feel comfortable that enough time had gone by to dissipate any basis to believe there might be conflict."

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[redacted] pointed out that recusal questions have to be resolved very, very promptly in any case. "We have recusal questions around the court all the time, not that we have that many recusals." These questions are difficult for judges, in that they become balancing efforts between trying to do the right thing when it is a dereliction of a judge's duty to step out of a case. If a judge does not feel conscience to recuse himself, he has a responsibility not to recuse. Unnecessary recusal is "shirking your responsibility as a judge and heaping extra work on another judge." [redacted] cautioned that it is "entirely possible for one judge to feel one way [on a particular recusal

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question] and another judge to feel another way, not to say either judge is wrong." In SCALIA's situation, [redacted] personally and professionally had no reason to quarrel with SCALIA's decision. [redacted] recalled no other instance in which SCALIA faced a recusal question which came to [redacted] attention.

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Regarding the issuance of individual addenda to orders of the court, [redacted] advised that it is "absolutely" normal and routine for one member of a three-judge panel to set forth an individual statement apart from the order, "no doubt about it." [redacted] stated that any judge in any case is free to write a statement elaborating on his reasoning which matches his fellow jurists' reasoning or explaining a different line of reasoning used to reach the same opinion. One opinion generated from unanimous votes could easily generate different rationales, and judges often like to set forth their reasoning so there is no doubt how they arrived at their opinion together and individually.

[redacted] added, in fact, that it is unusual but not unheard of for a judge who was not a member of the three-judge panel issuing the order to attach a statement. It may be requested that a case be reheard by the full appellate court after a three-judge panel has issued its ruling. [redacted] gets about two hundred such requests each year. A judge may decide he wants to explain his reasons for not voting for a rehearing by the full court, and in that instance, attach his statement. There may be something else a judge feels is important, especially if a case is not going to be heard by the full court, and, again, an attachment would be in order. [redacted] noted that these situations exist in the normal workings of the court. They become moot, however, in the case of COLLIER vs. THE UNITED STATES in which SCALIA was one of the three judges issuing the order. [redacted] was not familiar of that case or even aware of it, but stated that SCALIA's addition of a concurrence stating his reasoning was nothing more than routine.

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The following investigation regarding the candidate, ANTONIN GREGORY SCALIA, was conducted by Special Agent (SA) [redacted] at Washington, D. C.:

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On June 24, 1986, [redacted] UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA, 333 Constitution Avenue, N. W., Washington, D. C., telephone [redacted]

advised as follows:

The candidate is a jurist of the highest legal ability. He is a great lawyer who has impeccable legal credentials. He is a delight with whom to work and a man of great humor. His character is of high integrity and he enjoys an excellent reputation among his peers and associates. [redacted] believed that the candidate is loyal to the United States and its constituted form of government. She has never known him to use drugs of abuse, including marijuana, or abuse alcohol.

[redacted] has never known the candidate to manifest or express any bias or prejudice against any class or group of persons. He is eminently well-qualified to sit as an Associate Justice on the UNITED STATES SUPREME COURT on the basis of his excellent knowledge of the law, writing ability, temperament, demeanor, experience, and fairness. While [redacted] and the candidate have agreed to disagree on certain legal issues, she considered him to be an ideal colleague. The candidate has an extraordinary talent for, and love of, the law. [redacted] could think of no reason not to recommend the candidate for the position of Associate Justice, UNITED STATES SUPREME COURT.

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On July 1, 1986, Associate Judge RUTH BADER GINSBURG, U.S. Court of Appeals for the District of Columbia, [redacted] was contacted by Special Agent [redacted] and advised as follows:

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COLLIER vs. THE UNITED STATES came before a three-judge panel consisting of GINSBURG, J. SKELLY WRIGHT, and ANTONIN SCALIA. It presented a small matter that came up in motions. KENNETH and JAMES COLLIER, who were acting pro se, filed a civil rights action in U.S. District Court (USDC) in which they made indiscernable arguments somehow trying to tie themselves into the events of the Watergate break-ins. The USDC judge dismissed the case the same day it was filed as a frivolous suit. An opinion known as the Sills decision was published in the interim between that dismissal and the point at which the appeal came before GINSBURG, WRIGHT, and SCALIA. Sills stated that the court should receive some sort of response from the defendant in any such suit before peremptorily dismissing it, just so the judge does not become an initiator of action. Sills became a precedent for pro se cases. Viewing Sills as an intervening precedent, the panel reversed the dismissal and remanded the case back to USDC. "The District Judge said COLLIER's case was indiscernable. We just ruled to let the Government say that rather than the judge, and then he can dismiss it."

SCALIA agreed with GINSBURG and WRIGHT that Sills set precedent, but he did not believe that the USDC judge should be controlled by something that happened after he ruled. That belief is what SCALIA articulated in his addendum to the order.

GINSBURG was well aware at the time that SCALIA added a concurring statement to the order. "It certainly wasn't issued later." GINSBURG explained that the judges get batches of motions and decide on one or two dozen of them at a time at a conference. The clerk's office types them and the judges then sign them in bulk. The Collier case was handled just as any routine motions matter. It is not uncommon for a judge to add his own statement as an attachment to an order. What SCALIA did was to say he would not go for summary disposition, since all three judges should be in unanimous agreement. SCALIA's only difference of opinion was his reluctance to hold a district judge to a precedent ruling that came out after he made his decision.

GINSBURG never heard of the person DONSANTO named as a defendant in Collier until the motion was reviewed, and then there was no real recognition. The name never became noteworthy until the COLLIER brothers came out with "all kinds of slings and arrows thrown at SCALIA" in their Home News newspaper. GINSBURG was not aware of the newspaper until the COLLIERS came through the court yesterday distributing copies of it. GINSBURG described the paper as "yellow journalism at its worst." She learned that one of the COLLIERS appeared at her office shortly before the newspaper came out which the COLLIERS distributed. He said something to GINSBURG's secretary about SCALIA adding a statement to an order after it was signed, and the secretary told him she could not comment about that and he should go to the Clerk's office for an explanation. GINSBURG advised that her secretary is "eminently reliable," and it is standard office practice to refer all such matters to the Clerk's office. COLLIER then exclaimed something like, "Oh, Judge GINSBURG's covering up!" GINSBURG's secretary again told him there would be no comment and almost had to have him "thrown out." GINSBURG stated she is quite annoyed and disgusted over the way her secretary was badly misquoted in the resulting Home News article. GINSBURG stated, "We get pro se people all the time who have psychological problems," and she views the COLLIERS in that light. She further stated that if the COLLIERS are claiming they checked with her and she did not know anything about SCALIA's addendum to the order in their case, "then it's an absolute lie." "If they had checked with me, I would have told them I knew about the addendum and it did not come later." From what GINSBURG can tell of the COLLIER's approach to the entire situation, "they are pulling things out of thin air."

There is no prescribed form to be used when judges issue individual statements attached to orders. GINSBURG never heard anything to the effect that asterisks are verboten in orders or attachments. "The Clerk has more or less a standard form, but I don't use it myself, because I like to show I've paid individual attention and show lawyers it's not just boilerplate." SCALIA's statement added to the Collier case order was typed in his own chambers. Anytime a judge issues a statement for himself, it is entirely routine practice to prepare it in chambers and have it attached to what the Clerk produced. It is not actually a part of the order but merely accompanies it.

GINSBURG reiterated that she never heard of DONSANTO before the Collier case and did not believe SCALIA ever had either. She knew of no connection between SCALIA and DONSANTO.

The following investigation regarding the candidate, ANTONIN GREGORY SCALIA, was conducted by Special Agent (SA) [redacted] at Washington, D. C.:

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On June 24, 1986, [redacted] UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA, 333 Constitution Avenue, N. W., Washington, D. C., telephone [redacted]

advised as follows:

[redacted] has known the candidate for about seven years. The candidate is a high-minded person who has a strong belief in institutions, such as the church, the courts, and the family. His integrity is above question. The friends and associates of the candidate consist for the most part of other judges and academicians, all of whom have fine reputations in their own rights. None of the candidate's friends and associates should be a cause for concern as they are all persons of good character. [redacted] does not know of any organizations to which the candidate belongs that discriminate against any class or group of persons. The candidate has an outstanding reputation regarding his character and legal skills. [redacted] has never heard anyone speak ill of the candidate and he considered this high praise for someone who has lived in Washington, D. C., for as long as the candidate. [redacted] believed that the candidate is a patriotic American who is loyal to the United States and its constituted form of government. He has never known the candidate to use drugs of abuse, including marijuana, or abuse alcohol.

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[redacted] was aware of an article that appeared in the June 22, 1986, issue of the Washington Post, entitled, "How Scalia Faced Ethics Issue." The article concerned Judge SCALIA's participation in the 1985 case WESTERN UNION TELEGRAPH COMPANY v. FEDERAL COMMUNICATIONS COMMISSION after a professional relationship with one of the parties, AMERICAN TELEGRAPH AND TELEPHONE (AT&T), in 1982. [redacted] heard the case along with Judge SCALIA, but he was not aware of Judge SCALIA's prior relationship at the time of the decision. [redacted] said that the prior relationship was an issue that deserved consideration by Judge SCALIA and that Judge SCALIA did consider the recusal issue. He also consulted with the Chief Judge. The prior relationship was far enough removed - some two or three years - that Judge SCALIA's decision was appropriate. In addition, the relationship was institutional and not personal.

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[redacted] stated that he also advised the Washington Post that there is a downside to recusal, but his comment was not quoted. He said that recusal deprives the system of the full measure of random selection of judges. At the SUPREME COURT level, recusal would deprive the litigant of one-ninth of the judicial power of the United States' highest court. While recusals are sometimes necessary, [redacted] believed that Judge SCALIA made a perfectly legitimate decision in this judgment call.

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[redacted] praised the candidate as an extremely fair man who has a pleasant courtroom demeanor. [redacted] has never seen the candidate angry. The candidate has always been very courteous to attorneys in even the most heated discussions. The candidate has never been pejorative. In the area of civil rights, the candidate supports the law and the Constitution, although he may differ with others, including [redacted] on matters of affirmative action. [redacted] has never known the candidate to express or manifest any bias or prejudice against any class or group of persons. He added that the candidate "does not have a biased bone in his body." The candidate carries with him an aura of fantast.

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[redacted] could think of no reason why the candidate would not be an appropriate choice for an Associate Justice of the SUPREME COURT of the United States. He considered the candidate, as well as the [redacted] and [redacted] to be persons of excellent character. [redacted] recommended the candidate without reservation for a position as an Associate Justice of the UNITED STATES SUPREME COURT on the basis of his outstanding values and ability.

The following investigation regarding the candidate, ANTONIN GREGORY SCALIA, was conducted by Special Agent (SA) [redacted] at Washington, D. C.:

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On June 24, 1986, [redacted] UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA, 333 Constitution Avenue, N. W., Washington, D. C., telephone [redacted]

advised as follows:

[redacted] has known the candidate since at least 1974, when he recruited the candidate to work for the DEPARTMENT OF JUSTICE. He considered the candidate to be an old and dear friend. The candidate is a person of high integrity who possesses a good sense of humor. He is a man of great intellect and enormous charm. He has an excellent reputation for both matters of character and legal abilities. [redacted] believed that the candidate is loyal to the United States and its constituted form of government. He has never known the candidate to use drugs of abuse, including marijuana, or abuse alcohol. The candidate's friends, associates, and family are all persons of good character.

The candidate has demonstrated an even temperament and good courtroom demeanor, even under stress. He had ample opportunity to be observed under stress, particularly during his work with the DEPARTMENT OF JUSTICE. He has handled stressful situations very well. The candidate has a superb knowledge of the law. His articulation, writing skills, and ability to manage complex legal matters are all extensions of his extraordinary legal ability and competence. He is fair in all matters and his ethics are beyond reproach.

[redacted] has never known the candidate to manifest or express any bias or prejudice against any class or group of persons. [redacted] recommended the candidate for the position of Associate Justice for the UNITED STATES SUPREME COURT.

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ORGANIZATIONS

The following investigation was conducted by Special Agent (SA) [redacted] on June 25, 1986, at the COSMOS CLUB, 2121 Massachusetts Avenue, N. W., Washington, D. C.:

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[redacted] COSMOS CLUB, advised SA [redacted] that the candidate, ANTONIN SCALIA, is no longer a member of the COSMOS CLUB. [redacted] stated that according to the file, SCALIA was a member of the COSMOS CLUB from September, 1971, through December, 1985. [redacted] stated that to the best of his knowledge, SCALIA never held an office at the COSMOS CLUB.

[redacted] stated that the COSMOS CLUB is an all male, academic/social club. [redacted] stated that the objective of the COSMOS CLUB is for meritorious work. [redacted] stated that the club is restricted to male members only and there are no other restrictions at the COSMOS CLUB. [redacted] pointed out that women can be served at the COSMOS CLUB as guests at that club, however, they cannot be members. [redacted] concluded by stating there was nothing derogatory on file regarding ANTONIN SCALIA.

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The following investigation was conducted by Special Agent (SA) [REDACTED] on June 25, 1986, at the CAPITOL HILL SQUASH AND NAUTILUS CLUB, 214 D Street, S. E., Washington, D. C.:

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[REDACTED]
[REDACTED] CAPITOL HILL SQUASH AND NAUTILUS CLUB, advised SA [REDACTED] that the candidate, ANTONIN SCALIA, is an active member of the club. [REDACTED] advised that SCALIA joined the CAPITOL HILL SQUASH AND NAUTILUS CLUB on December 18, 1985, and is still a current member. [REDACTED] stated that the CAPITOL HILL SQUASH AND NAUTILUS CLUB is strictly a sports/exercise club. [REDACTED] advised that there are no restrictions on membership and in no way does the club discriminate against any individuals. [REDACTED] advised that SCALIA is a member in good standing and that all membership fees are paid in full. [REDACTED] concluded by stating there is nothing derogatory in file regarding SCALIA.

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OPPOSITION ATTORNEYS

The following investigation was conducted by Special Agent [redacted] in regard to the candidate, ANTONIN SCALIA.

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On June 27, 1986, [redacted] [redacted] UNITED STATES SENATE, Washington, D.C., advised that he has known the candidate on a professional basis for approximately four years. He further advised that prior to meeting Judge SCALIA in person, he had occasion to be on opposite sides in the matter of INS vs. CHADHA. This case, which was presented before the SUPREME COURT OF THE UNITED STATES, involved issues related to the Legislative Veto power of the UNITED STATES SENATE. As [redacted] [redacted] was an advocate for the Legislative Veto, while Judge SCALIA, who at that time was on the faculty of the UNIVERSITY OF CHICAGO LAW SCHOOL, was in opposition. The candidate wrote a brief which was presented to the court. [redacted] further advised that both men have been adversaries on various panels that have discussed the issues of a Legislative Veto. In addition, [redacted] has appeared before the candidate since SCALIA became a judge. This occurred during court cases that involved litigation secondary to the issues raised by the GRAMM-RUDMAN Legislation.

