



MANAGEMENT REVIEW:
UTILIZATION OF CS-84-036739
(IN-00-S006)



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I. Introduction

The DEA Agents Manual Section 6612.31(a) provides that "[a] DEA CS [confidential source], including those who [sic] DEA is sponsoring for the Witness Security Program, will be assigned a CS code number. This number will appear in all investigative reports in lieu of the CS's true name [REDACTED]" Andrew Chambers has publicly identified himself as a DEA informant in national broadcast and print media interviews, and his name is well known in the media and law enforcement communities. Consequently, rather than refer to him by his CS number, Andrew Chambers' name will be used in this report.

The media interest in Chambers is due to his effectiveness as a CS and the discovery of him giving false testimony under oath in federal and state criminal prosecutions. He has been used as a CS primarily by DEA. In addition, Chambers may have performed services for the Federal Bureau of Investigation (FBI), United States Customs Service (USCS), United States Secret Service (USSS), Bureau of Alcohol, Tobacco, and Firearms (BATF), Internal Revenue Service (IRS), United States Postal Service (USPS), and various state and local police agencies.

His cooperation with DEA began in 1984. Chambers' work as a CS has had a significant impact on drug trafficking organizations. He contributed to the arrests of over 400 drug suspects, however, it is difficult to determine the exact number of arrests that are directly attributable to his actions. He was involved in approximately 280 investigations. These cases resulted in the seizure of over 1,000 kilograms of cocaine and approximately 6 million dollars in assets. They occurred over a period of approximately 16 years and included, but were not limited to, investigations in St. Louis, Minneapolis, Los Angeles, Houston, Miami, Tampa, New Orleans, Atlanta, Denver, Newark, San Diego, Baltimore, Washington, Detroit, Boston, Columbia (South Carolina), and the Bahamas. Chambers has been paid approximately \$1.9 million by DEA, which included payments for information and awards as well as payments to reimburse him for expenses and for the purchase of drugs from suspects during the investigations.

DEA has thus far uncovered sixteen cases, during Chambers' approximate 16 years as a CS, where he testified falsely under oath. The false testimony principally involved his criminal record, level of education, and payment of income taxes.

In an effort to determine the scope of the false testimony and to determine how Chambers was able to testify falsely in judicial proceedings without the knowledge of DEA or the United States Attorney's Office (USAO) in subsequent proceedings, a DEA MRT was tasked with investigating the events surrounding DEA's use of Chambers as a CS. This report will examine the events that transpired during Chambers' CS career and make recommendations in order to prevent the reoccurrence of false testimony by any other DEA CS in future cases.

II. Discussion

A. Chronology

1. United States v. Springer

The first known instance where Andrew Chambers testified falsely was on April 17, 1985 in the case of *United States v. Springer*.¹ Chambers testified during direct examination by AUSA Fred Dana that he had not been charged with any crime by any law enforcement agency at any time.² That statement was false. At that time, Chambers had felony charges pending against him in Paducah, Kentucky for second degree forgery. Chambers was alleged to have committed the crime of forgery on December 14, 1984. According to the February 26, 1985 complaint and arrest warrant, he forged an agreement with Home Federal Savings and Loan Association of Paducah by signing as Derrick Glen Chambers for \$12,297.12 to purchase an automobile. Chambers was arrested on March 1, 1985 on that warrant. Chambers was released from custody on March 4, 1985 on a \$1,000 bond.

In addition, on March 22, 1985, charges were issued against Chambers for filing a false financial statement. In that case, Chambers was alleged to have falsely represented that he was employed as a private investigator and consequently defrauded Michelson Jewelers of \$1,555.75.

Chambers also testified in *Springer* that he paid taxes on his earnings from DEA.³ That was not true. On June 9, 1988, Chambers testified in *United States v. Ransom* that he lied in *United States v. Springer* when he said that he paid taxes on his DEA earnings.⁴ Further, on November 27, 1989, Chambers testified in *United States v. Duke* that he had not paid income taxes on the money that he received from DEA over the previous 6 years.⁵

On April 6, 2000, Chambers was asked during a MRT interview about his testimony in *Springer*. Chambers stated that he denied having been charged with a criminal offense because he thought the charges had been dismissed and therefore were not on his record.⁶ The criminal charges had not been dismissed at that time. Rather, a bench warrant for his failure to appear in court on those charges that had been dismissed. [REDACTED]

[REDACTED] Chambers failed to appear for a scheduled court appearance on April 9, 1985 on the Kentucky forgery charges. A bench warrant was issued on April 10, 1985 for his failure to appear. That bench warrant was dismissed on the same day that it was issued, April 10, 1985, at the request of [REDACTED]

Even if the charges had been dismissed as Chambers believed, his answers to the questions in *Springer* were false. The questions were: "You haven't been charged with anything, with any crime?" Chambers' answer was: "No." He was then asked "By any law-enforcement agency at any time, is that correct?" His answer was: "No."⁷ Chambers acknowledged during his June 9, 1988 testimony in *United States v. Ransom* that it wasn't true when, in *United States v. Springer*, he denied ever being charged with any crime.⁸

In *Springer*, Chambers was also asked by the AUSA on direct examination whether he had "ever been convicted of any crime whatsoever by any jurisdiction, state, federal, or local municipality." Chambers answered: "No, I haven't."⁹ Chambers has had a number of adjudications in traffic related offenses spanning from 1978 to 1984. All of those adjudications took place in Missouri. Chambers stated during a MRT interview that he did not think that traffic offenses were the type of offenses that were included in the question.¹⁰ Assistant Prosecuting Attorney for St. Louis County, J.D. Evans, stated that municipal and county ordinances are considered "quasi-criminal offenses," they are not and cannot be crimes, even though a person may be sentenced to jail. They fall outside the purview of Missouri state law. Only a violation of Missouri state law is a crime. Such crimes can be either misdemeanors (one year or less in jail) or felonies (more than a year in prison). Under Missouri state law, a person can be held responsible for an "infraction," which is not a crime. Evans could not be certain whether the traffic charges for which Chambers had been adjudicated, were criminal or civil; he could only give an equivocal opinion. It is therefore not clear whether the testimony of Chambers on this issue is false. The first verifiable instance where Chambers was convicted of a criminal offense was in 1995 when he was convicted of soliciting a prostitute.

Chambers stated that he told ██████████ about the charges in Kentucky,¹¹ and ██████████, during a MRT interview, stated that he talked with the prosecutor in Paducah. He recalled that the county prosecutor told him that charges had not yet been filed. ██████████ said he believed that the prosecutor was contemplating filing charges and that he contacted the prosecutor in an attempt to prevent any charges against Chambers. ██████████ stated that both ██████████ and ██████████ group supervisor (GS) knew what was happening with Chambers.¹² Chambers stated that he remembers discussing the Kentucky charges with ██████████ but that he did not discuss the charges with ██████████. Chambers inferred that ██████████ knew about the Kentucky charges because ██████████ were partners, but Chambers never discussed the charges with ██████████ nor did he ever hear ██████████ discuss the charges with ██████████.

In addition, ██████████ sent a letter to Judge William Graves on April 15, 1985, which referenced an April 11, 1985 telephone conversation with Judge Graves. In the letter, ██████████ requested that Judge Graves "recall any outstanding warrants from [his] office concerning Chambers."¹⁴ The telephone conversation referred to in the letter must have taken place on or before April 10, 1985 (and not on April 11, 1985) because the bench warrant was voided on April 10, 1985.

██████████ stated that he did not know that charges had actually been filed, but that the prosecutor was considering filing charges.¹⁵ ██████████ told members of the MRT that he considered the term "outstanding warrant" to be a generic term that applied to any warrant, including a warrant that had not yet been issued.¹⁶

The letter from ██████████ to Judge Graves was dated two days prior to the trial in *United States v. Springer*. ██████████ stated that he probably sent a letter because of the upcoming *Springer* trial and because he wanted to keep Chambers working. He felt the work that Chambers was doing for DEA was more important than some petty crime that Chambers might have committed.¹⁷

On June 1, 2000, a member of the MRT interviewed [REDACTED] is a retired GS, formerly assigned to the St. Louis Division Office. During the period when [REDACTED] were establishing Chambers as a CS, [REDACTED] was their supervisor. When asked if he recalled Chambers or a letter written by [REDACTED] to Judge Graves, former [REDACTED] stated that he had no recollection of Chambers or the letter.¹⁸

On June 1, 2000, a member of the MRT interviewed Kentucky Supreme Court Justice William Graves over the telephone. Justice Graves was a local Judge in Paducah in April, 1985, and was the Judge to whom [REDACTED] sent the letter requesting that any outstanding warrants for Chambers be withdrawn. Justice Graves recalled receiving a series of telephone calls in 1985 from a person who identified himself as a DEA SA. Justice Graves did not remember the name of the SA but was sure that each telephone conversation involved the same person. He was unable to recall whether the SA's name was [REDACTED]

[REDACTED] The SA requested that warrants or charges, it was not clear to the Judge which, against Chambers be dismissed. Justice Graves stated that he was uncomfortable dealing with the SA over the telephone, he would have preferred to have seen his identification. He contacted a local FBI SA he knew who assured him that either the agent existed [REDACTED] Justice Graves consulted with the Paducah prosecutor who agreed to the dismissal of the charges or warrants. Justice Graves said that the dismissal was done in the interest of justice, because his court docket and the prosecutor were very busy and it was a valid request from a law enforcement officer. Justice Graves specifically remembered the incident because he rarely, if ever, dealt with federal agents. He did not remember receiving a letter from [REDACTED] He stated that he did not talk with the federal prosecutor about the incident.¹⁹

[REDACTED] was [REDACTED] partner in the *Springer* case. Chambers stated that [REDACTED] was in the courtroom and that [REDACTED] was not in the courtroom when he testified in *Springer*.²⁰ The transcript of the *Springer* trial supports Chambers' recollection regarding [REDACTED] being in the courtroom; [REDACTED] is identified by Chambers as being at counsel table during Chambers' testimony.²¹

During a May 23, 2000 MRT interview, [REDACTED] revealed he was a new SA when he arrived at the St. Louis Division Office in 1984.²² [REDACTED] said he was initially assigned to the intelligence group, but was transferred to Group 2, where he was assigned to work with [REDACTED] In March 1984, [REDACTED] received a call from a University City Police Department (PD) officer who wanted [REDACTED] to meet with a potential CS, who turned out to be Chambers.²³ [REDACTED] said that when he was first directed to Chambers, he was not told anything negative about Chambers' background.²⁴ [REDACTED] said he worked with Chambers on approximately 15 to 20 cases in which [REDACTED] acted as the undercover agent.²⁵ [REDACTED] explained that the cases developed with Chambers had a significant impact on the St. Louis area. He stated that the cases targeted the highest levels of urban drug violators, and that those violators had a high propensity for violence.²⁶ [REDACTED] stated that he used Chambers exclusively until 1987 or 1988. Due to concerns for Chambers' safety,²⁷ he sent Chambers to Los Angeles.

██████████ stated that he was not aware of any credibility issues surrounding Chambers' cooperation with DEA. ██████████ further stated that he was unaware that Chambers had a criminal record.²⁸ ██████████ did not recall any time where a judge, prosecutor, or defense counsel raised any credibility issues during Chambers' testimony at trial.²⁹ He stated that he was not told about Chambers' credibility issues until Chambers told him after the U.S. Court of Appeals handed down its decision in *United States v. Duke*, which would have been in 1995.³⁰ He stated that he was overseas conducting an Organized Crime Drug Enforcement Task Force (OCDETF) investigation when Chambers informed him about *Duke* credibility issues. He did not notify anyone concerning this information.³¹ ██████████ stated that, at some point, he advised Chambers he was responsible for paying his income tax on the money DEA paid him.³² He also stated that Chambers did not tell him that he admitted under oath on prior occasions that he had not paid all his income tax on the money paid to him by DEA.³³

██████████ stated that he became aware of an incident in Paducah, but he did not know that Chambers had been arrested.³⁴ He stated that ██████████ took care of it; he remembered that ██████████ wrote a memo to someone.³⁵ ██████████ attributed his lack of knowledge about the Kentucky arrest to ██████████

██████████ in late 1984 or early 1985. ██████████ subsequently directed ██████████ to become the controlling SA for Chambers. ██████████

██████████ He stated that this lack of communication explains his being unaware of Chambers' arrest. The conflict between ██████████ was confirmed by ██████████ began working with Chambers in 1986 and telephoned ██████████ to ascertain whether Chambers would be a worthwhile CS. ██████████ reported that a disagreement between ██████████ was evident, which made it difficult for her to gain information about Chambers.³⁷

██████████ indicated that he does not believe that he was in the courtroom when Chambers testified. He stated that during most of the trials in the Eastern District of Missouri, the undercover agent, even if he was the case agent, would be sequestered. ██████████ stated that, because he was often the undercover agent in his cases, it was commonplace for him to be sequestered during the testimony of the CS.³⁸ However, AUSA Dana stated that the common practice within the USAO at the time that *Springer* came to trial was to have the investigative case agent present at the prosecution table for the duration of the trial. That would happen even if the case agent had performed in an undercover capacity or was otherwise scheduled to testify during the trial.³⁹ AUSA Dana recalled that ██████████ was the case agent in *Springer*.⁴⁰ In addition, Chambers stated that he remembered that ██████████ was in the courtroom when he testified.⁴¹ The trial record reflects that ██████████ was identified as being present in the courtroom during Chambers' testimony.⁴²

██████████ stated that ██████████ should have known about the letter he sent to the Judge Graves in Kentucky because ██████████ was the controlling agent in *Springer*.⁴³ ██████████ stated that he told his GS and the AUSA about the Paducah incident. When ██████████ was asked

specifically whether the AUSA knew about the letter and the Kentucky incident, ██████ stated that he believed he discussed the matter with the AUSA, but ██████ had no independent recollection of that fact.⁴⁴ ██████ further stated that he probably told ██████ about the Paducah incident, but he did not remember. However, he equivocated by stating that he may not have told ██████ but instead just kept that information between his GS, the AUSA, and himself.⁴⁵

AUSA Dana did not remember ██████ bringing to his attention an arrest Chambers had in Paducah.⁴⁶ AUSA Dana stated that he never would have asked Chambers if he had ever been arrested if he had known that he had been arrested.⁴⁷ In addition, had he known, he would have disclosed that fact to defense counsel.⁴⁸ Furthermore, AUSA Dana stated that he never contacted anyone, judge or prosecutor, in Kentucky regarding Chambers arrest.⁴⁹ AUSA Dana was shown a copy of the letter that ██████ sent to the judge presiding over Chambers' Kentucky forgery charge. AUSA Dana stated that he remembered ██████; however, he did not remember ██████ as being involved in the *Springer* investigation. He recalled that ██████ was the case agent in *Springer*.⁵⁰

Chambers stated that he did not recall talking with the AUSA prior to his testimony in *Springer* about his arrests for forgery or the financial false financial statement.⁵¹ Chambers stated that, after he testified in *Springer*, he did not discuss his testimony with ██████ Chambers further stated that no one from DEA or the USAO told him to deny that he had been arrested.⁵²

2. United States v. Brown

Approximately three weeks after testifying in *United States v. Springer*, Chambers testified in *United States v. Brown*.⁵³ In *Brown*, Chambers testified on direct examination by the AUSA that he had not personally been involved in any criminal conduct.⁵⁴ That was not true; he had the two charges pending against him in Kentucky, one for forgery and the other for filing a false financial statement. He had also been arrested for assault on April 6, 1984. In addition, on June 6, 1988, Chambers testified in *United States v. Ransom* that it was not true when in *United States v. Brown* he denied being involved in any criminal conduct.⁵⁵ In a April 6, 2000 MRT interview, Chambers admitted that his testimony in *Brown* was not true.⁵⁶

Chambers stated that ██████ were the case agents in *Brown* and he thought that ██████ was in the courtroom when he testified.⁵⁷ During an MRT interview, Chambers stated that nobody talked about his criminal activity prior to testifying in either *Springer* or *Brown*. Chambers did not recall whether the AUSAs in either *Springer* or *Brown* asked him about his criminal history.⁵⁸ He stated that if he had been asked about his criminal history he probably would not have mentioned his two arrests, because as far as he knew, they were dismissed and consequently, there would be no reason to bring them up.⁵⁹

In the April 6, 2000 MRT interview, Chambers stated that, prior to *Brown* and *Springer*, nobody asked him about his criminal history.⁶⁰ The AUSA in *Brown*, Joseph Mancano, is now in private practice in Philadelphia, Pennsylvania.

3. Bench Warrant Reissued and Arrests on Other Charges

According to the court docket sheet, the Kentucky forgery case remained pending and a bench warrant for failure to appear was reissued on July 16, 1985. The court docket sheet further indicates that the case remained pending until November 2, 1998 when the file was "disposed of."

On May 12, 1986, Chambers was arrested for disturbing the peace. That charge was later dismissed. DEA had no involvement in the dismissal of that case.⁶¹

On January 4, 1987, Chambers was arrested for writing a check on an account with insufficient funds. On March 20, 1987, that charge was dismissed because Chambers paid restitution to the victim.⁶²

4. United States v. Ransom . .

On June 9, 1988, Chambers testified in *United States v. Ransom*.⁶³ The AUSA in that case was Thomas Berniert and the DEA case agent was [REDACTED]. In *Ransom*, Chambers testified on direct examination by AUSA Berniert that he was "in trouble with the law" three times and stated that in Paducah, he used his brother's name to get a car loan.⁶⁴ Chambers further testified on direct examination that he told a jeweler that he was a private investigator and he stated that he was arrested when he got "hot handed" with his wife.⁶⁵

Chambers was then subjected to cross examination by the defense, during which he testified that nobody from DEA ever told him to lie in court. He also testified that he never told [REDACTED] that he had been arrested. He said that [REDACTED] asked him if he had any "legal things against" him and he told her "no." He also testified that [REDACTED] did not ask him and he did not tell [REDACTED] he had been arrested.⁶⁶ Chambers testified that he was asked by [REDACTED] if he had ever been arrested. Chambers told [REDACTED] that he had only been arrested for "maybe traffic tickets, about not going to pay a ticket, something like that."⁶⁷ Chambers testified in *Ransom* that he lied to both [REDACTED] about his arrest record. In a later June 23, 1988 trial, *United States v. Fuller*, Chambers was confronted with his admission that he lied to the DEA SAs and he denied he lied to them. He stated in his *Fuller* testimony that he did not understand the questions being asked of him in *Ransom*.⁶⁸

During a April 6, 2000 MRT interview, Chambers stated that [REDACTED] probably asked him whether he had a criminal history. He did not tell her about it because he thought that the charges had been dismissed and therefore they were no longer on his record.⁶⁹ Furthermore, Chambers stated that he did not think that the AUSA who was handling the *Ransom* case asked him about his prior arrest record.⁷⁰ Chambers stated that prior to testifying in the *Ransom* case, nobody from the USAO or DEA asked him whether he had any prior convictions.⁷¹

Chambers testified in *Ransom* that he did not pay taxes on his income.⁷² Chambers stated in *Ransom*, that in *United States v. Flakes*⁷³, he testified over 100 hundred times. That was not true.

He later equivocated in *Ransom* by saying that he didn't really lie because he thought the attorney in *Flakes* was asking him how many times he had spoken to attorneys and agents about his cases. The questions and answers in *Flakes* were Q: "have you previously testified in court?" A: "Yes, I have." Q: "How many times?" A: "Over a hundred."⁷⁴

In *Ransom*, Chambers testified that he attended Iowa Wesleyan College for half a year.⁷⁵ The significance of that testimony is that later on August 27, 1991, in *United States v. Teran*⁷⁶ and on September 4-6, 1991, in *United States v. Tanks*,⁷⁷ he testified that he attended college for two years.⁷⁸ He testified in January 1992, in *United States v. Collins*, that he attended college for one year.⁷⁹ On January 10, 1992, Chambers testified during cross examination in Pensacola in *United States v. Moore, Marhold*,⁸⁰ that he attended three years of college.⁸¹ On June 22, 1988, in *United States v. Fuller*, Chambers testified that he attended "Iowa Westland" for one semester.⁸² During his April 6, 2000, MRT interview, Chambers stated that his testimony in *Collins* about attending college for one year was not true, he said "it should have been a semester."⁸³ That was confirmed by [REDACTED] of the public relations department of Iowa Wesleyan College, who, during a June 2, 2000 telephone interview, informed [REDACTED] that Chambers attended Iowa Wesleyan College for one semester in the spring of 1983. The reference by Chambers to "Iowa Westland" in *United States v. Fuller* is most likely either a transcription error by the court reporter or mispronunciation by Chambers. Chambers further testified in *Ransom* that he lied in *United States v. Springer* when he said he paid taxes on his DEA earnings.⁸⁴

Chambers testified in *Ransom* that he used his brother's name when borrowing money in Paducah and was consequently charged with forgery.⁸⁵ Chambers testified that he pled guilty to the forgery charge.⁸⁶ He was in error on that point, he never pled guilty to that charge.

In *Ransom*, Chambers testified that he had not yet paid the \$12,297.12 on the car loan that gave rise to the forgery charge.⁸⁷ Chambers testified that he did not know that a criminal complaint and warrant had been issued in the Michelson Jewelry case and that he had not paid the \$1,555.75 that he owed Michelson Jewelers.⁸⁸ Chambers testified that he "just found out" that there was still an outstanding bench warrant for his arrest on the forgery charge.⁸⁹ Chambers testified that it was not true when, in *United States v. Brown*, he denied being involved in any criminal conduct.⁹⁰ He also testified that it wasn't true when, in *United States v. Springer*, he denied ever being charged with any crime.⁹¹

[REDACTED] was interviewed by members of the MRT on May 23, 2000. [REDACTED] was introduced to Chambers in 1986 by her now husband, [REDACTED]. At the time [REDACTED] reported that she was not informed about Chambers' background other than that he was a good informant; did not smoke or drink, and made good cases.⁹² [REDACTED] advised that she was Chambers' controlling agent from 1986 until the early 1990s. She initiated approximately 25 cases using Chambers. Most of those cases were buy/bust cases involving multi-kilogram amounts of cocaine. The defendants in those cases were mostly violent large scale drug traffickers.⁹³ The Los Angeles Division Office was seizing cocaine in Chambers' cases in five kilogram increments.⁹⁴ Virtually all of [REDACTED] cases were prosecuted in the U.S. District Court in Los Angeles and she generally worked with AUSAs Ellen Lindsay, Enrique Romero, and Tom Berniert.⁹⁵

██████████ stated that she was not told about Chambers' arrest record when she initially began using him.⁹⁶ She further stated that initially she was not informed that Chambers had any past credibility problems.⁹⁷ She stated that she and the USAO in Los Angeles both learned about Chambers' prior credibility issues during his testimony in the *United States v. Ransom* trial.⁹⁸ A DEA teletype dated February 26, 1988, references a February 26, 1988 telephone conversation between ██████████ regarding Chambers' criminal history. The teletype requested that ██████████ be supplied with the criminal history of Chambers and the docket numbers of any federal case in which Chambers may have testified. The teletype indicates that the information was being requested by AUSAs Skalanski, Romero, and Lindsay pursuant to a "Federal Bench Order." A handwritten note on the teletype indicates that "Per ██████████ 3/11/88 - handled." Attached to the teletype is an FBI criminal history dated March 2, 1988, listing two charges. The FBI report indicates that Chambers was arrested on October 15, 1978, as a fugitive from St. Louis, and on March 1, 1985 for a forgery second-degree charge from Paducah. Recent research indicates that Chambers was arrested on October 15, 1978 on a fugitive warrant for traffic tickets and was released after paying a \$39 fine. Another attachment to the teletype indicated that Chambers had an outstanding charge for a traffic misdemeanor.

██████████ stated that both she and AUSA Berniert began discussing Chambers' testimony and both she and the AUSA notified their respective supervisors at the first break in the trial of the issues raised regarding Chambers having given false testimony in prior trials.⁹⁹ ██████████ recalls that AUSA Berniert's supervisor at that time was either AUSA John Gordon or AUSA Jim Walsh. ██████████

██████████ stated that her supervisor at that time was ██████████ has since been fired by DEA for misconduct unrelated to Chambers' credibility issues. After informing ██████████ took no further action.¹⁰⁰

On May 23, 2000, members of the MRT interviewed ██████████ is currently the GS of Group 41 in the Los Angeles Division Office. He stated that he was first introduced to Chambers in Los Angeles by ██████████ in 1985. He was told that Chambers was a good CS and he was relocating to Los Angeles. At the time, there was no mention that Chambers had any criminal history, and ██████████ did not discuss Chambers' criminal history with him. ██████████

██████████ eventually turned Chambers over to ██████████ in 1986. ██████████ stated that Chambers participated in approximately five or six investigations that ██████████ initiated. Those investigations were primarily buy/bust type cases involving PCP distributors. All of the cases were prosecuted in federal court, where the defendants pled guilty prior to trial. Chambers did not testify in any of ██████████ investigations; therefore, no credibility issues were raised.¹⁰¹

██████████ was not aware of any credibility issues surrounding Chambers; however, he did recall some talk concerning the *United States v. Fuller* trial. ██████████ recalled making payments to Chambers and felt he had more than likely advised Chambers of his income tax liabilities. ██████████

██████████ recalled that the IRS was, at one time, after Chambers to pay taxes.¹⁰²

On May 25, 2000, former AUSA Berniert was interviewed by the MRT. AUSA Berniert stated that he first came in contact with Chambers a couple of weeks before the trial in *United States v. Ransom*.¹⁰³ AUSA Berniert stated that another AUSA handled the discovery motions prior to trial,

consequently, he does not recall whether he was provided with a criminal history for Chambers prior to trial.¹⁰⁴ AUSA Berniert stated that he did not remember any credibility issues regarding Chambers being brought up prior to trial.¹⁰⁵ AUSA Berniert recalled that the defense counsel disclosed a prior incident of spousal abuse by Chambers. He stated that the defense attorney was already aware of Chambers' prior issues. He and [REDACTED] discussed what happened during trial and he felt it was up to DEA to deal with these issues. AUSA Berniert stated that he did not feel that the issues required notification to his supervisors. However, there was a good chance that he discussed the issues with his supervisor as part of his daily briefings concerning the trial.¹⁰⁶

AUSA Berniert was interviewed again telephonically by a member of the MRT on June 26, 2000. AUSA Berniert stated that he did not remember if Chambers admitted lying in previous trial testimony when Chambers testified in the *Ransom* trial. AUSA Berniert reiterated that, to his knowledge, Chambers was believable as to the material facts and the case.¹⁰⁷

On July 12, 2000, a member of MRT team interviewed AUSA James Walsh. AUSA Walsh stated that he was AUSA Berniert's supervisor during the time period of the *Ransom* trial. He did not, however, remember anything about the trial, nor did he recall the *Ransom* name or investigation. AUSA Walsh could not remember having any conversations with AUSA Berniert concerning the testimony of Chambers during that trial. AUSA Walsh stated that at that time he supervised approximately 25 attorneys, and usually could recall major cases.¹⁰⁸

On April 6, 1993, the U.S. Court of Appeals for the Ninth Circuit ruled on an appeal by Chauncy Ransom of the district court's denial of his motion for a new trial following his jury trial conviction for possession with intent to distribute cocaine. The following is a quote from that opinion:

Ransom argues that a new trial should be ordered because newly discovered evidence demonstrates that a government witness committed perjury at trial. We have jurisdiction pursuant to 28 U.S.C. 1291 (1988). We affirm. Ransom alleges that Chambers, who testified on the government's behalf, perjured himself when he denied having been arrested for a drug-related crime. Ransom's trial attorney "discovered" the alleged perjury while representing another defendant in an unrelated case. In that case, [REDACTED] of the Internal Revenue Service swore out a search warrant affidavit, wherein he asserted that Chambers had been arrested on drug-related charges and that the information in the affidavit had been verified through the files of the Drug Enforcement Agency. The district court held an evidentiary hearing on Ransom's motion. [REDACTED] testified that his warrant affidavit was incorrect; that he had merely assumed Chambers had been arrested because DEA agents informed him that an arrest had been made in a case which [REDACTED] knew involved Ransom; and that he did not independently check the DEA files. [REDACTED], the DEA agent in charge of the case described in [REDACTED] affidavit, testified that Chambers acted as an informant throughout that case, and that Chambers never was arrested for a drug-related offense. Our review of the record and hearing transcript convinces us that the district court did not clearly err.¹⁰⁹

5. United States v. Fuller

Chambers testified over a four-day period between June 21-24, 1988 in *United States v. Fuller*.¹¹⁰ The AUSAs in the case were Enrique Romero and Ellyn Lindsay. The case agent was [REDACTED]. On June 21, 1988, Chambers was asked during cross examination in *Fuller* to explain his testimony during the April 1985 *Springer* trial, when Chambers denied he had ever been charged with any crime by any law enforcement agency at any time. Chambers explained that he was not charged with the Kentucky forgery crime, he stated that he was only arrested on that charge.¹¹¹ That testimony by Chambers in *Fuller* was false. He had been charged; he was arrested on March 1, 1985 on an arrest warrant that was issued on February 26, 1985 upon a formal complaint. He apparently knew he had been charged with the Kentucky fraud case when he denied in *Fuller* having been charged, because in the June 8, 1988 *United States v. Ransom* trial he admitted that it wasn't true when in *United States v. Springer* he denied ever being charged with any crime.¹¹²

On June 22, 1988, Chambers took the stand in *Fuller* and was asked by the defense counsel if he had a case against him for forgery. He answered: "Not to my knowledge. If I have a case, you know, I can't say."¹¹³ During a April 6, 2000 MRT interview, Chambers stated that he thought the underlying charges were dismissed as a result of the intervention by [REDACTED].¹¹⁴ Chambers, however, testified in *Fuller*, on June 23, 1988, that the forgery charge was still pending,¹¹⁵ which was contrary to his earlier June 22nd *Fuller* testimony and the statement he made during his recent MRT interview.

He continued his testimony in *Fuller* on June 22, 1988, and in another colloquy acknowledged that he was charged with forgery, but that he had not yet gone to trial on that charge.¹¹⁶ That testimony was contrary to his testimony just one day prior, when during his June 21, 1988 testimony, he stated he had only been arrested, and denied that he had been charged in the Kentucky forgery case.¹¹⁷

Chambers further testified that DEA did not intercede on his behalf with the court in the forgery case.¹¹⁸ At first blush, it appears that Chambers' testimony was false on that issue, because [REDACTED] did talk with the judge and was successful in having the judge void an outstanding bench warrant for failure to appear in court on the forgery charges. However, the question by the defense attorney, when read in context, suggests that the attorney was asking about the underlying forgery charge and not the dismissal of the bench warrant. DEA did not intervene on Chambers' behalf regarding the underlying charges for forgery. The underlying charges for forgery remained pending, it was only the bench warrant for failure to appear in court on the charges that was dismissed at the behest of [REDACTED].

Although Chambers' testimony regarding the intervention of DEA on his behalf may have been correct, that does not mean that he was being fully candid in his answer. During an April 6, 2000 MRT interview, Chambers stated that he thought the underlying charges were dismissed as a result of the intervention by [REDACTED]. If Chambers believed that he did not have a case pending

against him when he testified on June 22, 1988 in *Fuller*, his statement during his April 6, 2000 MRT interview suggests that Chambers' misunderstanding was based on his perception that DEA had intervened on his behalf and had those charges dismissed.

It is apparent when reading the transcript that Chambers is susceptible to agreeing with assertions made in leading questions. For example, Chambers was asked during his June 23, 1988 testimony in *Fuller*, whether [REDACTED] and an AUSA traveled to talk with the parties involved in the forgery case in order to resolve the matter.¹²⁰ Chambers' answer was, "I don't know to this point."¹²¹ The defense attorney responded with the following question: "You don't know whether they interceded on your behalf all?"¹²² Chambers answered, "I don't know who went down or how it was done."¹²³ The defense attorney then asked: "You know, though, that agent [REDACTED] and an Assistant United States Attorney did go down and talk to some principals involved in the forgery case; right?"¹²⁴ Chambers answered, "Yes."¹²⁵ He had no such knowledge and there is no evidence that such an event ever occurred. The defense attorney was simply inferring from statements made in [REDACTED] letter to the judge, where he expressed a plan to travel to Paducah in order to resolve the forgery case. However, [REDACTED] indicated during an MRT interview that the trip never took place.¹²⁶ Chambers clearly indicated in his initial response to the question by the defense counsel that he did not know whether [REDACTED] and an AUSA traveled to talk to the parties involved in the forgery case. Yet, after having said that, he then answered "yes" to the defense counsel's leading question which assumed that [REDACTED] and an AUSA went down to talk to the principals in the forgery case.

Chambers also testified on June 23, 1988 in *Fuller* that he did not pay taxes on his income. Chambers had previously testified on April 17, 1985 in *United States v. Springer* that he paid taxes on his earnings from DEA.¹²⁷ That *Springer* testimony was not true. On June 9, 1988, Chambers testified in *United States v. Ransom* that he lied in *United States v. Springer* when he said he paid taxes on his DEA earnings.¹²⁸

Chambers testified on June 9, 1988, in *United States v. Ransom* that he lied to both [REDACTED] [REDACTED] about his arrest record. On June 23, 1988, in *United States v. Fuller*, Chambers was confronted with his admission in *Ransom* that he had lied to the SAs. He denied that he had lied to them. He stated in his *Fuller* testimony that he did not understand the questions being asked of him in *Ransom*.¹²⁹

Chambers was confronted in *Fuller* during cross-examination on June 23, 1988. He was asked about his June 21, 1988 *Fuller* testimony, where he denied he had lied in *Springer*. He acknowledged during his June 23, 1988 *Fuller* testimony that he had lied in the *Springer* trial.¹³⁰ Moments later, during cross-examination, Chambers stated that he could not remember admitting that he had lied in *Springer* and *Brown* when he testified in *United States v. Ransom*. The *Ransom* trial took place on June 9, 1985, less than two weeks prior to his June 23, 1985 *Fuller* testimony. In *Fuller*, the defense counsel read aloud Chambers' *Ransom* testimony, where he admitted that he

had lied in *Brown* and *Springer*, in order to refresh Chambers' recollection.¹³¹ Despite being confronted with his admission in *Ransom*, Chambers denied that he had lied in *Brown* and *Springer*.¹³² That denial in *Fuller* was just moments after he admitted that he lied in the *Springer* trial.

On June 24, 1988, in *Fuller*, Chambers was asked whether he lied under oath in previous occasions when he testified that he paid taxes on money given to him by the government.¹³³ Chambers first responded to the question, that at the time he testified that he paid taxes on the money given him by the government, he did not understand the question.¹³⁴ When the attorney persisted in asking him whether he had lied in his previous testimony, Chambers answered that he had lied.¹³⁵

On January 9, 1989, in a letter from Los Angeles AUSA Ellyn Marcus Lyndsay to Deputy Public Defender Alan Launspach regarding *United States v. Floyd*, AUSA Lindsay referenced enclosures of an FBI "rap sheet," a computer printout of traffic warrants, a record of Paducah proceedings, arrest warrants from the Paducah case, and a letter from ██████████ regarding the availability of the CS. The letter also advises that Chambers testified in five trials, including *United States v. Ransom* and *United States v. Fuller*. Chambers stated in *Ransom* that he lied on the stand in prior cases about the amount of money he had received from the government and other personal information not related to the guilt of the defendant.

On January 30, 1989, AUSA Lyndsay sent another letter to Deputy Public Defender Launspach regarding a list of payments made to Chambers in *United States v. Floyd*. The letter also indicated that there was a dispute between Chambers and ██████████ regarding how Chambers had accounted for the money he was paid. It was stated in the letter that the dispute was the reason that Chambers was not working in Los Angeles any longer.

On May 23, 2000, AUSA Lindsay was interviewed by the MRT. AUSA Lindsay co-chaired the *Fuller* prosecution with AUSA Enrique Romero. AUSA Lindsay stated that she knew about Chambers' past credibility problems and that information was fully disclosed to the defense attorneys in *Fuller*. AUSA Lindsay added that Chambers made so many cases in so many different judicial districts that it would be practically impossible for anyone to keep up with all the details of each of Chambers' cases. She felt that the problem with Chambers was that there was no central repository for information on him; she opined that a centralized database on CSs that documents their reputation for veracity would be helpful.¹³⁶

On April 17, 2000, former AUSA Romero was interviewed by the MRT. Mr. Romero is a retired superior court judge who is currently in private law practice. Mr. Romero stated that he first came in contact with Chambers during *United States v. Fuller*. Mr. Romero stated that Chambers was probably involved in other investigations that he prosecuted; however the only case that went to trial was the *Fuller* case. Mr. Romero did not recall whether Chambers' criminal and payment histories were provided during the *Fuller* trial, but stated that since this was required to be provided

during the normal discovery procedures, it would have been provided. He did not recall any specific issues concerning Chambers' credibility raised during the *Fuller* trial. He did not feel that Chambers' credibility was a big issue during the trial because most of what Chambers testified to was corroborated by other evidence. He stated that any information concerning the credibility of Chambers would have been disclosed to the defense prior to the trial as part of the discovery process. He said that no issues came up during the trial that warranted notification to his supervisors. Mr. Romero further stated that Chambers was a hard worker, very articulate, and made a credible witness. He stated that he would have prosecuted additional cases in which Chambers was involved, provided there was corroborating evidence.¹³⁷

On May 23, 2000, members of the MRT interviewed Los Angeles Division Special Agent in Charge [REDACTED] has been employed as a DEA SA since December 1980 and has been the SAC of the Los Angeles Division since September 1998.¹³⁸

[REDACTED] first met Chambers in the spring or summer of 1986. She was introduced to Chambers by [REDACTED] who was the controlling agent in St. Louis. She was advised that Chambers was a one-in-a-million CS, didn't drink, and had never been arrested. [REDACTED] was the undercover agent in several investigations in which Chambers participated, including the *Fuller* investigation that was prosecuted in Los Angeles. [REDACTED] primary role in these investigations was as the undercover agent. She did not participate as the case agent in any of the trials, therefore, she was not present when Chambers testified.¹³⁹

[REDACTED] became aware of an arrest warrant issued for Chambers in late 1992 or early 1993, when she was vacationing in Minneapolis and met with AUSA Jon Hopeman. AUSA Hopeman told [REDACTED] about a legal document filed as part an appeal in the *Duke* investigation. The document contained an allegation of an arrest warrant for Chambers that was not disclosed in the *Duke* trial. AUSA Hopeman was upset that a private investigator could find these records, when DEA and the Minnesota Bureau of Criminal Apprehension (BCA) failed to locate them. This was the first time that she was aware that an arrest warrant was issued for Chambers. [REDACTED] stated that she told AUSA Hopeman to make sure a copy of the *Duke* documents was sent to the DEA offices in St. Louis and Minneapolis to be included in Chambers' file. [REDACTED] also contacted the St. Louis office and mailed a copy of the *Duke* documents to the office. She also discussed the situation with [REDACTED], who was angry that [REDACTED] had not advised him of Chambers' previous situation. [REDACTED] told her that two issues came up from Chambers' Previous testimony, arrests and the payment of income taxes.¹⁴⁰

[REDACTED] recalled being involved with payments to Chambers on a couple of occasions, primarily as the witness, and would have advised Chambers of his income tax liabilities. She was aware that when Chambers was in Minnesota, he worked with the IRS to pay back taxes on income he received from DEA.¹⁴¹

[REDACTED] recalled hearing about an incident with [REDACTED] at the Los Angeles Division, where [REDACTED] made a statement to the effect that Chambers would never work in that office. [REDACTED] feels that this statement was made, in part, due to [REDACTED] inflexibility in the operational aspects of an investigation, and the methods by which Chambers operated. Eventually, this dispute was resolved by [REDACTED]

[REDACTED] recalled that once the situation concerning the declination of prosecutions by the Denver USAO became known, she received numerous telephone calls concerning Chambers. She advised these callers to contact AUSA Hopeman in Minneapolis, and the Los Angeles offices of DEA and the United States Attorney to obtain additional information on Chambers.¹⁴³⁻

[REDACTED] stated that the CS policy concerning concurrent use guidelines allows for problematic situations to occur when attempting to determine the extent and nature of Chambers's history with DEA. [REDACTED] suggested that there should be a central repository for all information, documents, payments, and adverse actions that are relevant to CSs. This would ensure a complete and accurate file that would be consistent throughout a CS's career with DEA. Additionally, [REDACTED] is concerned with the accuracy of the Confidential Source System (CSS) with regard to payment history. A central CS file containing all payment history would ensure an accurate accounting to the court during discovery.¹⁴⁴

6. United States v. Dion Floyd

On February 7, 1989, Chambers testified in *United States v. Dion Floyd*.¹⁴⁵ Chambers thought that the SA in court in the *Floyd* case was [REDACTED]. Chambers was in error on that point; further investigation revealed that the case agent was [REDACTED]. During an April 6, 2000 MRT interview, Chambers stated that the AUSA knew about his arrest in Kentucky and told Chambers prior to the *Floyd* trial that the defense attorney would ask him about it.¹⁴⁶ The AUSA handling the *Floyd* litigation was Jeffrey Eglash. Chambers was called as a witness by the defense in *Floyd*. Chambers testified that he gave DEA false information about his criminal record.¹⁴⁷ Chambers testified in *Floyd* that he did not pay taxes on his DEA earnings and that it was not true when he testified in *United States v. Springer* that he had paid taxes on his income from DEA.¹⁴⁸ Furthermore, Chambers testified that he lied in 1985 in *United States v. Brown* when he testified that he had never been involved in any criminal conduct.¹⁴⁹

On May 23 and 25, 2000, the MRT interviewed former AUSA Eglash. Mr. Eglash is currently employed by the Inspector General's Office of the Los Angeles Police Commission. Mr. Eglash was an AUSA in the Central District of California for 12 years from 1987 to 1999. Mr. Eglash became acquainted with Chambers in 1988 when he was assigned to the *United States v. Floyd* prosecution. Mr. Eglash took over the case from AUSA Lindsay. Mr. Eglash stated that he was made aware of improprieties in Chambers' past either by other AUSAs or by defense counsel. Mr. Eglash stated that too much time has elapsed to remember exactly what happened before and during the trial, and

consequently he does not remember whether anyone from DEA informed him about Chambers' credibility issues. Based on Chambers' record as a witness, Mr. Eglash decided not to call him as a witness in *Floyd*. He recalled that the defense called Chambers as an adverse witness. The defense vigorously attacked Chambers' credibility, but the defendant, Floyd, was convicted anyway. Mr. Eglash stated that if there was a SA in the courtroom, it would have been the case agent, who Mr. Eglash remembered was [REDACTED]. He does, however, remember receiving the DEA payment records for Chambers.¹⁵⁰

On June 9, 2000, [REDACTED] was interviewed by the MRT. [REDACTED] met Chambers while he was assigned to the Los Angeles Division. At that time, he was a backup GS in his enforcement group. [REDACTED] was directed to work with Chambers by the then [REDACTED]. [REDACTED] was the case agent on an investigation that targeted the Grape Street Crips, a notorious gang, whose leader was [REDACTED]. [REDACTED] was a violent drug trafficker, who had ordered the commission of several murders. [REDACTED] ruled his drug trafficking organization through threats, intimidation, and violence. The case resulted in the seizure of several pounds of crack cocaine and cocaine, 10 arrests, and the seizure of at least one house.¹⁵¹

[REDACTED] stated that one of the persons arrested in that case was Dion Floyd, who was [REDACTED] cousin. Floyd distributed approximately one-half kilogram of crack cocaine in a drug deal involving Chambers. Prior to Floyd's arrest, [REDACTED] had been aloof and unwilling to deal with Chambers. After Floyd's arrest, however, Chambers made a monitored telephone call to [REDACTED]. During that call, [REDACTED] suddenly became very loquacious towards Chambers and offered to sell him some cocaine. [REDACTED] was convinced that [REDACTED] was using the cocaine deal as a ruse to lure Chambers to a car wash [REDACTED] frequented in order to murder Chambers. [REDACTED] explained his concerns about [REDACTED] motivation to Chambers. Despite the apparent danger, Chambers was still willing to meet with [REDACTED] believing that he could complete the deal for the cocaine. Because [REDACTED] was concerned for Chambers' safety, he decided to pull Chambers out of the undercover role with [REDACTED] and thus closed down the proposed drug deal.¹⁵²

[REDACTED] stated that Chambers was a good CS, but like any CS, he needed to be supervised. For instance, he stated that Chambers had to be reminded to pay his hotel and rental car bills. On the other hand, [REDACTED] never caught Chambers lying about any material fact in any investigation. He further stated that he does not recall that any credibility issues involving Chambers surfaced during the *Floyd* case.¹⁵³

7. United States v. Duke

On November 22, 1989, Chambers testified in a Minnesota case, *United States v. Duke*.¹⁵⁴ *Duke* was a case that involved the prosecution of six defendants who were part of a drug distribution network that was controlled by Ralph Duke.¹⁵⁵ Duke was the Twin Cities' (Minneapolis and St.