[redacted] reported that on all occasions, the candidate has appeared fair, open and unpretentious. He described the candidate as very decent, right, good natured, thoughtful in his beliefs, tenacious and firm. According to [redacted] Judge SCALIA has never presented evidence or volunteered views that would suggest that the candidate maintains any biases or prejudices against any class of citizen because of their race, religion, sex or ethnic origin.

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[redacted] advised that he knew of no reason to question the candidate's character, associates, reputation or loyalty to the United States Government. He further advised that he does not know the candidate to be a user of illegal drugs or an abuser of alcohol.

[redacted] advised that he has no doubt about the candidate's intellect, scholarship and judicial abilities and he indicated that Judge SCALIA will make a great contribution as an Associate Justice of the SUPREME COURT OF THE UNITED STATES.

P R O F E S S I O N A L R E F E R E N C E S

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(For details of interviews of close personal associates
 see the section of this report
under the heading "Employment.")

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On June 24, 1986, SA [] interviewed [] at his office in the law firm of JONES, DAY, REAVIS, and FOGUE, 655 15th Street, N.W., Washington, D.C. [] explained that he first met Judge ANTONIN SCALIA in 1962, when they were colleagues for four years in the firm of JONES, DAY, REAVIS, and FOGUE. They were again associated with each other as [] at the UNIVERSITY OF VIRGINIA in 1970-1971. [] has been [] having ended his tenure as [] at CASE WESTERN UNIVERSITY. [] has maintained a close personal and professional association with the candidate since 1962, and noted he has read every opinion written by the candidate.

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[] began his comments about the candidate by stating his opinion that the candidate is superbly qualified for the position of Associate Justice of the Supreme Court. [] amplified that statement noting the candidate's high degree of intelligence, vast knowledge of the law, analytical ability and in-depth use of the English language in written opinions. The candidate is further described as being a good researcher, tough minded, committed and loyal.

[] commented favorably on the candidate's character, noting that the candidate was well known for his honesty, integrity and principles. The candidate's professional ethics, fairness and objectivity are above reproach. He is known for his loyalty to clients and his ability to balance his responsibilities as an officer of the court with his obligation to provide the best representation possible for his clients. The candidate utilizes care and skill in all aspects of his duties as a lawyer and a judge.

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[] also spoke highly of the candidate's reputation as a jurist. The candidate has been an advocate of high standards for lawyers and has been active in the American Bar Association and other professional organizations. Although the candidate has participated in Republican Party activities to a large degree he has done so from an organizational point of view and has not allowed political philosophies to influence his thinking on issues. [] noted that the candidate's reputation as a man of reason and wisdom has grown and developed greatly over the last decade as he has gained greater experience and a broader understanding of the law.

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[redacted] believes the candidate is a tremendous authority on constitutional law and administrative law. He is particularly interested in issues affecting separation of powers and government influence over the lives of American citizens. The candidate's opinions have always been well stated and well reasoned even when in opposition to majority views. [redacted] specifically stated his opinion that the candidate's intellectual and emotional growth have contributed to his ability to be fair and objective and cut through that which is irrelevant and meet the issues head-on. The candidate is known as an advocate of individual rights as well, although he is dubious of the policy of affirmative action to protect those rights.

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On a personal level, [redacted] finds the candidate to be engaging, charming, witty, humorous and never boring. He does have his irascible side as well, although [redacted] considers that an asset when directed at keeping things moving and ensuring the highest effort from others. [redacted] believes one of candidate's best qualities is that he does not take himself too seriously, learning from mistakes and taking responsibility for his actions.

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[redacted] knew nothing derogatory about the candidate or his family, although he mentioned he was not in a position to know the very personal things which might be troublesome to the candidate. [redacted] believes the only opposition to the candidate's confirmation will come from those opposed to his political philosophy. [redacted] was emphatic that no one would be found who would criticize the candidate's competence, credibility or commitment.

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In summary, [redacted] reiterated his belief that candidate possessed the qualities most necessary in a Supreme Court Justice: intelligence, knowledge of the law, willingness to listen, deep analytical powers and ability to look beyond the issues to their impact on society. [redacted] gives Judge ANTONIN SCALIA his highest recommendation for the position of Associate Justice of the U.S. Supreme Court.

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 RWK:clm

On June 27, 1986, [redacted] Law Firm of GAGE AND TUCKER, 2120 L Street, N.W., Washington, D.C., furnished the following information to Special Agent (SA) [redacted] concerning the candidate, ANTONIN GREGORY SCALIA:

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He has known the candidate both personally and professionally and as a good friend for the past fifteen (15) or sixteen (16) years. He considers the candidate to be an outstanding legal scholar of high competence who has a vast and in-depth knowledge concerning constitutional law and legal administrative procedures. In addition, he has a superb general knowledge of the law. He is highly articulate but is not overbearing. His verbal responses are always performed in a succinct and diplomatic way. He has written numerous law review articles, and his legal opinions are always superbly written. He has overseen many complex legal matters and always with the highest of abilities and with good results. His main areas of expertise have been with constitutional law and legal administrative procedures. [redacted] has not had much opportunity to observe the candidate with respect to his courtroom experience but knew that the candidate has had approximately three (3) years experience as a member of one of the U.S. Courts of Appeal. His judicial temperament and demeanor are very good. He does not attempt to take over a case or to exercise more than the necessary control concerning it. The candidate has always demonstrated the highest of professional ethics, and has always appeared to operate within the scope of his responsibilities as a lawyer and judge with total fairness and without biases or prejudices that would render him incapable of performing in a proper way. He is a protector of minority interests within the realm of constitutional restraints. The candidate was a member of the Cosmos Club but no longer has membership in it. His other memberships have included one with the American Enterprise Institute and, of course, with the American Bar Association. [redacted] had no knowledge concerning major awards the candidate might have received. In his view, the candidate has nothing in his professional or personal background that would reflect unfavorably on his reputation in those areas.

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[redacted] had no knowledge concerning any personal problems that [redacted]

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As far as [] was concerned, the candidate is completely trustworthy and honest. [] is acquainted with many of the candidate's family members and close personal associates and sees all of them as being of the highest type of individuals. There was no question in []'s mind that the candidate is totally loyal to and supportive of his country and its form of government. [] was unaware of any major health problems that the candidate might have had and was sure that he has not been involved in the use of illegal drugs or has had no problem with alcohol abuse. [] added that he was unaware of any unfavorable or derogatory information concerning the candidate, and he highly recommended him, without hesitation, to the position on the United States Supreme Court to which he has been nominated.

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On June 30, 1986, SA [] interviewed [] [] SUTHERLAND, ASBILL, and BRENNAN, 1666 K Street, N.W., Washington, D. C. [] advised he has known Judge ANTONIN SCALIA since approximately 1973. [] knows the candidate only through their association as members of the Administrative Law Section and Executive Council of the American Bar Association (ABA). [] noted he sees the candidate three to four times each year at meetings of the Section and Council which last two to three days each. [] has also had several occasions to observe the candidate in social situations.

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[] explained that the Administrative Law Section of the ABA does research and studies on questions of legal procedure and makes recommendations to government and independent agencies on the federal and state level. Recommendations are also made to the Congress concerning their legislative responsibilities governing administrative law. Both [] and the candidate have

[] stated his opinion that the candidate is the most qualified man in the U.S. today for the position of Supreme Court Justice. He cited the fact that the ABA'S official publication, issued before the candidate's nomination to the Court, listed the results of a survey of prominent individuals in the legal field as to their choices for a Supreme Court vacancy should one exist. In every case, the candidate's name was prominently noted. [] cited this example to reflect the reputation the candidate enjoys in the legal field and the esteem his colleagues have for him.

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[] knows the candidate as a brilliant legal scholar whose analytical abilities and incisiveness set him apart from his contemporaries. [] also described the candidate as one who can effectively deal with complex legal issues, is articulate, is an excellent writer of opinions, and is considered a man of impeccable professional ethics. [] also emphasized that although the candidate has strenuously argued against others on various issues, he has always done so with diplomacy and professionalism so that he has no personal enemies in the legal profession.

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[] believes the candidate to be a man of serious dedication to legal principles and one who would never make decisions based on personal bias or prejudice. [] does not think the candidate is personally biased or prejudiced in any way

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and always looks at legal issues exclusively when deciding cases. [] was unable to specifically comment on the candidate's views on civil rights questions. [] does know that the candidate enjoys a reputation for intellectual honesty and calls upon his analytically objective perspective when forming opinions on legal questions.

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[] stated that the candidate is an expert on administrative, constitutional, and communications law and a strong advocate of separation of powers as evidenced by his decision, upheld by the Supreme Court, that the legislative veto is unconstitutional. [] had nothing derogatory to relate concerning the candidate from a professional standpoint, reiterating his opinion that the candidate is eminently qualified for the position of Supreme Court Justice.

[] commented favorably on the candidate's temperament and demeanor and noted his affable personality. The candidate was described as humorous, well-liked, easy to talk to in social situations as well as being an excellent singer and piano player. The candidate is also known as an avid tennis player.

[] knows nothing about the candidate's family and could not comment on any personal aspects of his life. [] has never known the candidate to be the subject of rumors about any aspect of his life and has never heard anyone comment on him in a derogatory fashion. [] is aware of the candidate's past membership in the Cosmos Club, an all-male social club, but had nothing to say on that topic.

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[] emphasized the candidate's knowledge, expertise, dedication, and loyalty in recommending ANTONIN SCALIA for the position of Associate Justice of the United States Supreme Court.

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CLW:amw

The following investigation was conducted by SA [redacted] on June 26, 1986, regarding the candidate, ANTONIN GREGORY SCALIA.

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[redacted] U.S. DEPARTMENT OF JUSTICE, Washington, D.C. provided the following information regarding Judge SCALIA.

[redacted] stated that he first met Judge SCALIA in 1981 or 1982 at a professional conference. Since that time they have enjoyed a professional and social relationship consisting of contact at conferences and discussions and occasional social meetings. [redacted] described Judge SCALIA as thoughtful, fair-minded, hard working, correct and learned. He stated that he knows of no derogatory information regarding Judge SCALIA including drug usage, alcohol abuse and or personal problems which would adversely impact upon a position of responsibility and confidence with the United States Government. [redacted] continued by stating that the candidate is also informal and friendly and displays a wonderful sense of humor in his social and professional dealings with others. [redacted] stated that there is absolutely no nastiness in Judge SCALIA.

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[redacted] stated that the candidate's legal ability and competence is at the highest level as is his general knowledge of the law and tools of the law. He described his articulation as magnificent and his writing ability as superb. Additionally, [redacted] stated that the candidate's ability to manage complex legal matters is at the highest level and he stated that Judge SCALIA has handled an unusual variety of cases and has dealt with a great range of subjects from a variety of perspectives. [redacted] elaborated that Judge SCALIA has been involved with legal matters in private practice, as an acadamian, as a judge and as a high government official. Thus he has had the opportunity to view and deal with the law from a variety of perspectives. Additionally, Judge SCALIA has been on the bench for approximately four years, and [redacted] stated that this is ample time to show the type of person he is and how he responds to issues over which he has jurisdiction.

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In regard to the candidate's temperament and demeanor, especially under stress, [redacted] stated that the applicant is an especially excellent candidate. He stated that Judge SCALIA has displayed great correctness and fairness which he combines with humor so that he does not intimidate, but instead reassures those with whom he is dealing.

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[] characterized Judge SCALIA's professional ethics and fairness as scrupulous and stated that he has no biases or prejudices of which [] is aware. He stated that it is well known that Judge SCALIA is a staunch believer in treating all individuals fairly and according to their own merits. He stated that Judge SCALIA would find it both legally and personally detestable to do otherwise.

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[] stated that he is not aware of the candidate's degree of civic, organizational and professional activity and is not aware of any major awards or accomplishments of Judge SCALIA. He stated that he could not comment on these areas as his relationship with Judge SCALIA would not make him privy to such information. However, [] stated that Judge SCALIA's personal and professional reputation is superb and he enthusiastically recommends him for a judicial position. [] concluded by stating that the candidate is a loyal American and one who could be trusted with the most sensitive information and issues.

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The following investigation was conducted by Special Agent (SA) [redacted] on June 26, 1986, regarding the candidate, ANTONIN GREGORY SCALIA.

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[redacted] stated that the candidate has no peers as he is one of the finest individuals he has ever met. [redacted] stated that he first met the candidate when [redacted] under Attorney General LEVY. This was at the DEPARTMENT OF JUSTICE in May of 1975. Since that time, the candidate and [redacted] have maintained a professional, social and personal relationship and are very good friends. Judge SCALIA was one of [redacted] best friends while the two men were at the DEPARTMENT OF JUSTICE and their friendship has endured. In addition, [redacted] of the two gentlemen are very good friends.

[redacted] stated that he knows of no personal or professional problems that the candidate has which would have an adverse impact upon his receiving a position of extreme trust and confidence with the United States Government. He stated that the candidate does not use drugs and does not abuse alcohol. He stated that the candidate occasionally drinks wine or beer but that his intake of alcohol is very light.

[redacted] stated that the applicant is one of the most engaging people he knows and described him on a professional basis as a brilliant and fair minded individual possessed of all the skills one admires in a lawyer or jurist. He stated that as far as legal ability and competence, there is no one better than Judge SCALIA. He stated that Judge SCALIA has an excellent general knowledge of the law and the tools of the law and that he, [redacted] is envious of no one but Judge SCALIA in this area. [redacted] described Judge SCALIA's articulation and writing ability as superb and stated that he is very well able to manage complex legal matters. This is the kind of thing he dealt with at the DEPARTMENT OF JUSTICE while he was with the Office of Legal Counsel and, during his career, [redacted] stated that Judge SCALIA has handled all types of cases. [redacted] stated that he has no information regarding the candidate's courtroom experience because he has not had an opportunity to deal with him on that basis.

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[] described the candidate's temperament and demeanor as very, very good, especially under stress and characterized his personal and professional ethics as the highest he has encountered in anyone.