Paul) largest cocaine distributor. The Duke organization was responsible for distributing approximately 75 kilograms of cocaine every two months.¹⁵⁶ Ralph Duke had a notorious reputation for violence; he intimidated witnesses and was suspected of committing several homicides.¹⁵⁷ Over the years, Ralph Duke and his organization had been investigated by the FBI, IRS, and numerous state and local law enforcement agencies, without success. The FBI opened an investigation on Ralph Duke in the early 1970s and for almost 20 years had been unsuccessful in bringing him to justice.¹⁵⁸

In late 1988, DEA began an investigation on the Ralph Duke cocaine distribution organization and obtained the assistance of Chambers. Chambers was instrumental in assisting DEA in arresting and convicting Ralph Duke and his criminal subordinates. Assets seized in the *Duke* and a related spin-off investigation (*United States v. Long*)¹⁵⁹ totaled \$1,628,922.¹⁶⁰

AUSA Hopeman asked Chambers during direct examination in *Duke* whether he had ever been arrested. Chambers answered "no."¹⁶¹ That testimony was false. While Chambers had not yet been convicted of any crimes other than traffic offenses (it was not until 1995 that he was convicted of soliciting a prostitute), Chambers had been arrested approximately 11 times between 1978 and 1989 for various charges including traffic offenses, disturbing the peace, assault, forgery, writing a check on an account with insufficient funds, and issuing a false financial statement. As late as April 6, 2000, during an MRT interview, Chambers remembered that he had been arrested in 1978, 1980, and 1984 for traffic violations,¹⁶² in 1985 for forgery,¹⁶³ and in early 1989 for assault.¹⁶⁴ During the April 6, 2000 MRT interview, Chambers was asked why he denied having been arrested. He stated that he did not think the arrests for traffic offenses counted and he thought that the Kentucky forgery charge had been dismissed, and therefore no longer on his record.¹⁶⁵ During another MRT interview, on April 5, 2000, Chambers stated that he denied in *Duke* that he had been arrested because he was ashamed.¹⁶⁶ Furthermore, on June 21, 1988 in *United States v. Fuller*, in an effort to explain that he had not been charged in the Kentucky forgery case, he testified that he had only been arrested in the forgery case.¹⁶⁷ On February, 11, 1998, Chambers testified in Beaumont, Texas in *United States v. Livingston Washington*¹⁶⁸ that when he was asked in *United States v. Duke* whether he had ever been arrested or convicted he thought that he was being asked whether he had ever been arrested and convicted; he answered no, because he believed he had not been convicted.¹⁶⁹

On November 27, 1989, Chambers continued his testimony in the *Duke* case and testified that he had not paid income taxes on the money that he had received from DEA over the past six years.¹⁷⁰ Recall that previously, in 1985, Chambers testified falsely in *United States v. Springer* that he paid taxes on his earnings from DEA.¹⁷¹ During his April 6, 2000, MRT interview Chambers stated that a SA from the IRS discussed with him, prior to this testimony in *Duke*, that he needed to pay his taxes.¹⁷² He stated that he thought [REDACTED] was present during those discussions.¹⁷³ [REDACTED] confirmed during an MRT interview that there were discussions prior to Chambers' testimony involving his failure to pay taxes.¹⁷⁴ [REDACTED] stated that there were several discussions concerning the fact that Chambers had never paid taxes on money he had received from

law enforcement agencies and that would be an issue at trial.¹⁷⁵ ██████████ stated that Chambers was put in touch with the IRS for Chambers to pay his taxes.¹⁷⁶ Chambers stated that he made a \$50,000 payment to the IRS from money he received as part of a reward payment.¹⁷⁷

██████████ was the case agent in *United States v. Duke*. ██████████ during an MRT interview, stated that Chambers was signed up as a BCA informant by another BCA agent, ██████████ in accordance with BCA policies and procedures.¹⁷⁸ When Chambers was signed up as a BCA informant, no fingerprints were taken nor was a criminal history check conducted.¹⁷⁹ BCA relied on information obtained from DEA that Chambers had no arrest or criminal record.¹⁸⁰ Sometime later, possibly during trial preparation, Chambers' name was checked for a criminal history.¹⁸¹ The only entry discovered under Chambers' name did not otherwise fit the description of Chambers.¹⁸² It was not until early 1994, during the *Duke* appeal, when ██████████ was notified by AUSA Hopeman that Chambers had an arrest record.¹⁸³

Former AUSA Hopeman was interviewed by members of the MRT on April 17 and 18, 2000. Mr. Hopeman stated that he first learned about Chambers' prior arrest record during the post trial appeal process in *Duke*.¹⁸⁴ AUSA Hopeman stated that he immediately contacted ██████████ when he found out about Chambers' arrest record.¹⁸⁵ AUSA Hopeman was quite angry because he had represented to the court that Chambers had never been arrested and the U.S. Court of Appeals had criticized the government for not knowing about Chambers' arrests.¹⁸⁶ AUSA Hopeman's genuine surprise upon finding out about Chambers prior arrests was confirmed by ██████████ who stated that when he talked with AUSA Hopeman in early 1994, AUSA Hopeman was upset because the U.S. Court of Appeals leveled criticism on the prosecution for not knowing about Chambers prior arrests. Furthermore, ██████████ stated during his April 17 and 18, 2000 MRT interview that he came across Mr. Hopeman who was angry because he had found out during the *Duke* appeal process that Chambers had lied when he denied during his trial testimony that he had ever been arrested.¹⁸⁷

Chambers stated during his April 6, 2000 MRT interview that he did not believe that anyone in Minnesota knew anything about his Paducah forgery arrest.¹⁸⁸ Chambers stated that neither the AUSA nor the case agent discussed his prior convictions or arrests with him prior to his testimony.¹⁸⁹ Furthermore, he stated that nobody talked to him after his testimony about what he said in the *Duke* case.¹⁹⁰ The apparent reason that nobody discussed his arrests prior to trial or his denial when testifying of having ever been arrested is that neither AUSA Hopeman nor ██████████ knew about his prior arrests.

Chambers further stated that nobody talked to him prior to testifying in the *Duke* case about what he was to say if he were asked about his prior convictions or arrests,¹⁹¹ and nobody told him before testifying in *Duke* to deny having been previously convicted or arrested.¹⁹²

Duke's conviction was upheld on appeal. Duke then filed for post conviction relief under 28 U.S.C. § 2255 (petition for a writ of *habeas corpus*), *pro se* (without an attorney), but he later obtained counsel. Duke's petition was denied by the district court. The U.S. Court of Appeals for the Eighth Circuit reviewed the decision of the district court in view of Duke's allegations of error at trial, including allegations that Chambers gave false testimony during the trial when he denied having ever been arrested.

On March 20, 1995, the U.S. Court of Appeals for the Eighth Circuit handed down its decision in *United States v. Duke*.¹⁹³ The court applied the most stringent test possible when deciding whether the false testimony of Chambers was material to the outcome of the trial. The court ruled that the standard for knowing, reckless, or negligent use of perjury should apply to the question of whether the defendant was entitled to have his conviction overturned. The *Duke* court held that the conviction of the defendant must be set aside if there is any reasonable likelihood that the false testimony could have affected the judgment of the jury. Stated in another way, "the fact that the testimony is perjured is considered material unless failure to disclose it would be harmless beyond reasonable doubt."¹⁹⁴

Using that standard, the *Duke* court found that Chambers' testimony was essentially collateral and cumulative. The court found that much of Chambers testimony was corroborated by audio and video surveillance. In addition, the appellate court noted that the trial judge instructed the jury that the testimony of an informer who provides evidence against the defendant for pay must be examined and weighed by the jury of greater care than the testimony of an ordinary witness. The court reasoned that the jury was fairly apprised of the possibility that self-interest might have influenced Chambers' testimony. The court held that "...there was no reasonable likelihood Chambers' false testimony affected the judgment of the jury. In other words, the failure to disclose the fact that Chambers gave false testimony about his arrest record was harmless beyond reasonable doubt."¹⁹⁵

8. United States v. Nunn

On Feb. 26, 1990, Chambers testified in a Minnesota case, *United States v. Nunn*.¹⁹⁶ During direct examination by AUSA Denise Reilly, he stated that he had never been arrested or convicted.¹⁹⁷ While up to that point, he did not have any adjudications for other than traffic offenses, as explained earlier, he had been arrested on several occasions. [REDACTED] was the case agent in *Nunn*. His MRT interview is recounted above under *United States v. Duke*. During a April 19, 2000 MRT interview, former AUSA (now Judge) Reilly stated that she was co-chair with AUSA Hopeman in *United States v. Duke*.¹⁹⁸ Judge Reilly stated that she was present during Chambers' testimony but was not aware of any credibility issues raised by defense counsel or the court other than the usual impeachment attempts by defense counsel.¹⁹⁹ Judge Reilly stated that she was not notified of past allegations concerning the credibility problems of Chambers until the *Duke* appeal.²⁰⁰ Judge Reilly recalled being contacted by an AUSA from Denver concerning Chambers. She remembers sending the AUSA copies of relevant documents from the appendix to the *Duke* appeal and telling the

Denver AUSA that she would never use Chambers as a witness again.²⁰¹ She stated her reason for not wanting to use Chambers in the future was his failure to admit to any arrest while testifying and his failure to pay income taxes while working as an informant for the IRS.²⁰² Judge Reilly thought Chambers was a credible witness, but there was an abundance of corroborating evidence presented during trial to bolster his testimony.²⁰³ It was not clear whether she was referring to the *Duke* trial or the *Nunn* trial.

During his April 6, 2000 MRT interview, Chambers stated that he did not believe anyone in Minnesota knew anything about his Paducah forgery arrest.²⁰⁴ Chambers stated that nobody from DEA asked him before he testified in *Nunn* about whether he had been arrested or convicted.²⁰⁵ Chambers did not think that AUSA Reilly asked him whether he had been arrested or convicted prior to his testimony in *Nunn*.²⁰⁶ Furthermore, he stated that nobody talked to him after his testimony in the *Nunn* case about his denial of having ever been arrested.²⁰⁷ Again, the apparent reason that nobody discussed his arrests prior to trial or his denial of having ever been arrested is that neither AUSA Reilly nor ██████████ knew about his prior arrests.

Chambers further stated that nobody from DEA, the USAO, or any other law-enforcement agency talked to him prior to testifying in the *Nunn* case about what he was to say if he were asked about his prior convictions or arrests.²⁰⁸ Chambers stated that nobody told him before testifying in *Nunn* to deny having been previously convicted or arrested.²⁰⁹

9. United States v. Martinez

On January 8, 1991, Chambers testified in another Minnesota case, *United States v. Martinez*.²¹⁰ He testified during direct examination by AUSA Nathan Pettersen that he had no criminal record and had never been arrested.²¹¹ ██████████ was the case agent in *Martinez*. His MRT interview is recounted above under *United States v. Duke*.

During his April 6, 2000 MRT interview, Chambers stated that prior to testifying in *Martinez*, neither ██████████ nor AUSA Pettersen told him to deny that he had a criminal record or was ever arrested.²¹² He further stated that neither ██████████ nor AUSA Pettersen said anything to him about his testimony after he testified in *Martinez*.²¹³ Chambers again stated that he denied that he had a record because he believed that the charges were dismissed and no longer counted.²¹⁴ It should be noted, however, that the charges for forgery had not been dismissed, they were still pending when he testified in *Duke*, *Nunn*, and *Martinez*; it was only the bench warrant for failure to appear in court that was dismissed. That bench warrant was eventually reissued.

AUSA Pettersen was the prosecutor in *Martinez* and the May 21, 1991 trial of *United States v. Long*. In *Long*, Chambers stated during cross-examination that no criminal prosecution had been brought against him. His denial, however, was in the context of an inquiry about the misuse of state funds.²¹⁵ It is not clear whether he was being asked about a prosecution for the misuse of state funds

or any past prosecution. Consequently, it cannot be said with any certainty that his testimony in *United States v. Long* was false.

AUSA Petterson stated that he was present during Chambers' testimony, but no credibility issues, other than standard impeachment attempts and tax issues, were brought up at trial.²¹⁶ AUSA Petterson stated that Chambers was prepared for the tax questions because they had been raised during prior trials.²¹⁷ During cross-examination in *Long*, Chambers simply agreed with the defense attorney that it was his responsibility to pay his taxes.²¹⁸ AUSA Petterson stated that he had not been notified prior to trial about past allegations or findings concerning credibility problems with Chambers.²¹⁹ AUSA Peterson thought that he probably heard about Chambers' credibility issues after trial from other AUSAs who were responding to a petition for a writ of *habeas corpus* in a case which Chambers had testified.²²⁰ In addition, he stated that, approximately two years ago, a local public defender who had represented defendants in both *Martinez* and *Long* sent AUSA Petterson an article from the internet regarding Chambers.²²¹ Recall that [REDACTED] was the case agent in *Martinez*. He relied on the representations by DEA that Chambers did not have a criminal conviction or arrest record. Sometime later, possibly during trial preparation in *Duke*, Chambers' name was checked for a criminal history.²²² The only entry discovered under Chambers' name did not otherwise fit the description of Chambers.²²³ [REDACTED] did not know that Chambers had an arrest record, consequently, he could not have provided one to AUSA Petterson, which explains why AUSA Petterson did not know that it was false when Chambers denied that he had never been arrested.

AUSA Frank McGill stated, during a April 17, 2000 MRT interview, that he was the duty attorney in Minneapolis in December 1995 when he was contacted by Denver AUSA Guy Till. AUSA Till was prosecuting a case in Denver in which Chambers was to be called as a witness. The judge in the Denver case had issued an order that he be provided with all information regarding Chambers' previous cooperation. AUSA McGill provided AUSA Till with Chambers' trial testimony and informed AUSA Till about the *Duke* decision. AUSA McGill remembered that later that same year prior to the Atlanta Olympics, he went to a Department of Justice (DOJ) seminar where he met a prosecutor from Atlanta, AUSA Cathy O'Neil. AUSA O'Neil said that she recently had Chambers in a trial where he either stated that he had never been arrested or had never been convicted. It later came to light that Chambers' statement was not true and that became a problem for the AUSA.²²⁴

10. United States v. Eddie Hill

On April 30, 1991, Chambers testified in the prosecution of former GS Eddie Hill. GS Hill was charged with theft of money that had been seized during a drug investigation. Chambers testified as a witness for the defendant, GS Hill. The prosecutor in that case was AUSA William Fahey. [REDACTED], represented the DEA Office of Professional Responsibility (OPR). Although it was in the interest of DEA to

undermine the credibility of Chambers in the prosecution of *Hill*, no mention was made during cross-examination of his prior false testimony. This demonstrates that neither DEA nor the various AUSAs knowingly allowed Chambers to repeatedly testify falsely about his background in case after case. In *Hill*, it was in the interest of the government to impeach Chambers with his prior false testimony, and yet the government did not do so. Such a failure demonstrates that neither the OPR Inspectors nor the AUSAs were aware of Chambers' prior false testimony.

On June 30, 2000, a member of the MRT interviewed former [REDACTED] is currently the SAC of the Washington Division. [REDACTED] advised that in 1991 he was assigned as an OPR Inspector at DEA headquarters and assisted in the *Hill* investigation. [REDACTED] stated that the OPR investigation was delegated to the field and that [REDACTED] and [REDACTED] of the Los Angeles Division assisted in the investigation. [REDACTED] was not aware that Chambers testified in the *Hill* trial and was not aware of any credibility issues regarding Chambers. [REDACTED] stated that the AUSA handling the case prosecuted *GS Hill*, despite the fact that DOJ and DEA OPR did not want to proceed with criminal charges against *GS Hill*.²²⁵

11. United States v. Teran

On August 27, 1991, Chambers testified in San Diego in the case of *United States v. Teran*.²²⁶ Chambers testified on cross examination that he had not paid taxes on his income.²²⁷ On November 27, 1989, Chambers also testified in *United States v. Duke* that he had not paid income tax on the money that he received from DEA over the previous six years.²²⁸ In 1985, Chambers testified falsely in *United States v. Springer* that he paid taxes on his earnings from DEA.²²⁹ Furthermore, Chambers testified in *Teran* that he had two years of college.²³⁰ He testified in different trials to various lengths of college attendance: one semester in *United States v. Fuller*, one year in *United States v. Collins*, two years in *United States v. Tanks*, and three years in *United States v. Moore/Marhold*. He attended Iowa Wesleyan for one semester in the spring of 1983.

On June 27, 2000, AUSA Michael Lasater was interviewed by a member of the MRT. AUSA Lasater is currently the Chief of the San Diego Border Crimes Unit and has been an AUSA since June 1983. AUSA Lasater met Chambers in 1988 while prosecuting *United States v. Teran*. AUSA Lasater recalled that Chambers played a minor role in the investigation and was used during trial to identify various defendants and testify to their association with each other. AUSA Lasater stated that he was unaware of any credibility issues concerning Chambers, and the only issues raised at trial were routine defense questions targeting payments to Chambers.²³¹

On June 30, 2000, a member of the MRT interviewed [REDACTED] has been a police officer with the San Diego PD for 17 years and is currently assigned to the Central Patrol Division. [REDACTED] was assigned to the DEA San Diego Division Task Force from 1988 to 1991.²³²

██████████ recalled that then ██████████ brought Chambers to work in the group. ██████████ was a GS in another group at the time ██████████ stated that he was told that Chambers had done a lot of work for DEA and was a professional CS.²³³ ██████████ was unaware of any issues surrounding Chambers' credibility, arrest record, or his nonpayment of taxes.²³⁴

██████████ stated that he was not the case agent, but recalls working undercover with Chambers and that Chambers was very good at infiltrating some very violent gangs in the San Diego area. In particular ██████████ recalls Chambers working on the "Cyndo Mob" investigation (*United States v. Teran*)²³⁵ targeting a violent gang involved in numerous shootings that include the murder of a police officer. ██████████ stated that the investigation of the "Cyndo Mob" led to the arrest of 20 people and the seizure of drugs and over \$100,000 cash. ██████████ recalled working with Chambers in an undercover capacity, on an investigation targeting a Jamaican posse. ██████████ stated that Chambers efforts were unsuccessful. Prior to the conclusion of the investigation, ██████████ was transferred out of the group and does not know how the investigation finished or if Chambers remained involved.²³⁶

12. United States v. Tanks

Chambers met Tyrone Tanks while they were both in the Bahamas. Chambers was assisting DEA and met Tanks while Tanks was on vacation. Tanks described himself as a drug distributor from Ohio, while Chambers, acting in an undercover role, presented himself as a drug supplier. Tanks wanted to purchase 20 kilograms of cocaine for distribution in Ohio. Tanks told Chambers that he would supply some of the money for the purchase, while other associates of his would provide the remainder. On June 20, 1991, Tanks and an associate, ██████████ were arrested when they attempted to purchase 20 kilograms of cocaine. When ██████████ was arrested, he was found in possession of \$20,000 and a .38 caliber handgun. During a subsequent search of Tanks' residence, DEA SAs seized two .380 semi-automatic pistols, and a .45 semi-automatic pistol. Tanks admitted to the arresting SAs that he had distributed cocaine since 1985, including a period of time while he was in the United States Navy. He further stated that his source of supply was in Los Angeles, and that he distributed approximately eight kilograms of cocaine every two weeks. He admitted that all of his possessions were purchased with the proceeds of cocaine sales. Tanks was found guilty after a jury trial and was sentenced on December 20, 1991, to 240 months imprisonment. ██████████ pled guilty and was sentenced on November 27, 1991, to 108 months imprisonment.

September 4-6, 1991, Chambers testified in Cincinnati in *United States v. Tanks*.²³⁷ During direct examination at trial, Chambers testified that he went to college for two years in Iowa and majored in criminal justice.²³⁸ That was not true. He attended Iowa Wesleyan for one semester in the spring of 1983.

William Hunt is an AUSA for the Southern District of Ohio and has been an AUSA since 1976. AUSA Hunt was interviewed over the telephone by a member of the MRT.²³⁹ AUSA Hunt is the

lead OCDETF Attorney for the Southern District of Ohio and has prosecuted OCDETF and other drug cases for a number of years. He held the same position in 1992 when he prosecuted the *United States v. Tanks*²⁴⁰ case.²⁴¹

AUSA Hunt remembered that he first met Chambers when he conducted a pretrial interview of Chambers a day or two prior to his testimony. [REDACTED] was the case agent. [REDACTED] left the DEA Task Force in 1992. AUSA Hunt thought that he had been provided a criminal record for Chambers by [REDACTED], although he could not remember whether it was in writing or verbal. AUSA Hunt remembered that he received payment records from DEA because he was not confident that he received all of the information. He recalled that the information was voluminous and he remembered having a disagreement with someone from DEA regarding whether they had retrieved all of the records. He did not feel that the SAs or TFOs were withholding information, but rather, there was so much information that he was not sure they had been able to gather it all. He disclosed whatever criminal record and payment information he had to the defense, although he thought that the case numbers were redacted from the payment records.²⁴²

AUSA Hunt said he was never notified about past allegations or findings concerning credibility problems with Chambers. AUSA Hunt recalled that Chambers was asked a number of questions on cross-examination during *Tanks* regarding whether he was telling the truth and whether he was paid to testify. There was no specific information about prior false testimony.²⁴³

Tanks was convicted and sentenced to 20 years in prison. Tanks filed appeals that were subsequently denied. In those appeals, he alleged credibility problems connected to Chambers in that Chambers had a prior criminal conviction that was not disclosed at trial. That was not true; Chambers was not convicted until 1995 for solicitation of a prostitute. Tanks currently has filed appeals alleging government misconduct by both AUSA Hunt and DEA.²⁴⁴

13. *United States v. Collins*

Chambers testified in *United States v. Tanks* that he reported his income for tax purposes.²⁴⁵ On January 23, 1992, Chambers also testified during cross-examination in an Illinois case, *United States v. Collins*,²⁴⁶ that he paid income taxes on his earnings.²⁴⁷ During his April 6, 2000 MRT interview, Chambers stated that he paid some income taxes, because he recalled paying \$50,000 during the *Duke* trial in 1989. Chambers felt that since he paid his income taxes in 1989, his answer in *Collins* was accurate. Chambers acknowledged that he worked and received payment from DEA since 1989 and had not paid taxes on that income, but that he interpreted the defense attorney's question as asking whether he paid any taxes. Chambers acknowledged that he had not paid all his taxes, but maintained that he did pay some of his taxes, and therefore his answer was accurate.²⁴⁸

He further testified in *Collins* that he had a year in college.²⁴⁹ During his April 6, 2000, MRT interview, Chambers stated that his testimony in *Collins* about attending college for one year was not true. He said "it should have been a semester."²⁵⁰

Chambers also testified on cross-examination in *Collins* that he was from Los Angeles.²⁵¹ He is actually from St. Louis. During his April 6, 2000 MRT interview, Chambers stated that he testified in *Collins* that he was from Los Angeles for safety reasons; he did not want anybody to try to look for him in St. Louis in an effort to do him harm.²⁵² He stated that he did not talk to anybody about what he would say if he were asked where he was from prior to testifying in *Collins*.²⁵³ During the interview, he said that he could have been working four or five different cases in different locations at the same time, and therefore he may have been working in Los Angeles at the time.²⁵⁴

During his April 6, 2000 MRT interview, Chambers stated that the DEA SAs in *Collins* did not ask him whether he had been arrested or convicted, and if they had asked him, he stated that he would have said "no."²⁵⁵ Chambers further stated that he had worked with the SAs in *Collins* in previous cases, and that they already knew him, but he did not know whether they knew about his prior arrests.²⁵⁶ He stated that they probably did not know about his traffic adjudications.²⁵⁷ Chambers also stated during the interview that he did not think that anyone told him what to say if he were asked whether he had paid taxes on his earnings, and that nobody told him to testify that he had spent a year in college.²⁵⁸ He also said that neither the SAs nor the AUSA involved in *Collins* discussed his testimony with him after he testified.²⁵⁹

On June 1, 2000 [REDACTED] was interviewed by members of the MRT. [REDACTED]

[REDACTED] entered on duty with DEA in 1987 after serving for 5 years as a police officer with the University City, Missouri PD. [REDACTED] was acquainted with Chambers from the street in University City, but was unaware that Chambers was a DEA CS until he became a SA.²⁶⁰

[REDACTED] stated that the only investigation in which he used Chambers was the *Collins* case, which was prosecuted in the Southern District of Illinois in 1990. Gregory Anthony Collins was a violent crack cocaine trafficker operating in the area of southern Illinois across the Mississippi River from St. Louis. This area includes East St. Louis and Collinsville. Collins was the brother of an East St. Louis alderman, and the case achieved a great deal of local notoriety.²⁶¹

[REDACTED] went on to state that [REDACTED] was Chambers' primary controlling SA at that time, and that [REDACTED] asked [REDACTED] if he could use Chambers in the *Collins* case.²⁶² [REDACTED] said that he only controlled Chambers for that one investigation. He said that the case resulted in 14 arrests, and that all defendants went to trial. [REDACTED] further said that Chambers did testify at the trial. He related that he knew nothing about Chambers' prior arrest record, and that

he ran a criminal history on Chambers when he began using him, and that no arrests were recorded. Since there was no criminal record on file, [REDACTED] did not provide one to the AUSA.²⁶³

[REDACTED] said that he provided a payment record to the AUSA, which he obtained from Chambers' CS file. [REDACTED] could not recall any specific attacks on Chambers' credibility during trial, beyond the usual defense attacks common to all CSs. [REDACTED] was not made aware of any credibility problems regarding Chambers.²⁶⁴

On June 1, 2000, AUSA James Porter was interviewed by members of the MRT. AUSA Porter was the prosecutor for the *Collins* case. AUSA Porter has been with the USAO since 1987 and was a Public Defender from 1985 until 1987. AUSA Porter was an Illinois State's Attorney for approximately four years prior to 1985.²⁶⁵

AUSA Porter said that he never met Chambers before using him in the *Collins* case. At that time, none of the allegations concerning Chambers' credibility had come to light. AUSA Porter said that in his appellate district, arrests by themselves are not considered impeachable offenses; only convictions can be used to impeach a witness.²⁶⁶

AUSA Porter said that there were no convictions on Chambers' record during that time, so there was nothing he was obliged to disclose to defense counsel, other than the payroll records for Chambers, which he obtained from [REDACTED].²⁶⁷

AUSA Porter said that the *Collins* organization was a violent crack distribution group. He also stated that *Collins*' brother was an alderman from East St. Louis, Illinois, and he tried using his position to intimidate the USAO and the government's witnesses, to no avail.²⁶⁸

All of the appeals in this case have been exhausted; however, Kenneth *Collins* currently has an active petition for a writ of *habeas corpus* that was filed under 28 U.S.C. § 2255. The *Collins* petition is based on the notoriety surrounding Chambers.²⁶⁹

14. United States v. Moore, Marhold

Roger Moore met Chambers while they were both in the Bahamas. Moore told Chambers that he was a cocaine distributor from Pensacola, Florida and was interested in finding a better source for cocaine. Chambers, who was acting in an undercover role for the Pensacola Resident Office (RO), was introduced to Albert Marhold by Moore. Marhold told Chambers that he had a large cocaine distribution network in Pittsburgh, Pennsylvania and wanted to be supplied with 10 kilograms of cocaine every two weeks. He further stated that he had previously handled a 20 kilogram transaction. On April 24, 1992, Chambers first negotiated with Moore, along with two other suspects, [REDACTED] for the sale of one kilogram of cocaine. [REDACTED] told him they had a distribution network in Georgia and would be back in two

days to purchase an additional one and one-half kilograms of cocaine. The three were arrested after taking delivery of the one kilogram of cocaine. Marhold was arrested in a separate two kilogram transaction that same day. During the drug delivery negotiations, Marhold asked that an additional ten kilograms of cocaine be delivered to Pittsburgh. DEA SAs seized \$18,000 from Marhold and learned that his girlfriend was from Pittsburgh. Moore and Marhold were each convicted at separate jury trials. ██████████ plead guilty. ██████████ had a previous arrest for battery. Moore had been convicted of sexual battery and had arrests for assault, drug possession, and possession of counterfeit money. ██████████ had been previously convicted of auto theft and sale of marijuana. Marhold had previously been arrested for robbery and assault. On November 8, 1992, Marhold was sentenced to 63 months in prison; on November 12, 1992, Moore was sentenced to 78 months in prison; on October 30, 1992, ██████████ was sentenced to 51 months in prison; and on September 16, 1992, ██████████ was sentenced to 24 months in prison.²⁷⁰

Chambers testified in a series of trials that involved Roger Moore and Albert Marhold. He testified on July 10, 1992 in *United States v. Moore, Marhold*,²⁷¹ on July 20, 1992 in *United States v. Moore*,²⁷² and on November 5 and 6, 1992 in *United States v. Marhold*.²⁷³ On July 10, 1992, Chambers testified during cross examination in Pensacola in *United States v. Moore, Marhold*,²⁷⁴ that he attended three years of college.²⁷⁵ That was not true. He attended Iowa Wesleyan for one semester in the spring of 1983. He has testified in different trials to various lengths of college attendance: one semester in *United States v. Fuller*; one year in *United States v. Collins*; and two years in *United States v. Teran* and *United States v. Tanks*.

In *Moore, Marhold* Chambers testified that he filed income tax returns for 1991 and that he reported approximately \$60,000 in income. In January 1992, Chambers also testified during cross examination in an Illinois case, *United States v. Collins*,²⁷⁶ that he paid income taxes on his earnings.²⁷⁷ During his April 6, 2000 MRT interview, however, Chambers acknowledged that he has worked for and received payment from DEA since 1989 but had not paid taxes on that income.²⁷⁸

During the MRT interview, Chambers stated that he paid some income taxes because he recalled paying \$50,000 during the *Duke* trial in 1989.²⁷⁹ Chambers felt that, since he paid his income taxes in 1989, his statement in *Collins* that he paid his taxes was accurate.²⁸⁰ In *Collins*, he interpreted the attorney's question as asking whether he had paid any taxes. Chambers acknowledged that he had not paid all his taxes, but maintained that he did pay some of his taxes and therefore his answer in *Collins* was accurate.²⁸¹ That explanation, however, does not explain his answer in *Moore, Marhold*, because the attorney specifically asked whether he filed his income tax returns for the previous year, 1991.²⁸² Chambers' answer that he filed his income tax returns for 1991 was false. He revealed during his MRT interview that he had not paid income taxes on his earnings after his 1989 income tax payment on or about the date of the *Duke* trial.

During his testimony in *Moore, Marhold*, Chambers denied that, during a break in testimony, he was discussing the case with another officer and the AUSA.²⁸³ AUSA Nancy Hess, however,

contradicted Chambers' testimony by stating on the record that Chambers was discussing the case with her during a break.²⁸⁴ Chambers maintained that it was his opinion that the discussion was not about the case but about something else.²⁸⁵

In *Moore, Marhold*, Chambers testified that he never used any other name other than his own for other than legitimate undercover purposes.²⁸⁶ He later contradicted himself when he testified in *Moore, Marhold* that he was arrested in Paducah for using his brother's name,²⁸⁷ that was an apparent reference to the Paducah forgery charge. His admission in *Moore, Marhold* that he was arrested in Paducah is significant because Chambers previously testified falsely in *United States v. Duke* (November 22, 1989), *United States v. Nunn* (February 26, 1990), and *United States v. Martinez* (January 8, 1991) that he had never been arrested. Chambers' denial of his Paducah forgery arrest during the *Duke, Nunn, and Martinez* trials, but admitting the arrest during the July 10, 1992 *Moore, Marhold* trial, offer additional examples of Chambers' pattern of inconsistent testimony. During the April 6, 2000 MRT interview, Chambers stated that even though he had been arrested for the Paducah forgery charge, he nonetheless testified that he had no arrests because he thought the Paducah charge had been dismissed, and therefore, it was no longer on his record.²⁸⁸ If that was his belief, it is not clear then why he admitted the Paducah arrest during his testimony in *Moore, Marhold*.

[REDACTED] of the Pensacola RO, stated to [REDACTED] in a January 4, 2000 e-mail memorandum, that AUSA Nancy Hess was aware of Chambers' criminal history. A copy of his criminal history was obtained and provided to the defense counsel in the course of the discovery process (presumably in *United States v. Marhold*). [REDACTED] stated in the e-mail that Chambers admitted his prior criminal history during the course of trial and AUSA Hess did not feel that it had any impact on the trial.

A member of the MRT conducted a telephone interview of [REDACTED] who has been employed as a SA for nine years. [REDACTED] was the controlling agent for Chambers for four to five days, while completing the reverse undercover transactions against Moore and Marhold. A total of four defendants were arrested and prosecuted in the Northern District of Florida by AUSA Hess.²⁸⁹

[REDACTED] recalls that, in 1992, he received a telephone call from a SA assigned to the Nassau, Bahamas Country Office (he could not remember the name of the SA). The SA told [REDACTED] that Chambers was there assisting their office on an unrelated case and met defendant Moore. Chambers posed as a drug dealer and Moore said he was a cocaine distributor from the Pensacola area. The Bahamas SA turned the information over to [REDACTED] for further investigation. The SA told [REDACTED] that he had previously worked with Chambers prior to coming to the Bahamas and that he was a good CS. [REDACTED] was not told of any negative information regarding Chambers.²⁹⁰

[REDACTED] recalled that Chambers testified at the separate trials of *Moore* and *Marhold* (the other two defendants pled guilty). [REDACTED] remembered that he had queried Chambers' criminal

record in preparation for trial and possibly prior to the reverse undercover negotiations. A copy of that record was provided to the prosecutor prior to trial. He thought that Chambers possibly had one prior arrest, and no convictions, but he could not fully remember. Prior to Chambers testifying and in the course of trial preparation, Chambers, the prosecutor and ██████████ discussed his arrest record.²⁹¹

██████████ was not aware of any credibility issues surrounding Chambers' prior cooperation with DEA, and Chambers did not bring any prior accusations regarding his credibility to his attention. ██████████ was present during Chambers' trial testimony. He remembered that defense counsel attacked Chambers in what has become the normal fashion, i.e., questions regarding how much he had been paid, how does the jury know you are telling the truth, etc. There were no specific allegations made by the defense that involved prior false testimony by Chambers. ██████████ remembered that, at trial, Chambers was recalcitrant about testifying regarding the specifics of where he was from and other personal information. The judge eventually intervened and stopped that line of questioning by the defense attorney.²⁹²

██████████ thought it was possible that he never provided any payment information to AUSA Hess. He remembered that the amount that Chambers had been paid came up during his testimony. ██████████ thought that Chambers claimed that, up until that point, he had been paid approximately \$1.2 million.²⁹³

On June 27, 2000, AUSA Hess was interviewed over the telephone by a member of the MRT. AUSA Hess had no prior knowledge that she was to be interviewed regarding Chambers and the Moore/Marhold cases and therefore had to respond spontaneously from memory. AUSA Hess has been an AUSA for nine years; prior to that, she was a state prosecutor four years. In her current assignment, she handles Northern District of Florida drug cases. She was an OCDETF Attorney in the past.²⁹⁴

AUSA Hess first met Chambers in preparation for the DEA cases²⁹⁵ in *United States v. Moore/Marhold*,²⁹⁶ *United States v. Moore*,²⁹⁷ and *United States v. Marhold*.²⁹⁸ She had spoken briefly to one of the DEA SAs (possibly ██████████) when he and others were preparing the reverse undercover operation. The SA told her at that time that the CS had been in the Bahamas assisting DEA and met Moore. She had no further contact until the case was assigned to her and she prepared Chambers for trial testimony. She and ██████████ briefly reviewed the criminal record with Chambers. She remembered that Chambers had no criminal convictions, which is what was relevant for trial and discovery purposes.²⁹⁹

AUSA Hess remembered that she had not been provided DEA payment records and information by the case agent. She did not view it as an issue prior to trial, because the case was one of her first after joining the USAO. Her prior experience involved state informants who were paid very little, or informants that were working to reduce criminal charges. She did remember, however, that

defense counsel raised the payment issue during Chambers' testimony, but she had no memory of discussing it with Chambers in her pretrial preparation.³⁰⁰

She indicated that she was never notified about past allegations or findings concerning Chambers' credibility problems. She did not know of the problems that Chambers had encountered in the *Duke* and *Ransom* cases. She was present during Chambers' testimony and viewed the issues raised by the defense as normal attacks on a CS, such as whether he was paid for testimony. AUSA Hess did not remember the defense raising any issues regarding problems Chambers might have had testifying in other districts. The defendants, Moore and Marhold, were both ultimately convicted and have served their time and been released from incarceration.³⁰¹

AUSA Hess remembered, at the time of sentencing, that the judge in the case indicated that he did not think much of Chambers and, in some respect, questioned his credibility. That did not have to do with his testimony at trial, but rather the judge thought that Chambers was a slick, fast talking informant from St. Louis, and the defendants were somewhat duped by Chambers. He sentenced the defendants strictly by the amount of drugs of which they took possession in the reverse undercover transactions rather than what they told Chambers they were able to do.

AUSA Hess also remembered that she later received two separate e-mail inquiries from prosecutors in Denver and St. Louis about Chambers. She told both of them about the reservations the judge expressed in the *Marhold/Moore* cases.³⁰²

15. U.S. v. Palacios-Gamboa, U.S. v. Jones, U.S. v. Guthrie

On May 31, 2000, [REDACTED] was interviewed by members of the MRT. Again, on June 26 and 27, 2000, a member of the MRT interviewed [REDACTED] over the telephone. [REDACTED] is the Confidential Source Coordinator (CSC) for the St. Louis Division. [REDACTED] initiated a series of investigations where he used Chambers as a CS. The first case was the 1993 investigation of the Palacios-Gamboa organization, which was a Colombian cell trafficking in St. Louis. In that case, [REDACTED] orchestrated the simultaneous infiltration by Chambers of the Luis Palacios-Gamboa and the Kenneth Jones organizations. The Palacios-Gamboa organization was a drug distribution organization supplying the St. Louis area with multi-kilogram quantities of cocaine and was supplying the Kenneth Jones organization with approximately 10 kilograms of cocaine every two weeks.³⁰³

The Houston Division seized over \$1 million and 88 pounds of cocaine from two couriers for the Palacios-Gamboa organization. The two couriers, James Polemeque and Arme Michele Carter, were subsequently found murdered. Kenneth Jones ultimately pled no contest to criminal charges stemming from those homicides and also pled guilty to the DEA drug charges. A member of the Palacios-Gamboa organization, [REDACTED] murdered two other couriers whom he thought had stolen five kilograms of cocaine. It turned out that the five kilograms of cocaine had been seized

from those couriers by DEA in Oklahoma City, Oklahoma. [REDACTED] ultimately pled no contest to criminal charges stemming from those homicides and pled guilty to DEA drug charges. Although Chambers did not testify in those cases, the information gathered by him during his infiltration of the [REDACTED] organizations was instrumental in solving those four homicides.³⁰⁴

The next case [REDACTED] initiated using Chambers was the investigation of the William Yancey Jones organization. William Yancey Jones was, by all appearances, a legitimate businessman who was named the 1995 St. Louis Businessman of the Year by a local business organization. William Yancey Jones was, in fact, a new identity; [REDACTED]

[REDACTED] The St. Louis DEA investigation revealed that Yancey Jones was back in the illegal drug business. He was purchasing and shipping approximately 100 kilograms of cocaine to St. Louis every month.³⁰⁵ The investigation revealed that one of the two main suppliers for William Yancey Jones, [REDACTED] supplied Jones with 1,200 kilograms of cocaine over a one year period. Chambers was one of several sources of information for a Title III wiretap in that case. Chambers conducted a \$350,000 DEA-controlled money flash to [REDACTED]. Later, Yancey Jones told Chambers that Chambers wasn't even in his league. William Yancey Jones was personally involved in one homicide of which DEA is aware. DEA seized a custom motor home that Yancey Jones had stored. Yancey Jones had only shown it to one other person. When [REDACTED] was able to track down the location of the motor home, Yancey Jones, concluded that the person to whom he had shown the motor home told DEA where it was. [REDACTED] found out where the motor home was through other investigative means. Yancey Jones and another member of his organization, [REDACTED] showed up at that person's doorstep and shot him in the head. The murder was witnessed by the family of the victim, but they were afraid to testify against [REDACTED] Yancey Jones. Consequently, no prosecution was ever brought against [REDACTED] Yancey Jones for the murder. Ultimately, several million dollars in assets were seized including over \$1 million in cash. In addition, over 240 kilograms of cocaine and 5 pounds of heroin were seized during the investigation. William Yancey Jones pled guilty to distribution of cocaine and was sentenced to 276 months in prison.³⁰⁶

16. State v. Bane

Chambers met defendant Rickey Bane, who wanted to purchase kilogram quantities of cocaine. Chambers, acting in an undercover role for the New Orleans Division Office, agreed to sell Bane one-half kilogram of cocaine. Bane told Chambers that he would also introduce him to others to complete the transaction. On March 14, 1994, Bane showed up for the transaction with [REDACTED]. [REDACTED] was armed with a handgun. All were arrested and later convicted at a jury trial. [REDACTED] had a previous arrest for sale of cocaine. [REDACTED] had a conviction for sale of cocaine, and had at least three other arrests for drug sales. Bane, [REDACTED]

██████████ were convicted and each sentenced to 360 months incarceration. ██████████ was sentenced to 820 months.

On May 31, 1995, Chambers testified in the *State v. Bane* prosecution.³⁰⁷ Chambers testified on direct examination that he had never been arrested.³⁰⁸ He reaffirmed that testimony later on cross-examination when he testified again that he had never been arrested.³⁰⁹ That testimony was not true. As we have seen, Chambers admitted that he was arrested in Paducah when he testified in *United States v. Moore, Marhold* on July 10, 1992. He now added *State v. Bane* to the list of cases (*Duke, Nunn, and Martinez*) where he has falsely denied ever having been arrested.

In the context of questions regarding the restrictions imposed upon him by DEA, Chambers testified that he was subject to random drug screening.³¹⁰ That testimony was false. While DEA employees are subject to random drug screening, CSs are not subjected to any drug screening by DEA.

On June 28, 2000, a member of the MRT interviewed ██████████. ██████████ has been employed as a SA with DEA for 10 years. ██████████
██████████
██████████

██████████ was first introduced to Chambers by members of his task force group in New Orleans. ██████████ stated that Chambers had worked for his supervisor, ██████████, when ██████████ was assigned to the Los Angeles Division. ██████████ recalled working with Chambers on the *Dunn*³¹² (*Bane*) investigation, but he was never Chambers' controlling agent. ██████████ stated that he attempted to use Chambers in another investigation, but Chambers was unsuccessful. The *Dunn (Bane)* investigation resulted in the arrest of three individuals and the seizure of a small amount of money. ██████████ recalled that Chambers testified in the trial. ██████████ stated that he was not in court during Chambers' testimony and did not know of any credibility issues surrounding Chambers until sometime after the trial. He did not run a criminal history for Chambers and did not provide one to the ADA.³¹³ ██████████ only became aware of some issues involving Chambers when he heard people talking about it at his office.³¹⁴

On June 26, 2000, a member of the MRT interviewed ██████████. ██████████ was previously employed by the St. Tammany Parish, Louisiana Sheriff's Department for 18 years. ██████████ entered the DEA Task Force in New Orleans in 1984 and remained there until he retired from the Sheriff's Department in 1997. ██████████
██████████

██████████ recalls being introduced to Chambers by ██████████ who told ██████████ that Chambers was a professional CS. ██████████ stated the he was the controlling agent for Chambers

only for the [REDACTED] investigation.³¹⁶ [REDACTED] also worked the [REDACTED] investigation³¹⁷ (*State v. Bane*) with Chambers. [REDACTED] recalled that both investigations were reverse undercover operations, the Millsaps investigation for 10 or 20 kilograms of cocaine and the [REDACTED] investigation for a small amount of cocaine. [REDACTED] stated that the Millsaps investigation resulted in 3 arrests and the seizure of between \$50,000 and \$60,000. [REDACTED] recalled that the [REDACTED] investigation resulted in three arrests and the seizure of a small amount of currency.³¹⁸

[REDACTED] stated that he was advised by [REDACTED] of Chambers arrest in Denver prior to the to the start of the *Millsaps* trial. [REDACTED] met with and advised either AUSA Hattie Broussard or AUSA Walter Becker of Chambers' arrest. [REDACTED] thought that AUSA Becker called Denver to get information on the arrest. [REDACTED] recalled that AUSA Becker then prepared for and bought out these issues with Chambers during his testimony in the *Millsaps* trial. [REDACTED] stated that this did not affect the trial and all the defendants were found guilty.³¹⁹

[REDACTED] stated that he thought that Chambers had been prepared for trial against defendants in the [REDACTED] (Bane) investigation. However, [REDACTED] thought that the defendants pleaded guilty before the trial started. [REDACTED] stated that he knew that Chambers had trouble with the IRS and was on a payment plan, paying the IRS taxes owed in installments.³²⁰

On June 28, 2000, a member of the MRT interviewed Assistant District Attorney (ADA) Scott Gardner. ADA Gardner has been prosecuting narcotics cases for the past 13 years. ADA Gardner is currently a Felony Prosecutor in the 22nd Judicial District of Louisiana where he has been employed for over 6 years.

ADA Gardner briefly worked with Chambers during the prosecution in *State v. Dunn* (referred to herein above as *State v. Bane*). ADA Gardner recalled meeting with Chambers for one pretrial conference just prior to the start of the trial, and then did not see Chambers again until he testified. ADA Gardner stated that the video from the actual drug transaction was more important to the case than Chambers' testimony. ADA Gardner stated that he did not know of any allegations or credibility issues affecting Chambers at the time of the trial.³²¹

17. Denver Arrest/Conviction for Soliciting for Prostitution

On September 27, 1995, Chambers was arrested for soliciting a prostitute and impersonating a police officer. The complaint indicates that Chambers made a deal with an undercover female police officer to exchange money for sex. According to the complaint, Chambers attempted to run from the officers and upon his arrest, claimed that he was a DEA SA. He was charged with soliciting for prostitution and impersonating a police officer. During his April 6, 2000 MRT interview, Chambers stated that he was working undercover in a drug and prostitution area and was trying to find out from a girl he had met if she knew where to find some drugs. According to Chambers, he followed the woman to a room where the police were waiting. He said that he told

police that he worked for DEA. He stated that he pled guilty to the solicitation charge because it was a misdemeanor and he did not want to create a drama, because, according to him, there was some conflict between DEA and the local PD. Chambers stated that he called ██████████ who was his controlling agent at the time. He stated that ██████████ got him out of jail and accompanied him court, where he pled guilty to the solicitation charge.³²² The impersonating a police officer charge was dismissed, apparently pursuant to a plea agreement.

On April 19, 2000, ██████████ was interviewed by the MRT. ██████████ stated that a Denver PD sergeant contacted him and explained that ordinarily, the charge of solicitation would have resulted in a ticket being issued to Chambers at the scene. Chambers was booked for the solicitation charge because of the additional charge of impersonating a police officer. ██████████ notified ██████████ and ██████████ that Chambers had been arrested. They decided to pay Chambers the remaining \$7,000 that he was owed for his work in a reverse undercover case. ██████████ went to the jail and paid Chambers the \$7,000, which Chambers used to post bond. The following day, ██████████ notified AUSA Joseph Urbaniak of the arrest. ██████████ stated that he accompanied Chambers to court approximately one week later. ██████████ explained to the state prosecutor handling the solicitation case that Chambers was a good CS and he may need to leave the area on short notice and asked if the charges could be settled that day. The state prosecutor stated that Chambers would be required to plead to the solicitation charge, but the prosecutor agreed to drop the impersonating a police officer charge. Chambers pled guilty to the solicitation charge and was fined \$500, with \$50 reduced for time served and assessed \$23 in court costs for a total of \$473.³²³

During the same interview, ██████████ stated that he contacted Minneapolis RO ██████████ in 1995. ██████████ believed that Chambers had directed him to ██████████. ██████████ praised Chambers' ability as a CS, but warned that Chambers had problems getting involved with ██████████ and, at times, this affected his work with DEA. ██████████ did not tell ██████████ that Chambers ██████████. According to ██████████ did not mention any credibility issues surrounding prior testimony given by Chambers. At that time (1995), as far as ██████████ knew, Chambers did not have an arrest record. ██████████ did tell ██████████ that Chambers had not paid his taxes on all of the income he had earned through DEA. ██████████ believed that the IRS was working with Chambers to reconcile his tax problems.³²⁴

On July 11, 2000, a member of the MRT telephonically re-interviewed ██████████. ██████████ stated that he has received numerous telephone calls from various DEA offices around the country concerning Chambers. He specifically remembered calls from Denver, but could not recall who contacted him. ██████████ stated that once he was advised by AUSA Hopeman of the issues raised by the *Duke* appeal concerning Chambers' prior arrests, he relayed that information to any individuals who contacted him concerning Chambers. ██████████ stated that most of the individuals who contacted him regarding Chambers were already aware of the *Duke* decision, and wanted additional information on Chambers. ██████████ further stated that any information that

he knew concerning Chambers' credibility would have been provided to anyone who contacted him.³²⁵

There were five DEA cases involving Chambers being prosecuted in Denver. On November 30, 1995, District Court Judge Edward Nottingham, in one of those cases (*United States v. Coleman*),³²⁶ ordered sweeping discovery, in part, because he believed Chambers was being paid on a contingency basis and that a contingency fee arrangement was considered outrageous government conduct, thus a violation of the Due Process Clause of the United States Constitution.³²⁷ Judge Nottingham stated: "I have grave concerns about a situation where the law enforcement agencies are putting an informer in the field and paying him based on - it's not clear what it's based on. And it may be based on the amount of drugs that he set up or it may be on the amount of property forfeited, I don't know, or both."³²⁸ Judge Nottingham then ordered the prosecutor to produce for the defense "the case numbers and district in which all cases have been filed in which this confidential informant participated in, testified in, or in anyway was involved in, so that the defendant can obtain transcripts and prior statements of this informant or discuss this confidential informant's statements or testimony with counsel for the parties in those other cases."³²⁹

On December 5, 1995, AUSA Till filed a motion for reconsideration of the discovery order, issued by the judge on November 30, 1995. AUSA Till argued that the law of the Tenth Circuit only allows for an outrageous government conduct defense under the most egregious circumstances where the conduct has violated notions of fundamental fairness to the extent that it would be shocking to the universal sense of justice. AUSA Till authoritatively argued that a contingent fee arrangement alone would not constitute outrageous government conduct under that standard. He further argued that even if there was outrageous government conduct in the other cases, the defendant would lack standing to assert the rights of the parties in those cases. The gravamen of Till's argument was that the information involving the informant's activities in other cases would be inadmissible under the court rules and case law and therefore should not be the subject of the discovery order.³³⁰

On December 18, 1995, Judge Nottingham issued a written order that provided: "In each case currently pending or hereinafter filed where Chambers has been involved in investigating a defendant or supplying information about a defendant, the government...will promptly supply defense counsel with an explanation concerning the basis upon which Chambers has been compensated, including any financial agreement with Chambers, evidence of payments to Chambers, and evidence of other benefits which Chambers has received from the government." AUSA Till began an effort to comply with the judge's discovery order by collecting the necessary information.³³¹

At some point in the process of complying with Judge Nottingham's discovery orders, AUSA Till ran a Westlaw check and discovered the decision in *United States v. Duke*.³³² On December 29, 1995, [REDACTED] AUSA Till's legal assistant, sent a letter to [REDACTED] and [REDACTED]. In the letter, AUSA Till attached the copy of a December

14, 1995 status conference and drew their attention to the U.S. Court of Appeals decision in *United States v. Duke*.

In a letter dated January 9, 1995, AUSA Reilly sent AUSA Till copies from the appendix to the *Duke* appellate brief. The letter indicates that the information was being sent to AUSA Till at his request. It appears that the letter is misdated, because AUSA Till would have no reason to make such request of AUSA Reilly on or before January 9, 1995. The defendant in the case he was handling in which Chambers was the CS [REDACTED] was not arrested until September 14, 1995.³³³ Chambers did not arrive in Denver until the middle of August 1995. A November 11, 1995 DEA-6, titled "Financial Agreement made with SIF 84-0027", prepared by [REDACTED], states that SIF 84-0027 (Chambers) arrived in Denver in the middle of August 1995. [REDACTED] stated that "It was agreed that DEA would provide the CI [CS] with a rental vehicle and the CI's lodging. The CI would be paid \$500 per week for expenses incurred by the CI while developing cases. The CI will earn money based on seizures, either drugs or money, from investigations that the CI developed." DEA payment records confirm [REDACTED] statement that Chambers did not arrive in Denver until the middle of August 1995. Those records reflect that the first payment made to Chambers from the Denver Office was on August 14, 1995.³³⁴

AUSA Till felt that he would never be able to meet the requirements of the judge's sweeping discovery order within the 70-day speedy trial time frame.³³⁵ AUSA Till felt that his case should be dismissed without prejudice, with the possibility that it would be refiled at a later date.³³⁶ That would have given AUSA Till a reasonable opportunity to comply with the judge's discovery order. Instead, all five cases were dismissed with prejudice upon a motion by the AUSA. Dismissing the charges with prejudice, in effect, precluded the refile of the dismissed federal charges. AUSA Till was of the opinion that he probably would have prevailed at trial because he had video and audio tape evidence corroborating Chambers' testimony.³³⁷ According to AUSA Till, it was AUSA Urbaniak who actually made the decision to dismiss the cases.³³⁸ It was the opinion of AUSA Till that AUSA Urbaniak was protecting his the AUSAs, because AUSA Urbaniak could not believe that DEA was not aware of the credibility problems with Chambers.³³⁹ AUSA Till, however, did not think that there was any bad faith on the part of anyone from DEA.³⁴⁰ Rather, he felt that DEA truly did not know of the problems surrounding Chambers.³⁴¹ AUSA Till was also of the opinion that Chambers should not be used unless all material related to Chambers is made known to the investigators and provided to the prosecuting attorney.³⁴²

During an April 20, 2000 MRT interview, AUSA Urbaniak stated that he did not know about the credibility problems involving Chambers until he found out from AUSA Till in 1995.³⁴³ AUSA Urbaniak did not notify defense counsel of the credibility issues, because the cases were dismissed prior to discovery being provided to defense counsel.³⁴⁴ AUSA Urbaniak had a meeting with then Denver Division SAC Gregory Williams [REDACTED], during which he notified them that the five DEA federal cases pending in Denver were to be dismissed.³⁴⁵ The DEA case file numbers were MK-95-0228, MK-95-0232, MK-95-0233, MK-95-0234, and MK-96-0010.³⁴⁶ A

February 9, 1996 DEA-6 prepared by [REDACTED] recounts the January 6, 1996 meeting that was held between [REDACTED] AUSA Urbaniak, and AUSA David Gauette. The DEA-6 indicates that, prior to the meeting, the USAO had decided to dismiss the *Coleman* case, and that the local prosecutor's office was reviewing the case.

AUSA Urbaniak confirms AUSA Till's statement that it was AUSA Urbaniak who decided to dismiss the pending charges.³⁴⁷ AUSA Urbaniak did not specifically tell DEA not to use Chambers in the future, but he thought the conversations he had with DEA implied that DEA should stop using Chambers.³⁴⁸ AUSA Urbaniak never put his reasons for dismissing the cases in writing, nor did he put his reservations about Chambers in writing.³⁴⁹ He indicated that he never talked with anybody from DEA Office of Chief Counsel (CC) about the matter.³⁵⁰ In the end, all defendants ended up being convicted in state court, except for one defendant, who is scheduled to go to trial on or about September 18, 2000.³⁵¹

Chambers received \$5,000 less than DEA planned to pay him. In April 7, 2000, a memorandum from Denver Division [REDACTED] to [REDACTED] Chief of the Freedom of Information Act Litigation Unit (SARL), [REDACTED] explained why the \$5,000 was not paid to Chambers. Chambers was to receive \$14,000 compensation for his involvement in the investigation where approximately \$89,000 was seized. It should be noted that \$89,000 figure is apparently an approximation. In an affidavit filed in *Bennet v. United States*, SA Stanfill estimated the amount at approximately \$83,000 and in a February 10, 2000 memorandum to Denver Division [REDACTED] [REDACTED] stated that the amount was approximately \$84,000. It does not appear that there are different amounts involved, because in each case, the figure is clearly denoted as an approximate figure and is given in round numbers. In each case \$14,000 was consistently given as the figure that was to be paid to Chambers from the approximate \$83,000 to \$89,000.

In addition, Chambers was to be paid a reward payment of \$5,000 for the approximate \$30,000 recovered from another defendant's safe. Again, the \$30,000 figure was an approximation. In his *Bennet v. United States* affidavit, SA Stanfill lists the amount to be "approximately \$29,000," and in his February 10, 2000 memorandum to [REDACTED] indicated the amount was "approximately \$30,000." Before the \$5,000 payment was made, the revelations regarding Chambers' testimony in the Minnesota case surfaced.³⁵² In his memorandum, [REDACTED] explained the reason Chambers was not paid the \$5,000 was due to the existing problem with the USAO in Denver dismissing the cases. It was decided that Chambers would not receive the additional \$5,000. This was not an administrative sanction against Chambers lying in the past. There was never an issue with Chambers' credibility while conducting the investigations in Denver. Chambers was not paid the extra money because it was believed that Chambers should have revealed past problems in Minnesota prior to conducting any undercover activity in Denver. Chambers' past problems would not have precluded his utilization in Denver, but would have allowed SAs to brief the USAO regarding Chambers' background prior to his utilization. There was never any correspondence between the Denver Division Office and the USAO regarding the reduction of

Chambers' payment. Once the USAO dismissed the cases, they didn't want any additional involvement with the investigations.³⁵³

18. United States v. Alvarado

The Alvarado investigation (not to be confused with the Tampa investigation) began on July 2, 1996, when Chambers was introduced to ██████████ claimed to be the primary heroin source for the Nickerson Gardens housing projects in Los Angeles. He told Chambers that he was capable of supplying any amount of Mexican heroin requested. He said he had delivered to Oklahoma and Philadelphia and was willing to deliver to St. Louis. ██████████ said he would sell heroin to Chambers for \$2,400 per ounce.³⁵⁴

On July 8, 1996, Ahmad sold 14 grams of heroin to Chambers and the undercover agent, ██████████. On July 11, 1996, ██████████ sold 101 grams of heroin to ██████████ who were both working in an undercover capacity. Again on July 26, 1996, ██████████, while working undercover with Chambers, purchased four ounces of heroin from ██████████ Luis Alvarado, and an unidentified Hispanic male. On August 7, 1996, ██████████ were arrested after delivering eight ounces of heroin to ██████████ and Chambers. There was a .45 cal. semi-automatic pistol seized from the vehicle. An arrest warrant was issued for Luis Alvarado.³⁵⁵

On February 26, 1997, Alvarado was acquitted after a jury trial. Chambers testified at trial. After trial, when jury members were interviewed, they said there was reasonable doubt as to the identity of Alvarado. Both Chambers and ██████████ had some problems with the identification and the defense alleged that it was someone other than Alvarado that sold 4 ounces of heroin to them on July 26, 1996. Because Alvarado was found not guilty at trial, no transcript of the court testimony was prepared. Consequently, a transcript of Chambers testimony at that trial is not available for review.³⁵⁶

██████████ pled guilty, and on March 17, 1997, he was sentenced to 60 months in federal prison and 60 months supervised release. ██████████ pled guilty, and on December 16, 1996, ██████████ was sentenced to 42 months in prison, and ██████████ was sentenced to 24 months in prison.³⁵⁷

19. United States v. Stanley

*United States v. Stanley*³⁵⁸ was a trial resulting from a conspiracy investigation that targeted a Los Angeles-based drug trafficking organization headed by Edward Stanley, Jr. Stanley has been well known to law enforcement since the late 1980s in both Los Angeles and Las Vegas, Nevada. Law enforcement agencies in both jurisdictions have conducted a number of unsuccessful investigations of Stanley and his drug organization. Intelligence reports connected Stanley to organized crime and violent street gangs. He had prior convictions for the manufacture of counterfeit currency, and possession of a firearm by a convicted felon. Stanley was allegedly

involved in official police corruption with members of the Los Angeles PD, one of whom had been seen openly associating with Stanley and members of Stanley's drug organization.³⁵⁹

Chambers was able to make at least three controlled drug purchases directly from Stanley; one purchase on July 10, 1996 for approximately 150 grams of Mexican heroin for \$11,000; another on July 25, 1996 for six "pieces"(ounces) of heroin for \$13,200; and on September 6, 1996, Chambers purchased six ounces of heroin for \$13,200 and one kilogram of cocaine for \$20,000. These purchases led to a Title III wiretap of Stanley's cellular telephone.³⁶⁰

On November 3, 1996, an intercepted telephone call led to the seizure of \$564,425 dollars in drug proceeds from a Stanley associate in Memphis, Tennessee. On November 11, 1996, another intercepted telephone call resulted in the seizure of 24 kilograms of cocaine from three Stanley associates in Memphis.³⁶¹

On November 26, 1996, a call was intercepted between Stanley and Daniel Bennett in which they discussed a homicide that Bennett had committed in Las Vegas. Further investigation revealed the victim to be Ricky Hall, who was alleged to have stolen \$1 million in drug proceeds from Stanley.³⁶²

On December 12, 1996, Stanley, Bennett and eight other co-conspirators were arrested. Stanley and Bennett eventually pled guilty to life terms without the possibility of parole, for their roles in the drug related murder of Hall. All other defendants either plead guilty or were found guilty at trial. Bennett's attorney was Los Angeles-based Assistant Public Defender H. Dean Steward. Steward filed a pretrial motion that outlined prior false testimony by Chambers in *United States Duke*, as well as other cases. He also filed a Freedom of Information Act (FOIA) lawsuit on behalf of his client to uncover additional information about Chambers.³⁶³ Chambers did not provide any testimony in *Stanley*.

Bennett, Stanley, and several codefendants appealed their convictions to the U.S. Court of Appeals for the Ninth Circuit.³⁶⁴ Stanley and Bennett alleged, among other things, that the district court erred when it denied them a *Franks* hearing on whether using information supplied by Chambers in the Title III wiretap affidavit without mentioning Chambers' prior false testimony in the affidavit required suppression of the evidence derived from that wiretap. The Court of Appeals reviewed the decision of the district court under the clearly erroneous standard of review.

A defendant is entitled to a *Franks* hearing only if he makes a twofold showing: first, the government intentionally or recklessly included false information or omitted information that would mitigate a finding of probable cause or necessity for the wiretap, and second, that information was material to a finding of probable cause or necessity. The government conceded that it was reckless for it to fail to include information in the wiretap affidavit regarding Chambers' prior false

testimony. The government, however, argued that the omission was not material to the findings of probable cause or necessity.

The Court of Appeals agreed with the government on those issues. Law enforcement officials closely tracked the drug exchanges between Chambers and Stanley by inventorying Chambers' possessions immediately before and after each meeting with Stanley. They observed, photographed, and videotaped Chambers' movements and exchanges of drugs and money. They debriefed Chambers after each meeting with Stanley and reviewed audio recordings and consensually monitored conversations. Law enforcement officials independently verified that Chambers accurately recounted the details of his drug transactions and meetings. The Court of Appeals ruled that, because virtually every aspect of Chambers' involvement in the investigation was corroborated, his credibility was almost irrelevant to the findings by the district court of probable cause and necessity for the wiretap. Chambers "merely acted as a human conduit for the contemporaneous electronic monitoring of the three drug transactions with Stanley."³⁶⁵ The Court of Appeals upheld the district court finding that the FBI SA's affidavit for the wiretap application contained information supporting probable cause and necessity independent of the information impeaching Chambers' credibility. The court held that, while it was reckless for the government to fail to include information in the wiretap affidavit regarding Chambers' prior false testimony, the omission was not material to the findings of probable cause or necessity.

On June 20, 2000, members of the MRT conducted a telephone interview of [REDACTED] who has been employed with DEA since 1992, and is presently assigned to the Los Angeles Division, Southwest Border Group 3.³⁶⁶

[REDACTED] stated that he first met Chambers when [REDACTED], now retired, brought Chambers to members of the group to assist on investigations. [REDACTED] stated that when he was first directed to Chambers, he was advised that Chambers was a very good CS and had worked all over the country with other DEA offices. [REDACTED] was told by neither [REDACTED] nor anyone else of any negative information about Chambers. [REDACTED] was the controlling agent in two DEA investigations.³⁶⁷

One investigation involved heroin trafficking in which Chambers made undercover purchases and controlled telephone calls to defendant [REDACTED]. Chambers was also able to introduce a undercover agent to [REDACTED] heroin source of supply.³⁶⁸ That case was prosecuted in United States District Court, Central District of California by AUSA Nancy Kardon. There were three convictions on pleas of guilty, and one defendant was acquitted at trial.³⁶⁹ That case is *United States v. Alvarado*, recounted above.

Another case was the *Stanley/Bennett* investigation in which Assistant Public Defender (APD) H. Dean Steward was the attorney for Daniel Bennett. [REDACTED] was the case agent and [REDACTED] handled part of the investigation. The *Stanley/Bennett* case was a joint DEA/FBI

investigation.³⁷⁰ The *Stanley/Bennett* case was also prosecuted in the Central District of California. AUSA Steven Wolfe was the lead prosecutor and AUSA Kardon assisted in that case. There were three trials, and Chambers did not testify at any of them. Defendant Bennett pled guilty after AUSA Wolfe decided not to use Chambers as a witness.³⁷¹

When [REDACTED] first started to use Chambers in the [REDACTED] investigation, he was not aware of any credibility issues. Chambers was already an active CS when [REDACTED] began to use him and he, therefore, did not run a criminal history check. As a matter of course, [REDACTED] ran a criminal history on Chambers when he was preparing for trial. When AUSA Kardon and [REDACTED] were preparing Chambers to testify, [REDACTED] ran his criminal history and learned that Chambers had been arrested in Paducah for forgery and had been convicted of soliciting a prostitute in Denver. [REDACTED] provided this information to AUSA Kardon. Chambers brought to the attention of [REDACTED] and AUSA Kardon that a court in Minnesota (*United States v. Duke*) found that he had offered false testimony. Chambers maintained, however, that the problem stemmed from his having been confused about whether he was being asked about arrests or convictions. [REDACTED] received a copy of the payment log from the St. Louis Division. He also remembered that he called the DEA offices for whom Chambers said he worked. [REDACTED] was able to determine that Chambers was paid approximately \$1.2 million by DEA.³⁷²

[REDACTED] was in court during the [REDACTED] prosecution, but he did not recall the judge, AUSA, or defense counsel raising any credibility issues regarding Chambers in an attempt to impeach his credibility. AUSA Kardon, though, brought out on direct examination the previous *Duke* testimony of Chambers.³⁷³

In the *Stanley/Bennett* case, APD Steward became aware of the past credibility problems of Chambers. Attorney Steward provided this information to the court in a motion prior to trial. AUSA Wolfe, in turn, provided it to [REDACTED]. The information consisted of previous testimony by Chambers in *United States v. Duke*, *United States v. Milasps*, a criminal history, and other documents.³⁷⁴

When [REDACTED] received the documents from AUSA Wolfe that APD Steward had filed with his motion, he wrote a memorandum to the CSC, [REDACTED] attached the documents, and asked that the documents be kept as part of the CS file. Prior to the arrests in *Stanley/Bennett* and receiving the discovery material from APD Steward, AUSA Wolfe was aware of Chambers' prior testimony in *United States v. Duke*. He was also aware of how much Chambers had been paid. This information was known from the previous [REDACTED] trial handled by AUSA Kardon. AUSA Wolfe wanted to include the payment information into a Title III wiretap affidavit being prepared for the *Stanley* investigation as he felt it possibly could be relevant to the credibility of Chambers, who was listed as a CS in the affidavit. [REDACTED] spoke to someone in CC and put them in contact with AUSA Wolf. [REDACTED] could not recall who he spoke with in CC.) The payment information was included in the affidavit, because AUSA Wolfe insisted that the payment information be included.³⁷⁵

Further, ██████ again spoke with someone in CC. After APD Steward included the documents that attacked the credibility of Chambers in his motion, the presiding judge issued a sweeping discovery order. The order was for all prior testimony by Chambers, all reports, payment records, criminal history from any state, etc. Both ██████ contacted CC and asked for their opinion. ██████ had a conversation with an attorney in CC who told ██████ that he only had to provide the National Crime Information Center (NCIC) information and not to set precedent by running a criminal history in every state. ██████ was not satisfied with this answer, as the judge had ordered it to be done. He told the CC attorney that he was unhappy. He further told the CC attorney about the past false testimony provided by Chambers as cited by APD Steward. ██████ could not remember which attorney in CC with whom he discussed this matter, but he said it took place in mid-1997. ██████ explained the problems he was having with CC to AUSA Wolfe, who said he had decided not to call Chambers as a witness, and therefore ██████ discontinued his search for material.³⁷⁶

██████ remembered that he attended a meeting with then Los Angeles Division SAC Robert Bender, ██████ the Chief of the Criminal Division and the Chief of Narcotics in the USAO for the Central District of California, John Gordon. The AUSAs wanted to know why DEA was not aware of the information provided by APD Steward. DEA policy was explained at the meeting, some of which had to do with the change in the CS number and how each DEA office now was required to keep a file on each CS that was active in their area. The DEA representatives asked the AUSAs why they had not learned of the information by researching Lexus/Nexus or Westlaw. The AUSAs considered conducting that type of research for any witness called in future prosecutions. ██████ was fairly sure that the meeting took place after AUSA Wolfe had decided not to call Chambers as a witness.

Chambers explained his testimony in the prior cases as a misunderstanding of the questions. ██████ was not sure, but he thought AUSA Kardon had done further research on the subject.³⁷⁷

On July 3, 2000, a member of the MRT telephonically interviewed John Gordon, Chief of the Criminal Division, USAO, Central District of California (Los Angeles). The interview related to the meeting he attended in 1997 with senior management of the Los Angeles Division. The meeting dealt with impeachment information against Chambers that came to light during the prosecution of *United States v. Stanley/Bennett*.³⁷⁸

AUSA Gordon was the Chief of the Narcotics Unit in 1997. AUSA Scheper was the Chief of the Criminal Division at that time. AUSA Gordon could not recall meeting with DEA senior managers regarding Chambers, but he found a notation in his calendar that indicated that he met with DEA senior management on July 31, 1997. The notation did not indicate what the meeting was about or who else attended from his office and he was unable to recall any details.³⁷⁹

AUSA Gordon did not recall ever telling anyone from DEA that his office would no longer accept investigations involving Chambers for prosecution. AUSA Gordon thought that, if his office told DEA to no longer use Chambers, that he probably would have remembered it, and either DEA or his office would have put the facts in writing. He had neither a recollection nor the documentation to indicate that such an admonition occurred.³⁸⁰

AUSA Gordon did have a vague recollection of speaking with AUSA Wolfe about problems regarding Chambers. He could not be any more specific.³⁸¹

██████████ said that AUSA Kardon was willing to prosecute future cases involving Chambers, but that any agent using him should understand all of the credibility issues needed to be explained and disclosed at trial.³⁸²

Stephen Wolfe is an AUSA for the Central District of California, and was recently interviewed by a member of the MRT. AUSA Wolfe has been a federal prosecutor since April 1987. He was previously a state prosecutor in Manhattan from May 1982 to December 1984. He is currently assigned to the Major Crimes Section, and has routinely prosecuted drug cases.³⁸³

AUSA Wolfe met Chambers for the first time in the late 1980, possibly in connection with either the *United States v. Ransom* or *United States v. Fuller* prosecutions. AUSA Wolfe was in the narcotics unit and saw Chambers around the office when he was working with AUSAs Lindsay and Romero on those cases. He knew that Chambers had a reputation as being a good CS. AUSA Wolfe was not aware of any problems concerning Chambers that surfaced in the *Ransom* case. Chambers provided information that was used to establish probable cause for a Title III wiretap in *Stanley*. During the *Stanley* case, AUSA Wolfe wanted more information in the Title III wiretap affidavit regarding how much Chambers had been paid. He recalled arguing with someone in CC about that issue. This was based simply on the fact that AUSA Wolfe needed more information to satisfy his own feelings of what needed to be included in the affidavit about the CS. He knew that Chambers had been around for at least ten years, made a great deal of money, and felt it was a relevant issue. It had nothing to do with any specific credibility issue known to AUSA Wolfe.³⁸⁴

AUSA Wolfe is sure that he was provided the criminal rap sheet for Chambers by the case agent. AUSA Wolfe and AUSA Kardon interviewed Chambers about his criminal history prior to motion hearings. He recalled that Chambers told them about his 1995 prostitution conviction in Denver.³⁸⁵

The case agent provided AUSA Wolfe with the records of payments made by DEA to Chambers. AUSA Wolfe included the total amount of those payments in the Title III wiretap affidavit. He recalled the figure as being somewhere around \$2 million.³⁸⁶

AUSA Wolfe stated that he did not find out about the allegations concerning credibility problems with Chambers until APD Steward filed his motion. He recalled that APD Steward's brief included the Eighth Circuit opinion in *Duke* and may also have included Chambers' testimony in *Ransom*. The prosecution filed a response and the defense responded with even more information. AUSA Wolfe asked [REDACTED] to find out everything he could. He wanted to know how this type of information could not be known to DEA. AUSA Wolfe wanted all of the other DEA files searched, including those located in other offices. Eventually, he spoke with the Chief of the Criminal Division, Dave Scheper. AUSA Scheper then met with the [REDACTED]. AUSA Wolfe was not at the meeting, but he does not believe that anyone from his office ever told DEA not to use Chambers in the future. He thought that the issues involved DEA policies and why DEA was not aware of the potential adverse issues surrounding Chambers.

AUSA Wolfe chose not to use Chambers as a witness. AUSA Wolfe felt that to call him as a witness would only help the defense, as the issues surrounding Chambers' credibility would be their defense strategy in the case.³⁸⁷

The *Stanley* case is currently on appeal; the appeal was argued December 6, 1999, before the U.S. Court of Appeals for the Ninth Circuit. AUSA Wolfe never felt that DEA took any information out of Chambers' CS file. In his opinion, SAs generally are not aware or interested of what takes place after arrest, and they may never find out what takes place in court, whether it be a motion or an appeal hearing. He feels that there is a law enforcement propensity to avoid the negative information about an informant, and that SAs concerns are focused on operational issues rather than legal issues.³⁸⁸

On June 27, 2000, a member of the MRT telephonically interviewed [REDACTED] [REDACTED] is currently assigned to the Las Vegas DO, but was formerly the CSC of the Los Angeles Division. [REDACTED] provided [REDACTED] with documents from APD Steward regarding the credibility issues surrounding Chambers. The documents were attached to a pretrial motion Steward filed on behalf of his client, Daniel Bennett, in the Central District of California case *United States v. Stanley*. [REDACTED] was never the controlling agent for Chambers. The interview focused on her knowledge of the documents and the information provided by [REDACTED].³⁸⁹

[REDACTED] was the CSC of the Los Angeles Division from approximately December 1995 to December 1998, which included the time that [REDACTED] was preparing for trial in the Daniel Bennett prosecution.³⁹⁰ [REDACTED] remembered that [REDACTED] brought a stack of documents to her regarding Chambers and told her that the documents had been filed as part of a pretrial motion. The documents included transcripts of prior testimony of Chambers and appellate opinions. [REDACTED] filed these documents in Chambers' CS file. [REDACTED] also filed a memorandum that [REDACTED] wrote relating to the documents.³⁹¹

[REDACTED] then put [REDACTED] in contact with a number of CSCs in cities where Chambers previously worked or had been documented. [REDACTED] was attempting to satisfy a pretrial discovery order issued by the judge in his investigation and needed to obtain information about the history of the Chambers. [REDACTED] utilized CSS to identify other offices where Chambers had been activated. She provided that information to [REDACTED] in order to assist him in his search. [REDACTED] remembered that she spoke to someone in Minnesota regarding the use of Chambers there, but could not specifically recall with whom she talked. Otherwise, [REDACTED] handled the bulk of the research on his own.³⁹²

[REDACTED] had been in contact with members of CC on past similar discovery issues relating to production of informant records and was somewhat familiar with CC's interpretation of policy. She said she did not recall speaking to anyone from CC regarding this particular discovery matter but thought that [REDACTED] may have spoken to someone from CC.³⁹³

[REDACTED] later told [REDACTED] that Chambers' photograph had appeared on the Internet. She had [REDACTED] print a copy of the story and included it in the CS file. [REDACTED] stated that she did not recall any other matters relating to Chambers and she felt that [REDACTED] had done what was required of him in the matter.³⁹⁴

20. Bennett v. DEA (FOIA Lawsuit)

On June 30, 2000, members of the MRT interviewed [REDACTED], Chief of the Freedom of Information Act (FOIA) Litigation Unit (SARL). [REDACTED] was involved in responding to a FOIA lawsuit filed against DEA by H. Dean Steward, on behalf of Daniel Bennett. The lawsuit seeks information possessed by DEA regarding Chambers' background.³⁹⁵

[REDACTED] explained that the litigation was ongoing when he was hired by DEA and reported to SARL in April 1999. He first heard of the case after U.S District Court Judge Gladys Kessler issued an order requiring DEA to comply with discovery in July 1999. He was attending the DEA Group Supervisor Institute later that month when either SARL attorney [REDACTED] or FOIA Records Management Section (SAR) [REDACTED] notified Office of Operations Management (OM) of the allegations.³⁹⁶

[REDACTED] stated that SARL does not have a written policy that requires them to notify OM or any other DEA Headquarters sections when they receive an FOIA request about a CS. In practice, SARL coordinates these requests with OM Policy and Procedures Unit (OMPP). He suggested a formal recommendation requiring coordination between SARL and other headquarters sections be included in the MRT report. He further suggested that CSS include the FOIA file number request, as is done in the Narcotics and Dangerous Drugs Information System (NADDIS).³⁹⁷

On June 30, 2000, members of the MRT interviewed SARL attorney [REDACTED] is handling the FOIA litigation against DEA brought by APD H. Dean Steward, on behalf of Daniel Bennett.³⁹⁸

[REDACTED] explained that it is normal procedure in SARL, when first presented with an FOIA request regarding a CS, to first neither deny nor confirm whether or not someone is a documented CS with DEA. He explained that the denial was based on law. No information about the person that is alleged to be a DEA CS will be furnished, even if the CS himself files an FOIA request. If a requestor can prove that someone is a CS with DEA, then that information possibly might be released. It could, however, be withheld under any number of exemptions that apply. An example of proof necessary to cause release of information would be if the requestor attached a trial transcript in which a CS testified and the CS was clearly identified on the record as a DEA CS.³⁹⁹

Bennett's attorney, APD Steward filed the original FOIA request regarding Chambers on August 25, 1997. On September 5, 1997, the request was denied based on the fact that DEA would neither confirm nor deny the existence of such records, as DEA would not admit that Chambers was a CS. APD Steward filed an appeal to the denial on September 17, 1997. On November 4, 1997, the Department of Justice, Office of Information and Privacy (OIP) acknowledged the receipt of the appeal. In April 1998, APD Steward filed documentation that indicated that Chambers was a CS for DEA. He also filed a notice of complaint in United States District Court, District of Columbia. SARL then acknowledged that files and documents regarding Chambers existed and SARL Attorney [REDACTED] began a search for the information.⁴⁰⁰

In 1997, SARL did not have a policy in place that required them to notify OM regarding FOIA requests about CSs. SARL still does not have a formal, written policy regarding notification to OM. In practice, Attorney [REDACTED] stated that in any instance that SARL would acknowledge the existence of a CS, his office would coordinate the response with OMPP. Attorney [REDACTED] explained that he informed then [REDACTED] of the request regarding Chambers. Attorney [REDACTED] had a notation that he provided a full briefing on the matter to [REDACTED] on July 29, 1998. Attorney [REDACTED] had also received preliminary information about Chambers earlier than that but he was unsure of the dates. He had a copy of an NCIC report, dated July 23, 1998, about Chambers that [REDACTED] had provided to him. Attorney [REDACTED] said he also requested information from CSCs of field divisions where Chambers had been active. He received the CSC contact information from OMPP. [REDACTED] thought that he had also provided [REDACTED] with a copy of the request filed by APD Steward that contained the specific allegations of false testimony. Attorney [REDACTED] did not know what [REDACTED] did with the information.⁴⁰¹

In general, Attorney [REDACTED] said that upon receiving a FOIA request about a CS, SARL would not have any reason to contact other headquarters sections. He stated that FOIA policy is outlined under section 0770 of the DEA Administrative Manual.