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[] stated that Judge SCALIA is scrupulously fair and stated that he displays no biases or prejudices. He characterized Judge SCALIA's views on civil rights as very acceptable and he stated that Judge SCALIA has no views which would impede his confirmation as Associate Justice on the U.S. Supreme Court. He stated that Judge SCALIA believes in equality of opportunity and treatment for all, regardless of race, creed, nationality or sex.

[] stated that Judge SCALIA displays a civic minded attitude and has given freely of his time to organizational and professional activities. As far as major awards and accomplishments, [] stated that the candidate's career and appointments speak for themselves. He stated that the candidate's professional and personal reputation is very good, and he enthusiastically recommends him for the position of Associate Justice, U.S. Supreme Court.

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The following investigation was conducted by Special Agent (SA) [redacted] concerning candidate ANTONIN GREGORY SCALIA:

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On July 1, 1986, [redacted] to [redacted] [redacted] advised that [redacted] was in England, returning to the United States sometime late on July 3, and not expected in his office until July 7.

[redacted] stated she has worked for [redacted] [redacted] when [redacted] moved from Chicago to Washington. Through her work, she has had considerable contact with SCALIA, although she does not know him socially. [redacted] first met SCALIA when he headed the ADMINISTRATIVE CONFERENCE OF THE UNITED STATES and [redacted] continued with [redacted] throughout his employments as [redacted] and then [redacted].

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Over this period and to the present, [redacted]'s professional contact with SCALIA continued, and she regards him as one of the nicest people she knows. She stated she did not know "one bad thing" about SCALIA and thinks very highly of him professionally. Regarding any possible alcohol abuse or illicit drug use on his part, she said, "heavens, no." [redacted] has found SCALIA to be "absolutely fair in everything" about which she has seen him take action or render an opinion. She highly recommended him for Associate Justice of the Supreme Court.

WFO 77B-100656
REO:clm

On June 27, 1986, [redacted] Office of Management and Budget, Washington, D.C., advised Special Agent (SA) [redacted] that he has known Judge ANTONIN GREGORY SCALIA well since 1977. They worked closely together at that time with the American Enterprise Institute (AEI), and their association evolved into a close professional friendship. [redacted] stated that SCALIA is an outstanding person in every way. Personally, he is very friendly, fair, courteous, and a good listener with a good sense of humor. His personal integrity and character are of the highest order in all respects, especially including discretion, reliability, loyalty and mental stability. He is intellectually brilliant and an effective debater. SCALIA is apparently in good health and does not abuse alcohol or use illicit drugs. [redacted] has never known of anything which could be considered unfavorable about SCALIA which could be used to compromise him personally or professionally. [redacted] has met SCALIA's family, but does not know them well. To [redacted] knowledge, the SCALIA family enjoys the same high reputation as ANTONIN SCALIA.

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[redacted] stated that he is an [redacted] However, in his dealings with SCALIA over the years, he has seen SCALIA demonstrate his brilliance and scholarship. There is no doubt in [redacted]s mind that SCALIA will make an outstanding Associate Justice of the U.S. Supreme Court. [redacted] stated that he cannot think of anyone better suited for the post.

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[redacted] enthusiastically recommends Judge SCALIA for appointment as Associate Justice of the U.S. Supreme Court.

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Attempts to contact [redacted] at his office, [redacted] [redacted] by Special Agent (SA) [redacted] on June 24, 1986, and July 1, 1986, met with negative results. [redacted] advised that [redacted] was in London, England, and would not be back in the United States until July 7, 1986.

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On July 3, 1986, [redacted] contacted SA [redacted] telephonically from [redacted] office in London, England. [redacted] advised SA [redacted] that he has known the candidate, ANTONIN GREGORY SCALIA, for approximately fifteen (15) years. [redacted] stated that his association over the last fifteen (15) years with SCALIA has mainly been on a professional basis however, he has had some social contact with SCALIA.

[redacted] stated that he has appeared with ANTONIN SCALIA on speaking panels, Bar Association meetings and has also appeared before Judge SCALIA. [redacted] stated that he felt that SCALIA had the highest legal ability and was an extremely competent and well qualified legal representative. [redacted] stated that SCALIA has always demonstrated an outstanding knowledge of the law and even though his and SCALIA's interpretation of the law has differed on occasions he, [redacted] has the greatest respect for SCALIA's knowledge and use of the law. According to [redacted] SCALIA is an extremely articulate individual who has demonstrated the ability to express himself both through the written and oral presentation of the law. [redacted] stated that SCALIA's ability to communicate the law both oral and written is above average and can be understood by all. [redacted] stated that SCALIA has the ability to manage complex legal matters and get to the point of the case. [redacted] stated that he has appeared before Judge SCALIA on several occasions and that he has the highest respect for the manner that SCALIA controls the courtroom and the amount of legal knowledge he, SCALIA, puts forth. [redacted] stated that SCALIA has a very good judicial temperament and that he is always in complete control, even in the most stressful situations. [redacted] stated that SCALIA has always handled himself with the upmost professional ethics and in no way could any of his actions ever be questioned regarding his ethical behavior. [redacted] stated that SCALIA is an extremely fair individual and to the best of [redacted]'s knowledge, SCALIA has never demonstrated any type of bias or prejudice.

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[redacted] advised SA [redacted] that he has had limited social contact with SCALIA. [redacted] advised that from a social standpoint he felt SCALIA was jovial, easy to get along with, well liked, honest and trustworthy. [redacted] stated that he feels that SCALIA is in good physical condition. [redacted] added that to the best of his knowledge, SCALIA does not use illicit drugs or abuse alcohol. [redacted] added that he knows of no reason to question SCALIA's character, associates, reputation or loyalty to the United States Government. [redacted] added that he knows of nothing derogatory about SCALIA or any member of the SCALIA family.

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[redacted] concluded by stating that SCALIA is well respected within the legal community and that he, [redacted] also respects SCALIA, knows of nothing derogatory about SCALIA and feels that SCALIA would be an excellent candidate and therefore he, [redacted] would recommend SCALIA for the position as Associate Justice with the United States Supreme Court.

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The following investigation was conducted by SA [redacted]

[redacted] On June 24, 1986, [redacted] PUBLIC CITIZEN LITIGATION GROUP, 2000 P Street, N.W., Washington, D.C. 20007, advised that he met Judge ANTONIN SCALIA in 1976, when SCALIA was employed at the DEPARTMENT OF JUSTICE, and they were in opposition on a constitutional issue. They became better acquainted in 1982, when SCALIA was appointed to the U.S. Court of Appeals. Their relationship has been essentially professional and with some social contacts in the normal course of events in meetings and conferences. [redacted] holds SCALIA in high personal regard, while frequently disagreeing with him on matters of law.

[redacted] stated that he frequently argues cases before Judge SCALIA on the D.C. Circuit Court of Appeals. Judge SCALIA often rules against [redacted] stated that Judge SCALIA is always well prepared, courteous to counsel and it is a pleasure to debate issues with him. [redacted] has great respect for SCALIA as a lawyer and a constitutional scholar. [redacted] believes that SCALIA's respect for the court and legal system will be reflected in his support for legal precedent and a stable judicial system, unless facts in a particular case dictate otherwise. SCALIA's views of civil liberties and the government's role in their enforcement differ from [redacted]s in that SCALIA believes the government to have a more limited role than [redacted]. On the other hand, SCALIA is no automatic supporter of a government policy if it should overreach its constitutional limitations as he sees them. SCALIA is as fine and decent a human being as [redacted] knows and there is no trace of personal bias against any minority, religious or ethnic group in our society.

[redacted] described SCALIA as a superb candidate for the Supreme Court, a man of the utmost personal and professional integrity, professional competence, humor, and humility. [redacted] believes SCALIA will be a superior Associate Justice of the U.S. Supreme Court and recommends him for that position.

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JUDGES & JUDICIAL OFFICIALS

The following investigation was conducted by
Special Agent (SA) [redacted] concerning candidate,
ANTONIN GREGORY SCALIA:

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On June 26, 1986, [redacted]
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA,
telephone [redacted] advised he has known the candidate
for the past four years and considers his relationship
with the candidate on a professional basis only. There
is no reason to suspect either the candidate's loyalty
to this country or any question concerning the candidate's
character, reputation, or associates. [redacted] has
no knowledge of any biases or prejudices that the candidate
may have. The candidate is a likeable and respected individual
who has a good reputation with his colleagues. The candidate
specializes in CIRCUIT COURT matters and has a good academic
background which gives the candidate the discipline to
be fully prepared while conducting CIRCUIT COURT matters.
The candidate's courtroom experience is limited, in that
he was an academic scholar, but since being a member of
the CIRCUIT COURT, he exhibits professional bearing and
has become an asset to the court system.

The candidate exhibits a good temperament and
demeanor in courtroom situations and has been able to operate
successfully in stressful situations relating to CIRCUIT
COURT matters. The candidate voices his views without
rancor and is always open to get all views relating to
legal issues.

There is no question that the candidate exhibits
the highest standards relating to professional ethics and
he appears very fair in his rulings in the court system.
The candidate is an intellectual, who is experienced in
the field of law and as such, uses this expertise to the
advantage of the court system. There has never been any
indication that the candidate has any biases or prejudices
and his views on civil rights have not been observed or
articulated.

[redacted] was not aware of any awards that
the candidate may have received or if he was a member of
any civic or professional organizations.

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Based upon the candidate's professional reputation,
he is recommended for a judicial position.

JMW:mye

The following investigation was conducted by Special Agent (SA) [REDACTED] concerning candidate, ANTONIN GREGORY SCALIA:

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On June 26, 1986, [REDACTED] UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, telephone [REDACTED] advised that he has known the candidate for the past eight years, and has known him on a social and professional basis for the past six years. He described the candidate as a serious thinking judge, who has been a professor of law at HARVARD UNIVERSITY, UNIVERSITY OF CHICAGO, and the UNIVERSITY OF VIRGINIA LAW SCHOOLS. The candidate has exceptional credentials as a lawyer and is very competent in his legal abilities.

The candidate has exhibited exceptional knowledge of the law and his specialization can be seen as an appellate judge for the Second Circuit. The candidate is very articulate in his speaking and writes in a very clear and concise manner and states his opinions with confirmed reasons. Concerning the candidate's ability to manage complex legal matters, [REDACTED] gave the candidate high marks by citing the candidate's ability to teach administrative law in law schools and provide expertise in matters of law concerning appeals.

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In a courtroom situation, the candidate exhibits an excellent command of the situation by always getting the attorneys to open dialogue with him to clarify legal issues that are before the court.

The candidate is always in control of his temperament and he is calm in his demeanor and as such, is able to handle all stressful situations. There is nothing adverse concerning the candidate and his professional ethics, because he is dedicated to law and approaches all law issues as a true professional.

The candidate has always exhibited fairness in the field of law, and there is nothing adverse in the APPELLATE COURT to indicate that the candidate has not always exhibited fairness. There are no known biases or prejudices that have been articulated by the candidate and he is a strong advocate of civil rights.

[redacted] advised that the candidate served as president of the ADMINISTRATIVE CONFERENCE OF THE UNITED STATES and has received many accolades in the field of law. The candidate served as an Assistant Attorney General in the DEPARTMENT OF JUSTICE, where he served as the lawyer of the Executive Branch of the United States. He has been a legal advisor and has been a "lawyer's lawyer." He also has received accolades in law school and is described as a very scholarly individual which began in HARVARD UNIVERSITY LAW SCHOOL, where he excelled. The candidate has a fine legal academic record and has been confirmed by the UNITED STATES SENATE twice for positions of trust in the United States Government. The candidate is described as having the highest professional reputation and is considered a bright jurist. [redacted] advised that he has nothing adverse relating to the candidate and recommends him for a judicial position.

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The following investigation was conducted by Special Agent (SA) [REDACTED] concerning the candidate, ANTONIN GREGORY SCALIA:

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On June 26, 1986, [REDACTED] UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, telephone [REDACTED] advised that the candidate is a man of high principle and that he has known him on a professional basis since he has been a [REDACTED] in the DISTRICT COURT. [REDACTED] has only socialized with the candidate occasionally and has no knowledge or indication that the candidate has ever had a problem with alcohol or has ever used illegal drugs. Concerning the candidate's legal ability and his general knowledge of the law, [REDACTED] described the candidate as being an outstanding lawyer who is very articulate and had a good writing ability. The candidate's ability to manage complex legal matters can be seen in his specialization in the field of administrative law. The candidate was head of the UNITED STATES DEPARTMENT OF JUSTICE, Office of Legal Counsel, and in the past has served as Chairman of the Conference of Section, AMERICAN BAR ASSOCIATION. In this capacity, the candidate fought to democratize the ruling factions in the AMERICAN BAR ASSOCIATION and was instrumental in giving the 21 sections a greater voice in law matters. He was instrumental in allowing the 50 state delegates represented in the 21 sections to be able to rule and vote on important AMERICAN BAR ASSOCIATION processes.

The candidate's courtroom experiences are unknown other than the candidate's experience as an appellate attorney and past experience as a consultant in the field of law, as well as being a distinguished law professor. The candidate is described as having a very calm and even temperament and exhibits himself well under stressful situations. The candidate is in excellent health and is an avid runner, which contributes to his even-handedness in the courtroom. The candidate was described as being very fair and has been observed by fellow jurists as being a very sensitive man who exhibits no known biases or prejudices. The candidate is a strong advocate of civil rights and [REDACTED] recalls an incident six or seven months ago in New York, New York, when the candidate verbally advised that he did not believe in discrimination in any form. This statement

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was made on the occasion when the candidate was a featured speaker in New York, New York, at the Administrative Law Judges Conference.

The candidate is a member of the AMERICAN BAR ASSOCIATION and served as Chairman of the Administrative Conference of the United States. The candidate's major awards and accomplishments are unknown.

In conclusion, [redacted] described the candidate as being a very personable and highly professional individual, and there has never been any indication to suspect the candidate's loyalty to the United States, based on his past accolades as an academic law scholar. [redacted] highly recommended the candidate for a judicial position.

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On June 25, 1986, Special Agent (SA) [redacted] [redacted] contacted [redacted] UNITED STATES COURT OF APPEALS OF THE FEDERAL CIRCUIT, Washington, D. C. [redacted] stated that he has known Judge ANTONIN GREGORY SCALIA for approximately four years. He advised that he considered the candidate to possess top legal abilities and exhibit high competence in the legal profession. He advised that the candidate had outstanding general knowledge of the law and possessed all the necessary tools to be an outstanding judge. He described the candidate to be articulate and possess excellent writing ability. He further indicated that he had high regard for SCALIA and felt that he could handle extremely complex legal matters without any difficulty whatsoever.