Attorney [REDACTED] provided a copy of a declaration which he filed in the civil action that outlined the chronology of the litigation. He also provided a copy of a memorandum from Deputy Assistant Administrator (DAA) Robert Michel, Office of Administration, to OM Chief Charles Lutz, dated July 28, 1999. The memorandum explained in detail the allegations made in the lawsuit, as well as requesting a policy clarification. Attached to the memorandum was a copy of the lawsuit filed by APD Steward on behalf of Daniel Bennett. OM responded to DAA Michel regarding the policy questions. It was at that time that the matters relating to the credibility issues surrounding Chambers were brought to the attention of the Chief of Operations.⁴⁰²

On July 6, 2000, a member of the MRT interviewed the Ft. Pierce RO Resident Agent in Charge [REDACTED] was the Unit Chief of OMPP in July 1998. OMPP has responsibility to manage CSS, the electronic CS database. [REDACTED] remembered that [REDACTED] inquired about Chambers and explained that Chambers was the subject of a FOIA request. [REDACTED] thought that he probably provided Attorney [REDACTED] the locations that Chambers had been active with DEA in an effort to assist him in his search for records.⁴⁰³

[REDACTED] explained that OMPP is responsible for managing CSS and setting CS policy. OMPP is not responsible for managing CSs or reporting information about a CS; that is the responsibility of field personnel.⁴⁰⁴

21. United States v. Millsaps

While in New Orleans, Chambers met Terrance Millsaps. Millsaps initially wanted to purchase ten kilograms of cocaine; however, it was agreed during undercover negotiations that he would take delivery of only five kilograms. Chambers, acting in an undercover role for the New Orleans Division Office, negotiated with Millsaps, [REDACTED] and [REDACTED] for the delivery of the five kilograms of cocaine. [REDACTED] who was previously known by local law enforcement as a financier of drug deals, told Chambers that he would be responsible for the money. On December 4, 1995, [REDACTED] met with Chambers to negotiate the drug deal. He showed Chambers some money and a .45 caliber pistol. After Chambers gave the arrest signal, [REDACTED] and Millsaps were all arrested by SAs. Millsaps had previous criminal convictions for bank robbery and receiving stolen property, as well as a number of arrests for battery, burglary, drug possession, and extortion. [REDACTED] was previously convicted of possession of a sawed off shotgun, and had arrests for assault and battery, aggravated assault, aggravated battery, possession of cocaine, and possession of crack cocaine. After a jury trial conviction, Millsaps was sentenced to 450 months, [REDACTED] to 240 months, and [REDACTED] to 235 months in prison.⁴⁰⁵

In October 1996, in the case of *United States v. Millsaps*,⁴⁰⁶ Chambers allegedly admitted that he previously lied in *Brown, Springer, and Duke*. That allegation has not yet been verified, however, because at the time of this writing, the transcript is being reviewed by the U.S. Court of Appeals for the Fifth Circuit and is, consequently, unavailable.

During a June 9, 2000 MRT interview, ██████████ said that he used Chambers when he was a GS in the New Orleans Division Office. He was a GS in that office from 1993 until 1998. During that time, he used Chambers in approximately 15 investigations. He said that 95 percent of the defendants pled guilty. ██████████ first learned about Chambers credibility problems during the *United States v. Millsaps*⁴⁰⁷ case. The *Millsaps* case went to trial in November 1996. When preparing for trial, he learned about Chambers' arrest in Denver and about the opinion in the Minnesota case (he was probably referring to *United States v. Duke*). ██████████ believed that he may have spoken with ██████████⁴⁰⁸

██████████ stated that when he first brought cases to the USAO in New Orleans, the AUSAs were very pleased with the quality of cases in which Chambers was involved. However, as the quantity of cases increased, the USAO began to complain about the number of cases. He stated that this happened before any information surfaced regarding Chambers' credibility issues. He said that he took it upon himself to make certain that the AUSAs knew everything they needed to know about Chambers' background. ██████████ personally collated all DEA-103s and the supporting documentation requested by the USAO. ██████████ stated that after the *Millsaps* case, the USAO in New Orleans advised DEA that they were not going to accept for prosecution any additional cases in which Chambers played a part.⁴⁰⁹

On May 18, 2000, members of the MRT conducted a joint interview of AUSAs Hattie Brouard and Walter Becker. AUSA Brouard has been a federal prosecutor since October 1994 and is presently the Executive Assistant to the United States Attorney for the District of Louisiana. AUSA Becker has been a federal prosecutor since 1987 and is the Chief of the Criminal Division in the USAO. Both prosecutors met Chambers in connection with *United States v. Millsaps*. They indicated that they were given a criminal rap sheet for Chambers by ██████████ when a discovery request was filed by defense counsel, Valerie Johnson. They recalled receiving information from an AUSA in Denver (possibly AUSA Guy Till) that related to previous testimony Chambers had given. They did not know about Chambers' Denver conviction for solicitation of a prostitute in 1995 until the information was provided from Colorado. They indicated that they were provided DEA payment records by ██████████. They did not feel that the SAs in New Orleans had adequately researched Chambers' background. They learned much of the information regarding past allegations concerning credibility problems with Chambers either from the SA in Colorado, ██████████ or AUSA Till. The information they learned about Chambers that impacted his credibility was turned over to the defense counsel. AUSAs Becker and Brouard stated that they felt the reasons the case went to trial were (1) the credibility issue relating to Chambers and (2) one of the defendants, ██████████ felt that he had a viable defense that would have excluded him from the drug conspiracy. AUSA Brouard was present during Chambers' testimony and stated that the defense strategy at trial was to attack the credibility of Chambers. All three defendants in the *Millsaps* jury trial were convicted. The case is currently on appeal; the issues on appeal primarily surround the credibility problems of Chambers. AUSA Brouard stated that her office had contact with ██████████ regarding the Chambers' credibility issues, but did not remember if anything was put in writing. AUSA

Becker stated that both he and Ganell Williams, a supervisor in the USAO, told ██████████ that they would not take any additional cases involving Chambers for prosecution. Both AUSAs Broussard and Becker stated that future cases involving Chambers would never be prosecuted by the USAO in New Orleans.⁴¹⁰

On May 17, 2000, members of the MRT interviewed ██████████ has spent his entire nine year career in New Orleans. ██████████ first became acquainted with Chambers through ██████████ who knew Chambers when he was in Los Angeles. ██████████ stated that he was often the control agent for Chambers, but sometimes farmed out the information provided by him to TFOs in his group. During the Millsaps case, AUSA Ganell Williams became aware of some problems with Chambers. ██████████ was not sure of the details, but he believed that it was information provided by an AUSA in Colorado.⁴¹¹

██████████ stated that ██████████ was the case agent in the Millsaps investigation. ██████████ was not present in court when Chambers testified, because he was sequestered. ██████████ stated that he only recently became aware of the credibility issues surrounding Chambers when the articles appeared in the St. Louis Post-Dispatch. He informed ██████████ that they should notify the AUSAs in their respective cases of the credibility issues surrounding Chambers.⁴¹²

22. U.S. v. Sampson/Alvarado and State v. Alfredo Garcia

On December 9, 1997, Chambers testified in Tampa in *United States v. Sampson/Alvarado*.⁴¹³ This investigation began by targeting ██████████ in June 1996. The investigation involved three different CSs, including Chambers. However, Chambers had no direct contact with ██████████ had prior arrests for firearms and resisting arrest. During the arrest of ██████████ on September 19, 1996, ██████████ rammed a DEA vehicle and led the police on a high-speed chase. The chase ended when ██████████ vehicle collided with another vehicle, injuring two civilians. ██████████ fled on foot and attempted to hide money along the way until the point he was finally caught and taken into custody. A state search warrant executed at ██████████ residence led to the seizure of two handguns.⁴¹⁴

In June 1997, the investigation of ██████████ led to James Sampson, a cocaine source of supply for Francis. When Sampson did not respond to pages from another CS, the case agent decided to contact Chambers and use him in an undercover capacity. This CS introduced Chambers to Sampson as Francis' boss/money man. Chambers negotiated with Sampson to purchase one and one-half kilograms of cocaine. Sampson and his partner, Alvarado, were arrested after delivering the cocaine. Sampson had a .45 caliber pistol tucked in the front seat of his vehicle and Alvarado had a semi-auto machine pistol on the rear floorboard of his vehicle at the time of their arrest. A search of Sampson's girlfriend's residence, where Sampson had stopped on the way to the drug deal, uncovered a .380 pistol, 2 kilograms of cocaine, 12 pounds of marijuana, and 120 grams of crack.⁴¹⁵

During the December 9, 1997 *Sampson/Alvarado* trial, Chambers testified that he had never been convicted of an offense.⁴¹⁶ That was false. On October 1, 1995, Chambers pled guilty to soliciting for prostitution in Denver, Colorado. Later, while testifying in *Sampson/Alvarado* Chambers acknowledged that he was convicted of solicitation.⁴¹⁷ Chambers further testified in *Sampson/Alvarado* that the money paid him by DEA, FBI, and the USSS was reported on his "income taxes."⁴¹⁸ When he was asked whether he reported all of the payments, Chambers responded with "got to."⁴¹⁹

The AUSA in the *Sampson/Alverado* case, Robert Stickney, is now an attorney in private practice and was not interviewed.

On April 3, 2000, members of the MRT interviewed ██████████ of the Tampa DO. ██████████ stated that he first learned of Chambers from ██████████ approximately two to three years ago. ██████████ stated that ██████████ made no mention of any problems with Chambers. ██████████ was the primary control agent for Chambers during the majority of time that he was in the Tampa area. ██████████ initiated approximately 10 to 15 investigations utilizing Chambers as a CS. He stated that some of the cases worked by Chambers were quite significant. They included investigations of a locally infamous heroin dealer, a former police officer, and an armed robber. ██████████ stated that two of the investigations, *State v. Alfredo Garcia* and *United States v. Ricky Francis*, resulted in sworn testimony by Chambers. The *Alfredo Garcia* case was prosecuted by state authorities in Manatee County, Florida. The *Alfredo Garcia* case involved testimony by Chambers during a deposition. ██████████ stated that he was not aware of any credibility issues regarding Chambers during his testimony in either the *Francis* or *Garcia* cases.⁴²⁰ ██████████ referred to the prosecution of *United States v. Sampson/Alvarado* as the *Francis* case because the *Sampson/Alvarado* case was a spinoff of the *Francis* investigation.

Alfredo Garcia was a suspected marijuana trafficker who had previously been under investigation by the local sheriff's office. He was suspected of smuggling marijuana to Florida, 100 pounds at a time. On March 23, 1998, Chambers met Garcia while acting in an undercover capacity for the Tampa DO and purchased 51 grams of cocaine and 400 grams of marijuana. Shortly after that purchase, Chambers was unable to make any other purchases from Garcia. Garcia was arrested in March 1998 and charged in Manatee County, Florida with distribution of cocaine. Garcia pled guilty on August 25, 1998 to the distribution of marijuana and cocaine and was sentenced to eleven years in state prison.⁴²¹

██████████ stated that all contact between Chambers and the defendant in the *Garcia* investigation were audio taped and/or videotaped. The prosecutor in the *Garcia* case was Assistant State Attorney (ASA) Paul Hudson. Defense counsel has the audio tape of the *Garcia* deposition; the tape has not yet been received by the MRT; consequently, his testimony during that deposition has not been reviewed. ASA Paul Hudson recalled that Chambers testified during the August 17, 1998 *State v. Alfredo Garcia* deposition that he had no criminal record.⁴²²

During an interview by members of the MRT, ASA Paul Hudson stated that while he is now aware that Chambers was convicted in 1995 for solicitation for prostitution in Denver. He was not aware of it at the time that Chambers testified in the August 17, 1998 deposition in the *Garcia* case. ASA Hudson stated that he was not provided with a criminal history. He further stated that he was not notified about past allegations that Chambers had given false testimony.⁴²³

██████████ stated that the *Francis* (actually *Sampson/Alvarado*) case was prosecuted by former AUSA Robert Stickney. ██████████ revealed that AUSA Stickney is no longer with the USAO, but is now in private law practice somewhere in Ohio. ██████████ stated that he is certain that he ran a criminal history check on Chambers, but he does not recall seeing anything unusual in the criminal history. ██████████ could not remember if he supplied the prosecutor with Chambers' criminal history, or if the prosecutor even requested a copy. He did not remember providing any payment records to the prosecutor; he stated that most likely the information would have been given to the prosecutor verbally.⁴²⁴

██████████ stated that neither the prosecutor, the judge, nor defense attorney raised any credibility issues concerning Chambers. He did recall, however, that one of the defense attorneys in the *Sampson/Alvarado* federal prosecution asked about how much Chambers was paid. ██████████ stated that he was seated at the prosecution table in that case when Chambers testified, but he heard nothing that would cause him to doubt Chambers' veracity. ██████████ was not in the room when Chambers gave his deposition in the *Garcia* state case. Chambers did not bring any information regarding prior accusations calling into question his credibility to ██████████'s attention. Furthermore, ██████████ does not recall discussing Chambers' prior arrest records with him at the time Chambers was activated in Tampa as a DEA CS. ██████████ stated that he was not aware that Chambers was arrested by anyone during the time he was working with him. He heard that Chambers was stopped by the Florida Highway Patrol in Orlando, Florida but he could not recall if Chambers told him about that or if he received a call from the trooper.⁴²⁵

On July 12, 2000, a member of the MRT interviewed ██████████. ██████████ has been a SA for 10 years and is presently assigned to the Office of Training in Quantico, Virginia.

██████████ first met Chambers in 1995 or 1996. ██████████ was the case agent in an investigation of the ██████████ organization.⁴²⁶ ██████████ stated that ██████████ was the leader of a violent crack cocaine organization that supplied the Tampa area with 60 kilograms of cocaine per month. Members of the organization were suspected of committing several murders. Ultimately, 30 people were indicted in the case, 24 of whom have thus far been apprehended.⁴²⁷

Early in the investigation of the ██████████ organization, ██████████ ran into an impasse. He was discussing the difficulty of the case with the then ██████████ who recommended that ██████████ send out a teletype to the field requesting the assistance of an informant who is capable of infiltrating a large crack cocaine distribution organization. ██████████ sent the teletype to the field

and received a response from a SA in St. Louis, who recommended Chambers. [REDACTED] does not recall the name of the St. Louis SA who contacted him.⁴²⁸

[REDACTED] spoke with SAs in St. Louis and Los Angeles, who told him that Chambers was a very good CS. Chambers showed up in Tampa approximately a month after [REDACTED] sent out the teletype. [REDACTED] stated that Chambers was a good CS. He knew how DEA operated; he knew what he was allowed to do and what he was not allowed to do. [REDACTED] stated that Chambers would regularly stop in the DEA office and inform [REDACTED] what he was doing and where he was going. [REDACTED] stated that Chambers was street smart and easy to handle.⁴²⁹

As Chambers continued to work the [REDACTED] case, the investigation began to flounder. As he was attempting to come in contact with people in the [REDACTED] organization, he would stumble across people that [REDACTED] was investigating. [REDACTED] asked [REDACTED] if he could use Chambers in [REDACTED] investigation. [REDACTED] began to use Chambers and within a year and a half, [REDACTED] became the controlling SA for Chambers.⁴³⁰

[REDACTED] stated that Chambers never testified in any of the cases that he worked with him. [REDACTED] stated that he was not aware of any credibility issues surrounding Chambers when he was using him in Tampa. He ran a criminal history check for Chambers at the time, but does not remember anything notable other than arrests for which Chambers had not been convicted. [REDACTED] stated that he told Chambers that he was responsible for paying his income taxes on the earnings he received from DEA.⁴³¹

23. United States v. Livingston Washington

The investigation for *United States v. Livingston Washington*⁴³² began in Beaumont, Texas on March 5, 1996. The case was a reverse undercover sale of one kilogram of cocaine and three ounces of crack cocaine. The investigation involved three informants, including Chambers. Chambers was working in an undercover capacity and portraying himself as a cocaine trafficker. On March 5, 1996, [REDACTED] and Livingston Washington met with Chambers and were shown the cocaine and the crack. When they returned with cash to make the purchase, they were arrested. \$17,824 in cash was seized and [REDACTED] and Washington were charged with drug trafficking by the state authorities.⁴³³ The state charges were later dismissed and they were charged federally with conspiracy to possess crack cocaine.⁴³⁴ [REDACTED] pled guilty and testified against Washington. He received a downward departure from the federal sentencing guidelines and was sentenced to 42 months in prison.⁴³⁵ Washington went to trial twice; with the first trial ending with a hung jury. Washington was convicted at the conclusion of a second trial and was sentenced to 120 months in prison.⁴³⁶ Livingston Washington's conviction was affirmed on appeal. However, a petition for a writ of *habeas corpus* petition has been filed, alleging, among other things, ineffective assistance of counsel and issues involving Chambers.⁴³⁷

On February 11, 1998, Chambers testified in *United States v. Livingston Washington*⁴³⁸ that when he was asked in *United States v. Duke* whether he had ever been arrested or convicted, he thought that he was being asked whether he had ever been arrested and convicted. He answered no, because he believed he had not been convicted.⁴³⁹ That was contrary to what he said during the April 5 and 6, 2000 MRT interviews. During the April 5, 2000 MRT interview, Chambers stated that he denied in *Duke* that he had been arrested because he was ashamed.⁴⁴⁰ During a April 6, 2000 MRT interview, when Chambers was asked why he denied during the *Duke* trial having been arrested, he stated that he did not think the arrests for traffic offenses counted and he thought that the Paducah forgery charge had been dismissed and therefore, the charge was no longer on his record.⁴⁴¹

On May 2, 2000, ██████████ was interviewed by members of the MRT. ██████████ is currently assigned as the Primary Firearms Instructor (PFI) at the Dallas Division Office. He has been a SA for eight years.⁴⁴²

██████████ stated that he met Chambers while he was assigned to the Houston Division MET. The MET GS at that time was ██████████ ██████████ used Chambers while he was assigned to the St. Louis Division. Chambers became a CS for the Houston MET, and was assigned by ██████████ to work with ██████████

When first directed to Chambers, ██████████ told ██████████ that Chambers would be the best CS he would ever work with. ██████████ was also told that Chambers could put together drug cases like a SA. ██████████ stated that he was the controlling SA for Chambers during both the Atlanta, Georgia and Beaumont, Texas MET deployments in 1996.⁴⁴⁴

██████████ stated that he was not aware of any allegations against Chambers' credibility prior to using him. ██████████ said that when he first heard of such an allegation, it was from AUSA Cathy O'Neill in Atlanta, Georgia. AUSA O'Neill asked ██████████ if he was aware of credibility problems with Chambers, and told ██████████ that there was an allegation that Chambers had committed perjury in a trial in Denver. AUSA O'Neill addressed the matter at trial and ██████████ recalled that the appellate court ruled that, although Chambers had lied, there was no reason to believe Chambers had committed perjury. This incident occurred about 1995, when the Houston MET was deployed to Atlanta prior to the Olympic Games.⁴⁴⁵

The number of investigations either ██████████ or other MET members initiated using Chambers would have been a total of more than twenty. ██████████ used Chambers while conducting MET operations in Beaumont, Orange, and Port Arthur and Atlanta. In 1997, ██████████ was the Acting GS of Houston Group 3, and used Chambers to resuscitate the "Rap-A-Lot" case. ██████████ was the case agent, and the investigation had been stalled for an extended period of time. ██████████ brought Chambers to Houston from St. Louis for the purpose of working on that investigation. Shortly after bringing Chambers from St. Louis to Houston, ██████████ transferred to the position of Division Training Coordinator (DTC) for the Houston Division. ██████████ said he

was not aware of Chambers being arrested at any time while he was active and cooperating under his control. ██████████ was the DTC before Chambers' Houston, Texas arrest. Chambers continued to work on "Rap-A-Lot" while ██████████ was the Acting GS in Group 3. ██████████ did not know whether anyone from DEA, or any other law enforcement agency, requested that the charges surrounding Chambers' April 28, 1998 solicitation arrest, be dismissed. ██████████ said he had no knowledge of the arrest until after Chambers had been released from custody.⁴⁴⁶

██████████ stated that the investigations he worked with Chambers, while assigned to the MET, resulted in more than 50 arrests, approximately \$200,000 in asset seizures, and approximately 10 kilograms in drug seizures. The cases were all, to the best of ██████████ recollection, prosecuted in United States District Courts. The AUSAs were Jim Jenkins and Kerry Klintworth, from Beaumont and AUSA Catherine O'Neill from Atlanta.⁴⁴⁷

██████████ advised that Chambers did testify in court proceedings. Transcripts of Chambers' testimony in Beaumont, Texas were obtained from AUSAs Jenkins and Klintworth. Before using Chambers on the Beaumont deployment, ██████████ briefed AUSAs Klintworth and Jenkins about Chambers' credibility issues, and they were fully aware of his problems before those deployments. ██████████ stated that he ran Chambers' criminal history before using him, and did not remember seeing any convictions on his rap sheet.⁴⁴⁸

██████████ was not aware of any payments to Chambers on a DEA-103 which came from non-appropriated funding, that is, funding for which there is no DEA appropriation number (i.e.; direct HIDTA or other special task force funding). The Port Arthur PD paid Chambers rewards stemming from reverse undercover operations that were handled by them for state forfeiture. According to ██████████ Port Arthur deployment ended with a flurry of approximately 10 reverse undercover operations. These 10 reverse undercover operations were all reported under the ██████████ case. However, none of the Port Arthur PD payments to Chambers were recorded on a DEA-103.⁴⁴⁹

During testimony by Chambers, the AUSAs brought out the matter of his prior credibility issues, and the matter became moot. AUSA O'Neill found an appellate court decision regarding Chambers, and there were no problems. ██████████ not remember writing anything regarding Chambers' credibility, but if he did, it would be in Chambers' CS file. ██████████ said he discussed the matter with ██████████ and stated that ██████████ wasn't aware of the issues prior to being told by ██████████ said that Chambers did not bring any prior accusations regarding his credibility to his attention, nor did Chambers discuss his prior arrest record with ██████████ at time of activation.⁴⁵⁰

██████████ also said he repeatedly advised Chambers that he was responsible for paying income taxes on the money DEA paid him. Chambers told ██████████ that he had some income tax problems. Chambers also told ██████████ that he was working them out with the IRS. ██████████ does not know if this information was disclosed to the prosecutor.⁴⁵¹

When asked for his comments, ██████████ stated that Chambers is the finest CS he has ever worked with. ██████████ said that Chambers does not drink alcohol nor use drugs. ██████████ has seen and heard him give testimony, and everything ██████████ ever heard him testify about was fully corroborated by other police officers or SAs. ██████████ says he never heard Chambers lie under oath, and he never caught him lying to him or any other SA. ██████████ also added that Chambers was always genuinely concerned about the safety of the SAs with whom he worked.⁴⁵²

On May 23, 2000, ██████████ was interviewed by members of the MRT. ██████████ currently assigned to the Los Angeles Division Office. He has been a SA for 14 ½ years, and has been in his present position for 10 months. ██████████ served as a SA in the St. Louis Division from September 1985 to September 1991, where he became acquainted with Chambers, who was initiated as a CS by that office. ██████████ reported that Chambers worked for several of the SAs at the St. Louis Division, and that he had the reputation of being a good, reliable CS. ██████████ stated that, while he worked with Chambers in St. Louis, he was unaware of Chambers' prior criminal record. ██████████ advised that he has never been the controlling SA for Chambers.⁴⁵³

██████████ stated that when he was assigned as the supervisor of the Houston Division MET, he had the opportunity to use Chambers on a MET deployment in Atlanta, carried out in support of the 1996 Olympics held in that city. This was when ██████████ first learned about Chambers' arrest in Paducah. He then learned that there had been problems with Chambers' testimony in Denver and Minneapolis. ██████████ learned that Chambers made statements that were "potentially perjurious." ██████████ also added that he believed the prosecutor cleared up the testimony; however, prosecutors in Denver dismissed cases in which Chambers had participated.⁴⁵⁴

██████████ brought Chambers to Atlanta and informed AUSA O'Neill, assigned to work with the MET deployment, of Chambers' past difficulties. Before utilizing Chambers as a CS, ██████████ brought Chambers to meet the AUSA, and made certain AUSA O'Neill contacted the AUSAs in Denver and Minneapolis to obtain all information relevant to Chambers. After meeting Chambers, and conferring with these other AUSAs, AUSA O'Neill advised she would prosecute cases in which he might have to testify.⁴⁵⁵

██████████ stated that Chambers was able to assist in building prosecutable cases against two significant defendants whom the Atlanta PD had been trying to apprehend for several years. ██████████ described these defendants as long-time violent traffickers, who operated in the area of the Olympic Park, and whose removal from the area made the Olympic venue a much safer place for the tourists attending the games.⁴⁵⁶

██████████ related that he also brought Chambers to Houston, to assist in MET deployments in Galveston and Beaumont. Once again, before using Chambers as a CS, ██████████ introduced

Chambers to AUSAs Jim Jenkins and Kerry Klintworth, of the USAO in Beaumont, and informed them of his past credibility problems.⁴⁵⁷

The MET deployments in Beaumont and Galveston were very successful, with numerous defendants being arrested, and considerable asset seizures and drug removals being recorded. Chambers testified in the *Livingston Washington* trial, which stemmed from the Beaumont deployment.⁴⁵⁸

On May 4, 2000, members of the MRT interviewed AUSA Kerry Klintworth in Beaumont. She has been an AUSA since 1990. AUSA Klintworth was assigned as an OCDETF prosecutor from 1991-1994, and is currently assigned to general crimes. She and AUSA Jenkins were the AUSAs that handled the *United States v. Livingston Washington* prosecution.⁴⁵⁹

AUSA Klintworth stated that former Houston Division [REDACTED] brought Chambers to meet with her and AUSA Jenkins prior to the Port Arthur/Orange MET deployment. [REDACTED] told the AUSAs about Chambers' credibility issues. This included the fact that a United States District Judge had found that he had lied on the witness stand. [REDACTED] wanted the AUSAs to meet Chambers and formulate their own opinions. AUSAs Jenkins and Klintworth conducted a Westlaw computerized legal research inquiry on Chambers, and found his name listed in several appellate cases. Westlaw revealed that Chambers had been found to have lied about his arrest record in a Denver case.⁴⁶⁰

In approximately June 1996, the AUSAs agreed that if Chambers was sufficiently corroborated, by having his person searched before and after each transaction, by the use of audio and video recordings, and by being observed by sworn officers while conducting drug transactions, they would prosecute the cases he helped develop.⁴⁶¹

Livingston Washington's first trial commenced on October 18, 1997. Livingston Washington's attorney called Chambers as an adverse defense witness. Because he was not called as a government's witness, AUSA Klintworth did not disclose Chambers' record to the defense attorney. Denise Benson was the APD for Livingston Washington. The defense was entrapment, and APD Benson inquired about Chambers working for DEA, but never inquired about his record. Livingston Washington had been charged with Conspiracy to Distribute Cocaine and Possession with Intent to Distribute crack cocaine. Livingston Washington's first trial ended in a mistrial, with the jury voting 11-1 for conviction.⁴⁶²

Livingston Washington's second trial was in February 1998, at which time, Chambers was called as a government's witness. Because Livingston Washington testified during the first trial about the alleged entrapment, Chambers' testimony was essential to counteract that testimony. The AUSAs disclosed everything to defense counsel about Chambers. They made copies of the opinions, and/or cases where he lied, including *United States v. Duke*.⁴⁶³

The case agent, [REDACTED] provided AUSA Klintworth with the criminal rap sheet for Chambers. AUSA Klintworth was aware that Chambers was convicted of solicitation of a prostitute in Denver in 1995. [REDACTED] provided AUSA Klintworth with DEA payment records and information. However, a Fifth Circuit case and a *motion in limine* limited the ability of defense counsel to inquire about all the funds paid to Chambers. The judge ruled that defense counsel was only entitled to information about the monies paid in regards to the MET deployment.⁴⁶⁴

AUSA Klintworth was present for Chambers' testimony. There were a number of sidebar conversations about Chambers' past criminal record, and his untruthfulness. The trial judge ruled that defense counsel could not use the term "perjury" when referring to Chambers because the term "perjury" refers to the misrepresentation of a material fact. United States District Judge Howell Cobb was the trial judge for both trials.⁴⁶⁵

On May 4, 2000, members of the MRT interviewed AUSA Jim Jenkins in Beaumont. AUSA Jenkins has been a prosecutor since 1987. He and AUSA Klintworth prosecuted the *Livingston Washington* case. He is currently assigned as an OCDEF prosector. AUSA Jenkins, in all pertinent respects, corroborated what AUSA Klintworth told the MRT. AUSA Jenkins was present for Chambers' testimony, and he and AUSA Klintworth knew that Chambers was convicted of solicitation of a prostitute in Denver in 1995 and that a court found that Chambers had previously lied in court. The case agent provided AUSA Jenkins with DEA payment records. The AUSAs in turn disclosed everything they knew about Chambers to defense counsel prior to the second trial. They furnished copies of the cases where Chambers lied, including *United States v. Duke*.⁴⁶⁶

AUSAs Jenkins and Klintworth were very complimentary of [REDACTED] citing his professionalism and candor in dealing with this potentially embarrassing situation. They made their decision to prosecute cases in which Chambers participated in part because of the way in which [REDACTED] handled Chambers.⁴⁶⁷

24. Florida v. Landrum

The *Florida v. Landrum* investigation was initiated on December 14, 1998, when [REDACTED] and Harold Landrum met with Chambers to purchase one half kilogram of cocaine and were arrested. Approximately \$6,000 was seized during the arrest. They were charged with state narcotics offenses.⁴⁶⁸

On April 22, 1999, Chambers testified in a Hillsborough County, Florida deposition in the state prosecution, *Florida v. Landrum*.⁴⁶⁹ The deposition was taken at the public defender's office in Hillsboro County. Neither the prosecutor nor the DEA case agent were present when Chambers testified.⁴⁷⁰ Chambers testified during the deposition that he was arrested for soliciting a prostitute and that was the only time he was ever in trouble.⁴⁷¹ Chambers got upset with the questioning of the defense attorney and walked out of the deposition. The deposition was continued on June 15, 1999,

at which time the state prosecutor was present. During his April 6, 2000 MRT interview, Chambers admitted that it was not true when he testified in *Landrum* that the prostitution arrest was the only time he was ever in trouble. Chambers stated that the reason he testified falsely was that the defense attorney was asking questions that did not have anything do with the case. He felt that the defense attorney was trying to get him to reveal the identity of another informant. It made Chambers angry, and so he got up and walked out of the deposition.⁴⁷²

Hillsborough County ASA Lanitra Sanchez was the prosecutor in *Florida v. Landrum*. She was interviewed by members of the MRT and stated that she first met Chambers on June 15, 1999 at Chambers' second deposition in *Landrum*. She stated that there were no notable issues raised during the deposition. She stated that she was not provided with a criminal rap sheet or payment records for Chambers by the case agent, but would have obtained them had the case gone to trial. Although she found out later, she was not aware at the time of the June 15, 1999 deposition, that Chambers was convicted of solicitation of a prostitute in Denver in 1995. ASA Sanchez stated that she first heard about Chambers' credibility issues in the news. She does not remember receiving a letter from DEA. *Landrum's* codefendant, [REDACTED], pled guilty and was awaiting sentencing. He was scheduled to testify against *Landrum*, however, ASA Eric Myers, Chief of Narcotics Division, later *nolle presequed* (dismissed) the charges against both defendants at the direction of the State Attorney.⁴⁷³

25. Florida v. Zamora

On July 30, 1999, Chambers testified in a deposition in a Pasco County, Florida case, *Florida v. Zamora*.⁴⁷⁴ Chambers admitted that he had been arrested and said that he was arrested for solicitation for prostitution. When he was asked if that was "it," Chambers answered "yes."⁴⁷⁵ That was not true. Chambers had been arrested approximately 12 other times between 1978 and 1999.

[REDACTED] was the controlling agent for Chambers in the *Florida v. Zamora* investigation. Members of the in MRT interviewed [REDACTED]. He remembered that Chambers testified at a deposition in *Zamora* and that both defendants pled guilty. [REDACTED] said he was not aware of any credibility issues surrounding Chambers' prior cooperation with DEA. He stated that [REDACTED] may have notified the prosecutor. [REDACTED] was not present when Chambers testified during the deposition. [REDACTED] stated that he took Chambers to the State Attorney's Office in Dade City prior to the deposition, where the ASA talked to Chambers about his criminal history. [REDACTED] remembered that, in preparation for the deposition, Chambers' prostitution arrest was discussed. He stated that Chambers was advised on the DEA-103 of his responsibility to pay income taxes on the money DEA paid him.⁴⁷⁶

The Pasco County ASA handling the *Zamora* case was Manuel Garcia. During a telephonic MRT interview, ASA Garcia stated that he first met Chambers while the *Zamora* case was under investigation and prior to the deposition. He stated that he was not provided with a rap sheet for

Chambers by the case agent, but that he was probably told by [REDACTED] about Chambers' Denver prostitution arrest in 1995. He stated that it was not a requirement for him to receive copies of Chambers' payment records until the issue was raised by defense counsel. He stated that he was recently contacted by [REDACTED] from the Tampa DO, and later received a certified letter from [REDACTED] regarding credibility issues surrounding Chambers. He specifically remembers talking with [REDACTED] over the telephone about the allegations of Chambers' false testimony. He stated that he verbally told the defense attorneys in his investigations about the allegations, but by then, the defendants had already been convicted. ASA Garcia stated that he was present during the deposition of Chambers and stated that the only issue raised by defense counsel was his prior criminal history. ASA Garcia did not remember the details of Chambers' testimony but stated that in Florida, one only has to reveal felony convictions and convictions for crimes of moral turpitude.⁴⁷⁷

26. United States v. Nathan Williams

Nathan Williams was a violent drug trafficker operating in St. Louis. Chambers met Williams through a female friend, who told Chambers that Williams wanted to purchase kilogram quantities of cocaine. Through a series of telephone conversations with Williams, Chambers arranged for the delivery of two kilograms of cocaine and one half kilogram of Mexican tar heroin. On April 6, 1998, Williams and another suspect [REDACTED] met with an undercover agent, showed her some of the money for the transaction and then requested delivery of the drugs. Both [REDACTED] and Williams were immediately arrested. Upon his arrest [REDACTED] was found to be in possession of a loaded 9mm pistol and an extra full magazine of ammunition. Williams told the SAs that arrested him that he and [REDACTED] intended to rob the undercover agent of the drugs.⁴⁷⁸

Both Williams and [REDACTED] were well known to local law enforcement, as they had been suspects in drug-related homicides and drug robberies. While on bond and awaiting trial, [REDACTED] was again arrested while armed and selling crack cocaine from his residence. Williams had previous convictions for robbery and drugs, as well as numerous arrests for drug distribution, assaults and murder. [REDACTED] had previously been arrested for murder and possession of a controlled substance. AUSA Dean Hoag and [REDACTED] interviewed an incarcerated federal prisoner who offered information regarding defendant [REDACTED] prior to trial. The prisoner stated that he was engaged in drug distribution with [REDACTED] for a number of years. In the course of their illegal drug trafficking, [REDACTED] on occasion related to the prisoner that he had committed two murders. According to what the prisoner told AUSA Hoag and [REDACTED] stated that one murder was of a drug distributor who worked for [REDACTED] told the prisoner that the victim had shorted him of money and [REDACTED] murdered the victim by stabbing him several times. [REDACTED] also related a second instance in which [REDACTED] shot another drug associate. According to the prisoner, that victim also owed [REDACTED] money from drug transactions. After conviction, Williams was sentenced to 294 months and [REDACTED] to 397 months incarceration.⁴⁷⁹ Both of their convictions were affirmed by the U.S. Court of Appeals for the Eighth Circuit.⁴⁸⁰

On June 1, 2000, members of the MRT interviewed [REDACTED] has been employed by the St. Louis PD for the past 18 years. He met Chambers through [REDACTED] [REDACTED] was the controlling agent for Chambers in the *Williams* case. Chambers did not testify in that case. AUSA Dean Hoag decided not to call Chambers as a witness; however, Chambers was available throughout the trial to be called by defense counsel. During the trial, the defense attempted to raise issues regarding Chambers' previous false testimony; however, the government did not call Chambers as a witness, which rendered his prior false testimony irrelevant. Consequently, the judge would not allow the information regarding Chambers' prior testimony introduced at trial. When the case was initiated, [REDACTED] was not aware of any credibility problems involving Chambers. It was sometime prior to trial that AUSA Hoag found out about Chambers' credibility issues, who then informed [REDACTED]. When [REDACTED] reactivated Chambers to use him in the *Williams* investigation, he ran a criminal history check on Chambers. It was not until later that additional charges that were not previously known, came to light. He remembered that Chambers made approximately \$4,000 to \$5,000 during the *Williams* investigation. At some point, Chambers explained that he had an agreement with the IRS to pay back taxes owed to the government, however, Chambers admitted that he had not paid taxes on his 1997 income. AUSA Hoag told [REDACTED] not to bring any future cases to him that involved Chambers as the CS.⁴⁸¹

On May 30, 2000, members of the MRT interviewed [REDACTED] stated that over the years he had worked on a number of cases as a support agent in which Chambers was the CS. Chambers lives in the St. Louis area and because [REDACTED] was one of the few remaining agents in St. Louis with whom Chambers was familiar, Chambers, on occasion, would contact [REDACTED] by telephone. [REDACTED], however, had never been the controlling agent for Chambers. In 1998, Chambers contacted [REDACTED] with some information regarding a girl he met in the area that wanted to purchase cocaine. Since he was assigned at that time as the GS of the airport detail, [REDACTED] was unable to investigate the matter. He referred Chambers and the information to [REDACTED]. The investigation ultimately was prosecuted in *United States v. Williams*. When preparing for trial in the *Williams* case, [REDACTED] was told by AUSA Hoag that Chambers was not to be used by DEA. [REDACTED] stated that AUSA Hoag had done some research and raised questions of credibility about Chambers. [REDACTED] reviewed some of the documents that AUSA Hoag had and made copies of the pertinent ones. He stated that most of the information came from APD Steward. [REDACTED] ran a criminal history check of Chambers at the time, attained police reports, and checked with federal, city, in county courts in the area for the convictions. [REDACTED] spoke briefly to Chambers regarding the credibility allegations and Chambers explained to him that he got confused while testifying in the Minnesota case (*United States v. Duke*).

On June 1, 2000, a member of the MRT interviewed AUSA Dean Hoag. AUSA Hoag has been a federal prosecutor since 1983, and was a state prosecutor from 1976 to 1983.⁴⁸² AUSA Hoag first met Chambers in 1994 or 1995 in connection with the William Yancy Jones investigation. [REDACTED]

[REDACTED] was the case agent in that investigation. AUSA Hoag recalled that Chambers was a CS used in a Title III wiretap affidavit. AUSA Hoag's next contact with Chambers came in 1998 when he was preparing to prosecute the *Nathaniel Williams* case. AUSA Mehan learned that Chambers was to be called as a witness in that case and spoke with AUSA Hoag about prior credibility problems surrounding Chambers. AUSA Hoag learned of the U.S. Court of Appeals opinion in *United States v. Duke* from AUSA Mehan. AUSA Hoag stated that the information about Chambers prior false testimony came to light prior to anyone being arrested in the Williams investigation. He recalled telling [REDACTED] to carefully document everything Chambers did in that case.⁴⁸³ AUSA Hoag stated that he was provided with a criminal history for Chambers from either [REDACTED]

While preparing for the *Williams* trial, AUSA Hoag received a telephone call from APD Steward. APD Steward told AUSA Hoag that he was incredulous that DEA would continue using Chambers as an informant. APD Steward sent AUSA Hoag a number of documents that called Chambers' credibility into question. AUSA Hoag recalled that among those documents were copies of payment records. After AUSA Hoag gave the records supplied by DEA a cursory inspection, he became concerned that those records did not reflect all of the payments that were in the documents supplied by Steward.⁴⁸⁵

AUSA Hoag had his secretary send out a nationwide e-mail to AUSAs asking if any of them had previous dealings with Chambers. He remembered receiving approximately twenty responses. The responses were evenly split between those who praised Chambers and those who told AUSA Hoag to be careful. He did not recall the nature of the warnings given to him by the other AUSAs, but he did remember that no AUSA specifically told him not to use Chambers as a witness.⁴⁸⁶ AUSA Hoag stated that he spoke with his immediate supervisor, AUSA Sam Berlott, and the United States Attorney, Edward Dowd, about the credibility issues surrounding Chambers.⁴⁸⁷

AUSA Hoag said that he furnished all of the information relevant to Chambers credibility to the defense in the *Williams* case. He disclosed all of the information that he had regarding Chambers to the court, but he stated that he told the court that he did not feel he had all of the information that defense may need. Furthermore, AUSA Hoag did not feel that his inquiries about financial payments to Chambers and questions about his past testimony could be answered in a complete and timely manner. He, therefore, decided not to call Chambers as a witness, but made him available as a witness for the defense to call if they chose.⁴⁸⁸

A January 16, 2000 St. Louis Post-Dispatch article reported that, "Hoag said he had been forced to drop charges against one defendant because Chambers was an admitted liar."⁴⁸⁹ AUSA Hoag specifically averred during the MRT interview, however, that the issues surrounding Chambers had nothing to do with defendant [REDACTED]

no prior criminal record. The other defendants both had criminal histories and were known to AUSA Hoag and law enforcement agencies as violent drug traffickers.⁴⁹⁰

AUSA Hoag recalled talking to Chambers prior to the *Williams* trial about Chambers' income tax issues. Chambers told him that he had an agreement with the IRS to pay back taxes and admitted that he had not claimed all of the money that DEA had paid him in 1997 as income for tax purposes. AUSA Hoag remembered that Chambers told him something to the effect that he was not required pay income taxes on money from DEA, as DEA paid him in cash.⁴⁹¹

AUSA Hoag stated that he did not call Chambers as a witness in the *Williams* trial for a number of reasons: (1) he was concerned about the nonpayment of taxes; (2) allegations made by APD Steward that Chambers had been arrested on a marijuana charge in 1976 (that information later turned out to be false); (3) the discrepancy in the payment records provided by attorney Steward and those gathered by DEA; (4) the opinion of the U.S. Court of Appeals for the Eighth Circuit in *United States v. Duke*; (5) concern with the amount of money Chambers had been paid over the years; and (6) Chambers was not really needed as a witness because an undercover agent had recorded telephone calls with the defendants. Of those factors, his biggest concern was the amount of money that Chambers had been paid over the years.⁴⁹²

AUSA Hoag said that he thought he had discussions with [REDACTED] telling them that they should never again use Chambers unless all of the information that could possibly be used to impeach Chambers was uncovered and provided to defense counsel.⁴⁹³

During the previously mentioned St. Louis Post-Dispatch article, it was reported that, "Hoag had more concerns: He was jolted when he learned that Chambers had pleaded guilty to a charge of soliciting a prostitute in Denver in 1995. A jury would not like that, Hoag feared. Then there was this problem: There didn't seem to be any government controls on Chambers."⁴⁹⁴ AUSA Hoag disputed the quote attributed to him by the reporter, Michael Sorkin, that there didn't seem to be any government controls on Chambers. He stated that he told Sorkin that there were no "institutional" controls on Chambers. AUSA Hoag remembered telephoning APD Steward some time in 1998 and telling him that APD Steward's allegation that Chambers had been arrested on a marijuana charge was false information. AUSA Hoag did not recall the specific date of the telephone conversation with APD Steward, but he made it clear that the conversation took place.⁴⁹⁵

AUSA Hoag was quoted by the St. Louis News-Dispatch as saying the following about Chambers: "'He's a flimflam man,' Hoag concluded. 'He's a hustler; he comes into town, comes on to the girls. They think he's a dope dealer because he drives around in a Mercedes, with no job.'"⁴⁹⁶ AUSA Hoag disputed the statements attributed to him by the reporter, Sorkin, about Chambers and women. He stated that he did not have any derogatory information involving Chambers and women. He further said that he had no information regarding Chambers' using the services of prostitutes.⁴⁹⁷

AUSA Hoag suggested that DEA assign a specific control agent to CSs and that there be a central database that records a CS's movement between cities.⁴⁹⁸

On May 31, 2000, members of the MRT interviewed AUSA Tom Mehan. AUSA Mehan is assigned to USAO for the Eastern District of Missouri. He has been a prosecutor for 19 years and an AUSA for 9 ½ years. He is currently assigned to the Violent Crimes Section of the USAO. This unit prosecutes lower-level drug cases, including buy/bust and reverse undercover cases.⁴⁹⁹

AUSA Mehan met Chambers when he prosecuted the ██████████⁵⁰⁰ case. AUSA Mehan stated that as a part of the trial preparation, he conducted a pretrial interview of Chambers, and was impressed with his efforts in the investigation. AUSA Mehan advised that Chambers was thoroughly corroborated by audio tapes of the conversations leading up to the arrests of several members of the ██████████ and by surveillance conducted by the DEA. AUSA Mehan advised that he could litigate almost the entire case without calling Chambers as a witness.⁵⁰¹

AUSA Mehan related, however, that he needed Chambers to testify about one particular issue. One defendant, ██████████ first appeared in the investigation when he arrived at the scene of the arrest, which was also the scene of the reverse undercover transaction for ten kilograms of cocaine. ██████████ had never spoken with any undercover agent nor with Chambers in any of the prior recorded negotiations. When Chambers approached the vehicle in which ██████████ was riding, he observed that ██████████ had the money to purchase the cocaine and a handgun in a bag on his lap. By the time the defendants were arrested, the bag had been tossed away, and could not be forensically linked to ██████████ Chambers was the only witness who could link the money and the firearm to this defendant.⁵⁰²

AUSA Mehan had intended to use Chambers as a witness, but after his pretrial conference with Chambers, AUSA Mehan ran a Westlaw check and discovered cases that discussed his prior false testimony. AUSA Mehan learned about the *Duke* case, in which it is documented that Chambers testified falsely under oath. Prior to that time, he had not asked for a copy of Chambers' rap sheet or payment record because his preparation of Chambers as a witness had not yet proceeded to that point.⁵⁰³

AUSA Mehan said that, after discovering Chambers had lied while testifying, told ██████████ that he could not put Chambers on the stand because of the credibility issues. He also told ██████████ that he would not prosecute any more cases in which Chambers was the CS.⁵⁰⁴

AUSA Mehan said he told his supervisors, Dick Poehling and Ed Dowd, about what he had discovered about Chambers in Westlaw. AUSA Mehan also related that neither Chambers nor the SAs told him about Chambers' prior credibility issues. AUSA Mehan stated that his sole objection to Chambers was that of his credibility. AUSA Mehan said he had no problems with the fact that Chambers has been arrested and convicted or that he has been paid a significant sum of money for

his cooperation. AUSA Mehan advised that his only problem with using Chambers as a witness was the fact that he is a proven liar.⁵⁰⁵

AUSA Mehan stated that some time later, in 1998, he saw Chambers in the federal courthouse, and asked him why he was there. Chambers replied that he was working a case with AUSA Dean Hoag, another AUSA from the USAO. AUSA Mehan stated that he immediately went to AUSA Hoag, and informed him about Chambers' prior credibility issues. According to AUSA Mehan, AUSA Hoag claimed he sent out a nationwide e-mail to other USAOs requesting information concerning their use of Chambers as a government witness. AUSA Mehan said he never saw AUSA Hoag's e-mail memorandum.⁵⁰⁶

Also in 1998, shortly after AUSA Mehan's conversation about Chambers with AUSA Hoag, AUSA Mehan was discussing another investigation with [REDACTED] indicated that DEA was bringing up an informant from Florida to aid in developing the investigation. AUSA Mehan stated that he asked [REDACTED] for the informant's name, and was told, "It's a guy we're bringing up from Florida." When AUSA Mehan pressed [REDACTED] for the informant's name, [REDACTED] told him it was Chambers.⁵⁰⁷

AUSA Mehan stated that he reminded [REDACTED] that he was adamant about not prosecuting any cases in which Chambers participated as the CS. AUSA Mehan was asked if he ever discussed the matter with any DEA supervisor. He replied that he did not go to any DEA supervisors, he dealt with the issue at the non-supervisory level.⁵⁰⁸

On June 1, 2000, a member of the MRT interviewed AUSA Edward Dowd. AUSA Dowd has been both an AUSA and the United States Attorney for the Eastern District of Missouri. Mr. Dowd is currently Deputy Special Counsel to the Special Prosecutor investigating the incident involving the Branch Davidian compound at Waco, Texas.⁵⁰⁹

AUSA Dowd stated that Chambers came to his attention when AUSA Mehan refused to use him as a witness during a trial, because of past credibility problems. AUSA Dowd related that his primary concern was not with Chambers' veracity, but with the amount of money DEA has paid him over the years.⁵¹⁰

AUSA Dowd stated that he had a conversation with St. Louis Division [REDACTED] wherein he told SAC Corcoran, "I don't think he should be used any more."⁵¹¹ On July 11, 2000, a member of the MRT telephonically interviewed [REDACTED] recollection of the conversation with AUSA Dowd is that one of his groups was contemplating using Chambers on a drug-related homicide investigation and the group was just beginning to conduct the investigation. After conferring with AUSA Dowd, SAC Corcoran elected not to involve Chambers in the case. SAC Corcoran's decision was based more on the adverse publicity Chambers was receiving at the time than it was by AUSA Dowd's comment.⁵¹²

On May 31, 2000, ██████████ was interviewed by members of the MRT. ██████████ is the CSC for the St. Louis Division. ██████████ initiated a series of investigations where he used Chambers as a CS. The first case was the 1993 investigation of the Palacios-Gamboia organization,⁵¹³ which was a Colombian cell working in St. Louis. He also worked with Chambers in the William Yancey Jones case.⁵¹⁴ Those cases have been previously discussed. ██████████ stated that he was not aware of any credibility issues surrounding Chambers prior to the ██████████ case. In that case, ██████████ was the case agent. At the time that ██████████ was getting ready for trial, ██████████ was asked by the Denver Division to photocopy all the volumes of the CS file and send them to the Denver Division Office because the district court judge issued a discovery order for the file. It was about that time that AUSA Mehan also discovered Chambers' credibility issues in the *Duke* appeal. ██████████ recalled that the issues involved Chambers' recent arrest for solicitation of a prostitute in Denver. He does not remember AUSA Mehan telling him about the prior findings that Chambers had offered false testimony. ██████████ stated that he had previously run a criminal history check for Chambers and was aware of what that check showed. Now that he is the CSC for the division, ██████████ is aware of Chambers' complete criminal record. However, not all of that information was available to him at the time of the ██████████ trial. He does not recall whether or not he provided a copy of the criminal record to the prosecutor in the ██████████ case, AUSA Mehan. He is also not sure if the payment records for Chambers were provided to Mehan. Chambers did not testify in the ██████████ trial because AUSA Mehan chose not to call him due to the credibility issues that had arisen. ██████████ thought that Chambers' recent arrest for soliciting a prostitute in Denver was the reason AUSA Mehan did not call him. ██████████ stated that, in preparation for the *Burette* (Yancey Jones) trial, Chambers told him that his taxes were not paid. ██████████ contacted CC and made them aware of the issue. ██████████ remembers that Chambers later had liens placed on his property.⁵¹⁵

On or about November 1998, the St. Louis MET conducted a deployment in suburban St. Louis, targeting a violent drug trafficking organization. ██████████ was present during a strategy session with AUSAs Mehan and Poehling. ██████████ suggested using Chambers to infiltrate the organization. AUSA Mehan, however, said that he did not want to use Chambers because of the credibility problems. AUSA Mehan suggested that DEA find another way to conduct the investigation. ██████████ discussed the issue with ██████████ from an investigative strategy standpoint, and not from the point of whether Chambers should be used. ██████████ does not ever recall AUSA Mehan stating that DEA should not use Chambers as a CS.⁵¹⁶

27. Houston Solicitation Arrest

On April 28, 1998, Chambers was arrested in Houston for solicitation for prostitution. SAs sought to have the bond, originally set at \$1,000, lowered to an amount that Chambers could afford, in order to expedite his release from custody. The urgency to obtain Chambers' release from jail was due to the concern for his personal safety. He was in the same jail that housed suspects who had

been arrested during a recent MET deployment, in which Chambers had assisted. The solicitation charge against Chambers was ultimately dismissed on June 3, 1998.

On Feb. 23, 2000, ██████████ provided sworn testimony to OPR Inspectors. ██████████ stated that he was assigned to the Houston Division Office on February 1, 1991, and some time around May 1996, he was assigned to Enforcement Group 4, under the supervision of ██████████. ██████████ became the Acting GS for Group 4 on April 15, 1998. ██████████ first became aware of Chambers when Chambers was used in connection with a MET deployment in Crosby, Texas. ██████████ recalled that Chambers was first brought to the attention of Group 4 through ██████████ who had been the case agent for an investigation into the alleged trafficking activities of ██████████. Records. The investigation of ██████████ was referred to as the ██████████ case and it was transferred to Group 4. Chambers was sent to Group 4 to assist in the investigation. ██████████ had assigned former ██████████ as Chambers' controlling SA. Former ██████████ later assisted former ██████████ in controlling Chambers during his tenure with Group 4. Both ██████████ were subsequently fired by DEA for reasons unrelated to Chambers. When ██████████ became Acting GS, he took more of an interest into the utilization of Chambers because he was concerned that ██████████ was inexperienced.⁵¹⁷

On April 28, 1998, 13 days after assuming the position of Acting GS, ██████████ learned that Chambers was arrested for solicitation of a prostitute and impersonating an officer. ██████████ received a telephone call from Houston PD ██████████ who was assigned to the PD's Vice Division. ██████████ who was formally employed with the Houston PD, was already acquainted with ██████████ informed ██████████ that his vice unit had just arrested Chambers, who at the time of his arrest, claimed to be a DEA agent. Chambers named ██████████ as his supervisor at DEA. ██████████ informed ██████████ that Chambers was a CS, and not a DEA SA.⁵¹⁸

██████████ stated that once he was informed by ██████████ that Chambers was going to be processed, ██████████ took no action to intervene on Chambers' behalf, and he is not aware of any employee of DEA intervening on behalf of Chambers with state or local authorities responsible for the prosecution of Chambers' April 28, 1998 solicitation charges.⁵¹⁹

██████████ subsequently advised ██████████ that Chambers had been arrested. They both concluded that some action should be taken to expedite Chambers' release from jail, because of concern for his safety. They were concerned because defendants from a previous MET deployment were housed in the same facility and posed a risk to Chambers' safety.⁵²⁰

██████████ advised ██████████ to expedite Chambers' release from jail. ██████████ talked with ADA Susan Davenport, who advised ██████████ that bond was set at \$1,000. ██████████ asked ADA Davenport to recommend a \$500 bond because ██████████ knew, from a previous telephone conversation with Chambers, that he could post a \$500 bond. Chambers had at

least \$500 on his person when he was arrested because he had been paid in connection with his assistance in the [REDACTED] investigation a few days prior to his arrest. [REDACTED] told ADA Davenport that Chambers was very important to the investigation and that he was presently involved in negotiations to purchase a quantity of crack cocaine on behalf of DEA. ADA Davenport agreed to have Chambers bond reduced to \$500 dollars.⁵²¹

On April 29, 1998, [REDACTED] were directed by [REDACTED] to go to the jail to expedite Chambers release. [REDACTED] first had to obtain Chambers' permission to retrieve \$500 from his inmate trust account, which could then be used to post bond for him. [REDACTED] went to the jail and posted \$500 from the trust account for Chambers, and on April 30, 1998, Chambers was released on bond from the Harris County jail. [REDACTED] did not feel that it was prudent to have Chambers ask one of the individuals that were the targets of the investigation with whom he was associated to post the bond on his behalf because the targets did not know Chambers' true name and it would have risked compromising the investigation.⁵²²

Subsequently, [REDACTED] was notified by ADA Davenport that Chambers failed to appear for his scheduled court appearances. He recalled that, during his conversation with ADA Davenport, she asked him if Chambers was still a CS for DEA and would [REDACTED] mind if the case against Chambers was dismissed. [REDACTED] told ADA Davenport that Chambers was continuing his cooperation with DEA and that [REDACTED] would not object to having the case dismissed. [REDACTED] stated that he had no further contact with ADA Davenport or anyone else in connection with Chambers' prosecution in state court. [REDACTED] took action to ensure that Chambers appeared in court at his next scheduled appearance.⁵²³

[REDACTED] later learned that the case against Chambers was dismissed after some documents were sent to the Houston Division Office for [REDACTED] who had transferred to the Philadelphia Division Office. [REDACTED] opened the envelope and learned that Chambers' case had been dismissed and that a check payable to [REDACTED] for a portion of the bond money was enclosed in the envelope. The check was sent to [REDACTED] who cashed the check and sent a personal check for the amount to [REDACTED]. That check was then converted to a cashier's check payable to Chambers in the same amount. The cashier's check was sent to the Tampa DO, where it was given to Chambers.⁵²⁴

During an April 28, 2000 MRT interview, [REDACTED] stated that he and [REDACTED] went to the Harris County jail facility and obtained \$500 from Chambers' jail escrow account and posted bond for Chambers. [REDACTED] was later notified that Chambers failed to appear at a scheduled court appearance. [REDACTED] subsequently received a refund of the bail posted by him, less court costs. He then reimbursed Chambers.⁵²⁵

On May 5, 2000, members of the MRT interviewed [REDACTED] was the Acting ASAC for the Houston Division from January 1998 through October 1998. [REDACTED]

stated that he never met Chambers, however, he was aware that Chambers was an informant being used in the [REDACTED] investigation. [REDACTED] stated that Acting [REDACTED] made him aware of the solicitation of a prostitute arrest by the Houston PD. [REDACTED] stated that he was not aware of any official requests made by DEA to dismiss the solicitation charge pending against Chambers. He stated that he was not aware the charges had been dismissed until a media article brought this matter to his attention. He stated that Chambers continued to work as a CS after his arrest, until he was deactivated by the Houston Division.⁵²⁶

On May 3, 2000, retired Houston Division [REDACTED] was interviewed by the MRT. He said that he never met Chambers prior to Chambers being brought to the Houston Division for the purpose of assisting in the investigation of [REDACTED]. Former [REDACTED] stated that the first time he met Chambers was at the Houston Division Office, and the second time he met him was at the Drury Inn, located near the Houston Division Office. Former [REDACTED] stated that he did not know how Chambers had come to be a CS for the Houston Division. He was unaware that Chambers had been a CS for the Houston MET prior to being brought into the [REDACTED] investigation. Former [REDACTED] advised that he never supervised the Houston MET and was unaware that then [REDACTED] had known Chambers during his previous assignment in the St. Louis Division. Former [REDACTED] advised, however, that Chambers had a reputation as a productive informant and that former [REDACTED] (now retired), among others, had vouched for him.⁵²⁷

Former [REDACTED] stated that, in his opinion, [REDACTED] was a worthwhile investigative target, and because Chambers enjoyed a good reputation as a CS, he authorized the SAs assigned to the case to use Chambers to assist them in conducting their investigation. He also advised that he was never informed about the credibility issues surrounding Chambers prior to authorizing his utilization in the [REDACTED] investigation.⁵²⁸

The operational plan called for Chambers to meet and become acquainted with members of [REDACTED] organization, and attempt to infiltrate the group in order to aid in case development. According to former [REDACTED] the investigation had been open for several years, had become stagnant, and it was believed that Chambers could "jump start" it.⁵²⁹

Former [REDACTED] said that he was determined to fully support the case and created a "special squad" to conduct the investigation. [REDACTED] initially supervised this group. He related that [REDACTED] was reassigned by [REDACTED] [REDACTED] was then appointed as Acting GS. Approximately two weeks into [REDACTED]'s tenure as Acting GS, Chambers was arrested by the Houston PD for soliciting an undercover officer for purposes of prostitution.⁵³⁰

Former [REDACTED] stated that [REDACTED] informed him of Chambers' arrest, in a proper and timely fashion. Former [REDACTED] said that he was not too concerned about Chambers' arrest because Chambers had been picked up in a portion of the City of Houston where Chambers

was supposed to be developing contacts, as opposed to being arrested in a different part of the city, away from where he was supposed to be working.⁵³¹

After consultation with Acting [REDACTED] former [REDACTED] felt that for Chambers' safety, his release from the Harris County jail should be expedited. However, he could not recall the details of how this was accomplished.⁵³²

Former [REDACTED] stated that after Chambers' arrest, he did not contact anyone from the Harris County District Attorney's Office to seek either a bail reduction, or to ask for consideration in the dismissal of the criminal charges against Chambers. [REDACTED] said that if such contact was made with the Houston or Harris County authorities, it was done at the "group level."⁵³³

Former [REDACTED] stated that Chambers was not successful in getting close to high-ranking members of the [REDACTED] organization. He stated that during the several months Chambers was assisting DEA in this endeavor, the Houston Division paid his living expenses, to include paying for the lease on an apartment for him to reside in. He advised that he made the decision to terminate Chambers' participation in the [REDACTED] investigation because Chambers was "spinning his wheels."⁵³⁴

A February 21, 2000 Houston Chronicle article reported that, "The case was dismissed at the request of Harris County prosecutor Susan Davenport, who gave no specific reason for the request in the court file. Davenport said she does not recall the Chambers case or why it was dismissed. She said that no law enforcement agency has ever asked her to dismiss charges against someone because he was an informant in an unrelated case, and none intervened on Chambers' behalf."

On May 3, 2000, ADA Susan Davenport was interviewed by members of the MRT. ADA Davenport is prosecutor in the Harris County District Attorney's Office. She has been a prosecutor since February 1995, and is currently assigned to the Welfare Fraud Division. During the time Chambers' criminal case for solicitation of a prostitute was filed with the court, ADA Davenport was the Chief of Misdemeanor Court Number 12.⁵³⁵

ADA Davenport stated she initially did not know that Chambers was a DEA CS, and that his bail was lowered before the case was assigned to her. ADA Davenport advised that it's not unusual for bond amounts to be lowered for non-violent misdemeanor offenders, and that Harris County operates a "Night Court" to consider bail reductions for persons arrested during non-business hours. ADA Davenport said the ADA who requested the lowering of the bond was ADA Pat Stalling.⁵³⁶

ADA Davenport said that no one from DEA ever requested that she dismiss the charges against Chambers, although she recalled telephone conversations with [REDACTED] of the Houston Division Office. Two telephone message slips were included in the District Attorney's file, indicating that [REDACTED] telephoned her office, missed ADA Davenport, and requested a return call.⁵³⁷

On the back of one of the message slips are notes made by ADA Davenport regarding Chambers' bail bond situation. The message is dated May 14, 1998 and contains the handwritten notations:

"2 weeks ago \$2000. [REDACTED] want bond reduced for CI caught in Pros. Orig \$500 bond @ city - Judge lowered to \$500 & got defendant out w \$500 thru [REDACTED] - Got cert. - no bond for FTA - think gave bad address (says never got)"⁵³⁸

Chambers' bail was lowered to \$500 on April 29, 1998. His next court date was set for May 6, 1998. Chambers failed to appear for that court appearance, and a warrant was issued for his arrest. Bail was raised to \$1,000. The warrant was cancelled on May 15, 1998. On May 22, 1998, Chambers appeared in court, where the record reflects he was "admonished by (Attorney) Juan Contreras." On May 29, Chambers missed another court date, and another arrest warrant was issued. This time, bail was raised to \$10,000. On June 3, 1998, the charge was dismissed.⁵³⁹

[REDACTED]

On May 3, 2000, members of the MRT reviewed the Harris County DA's file on the Chambers arrest. A June 2, 1998 inter-office memorandum from ADA Chuck Noll to ADA Susan Wolfe (now Davenport) stated that [REDACTED] of HPD Vice has requested the dismissal of Chambers' case. Please dismiss this case and note the reason on the nolle form as: Other. Attach this memo to the disposed file."

On May 4, 2000, members of the MRT interviewed ADA Noll to determine if anyone from DEA had exerted any pressure to have the charges dismissed against Chambers.⁵⁴¹ ADA Noll stated that he dismissed the case at the request of Houston PD Lieutenant [REDACTED]. ADA Noll stated that he had no specific recollection of discussing the case with any SA, however, he stated that he did have some type of conversation with [REDACTED]. Noll said that, to the best of his recollection, [REDACTED] did not ask him to dismiss any charges, but did not object to them being dismissed when the subject of Chambers' continued cooperation with DEA was discussed.⁵⁴²

Noll also went on to say that his office handles 59,000 misdemeanor cases annually, and that he makes it a practice to never dismiss a case unless the arresting agency agrees. Noll said that he would have had some conversation with [REDACTED] prior to the dismissal of any charges; however, he did not remember who called to initiate the conversation.⁵⁴³

Noll went on to say that prosecutors use their discretion every day in deciding what charges to lodge against defendants, if any, and that he would dismiss these charges again if it would be beneficial to the law enforcement mission.⁵⁴⁴

On June 3, 1998, ADA Susan Wolfe (Davenport) filed a motion to dismiss the charges against Chambers. That same day, the motion to dismiss was granted.⁵⁴⁵

On May 5, 2000, ██████████ was interviewed by members of the MRT. At the beginning of the interview, ██████████ was shown a copy of the memorandum from ADA Noll to ADA Wolfe requesting a dismissal of the charges against Chambers. ██████████ examined the letter and stated that he did not request the dismissal of the state charge against Chambers. ██████████ stated it was possible that ADA Noll called him in ask him if there would be a problem if the charges were dismissed. ██████████ stated that he would like to contact ADA Noll and speak with him regarding this matter. ██████████ attempted to contact ADA Noll in the presence of the members of the MRT. ADA Noll, however, was not in the office at the time.⁵⁴⁶

On May 25, 2000, a member of the MRT contacted ██████████ by telephone to determine if he had spoken with ADA Noll. ██████████ stated the had met in person with ADA Noll and that it was a distinct possibility that he was contacted by the District Attorney's Office about dismissing the state charge against Chambers. ██████████ stated that he did not remember talking with ADA Noll and, according to ██████████ ADA Noll did not remember calling him about the matter. ██████████ also stated that it was possible that he talked with another ADA, who could have called him about dismissing the charges. ██████████ could not remember who the other ADA could have been. ██████████ stated that the only events he remembered about the whole incident were the phone call from ██████████ regarding the arrest and speaking with ██████████ confirming the fact that Chambers was a DEA CS.⁵⁴⁷

28. Tampa Inspection

During the management review, the MRT reviewed the IN on-site inspection reports maintained at DEA HQ. The MRT found that Inspectors interviewed Chambers in Tampa on November 17, 1998 as part of the CS Program compliance review during the Miami Division On-site Inspection. Chambers stated that he had worked as a CS for 15 years in Los Angeles, Minnesota, San Diego, New York, Bahamas, Detroit, Houston, and New Orleans. He also stated that he had worked for the FBI, BATF, USPS, USSS, and the USCS. He claimed to have earned \$2 million. The responses to the Inspector's questions were not indicative of any CS management problems at that time. The questions on the checklist are designed to determine if there are any integrity issues involving the CS's controlling SAs. It is not designed to determine if there are any integrity issues involving the CS. The checklist does not have any questions regarding a CS's court appearances or testimony.

29. Recent New Orleans Cases

On May 17, 2000, members of the MRT interviewed ██████████ has been employed by DEA for approximately three and one-half years. ██████████ became acquainted with Chambers when he heard from ██████████ in January 2000, that Chambers was in New Orleans to testify at a trial. He said that either ██████████ explained that Chambers was a good informant who had previously provided information to DEA. When Chambers was activated by SA ██████████ noted the information contained in the CS database requiring that Chambers be reactivated as a Restricted Use CS. ██████████ activated Chambers as a Restricted Use CS on January 3, 2000. ██████████ spoke to ADA Frank Brandisi about Chambers' credibility problems and Brandisi concurred with Chambers' activation. Chambers took part in a reverse undercover operation for 3 kilograms of cocaine that resulted in the arrest of 4 defendants.⁵⁴⁸ The case is presently scheduled for trial, and Jefferson Parish, Louisiana ADA Doug Freese is handling the prosecution.⁵⁴⁹

On May 18, 2000, members of the MRT interviewed ADA Doug Freese. ADA Freese is also cross-designated as an AUSA. He has been an ADA for approximately 10 years.

ADA Freese has never met Chambers. Chambers is a potential witness in an upcoming DEA drug trial that ADA Freese is prosecuting in the 24th Judicial District.⁵⁵⁰ At some point prior to trial, ADA Freese will meet with Chambers in preparation for his testimony. ADA Freese did not recall if he was provided with a rap sheet for Chambers, but stated that he would not need one until discovery or immediately prior to trial. He stated that he did receive material from ██████████ a member of the MRT. ADA Freese stated that he was aware that Chambers was convicted of solicitation of a prostitute in Denver in 1995.⁵⁵¹

ADA Freese stated that when he originally filed the charges against the defendants in the case, he was not aware of the issues concerning Chambers' credibility. ADA Freese is required under Louisiana state law to formally charge individuals within 60 days of their arrest. He was assigned the case on the 59th day and immediately charged the defendants. Shortly thereafter, he was notified verbally of the problems relating to Chambers by the case agent ██████████ ADA Freese then spoke in detail about Chambers with ██████████ He stated that the information he has on Chambers that is relevant to defense issues will be disclosed during the discovery process. ADA Freese has already informed the court and defense counsel that the information will be forthcoming.⁵⁵²

ADA Freese stated that, based on his current knowledge of the credibility issues surrounding Chambers, it is very unlikely that he will dismiss charges. ADA Freese stated that neither Chambers' criminal background nor his history as a CS is particularly troubling. He is most concerned with Chambers' history of false testimony. ADA Freese stated that in any future investigations involving a DEA CS, he will ask specific questions about the history of the CS.⁵⁵³

On May 17, 2000, members of the MRT interviewed SA [REDACTED] has been a SA for three and one-half years. [REDACTED] stated that he was told that Chambers was a good CS and that he was always productive. [REDACTED] stated he initiated approximately two to four investigations where he used Chambers. One case is pending prosecution in Jefferson Parish.⁵⁵⁴ ADA Thomas Block is the prosecutor in the case. [REDACTED] stated that he did not become aware of the credibility issues surrounding Chambers until January or February of 2000. At the time of the interview, SA [REDACTED] had not yet provided a criminal record or a payment record for Chambers to the prosecutor; however, he anticipates that the prosecutor will request those documents.⁵⁵⁵

On May 18, 2000, members of the MRT interviewed Jefferson Parrish ADA Thomas Block. As of the date of the interview, ADA Block had not yet met Chambers. ADA Block is handling the pending prosecution of a DEA case against defendant [REDACTED].⁵⁵⁶ ADA Block was recently assigned the [REDACTED] case, which was indicted in 1998. If it goes to trial, Chambers would very likely be called as a prosecution witness.⁵⁵⁷

ADA Block had just recently been assigned this case and had not reviewed the complete file. He received a copy of the discovery package that was sent to ADA Freese from [REDACTED]

[REDACTED] previously provided ADA Block with a brief explanation of the credibility issues that have surrounded Chambers. The defense counsel for defendant [REDACTED] also relayed information about Chambers to ADA Block. The impeachment information that ADA Block has will be provided to defense counsel in an upcoming discovery response that ADA Block is preparing. As of the date of the interview, the case was pending trial. There will either be a plea by the defendant or the case will be transferred to Division "N" of the court for trial. The transfer of the case is due to the fact that the special funding for the drug court in Jefferson Parrish is set to expire. All drug cases will then be reassigned.⁵⁵⁹

ADA Block recommended a centralized data base be kept by DEA, that includes a resume for each CS that notes where the CS has testified, docket numbers of cases, defendants, etc.⁵⁶⁰

30. Recent Tampa Cases

Chambers was the CS in a series of DEA prosecutions that were prosecuted by the Hillsborough County, Florida State's Attorneys Office. The cases were *State v. Batista/Delgado/Tirado*,⁵⁶¹ *State v. Royster*,⁵⁶² *State v. Manning/Carpenter*,⁵⁶³ *State v. Landrum/James*,⁵⁶⁴ and *State v. Zamora*.⁵⁶⁵ On November 10, 1999, Tampa DO [REDACTED] sent letters notifying the respective ASAs handling those cases of the issues involving Chambers' prior testimony. They were instructed to contact CC for further information. On February 15, 2000, a similar letter was sent to ASA Frank Miranda, who was assigned to prosecute *State v. Batista*.

ASA Miranda, who was the attorney handling the *Batista/Delgado/Tirado* prosecution, stated during an MRT interview that he never got far enough in the prosecution to even need rap sheets or other background information on Chambers because all of the defendants agreed to cooperate and therefore, there was not going to be a trial in the case. All charges were later *nolle prosequied* (dismissed).⁵⁶⁶

TFO [REDACTED] was the controlling agent for Chambers in the *Batista/Delgado/Tirado*, *Royster*, and *Landrum* [REDACTED] cases. During an MRT interview, he stated that he was told that Chambers had been a CS for a long time, had been paid a lot, and was one of DEA's best informants. He stated that he was not aware of credibility issues surrounding Chambers' prior cooperation with DEA. He recalled the November 1999 letters sent from the Tampa DO to the Hillsborough County prosecutors. He stated that he was not aware of Chambers' complete criminal record prior to using him because Chambers had already been established and there was no reason to run a criminal history. He stated that he was not present when Chambers testified during depositions. All the cases ended up being dismissed.⁵⁶⁷ Landrum's codefendant [REDACTED] pled guilty and was pending sentencing. He was scheduled to testify against Landrum; however, ASA Eric Myers, Chief of Narcotics Division, later *nolle prosequied* (dismissed) the charges against both defendants at the direction of the State's Attorney because of the controversy surrounding Chambers.⁵⁶⁸

Members of the MRT interviewed Hillsborough County ASA Eric Myers. Eric Myers has been an ASA for 17 years and has, for the past nine years, been the Chief of the Narcotics Division in the Hillsborough County State's Attorneys Office. ASA Myers stated that he does not know Chambers, has never met him, and first heard of him on February 17, 2000 when he read about Chambers in the newspaper. ASA Myers stated that on February 29, 2000, he received documents from DEA attorney [REDACTED]. Approximately two days later, on March 3, 2000, he got a package from a public defender in California (probably APD Steward). ASA Myers said that he read all files and reports and found that APD Steward had given him material that was not provided by [REDACTED]. ASA Myers dismissed all cases involving Chambers that were pending in Hillsboro County at the direction of his boss. There is one case still pending where Chambers had little or no participation other than to introduce an undercover agent.⁵⁶⁹

He further revealed that ASA Mark Makhholm sent a letter, dated December 21, 1999, to ASAC [REDACTED]. In that letter, ASA Makhholm refers to a letter that [REDACTED] sent to Makhholm. He was likely referring to a November 10, 1999 letter that ASA [REDACTED] sent to Makhholm that revealed that, "Recently our office has been made aware of an issue regarding the previous sworn testimony by the CS. My office has been in contact with the DEA office of Chief Counsel who indicated this information may need to be divulged to defense attorneys during the discovery process. I would ask that you please contact Attorney [REDACTED] Chief Counsel's Office, Washington, D.C., who will be able to enlighten you as to the facts in this situation." ASA Makhholm sent the December 21st letter to [REDACTED] requesting *Brady, Jenks, and Giglio*, material on Chambers. ASA Myers related that ASA Makhholm received no response to that letter.⁵⁷⁰

On May 3, 2000, ASA Myers sent a letter addressed to CC Senior Attorney [REDACTED] wherein he requested additional information regarding Chambers and asked that DEA consider the letter a continuing formal request for future information concerning Chambers. That letter was unusual because Myers had, by that time, dismissed all the pending cases in Hillsboro County where Chambers was required as a witness. He, therefore, would have no official need for such information. On May 18, 2000, [REDACTED] sent a response letter informing ASA Myers that if he anticipates issuing charges in other cases that would involve the testimony of Chambers, or if he decides to re-issue the charges in the previously dismissed cases, he should contact [REDACTED] so that he can be apprised of any additional information regarding Chambers as it comes to light. At the time of this writing, [REDACTED] had not received a response from ASA Myers.

[REDACTED]



31. Recent Miami Cases

Recently, Chambers was involved in four DEA investigations in Miami. One investigation was an OCDETF case which involved a crack cocaine trafficking organization in Hallandale Beach, headed by [REDACTED]. The case was initiated in August 1999. The investigating SAs were unsuccessful in infiltrating the organization through the use of undercover agents and CSs until October 1999 when Chambers agreed to come to Miami and assist in the investigation. Upon his arrival, Chambers made contacts that eventually introduced him to crack dealers in the area. Chambers made three purchases of crack cocaine, totaling approximately six ounces. Chambers also made one purchase of approximately three ounces of cocaine. All purchases by Chambers were video and audio recorded from inside a motor vehicle used by Chambers. Chambers was making progress toward contacting one of the main targets of the organization in order to purchase large quantities of crack cocaine from him.⁵⁷⁵ No charges were filed in this case and the USAO in Miami refused to prosecute the case because of the Chambers controversy. It is now being reviewed by state authorities for prosecution.

While Chambers was living in Miami, he met with [REDACTED] who attempted to sell him 20 kilograms of cocaine. [REDACTED] had three prior felony arrests for armed robbery, one arrest for prowling, and one felony arrest for cocaine possession. [REDACTED] had five prior felony arrests for vehicle theft, two felony arrests for burglary of a vehicle, and one felony arrest for burglary, fraud, and possession of stolen property. In October 1999, Chambers made a DEA-supervised recorded telephone call to [REDACTED] negotiated for the delivery of 10 kilograms of cocaine. The next day, [REDACTED] met with Chambers and delivered the 10 kilograms of cocaine. [REDACTED] were immediately arrested. Chambers was wearing a body recorder and a radio monitoring device during the transaction.⁵⁷⁶ [REDACTED] stated after his arrest that he had stolen the cocaine from some Haitians. A subsequent consent search of [REDACTED] residence revealed a small amount of crack cocaine and another kilogram of powdered cocaine packaged similarly to 3 of the 10 packages that were seized earlier. [REDACTED] thought he knew where another boat load of cocaine was located and attempted to show the DEA SAs, but he was not successful in locating the cocaine. This case was dismissed after indictment by the USAO because of the Chambers controversy. State authorities refused to prosecute the case.

While Chambers was in Miami, he met another drug trafficker [REDACTED] was a member of a heroin distribution organization. [REDACTED] the leader of the heroin organization. [REDACTED] had six prior felony drug arrests on charges that involved

possession and trafficking in cocaine and heroin, one felony arrest for carrying a concealed firearm and grand larceny, one arrest for resisting an officer, and one felony arrest for kidnaping by using a weapon and first degree murder. After further meetings and recorded undercover telephone conversations, Chambers negotiated with [REDACTED] for the purchase of five more ounces of heroin. When [REDACTED] made a partial delivery of approximately one and one-half ounces of heroin, he and another organization member, [REDACTED] had five prior felony drug arrests. [REDACTED] was wearing an ankle bracelet monitoring device when he was arrested. He was wearing the bracelet because he was under house arrest for a murder charge. All transactions were video and audio recorded from inside the vehicle used by Chambers.⁵⁷⁷ This case was dismissed after indictment by the USAO because of the Chambers controversy. State authorities refused to prosecute the case. State authorities took no action against [REDACTED] for his involvement in the drug transaction while under house arrest.

While this investigation was continuing in Miami, Chambers coordinated a cocaine reverse operation in Columbia, South Carolina. Chambers kept in contact with [REDACTED] who had traveled to Columbia. [REDACTED] requested that Chambers send four kilograms of cocaine to him in Columbia. When an undercover agent met with [REDACTED] and two other suspects were arrested. One gun and \$13,000 cash were seized.⁵⁷⁸ This case was dismissed by the USAO in Columbia because of the Chambers controversy.

While still in Miami, Chambers infiltrated another heroin distribution organization headed by [REDACTED]. Another member of the organization, [REDACTED] introduced Chambers to [REDACTED]. After recorded phone calls and meetings, Chambers purchased approximately one ounce of heroin from the two subjects. Chambers wore a radio transmitting device during the purchase. Chambers then negotiated for the purchase of five ounces of heroin from [REDACTED]. Chambers introduced an undercover officer and flashed \$15,000 in cash in order to further the negotiations. After those negotiations and prior to completing the transaction, Chambers was deactivated by order of the Chief of Operations.⁵⁷⁹ This case was never charged by the USAO because of the Chambers controversy. State authorities refused to prosecute the case.

On April 5, 2000, members of the MRT interviewed [REDACTED] stated that he first met Chambers through [REDACTED] used Chambers while he was in Tampa prior to being promoted to the GS in Miami. [REDACTED] stated that he used Chambers in four investigations. He stated that he was asked by AUSA Matthew Dates for a copy of Chambers' payment record and he forwarded that request to [REDACTED] who was the CSC for the Miami Division. [REDACTED] said that he was aware of the solicitation for prostitution and impersonating a police officer charges against Chambers. He stated that he provided a redacted copy of Chambers' criminal history to AUSA Dates.⁵⁸⁰

[REDACTED] stated that he first became aware of the credibility problems with Chambers when he was informed of them by [REDACTED] in August or September of 1999. [REDACTED]

stated that he verbally informed AUSA Dates and AUSA David Buckner. He specifically remembers telling them on October 26, 1999, the date the complaint was signed in one of his cases.⁵⁸¹ He told both attorneys to contact CC. Approximately one month later, ██████████ talked to AUSA Dates who informed ██████████ that he had not yet contacted CC. ██████████ and got the name and telephone number for CC Senior Attorney ██████████ name and number to AUSA Dates. ██████████ reported that AUSA Dates was upset after he received the package of material sent to him from Senior Attorney ██████████

AUSA Dates talked with Senior Attorney ██████████ and sent a letter to him on December 15, 1999, requesting payment, criminal record, and impeachment information about Chambers.⁵⁸³ On December 29, 1999, CCM Acting Chief Robert Spelke sent copies of the pleadings filed in the Chambers FOIA action to AUSA Dates.⁵⁸⁴ On December 30, 1999, Acting Chief Spelke sent AUSA Dates a memorandum which summarized the total payments made to Chambers, referred AUSA Dates to the *Duke* and *Ransom* appellate decisions, and listed several news articles which reported on Chambers' credibility issue.⁵⁸⁵

██████████ said that Chambers received a speeding ticket while on his way to an undercover meeting. He stated that a Metro Dade County PD detective who was working jointly on the case offered to intervene on Chambers behalf. ██████████ however, did not know if the detective helped Chambers with the ticket.⁵⁸⁶

██████████ stated that in one of his cases, Chambers had penetrated the upper echelon of a significant drug trafficking organization. Previous attempts by several law enforcement agencies using numerous informants and undercover police officers, failed to penetrate that organization. Nonetheless, the USAO in Miami dismissed that case and dismissed or declined to prosecute the other three cases involving Chambers. The state's attorneys office also declined to prosecute any of those cases.⁵⁸⁷

Members of the MRT interviewed ██████████ stated that he first signed up Chambers as a concurrent use Restricted Use CS in September 1999. ██████████ stated that he informed AUSA McCabe over the telephone about the credibility issues involving Chambers. He further stated that he noted the credibility issues in an attachment to a DEA-512. He stated that he ran an NCIC check, but the Houston arrest and possibly other arrests did not appear. He stated that Chambers told him about the solicitation charge in Denver when ██████████ went over every arrest that appeared on his criminal history. This discussion took place after his activation. ██████████ stated that he told Chambers that he was responsible for paying his income taxes on money DEA paid him. He did not provide a copy of Chambers' criminal record or payment record to the prosecutors because the cases never went to trial.⁵⁸⁸

On April 5, 2000, members of the MRT interviewed ██████████ has been a SA for over 11 years. He first became acquainted with Chambers when ██████████ brought Chambers into the enforcement group. ██████████ stated that he was not the controlling agent for Chambers, but had heard that DEA HQ stopped his use because his identity appeared on the Internet. He had not been told of any other problems with Chambers. ██████████ remembered that Chambers explained to him that he once was confused between arrests and convictions when testifying in court. Furthermore, Chambers admitted to him that he was convicted of soliciting a prostitute.⁵⁸⁹

██████████ and he met with AUSA Dates prior to the publicity generated about Chambers, in early January 2000. AUSA Deputy Chief Marvel McIntyre-Hall was also at the meeting, complained about the use of Chambers, and asked why an undercover agent had not been used instead. AUSA McIntyre-Hall had some information regarding the past criminal conduct or credibility of Chambers. ██████████ believed that AUSA McIntyre-Hall had received the package from CC on January 11, 2000. AUSA McIntyre-Hall claimed that DEA had withheld the information. However, ██████████ explained that he had previously told AUSA Dates. AUSA Dates confirmed that he had been informed of the Chambers issues.⁵⁹⁰

On January 12, 2000, ██████████ met with AUSA McCabe regarding the ██████████ investigation. ██████████ recalled that AUSA Dates gave a package of information to AUSA McCabe. ██████████ stated that he was aware of Chambers' prior criminal history but did not provide a copy of the criminal history to the prosecutor because no cases went to trial. ██████████ further stated that he did not provide a copy of Chambers' payment record, again, because the case did not go to trial.⁵⁹¹ ██████████ recalled that Chambers may have been stopped for a traffic violation and received a ticket. ██████████ stated that he may have mentioned it to his GS.⁵⁹²

On April 6, 2000, AUSA Ryon McCabe was interviewed by members of the MRT. AUSA McCabe indicated that he does not personally know Chambers, but he first learned of him when he was handling the ██████████ investigation.⁵⁹³ AUSA McCabe stated that on January 12, 2000, AUSA Dates gave him a rap sheet for Chambers and he was provided the information that was sent to AUSA Dates by CC. Because the ██████████ case had not yet resulted in federal charges against any defendants, he was not yet in need of that information. He indicated that ██████████ had alerted him early on in the investigation of potential problems with Chambers; however, AUSA McCabe does not have a specific recollection of the details of the conversation. AUSA McCabe stated that he did not provide any of the information to defense counsel because the case was still in the investigative stage and there were not yet any formal charges filed. AUSA McCabe specifically stated that he did not feel he was deceived by any of the SAs. In explaining why he did not contact CC regarding Chambers when ██████████ first suggested, he stated that he was very busy at the time of his initial conversation with ██████████.