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[redacted] advised that SCALIA had an excellent general knowledge of the law and could not make any comments to any specialization that he might have. He indicated that the candidate had a tremendous amount of courtroom experience and maintained a professional judicial temperament. He advised that the candidate could handle stressful situations without any difficulty whatsoever. He further advised that he thought very highly of the candidate's professional ethics and considered him certainly to be very fair, unbiased, and unprejudiced. He stated that he had no problem with SCALIA's view on civil rights. He further added that he had no knowledge of any civic, organizational, or professional activity on the part of SCALIA. He pointed out the fact that due to his position, he doubted that he was involved in any of the above mentioned activities in recent years. He advised that he had no knowledge of any major awards or recent accomplishments on the part of the candidate.

[redacted] indicated that he considered SCALIA to be a Judge with an excellent personal and professional reputation. He was unaware of anything of an unfavorable nature regarding the candidate's character, including the use of illicit drugs or alcohol abuse. He indicated that

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[redacted]
He had many opportunities to socialize with SCALIA at the time and considered him to be very professional. He further

[redacted]
and once again, he had opportunity to observe Judge SCALIA on a more individual basis. He stated that he had high regard for him as a judge and as an individual.

[redacted] concluded by stating that he was not permitted to make recommendations for the judicial position, in view of the fact that he was, in fact, a [redacted] at the time, but pointed out that he had no knowledge of anything of an unfavorable nature regarding the candidate's professional qualities or character which might preclude him from holding the responsible position for which he is being considered.

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On June 25, 1986, Special Agent (SA) [redacted] [redacted] contacted [redacted] COURT OF APPEALS OF THE FEDERAL CIRCUIT, Washington, D. C. [redacted] stated that he did not know ANTONIN GREGORY SCALIA personally. He advised that he only knew him through what he has read or seen in the media. He stated that the candidate appeared to have excellent legal ability and indicated that he considered him to be a competent judge. He advised that he knew nothing of an unfavorable nature regarding the candidate's knowledge of the law and believed him to be articulate. His observations indicated to him that the candidate possessed excellent writing ability and could certainly handle complex legal matters. He indicated that the candidate was obviously experienced in courtroom work and from what he read, certainly could be considered even-tempered and professional in his courtroom demeanor. He stated that he had no reason to question the candidate's professional ethics and considered him to be fair, unbiased, and unprejudiced.

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[redacted] stated that he had no knowledge of SCALIA's view on civil rights, nor had he had any knowledge of civic, organizational, or professional activity on the part of the candidate. He further indicated that he had no knowledge of any major awards or accomplishments and that as far as he was concerned, the candidate had an excellent personal and professional reputation.

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[redacted] concluded by stating that he does not feel that a [redacted] should make recommendations for judicial positions, but pointed out the fact that he has no knowledge of any "professional blemishes" on the part of the candidate which might preclude him from holding the position for which he is being considered.

On June 25, 1986, Special Agent (SA) [redacted] [redacted] contacted [redacted] COURT OF APPEALS FOR THE FEDERAL CIRCUIT, Washington, D. C. [redacted] advised that he considered Judge ANTONIN GREGORY SCALIA to be relatively new in the judicial system. He indicated that he did not know the candidate professionally and has never socialized with him. He stated that he has not formulated his own opinion regarding the candidate in view of the fact that he has had no interaction with him.

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[redacted] stated that based upon his observations of the candidate through the media, he seemed like a good choice for the position of Associate Justice with the UNITED STATES SUPREME COURT.

[redacted] stated that from what he read in the paper, he considered the candidate to be a very capable individual in all aspects of the law. He indicated that the candidate appeared to be extremely competent, articulate, professional, fair, unbiased, and unprejudiced. He had no knowledge of his views on civil rights and had no knowledge of his association with civic, organizational, or professional activities. He further added that he had no knowledge of any major awards or accomplishments on the part of the candidate.

[redacted] advised that the candidate enjoyed an excellent personal and professional reputation and that he was unaware of anything regarding the candidate's character, background, or professional abilities, which might preclude him from holding a position of Associate Justice with the UNITED STATES SUPREME COURT.

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On June 24, 1986, [REDACTED] ADMINISTRATIVE OFFICE OF THE U.S. COURTS, Washington, D.C., advised Special Agent [REDACTED] that he has met Judge ANTONIN SCALIA on two occasions. On these two occasions he only spoke briefly to SCALIA and does not know him well enough to formulate an opinion regarding him based solely on his, [REDACTED] personal knowledge. However, he advised that based on SCALIA's reputation, SCALIA would definitely be on his list of potential candidates for the position of Justice with the UNITED STATES SUPREME COURT.

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SCALIA's reputation is that of an outstanding and bright, if not brilliant, jurist. He is an exceptionally friendly and likeable individual who is very highly respected by his peers. [REDACTED] believes that other than SCALIA's reputed conservatism, his nomination to the UNITED STATES SUPREME COURT will be unassailable based on his judicial qualifications, temperament, and intellect.

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On June 26, 1986, [redacted] FEDERAL JUDICIAL CENTER (FJC), Washington, D. C., advised Special Agent (SA) [redacted] that the FJC is the judicial branch's agency for policy research, systems development, and continuing education. Although [redacted] met SCALIA approximately 12 years ago, when SCALIA was the Chairman of the ADMINSTRATIVE CONFERENCE OF THE UNITED STATES and [redacted] was [redacted] COMMISSION ON REVISIONS OF THE FEDERAL COURT APPELLATE SYSTEM, which was also known as the HRUSKA COMMISSION, they did not become really well-acquainted until SCALIA was appointed to the bench of the UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT. While they have not become good friends in the intervening four years, their relationship has become closer than that of mere acquaintances. It is within this context that [redacted] furnished the following information:

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Judge SCALIA is a bright, gregarious, and pleasant individual, who is not reticent about expressing his opinions. He is always appropriately attired and well-groomed. Although [redacted] has met SCALIA's [redacted] he does not know [redacted] well enough to comment on [redacted]. However, [redacted] has heard nothing of a negative nature regarding [redacted]. [redacted] rates SCALIA's honesty and trustworthiness as "the very best." [redacted] would expect SCALIA's moral character is also "tops," and would be surprised if it was not. [redacted] has seen no evidence of alcohol abuse or drug use by SCALIA and he assumes he is in good physical health and fine mental health. [redacted] knows of nothing unfavorable concerning SCALIA's finances and he has never seen or heard of SCALIA displaying signs of unusual avarice or greed.

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Judge SCALIA is a very sharp, skilled, and extremely able jurist. He has been much sought after as a professor, consultant, and scholar within the legal profession. He is a very good professional writer of the highest quality, who is also exceedingly articulate. [redacted] believes that if SCALIA is appointed to the UNITED STATES SUPREME COURT, he will be viewed as a "first rate Justice," whose sound decisions will command the respect of others. SCALIA has a very good breadth of legal knowledge and handles sensitive issues with appropriate discretion. Although [redacted] does not know SCALIA's views on civil rights, he has seen no indication of bias or prejudice by SCALIA. [redacted] likewise, has seen nothing which would make him question SCALIA's

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ethics or doubt his loyalty to the United States Government.
[redacted] knows of nothing which could be used to adversely
influence SCALIA in the performance of his duties. [redacted]
concluded by recommending SCALIA for the position of Justice
with the UNITED STATES SUPREME COURT.

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BAR OFFICIALS

On June 26, 1986, [redacted] District of Columbia Bar was contacted at his place of employment, SACKS, GREENBAUM AND TAYLOR, 1140 Connecticut Avenue, Northwest, Suite 900, Washington, D.C., telephone number [redacted] by Special Agent [redacted], at which time [redacted] provided the following information regarding the candidate, ANTONIN GREGORY SCALIA:

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[redacted] advised that he knows the candidate as they [redacted] at which time [redacted] had the opportunity to meet and talk with the candidate. Other than this committee, [redacted] had never met with the candidate but did hear him speak. The candidate's legal ability and competence is very high. His general knowledge of the law is also very high. He is a very good speaker. [redacted] has read at least one opinion authored by the candidate and believes the candidate to be a very good writer. [redacted] stated he had no personal knowledge concerning the candidate's ability to handle complex legal matters but added that all judges on the Appeals Court have to have some ability in this regard. [redacted] described the candidate as a very affable, engaging individual with a good sense of humor, pleasant to be with, and easy to deal with.

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[redacted] does not know personally of the candidate's ethics, but has heard only good things. Concerning the candidate's fairness, [redacted] stated he had no personal knowledge but heard that when the candidate takes a position, it is very difficult to get him to budge. [redacted] was not sure whether this type of behavior could be considered unfair. [redacted] has never heard anything to indicate that the candidate has any bias or prejudice toward minority groups, and his views on civil rights are conservative. The candidate enjoys a very high personal and professional reputation. [redacted] has heard nothing to indicate that the candidate uses drugs or abuses alcohol. The candidate's associates are all highly reputable people to the degree they are known by [redacted]

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[redacted] stated that the candidate would not be his choice for a position on the SUPREME COURT based on philosophical differences. However, in terms of ability and competence, the candidate would be the type of individual [redacted] would recommend.

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SMH:mye

On June 26, 1986, [REDACTED] WASHINGTON BAR ASSOCIATION, was contacted at his office, 1000 Connecticut Avenue, N. W., Suite 1200, Washington, D. C., by Special Agent (SA) [REDACTED] at which time he provided the following information concerning the candidate, ANTONIN GREGORY SCALIA:

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[REDACTED] advised that the views he expresses are those of his organization and not necessarily his own. [REDACTED] stated that there is no question about the abilities of the candidate. He is a scholar and a gentleman and the best available candidate with the right political bent. However, the candidate is inflexible in his political views. In terms of legal ability and competence, the candidate is very well-qualified. He has the legal experience necessary and understands complex legal issues.

The candidate is both very well-spoken and well-written. He has practiced law both as a trial attorney and also as a judge, although a great deal of his work has been in the field of regulatory litigation. Therefore, the breadth of his experience is not as wide as it could be; however, [REDACTED] believes that this is no longer as important an issue as it used to be. [REDACTED] believes that the candidate has something of an impatient temperament, but is not a "character." His impatience may be more a result of his high level of intelligence and dealing with many whose intelligence level does not come up to his. The candidate is a little too quick in resolution, but has never lost control of himself and is able to handle the stress. The candidate exercises the highest level of professional ethics. He believes in the normal conservative code and abides by it.

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The candidate's views on civil rights are well-known and in the mind of the WASHINGTON BAR ASSOCIATION, these views are unfair. The candidate's conservatism is unrelenting and does not take into account all the factors. The candidate is not an advocate of civil rights and consistently rules against all civil rights matters. [REDACTED] did not believe, however, that there was any built-in bias or prejudice on the part of the candidate toward any ethnic group. The WASHINGTON BAR ASSOCIATION opposes the candidate's position and finds it unacceptable because of the candidate's predisposition.

The candidate is not open-minded about civil rights issues. He has his own views on these matters, and these views cannot be changed regardless of the facts presented.

The candidate is very active in professional activities and participates in many legal forums. His personal and professional reputations are consistent and unblemished. He is well-respected, liked as a person, and there has been no incident to [redacted] knowledge that would tarnish the candidate's reputation. The candidate appears to be a very good family man and deeply religious. [redacted] has no reason to believe that the candidate uses illicit drugs or abuses alcohol. To the best of [redacted] knowledge, the candidate is a loyal and patriotic citizen of the highest caliber and associates with only reputable people.

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[redacted] stated that the WASHINGTON BAR ASSOCIATION would not recommend the candidate. He is ideologically inflexible and, therefore, cannot judge legal issues of a constitutional nature. It is a matter of the candidate's philosophy. The WASHINGTON BAR ASSOCIATION believes that the candidate comes into court with predispositions that cannot be changed. No one questions the candidate's integrity, however, his beliefs are held so strongly that a fair trial is not possible. The WASHINGTON BAR ASSOCIATION believes that a solution to the matter should come from litigation and not from philosophical predispositions. The candidate has his philosophical predispositions and nothing can change his mind. It is not a matter of racism, as is the case in other Presidential appointments to federal judgeships, but rather a question of philosophy.

On June 25, 1986, Special Agent (SA) [redacted] contacted [redacted] Superior Court of the District of Columbia, 500 Indiana Avenue, N.W., Washington, D.C., telephone number [redacted] concerning ANTONIN GREGORY SCALIA. [redacted] advised he [redacted] JUDICIAL REFERENCE COMMITTEE, HISPANIC BAR ASSOCIATION and he provided the following information regarding the candidate:

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He does not know the candidate personally, only by reputation. He heard the candidate speak on at least one occasion and has read two or three of his opinions. His impression of the candidate is most positive.

[redacted] believes that the candidate's abilities are very much shaped by his background. He was a brilliant student, lawyer, and judge. He is conservative in thought but probably more flexible than Supreme Court Justice WILLIAM REHNQUIST, for example. The candidate has an extraordinary intellect in the law and in general. This intellect nurtured and created a large margin of flexibility. The candidate has an excellent knowledge of the law and its tools. He writes well and thinks well. He is very comprehensive and has a thorough understanding of the evolution of the law that lends strength to his interpretations.

When hearing the candidate speak, one has the same impression of him as when reading his writing. He is thorough without being boring. Not only does he know what he is talking about, but he is very convincing. His opinions demonstrate his ability to deal with very complex matters with a multitude of issues. [redacted] did not know if he had a specific background in the matter about which he was writing, but he was able to write about it regardless of his background. The candidate's background as a trial lawyer speaks to his ability that often requires a mastery of complex legal issues in a very brief amount of time.

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[redacted] believes the candidate to be very well-rounded and not a specialist in one field. [redacted] does not know enough to say if the candidate specialized in any particular area, but what he [redacted] read does not reflect any deficiencies in any area. The candidate's courtroom experience was excellent preparation for a position on the Supreme Court.

[] believes the candidate's ethics and fairness are excellent, as he has heard nothing to suggest otherwise. Although the candidate is a conservative thinker, his Italian background has given him exposure to other cultures and ways of thought that have sensitized him to other points of view. [] believes that this has been reflected in the candidate's open and flexible thoughts. [] has heard of no prejudice or biases on the part of the candidate.

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To the extent they are known to [], the candidate's associates are all highly reputable individuals.