On April 6, 2000, AUSA Curtis Miner was interviewed by members of the MRT. Although AUSA Miner had never personally met Chambers, he became familiar with Chambers when he

became involved in the prosecution of [REDACTED] ⁵⁹⁵ AUSA Miner was provided a criminal history and payment record for Chambers. He was aware that Chambers was convicted in 1995 of solicitation of a prostitute in Denver. That charge appeared on the rap sheet provided by [REDACTED] AUSA Miner recalled that the SAs involved in the investigation told him that Chambers had been accused of perjury in previous cases. AUSA Miner received information from CC regarding the prior false testimony of Chambers.⁵⁹⁶ On March 3, 2000, AUSA Barry Sabin dismissed, with prejudice, the indictments against [REDACTED]

On April 6, 2000, AUSA Matt Dates was interviewed by members of the MRT. AUSA Dates stated that he does not know Chambers personally, but that Chambers was the CS in *United States v. [REDACTED]* which was a DEA case brought to him for prosecution by [REDACTED]. He stated that [REDACTED] notified him of general allegations which might affect the credibility of Chambers and directed AUSA Dates to speak with the Miami Division CSC [REDACTED] for additional details. AUSA Dates could not get a more detailed accounting from [REDACTED] because the agent did not possess the necessary information. Ultimately, AUSA Dates contacted CC [REDACTED] who sent AUSA Dates supplementary information about Chambers. AUSA Dates stated that he did not receive the criminal record of Chambers from the case agent; rather, he received it from CC. He learned from CC that Chambers was convicted in 1995 of solicitation of a prostitute in Denver. He indicated that he also received information from CC regarding the payments made to Chambers by DEA, both in the *King/St. Plite* case and during his lifetime. He filed a supplemental discovery response which provided the defendants with the amount of money Chambers had been paid, as well as the case citations where Chambers had been accused of lying.⁵⁹⁹

AUSA Dates stated that the indictments against the defendants in *United States v. King/St. Plite* were dismissed because he felt that Chambers was a significant part of the investigation; at least one meeting took place between Chambers and a defendant that was not recorded. Chambers, therefore, would be needed to testify and the defense would almost certainly raise credibility issues surrounding Chambers.⁶⁰⁰ That statement is contrary to a statement he made in a January 12, 2000 memorandum regarding Chambers sent to Barry Sabin, Chief of the Criminal Division, Edward Necci, Chief of Major Prosecutions, and Neil Stephens, Chief of the Narcotics Section. In that memorandum AUSA Dates wrote: "My case involved a two-day buy bust and I think we can try it without using the CS. The CS is more involved in [REDACTED] case and will likely be needed and I don't know the extent of the involvement in Curt's case." Furthermore, during a meeting, AUSA McIntyre-Hall said to [REDACTED] that AUSA Dates was a good attorney and he could try the case without using Chambers. AUSA Dates was present and nodded in agreement with that statement. That meeting took place after AUSA Dates received the material from CC.

On April 6, 2000, AUSA McIntyre-Hall was interviewed by members of the MRT. AUSA McIntyre-Hall is a supervisor of the narcotics unit in the USAO in Miami. AUSA McIntyre-Hall

is the supervising attorney for AUSA Matt Dates. AUSA McIntyre-Hall stated that neither she nor AUSA Dates were fully aware of the issues surrounding Chambers at the time of indictment and initial discovery. AUSA McIntyre-Hall felt that they were not getting the full story from the case agents. When the details of Chambers' previous problems were provided by CC, she became upset and felt that her office should have been provided information by the case agents from the outset. It was her opinion that there was no way to conduct a successful prosecution with Chambers as the informant.⁶⁰¹ That was contrary to a statement that AUSA McIntyre-Hall had previously made to [REDACTED] that AUSA Dates could try the case without Chambers.

During the MRT interview, AUSA McIntyre-Hall stated that she knew everything about Chambers and questioned why SAs were using Chambers when DEA had prohibited his use long ago. At the time he was used in Miami, Chambers had been properly activated. He was a Restricted Use CS; he could be used with the authorization of the SAC and with notification to the prosecuting attorney of his previous credibility issues, both of which were done. She explained her opinion that he should not be used was based upon her belief that it had been found that Chambers had previously lied about material facts during sworn testimony. There has been no evidence uncovered during this investigation indicating that Chambers provided false testimony about material facts underlying any of the cases in which he testified. In each case where he provided false testimony, that testimony, for the most part, involved information about his background, such as arrests, education, and the payment of income taxes.⁶⁰²

On April 6, 2000, AUSA Barry Sabin was interviewed by members of the MRT. AUSA Sabin stated that it was actually the United States Attorney for the Southern District of Florida, Thomas E. Scott, who made the decision to dismiss the cases, after he consulted with AUSA Sabin, who investigated the matter in depth. AUSA Sabin first learned of the problems surrounding Chambers from a prosecution memorandum provided by AUSA Dates. AUSA Dates received the information from CC in January 2000. AUSA Sabin met with Miami Division SAC Vincent Marzilli and CC Domestic Criminal Law Section (CCM) Acting Chief Robert Spelke. Acting Chief Spelke provided a package of information which described in detail what was known to DEA regarding Chambers. This consisted of copies of all documents from the original briefing book developed by OM. AUSA Sabin stated that the information was not released in any discovery orders; rather, information extracted from it was used for discovery purposes. AUSA Sabin stated that the following factors were considered when deciding to dismiss the pending cases: (1) the judges assigned to those cases had past histories that indicated any issues relating to CSs would be major hurdles in the cases; (2) Chambers had been used by other agencies, some of which had cases pending, and there was a possibility of creating additional Giglio material; (3) previous appellate court decisions which found that Chambers had provided false testimony; (4) a recent statement by a AUSA arguing an appeal before the U.S. Court of Appeals for the Ninth Circuit that Chambers' false testimony was "undefendable"; (5) pending litigation in the FOIA action; (6) the amount of money paid to Chambers; (7) AUSA Sabin did not want to place DEA SAs at odds with prosecutors as to who was told what and when; and finally (8) St. Louis and Denver have already dismissed

other cases. AUSA Sabin also stated that the criminal history of Chambers was itself not a real problem.⁶⁰³

Acting Chief Spelke recalls that, during his meeting with AUSA Sabin, he indicated that Chambers was not needed to testify in some of the pending cases.

32. Recent Columbia, South Carolina Case

On June 28, 2000, a member of the MRT interviewed ██████████ currently assigned to the Columbia RO and has been a SA for 15 years. While Chambers was in Miami he met ██████████ was a member of a heroin distribution organization. ██████████ Chambers to ██████████ the leader of the heroin organization. As explained above, ██████████ were arrested in Miami when they made a partial delivery of approximately one and one half ounces of heroin.⁶⁰⁴ While the Miami investigation was continuing, Chambers coordinated a cocaine reverse operation in Columbia. Chambers kept in contact with ██████████ who had traveled to Columbia. ██████████ requested that Chambers send four kilograms of cocaine to him in South Carolina. When an undercover agent met with ██████████ and two other suspects, ██████████ were arrested. One gun and \$13,000 cash were seized.⁶⁰⁵ ██████████ was from Florida and had a minor criminal record. ██████████ had previous convictions for felony drug offenses and robbery, and also had other arrests in both Florida and South Carolina. ██████████ had an arrest record for both drugs and weapons charges.⁶⁰⁶ In 1993, ██████████ was convicted of unlawfully carrying a firearm. On May 8, 1997, ██████████ was given a 10 year suspended sentence for a felony drug conviction and was placed on probation for five years. The case was filed in United States District Court for the District of South Carolina, with AUSA Beth Drake assigned to the case. The drug charges were eventually dismissed on April 19, 2000, by the USAO because of the Chambers controversy, although the firearm charge against ██████████ remained. ██████████ was recently sentenced to 30 months for the gun violation.⁶⁰⁷

██████████ has never been the controlling agent for Chambers. ██████████ said that he never met Chambers. He was contacted by a Miami Division SA (possibly ██████████ regarding an investigation involving Chambers. Chambers never actually came to Columbia, but rather conducted undercover negotiations on the telephone from Miami. ██████████ was not aware of Chambers' criminal history at the time of the investigation, because Chambers was never established by the Columbia RO. ██████████ never directly paid Chambers. He sent a teletype to the Miami Division requesting that the Miami SAs pay him for information provided in the South Carolina investigation.⁶⁰⁸ Either ██████████ that Chambers had some baggage relating to his credibility, and that he had previously testified falsely about his criminal record. It is possible, although ██████████ was not sure, that at the time, one of the SAs referred him to CC Senior ██████████ for further information. He was also told that Chambers had been a CS since 1984 and the SAs in Miami were using him in an OCDETF investigation. ██████████ learned from the Miami SAs that Chambers had been paid in excess of \$2 million.⁶⁰⁹

██████████ verbally notified AUSA Drake of the credibility issues. ██████████ did not remember exactly when he notified her, if it had been prior to the arrest or shortly thereafter. He and AUSA Drake have spoken about the date, but neither was sure. AUSA Drake told him that she had a notation that he told her about Chambers' prior false testimony before the case was indicted by the Grand Jury.⁶¹⁰

AUSA Drake requested additional information from CC on December 23, 1999. Senior Attorney ██████████ provided a three-page memorandum on December 30, 1999. The information also included detailed cites for cases in which Chambers had provided false testimony. The USAO was moving forward with the prosecution. Both ██████████ had proffered information to the government and were in plea negotiations. During the first week in March 2000, a local newspaper, "The State," printed an article about Chambers (it was probably a reprint of an earlier story from another newspaper). The APD that represented one of the defendants called AUSA Drake and asked if Chambers was the informant on the case. AUSA Drake requested additional information from CC on March 6, 2000. Senior Attorney ██████████ sent approximately 15-20 pages of information to her, including Chambers' criminal history and payment information.⁶¹¹

On March 8, 2000, the APD filed a motion asking for detailed payment records, criminal history, *Brady* material, *Giglio* material, etc. Sometime after the information arrived from CC, RAC ██████████ had a meeting with AUSA Drake, her supervisor Bob Jendron, and the United States Attorney, Renee Jose, about the case and Chambers. It was at this meeting that AUSA Drake said that she was "offended" that DEA would use a person such as Chambers as a CS. The AUSAs said they needed to conduct further research to decide if they were going to proceed with prosecution. ██████████ said he knew that they spoke with prosecutors in Miami who had earlier decided to drop pending cases in which Chambers was the CS. The APD in Columbia said he would subpoena the Miami prosecutors and ask them why they dismissed their charges. On April 19, 2000, AUSA Drake filed a motion to dismiss the drug charges against all three; the gun charge remained against ██████████. ██████████ has spoken to a local prosecutor about filing state charges against all three.⁶¹²

On June 30, 2000, AUSA Drake was interviewed telephonically by a member of the MRT. AUSA Drake was a state prosecutor beginning in 1991 and became an AUSA approximately five years ago. AUSA Drake recently moved to a part-time appointment and will be assigned to the Appellate/Asset section. She is currently in the General Crimes Section and on occasion has prosecuted drug cases.⁶¹³

AUSA Drake has never actually met Chambers, who was used as a CS in the *US v. Davis*⁶¹⁴ prosecution that AUSA Drake handled.⁶¹⁵ AUSA Drake stated that she was provided the criminal rap sheet for Chambers by the case agent after the case was indicted. She also received an "impeachment package" from CC, which had information about the criminal record included. She

was aware that Chambers was convicted of solicitation of a prostitute in Denver in 1995; that information was included in the impeachment package.⁶¹⁶

AUSA Drake was not provided DEA payment records information by the case agent; she felt that was one of the problem areas in the case. She felt that the court would require all payment information made by at least all federal agencies. She did not think DEA was able to provide that information.⁶¹⁷

She stated that, initially, ██████████ notified her about past allegations and findings concerning Chambers' credibility problems. ██████████ told her something to the effect that Chambers had a credibility issue relating to past testimony about his criminal record. She was unsure if this was told to her prior to or just after the arrests in the case. She was sure that she knew about the credibility issues when she indicted the defendants, as she had a notation to contact CC for further information.⁶¹⁸

After indictment of the case, AUSA Drake contacted Senior Attorney ██████████ who sent her a few pages of impeachment information. When she reviewed the information, she thought that to use Chambers as a witness would be problematic, as it included references to lying during prior testimony. This was much more than she was initially told. She then worked toward getting plea agreements with the defendants, including reducing charges and dropping drug/firearm related charges. She stated that 18 USC § 924(C) charges for carrying or using a firearm during a drug trafficking crime had to be approved by management level in the USAO. Defense counsel was alleging that Chambers had entrapped their clients. She also needed to call Chambers as a witness since defendant ██████████ had no criminal record (or it was minor and would not be considered by the court) and Chambers would be needed to refute the entrapment defense. The pleas for each of the defendants were arranged.⁶¹⁹

A local newspaper reprinted an article about Chambers that included numerous allegations of misconduct by him. One of the defense attorneys contacted AUSA Drake and confirmed that the article was about Chambers. All of the defendants withdrew their pleas, partly due to the fact that AUSA Drake told them that she needed to further investigate the matter. One attorney then prepared a motion that asked for very detailed discovery about Chambers' past. Meanwhile, AUSA Drake contacted Senior Attorney ██████████ who sent her even more material about Chambers. AUSA Drake was very bothered by what was alleged in the article and what was contained in the impeachment material. Her perspective on the matter changed in that she felt a trial would draw national media attention, and she felt that she would lose the case at trial due to the issues surrounding Chambers. She felt that DEA should not have used Chambers in the first place. In her opinion, Chambers has never been made to account for the non-payment of taxes. He continued to not pay income taxes, has not been prosecuted, and DEA continued to pay him. She also felt that Chambers lied continuously while under oath and yet was still allowed to continue to work for DEA. She made the analogy that a CS who was on supervised release and broke the law would be made

to pay for their transgression and yet Chambers was able to skirt the tax laws without being prosecuted.⁶²⁰

AUSA Drake spoke with all defense counsel in the case after the article came out. She told them not to file their plea agreements and wait until she had more information. She then spoke to CC attorneys, [REDACTED] AUSA Curtis Miner in Miami, AUSAs Wolfe and Lindsay in Los Angeles (via e-mail), as well as two AUSAs in Denver and two in St. Louis. She spoke to them in an effort to gather additional facts about Chambers' misconduct and to find why other prosecutors had dismissed charges. The prosecutors in Miami told her they felt they had been "sandbagged" by DEA and subsequently dismissed their charges. Her managers were aware of the issues.⁶²¹

Charges were dismissed against two of the defendants; [REDACTED] recently pleaded guilty to the firearm charge and was sentenced. AUSA Drake said her supervisor (Robert Jendron) actually made the decision to dismiss the charges and was unable to comment directly as to what were those reasons. In her opinion, the cost of using Chambers would have done greater harm to the system of justice than to dismiss the charges. She felt that the justice system would suffer by using someone like Chambers and did not feel that DEA should use him.⁶²²

On a July 10, 2000, a member of the MRT telephonically interviewed AUSA Robert Jendron, Chief of the Criminal Division of the USAO in Columbia. AUSA Jendron stated that he decided to dismiss the drug charges against [REDACTED] after consulting with AUSA Drake, for the following reasons: (1) the case was put together quickly on short notice and information about the credibility issues surrounding Chambers was not known at the time the Davis case was indicted; (2) the USAO was not aware that Chambers was on Restricted Use status; (3) the defense attorneys notified the USAO that they were going to assert an entrapment defense; (4) there was not a lot of information on predisposition by [REDACTED] he apparently had no prior drug offenses; (5) he was not sure that he would be able to get material from other jurisdictions where Chambers had been used; (6) the defense attorneys indicated that they may call the AUSAs who dismissed the cases in Florida to testify as to Chambers' reputation for truthfulness or honesty; and (7) there were unresolved issues regarding the fact that Chambers apparently had not paid his income taxes.

AUSA Jendron did not feel that the case could be tried without Chambers, because of the entrapment defense. AUSA Jendron further stated that he felt that Chambers had been "over used" and had AUSA Jendron known the information about Chambers before the case was started, he would not have allowed him to be used. When he was asked whether he thought he could win the case despite the problems presented by Chambers, AUSA Jendron first said he could not answer that question, but then responded that he did not think they could win the case. He further stated that he did not want to put that kind of informant on the stand because it would make everyone look bad.

33. Cases Pending Trial in Los Angeles

There are two cases pending trial in United States District Court for the Central District of California (Los Angeles) that require Chambers' testimony. AUSA Patrick McLaughlin has been assigned to [REDACTED] AUSA Liz Rhodes has been assigned to [REDACTED]

The [REDACTED] case involves several undercover purchases by Chambers of between four and six ounces each of heroin. The [REDACTED] case involves the undercover purchase by Chambers of one gallon of PCP.

On May 24, 2000, members of the MRT interviewed AUSA Liz Rhodes. AUSA Rhodes has been an AUSA for approximately three years and is currently assigned to the Narcotics Unit of the USAO in Los Angeles. She stated that she has not met Chambers but has been provided with his rap sheet and payment record. She is aware of Chambers' 1995 arrest in Denver and his prior credibility issues. AUSA Rhodes stated that she has provided discovery material to defense concerning Chambers' credibility; this discovery material was included in a package sent her by CC Acting Chief Spelke. She stated that she mailed this material to defense counsel, [REDACTED] on March 23, 2000, after notifying CC, possibly Senior Attorney [REDACTED]. AUSA Rhodes stated that Chambers is expected to testify in the *Daly* trial and that she is proceeding with the trial because of the corroborating evidenced and the fact that the defendant has confessed.⁶²⁵

34. Office of Chief Counsel

In a December 29, 1995 letter, Denver AUSA Guy Till's paralegal, [REDACTED] at the request of AUSA Till, notified [REDACTED] of the transcript of the December 12, 1995 Witness Advisement/Status Conference regarding *United States v. Coleman*. She directed their attention to "*United States v. Duke*, 50 F.3d 571 (8th Cir. 1995), which further describes the career of the informant at issue in this case." Former CC Attorney [REDACTED] in the USAO for the District of Columbia. During or about June 2000, CC Acting Chief Spelke, spoke with AUSA Vincent about the letter sent to her by [REDACTED]. AUSA Vincent had no recollection of the letter.

On July 6, 2000, a member of the MRT interviewed Senior Attorney [REDACTED] at DEA HQ. Senior Attorney [REDACTED] has been employed by DEA since 1988. He reported that he first learned about Chambers in May 1999, as the result of a request from an AUSA for payment, *Brady*, and *Giglio* information contained in DEA files concerning Chambers. Senior Attorney [REDACTED] did not recall the name of the AUSA or where the AUSA was located. Senior Attorney [REDACTED] advised that he disclosed the information, as requested.⁶²⁶

Senior Attorney ██████ provided a copy of an e-mail message sent from CS Program Manager ██████ to all CSCs, dated September 14, 1999, ordering Chambers' deactivation, and if reactivated, establishment as a Restricted Use CS, rather than a Regular Use CS.

Senior Attorney ██████ advised that the primary problem concerning the Chambers situation is that there has not been a reliable central mechanism for the reporting of *Giglio* material and payment information on CSs. According to Senior Attorney ██████ CC needs access to a database that contains only those two items. Senior Attorney ██████ advised that, particularly with the advent of HIDTA and other non-DEA appropriated sources of funding, the payment of non-appropriated funds to DEA CSs renders the figures in CSS unreliable. These unreliable figures are being reported to defense counsel, who frequently complain to the trial judges about the inaccuracy of the figures.⁶²⁷

On July 6, 2000, a member of the MRT interviewed CCM Acting Chief Spelke at DEA HQ. Acting Chief Spelke has been employed by DEA for three years. Prior to this, he was employed as an attorney by the United States Department of Justice (Main Justice) for three years, and was an AUSA in the District of Columbia for ten years. Acting Chief Spelke advised that he first learned about Chambers in May 1999, as the result of a request from Mr. Thomas P. Slesinger, an AUSA from the Central District of California, who made a request for payment, *Brady*, and *Giglio* information contained in DEA files concerning Chambers. Acting Chief Spelke advised he disclosed the information as requested.⁶²⁸

Acting Chief Spelke stated that CCM became aware of Chambers long after SARL, who has been litigating the action brought by APD Steward. Acting Chief Spelke stated that CCM's responsibility has been to make disclosures from DEA files to AUSAs in order for them to meet the discovery requirements in their cases in which Chambers may testify.⁶²⁹ These disclosures include *Brady*, *Giglio*, and payment information.

Acting Chief Spelke said that the primary problem concerning Chambers is that there is no reliable central mechanism for the reporting of *Giglio* material and payment information on CSs. Acting Chief Spelke made the same recommendation as Senior Attorney ██████ regarding central database improvements. He believes that CC needs access to a database that contains only those two items. Acting Chief Spelke advised that particularly with the advent of HIDTA and other non-DEA appropriated sources of revenue, the payment of non-appropriated funds to DEA CSs renders the figures in CSS unreliable. These unreliable figures are being reported to defense counsel, who frequently complain to the trial judges about the inaccuracy of the figures.⁶³⁰

Both Acting Chief Spelke and Senior Attorney ██████ recommend that the collection of payment records and *Giglio* material on CSs be administered by a DEA HQ element separate and distinct from CSS. This element should receive copies of all records of payments made to CSs in DEA cases, whether or not the funds are DEA-appropriated, and all payments should be entered into

a database. The only other information this section should receive is derogatory information on the CSs, which may become *Giglio* material.⁶³¹ Acting Chief Spelke believes that this function should fall under OM and not CC.⁶³²

35. Chambers is Made Restricted Use and Deactivated

On August 27, 1999, Chief of Operations Richard Fiano directed that the use of Chambers be suspended until further notice. On September 14, 1999, Chambers was made a Restricted Use CS. On February 2, 2000, Chambers was ordered to be deactivated as a CS.

36. Pending Cases

The following cases, where Chambers may be called to testify, are pending:

[REDACTED]

[REDACTED]

[REDACTED]

37. Release of OM Report to the News Media

On January 16, 2000, the St. Louis Post Dispatch published an article in their Sunday edition titled "*Top U.S. Drug Snitch is a Legend and a Liar.*" The article examined the career of Chambers as an informant for DEA. The article itself was riddled with inaccuracies and misrepresentations. Senior management, then posed a number of questions to field divisions, particularly the St. Louis Division. The inquiry was coordinated by the Domestic Operations West (DOW) section. At the same time, OM was tasked with compiling much of the information gathered by DOW, along with additional inquiries to other field offices that used Chambers, into a single, comprehensive briefing book for then Acting Administrator Donnie Marshall.

Members of the OM staff compiled the information and originally made four copies of the completed book. Two copies were maintained by OM, one copy was given to the Operations Division and maintained by Chief of Domestic Operations Lawrence Gallina, and one copy was provided to CC. Later, an additional copy was also provided to SARL. The finished project consisted of 1) a bullet section, 2) an executive summary, 3) division reports that were a compilation of inquiries from 12 divisions in which Chambers had been active or supplied investigative assistance, 4) CC reports that were a review of available transcripts of Chambers testimony in which it was alleged that he had lied, as well as a chart tracking payments to Chambers by DEA, 5) press articles, and finally 6) the DOW responses to inquiries from the executive staff after publication of the news article. o/c

On February 18, 2000, Miami Division SAC Vincent Mazzilli contacted OM. SAC Mazzilli was preparing for a meeting at the USAO, Southern District of Florida, regarding pending prosecutions in which Chambers was to be witness. SAC Mazzilli had a copy of the briefing book and wanted to know if he could turn it over to the USAO. OM requested that SAC Mazzilli only refer to the contents of the book for his meeting and not actually provide it to the USAO. SAC Mazzilli agreed. CCM Acting Chief Spelke later contacted OM and requested that his copy of the briefing book be updated. Acting Chief Spelke was traveling to Miami and planned to meet with representatives of the USAO, and therefore wanted the most recent information in preparation for his meeting. Acting Chief Spelke turned over a copy of the briefing book to AUSA Sabin, Chief of the Criminal Division, Southern District of Florida, for his office to use as a reference. Acting Chief Spelke also prepared a letter and attached it to AUSA Sabin's copy. The letter requested that the USAO not disclose the book in discovery responses, but rather use the material in the book to make informed decisions and to prepare discovery responses.

Over the next few weeks, CCM sent the same or similar information to prosecutors in various jurisdictions that had prosecutions pending in which Chambers was scheduled to appear as a witness.

Material from the briefing book was sent to AUSA Walsh in Los Angeles on March 9, 2000 by [REDACTED] AUSA Walsh and AUSA Liz Rhodes are the prosecutors in *United States v. Daly* and that case had ongoing discovery at that time. That package of material contained the February 10, 2000 briefing report including the Introduction and the Synopsis. A March 15, 2000 supplemental mailing was sent out by Acting Chief Robert Spelke to AUSA Rhodes. That mailing also contained the February 10, 2000 briefing report, including the Introduction and the Synopsis. Both [REDACTED] and Spelke cover letters state the following:

"We are of the opinion that these documents are not discoverable. The information which is discoverable, specifically, the instances where the CS testified falsely, and his prior criminal conduct, has already been disclosed. If the Court does find that documents attached here must also be disclosed to the defense, please let us know before any disclosures are actually made."

The package of material sent out by Acting Chief Robert Spelke to AUSA Sabin with a cover letter dated February 23, 2000, contained the following request: "we ask that this information not be disclosed."

In addition, Acting Chief Spelke sent material to the following prosecutors: AUSA Beth Drake (Columbia, SC., cover letters dated March 7, 2000 and December 29, 1999), AUSA Patrick Walsh (Los Angeles, CA., cover letters dated March 1, 2000 and December 29, 1999), ASA Eric Myers (Tampa, FL., cover letter dated February 28, 2000), AUSA James L. Porter (Los Angeles, CA., cover letter dated February 9, 2000), AUSA Matthew Dates (Miami, FL., cover letter dated December 29, 1999). All of the cover letters, except the December 29, 1999 letters to AUSAs Dates, Drake, and Walsh, contained requests not to disclose the information without prior notification to DEA. The other letters contained material gathered from an FOIA request.

On March 31, 2000, Michael Sorkin of the St. Louis Post-Dispatch, who had written the original article, contacted Staff Coordinator [REDACTED] of the Public Affairs Section. Mr. Sorkin explained that he had a copy of an internal report prepared by DEA regarding Chambers and wanted DEA to comment for his article. Sorkin faxed [REDACTED] the first few pages of the document. Those pages were from the briefing book's Executive Summary, which contained the Introduction and Synopsis. Mr. Sorkin refused to specifically state where he had obtained the book, other than to say it was from a defense attorney. Acting Chief Spelke did not feel these pages were from any of the reports that he had sent, although those reports included the introduction and synopsis, since a letter accompanied each report specifically asking the recipient to obtain permission from DEA prior to disseminating the information.

Shortly thereafter, a writer from the Tampa Tribune was preparing an article about Chambers and was also in possession of a copy of the OM report. The writer would not specifically state where she received the report, but did tell [REDACTED] that it came from a defense attorney connected to the *Daly* case. [REDACTED] a member of the MRT, spoke to the prosecutor handling the *Daly* case, AUSA Liz Rhodes. She confirmed that she released the OM report to defense counsel, John Martin, as part of discovery. AUSA Rhodes said that she first called Senior Attorney [REDACTED] and received permission from him to release the report. Acting Chief Spelke spoke with Senior Attorney [REDACTED] who stated that he had no specific recollection of giving permission to AUSA Rhodes to release the book in discovery, but stated that he probably did give her permission. He was under the belief that other copies had already been released in other prosecutions. He was incorrect. No other copies of the OM report had been released by any prosecutor until AUSA Rhodes released her copy.

Throughout the media coverage of Chambers, various criminal defense attorneys have been quoted in news articles and appeared on broadcast television in opposition to DEA's use of Chambers as an informant. It is probable that one of the criminal defense attorneys was responsible for passing the report to the media. The briefing book was most likely given to the news media by

either [REDACTED] or by someone to whom he entrusted the material.

B. DEA Policies

There has been an evolution of policies and procedures pertaining to the use of informants by DEA. It should be noted that during Chambers' association with DEA (1984-2000), DEA has referred to individuals that have had formal cooperation agreements with the agency as Informants, Cooperating Individuals (CI), and now Confidential Sources (CS). The term CS has been used in this report.

Between 1984 and 1995, there were minor changes made in DEA's CS program. The system was decentralized with each office establishing, using, and handling their own CSSs. Policies and procedures on how to establish, use, and handle CSs were outlined in the DEA Agents Manual and were based upon the requirements prescribed by the Domestic Operations Guidelines. However, significant changes in the CS program began to occur during 1995. A teletype, dated September 5, 1995, refers to the transition to the new CSS and also establishes the Confidential Source Coordinator (CSC), a new position in each division.

Subsection 6612.31 (A) of the DEA Agents Manual requires that each CS be assigned a CS code number and that this code number appear on all investigative reports in lieu of the CS's true name. Prior to 1996, CS code numbers were issued by the office which established the CS. Commencing January 1, 1996, all CS numbers were issued through the DEA Headquarters (HQ) Command Center, centralizing the issuance of CS numbers in one location. In addition, between 1996 and 1999 changes were made in the way that DEA offices reported, paid, utilized and controlled CSs. In May 1999, former Administrator Constantine stated that DEA's existing CS program was basically sound, but needed additional controls. At that time, the definition of Restricted Use informants was expanded and the approval for the use of Restricted Use informants was limited to the SAC. In addition, GSs were instructed that they had to personally participate in quarterly briefings. The revised guidelines are currently utilized by DEA in its management of CSs.

As part of its management review, the MRT evaluated DEA's policies and procedures pertaining to the handling of CSs from 1984 to the present. Three different DEA Agent Manual issuances and various memoranda regarding CSs were provided to the MRT by OM. The MRT used the June 1984 edition of the DEA Agents Manual, Subchapter 661 (Sources of Information), together with the Domestic Operations Guidelines (February 1988, 9th edition), as its starting point and baseline (referred to as AM#1 in this report). OM provided the MRT with two other Agents Manual issues which were both undated, but were released subsequent to June 1984. The second manual issue (referred to as AM#2 in this report) was apparently issued prior to October 3, 1994. The MRT bases this assumption on the fact that AM#2 subsection 6612.22 was changed via a teletype directive, dated October 3, 1994. The teletype stated that Task Forces would no longer use the letter X in the CS Code Number. AM#2 does not contain that change. In the third manual issue (referred to as AM#3 in this report), informants were now referred to as Cooperating Individuals (CIs). In

the most up-to-date version of the DEA Agents Manual, found on FIREBIRD, the DEA intranet system, the acronym "CS" is utilized.

The MRT reviewed five major CS topics. Those topics are CS Establishment, Fingerprinting and Criminal History, Approval of CSs, Payments to CSs, and Management Review of CSs.

1. Definition

Subsection 6612.1(A)(1) of AM#1 defines a CS as a person who, under the direction of a specific DEA agent, and with or without expectation of compensation, furnishes information on drug trafficking or performs a lawful service for DEA in its investigation or drug trafficking. This definition is basically the same today as it was in 1984.

2. CS Establishment

Subsection 6612.2 of AM#1 required that a DEA-202 (Personal History Report) be prepared for each person established as an CS. Among the items on the DEA-202 which were required to be completed were Section 42 (pending charges) and Section 59 (cautionary guidelines that any potential informant must be advised of). One cautionary guideline that is mentioned is that CSs shall not violate criminal law in furtherance of gathering information or providing services to DEA, and that any evidence of such a violation will be reported to the appropriate law enforcement agency. Another cautionary guideline is that CSs have no official status, implied or otherwise, as agents or employees of DEA (Section 6612.31{F}).

In Section 6612.24(E) of AM#2, a DEA-473 (Cooperating Individual Agreement), was added as part of the establishment package. The agreement, which is signed by the CS, lists all of the previously required warnings that were provided verbally. In a teletype dated September 5, 1995, a new policy required the utilization of a new form, a DEA-512 (Confidential Source Establishment), to replace the DEA-202 for establishing CSs. On October 1, 1995 (later changed to January 1, 1996), all DEA-512s were required to be forwarded to the HQ Command Center for issuance of a CS number.

3. Fingerprinting and Criminal History

Subsection 6612.26 of AM#1 required that all CSs established by a domestic office be checked in DEA and FBI files. DEA files were checked through NADDIS. FBI files were checked through the NCIC Wanted Person and Criminal History Summary Files, if a verified FBI number was available. If a verified FBI number was not available, a FD-249 (FBI Fingerprint Card) and a DEA-105 (Request for Criminal Records) were to be submitted directly to the FBI.

A copy of the DEA-105 would then be attached to each copy of the DEA-202. That CS could then be utilized on a provisional basis while awaiting a response from the FBI. Information contained in the subsequent FBI response was to be reviewed from the standpoint of whether it affected the current status and utilization of the informant. The MRT noted that there were no requirements for state and local criminal history inquiries to be made. According to the FBI, all states were on-line with NCIC by 1983.

Subsection 6612.26 of AM#3 provided further guidance on completing criminal checks on potential CSs. However, the requirements remained basically the same as in previous editions.

Subsection 6612.27(E) of AM#1 authorized the immediate supervisor of the controlling SA to approve the establishment of CSs other than Defendant CSs and Restricted Use CSs. This approval authority has not changed.

4. Payment of CSs

Subsection 6612.4 of AM#1 stated that the amount of payment must be commensurate with the value of services and/or information provided. The SAC was authorized to approve payments up to \$10,000 per informant per quarter. Payments exceeding this amount had to be cleared with the HQ Drug Section Chief, who could approve payments up to \$20,000. Amounts above \$20,000 had to be approved by the Deputy Assistant Administrator for Operations (DO). In the same subsection of AM#2, the SAC approval authority was raised to \$25,000 per CS per quarter.

In subsection 6612.31(F)(6) of AM#3, DEA personnel were required to advise the CS that they must report their income for federal income tax purposes.

In a teletype dated January 23, 1997, the Chief of Operations informed the field offices that a uniform DOJ policy with regard to the use of CSs had been established. One of the policies established was the placement of yearly and lifetime payment caps for each CS. This resolution required DEA HQ to establish a HQ level system to track payments to CSs. A calendar year payment cap was established at \$100,000 and a lifetime cap at \$200,000.

5. Management Review of CSs

Subsection 6612.6 of AM#1 stated that the immediate supervisor was responsible for assuring that the use and handling of CSs by employees under his supervision was in compliance with the Domestic Operations Guidelines. Some of the factors that had to be routinely considered by the immediate supervisor in carrying out this responsibility included 1) any factors in an CS's background that would warrant his establishment as a Restricted Use CS or Defendant CS were properly brought to light, and that the CS was properly classified as such; 2) the cautions to be given

to all CSs at the outset were given and noted accordingly in the Remarks Section of the DEA-202; and 3) monies paid to the CS were properly documented and were not excessive.

According to subsection 6612.62 of AM#1, the SAC or the ASAC was required to conduct a review of all active CSs with the supervisors under his command on a quarterly basis. This review had to cover the following points:

- a. Whether these CSs should remain in an active status.
- b. Whether these CSs were being appropriately utilized.
- c. Whether the debriefings were complete and fully reported.
- d. Whether the appropriate initial or ongoing approval requirements were being met.

The results of the review had to be reported to DEA HQ on a memorandum entitled "Quarterly Review of Informants." This memorandum had to contain a listing of those CSs (by code number) who were to be kept in an active status, and those who were deactivated since the last report. It also had to list the total amount of funds paid to each CS in the quarter. Under this same section in AM#2, the quarterly review section was changed to read, "After completion of this review, the SAC shall certify in a brief memorandum to AO that this review was completed."

On April 30, 1997, DEA HQ issued orders stating that the 90 day debriefing report requirement for each CS was discontinued and replaced with the "Quarterly Management Review of CS Utilization" report. The completion of this report required the GS and ASAC to conduct a physical review of each active CS file in order to determine whether the CS should remain active. Among the points that had to be covered in this review was the result of the criminal history checks to determine if there were any new arrests.

C. Confidential Source System (CSS)

The CSS is an electronic database containing information about DEA documented CSs. CSS became active in early 1996. Prior to its inception, CS information was included in NADDIS and field CS files.

This policy required that a SA in the field, prior to activating a CS, and after completing all necessary paperwork and receiving appropriate approvals, submit the package to the division CSC. The CSC would then fax the DEA-512 to the HQ Command Center. There, the name and identifying information of the CS are cross-checked in CSS. If the CS has previously been established and is either being reactivated or established concurrently by another office, the CS maintains his or her control number. CSS then electronically documents where the CS is active. If the CS is a new establishment, the biographical and controlling office information is entered into CSS and a CS number is generated.

The fields in CSS are based on established fields long used in NADDIS. CSS contains only the specific biographical information, such as addresses and telephone numbers pertaining to the CS. It also notes where the CS was established, how much the CS has been paid to date (DEA appropriated funds only) and what the current Lifetime and Yearly Cap amounts are. There is also a Remarks section where miscellaneous information can be entered.

Access to CSS is limited to the Division CSCs, their backups and HQ employees with a need-to-know, such as Command Center and OM personnel. CSS is managed in OMPP by a GS-301-13, Program Manager.

While the system was probably designed to be the electronic filing system for all CS information, there are flaws. One example is CSS does not contain a field that designates the type of CS, i.e., Regular, Defendant or Restricted Use. This omission makes simple system-wide queries impossible. For example, CSS cannot be queried to determine how many of a particular type of CS are active or inactive at any given time. Nor can it determine how many of a specific type of CS are active in any one Division or office.

The most serious design flaw of CSS is that it tracks only DEA appropriated money paid to a CS via DEA-103s. When a SA obtains money from their office' fiscal officer to pay a CS, the fiscal officer provides an appropriation number for the transaction. This number is generated by the Federal Financial System (FFS). Part of the appropriation number is a four-digit number, the Object Class Code, which designates what type of payment is involved. The payment can be for the purchase of evidence, information, expenses, security, rewards, or asset forfeiture awards. After the payment to the CS has been made and the completed DEA-103 is returned to the fiscal officer, the obligated funds are entered into FFS as expended. A copy of the DEA-103 is sent to the HQ Financial Management Division, Office of Finance (FN). FN then certifies payment. The payment

is entered into CSS via a computer interface with FFS that is based on the appropriation number, the Object Class Code, the CS number and the case file number. The payment then appears in the electronic record of the individual CS. Of course, the original source document, the green colored, signed copy of the DEA-103 is maintained in the CS file in the field.

A problem arises when a DEA-documented CS is paid via DEA-103 with funds that are not appropriated directly to DEA. Examples of these monies are some HIDTA funds, special Task Force funds, and funds from other agencies. This does not include OCDETF funds, State and Local Task Force funds, Asset Forfeiture funds, etc. that are appropriated directly to DEA. Instances where a CS receives payment from non-appropriated funds do not appear in CSS, even though a DEA-103 may have used as a receipt to document the payment. The payments are still reflected in the CS file of the controlling office and are sometimes documented in the Quarterly Management Review of the CS. In order to get an accurate accounting of what a particular CS has been paid from DEA-related activities, CSS should be queried to identify those offices where the CS has been activated and each of those offices must be contacted to review the payments listed in the CS file. There is no electronic method of inputting non-DEA appropriated money payments into CSS.