[] highly recommends the candidate for the Supreme Court. He is a young man with a long future in front of him at a time when the trend in the judiciary is toward younger justices. [] does not agree that a judgeship must be given only to older individuals with many, many years of experience. Judgeships should go to younger people as long as they have sufficient, substantial experience, as the candidate has. The position of a judge should be a career rather than a capstone. [] is extremely pleased that the president is appointing younger people to the bench and people with potential skills. These are people, such as the candidate, who have the ability to think without predispositions. [] believes the candidate is an excellent choice. He cannot think of one thing to render him as an inappropriate candidate.

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WFO 77B-100656
SMH:dbl

On June 25, 1986, Special Agent (SA) [redacted] [redacted] contacted [redacted] Women's Bar Association of the District of Columbia. [redacted] advised that the Women's Bar Association had no official position regarding the appointment of the candidate to the U.S. Supreme Court.

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LAW ENFORCEMENT OFFICIALS

The following investigation was conducted on July 1, 1986, by Special Agent (SA) [REDACTED] concerning ANTONIN GREGORY SCALIA:

[REDACTED] INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, was contacted at his office, 13 Firstfield Road, Gaithersburg, Maryland, where he furnished the following information:

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[REDACTED] has never met SCALIA and has heard nothing about him beyond what he has learned in the media. He had no knowledge of SCALIA's associates, loyalty to the United States, legal ability, nor possible abuse of alcohol or use of illicit drugs. [REDACTED] was unable to comment regarding SCALIA's suitability to become an Associate Justice, but stated he had no reason not to recommend SCALIA.

WFO 77-100656
FL:dmq

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The following investigation was conducted by Special Agent [redacted] concerning the candidate, ANTONIN GREGORY SCALIA.

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On June 26, 1986, [redacted] Police Foundation, 1001 22nd Street, Northwest, Washington, D.C., advised he has been in his current position for a year and before this, he was [redacted]

[redacted] He stated that he has no direct knowledge of the candidate and all he knows is what he has obtained from the news media. [redacted] stated he has no direct or indirect adverse information concerning the candidate. Based on this, [redacted] was not able to furnish any additional pertinent comments but stated he had no reason why the candidate should not have a position of trust and confidence in the United States Government, to include that of Associate Justice on the U.S. SUPREME COURT.

WFO 77B-100656
HWH:clm

On June 24, 1986, [redacted] National Organization of Black Law Enforcement Executives (NOBLE), 6401 Corporate Drive, Suite 360, Landover, Maryland, advised Special Agent (SA) [redacted] that she was not an elected official of NOBLE and did not feel that she should speak for the organization. She stated that she refers such inquiries to the [redacted] Metropolitan Police Department, Washington, D.C.

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On June 25, 1986, [redacted] was interviewed at his office, 300 Indiana Avenue, N.W., Washington, D.C., by SA [redacted]. [redacted] stated that he was not personally acquainted with the candidate, Judge ANTONIN GREGORY SCALIA, but that he had no reason to dispute Judge SCALIA's reputation as an intelligent, well qualified and dedicated jurist. He said that he had not polled his organization with regard to Judge SCALIA's possible elevation to the United States Supreme Court, but that it was his opinion that Judge SCALIA's appointment would not alter the philosophical composition of the court in any significant way. He said that he believed that most of the members of his organization would agree with him on this point.

[redacted] stated that from what he knew of Judge SCALIA's philosophy and constitutional interpretations, it was apparent that he is more conservative than the general NOBLE membership, especially on social issues. He stated that he would have no reason to call into question the candidate's professional ethics or his fairness as a jurist. He said that he has no reason to suspect Judge SCALIA of harboring any biases or prejudices and would not take issue with his personal or professional reputation. He stated that he believed that the Judge's position on such civil rights and social issues as affirmative action programs for minorities would not be acceptable by the NOBLE membership, however, he said that he did not attribute the Judge's philosophy to any malice or prejudice. He stated that he was convinced that Judge SCALIA was sincere in his beliefs and that he honestly interpreted the Constitution of

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HWH:clm

the United States as he felt it should be interpreted. [redacted] stated that in no way would he ever accuse Judge SCALIA of being any kind of a racist or bigot and would defend him against such charges. He said that he was not in a position to comment with regard to the candidate's legal ability or his conduct on the bench.

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[redacted] concluded by stating that he felt he could speak for the NOBLE membership in stating that the organization would not endorse Judge ANTONIN SCALIA for a seat on the United States Supreme Court, but that it would certainly not oppose his appointment.

NATIONAL ORGANIZATION LEADERS



On June 24, 1986, Special Agent (SA) [redacted] contacted [redacted] National Association for the Advancement of Colored People, 1025 Vermont Avenue, N.W., Suite 820, Washington, D.C., concerning the candidate, ANTONIN GREGORY SCALIA.

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[redacted] advised that he is not personally acquainted with the candidate, and that what knowledge he has of the candidate has been acquired through his reading about the candidate. [redacted] noted in particular, excerpts of a speech that the candidate had delivered several years ago, possibly at American University.

[redacted] questioned the candidate's sense of fairness, and advised that in the above-noted speech, the candidate had exhibited a bias against women and minority groups. [redacted] cited a comment made by the candidate to the effect that the candidate's father, an immigrant, had never mistreated any Black persons, and so should not have been penalized by any affirmative action program. [redacted] stated that this statement was representative of the candidate's views and indicative of the candidate's overall bias against affirmative action programs.

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[redacted] stated that the candidate's views "miss the point," explaining that prejudice and racial stereotyping are "not an individual, but a group thing" from which all white males benefited, whether or not they actually committed a discriminatory act. [redacted] stated that, from his reading of the candidate's speech, he believes the candidate, while admitting that Blacks "have suffered certain injustices," would approve of redress only if a plaintiff could prove that a particular individual had wronged him. Carrying this thought through, [redacted] stated that he believes the candidate would see no way to remedy many injustices suffered by minorities as a class, because the remedy would affect non-minority individuals who had not done anything wrong.

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Because of his lack of personal knowledge of the candidate, [redacted] did not comment on the candidate's character, associates, reputation, loyalty to the United States Government, usage of alcohol, or possible usage of illegal drugs. [redacted] advised that he would "absolutely not" recommend the candidate for the position of Associate Justice, United States Supreme Court. [redacted] stated that what he has read in the print media about the candidate portrays the candidate as "a man who, at least as concerns civil rights, is completely negative and would undo gains." [redacted] added that he "can only surmise" that the

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candidate's views in other areas of the law are "equally narrow," particularly regarding those developing areas such as tenant's rights and environmental law. [] concluded by stating that he believes the candidate would not approve making any changes in the law since it stood at the time the candidate attended law school.

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PED:amw

On June 24, 1986, [redacted]
NATIONAL RIGHT TO LIFE COMMITTEE, 419 7th Street, N.W.,
Washington, D.C., was contacted by Special Agent (SA) [redacted]
[redacted] concerning the candidate, ANTONIN GREGORY SCALIA.

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[redacted] advised that he has no personal knowledge of the candidate having only met the candidate once. That meeting occurred several years ago, following a lecture given by the candidate, at which time [redacted] was "very impressed" by the candidate. Aside from this meeting, [redacted] advised that his knowledge of the candidate is entirely second-hand, derived from comments and opinions of knowledgeable people whom [redacted] respects, as well as what [redacted] has read about the candidate.

[redacted] declined to address himself to questions concerning the candidate's legal knowledge and abilities, his articulation and writing abilities, his areas of specialization and courtroom experience, or his temperament and ethics, citing a lack of knowledge of the candidate's legal practice and his judicial experience. [redacted] stated further that he had no knowledge of any awards or achievements attained by the candidate nor of the candidate's degree of civic or professional activity.

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[redacted] stated that everything he has heard about the candidate indicates that the candidate is a "top-notch, superlative" individual, as well as an "honest, straight forward jurist." [redacted] advised that if the candidate has a particular judicial leaning, he leans against "judicial activism."

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[redacted] advised further that, to his knowledge, no one in his organization "has heard a single up-front comment" of a derogatory nature concerning the candidate, specifically in the area of abortion.

[redacted] did not consider himself knowledgeable of the candidate's views on civil rights. He was aware of no biases or prejudices held by the candidate against any racial, religious or ethnic group, nor of any reason to question the candidate's basic fairness. [redacted] was aware of no reason to question the candidate's character, associates, reputation or loyalty to the United States Government. He was aware of no instances of usage of illegal drugs or abuse of alcohol by the candidate. [redacted] was unable to provide any derogatory information concerning the candidate, and he recommended the candidate "without question" for the position of Associate Justice, United States Supreme Court.

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Attempts by Special Agent (SA) [redacted] to interview [redacted] NATIONAL ORGANIZATION FOR WOMEN (NOW), 1401 New York Avenue, N.W., Washington, D.C., regarding the candidate, ANTONIN GREGORY SCALIA, were entirely unsuccessful. Attempts were made on June 24, June 26 (2 attempts), June 27, July 1 and July 2, 1986.

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RELIGIOUS LEADERS



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RWK:amw

On June 25, 1986, [redacted] Episcopal Diocese
of Washington, D.C., informed SA [redacted] that he had
no personal knowledge concerning the candidate, ANTONIN GREGORY
SCALIA.

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WFO 77B-100656
RWK:mye

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On June 26, 1986, [REDACTED]
Washington, D. C., Region, CHURCH OF JESUS CHRIST OF LATTER
DAY SAINTS (MORMON) and Vice-President for Governmental
Affairs, MARRIOTT CORPORATION, Bethesda, Maryland, informed
Special Agent (SA) [REDACTED] that he was not personally
acquainted with the candidate, ANTONIN GREGORY SCALIA.

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RWK:clm

On June 26, 1986, [redacted]
the U.S. Catholic Conference and National Conference of Catholic
Bishops, 1312 Massachusetts Avenue, N.W., Washington, D.C.,
provided the following information to Special Agent (SA) [redacted]
[redacted] concerning the candidate, ANTONIN GREGORY SCALIA:

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He has met the candidate on only one occasion which was in a social setting with one other attorney. However, he has followed the candidate's career for some time and has read a good deal of his legal work. As a result of that and other observations and information coming to his attention, he long ago formed the opinion that the candidate would be a very good choice if he were ever selected for a position on the highest court of the country.

From his reading of the candidate's opinions and other legal papers, he believes that he has the highest of legal ability and competence and is very well versed in general knowledge of the law. The candidate is not reticent at all in voicing his legal or other opinions and is just generally very articulate. From reading the candidate's legal writings he has judged his writing ability to be the type that displays great qualities and abilities. He has not had an opportunity to assess the candidate's ability to manage complex legal matters or to comment concerning his specialization in the legal field or concerning the types of cases he has handled. In the same regard, he has had no opportunity to observe the candidate in a courtroom setting. Since his association with the candidate has been extremely limited, he had no comment to make concerning his temperament or demeanor. All that he has observed or heard has led him to believe that the candidate exercises the highest type of professional ethics. Nothing has come to his knowledge to suggest that the candidate is anything other than completely fair, unbiased and without prejudices of any objectionable type concerning his position and responsibilities and administrations as a judge. With respect to the candidate's views on civil rights, it is his opinion that the candidate believes in interpreting the laws as written and intended by the United States Congress. He stated that he was sure that the candidate has received various honors, but he had no specific information concerning any of them. All that he knows personally or from

WFO 77B-100656
RWK:clm

other sources concerning the candidate indicates that the candidate has been free from personal and professional problems or improprieties. To his knowledge, the candidate is a highly trustworthy person, who associates with the highest of individuals, who enjoys an unsullied reputation in the community as well as in professional circles and is completely loyal to the United States Government. No information has come to his attention which would indicate that the candidate has experienced any major health problems or that he has been involved in the use of illegal drugs or the abusing of alcoholic beverages.

[redacted] concluded by stating that the candidate is a fine choice for appointment to the United States Supreme Court, that he can wholeheartedly recommend him for such an appointment and that he looks forward to working with the candidate in that position.

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LABOR OFFICIALS

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JJM:clm

On June 25, 1986, Special Agent (SA) [redacted] contacted the office of [redacted] AMERICAN FEDERATION OF LABOR/CONGRESS OF INDUSTRIAL ORGANIZATIONS (AFL/CIO), 815 16th Street, N.W., Washington, D.C., concerning ANTONIN GREGORY SCALIA, candidate for Associate Justice, United States Supreme Court.

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At that time [redacted] was unavailable for comment with regard to SCALIA.

On June 30, 1986, SA [redacted] recontacted the office of [redacted] and was advised by [redacted] [redacted] AFL/CIO, that [redacted] had left the United States on June 26, 1986, and would be out of the country and unavailable for interview until July 14, 1986.

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On June 25, 1986, [REDACTED] NATIONAL
EDUCATION ASSOCIATION, 1201 16th Street, N. W., Washington,
D. C., was contacted by Special Agent (SA) [REDACTED]
and furnished the following information regarding ANTONIN
SCALIA:

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[REDACTED] stated that her only knowledge of SCALIA
is derived from what she has read about him in the press.
[REDACTED] advised that she could not provide any further
information.

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ACM:dlj

On July 1, 1986, [redacted] International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, 25 Louisiana Avenue. N.W. Washington, D.C., provided the following information to Special Agent (SA) [redacted] regarding the candidate, ANTONIN SCALIA:

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[redacted] does not know Judge SCALIA either personally or professionally, but was not aware of any adverse information regarding his legal ability, character or choice of associates. He is familiar with written opinions of Judge SCALIA, and has a high opinion of his writing skills and logic. [redacted] does take exception to the contents of his opinions, as philosophically they generally do not favor labor. He is not in possession of any information that would have an adverse effect on Judge SCALIA'S reputation or his loyalty to the United States.

[redacted] was not aware of any alcohol abuse or illicit drug use on the part of the candidate, nor his views on civil rights issues.

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[redacted] concluded by stating that he believed that Judge ANTONIN SCALIA would be a fine addition to the U.S. Supreme Court.

On June 25, 1986, [REDACTED]
[REDACTED], UNITED FOOD AND COMMERCIAL WORKERS,
advised Special Agent (SA) [REDACTED] of the
FEDERAL BUREAU OF INVESTIGATION (FBI), Washington Field
Office, that due to his heavy schedule, [REDACTED]
[REDACTED] of the UNITED FOOD AND COMMERCIAL WORKERS, would
not be available for a personal interview. He continued
that he is authorized to speak on the behalf of [REDACTED] and
that he would elicit [REDACTED]'s comments regarding the candidacy
of ANTONIN GREGORY SCALIA for Associate Justice of the
UNITED STATES SUPREME COURT.

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On July 27, 1986, [REDACTED] advised SA [REDACTED]
[REDACTED] that he had discussed the candidacy of SCALIA
with [REDACTED] and that he was informed by [REDACTED] that he did
not personally know SCALIA and other than having different
philosophies that [REDACTED] would have no reason not to recommend
SCALIA for Associate Justice of the UNITED STATES SUPREME
COURT.

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UNITED STATES SENATORS --
VIRGINIA

WFO 77B-100656
ACB:clm

The following investigation was conducted by Special Agent (SA) [REDACTED] in regard to the candidate, ANTONIN GREGORY SCALIA.

On June 26, 1986, JOHN H. WARNER, Senator (Virginia), U.S. Senate, Washington, D.C., advised that he does not know the candidate on a personal basis. He further advised that he met Judge SCALIA, for the first time, approximately twenty minutes prior to this writer's instant interview with Senator WARNER. Senator WARNER indicated that he has conducted his own investigation concerning Judge SCALIA and he was unable to develop any derogatory information about the candidate. Senator WARNER advised that the candidate is well qualified for a position on the Supreme Court and he will support Judge SCALIA's appointment to that post. Senator WARNER "unequivocally" recommended the candidate for a position as Associate Justice of the U.S. Supreme Court.

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ACB:clm

The following investigation was conducted by Special Agent (SA) [redacted] in regard to the candidate, ANTONIN GREGORY SCALIA.

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On June 26, 1986, [redacted] Office of Senator PAUL S. TRIBLE, JR., (Virginia), U.S. Senate, Washington, D.C., speaking on behalf of Senator TRIBLE, advised that Senator TRIBLE declined an in person interview relative to the candidate's suitability to be an Associate Justice of the U.S. Supreme Court. [redacted] indicated that Senator TRIBLE does not know the candidate personally, but Senator TRIBLE advised that, "Judge SCALIA is an excellent choice and he has my complete support."

P O L I T I C A L P A R T Y L E A D E R S

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RPC:mye

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[REDACTED] DEMOCRATIC NATIONAL
COMMITTEE, Washington, D. C., advised Special Agent (SA)
[REDACTED] on June 26, 1986, that he does not know
Justice ANTONIN G. SCALIA either personally or professionally.
[REDACTED] advised that he only knows him by reputation and by
what he reads in the newspaper. [REDACTED] advised that he is
unable to make any comment concerning the candidate's character,
associates, reputation, loyalty, and suitability for a
judicial position.

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The following interview was conducted by Special Agent (SA) [redacted] on July 2, 1986:

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[redacted] REPUBLICAN NATIONAL COMMITTEE (RNC), Washington, D. C., advised that it is the official position of the RNC to "support wholeheartedly" the nomination of ANTONIN G. SCALIA for the position of Justice on the UNITED STATES SUPREME COURT.

[redacted] further advised that he, himself, has known the candidate since approximately 1981. At that time, they had a number of social contacts through the Administrative Office of United States Courts. In addition, he dealt closely with the candidate for several days in connection with a conference held by the HARVARD INSTITUTE OF POLITICS, during which the RNC and the DEMOCRATIC NATIONAL COMMITTEE (DNC) worked closely with that institute. He stated that all of his observations and comments of the candidate are most favorable. He considers SCALIA to be a "brilliant attorney." He has read the candidate's opinions for a number of years and considers them to be quite well-written and scholarly. SCALIA possesses a wonderful, pleasant disposition and makes a fine judge. He has no question about the candidate's ability to work under pressure and to work well within the judicial system. He certainly has no question about the candidate's professional ethics and considers him to be a fair and unbiased individual. He has not seen any signs of prejudice on the candidate's part toward racial, religious, or ethnic groups. He does not know enough about the candidate's positions on civil rights to speak concerning them. In his opinion, SCALIA possesses a fine personal and professional reputation. He has no question about his loyalty to this country or his ability to properly handle sensitive or classified information.

[redacted] advised that he would certainly recommend ANTONIN SCALIA for a judicial position on the UNITED STATES SUPREME COURT.

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U. S. A T T O R N E Y

WFO 77B-100656

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Numerous unsuccessful attempts have been made during the period June 30 through July 1, 1986 by Special Agent (SA) [redacted] to contact United States Attorney JOSEPH DIGENOVA, Washington, D.C. The purpose of the attempted contact was to interview DIGENOVA concerning his knowledge of the candidate ANTONIN GREGORY SCALIA.

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DISTRICT OF COLUMBIA GOVERNMENT
LEADERS

WFO 77B-100656
CGB:erw

On June 26, 1986, and June 27, 1986, SA [redacted] attempted to contact [redacted] to [redacted] District of Columbia, Washington, D.C., for the purpose of interviewing [redacted] concerning his knowledge of ANTONIN GREGORY SCALIA, candidate for Associate Justice of the U.S. SUPREME COURT. [redacted] was unavailable and did not respond to messages left asking that she contact the Federal Bureau of Investigation regarding this investigation.

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[redacted]
[redacted] District of Columbia, Washington, D.C, was contacted at his place of employment by SA [redacted] regarding his knowledge of the candidate, ANTONIN GREGORY SCALIA. [redacted] advised that he does not know the candidate and that he has never had a case before the candidate in court.

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[redacted] advised that he has no criticisms regarding the candidate's legal ability, knowledge of the law, writing ability or judicial demeanor. He advised that he knows nothing of a derogatory nature regarding the candidate's character, associates, or reputation and that he believes him to be a loyal United States citizen. He has never seen any indication that the candidate might abuse alcohol or use illegal drugs.

[redacted] advised that the candidate's views on civil rights and affirmative action issues are conservative. He has never known the candidate to show bias or prejudice toward any class of citizen, or any religious, racial, or ethnic group.

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[redacted] advised that he believes the candidate to be a competent jurist and that he has no objections to his appointment as Associate Justice to the United States SUPREME COURT, explaining that in his opinion, the candidate is on the "wrong side of the political spectrum," but that he feels that the appointment should be the president's choice.

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CGB:erw

On June 27, 1986, [redacted] District of Columbia, Washington, D.C., was contacted at his place of employment by SA [redacted] regarding his knowledge of ANTONIN GREGORY SCALIA, candidate for Associate Justice of the U.S. SUPREME COURT. [redacted] advised that he does not know the candidate personally, however, his office has appeared before the candidate in his courtroom and that all of his comments regarding the candidate are exclusively professional.

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[redacted] advised that the candidate's judicial opinions and the manner in which they are delivered are extremely intelligent, well reasoned, and fair. He stated that the candidate possesses an extremely good knowledge of the law and procedure and handles himself well on the bench. [redacted] advised that the candidate's legal ability and competence are extremely good and that he possesses a fine judicial temperament even under stress, which makes him a fine judge. The candidate's writing ability is superior and he is very persuasive among his colleagues. The candidate is very articulate and [redacted] advised that he heard the candidate speak at the last U.S. Judicial Conference.

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[redacted] advised that the candidate has had to consider a wide range of legal matters in his courtroom: criminal, civil and administrative matters. In spite of the broad range of cases that come before the candidate, [redacted] advised that he manages complex legal matters with ease.

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[redacted] commented favorably concerning the candidate's character and reputation, commenting that the candidate possesses the highest professional ethics and integrity. He stated that the candidate's professional reputation is extremely good within his office. [redacted] was not familiar with the candidate's personal associates and noted that his professional colleagues are of the highest caliber. He stated that the candidate's opinions on civil rights have always been legally sound and do not exhibit any bias or prejudice. [redacted] advised that he believes that the candidate is extremely fair. [redacted] was not aware of any civil or professional organizations to which the candidate might belong but remarked that as a judge of the Court of Appeals, he attends

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WFO 77B-100656
CGB:erw

the United States Judicial Conference. [] stated that he has never known the candidate to abuse alcohol or use illegal drugs. He believes him to be a loyal United States citizen.

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[] recommends the candidate for Associate Justice of the United States Supreme Court.

MEDIA REPRESENTATIVES

The following investigation was conducted by Special Agent (SA) [redacted] and SA [redacted] concerning ANTONIN GREGORY SCALIA:

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On June 25, 1986, BENJAMIN C. BRADLEE, Executive Editor, The Washington Post, 1150 15th Street, N.W., Washington, D.C. 20071, advised that his contact with SCALIA is limited to seeing him only once when SCALIA was on the bench and BRADLEE was a plaintiff. The newspaper was arguing a libel case stemming from articles on Mobil Oil, and the issue is a matter of pending litigation. SCALIA's name is on the opinion overturning a lower court ruling which favored the Post, but it is alleged he did not write it, according to BRADLEE. The total appellate court overruled SCALIA and the panel issuing the opinion, and the matter has not moved beyond this stage. BRADLEE stated he was genuinely surprised to be contacted regarding SCALIA's suitability to become an associate justice. It was in this context that BRADLEE furnished the following information:

From what he has read in newspapers, BRADLEE considers SCALIA to be a distinguished, bright intellectual with "very positive views" on certain subjects. (BRADLEE considers himself to be apolitical and would not elaborate or define what he meant by "very positive views" or which subjects.) He has heard no information whatsoever leading him to believe SCALIA ever abused alcohol or prescription drugs nor used illicit drugs. He has no knowledge of any negative information regarding the soundness of SCALIA's health nor SCALIA's character, loyalty, associates, reputation, ability, or impartiality. The Post printed an article in its most recent Sunday edition regarding an AT&T (AMERICAN TELEPHONE AND TELEGRAPH) case which came before SCALIA. SCALIA did, in fact, rule against AT&T, and pursuit of ethics questions in the story disposed of those questions and made them what BRADLEE considers a non-issue.

BRADLEE feels he is in no position to assess SCALIA's suitability to become an associate justice and made no recommendation whatsoever.

77B-100656
JSR:dmq

1

On June 24, 1986, [REDACTED]
[REDACTED] AMERICAN BROADCASTING COMPANY (ABC), 1717 De Sales
Street, Northwest (NW), Washington, D.C., telephone [REDACTED] was
contacted by Special Agent [REDACTED] regarding the
candidate, Judge ANTONIN SCALIA. [REDACTED] advised that he did not
personally know Judge SCALIA, in fact, he had not heard of Judge
SCALIA until his recent appointment by President REAGAN. His
only knowledge of Judge SCALIA has been obtained through news
reports. [REDACTED] said he was flattered by being contacted
concerning Judge SCALIA, but he had nothing to add concerning his
appointment. He said that he was confident that ROONE ARLEDGE,
President of ABC, did not know Judge SCALIA and therefore, Mr.
ARLEDGE would be unable to comment on his fitness for his SUPREME
COURT appointment.

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WFO 77B-100656
ACM:dmg

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On June 25, 1986, ROBERT McFARLAND, Washington Bureau Chief of the NATIONAL BROADCASTING COMPANY (NBC), 4001 Nebraska Avenue, Northwest (NW), Washington, D.C., was contacted by Special Agent [redacted] regarding the candidate, Judge ANTONIN SCALIA.

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McFARLAND advised he was happy to cooperate but did not have a lot to say. He has never met Judge SCALIA. If McFARLAND had any impression of Judge SCALIA, he stated he did not think it correct to comment on such impression. There is no information at NBC, either good or bad, on Judge SCALIA, and NBC is looking into his background as well. McFARLAND concluded by stating that he could suggest no other spokesman for NBC to comment on the suitability for Judge SCALIA's SUPREME COURT appointment.

WFO 77B-100656
JSR:dmg

1

On June 25, 1986, [redacted]
COLUMBIA BROADCASTING SYSTEM (CBS), 2020 M Street, Northwest
(NW), Washington, D.C., telephone [redacted] was contacted by
Special Agent [redacted] regarding the candidate, Judge
ANTONIN SCALIA. He advised that he did not personally know Judge
SCALIA. As far as CBS is concerned, neither [redacted] nor anyone
associated with CBS is willing to make a statement or answer
questions concerning Judge SCALIA. [redacted] questioned the efficacy
of having the FBI contact CBS. [redacted] advised that if CBS had any
unusual information concerning Judge SCALIA, they would put it on
the air rather than comment on it to the FBI.

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On June 30, 1986, an individual identifying himself as Mr. COLLIER appeared at the Washington Field Office of the Federal Bureau of Investigation (FBI) and hand delivered to [redacted] a copy of a civil court complaint titled KENNETH F. COLLIER and JAMES M. COLLIER vs. ANTONIN SCALIA and the REPUBLICAN NATIONAL COMMITTEE. The complaint had been date stamped June 30, 1986, as received by the Civil Clerk's Office, Superior Court of the District of Columbia, and was numbered CA05225-'86.

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In addition, COLLIER hand delivered to [redacted] the June 26, 1986 issue of The Home News newspaper of Dade County, Florida, and advised her to draw particular attention to two articles in it: "F.B.I. Orders Home News Scalia VoteScam Documents" and "Capital Newsmen Eye Votescam."

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On July 1, 1986, [redacted] of the Civil Clerk's Office, Superior Court of the District of Columbia, advised Special Agent [redacted] that the above complaint had, in fact, been filed on June 30, 1986.

RECORD CHECKS

WFO 77-100656
PTR:dmg

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On June 24, 1986, Investigative Assistant [redacted] determined that no record of violations for the candidate was contained in the files of the Bureau of Motor Vehicle Services, Department of Transportation, Washington, D.C.

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The following record checks were conducted at Washington, D.C., regarding the candidate. ANTONIN GREGORY SCALIA; [redacted]
[redacted]

On June 24, 1986, Investigative Assistant [redacted] [redacted] searched the files of the United States Park Police and no adult criminal record could be located.

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On July 1, 1986, no identifiable Metropolitan Police Department arrest record was located in the Washington Area Law Enforcement System computer. However, at all times an indefinite number of unidentified records may not be in the computer and not available for review.

WFO 77B-100656
PTR:clm

On June 25, 1986, Investigative Assistant (IA) [redacted] caused a search to be made of the files of the U.S. Secret Service, DEPARTMENT of the TREASURY, and was advised that no derogatory information was found concerning the candidate, ANTONIN GREGORY SCALIA, [redacted]

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The files reflected the fact that the candidate is a holder of a White House pass.

WFO 77B-100656
GBM:rdc

On June 25, 1986, IA [redacted] caused a search to be made of the pending and closed cases of the Criminal Division of the U.S. Attorney's Office, 555 4th Street, N.W., Washington, D. C. The following individuals advised that no identifiable record could be located regarding ANTONIN GREGORY SCALIA, [redacted]

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[redacted]

[redacted] Trial and Grand Jury
[redacted] Fraud and Major Crimes
[redacted] Closed and pending cases

On June 25, 1986, IA [redacted] caused a search to be made of the pending and closed cases of the Civil Division of the U.S. Attorney's Office. [redacted] advised that no identifiable record could be located regarding ANTONIN GREGORY SCALIA, [redacted]

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[redacted]

It should be noted that the index system of the Civil Division, U.S. Attorney's Office, contains only names of plaintiffs, except in civil actions brought by the United States against a particular defendant. Suits against government employees who are represented by the United States Attorney would be filed by plaintiff's name and docket number.