A study conducted by the DEA Policy Analysis Unit in 1992 concluded that "DEA must improve the agency's capability to efficiently monitor and track informant award payments as well as PE/PI [Purchase of Evidence/Purchase of Information] payments."⁶³³ The report suggested that, "The best way to accomplish this task is by revising a few internal procedures and establishing a database in an automated environment. By establishing the informant database in an automated environment, the Agency enhances its flexibility for monitoring, tracking, retrieving, and reporting informant information." In addition, the report stated that, "The manual systems and DEAAAS [Drug Enforcement Automated Accounting System] do not provide a reliable mechanism for the retrieval of informant information."⁶³⁴ The development of CSS and its ability to interface with FFS solved some of the problems identified by the 1992 study.

FFS became operational in October 1997 and DEAAAS was phased out. When CSS was established, payments documented in DEAAAS and FFS were inputted into CSS. However, payments made to a CS prior to 1987 were no longer on file and were not included in CSS. In effect, any payments to a CS prior to 1987 were not electronically captured.

CSS also tracks both annual and lifetime CAP payments to a CS. Resolution 18 of the Office of Investigative Agencies Policy requires that payments to informants be limited to \$100,000 per year and \$200,000 per lifetime. These payment limits may be exceeded with the approval of senior management. CSS documents the current payment limits, as well as any increases.

D. Payments to CS-84-036739

In addition to conducting numerous interviews with DEA SAs, TFOs, AUSAs, other prosecutors and law enforcement officers, the MRT reviewed approximately 1,300 DEA-103 payment documents. A database was developed to assist in the analysis of payments made to Chambers. Consequently, 17 different analytical reports were produced. These reports were used to facilitate the conduct of various reviews to: a) identify the number, type, and amount of total payments made to Chambers; b) ensure that the respective payers, witnesses, and approving officials were in compliance with applicable DEA policy and procedures governing CS payments; and c) identify the DEA investigative cases and respective divisions that utilized Chambers.

This review determined the following:

- 1) DEA payment records indicate that Chambers provided assistance in approximately 280 investigations in 31 different DEA offices.
- 2) DEA-103s document payments to Chambers in the amount of \$1,875,308 from 1984 through 2000. Approximately \$705,565 (38 percent) of the funds were reward payments, approximately \$655,521 (35 percent) was paid for the purchase of information (PI), approximately \$254,292 (13 percent) was for the reimbursement of expenses, approximately \$251,430 (13 percent) was expended for the purchase of evidence (PE), and approximately \$8,500 (1 percent) were security payments. There were a total of 211 different SAs or TFOs who paid Chambers, 357 different witnesses to those payments, and 112 supervisors who approved those payments.
- 3) Prior to the management review and as a result of a motion for discovery and a FOIA lawsuit filed against DEA, CC conducted research into the amount of payments made to Chambers. DEA disclosed to the plaintiff, other defendants, and the media that Chambers was paid approximately \$2.2 million. The MRT research, which included the elimination of duplicate documents and other quality control measures, resulted in the approximate \$1.9 million amount. (See chart). A \$287,937 discrepancy between the MRT's established CS payment amount of \$1,875,308 and CC's previously disclosed amount of \$2,184,505 was the result of CC using secondary documents such as DEA-356s (Informant Payment Records) in addition to the DEA-103s. This was discovered after the MRT performed a line-by-line reconciliation of all the transactions for both amounts and identified the respective differences. According to CC, the questionable references were used to ensure that DEA could meet the legal requirements under a defense attorney's motion for discovery. CC also advised the MRT that any future adjustment to the previously disclosed \$2.2 million should not have any adverse legal ramifications.
- 4) All related payments appear to have been made in compliance with existing DEA policy and procedures and within acceptable payment ranges for awards, rewards, services rendered, purchases of evidence or reimbursements for CS expenses. There was no indication of waste, fraud, or abuse based on the MRT's review and analysis.

Payments to Andrew Chambers		
Calendar Year	Amount	Offices
1984	\$4,275	St. Louis.
1985	\$6,350	Los Angeles, St. Louis
1986	\$18,915	Los Angeles, St. Louis, San Antonio
1987	\$126,317	Los Angeles, St. Louis
1988	\$57,050	Minneapolis, Dallas, Los Angeles, San Diego
1989	\$39,926	Springfield, Minneapolis, Dallas, San Antonio, Los Angeles, San Diego, St. Louis
1990	\$263,214	Santa Barbara, Nassau, San Diego, St. Louis
1991	\$192,960	Macon, Minneapolis, Santa Ana, Nassau, Pensacola, New Orleans, Buffalo, St. Louis
1992	\$53,141	Chicago, Minneapolis, Santa Ana, Nassau, Miami, Newark, New Orleans, Buffalo, St. Louis, Baltimore
1993	\$116,615	Boston, Detroit, Santa Ana, Freeport, New Orleans, Newark, Syracuse, St. Louis, Fairview Heights
1994	\$69,100	Boston, Denver, Galveston, Houston, Jacksonville, Newark, New Orleans, St. Louis
1995	\$115,890	Atlanta, Houston, Los Angeles, Nassau, New Orleans, St. Louis, Fairview Heights
1996	\$151,978	Houston, Denver, Los Angeles, Tampa, New Orleans, St. Louis
1997	\$366,227	Houston, Denver, Tampa, New Orleans, Jacksonville, Orlando, Miami, New Orleans, St. Louis
1998	\$136,725	Orlando, Tampa, Jacksonville, Ft. Lauderdale, Miami
1999	\$147,600	Miami, New Orleans
2000	\$14,245	Houston, Miami, New Orleans
Illegible Date(s)	\$16,040	

Total	\$1,896,568	
Duplication/ Reconciliation	(\$21,260)	
Adjusted Total	\$1,875,308	31 Cities

III. Conclusion

A. Limitations

This management review attempted to reconstruct events that spanned almost 16 years. In many cases, memories were faded, which consequently made it difficult to verify the occurrence of specific events. The conclusions are limited to those facts which can be verified. When available, the MRT used documentary evidence to reconstruct events.

B. Payments

The MRT found Chambers was paid a total of \$1,875,308 over a 16 year period. Approximately \$705,565 (38 percent) of the funds were reward payments, approximately \$655,521 (35 percent) was paid for the purchase of information (PI), approximately \$254,292 (13 percent) was for the reimbursement of expenses, approximately \$251,430 (13 percent) was expended for the purchase of evidence (PE), and approximately \$8,500 (1 percent) were security payments.

C. Testimony

In order for the government to fulfill its constitutional duty to ensure that a defendant receives a fair trial, the government must disclose to the defendant, information in its' possession which would be favorable to the accused and material to his defense.⁶³⁵ The government's obligation includes disclosing information that would be useful to impeach the credibility of a government witness.⁶³⁶ Thus, DEA is legally obligated to disclose information that reflects upon the credibility of a CS who is called as a government witness. This includes a CS's prior criminal history and prior acts of misconduct that may not have resulted in a criminal conviction, if they have a bearing on the CS's credibility. In addition, DEA must disclose inducements offered in exchange for the CS's cooperation, including all payments, gifts, promises, and agreements. DEA must disclose any information which contradicts a CS's statements, any information that the CS's perception or recollection was impaired, and any information that the CS biased against the accused for any personal reason such as vengeance, or racial hatred. The knowing failure of any SA to disclose this information may subject the SA to disciplinary action, and if there is a reasonable probability that the outcome of the criminal proceeding would have been different if the information had been disclosed, the conviction of the defendant would likely be reversed.⁶³⁷

The MRT determined that Chambers testified as a witness in approximately 25 DEA cases. Chambers provided false testimony in 16 trials and sworn depositions. The MRT did not uncover any instance where Chambers testified falsely as to any substantive facts underlying a criminal charge against a defendant. Rather, the false testimony, for the most part, involved his arrest record, level of education, and payment of income taxes. There were several SAs and prosecutors present during these instances who were unaware that the testimony Chambers was providing was false. In June 1988, during the trial of *United States v. Ransom*, Chambers admitted that he had testified falsely in prior trials. The case agent, who was present during Chambers' testimony, notified her

supervisor after learning of Chambers' false testimony in prior trials. There was no documentation submitted to any file to report this information, nor was there any system or policy in place to more effectively track information regarding a CS's testimony.

Chambers has been arrested approximately 13 times for various charges, including traffic offenses, disturbing the peace, assault, forgery, writing a check on an account with insufficient funds, issuing a false financial statement, and solicitation for prostitution. Other than traffic adjudications, Chambers has only one conviction. On October 1, 1995, he pled guilty to a misdemeanor charge of solicitation for prostitution in Denver. The precise number of times that Chambers was arrested is difficult to certify. His arrest record reflects traffic offenses, for which he may not have actually been taken into custody but merely released from a traffic stop with a summons to appear at a future date. That may appear as an arrest on a rap sheet. When Chambers was first activated in 1984, DEA policy required that the controlling SA either submit Chambers' fingerprints to the FBI or, if he had a verifiable FBI number, submit a query through NCIC to obtain his criminal history. A criminal history report obtained from the FBI through NCIC is not conclusive, and may not be inclusive of all arrests. The FBI criminal records system is dependent upon law enforcement agencies submitting legible and classifiable fingerprint cards to their records center. NCIC also interfaces with similar state systems or acts as a pointer to states that may also show an arrest record. In addition, not all arrests are reported uniformly nor are they all reported to the FBI. Therefore, it is incumbent upon a criminal investigator, when attempting to identify a subject or verify arrests, to query as many databases and record holders as necessary. For example, to determine if an individual has ever been arrested, a very thorough investigator would query NCIC, query a state agency such as a Bureau of Criminal Identification, and query a local police department where the individual resides. An exhaustive check would include queries to every state and locale where the individual may have lived, visited, or traveled through. The MRT queried NCIC and all 50 states individually, but did not query local agencies.

The first known instance where Chambers testified falsely was in St. Louis on April 17, 1985, in *United States v. Springer*. Chambers testified during direct examination by AUSA Fred Dana that he had not been charged with any crime by any law enforcement agency at any time. That statement was false. At that time, Chambers had felony charges pending against him in Paducah for second degree forgery and filing a false financial statement. [REDACTED] and AUSA Dana were present when Chambers testified in *Springer*, there is no conclusive evidence that either person knew Chambers was testifying falsely.

Chambers stated that he told [REDACTED] about the charges in Paducah. [REDACTED] during an MRT interview, stated that he had talked with the county prosecutor in Paducah and recalled that the prosecutor told him that charges had not yet been filed. [REDACTED] explained that he believed that the prosecutor was contemplating filing charges and that he contacted the prosecutor in an attempt to prevent the filing of any charges against Chambers. [REDACTED] however, sent a letter to Judge Graves on April 15, 1985 (two days prior to the trial in *United States v. Springer*), which referenced an April 11, 1985 telephone conversation with the judge. In the letter, [REDACTED] requested that the judge "recall any outstanding warrants from your office concerning Chambers." [REDACTED] further said that he considered the term "outstanding warrant" to be a generic term that applied to any

warrant, including a warrant that had not yet been issued. [REDACTED]

Approximately three weeks after testifying in *United States v. Springer*, Chambers testified in *United States v. Brown*. In *Brown*, Chambers testified on direct examination by AUSA James Moncano that he had not personally been involved in any criminal conduct. That was not true; he still had two charges pending against him in Kentucky for forgery and filing a false financial statement. In addition, he had been arrested for assault on April 6, 1984. While [REDACTED] and AUSA Mancano were present when Chambers testified in *Brown*, there is no conclusive evidence that either person knew Chambers was testifying falsely.

[REDACTED] was the first SA who the MRT verified as having had knowledge that Chambers testified falsely. On June 9, 1988, Chambers testified in Los Angeles in the trial of *United States v. Ransom*. AUSA Thomas Berniert and the case agent, [REDACTED] were present during Chambers' testimony. Chambers testified that it was not true when, in *United States v. Brown*, he denied being involved in any criminal conduct. He also testified that it wasn't true when, in *United States v. Springer*, he denied ever being charged with any crime. [REDACTED] recalled that both she and AUSA Berniert notified their respective supervisors at the first break in the trial that Chambers had given false testimony in prior trials. AUSA Berniert, however, did not recall that Chambers admitted lying in previous trial testimony when Chambers testified in *Ransom*. AUSA Berniert's supervisor, AUSA Walsh could not remember having any conversations with AUSA Berniert concerning the testimony of Chambers during that trial. AUSA Walsh stated that, at that time, he supervised approximately 25 attorneys.

AUSA Ellen Marcus Lyndsay was the first AUSA who the MRT verified as having had knowledge that Chambers testified falsely. Chambers testified over a four-day period between June 21-24, 1988 in *United States v. Fuller*. The prosecutors in the case were Enrique Romero and Ellyn Lindsay. The case agent was again [REDACTED]. AUSA Lindsay stated that she knew about Chambers' past credibility problems and that information was fully disclosed to the defense attorneys in *United States v. Fuller*.

On February 7, 1989, Chambers testified in Los Angeles in the trial of *United States v. Dion Floyd*. Chambers was called as a witness by the defense in *Floyd*. Chambers testified that he gave DEA false information about his criminal record. Chambers testified that he did not pay taxes on his DEA earnings and that it was not true when he testified in *United States v. Springer* that he had paid taxes on his income from DEA. Furthermore, Chambers testified that he lied in the 1985 *United States v. Brown* trial, when he testified that he had never been involved in any criminal conduct. The case was prosecuted by AUSA Jeffrey Eglash. AUSA Eglash stated that he was made aware of improprieties in Chambers' past either by other AUSAs or by defense counsel. AUSA Eglash stated that too much time has elapsed to remember exactly what happened before and during the trial in *Floyd*, consequently, he does not remember whether anyone from DEA informed him about Chambers' credibility issues. Based on Chambers' record as a witness, AUSA Eglash decided not to call him to testify. [REDACTED] was the case agent. He does not recall any credibility issues involving Chambers surfacing during the trial.

On November 22, 1989, Chambers testified in Minneapolis in the trial of *United States v. Duke*. AUSA Jon Hopeman asked Chambers on direct examination whether he had ever been arrested. Chambers answered "no." That testimony was false. While Chambers had not yet been convicted of any crimes other than traffic offenses (it was not until 1995 that he was convicted of soliciting a prostitute), Chambers had been arrested approximately 11 times between 1978 and 1989 for various charges. The case agent, TFO ██████████ stated that he had no knowledge of Chambers' arrest record prior to or during the *Duke* trial. It was not until early 1994, during the *Duke* appeal process, when TFO ██████████ was notified by AUSA Hopeman that Chambers had an arrest record. AUSA Hopeman had no knowledge of Chambers' arrest record when Chambers testified in *Duke*.

On February 26, 1990, Chambers testified in Minneapolis during the trial of *United States v. Nunn*. He testified under direct examination by AUSA Denise Reilly that he had never been arrested or convicted. While up to that point, he did not have any adjudications for other than traffic offenses, he had been arrested on several occasions. Neither the case agent, TFO ██████████ nor AUSA Reilly had any knowledge that Chambers testified falsely, because they did not know his arrest record.

On January 8, 1991, Chambers testified in another Minneapolis trial, *United States v. Martinez*. He testified during direct examination by AUSA Nathan Pettersen that he had no criminal record and had never been arrested. Neither the case agent, TFO ██████████ nor AUSA Pettersen had any knowledge that Chambers testified falsely, because they did not know his arrest record.

On April 30, 1991, Chambers testified as a defense witness in Los Angeles in the trial of *United States v. Hill*. GS-Hill was charged with theft of money that had been seized during a drug investigation. In this trial, it was in the interest of the government to impeach Chambers with his prior false testimony, and yet the government did not do so. Such a failure illustrates that neither the Inspectors nor the AUSAs were aware of Chamber's prior false testimony.

On August 27, 1991, Chambers testified in San Diego in the trial of *United States v. Teran*. Chambers testified that he had two years of college. He has testified in different trials to various lengths of college attendance. He attended Iowa Wesleyan for one semester in the spring of 1983. AUSA Michael Lasater, who tried the case, stated that he was unaware of any credibility issues concerning Chambers, and the only issues raised at trial were routine defense questions targeting payments to Chambers.

On September 4 - 6, 1991, Chambers testified in Cincinnati in the trial of *United States v. Tanks*. During direct examination, Chambers testified that he went to college for two years in Iowa and majored in criminal justice. That was not true. He attended Iowa Wesleyan for one semester in the spring of 1983. Neither the case agent, TFO ██████████ nor AUSA William Hunt would have known that testimony was false.

On January 23, 1992, Chambers testified during cross examination in an Illinois case, *United States v. Collins*, that he paid income taxes on his earnings. That was not true. He further testified

that he had a year in college. That was not true; he only attended college for one semester. Neither GS [REDACTED] nor AUSA James Porter would have known that testimony was false.

Chambers testified in a series of trials that involved Roger Moore and Albert Marhold. He testified on July 10, 1992 in *United States v. Moore, Marhold*, on July 20, 1992 in *United States v. Moore*, and on November 5-6, 1992 in *United States v. Marhold*. On January 10, 1992, Chambers testified during cross examination in Pensacola, Florida in *United States v. Moore, Marhold*, that he attended three years of college. That was not true. He attended Iowa Wesleyan for one semester in the spring of 1983. On November 5 and 6, 1992, in *Moore, Marhold*, Chambers testified that he filed income tax returns for 1991 and that he reported approximately \$60,000 in income. That testimony was not true. During his April 6, 2000 MRT interview, however, Chambers acknowledged that he had worked and received payment from DEA since 1989 and had not paid taxes on that income. During his testimony in *Moore, Marhold*, Chambers denied that, during a break in testimony, he was discussing the case with another officer and the prosecutor. AUSA Nancy Hess contradicted Chambers' testimony by stating on the record that Chambers was discussing the case with her during a break. Chambers maintained that it was his opinion that the discussion was not about the case but about something else. Neither [REDACTED] nor AUSA Hess were aware of any prior issues surrounding Chambers' service to DEA. They would have no way of knowing whether his testimony regarding taxes and college education were false. The issue regarding whether there was a discussion about the case with the AUSA during the break was on the record and fully explored at trial.

On May 31, 1995, Chambers testified in Louisiana in the *State v. Bane* prosecution. Chambers testified on direct examination that he had never been arrested. He reaffirmed that testimony later on cross-examination when he testified again that he had never been arrested. That testimony was not true. Chambers further testified that he was subject to random drug screening. That testimony was false. While DEA employees are subject to random drug screening, DEA CSs are not subjected to any drug screening by DEA. The case agent, [REDACTED], was not in court when Chambers testified and ADA Scott Gardner did not remember any credibility issues raised during trial. The reason that ADA Gardner would not have perceived the answer given by Chambers as false was that [REDACTED] did not run a criminal history for Chambers and did not provide one to the prosecutor. The prosecutor, therefore, would have no knowledge of the prior arrests.

During the December 9, 1997, *United States v. Sampson/Alvarado* trial in Tampa, Chambers testified that he had never been convicted of an offense. That was not true. On October 1, 1995, Chambers pled guilty to soliciting for prostitution in Denver. Later, while testifying in the same trial, Chambers acknowledged that he was convicted of solicitation. SA [REDACTED] stated that he is certain that he ran a criminal history check on Chambers, but he does not recall seeing anything unusual in the criminal history. [REDACTED] stated that he was seated at the prosecution table in that case when Chambers testified, but he heard nothing that would cause him to doubt Chambers veracity. The AUSA in the case, Robert Stickney, is now in private law practice and was not interviewed.

On April 22, 1999, Chambers testified in a Hillsborough County deposition in the state prosecution, *Florida v. Landrum*. Chambers testified during the deposition that he was arrested for soliciting a prostitute and that it was the only time he was ever in trouble. That was not true. He had been arrested 12 times in addition to the 1995 solicitation arrest to which he testified. The deposition was taken at the public defender's office in Hillsboro County. Neither the prosecutor nor a SA were present when Chambers testified.

On July 30, 1999, Chambers testified in a deposition in a Pasco County case, *Florida v. Zamora*. Chambers admitted that he had been arrested and said that he was arrested for solicitation for prostitution. When he was asked if that was "it," Chambers answered "yes." That was not true. Chambers had been arrested approximately 12 other times between 1978 and 1999 for various charges. ASA Manuel Garcia, who was present at the deposition, stated that he was not aware of Chambers' arrest record. [REDACTED] was not present to hear Chambers testify during the deposition.

From an operational perspective, a CS's arrest record is important because it reflects his suitability, reliability, and manageability as an informant. For reasons of safety, a SA should always be aware of a CS's complete arrest record, which may indicate his propensity for violence and his trustworthiness. It is negligent for a SA or TFO to utilize a CS without being aware of his arrest record.

The MRT investigation has not uncovered any instance where anyone has counseled Chambers to lie when testifying. Chambers, himself, stated that no one from DEA or a USAO or anyone else ever told him to lie under oath.⁶³⁸ He stated that he was repeatedly told by the SAs, with whom he worked, to "just tell the truth. No matter how it go [sic], whatever is going on, just tell the truth."⁶³⁹

There were no substantiated facts uncovered indicating that any state or federal prosecutor intentionally allowed Chambers to testify falsely. The prosecutors handling the cases in which Chambers testified falsely were relying on information provided to them by DEA. It is understood by all prosecutors that information about informants is provided on a strictly "need to know" basis. With that understanding, the prosecutors are at the mercy of whatever the investigative agency provides to them about a CS. Chambers is a DEA CS. It is the responsibility of DEA to advise the prosecutors about any information they have that would impact the credibility of a CS. Unfortunately, many of the prosecutors in the DEA cases where Chambers testified were not fully apprised of Chambers' arrest record and prior instances where he provided false testimony.

AUSA Lyndsay was the first AUSA who the MRT verified as having known that Chambers testified falsely. AUSA Lindsay stated that she knew about Chambers' past credibility problems and that the information was fully disclosed to the defense attorneys prior to the trial of *United States v. Fuller*. AUSA Lindsay did what the law required of her. Chambers was not her informant; it was the responsibility of DEA to ensure that future prosecutors were informed of credibility issues surrounding Chambers.

No substantiated facts were uncovered in this review indicating that any SA or TFO intentionally concealed information that would impact the credibility of Chambers. [REDACTED] was

the first SA who the MRT verified as having known that Chambers testified falsely. She was present in court on June 9, 1988, when Chambers admitted in *United States v. Ransom* that he lied in prior cases. She immediately notified her supervisor, [REDACTED]. However, there was no effective procedure in place at the time, short of "blackballing", which was usually done with great reluctance. "Blackballing" was the term used for deactivating a CS with prejudice, i.e.; to prevent their future utilization. A CS was "blackballed" or "deactivated for unsatisfactory behavior" for a myriad of reasons, including knowingly providing false information, refusing to accept supervision, having psychological problems, or stealing official funds. The decision to blackball a CS was a subjective determination made by field personnel. It could be reversed only with significant justification and HQ concurrence. Although he was not in violation of any DEA policy in existence at the time, [REDACTED] should have directed [REDACTED] document Chambers' false testimony in a report or memorandum to the CS file. Unfortunately, this was not done. Consequently, when Chambers was initiated as a CS in another office, the SAs in that office had no way of knowing what had taken place in the prior trials. This was an individual deficiency.

Even if [REDACTED] properly documented the incident by submitting a report or memorandum to the CS file, this would not have been effective. SAs in offices where Chambers had not previously been activated, would not have access to that CS file. The ineffectiveness of simply writing a memorandum to the CS file is best illustrated by what happened in 1997 when SA [REDACTED] documented that Chambers testified falsely in prior trials. He ensured that documentation was placed in Chambers' Los Angeles CS file. However, SAs who later used Chambers obviously did not check the CS file, either because they were not required to, or it was not available to them. Consequently, they did not learn about Chambers' credibility problems. This was a systemic deficiency. SAs often had to rely on the verbal recommendations of the SAs who had previously used Chambers. The comments were generally favorable, and from an operational standpoint, Chambers was considered to be a reliable and effective CS.

Chambers was unique in the world of informants. His cases spanned the country. Because the cases in which he was involved were in different cities throughout the United States, he was able to testify falsely in one place with the agents in another subsequent case not being aware of the previous false testimony. The problem was systemic. There was no effective system in place to memorialize issues raised regarding the credibility of an informant, and therefore SAs who activated Chambers in another office did not know about his false testimony in a prior case. Chambers was able to exploit, either wittingly or unwittingly, that weakness in the DEA CS system.

D. OC Directive

The SAs in Miami complied with Chief of Operations Fiano's teletype directive issued in August 1999 regarding the utilization of Chambers. The SAs received SAC approval to use Chambers and informed each of the AUSAs about the credibility issues with Chambers. [REDACTED] the case agent in Columbia, did not know initially that Chambers was a Restricted Use CS, because the case was started in Miami and Chambers made phone calls from Miami and never traveled to Columbia. [REDACTED] never established Chambers as an informant in Columbia.

E. Houston Arrest

The MRT investigation of the facts surrounding Chambers' 1998 Houston arrest, incarceration and bail reduction determined that the SAs acted properly in facilitating his release from the county jail because he was incarcerated with arrestees from a recent MET deployment. In order to facilitate his release, SAs requested that his bond be reduced to an amount he could post. Chambers was in Houston at the behest of DEA, and he was in the midst of assisting in a drug investigation. At a time when he was not under the supervision of SAs, he solicited what he thought was a prostitute and was arrested. He had no family or close associates who could post bond on his behalf. Consequently, DEA was the only resource available to Chambers to assist him in posting bond. If Chambers were a resident of Harris County, he would likely have been granted release on his own reconnaissance. Chambers was unable to access the money from the jail escrow account, and therefore it was necessary for ██████████ arrange to have the money transferred to him in order to post bond for Chambers. While ██████████ posted bond for Chambers, the money used to post bond belonged to Chambers. It had been previously paid to him on a DEA-103 as a result of his assistance in a DEA investigation. No DEA official funds or personal money from any SA was used. All of the transactions have been properly documented and all of the funds involved have been properly accounted for. The MRT neither condones nor condemns ██████████ actions regarding the transfer of funds. ██████████ was acting at the direction of Acting ██████████ and it was a common sense approach to solving the problem at hand.

ADA Davenport stated that nobody from DEA requested that the charges be dismissed. ADA Chuck Noll stated that ██████████ did not request that the charges be dismissed, but simply that ██████████ indicated that he would not object to them being dismissed. There is an unresolved factual issue as to whether Houston PD Lt. ██████████ requested that the charges be dismissed. ADA Noll wrote a memorandum to ADA Susan Wolfe (Davenport) requesting that she dismiss the charges at the request of ██████████. ADA Noll stated that the charges were dismissed at the request of ██████████ however, stated that he did not request the dismissal of the charges. He stated that it was possible that ADA Noll or another ADA called him to ask whether he there would be a problem with dismissing the charges.

There is an unresolved factual issue regarding who, if anyone, actually requested that the charges be dismissed. It may have been a case where, once it was realized that Chambers was a CS who was in the middle of working a drug investigation, it was probably understood that having the charges dismissed worked to the overall advantage of law enforcement in general. This was just one of the approximate 59,000 misdemeanor arrests handled by the Harris County District Attorney's Office every year. That is not to diminish the seriousness of the charge. However, the reality is that much more serious charges are routinely dismissed in exchange for a defendant's cooperation with the police. In this instance, Chambers was already cooperating with the police, and the law enforcement community may have wanted to ensure his continuing cooperation.

F. 1998 Tampa Inspection

The MRT found that IN Inspectors interviewed Chambers in Tampa on November 17, 1998 as part of the CS Program compliance review during the Miami Division on-site inspection. The responses to the Inspector's questions were not indicative of any CS management problems at that time. The questions on the checklist are designed to determine if there are any integrity issues involving the CS's controlling SAs. It is not designed to determine if there are any integrity issues involving the CS. The checklist does not have any questions regarding a CS's court appearances or testimony.

G. Changes to CS Policies and Procedures

DEA's CS management controls are probably one of the most stringent among federal, state, and local law enforcement agencies. DEA recognized that there were control and reporting concerns associated with CSs who were working more than one DEA office, hence CSS was developed. However, DEA's utilization of Chambers as a CS is an anomaly. Most of DEA's CSs work only in one geographic area, for a fraction of the time that Chambers was active. Nonetheless, there are flaws in CSS that need to be corrected.

The current CS policies and procedures, which include the recent changes designed to address the issues raised by the Chamber controversy, can efficiently and effectively identify CS utilization issues/problems to various CS handlers and DEA management. DEA must be cognizant of the danger of becoming overburdened with policies and procedures which thwart the recruitment of CSs from the criminal community, thereby curtailing the agency's effectiveness.

H. Communication Deficiencies

The MRT found that there were substantive communication deficiencies within various Headquarters elements. These problems occurred primarily between CC, OM, OPR, and SARL.

In late 1995, the USAO in Denver sent a letter to [REDACTED] that directed their attention to "*United States v. Duke*, 50 F.3d 571 (8th Cir. 1995), which further describes the career of the informant at issue in this case." The *Duke* opinion, in upholding the conviction of the defendant, analyzed the false testimony of Chambers. Former CC [REDACTED] stated she had no recollection of the letter. CC did not follow up with further investigation, notify OM (who has oversight responsibility for CSS), or notify the Operations Division. In September 1997, SAs from the Los Angeles Division contacted an attorney in CC and told the attorney about allegations regarding Chambers' prior false testimony as outlined by APD H. Dean Steward who represented one of the defendants in *United States v. Stanley*. CC did not notify sections within HQ entities or offices where Chambers was active at that time of these allegations.

In August 1997, SARL received the initial FOIA request from APD Steward. While they initially denied the request on technical grounds, in May 1998, they began to research the history of

Chambers. In July 1998, SARL attorney [REDACTED] briefed then OMPP Unit Chief [REDACTED] of the issues involving Chambers, but neither SARL nor OMPP made a formal, written notification regarding the issues to the Operations Division. RAC [REDACTED] pointed out in his interview with a member of the MRT that OM has no oversight on the management of a CS that has been documented in the field, but rather is responsible for setting policy and managing CSS. It was not until July 1999, that DAA Robert Richel sent a memorandum to OM Chief Charles Lutz that detailed the allegations against Chambers in the FOIA lawsuit. The memorandum was prompted by an order from the presiding judge in the civil action for DEA to provide the details of Chambers' history with DEA. At that time, the issues surrounding Chambers were raised with the Operations Division. Yet three months prior, in May 1999, CC sent a letter to a number of offices and prosecutors that were using Chambers detailing the allegations in the FOIA suit, as well as the findings of the *Duke* court. CC did not notify the Operations Division or OM of these findings. It was not until an exchange of memorandums between Deputy Assistant Administrator Richel and OM Chief Lutz in July and August that the issues were addressed at the Operations level.

APD Steward sent two separate letters directly to OPR in which he complained about DEA's use of Chambers. The first letter was dated April 13, 1998, the second was a follow-up dated July 12, 1999. Members of OPR Team C, of the Western Field Office, interviewed Steward. When they learned that Steward was not alleging misconduct by a DEA employee but rather a CS, the matter was administratively closed. While procedurally that was a correct action, the allegations merited further investigation, and should have been passed to the Operations Division for action and notification to those field offices where Chambers was active.

In each of these actions, failure to communicate, either Chambers' prior false testimony or allegations of specific misconduct of Chambers, led to the delay of uncovering the specifics of the issues surrounding his credibility. If the Operations Division had known about the issues at an earlier date, they could have been investigated then and consequently, notification to the field could have been more timely.

All of the reasons given by AUSA Jendron that go to the substance of the charges involve some aspect of rebutting a potential entrapment defense. Entrapment is a defense to a crime committed by a person who is induced by officials of the government to commit a crime that he was not disposed to committing. As explained by the United States Supreme Court: "If the result of the government activity is to implant in the mind of an innocent person the disposition to commit the alleged offense and induce its commission, the defendant is protected by the defense of entrapment."⁶⁴¹ In some instances, the conduct of an informant is attributable to the government. The United States Court of Appeals for the Fourth Circuit distinguished government inducement from government solicitation: "Inducement is a term of art: it involves elements of governmental overreaching and conduct sufficiently excessive to implant a criminal design in the mind of an otherwise innocent party. Solicitation, by contrast, is the provision of an opportunity to commit a criminal act. The showing of mere government solicitation is insufficient to merit an entrapment instruction because solicitation by itself is not the kind of conduct that would persuade an otherwise innocent person to commit a crime, or that would be so inductive to a reasonably firm person as likely to displace *mens rea*."⁶⁴²

It is not considered inducement for the government to merely present the defendant with the opportunity to commit the crime. Government inducement for purposes of establishing entrapment requires an element of persuasion or mild coercion.⁶⁴³ The government's mere suggestion of a crime or even initiation of contact is not enough to establish inducement. Inducement requires that the government conduct create a substantial risk that the crime will be committed by a person other than someone ready to commit it.⁶⁴⁴ The defendant has the burden of producing some evidence that either he was not ready to commit the crime or the government persuaded him to commit the crime by overreaching inductive conduct.⁶⁴⁵ In establishing government inducement, it is necessary for the defendant to prove that he was persuaded to commit the crime through unfair temptations, such as threats, sympathy, coercion, harassment, promises of exorbitant riches, romance, etc.

There is no evidence in the Columbia case that Chambers or DEA did anything that would amount to inducement. In the absence of evidence of inducement, a court following the law would not even allow a defendant to assert an entrapment defense.⁶⁴⁶

Even if the defendant could present some evidence of inducement, that alone will not establish an entrapment defense. The entrapment defense is not available to an unwary "criminal." Assuming arguendo that a defendant presents evidence that he has been induced by the government to commit the crime, the burden would then shift to the government to demonstrate that despite the government inducement the defendant was predisposed to committing such a crime.⁶⁴⁷ "The entrapment defense theorizes that an individual not otherwise predisposed to criminal conduct was corrupted by some inducement on the part of the law enforcement officer. Thus, the focus is on the intent or predisposition of the defendant to commit the crime."⁶⁴⁸ If the government demonstrates that the defendant was predisposed to committing the crime, then the claim of entrapment would fail.

Asserting the defense of entrapment is a two edged sword for a defendant, because once the defendant carries his burden of producing evidence of inducement, the government then has the burden of proving beyond a reasonable doubt that the defendant was predisposed to committing that

crime. A court which might otherwise view evidence of similar crimes committed by a defendant with a jaundiced eye, would be more likely to allow such evidence in a case where the government has the burden of proving the predisposition of the defendant. That is, because similar bad acts, including arrests⁶⁴⁹ and convictions,⁶⁵⁰ are particularly probative of a defendant's predisposition to commit a crime.⁶⁵¹ By asserting an entrapment defense, a defendant is essentially opening the door to the introduction into evidence of a myriad of prior bad acts committed by him, which may be introduced into evidence by the government as a way of proving his predisposition to committing the charged crime. It is for that reason that a defendant who has an extensive prior criminal record for similar charges, will usually forego an entrapment defense. A claim of entrapment is a desperate and usually futile defense for a defendant who has an extensive prior similar criminal history. Such a defendant will only assert entrapment where the evidence of his guilt is strong and there is no other viable defense to the crime.

In the Columbia case, ██████████ had previous convictions for felony drug offenses and robbery, and also had other arrests in both Florida and South Carolina. ██████████ had an arrest record for both drugs and weapons charges. In 1993, ██████████ was convicted of the unlawful carrying of a pistol and on May 8, 1997 ██████████ was given a 10 year suspended sentence for a felony drug conviction and was placed on probation for five years. He apparently was on probation for a drug offense when he was arrested in Columbia. With those records, it would be imprudent for either defendant to try to claim entrapment.

██████████ however, did not have a significant prior arrest record. That does not mean that there is no evidence that he was predisposed to commit the crime. ██████████ made the initial introduction between Chambers and ██████████ in order to facilitate the purchase of heroin in Miami, for which ██████████ was arrested. Such conduct is strong evidence of predisposition.

Similar bad acts are not the only way to prove the predisposition of a defendant. It can reasonably be inferred that a person who promptly engages in criminal conduct is predisposed to commit that crime. The U.S. Court of Appeals for the Fourth Circuit has stated that, "The fact that a defendant has not previously committed any related crime is not proof of lack of predisposition. Rather, predisposition is found from the defendant's ready response to the inducement offered. It is sufficient if the defendant is of a frame of mind such that, once his attention is called to the criminal opportunity, his decision to commit the crime is the product of his own preference and not the product of government persuasion. In summary, an entrapment claim can only prevail where the Government's deception actually implants the criminal design in the mind of the defendant."⁶⁵² The United States Supreme Court has stated: "An agent deployed to stop the traffic in illegal drugs may offer the opportunity to buy or sell drugs and, if the offer is accepted, make an arrest on the spot or later. In such a typical case, or in a more elaborate 'sting' operation involving government-sponsored fencing where the defendant is simply provided with the opportunity to commit a crime, the entrapment defense is of little use because the ready commission of the criminal act amply demonstrates the defendant's predisposition."⁶⁵³

Proof of predisposition does not stop at the prompt commission of the crime or evidence of similar bad acts. Predisposition may be shown in a number of other ways: if a suspect passes up an

opportunity to back out of the deal; he is relaxed and comfortable discussing the drug deal, which would suggest that he has done it before; he shows no reluctance to perform the drug transaction; he has unexplained wealth; he has knowledge of drug trafficking (he knows the jargon, prices, how to determine the quality of the drugs, he knows how to avoid police detection through counter surveillance); he knows other drug dealers; he shows initiative; he offers or asks for drug samples; he calls to keep the deal on track; he drives a hard bargain; he offers assistance; he has a reputation for committing the crime at issue; he is a member of a criminal gang; he uses drugs; he sells drugs; or a post arrest search reveals more drugs, more cash, distribution paraphernalia, manufacturing paraphernalia, or drug records.

██████████ engaged in a number of recorded conversations with Chambers where he demonstrated his knowledge of the drug trade. He was familiar with the drug world vernacular and even explained during one conversation how he cuts heroin for another customer in Florida. Every step during the investigation was marked by evidence of ██████████ predisposition to committing the drug crime for which he was arrested.

Clearly, the entrapment defense announced by the defense attorneys had no substance; it was nothing but a scarecrow. Perhaps the real reason the indictments were dismissed was a concern for appearances. AUSA Jendron said that he did not want to put that kind of informant on the stand because it would make everybody look bad. AUSA Beth Drake, the attorney assigned to the case, explained that she felt that a trial would draw national media attention and was afraid she would lose the case.

Chambers was involved in four DEA investigations in Miami, Florida. The facts listed in the MRT report from three of those investigations are repeated below.

One investigation involving OCDETF resources, was of the crack cocaine trafficking organization in Hallandale Beach headed by ██████████. The case was initiated in August 1999. The investigating SAs were unsuccessful in infiltrating the organization through the use of undercover agents and CSs until October 1999, when Chambers agreed to come to Miami and assist in the investigation. Upon his arrival, Chambers made contacts that eventually introduced him to crack dealers in the area. Chambers made three purchases of crack cocaine, totaling approximately six ounces. Chambers also made one purchase of approximately three ounces of cocaine. All purchases by Chambers were video and audio recorded from inside a motor vehicle used by Chambers. Chambers was making progress toward contacting one of the main targets of the organization in order to purchase large quantities of crack cocaine from him.⁶⁵⁴ No charges were filed in this case; the USAO in Miami refused to prosecute this case because of the Chambers controversy. It is now being reviewed by state authorities for prosecution.

In another case, Chambers met ██████████ in Miami. ██████████ was a member of a heroin distribution organization. ██████████ introduced Chambers to ██████████ the leader of the heroin organization. After further meetings and recorded telephone conversations, Chambers negotiated with ██████████ for the purchase of five ounces of heroin. When ██████████ made a partial delivery of approximately one and one-half ounces of heroin, he and another organization member, ██████████

██████████ were arrested. All transactions were video and audio recorded from inside the vehicle used by Chambers.⁶⁵⁵ ██████████ was wearing an ankle bracelet monitoring device when he was arrested. This case was dismissed after indictment by the USAO in Miami because of the Chambers controversy. State authorities refused to prosecute the case.

The MRT noted that ██████████ had five prior felony drug arrests. ██████████ had six prior felony drug arrests and had been placed on probation in March 1993 for drug trafficking. In 1994, while on probation, ██████████ allegedly lured a drug purchaser to his home, at which time, he and an accomplice, kidnaped, beat, robbed, and murdered him. In 1996, ██████████ was charged with murder, but was never violated on his drug probation. The murder case is pending trial before Judge Victoria Sigler in Florida's Eleventh Circuit Court. ██████████ was placed on house arrest pending trial in the murder case. He was still on house arrest and wearing an ankle bracelet monitoring device when he was arrested in 1999 in the DEA drug case. After his 1999 DEA arrest, Judge Sigler revoked ██████████ house arrest and placed him in custody, but returned him to house arrest status, with additional restrictions, after the 1999 drug charges were dismissed by the Miami USAO.

Chambers also met with ██████████ in Miami. ██████████ were attempting to sell Chambers 20 kilograms of cocaine. In October 1999, Chambers made a DEA-supervised, recorded telephone call to ██████████ negotiated for the delivery of 10 kilograms of cocaine. The next day ██████████ met with Chambers and delivered the 10 kilograms of cocaine. ██████████ were immediately arrested. Chambers was wearing a body recorder and a radio monitoring device during the transaction.⁶⁵⁶ ██████████ stated after his arrest that he had stolen the cocaine from some Haitians. A subsequent consent search of ██████████ residence revealed a small amount of crack cocaine and another kilogram of powdered cocaine packaged similarly to three of the 10 packages that were seized earlier. ██████████ thought he knew where another boat load of cocaine was located and attempted to show the SAs, but he was not successful in locating the cocaine. This case was dismissed after indictment by the USAO in Miami due to the Chambers controversy. State authorities refused to prosecute the case.

██████████ had three prior felony arrests for armed robbery, one arrest for prowling, and one felony arrest for cocaine possession. ██████████ had five prior felony arrests for vehicle theft, two felony arrests for burglary of a vehicle, and one felony arrest for burglary, fraud, and possession of stolen property.