WFO 77B-100656
PTR:ptr

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On July 2, 1986, [redacted] Public Integrity Section, Department of Justice, Washington, D.C., advised Special Agent (SA) [redacted], that his office's records contain no reference, complaint, or record of investigation concerning ANTONIN GREGORY SCALIA.

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WFO 77B-100656
GBM:rdc

On June 25, 1986, IA [redacted] contacted [redacted] Office of the Inspector General, Administrative Office of the U.S. Courts, 1120 Vermont Avenue, N.W., Washington, D. C. She advised that no record could be located regarding ANTONIN GREGORY SCALIA of Washington, D. C.

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WFO 77B-100656
SMH:rdc

BAR MEMBERSHIP
THE DISTRICT OF COLUMBIA BAR
WASHINGTON, D. C.

On June 26, 1986, [REDACTED]
The District of Columbia Bar, Washington, D. C., advised SA
[REDACTED] that no record could be located concerning
the candidate, ANTONIN GREGORY SCALIA.

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On June 27, 1986, [REDACTED]
Office of Bar Counsel, The District of Columbia Bar, Washington,
D. C., advised SA [REDACTED] that a review of the files indicates
there are no grievances on file which have resulted in dis-
ciplinary action against the candidate.

It should be noted that the Bar Counsel will not
release any complaints against attorneys that do not result
in some administrative action, suspension, disbarment, and
will release no complaints that are currently being investigated.

M I S C E L L A N E O U S

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/1/86

[redacted], Department of Justice, Office of Professional Responsibility, 10th and Pennsylvania Avenue, N.W., Washington, D.C. [redacted] was interviewed at his office in the presence of [redacted]

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[redacted] They were advised of the identities of the interviewing agents and that the interview pertained to their follow-up of allegations brought to their office by KENNETH and JAMES COLLIER. [redacted] voluntarily furnished the following:

The Office of Professional Responsibility (OPR) received a letter dated June 6, 1984, (copy attached) from KENNETH COLLIER after he and his brother claimed they were "thrown out" of the office of CRAIG DONSANTO, who is in charge of reviewing cases of potential vote fraud at the Department of Justice (DOJ). The COLLIERS claimed they had evidence which primarily was a videotape showing vote fraud in a 1982 election in Dade County, Florida. They were in DONSANTO's office to present this evidence at DONSANTO's invitation, but they were ejected before actually showing the tape.

On June 21, 1984, [redacted] talked to DONSANTO who told him that he had previous contact with KENNETH COLLIER. COLLIER lost a 1972 (sic) primary election bid to Congressman CLAUDE PEPPER. The COLLIERS came to Washington, D.C., just prior to Watergate at a time when DONSANTO was fairly new to vote fraud cases. DONSANTO went into COLLIER's fraud allegations then in great depth and became something of an expert on mechanized ballot counting. The case became DONSANTO's training ground, and after thorough review, was found to be insufficient for prosecution. As time went by, DONSANTO learned that the COLLIERS were chronic complainers to the Federal Bureau of Investigation (FBI) in Miami. When the COLLIERS were in DONSANTO's office in 1984 regarding new allegations of Dade County vote fraud, the meeting was not terminated until it became clear that a third person the COLLIERS brought with them was a reporter for the Washington Times. According to DONSANTO, the COLLIERS represented the third party they were bringing to that meeting as

Investigation on 6/30/86 at Washington, D.C. File # 77B-100656

SA [redacted]
by SA [redacted] PTR:ptr Date dictated 7/1/86

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something other than a reporter when the meeting was set up. DONSANTO made it clear he would not conduct a meeting of potential criminal prosecution in the presence of a reporter there to cover it, but the COLLIERS nearly had to be physically removed. Only at that moment did the COLLIERS also voice claims that they had evidence of massive vote fraud in other elections they had not already mentioned.

[REDACTED] obtained from FBI Headquarters a letterhead memorandum dated July 18, 1979, setting forth allegations the COLLIERS brought to the attention of the FBI regarding elections prior to that date. He then talked with Supervisory Special Agent [REDACTED] in Miami who advised him that the COLLIERS' more recent allegations involving a 1983 election also had been investigated and a prosecutive declination had been rendered on September 8, 1983, by Assistant United States Attorney [REDACTED] received from [REDACTED] a copy of his letter dated February 7, 1984, to the United States Attorney (copy attached).

During July, 1984, [REDACTED] talked with [REDACTED] who said they had a huge file on the COLLIERS and their allegations in Miami but that nothing had ever been found of substance to merit prosecution.

On July 24, 1984, [REDACTED] had the COLLIERS come to the OPR office to air their allegations of misconduct by DONSANTO in the termination of his meeting with them earlier that year. [REDACTED] was present for this meeting. JAMES COLLIER arrived at OPR wearing a karate outfit and carrying a martial arts weapon known as nunchuks or nunchaku. He made a point of telling [REDACTED] and [REDACTED] that he was a martial arts expert. KENNETH COLLIER brought voluminous newspaper clippings and documents he obtained through Freedom of Information. The COLLIERS detailed a set of circumstances they believe points to a connection between their desire for a Dade County vote fraud investigation and the Watergate break-ins. At that time they were living out of a van.

[REDACTED] and [REDACTED] were made somewhat fearful by the COLLIERS' unusual behavior and personally escorted them out of the building.

[redacted] summarized the information the COLLIERS presented to him as four distinct allegations:

1) On September 8, 1970, a conspiracy of three television stations released nearly perfect projections of final vote totals before the polls closed. The COLLIERS attributed the conspiratorial direction to [redacted] as owner of one of the stations and claimed they could prove forgery of eleven thousand signatures.

2) From a 1972 Dade County election, certification sheets which were used in voting machines were filled out incorrectly. Being "blank-backed," all the votes entered in those machines were, therefore, uncertified.

3) In Dade County elections taking place in 1974, 1975, 1976, and 1977, keys to voting machines were taken away from four thousand pollworkers. All four thousand must have perjured themselves by claiming they had physically opened the voting machines to certify votes because the COLLIERS could prove they had no keys.

4) In 1982, removal of "chad" or "chaff" from the back of ballot cards which voters punched by stylus was unlawful. [redacted] and [redacted] viewed a videotape the COLLIERS brought with them as evidence they claimed indisputably showed some ninety members of the League of Women Voters committing vote fraud by clearing the remnants of perforations clinging to the backs of ballots. The COLLIERS explained their logic in concluding fraud. They knew that it is, in fact, impossible for a chad laden card to go through the vote counting machine without fouling the machine and being rejected from the mechanical counting process. They reasoned that if a voter used insufficient pressure to knock the perforation chad free of the ballot card leaving a complete hole, it meant that the voter was indecisive and the ballot should have been viewed as such and not counted at all. By making these ballots countable for the machine, the women shown on the tape were, therefore, skewing the election. Furthermore, according to the COLLIERS, the women's activity was merely a "front" or diversion to cover the absence of any real vote counting going on at all in the back of the election office where the COLLIERS were certain that the final count had been pre-programmed by one man.

[redacted] and [redacted] recognized a contradiction at the outset in the COLLIERS' claim that the League of Women Voters was changing votes by clearing chaff from ballot cards. This could not have any effect on the final totals if the COLLIERS also wanted to claim that the totals were pre-programmed.

As to the videotape itself, [redacted] stated that it was "so ridiculous it was hard to keep from laughing." "It depicted ladies taking chaff off ballots, but the tape in no way depicted any fraud."

After viewing the tape, [redacted] and [redacted] interviewed DONSANTO. He had "perfectly acceptable answers" regarding any points he had not heard already from the COLLIERS in addressing what constitutes evidence of vote fraud. After interviewing DONSANTO, and in light of what had been learned from FBI Headquarters, the FBI in Miami, Assistant U.S. Attorney [redacted], [redacted] and [redacted] "didn't do much with it because it was so apparent to us that the allegations were groundless." The videotape was the primary piece of evidence the COLLIERS wanted to hinge a case on, and according to [redacted] it showed "nothing." The remaining allegations relied on theories of conspiracies that would have to be so broad and involve so many people, that it made no sense to [redacted] to believe that four thousand pollworkers, the League of Women Voters, three television stations, and others could have been participating. Further, the COLLIERS had not supported any of their claimed ability to prove things they said they could prove, such as the confiscation of four thousand keys from pollworkers.

KENNETH COLLIER cited to [redacted] at least two sections of Florida statutes he said were being violated. One of them stated that no persons other than employees or those authorized by elections officials could be present at the elections office at the time ballots were being counted. COLLIER insisted that the League of Women Voters was violating this statute by their members' presence at the elections office. [redacted] stated, however, he felt confident that the word "authorized" applied to people working as aides whether or not they were being paid. He did not verify this at the Dade County elections office in question. [redacted] commented, though, that he wondered why elections officials "put up with COLLIER and his brother running around with their video equipment down there" instead of "throwing them out" in light of the statute restricted who could be present.

Having contacted the FBI, U.S. Attorney's office, and DONSANTO for all available information on vote fraud the COLLIERS claimed had not been investigated, [redacted] found that investigations had been done to the extent that they found no merit to the COLLIERS' fraud allegations. "As far as I know, the allegations have been reviewed, found to be baseless, and declinations were rendered. Many, if not all, were covered by one investigation or another, and all were found to be baseless." [redacted] then closed his investigation of DONSANTO's alleged mishandling. He furnished a copy of his closing document dated April 11, 1986 (copy attached.)

[redacted] stated he has not seen a copy of an appellate court order with a concurring attachment written by Judge ANTONIN SCALIA affecting one of several lawsuits the COLLIERS filed in connection with the above allegations. He was aware of the COLLIERS' suit against DONSANTO and one they filed against the Republican National Committee (RNC), which has some issues still pending. [redacted] had not heard anything from or about the COLLIERS, their allegations, or their lawsuits in several months, and then last week received a call from Attorney [redacted] who [redacted] knows from military service. [redacted] practices with the law firm representing the RNC. He had heard that the COLLIERS had been calling SCALIA's secretary for information on how he wrote his addendum to the above-mentioned court order. He also heard the COLLIERS were planning to sue SCALIA. [redacted] explained to [redacted] what the order was about that the COLLIERS were taking heated exception to. [redacted] said it remanded the COLLIERS' civil rights suit against DONSANTO back to the U.S. District Court because the lower judge had not "gone through the legal hoops articulated in the Sills case." [redacted] called [redacted] DOJ Civil Torts Branch, after hearing from [redacted] to make him aware of the potential need to act as defense counsel for SCALIA if a suit was to be filed. The Civil Torts Branch defends any federal official sued.

[redacted] met SCALIA as SCALIA [redacted] [redacted] He knew SCALIA to be such a meticulous person, that if SCALIA had seen some point of difference or incompleteness in the reasoning of his fellow jurists, it would be in his normal character to sit down and write something on it.

Neither [redacted] nor [redacted] was aware of any connection between SCALIA and DONSANTO. DONSANTO probably was at the Justice Department when SCALIA served in the Office of Legal Counsel, but those are separate divisions. Both [redacted] and [redacted] stated they had no first-hand knowledge, but they doubted that SCALIA and DONSANTO even knew each other. Regarding Judge HAROLD GREENE of the Superior Court of the District of Columbia who heard the RNC suit filed by the COLLIERS, [redacted] was not aware at all that GREENE had ever been an assistant U.S. attorney anywhere. Neither [redacted] nor [redacted] was aware of any connection at all between GREENE and DONSANTO or SCALIA and doubted the existence of one.

C-1

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P.O. Box 592418 AMF
Miami International Airport
Miami, Florida, 33159
February 7, 1984

OFFICE OF
PROFESSIONAL REGULATION

JUN 9 1 18 PM '84

RECEIVED

Honorable Stanley Marcus
United States Attorney
155 S. Miami Avenue, 7th Floor
Miami, Florida, 33130

Re: [redacted]
Miami Beach, Florida;
[redacted]
Miami Beach, Florida;
[redacted] Miami Beach,
Florida;
[redacted] Candidate,
City Commissioner, Miami
Beach, Florida - Complainant;
Kenneth Collier - Complainant; Secured
Election Fraud Matter

194-118-7,258

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Dear Mr. Marcus:

On December 20, 1983, [redacted] of your office referred the above named complainants to the Federal Bureau of Investigation (FBI), Miami, Florida, in order that the complainants would provide the FBI with information concerning local election violations that occurred in the Miami Beach City Commissioner elections on November 1, 1983.

[redacted] was a candidate for a position as one of the City Commissioners for Miami Beach, Florida. Kenneth Collier is a resident of Miami Beach and is associated with the "Herald Examiner" and "New Herald Tribune" newspaper publications. Mr. Collier has made past voting fraud allegations, which have been presented to the United States Attorney's Office and which have resulted in prosecutive declinations.

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- 2 - Addressee
- ① - Miami (56D-)
- DTK:jkj
- (3) *DK jkj*

MB

~~SEARCHED~~
~~INDEXED~~
~~SERIALIZED~~
~~FILED~~

Searched _____
Serialized _____
Indexed _____
Filed _____

(Handwritten initials)

56-0-992

Mr. Collier and [redacted] were interviewed on December 22, 1983, and January 13, 1984, respectively and during these interviews alleged the following: b6 b7C

During the local Miami Beach elections of 1983, three members of the Canvassing Board Committee were illegally appointed. These three individuals are [redacted]

[redacted] Miami Beach, Florida, [redacted] Miami Beach, Florida, and [redacted] Miami Beach, Florida. [redacted] were b6 b7C

appointed to the Canvassing Board by the Miami Beach City Commissioners and Mr. Collier and [redacted] allege the appointments were made illegally and should have been made by a Dade County Circuit Court Judge. After the elections, [redacted] filed an official protest concerning these allegations and the protest was heard by Dade County Circuit Court Judge, Moie Tendrich, who dismissed the protest.

Mr. Collier and [redacted] then filed a civil suit, in Dade County Circuit Court, alleging the same facts as alleged in their protest. This civil suit is presently being heard by Dade County Circuit Court Judge James Henderson and the matter is still pending.

Mr. Collier further alleges that during the local elections, held in November of 1983, that Dade County Elections [redacted] was involved in illegal election practices involving the computer counting of the votes.

Upon receipt of the above information, from Mr. Collier and [redacted] it is the opinion of the Federal Bureau of Investigation (FBI), Miami, Florida, that even if the above allegations were, in fact, proven, they would not constitute a Federal violation. b6 b7C

In view of this, unless directed to act otherwise, the FBI, Miami, Florida, is conducting no further investigation in this matter.

Very truly yours,

JOSEPH V. CORLESS
Special Agent in Charge

By: [redacted]
Supervisory Special Agent

U.S. Department of Justice

Office of Professional Responsibility

Notice To Close Case File

Section I: GENERAL INFORMATION

File Number:

6728

Date of Closing:

4-11-86

File Title:

DONSANTO, Craig, Director, Election
Crimis Branch, Criminal Division; COLLIER,
Kenneth F. -- Complaint

Section II: DISPOSITION

1. Destroy after:

Six (6) months (allegation is meritless).

Ten (10) years (allegation referred to another office for broader investigation, NO ARCHIVAL VALUE).

2. Recommend permanent retention by National Archives and Records Service, General Services Administration, because (check appropriate criteria below per records schedule NCI-80-77-6).

This case had a significant impact on statutes, rules or regulations or law enforcement policies.

This case was the subject of intense public interest expressed by:

a demonstrated interest of a Congressional committee or the Executive Office of the President.

a high degree of national media attention.

Section III: REASON FOR CLOSING:

Allegations that the FBI and U.S.A.O. Miami and PIS attorney Craig Donomato failed to investigate ^(applicants) ~~that~~ vote fraud charges in Dade County, Fla. proved to be without merit.

Section IV: CERTIFICATION

I certify that the above case is closed as of this date:



Paul Jones 4/11/86
(Date)

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SSP

CLASSIFIED TEXT HAS 1 DOCUMENT

INBOX 10Z (410348)

TEXT:

CGO 0002 184 1948

OO HQ

DE CG

O 03 1948Z JULY86

FM CHICAGO (77B 20652) (RUC) (SQ. 12)

TO DIRECTOR IMMEDIATE

BT

UNCLAS

ATTN: [redacted] SPIN UNIT.

ANTONIN ANTOIN GREGORY SCALIA; UNITED STATES SUPREME COURT;

BUDED JULY 3, 1986.

RE BUREAU TELEPHONE CALL TO CHICAGO OF [redacted]

[redacted] JULY 3, 1986.

ON JULY 3, 1986, [redacted]

CIRCUIT COURT OF COOK COUNTY, 2309 DALEY CENTER,

CHICAGO, ILLINOIS, ADVISED THAT THE JUSTINIAN

SOCIETY OF JURISTS CAME INTO EXISTANCE IN 1966.

IT IS A SEMI FRATERNAL GROUP INTERESTED IN CULTURAL

AFFAIRS AND EDUCATIONAL PROGRAMS. [redacted]

STATED THAT THE GROUP CONTAINS APPROXIMATELY 1200

JUDGES OF ITALIAN DERIVATION. THE SOCIETY IS OPEN

TO ALL JUDGES AND THE EDUCATIONAL AND CULTURAL

ASST. DIR.	
ADM. ASST.	
ASST. TO DIR.	
CHIEF OF BUREAU	
IDENT. DIV.	
INSPECTION	
INTELL. DIV.	
LABORATORY	
LEGAL COUNSEL	
PLANNING & EVAL.	
TRAINING	
RECORDS & COMM.	
SECURITY	
STENOGRAPHER	
SWORN OFFICERS	
TELETYPE UNIT	
TRAINING CENTER	
UNIT CHIEFS	
UNIT CLERKS	
UNIT SUPERVISORS	
UNIT TRAINERS	
UNIT ASSISTANTS	
UNIT ATTENDANTS	
UNIT CLEANERS	
UNIT COOKS	
UNIT JANITORS	
UNIT MAINTENANCE	
UNIT PORTERS	
UNIT SECURITY	
UNIT SUPERVISORS	
UNIT TRAINERS	
UNIT ASSISTANTS	
UNIT ATTENDANTS	
UNIT CLEANERS	
UNIT COOKS	
UNIT JANITORS	
UNIT MAINTENANCE	
UNIT PORTERS	
UNIT SECURITY	

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Special Agent in Charge

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77-131275-160

AUG 9 1989

70 NOV 1 1989

CALLER: sub
By: JTB, Tico STS
JH

PAGE TWO

CG 77B-29652

UNCLAS

PROGRAMS ARE OPEN TO ALL. [REDACTED] STATED

THAT HE IS [REDACTED] OF THE SOCIETY AND APPLICANT
IS A CURRENT MEMBER.

ADMINISTRATIVE:

WHERE APPROPRIATE, PRIVACY ACT (E) (3) DATA WAS
FURNISHED TO PERSONS INTERVIEWED. EXPRESS PROMISES OF
CONFIDENTIALITY, BOTH LIMITED AND UNLIMITED, HAVE
BEEN NOTED WHERE GRANTED.

BT

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FBI

SSP _____ TRANSMIT VIA:
 Teletype
 Facsimile
 AIRTEL
 CLASS _____
 SRC'S _____
 SER _____
 REC _____

PRECEDENCE:
 Immediate
 Priority
 Routine

CLASSIFICATION:
 TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS
 Date 7/3/86

TO: DIRECTOR, FBI (77-131275)
 FROM: SAC, CHICAGO (77B-20652) (RUC) (SQ. 12)
 ANTONIN GREGORY SCALIA
 DAPLI, CANDIDATE FOR ASSOCIATE JUSTICE
 UNITED STATES SUPREME COURT
 BUDED 7/3/86

(X)

Re FBIHQ airtel dated 6/23/86 and Chicago report dated 6/30/86.

Enclosed for FBIHQ is two copies each of an administrative page and two investigative inserts for inclusion into referenced Chicago report.

② Bureau (Enclosures 4) - detached + added to CG rep 6/30/86
 1-Chicago
 RWH/des
 (3)
 (made pgs 6 + 7 + adm pg 8)
 -1*-
 AUG 9 1986

Approved: Edh/... Transmitted _____ Per _____
 (Number) (Time)

70 131 1 1003

...

SSP

CLASS. 1/9
SRC'D 1/1
5 R 1/1
REC _____

July 7, 1986

①

ANTONIN GREGORY SCALIA
DEPARTMENTAL APPLICANT
ASSOCIATE JUSTICE
UNITED STATES SUPREME COURT

RECORDS CHECK

A search of appropriate FBI data bases, at FBI Headquarters and all fifty-nine field offices, has not identified any FBI files that are known to contain pertinent information identifiable with the candidate or his close relatives, except the following:

The FBI has conducted three background investigations of candidate, in 1972, 1974, and 1982. Information obtained during these investigations was favorable concerning the candidate.

[Redacted]

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NEXIS COMPUTER DATA BASE

77-131275-162

A compilation of all articles since 1971 containing information about Judge Scalia in the NEXIS computer data base was requested by the FBI. These articles were reviewed by FBI Headquarters and are provided to DOJ for review. It is noted NEXIS is a data base consisting of articles from various newspapers nationwide compiled by The New York Times.

Original to AAG by courier on 7/8/86

AUG 21 1986

- 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 _____
- Telephone Rm. _____
- Director's Sec'y _____

ADL/Kes (2)

1cc TO WHITE HOUSE BY COURIER 7/9/86

NOV 1 1989

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Memorandum



- 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. _____ b6
- Tech. Servs. _____ b7C
- Training _____
- Telephone Rm. _____
- Director's Sec'y _____

To: Bob Ricks Section Chief
Civil Rights and Special Inquiry

Date: 7/7/86

From: [Redacted] Unit Chief

by: [Redacted], PSS
Subject: General Background Investigation Unit

ANTONIN SCALIA
ASSOCIATE JUSTICE
U.S. SUPREME COURT
 Buded 7/3/86
 Bufile 77-131275

Clients initiating communication is dated 6/20/86.

This memorandum reflects;

- a partial transmission of information to the client agency;
- a closing and transmittal of information to the client agency without any previous transmissions; or
- a closing and final transmittal of information to the client agency in which partial transmittals have occurred

Communications transmitted are listed. Those previously transmitted are starred.

<u>FB/HQ</u>	<u>LHM</u> report dated <u>7/3</u>	<u>DN</u>	report dated <u>7/1</u>
<u>WFO</u>	report dated <u>7/3</u>	<u>DE</u>	report dated <u>7/1</u>
<u>NH</u>	report dated <u>7/2</u>	<u>AX</u>	report dated <u>6/30 (2)</u>
<u>CE</u>	report dated <u>7/1</u>	<u>BS</u>	report dated <u>6/30</u>

Because this investigation is sensitive and/or developed information that may reflect unfavorably upon the individual investigated, those individuals whose names are checked are asked to review and indicate they approve dissemination by initialing.

- Supervisory Special Agent
- Unit Chief
- Assistant Section Chief
- Section Chief

[Redacted Signature Box]

Bob Ricks

7/7/86 77-131275-163
 b6
 b7C
 AUG 9 1989

70 NOV 1 1989

[Handwritten initials]

[Handwritten initials]

<u>CG</u>	report dated <u>6/30</u>	_____	report dated _____
<u>PG</u>	report dated <u>6/30</u>	_____	report dated _____
<u>NY</u>	report dated <u>6/27</u>	_____	report dated _____
<u>LA</u>	report dated <u>6/26</u>	_____	report dated _____
<u>RH</u>	report dated <u>6/25</u>	_____	report dated _____
<u>PH</u>	report dated <u>6/24</u>	_____	report dated _____
_____	report dated _____	_____	report dated _____
_____	report dated _____	_____	report dated _____
_____	report dated _____	_____	report dated _____
_____	report dated _____	_____	report dated _____
_____	report dated _____	_____	report dated _____
_____	report dated _____	_____	report dated _____

* COMPUTER PRINTOUT W/ ARTICLES FROM NY TIMES DATA
 BASE ALSO DISSEMINATED.

Memorandum



- Exec AD Adm. _____
- Exec AD Inv. _____
- Exec AD LES _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
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- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Telephone Rm. _____
- Director's Sec'y _____

SSP

CLASS _____
SEC'D _____
SER _____
REC _____

To: Bob Ricks Section Chief
Civil Rights and Special Inquiry

Date 7/14/86

From: [Redacted] Unit Chief
by: [Redacted], PSS
Subject: General Background Investigation Unit

ANTONIN SCALIA
ASSOC. JUSTICE
U.S. SUPREME COURT
Buded 7/3
Bufile 77-131275

b6
b7c

Clients initiating communication is dated 6/20

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ESING CHM report dated 7/14 (w/wfo 302 DATED 7/10 ATTACHED.) report dated _____

_____ report dated _____ report dated _____

_____ report dated _____ report dated _____

_____ report dated _____ report dated _____

Because this investigation is sensitive and/or developed information that may reflect unfavorably upon the individual investigated, those individuals whose names are checked are asked to review and indicate they approve dissemination by initialing.

- Supervisory Special Agent
- Unit Chief
- Assistant Section Chief
- Section Chief

[Redacted Signature Area]

77-131275-164

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b7c

AUG 9 1989

70 NOV 1 1989

SSP

CLASS 1/11
SRC'D 1/13
SER 1/13
SSC 1/13

July 14, 1986

①

ANTONIN GREGORY SCALIA
DEPARTMENTAL APPLICANT
ASSOCIATE JUSTICE
U.S. SUPREME COURT

On July 10, 1986, Kenneth Collier telephonically recontacted the FBI and provided additional comments regarding his allegation that the candidate improperly prepared a court document. Collier's comments which were provided to Special Agent are attached.

b6
b7c

Enclosure

ENCLOSURE

77-131295-165

- Exec AD Adm. _____
- Exec AD Inv. _____
- Exec AD LES _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
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Original to AAG by courier on 7/14/86
DL AS (2)

AUG 9 1986

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AS

Telephone Rm. _____
Director's Sec'y _____ MAIL ROOM

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/10/86

KENNETH COLLIER telephonically contacted the Washington Field Office of the Federal Bureau of Investigation (FBI) where he was familiar with the identity of the interviewing agent, and he voluntarily furnished the following information:

COLLIER and his brother recently were going over a large number of court documents and suddenly realized that court orders invariably begin with wording referring to a date, for example, "On this first day of January, 19-whatever." The order issued by a three-judge panel of the Court of Appeals of the District of Columbia on which ANTONIN SCALIA sat, pertaining to a civil rights action filed against the United States, et al, fails to use this kind of wording at the beginning of the order itself. COLLIER considers this to be a "pronounced anomaly" which is more serious than any other "anomaly" in the order and its attachment previously criticized by COLLIER and his brother. COLLIER believes this non-conformity of wording makes the entire order illegal and non-binding.

COLLIER stated that he checked with the Clerk of the court who could not explain the wording of the order. He further stated that the Clerk showed him several other orders which all began with wording referring to a date. COLLIER claimed he did research into the rules of formal order writing. He found no set of rules regarding format. He has based his conclusions on the formats of approximately thirty orders gathered from the Superior Court of the District of Columbia and orders of "the federal appeals court." His conclusion is that the date reference is a matter of "practice and tradition," and the order in question "stands out as a pimple on the body of history and precedent."

COLLIER stated that in his opinion, the type face used on the order and an attachment to it match. He learned through media reports that SCALIA has his own word processor in his office, and suggested, therefore, that SCALIA independently drafted the entire order as well as the attachment. COLLIER contended that the "little scrawls" appearing as signatures of Judges WRIGHT and GINSBURG do not convince him that the other two judges did, in fact, sign the order or even see it. COLLIER called the order "a joke" and voiced doubt that the other judges would have

Investigation on 7/10/86 at Washington, D.C. File # WFO 77B-100656

by SA [redacted] (telephonic) PTR:ptr Date dictated 7/10/86

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ENCLOSURE

Continuation of FD-302 of KENNETH COLLIER, On 7/10/86, Page 2*

signed such a thing if they had seen it. COLLIER referred to articles he has written for publication in a newspaper distributed to the judges about the order, and he stated that no one has contradicted his comments nor raised even "a whimper." He further stated that if one of the other judges from the panel said they knew about the order or that its format was proper, "they're lying." He characterized any vindication of SCALIA as "judges sticking together they way they always do."

COLLIER emphasized that the lack of a date reference in the opening words of the order supersedes all other "anomalies" of the order's format. He advised that he will write a newspaper article summarizing his new criticism of the order and furnish copies of that article to investigators for the Senate Judiciary Committee.