AUSA Sabin stated that the following factors were considered when deciding to dismiss the cases pending in Miami: (1) the judges assigned to those cases had past histories that indicated any issues relating to informants would be major hurdles in the cases; (2) Chambers had been used by other agencies, some of which had cases pending, and there was a possibility of creating additional *Giglio* material; (3) previous appellate court decisions which found that Chambers had provided false testimony; (4) a recent statement by a prosecutor arguing an appeal before the U.S. Court of Appeals for the Ninth Circuit that Chambers' false testimony was "undefendable;" (5) pending litigation in the FOIA action; (6) the amount of money paid to Chambers; (7) AUSA Sabin did not want to place DEA SAs at odds with prosecutors as to who was told what and when; and (8) St. Louis and Denver had already dismissed other cases. AUSA Sabin also stated that the criminal history of Chambers was itself not a real problem.⁶⁵⁷ With the criminal records of the suspects and the other abundant

evidence of predisposition, an entrapment defense was not even mentioned by AUSA Sabin as one of the reasons for dismissing the charges.

The AUSAs in Miami were informed well in advance of the indictments in the [REDACTED] and [REDACTED] case was never indicted) of the credibility issues surrounding Chambers. The SAs involved the investigations were aware of the problems with Chambers and told the AUSAs, who, in turn, told the SAs that the cases would be prosecutable provided that all the conversations were recorded. In each of the cases in Miami, except for the initial meetings, all of the conversations between Chambers and the suspects were recorded. They even wired Chambers' car for audio and video in the [REDACTED] case. As a result of the SAs' conscientious and diligent work in preparing the cases, AUSAs McCabe, Dates, and Hall all opined that they could prove the cases without calling Chambers as a witness. AUSAs Dates and Hall, however, later changed their opinions without explanation. Someone from the USAO in Miami later told AUSA Drake from the USAO in Columbia that they had been "sandbagged" by DEA regarding Chambers.

In contrast to the approach of the USAOs in Columbia and Miami, the USAO in Los Angeles and the Jefferson Parish District Attorney's Office are going forward to trial in cases where Chambers will be called to testify.

V. Recommendations

As a result of this review, the MRT makes the following recommendations:

A. CS Tracking

A system to track the court testimony of CSs should be developed. During the course of this management review, the MRT experienced significant difficulties in identifying instances where Chambers had testified in court. Eventually, each division was required to identify and review all cases in which Chambers provided assistance. This proved to be very time consuming. Prior to the completion of this review, Chief of Operations Richard Fiano issued a teletype directive on June 6, 2000, requiring that CS testimony be documented.⁶⁵⁸ It required that, on a quarterly basis, each division must identify cases, judicial jurisdictions and judicial docket numbers for any trial where a CS has testified. This is to be reported on the Quarterly Management Review of the CS or, if the CS is deactivated prior to the end of the quarter, in the CS Deactivation Report.

Negative information regarding a CS should be immediately reported by the controlling SA, in writing, through his chain of command for inclusion in the CS file. The MRT learned that, early on in Chambers' cooperation with DEA, SAs or prosecutors noted his false testimony. The information was sometimes reported through their respective chains of command. The allegation(s) were never reported to HQ. Any information involving a particular CS concerning arrests, false testimony, declined prosecutions, allegations of dishonesty, etc., must be reported by the field office through a teletype to OM. This information should be entered into CSS so that any office/SA subsequently using or documenting the CS will have full knowledge of the allegations, as well as a point of contact to obtain additional information. It should be the responsibility of the reporting office to investigate the information/allegation and for that office to make a judgement on the continued use of the CS. This decision should be made by the SAC, and not delegated below the SAC level.

OM is responsible for maintaining CSS. SAs or Program Managers assigned to OM do not have the legal training or background to make informed decisions as to what constitutes *Brady* or *Giglio* material. That is the responsibility of the attorneys assigned to CC. CC currently tracks *Henthorne/Giglio* material regarding SAs. Form should follow function; therefore, CC should be responsible for maintaining a database to track *Brady/Giglio* material for CSs. The CC system should either interface with CSS or CC should provide OM with the CS numbers as the testimony/*Brady/Giglio* material is reported. CSS can then be used as a pointer index, indicating that CC has further information. Whenever a CS is established, or prior to a CS testifying in a prosecution relating to a DEA investigation, the controlling agent should be required to contact OM to determine if 1) the CS has testified in the past, and 2) if there were any *Brady/Giglio* issues. The MRT learned that the current practice is for CC to refer prosecuting attorneys to the local CS Coordinator for a search of the CS file for *Brady/Giglio* material. That method is neither efficient nor effective. In the case of Chambers, a prosecutor would have to contact twelve offices.

VI. Scope and Methodology

The DEA Executive Staff was concerned with the revelations of false testimony provided by Chambers. As a result, the MRT was established, under the auspices of IN, to conduct a Management Review. The MRT was directed by a IN Senior Inspector and consisted of a Staff Coordinator from OM, a SA/Attorney from CC, IN Inspectors and Program Analysts.

The purpose of the Management Review was to assess the use of Chambers as a DEA CS and determine if Chambers was effectively managed as a CS in accordance with laws, policies, and procedures. The goal of the review was to identify and recommend corrections to systemic deficiencies in order to maintain the integrity of the criminal justice system and the DEA CS program.

The MRT established the following objectives to meet its stated goal:

1. Determine total amount of funds paid to Chambers.
2. Determine the actual number of Chambers' arrests and convictions.
3. Determine all instances where Chambers testified on behalf of the government in a DEA investigation.
4. Determine all instances where Chambers made false statements under oath or provided false testimony.
5. Determine what DEA employees were aware of Chambers' false statements under oath.
6. Determine if proper notifications were made regarding false statements, and to whom the notification was made, and when.
7. Determine if DEA field and HQ entities promptly communicated issues/problems to other affected or interested entities.
8. Determine if there were adequate CS management controls in place.
9. Determine if the most current CS policies and procedures can efficiently and effectively identify CS utilization issues/problems to various CS handlers and DEA management.
10. Determine if CSS is adequate to effectively manage CS utilization and payments.
11. Determine if Miami and Columbia SAs complied with the OC teletype directive issued in August 1999.

12. Document the involvement of DEA personnel during Chambers' incarceration, bail facilitation, and dismissal of charges in Houston.
13. Review IN on-site inspection files to locate and evaluate CS interviews conducted with Chambers.
14. Make recommendations to improve management controls, if necessary.
15. Make referrals to OPR, if necessary.

The Management Review was very time consuming and manpower intensive. Chambers' cooperation with DEA began in 1984 and lasted for 16 years. As stated earlier in this report, Chambers was involved in approximately 280 investigations in 31 cities and earned approximately \$1.9 million. The MRT, through OC, tasked DEA field offices (and particularly, the divisional CSCs) with identifying those investigations in their areas of responsibility where Chambers may have testified.

Once those investigations were identified, the CSCs and MRT had to determine the prosecution and court docket numbers, then obtain and review trial transcripts. Trial participants (i.e., prosecutors and DEA personnel) were identified and interviews were scheduled. The MRT conducted personal interviews and followed investigative leads in St. Louis, Minneapolis, Miami, Tampa, Denver, Houston, Dallas, Beaumont, New Orleans, Philadelphia, and Los Angeles. Telephonic interviews and follow-up questions were conducted subsequent to the personal interviews. A total of 100 interviews were conducted.

Chambers was interviewed twice at DEA HQ by the MRT; once in the presence of a court reporter.

The MRT reviewed numerous documents that were compiled by SAR, OM, and CC. MRT Program Analysts reviewed approximately 2,000 documents from the various division and CS files compiled by SAR. A database was developed which captured data elements for Chambers' two DEA-assigned CS numbers; including the division and office making the payment; case number; type of payment; date CS certified receiving payment; amount of the payment; payer, witness, and approving official's names; dates the payer, witness, and approving official signed the DEA-103; and an identifier reflecting if the payment was related to Chambers' testimony in a particular case. Detailed summary level analytical reports that reflected total payments by division and/or office, type of payment, case number, CS certification date, payer, witness, approving official, and cases involving CS testimony were developed.

A time-line consisting of Chambers' pertinent activities, such as arrests and trial testimony, was developed and built upon. The draft report was submitted through the IN and Inspection Division chain-of-command and distributed to the Operations Division, CC, and DOJ for comment.

Interview List

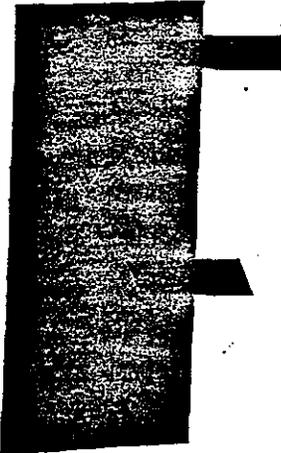
<u>Name</u>	<u>Title</u>	<u>Location</u>
	Retired/GS	
Berniert, Thomas	AUSA	Los Angeles
Block, Thomas	ADA	Jefferson Parish
Bottini, Thomas	ADA	St. Louis
	GS	Houston
	ASAC	Los Angeles
Brousard, Hattie	AUSA	New Orleans
Becker, Walter	AUSA	New Orleans
	TFO	Minneapolis
Chambers, Andrew	CS	
	SA	Miami
Chellino, Frank	SAC	Washington Division
	SA	Tampa
	RAC	Ft. Pierce
Corcoran, Joseph	SAC	St. Louis
Dana, Fred	AUSA	Missouri
Dates, Matt	AUSA	Miami
Davenport, Susan	ADA	Houston

[REDACTED]	GS	New Orleans
Delworth, James	AUSA	Missouri
Dowd, Edward	Former U.S. Attorney	St. Louis
[REDACTED]	GS	Los Angeles
Drake, Beth	AUSA	Columbia
Eglash, Jeffrey	AUSA	Los Angeles
[REDACTED]	SA	Los Angeles
Fitzgerald, Michael	Former AUSA	Los Angeles
Freese, Doug	ADA	Jefferson Parish
[REDACTED]	TFO	Tampa, FL
Gardner, Scott	ADA	Louisiana
Garcia, Manuel	ASA	Pasco County
[REDACTED]	Officer	Houston
[REDACTED]	SA	Philadelphia
Gordon, John	AUSA	Los Angeles
Graves, William	Judge	Paducah
[REDACTED]	GS	Dallas
[REDACTED]	TFO	New Orleans
Hess, Nancy	AUSA	Pensacola
Hoag, Dean	AUSA	St. Louis
[REDACTED]	SA	Oxford
Hopeman, Jon	AUSA	Minneapolis

Hudson, Paul	ASA	Manatee County
Hunt, William	AUSA	Cincinnati
[REDACTED]	GS	Los Angeles
[REDACTED]	Staff Attorney	SARL
[REDACTED]	GS	Los Angeles
Jendron, Robert	AUSA	Columbia
Jenkins, Jim	AUSA	Beaumont
[REDACTED]	SA	Pensacola
[REDACTED]	Sergeant	Houston
Klintworth, Kerry	AUSA	Beaumont
[REDACTED]	SA	Miami
Lasater, Michael	AUSA	Los Angeles
[REDACTED]	Sec.	Houston
Leonhart, Michele	SAC	Los Angeles
[REDACTED]	TFO	Tampa
Lindsey, Ellyn	AUSA	Los Angeles
[REDACTED]	Chief	SARL
[REDACTED]	SA	Minneapolis
[REDACTED]	Sergeant	San Diego
[REDACTED]	SA	New Orleans
McCabe, Ryon	AUSA	Miami
McGill, Frank	AUSA	Minneapolis

McIntyre-Hall, Marvel	AUSA	Miami
Mehan, Tom	AUSA	St. Louis
[REDACTED]	SA	Miami
Miner, Curtis	AUSA	Miami
Miranda, Frank	ASA	Hillsborough County
[REDACTED]	Attorney	CC
[REDACTED]	SA	St. Louis
[REDACTED]	SA	Dallas
Muchnick, Steven	AUSA	St. Louis
Myers, Eric	ASA	Hillsborough County
Noll, Charles	ADA	Harris County
[REDACTED]	Former A/SAC	Houston
Pettersen, Nate	AUSA	Minneapolis
[REDACTED]	ASAC	Houston
Porter, James	AUSA	Fairview Heights
[REDACTED]	SA	New Orleans
[REDACTED]	ASAC	Houston
Reilly, Denise	AUSA	Minneapolis
[REDACTED]	TFO	Tampa
Rhodes, Lizabeth	AUSA	Los Angeles
[REDACTED]	GS	St. Louis
Sabin, Barry	AUSA	Miami

Sanchez, Iandra



Spelke, Robert



Till, Guy



Urbaniak, Joseph



Walsh, Jim



Wolf, Stephen

ASA

RAC

SA

SA

SA

GS

Lieutenant

Acting Chief

SA

AUSA

SA

AUSA

SA

AUSA

GS

AUSA

Hillsborough County

Chattanooga

Houston

New Orleans

Las Vegas

Dallas

Houston

CCM

Denver

Denver

Columbia

Denver

Quantico

Los Angeles

St. Louis

Los Angeles

Key to Acronyms

A/GS	Acting Group Supervisor
A/SAC	Associate Special Agent in Charge
ADA	Assistant District Attorney
APD	Assistant Public Defender
ASA	Assistant State Attorney
ASAC	Assistant Special Agent in Charge
AUSA	Assistant United States Attorney
BCA	Bureau of Criminal Apprehension
CC	Office of Chief Counsel
CCM	Office of Chief Counsel, Domestic Criminal Law Section
CS	Confidential Source
CSC	Confidential Source Coordinator
DO	District Office
DOW	Domestic Operations-West
DTC	Division Training Coordinator
FOIA	Freedom of Information Act
GS	Group Supervisor
HIDTA	High Intensity Drug Trafficking Area
LNU	Last Name Unknown
MET	Mobile Enforcement Team
MRT	Management Review Team
OC	Operations Division
OCDETF	Organized Crime Drug Enforcement Task Force
OM	Office of Operations Management
OMPP	Office of Operations Management/Policies and Procedures Unit
OPR	Office of Professional Responsibility
PFI	Primary Firearms Instructor
RAC	Resident Agent in Charge
RO	Resident Office
SA	Special Agent
SAC	Special Agent in Charge
SAR	Freedom of Information Act/Records Management Section
SARL	Freedom of Information Act/Litigation Unit
SC	Staff Coordinator
USAO	United States Attorney's Office

Endnotes

- 1.E.D. MO, St. Louis (1985).
- 2.*Springer* transcript at pg. 43-44.
- 3.*Springer* transcript at pg. 86.
- 4.*Ransom* transcript at pgs. 145-46.
- 5.11-27-89 *Duke* transcript at vol III, pgs. 42-44.
- 6.4-6-00 MRT Chambers interview transcript at pg. 17.
- 7.*Springer* transcript at pgs. 43 - 44.
- 8.*Ransom* transcript at pgs. 160-61.
- 9.*Springer* transcript at pg. 2.
- 10.4-6-00 MRT Chambers interview transcript at pg. 17.
- 11.4-6-00 MRT Chambers interview transcript at pg. 6.
- ██████████ interview at question 9.
- 13.4-6-00 MRT Chambers interview transcript at pg. 9-10.
- 14.██████████ 4-15-85 letter to Judge Graves.
- 15.██████████ interview at question 35.
- 16.██████████ interview at question 9.
- 17.██████████ interview at question 30.
- 18.6-██████████ interview report.
- 19.6-1-00 Justice Graves interview report.
- 20.4-6-00 MRT Chambers interview transcript at pgs. 14-16.
- 21.*Springer* transcript at pg. 8.
- 22.5-23-00 ██████████ interview at question 4.
- 23.5-23-00 ██████████ interview at question 4.

24.5-23-00 MRT [REDACTED] interview at question 5.
25.5-23-00 MRT [REDACTED] interview at question 7.
26.5-23-00 MRT [REDACTED] interview at question 23.
27.5-23-00 MRT [REDACTED] interview report at pg. 2.
28.5-23-00 MRT [REDACTED] interview report at pg. 3.
29.5-23-00 MRT [REDACTED] interview report at pg. 3.
30.5-23-00 MRT [REDACTED] interview report at pg. 3.
31.5-23-00 MRT [REDACTED] interview report at pg. 3.
32.5-23-00 MRT [REDACTED] interview report at pg. 4.
33.5-23-00 MRT [REDACTED] interview report at pg. 4.
34.5-23-00 MRT [REDACTED] interview at question 22.
35.5-23-00 MRT [REDACTED] interview at question 22.
36.5-23-00 MRT [REDACTED] interview report at pg. 2.
37.5-23-00 MRT [REDACTED] interview report at pg. 2.
38.5-23-00 MRT [REDACTED] interview report at pg. 3.
39.5-31-00 MRT Dana interview.
40.5-31-00 MRT Dana interview.
41.4-6-00 MRT Chambers interview transcript at pg. 15.
42. *Springer* transcript at pg. 8.
43. MRT [REDACTED] interview at question 34.
44. MRT [REDACTED] interview at question 36.
45. MRT [REDACTED] interview at question 32.
46.5-31-00 Dana interview.
47.5-31-00 Dana interview.

48.5-31-00 Dana interview.

49.5-31-00 Dana interview.

50.5-31-00 Dana interview.

51.4-6-00 MRT Chambers interview transcript at pg. 18.

52.4-6-00 MRT Chambers interview transcript at pg.16.

53.85-00015 CR (1), E.D. MO, St. Louis (1985).

54.Brown transcript at vol. II, pg. 74.

55.*Ransom* transcript at pg. 160.

56.4-6-00 MRT Chambers interview transcript at pg. 19.

57.4-5-00 MRT Chambers interview at pg. 6; 4-6-00 MRT Chambers interview transcript at pgs. 18-19.

58.4-6-00 MRT Chambers interview transcript at pgs. 20-21.

59.4-6-00 MRT Chambers interview transcript at pgs. 20-21.

60.4-6-00 MRT Chambers interview transcript at pgs. 26-27.

61.4-6-00 MRT Chambers interview transcript at pg. 22.

62.4-6-00 MRT Chambers interview transcript at pgs. 22-23.

63. CR 87-0967-PAR, C.D. California, Los Angeles (1988).

64.*Ransom* transcript at pgs. 28-31.

65.*Ransom* transcript at pgs. 30-31.

66.*Ransom* transcript at pgs. 88-89.

67.*Ransom* transcript at pg. 90.

68.6-23-88 *Fuller* transcript at pgs. 89-93.

69.4-6-00 MRT Chambers interview transcript at pg. 25.

70.4-6-00 MRT Chambers interview transcript at pg. 25.

71.4-6-00 MRT Chambers interview transcript at pg. 26.

72. *Ransom* transcript at pg. 99.
73. CR 87-3-0014, East St. Louis, Illinois (1987).
74. *Ransom* transcript at pg. 110-113.
75. *Ransom* transcript at pg. 131.
76. 90-0856-N, S.D. California, San Diego (1991).
77. 91-00077, S.D. Ohio, Cincinnati (1991), *aff'd*, 978 F.2d 1260 (6th Cir. 1992).
78. *Tanks* transcript at pg. 155; *Teran* transcript at pg. 168.
79. 1-92 *Collins* transcript at vol. VII, pg. 66.
80. 92-03032, N.D. Florida, Pensacola (1992).
81. 7-10-92 Moore, Marshfield transcript at pg. 41.
82. 6-22-88 *Fuller* transcript at pgs. 52-53.
83. 4-6-00 Chambers interview transcript at pg. 70.
84. *Ransom* transcript at pgs. 145-46.
85. *Ransom* transcript at pgs. 147-49.
86. *Ransom* transcript at pg. 150.
87. *Ransom* transcript at pg. 153.
88. *Ransom* transcript at pgs. 154-55.
89. *Ransom* transcript at pgs. 152-53.
90. *Ransom* transcript at pg. 160.
91. *Ransom* transcript at pgs. 160-61.
92. 5-23-00 [REDACTED] interview report at pg. 2.
93. 5-23-00 [REDACTED] interview report at pg. 3.
94. 5-23-00 [REDACTED] interview report at pg. 3.
95. 5-23-00 [REDACTED] interview report at pg. 2.

- 96.5-23-00 [REDACTED] interview report at pg. 2.
- 97.5-23-00 [REDACTED] interview report at pg. 2.
- 98.5-23-00 [REDACTED] interview report at pg. 3.
- 99.5-23-00 [REDACTED] interview report at pg. 3.
- 100.5-23-00 [REDACTED] interview report at pg. 3.
- 101.5-23-00 MRT [REDACTED] interview.
- 102.5-23-00 MRT [REDACTED] interview.
- 103.5-25-00 MRT Berniert interview at question 4.
- 104.5-25-00 MRT Berniert interview at question 6.
- 105.5-25-00 MRT Berniert interview at question 9.
- 106.5-25-00 MRT Berniert interview at question 13.
- 107.6-26-00 MRT Berniert interview report.
- 108.7-12-00 MRT Walsh interview report.
109. *United States v. Ransom*, 990 F.2d 1264 (9th Cir. 1993) (unpublished opinion).
110. CR-87-851-AWT, C.D. California, Los Angeles (1988).
- 111.6-21-88 *Fuller* transcript at pg. 161-63.
112. *Ransom* transcript at pgs. 160-61.
- 113.6-22-88 *Fuller* transcript at pg. 54.
- 114.4-6-00 MRT Chambers interview at pg. 8.
- 115.6-23-88 *Fuller* transcript at pg. 171.
- 116.6-22-88 *Fuller* transcript at pg. 54-55.
- 117.6-21-88 *Fuller* transcript at pg. 161-63.
- 118.6-22-88 *Fuller* transcript at pg. 55.
- 119.4-6-00 MRT Chambers interview at pg. 8.

- 120.6-23-88 *Fuller* transcript at pg. 164.
- 121.6-23-88 *Fuller* transcript at pg. 164.
- 122.6-23-88 *Fuller* transcript at pg. 164.
- 123.6-23-88 *Fuller* transcript at pg. 164.
- 124.6-23-88 *Fuller* transcript at pg. 164.
- 125.6-23-88 *Fuller* transcript at pg. 164.
126. [REDACTED] interview at question 38.
127. *Springer* transcript at pg. 86.
128. *Ransom* transcript at pgs. 145-46.
- 129.6-23-88 *Fuller* transcript at pgs. 89-93.
- 130.6-23-88 *Fuller* transcript at pgs. 111-112.
- 131.6-23-88 *Fuller* transcript at pgs. 112-114.
- 132.6-23-88 *Fuller* transcript at pg. 114.
- 133.6-24-88 *Fuller* transcript at pg. 113.
- 134.6-24-88 *Fuller* transcript at pg. 113.
- 135.6-24-88 *Fuller* transcript at pg. 113.
- 136.5-23-00 MRT Lindsay interview report at pg. 2.
- 137.4-17-00 [REDACTED] interview report.
- 138.5-23-00 [REDACTED] interview report at pg. 2.
- 139.5-23-00 [REDACTED] interview report at pg. 2.
- 140.5-23-00 [REDACTED] interview report at pg. 2.
- 141.5-23-00 [REDACTED] interview report at pg. 2.
- 142.5-23-00 [REDACTED] interview report at pgs. 2-3.
- 143.5-23-00 [REDACTED] interview report at pg. 3.

144.5-23-00 [REDACTED] interview report at pg. 3.

145.CR 88-1003-RMT (C.D. California).

146.4-6-00 MRT Chambers interview transcript at pgs. 31-32.

147.2-7-89 *Floyd* transcript at pg. 112.

148.2-7-89 *Floyd* transcript at pgs. 119-120.

149.2-7-89 *Floyd* transcript at pg. 123.

150.5-23-00 [REDACTED] sh interview report.

151.6-9-00 [REDACTED] interview report at pg. 2.

152.6-9-00 [REDACTED] interview report at pgs. 2-3. ;

153.6-9-00 [REDACTED] interview report at pg. 3.

154:Cr. 4-89-94, Minnesota, Fourth Division (1989), DEA case # IJ 89-Z001.

155.4/17-18/00 [REDACTED] interview at question 23; 12-2-91 memorandum from Minneapolis [REDACTED] to Chicago [REDACTED] recommending award to SIF-84-0027.

156.4/17-18/00 [REDACTED] interview at question 23.

157.4/17-18/00 [REDACTED] interview at question 23.

158.12-2-91 memorandum from Minneapolis [REDACTED] Chicago [REDACTED] recommending award to [REDACTED]

159.4-91-14, Minnesota (1991).

160.12-2-91 memorandum from Minneapolis [REDACTED] to Chicago [REDACTED] recommending award to [REDACTED]

161.11-22-89 *Duke* transcript at vol II, pgs. 117-18.

162.4-6-00 MRT Chambers interview transcript at pgs. 2-5.

163.4-6-00 MRT Chambers interview transcript at pgs. 2-5.

164.4-6-00 MRT Chambers interview transcript at pg. 30.

165.4-6-00 MRT Chambers interview transcript at pgs. 36-38.

166.4-5-00 MRT Chambers interview at pg. 9.
167.6-21-88 *Fuller* transcript at pg. 161-63.
168.97-CR-95-2, E.D. Texas, Beaumont Div. (1998).
169.2-11-98 *Livingston Washington* transcript at pgs. 201-08.
170.11-27-89 *Duke* transcript at vol III, pgs. 42-44.
171. *Springer* transcript at pg. 86.
172.4-6-00 MRT Chambers interview transcript at pg. 41.
173.4-6-00 MRT Chambers interview transcript at pg. 41.
174.4-17-00 [REDACTED] interview at question 25.
175.4-17-00 [REDACTED] interview at question 25.
176.4-17-00 [REDACTED] interview at question 25.
177.4-5-00 MRT Chambers interview at pg. 9.
178.4/17-18/00 [REDACTED] interview at question 6.
179.4/17-18/00 [REDACTED] interview at question 6.
180.4/17-18/00 [REDACTED] interview at questions 5-6.
181.4/17-18/00 [REDACTED] interview at question 12.
182.4/17-18/00 [REDACTED] interview at question 12.
183.4/17-18/00 [REDACTED] interview at question 18.
184.4/17-18/00 [REDACTED] interview at question 9.
185. 4/17-18/00 [REDACTED] interview at question 9.
186.4/17-18/00 [REDACTED] interview at question 9.
187.4/17/00 MR [REDACTED] interview at question 18.
188.4-6-00 MRT Chambers interview transcript at pg. 39.
189.4-6-00 MRT Chambers interview transcript at pgs. 38-39.

190.4-6-00 MRT Chambers interview transcript at pg. 39.
191.4-6-00 MRT Chambers interview transcript at pg. 38.
192.4-6-00 MRT Chambers interview transcript at pg. 39.
193. 50 F.3d 571 (8th Cir. 1995).
194. See *United States v. Bagley*, 473 U.S. 667, 680 (1985).
195. 50 F.3d at 580.
196. CR 4-89-94 (2), Minnesota, 4th Division (1990).
197. 2-26-90 *Nunn* transcript at vol. IV, pg. 84.
198. 4-19-00 MRT Reilly interview at question 4.
199. 4-19-00 MRT Reilly interview at question 12.
200. 4-19-00 MRT Reilly interview at question 9.
201. 4-19-00 MRT Reilly interview at question 15.
202. 4-19-00 MRT Reilly interview at question 15.
203. 4-19-00 MRT Reilly interview at question 15.
204. 4-6-00 MRT Chambers interview transcript at pg. 39.
205. 4-6-00 MRT Chambers interview transcript at pg. 52.
206. 4-6-00 MRT Chambers interview transcript at pg. 52.
207. 4-6-00 MRT Chambers interview transcript at pgs. 46-47.
208. 4-6-00 MRT Chambers interview transcript at pg. 46.
209. 4-6-00 MRT Chambers interview transcript at pg. 46.
210. 3-9-122-1, Minnesota, 3rd Division (1991).
211. 1-8-91 *Martinez* transcript at pg. 3.
212. 4-6-00 MRT Chambers interview transcript at pgs. 55.
213. 4-6-00 MRT Chambers interview transcript at pg. 56.

214.4-6-00 MRT Chambers interview transcript at pg. 56.

215.5-21-91 *Long* transcript at pg. 1062.

216.4-17-00 [REDACTED] interview at question 12.

217.4-17-00 [REDACTED] interview at question 12.

218.5-21-91 *Long* transcript at pg. 1062.

219.4-17-00 [REDACTED] interview at question 9.

220.4-17-00 [REDACTED] interview at question 9.

221.4-17-00 [REDACTED] interview at question 9.

222.4/17-18/00 MRT [REDACTED] interview at question 12.

223.4/17-18/00 MRT [REDACTED] interview at question 12.

224.4-17-00 [REDACTED] interview.

225.6-30-00 [REDACTED] interview report.

226.90-0856-N, S.D. California, San Diego (1991).

227.8-27-91 *Teran* transcript at pg. 153.

228.11-27-89 *Duke* transcript at vol III, pgs. 42-44.

229. *Springer* transcript at pg. 86.

230.8-27-91 *Teran* transcript at pg. 168.

231.6-27-00 [REDACTED] interview report.

232.6-30-00 [REDACTED] interview report.

233.6-30-00 [REDACTED] interview report.

234.6-30-00 [REDACTED] interview report.

235. See DEA case # R2-90-Z002.

236.6-30-00 [REDACTED] interview report.

237.91-00077, S.D. Ohio, Cincinnati, *aff'd*, 978 F.2d 1260 (6th Circuit. 1992) (per curiam; unpublished).

238.9/4-6/91 *Tanks* transcript at pg. 155.

239.MRT Hunt interview.

240.91-00077, S.D. Ohio, Cincinnati, *aff'd*, 978 F.2d 1260 (6th Circuit, 1992) (per curiam; unpublished).

241.MRT Hunt interview.

242.MRT Hunt interview.

243.MRT Hunt interview.

244.MRT Hunt interview.

245.9/4-6/91 *Tanks* transcript at pg. 304.

246.91-CR-30018-WDS, Illinois.

247.1-92 *Collins* transcript at vol. VII, pg. 66.

248.4-6-00 Chambers interview transcript at pgs. 64-68.

249.1-92 *Collins* transcript at vol. VII, pg. 66.

250.4-6-00 Chambers interview transcript at pg. 70.

251.1-92 *Collins* transcript at vol. VII, pg. 20.

252.4-6-00 Chambers interview transcript at pg. 69.

253.4-6-00 Chambers interview transcript at pg. 69.

254.4-6-00 Chambers interview transcript at pgs. 69-70.

255.4-6-00 Chambers interview transcript at pg. 71.

256.4-6-00 Chambers interview transcript at pgs. 71-73.

257.4-6-00 Chambers interview transcript at pg. 73.

258.4-6-00 Chambers interview transcript at pg. 70.

259.4-6-00 Chambers interview transcript at pg. 70.

260.6-1-00 MRT [REDACTED] interview report.

261.6-1-00 MRT [REDACTED] interview report.

262. See DEA case # IF-90-2002.

263.6-1-00 MRT [REDACTED] interview report.

264.6-1-00 MRT [REDACTED] interview report.

265.6-1-00 MRT Porter interview report.

266.6-1-00 MRT Porter interview report.

267.6-1-00 MRT Porter interview report.

268.6-1-00 MRT Porter interview report.

269.6-1-00 MRT Porter interview report.

270. See DEA case # GT-92-0017.

271.92-03032, N.D. Florida, Pensacola (1992).

272.92-03033, N.D. Florida, Pensacola (1992).

273.92-03032-02, N.D. Florida, Pensacola (1992).

274.92-03032, N.D. Florida, Pensacola (1992).

275.7-10-92 Moore, Marhold transcript at pg. 41.

276.91-CR-30018-WDS, Illinois.

277.1-92 *Collins* transcript at vol. VII, pg. 66.

278.4-6-00 Chambers interview transcript at pg. 66.

279.4-6-00 Chambers interview transcript at pgs. 64-65.

280.4-6-00 Chambers interview transcript at pgs. 66-68.

281.4-6-00 Chambers interview transcript at pgs. 64-68.

282.7-10-92 *Moore, Marhold* transcript at pg. 58.

283.7-10-92 *Moore, Marhold* transcript at pg. 73.

284.7-10-92 *Moore, Marhold* transcript at pg. 73.

285.7-10-92 *Moore, Marhold* transcript at pg. 74.

- 286.7-10-92 *Moore, Marnota* transcript at pg. 04.
- 287.7-10-92 *Moore, Marhold* transcript at pgs. 101-03.
- 288.4-6-00 MRT Chambers interview transcript at pgs. 36-38.
- 289.MRT [REDACTED] interview.
- 290.MRT [REDACTED] interview.
- 291.MRT [REDACTED] interview.
- 292.MRT [REDACTED] interview.
- 293.MRT [REDACTED] interview.
- 294.6-27-00 MRT Hess interview.
295. See DEA case # GT-92-0017.
- 296.92-03032, N.D. Florida, Pensacola (1992).
- 297.92-03033, N.D. Florida, Pensacola (1992).
- 298.92-03032-02, N.D. Florida, Pensacola (1992).
- 299.6-27-00 MRT Hess interview.
- 300.6-27-00 MRT Hess interview.
- 301.6-27-00 MRT Hess interview.
- 302.6-27-00 MRT Hess interview.
303. See DEA case # IF-93-Z006.
304. See DEA case # IF-93-Z006.
305. Affidavit in Support of Application for Surveillance of Wire Communications, case # 4:95MC0034 CAS, Feb. 10, 1995 at pg. 12.
306. See DEA case # IF-93-0072.
- 307.227941, New Orleans, Louisiana (1995).
- 308.5-31-95 *State v. Bane* transcript at pg. 200.
- 309.5-31-95 *State v. Bane* transcript at pg. 220.

310.5-31-95 *State v. Bane* transcript at pg. 201.

311.6-28-00 [REDACTED] interview report.

312. See DEA case # GH-94-0114.

313.6-28-00 [REDACTED] interview.

314.6-28-00 [REDACTED] interview report.

315.6-26-00 [REDACTED] interview report.

316. See DEA case # GH-96-0033.

317. See DEA case # GH-94-0114.

318.6-26-00 [REDACTED] interview report.

319.6-26-00 [REDACTED] interview report.

320.6-26-00 [REDACTED] interview report.

321.6-28-00 [REDACTED] interview report.

322.4-6-00 Chambers interview transcript at pgs. 74-83.

323.4-19-00 [REDACTED] interview at question 10.

324.4-19-00 [REDACTED] interview at question 5.

325.7-11-00 [REDACTED] interview report.

326.95-CR-360-N, Colorado (1995).

327.4-20-00 Till interview at question 15.

328.11-30-95 *Coleman* discovery motion transcript at pg. 4.

329.11-30-95 *Coleman* discovery motion transcript at pg. 12.

330.12-2-95 draft copy of Government's Motion for Reconsideration of Discovery Orders in *United States v. Coleman*.

331. See 12-21-95 letter to AUSA Frank McGill, Minneapolis USAO requesting assistance in collecting the necessary information.

332.4-20-00 Till interview at question 15.

333. Motion to Dismiss for Outrageous Prosecutorial Conduct and Response to Motion for Reconsideration of Discovery Orders at 1, United States v. Coleman, 95-CR-360-N.

334.8-14-95 DEA Form 103 recording payment of \$1,000 made by [REDACTED] fill and witnessed by SA [REDACTED] to CI for car rental and travel expenses in DEA case # GFMK 95-9279.

335.4-20-00 Till interview at question 15.

336.4-20-00 Till interview.

337.4-20-00 Till interview at question 15.

338.4-20-00 Till interview at question 15.

339.4-20-00 Till interview.

340.4-20-00 Till interview.

341.4-20-00 Till interview.

342.4-20-00 Till interview at question 13.

343.4-20-00 Urbaniak interview at question 9.

344.4-20-00 Urbaniak interview at question 10.

345.4-20-00 Urbaniak interview at question 13.

346.4-7-00 memorandum from SAC Michael A. DeMarte to Chief of F.O.I. Litigation Unit [REDACTED]

347.4-20-00 Urbaniak interview.

348.4-20-00 Urbaniak interview at question 13.

349.4-20-00 Urbaniak interview at question 13.

350.4-20-00 Urbaniak interview at question 13.

351. *State v. Roderick Gainous*, 95-CR-1934 (DEA case # MK-95-0234).

352.4-7-00 memorandum from Denver SAC Michael DeMarte to [REDACTED] Chief of the F.O.I. Litigation Unit.

353.4-7-00 memorandum from Denver SAC Michael DeMarte to [REDACTED] Chief of the F.O.I. Litigation Unit.

354. See DEA case # R1-96-0672.
355. See DEA case # R1-96-0672.
356. See DEA case # R1-96-0672.
357. See DEA case # R1-96-0672.
358. CR96-1140-ER, C.D. California, Los Angeles.
359. See DEA case # R1-96-0011.
360. See DEA case # R1-96-0011.
361. See DEA case # R1-96-0011.
362. See DEA case # R1-96-0011.
363. See DEA case # R1-96-0011.
364. United States v. Bennett, ___ F.3d ___, 2000 WL 1035796 (9th Cir. 2000).
365. *Id.* at 7.
366. 6-20-00 [REDACTED] interview.
367. See DEA cases R1-96-0672 and R1-96-0011.
368. See DEA case # R1-96-0672.
369. 6-20-00 [REDACTED] interview.
370. See DEA case # R1-96-0011.
371. 6-20-00 [REDACTED] interview.
372. 6-20-00 [REDACTED] interview.
373. 6-20-00 [REDACTED] interview.
374. 6-20-00 [REDACTED] interview.
375. 6-20-00 [REDACTED] interview.
376. 6-20-00 [REDACTED] interview.
377. 6-20-00 [REDACTED] interview.

378.7-3-00 MRT [REDACTED] interview report.
379.7-3-00 MRT [REDACTED] interview report.
380.7-3-00 MRT [REDACTED] interview report.
381.7-3-00 MRT [REDACTED] interview report.
382.6-20-00 MRT [REDACTED] interview.
383.MRT Wolfe interview.
384.MRT Wolfe interview.
385.MRT Wolfe interview.
386.MRT Wolfe interview.
387.MRT Wolfe interview.
388.MRT Wolfe interview.
389.MRT Sherman interview report.
390. See D.F.A. case # R1-96-0011.
391.MRT [REDACTED] interview report.
392.MRT [REDACTED] interview report.
393.MRT [REDACTED] interview report.
394.MRT [REDACTED] interview report.
395.6-30-00 MRT [REDACTED] interview report.
396.6-30-00 MRT [REDACTED] interview report.
397.6-30-00 MRT [REDACTED] interview report.
398.6-30-00 MRT [REDACTED] interview report.
399.6-30-00 MRT [REDACTED] interview report.
400.6-30-00 MRT [REDACTED] interview report.
401.6-30-00 MRT [REDACTED] interview report.

402.6-30-00 MRT ██████ interview report.

403.7-6-00 MRT ██████ interview report.

404.7-6-00 MRT ██████ interview report.

405. See DEA case # GH-96-0033.

406.95-377-E, E.D. Louisiana, New Orleans (1996).

407.95-377-E, E.D. Louisiana, New Orleans (1996).

408.6-9-00 MRT ██████ interview report at pg. 3.

409.6-9-00 MRT ██████ interview report at pgs. 3-4.

410.5-18-00 MRT Brousard and Becker joint interview.

411.5-17-00 MRT ██████ interview.

412.5-17-00 MRT ██████ interview.

413.97-253-CR-T-24(C), M.D. Florida, Tampa (1997).

414. See DEA case # G6-96-0184.

415. See DEA case # G6-96-0184.

416.12-9-97 *Sampson/Alvaraz* transcript at pg. 155.

417.12-9-97 *Sampson/Alvaraz* transcript at pg. 181.

418.12-9-97 *Sampson/Alvaraz* transcript at pg. 190.

419.12-9-97 *Sampson/Alvaraz* transcript at pg. 190.

420.4-3-00 MRT ██████ interview report.

421. See DEA case # G6-97-0168.

422. MRT ██████ interview at question 6. See also, 4-3-00 MRT ██████ interview report.

423. MRT ██████ interview.

424.4-3-00 MRT ██████ interview report.

425.4-3-00 MRT ██████ interview report.

426. See DEA case # G6-94-0097.
- 427.7-12-00 [REDACTED] interview report.
- 428.7-12-00 [REDACTED] interview report.
- 429.7-12-00 [REDACTED] interview report.
- 430.7-12-00 [REDACTED] interview report.
- 431.7-12-00 [REDACTED] interview report.
- 432.97-CR-95-2, E.D. Texas, Beaumont (1997).
433. See DEA case # 97-0032.
434. See DEA case # 97-0032.
- 435.5-4-00 [REDACTED] interview report.
436. See DEA case # 97-0032.
- 437.5-4-00 [REDACTED] interview report.
- 438.97-CR-95-2, E.D. Texas, Beaumont Div. (1998).
- 439.2-11-98 *Livingston Washington* transcript at pgs. 201-08.
- 440.4-5-00 MRT Chambers interview at pg. 9.
- 441.4-6-00 MRT Chambers interview transcript at pgs. 36-38.
- 442.5-2-00 [REDACTED] interview report.
- 443.5-2-00 [REDACTED] interview report.
- 444.5-2-00 [REDACTED] interview report.
- 445.5-2-00 [REDACTED] interview report.
- 446.5-2-00 [REDACTED] interview report.
- 447.5-2-00 [REDACTED] interview report.
- 448.5-2-00 [REDACTED] interview report.
- 449.5-2-00 [REDACTED] interview report.

450.5-2-00 MRT [REDACTED] interview report.
451.5-2-00 MRT [REDACTED] interview report.
452.5-2-00 MRT [REDACTED] interview report.
453.5-23-00 MRT [REDACTED] interview report.
454.5-23-00 MRT [REDACTED] interview report.
455.5-23-00 MRT [REDACTED] interview report.
456.5-23-00 MRT [REDACTED] interview report.
457.5-23-00 MRT [REDACTED] interview report.
458.5-23-00 MRT [REDACTED] interview report.
459.5-4-00 MRT Klintworth interview report.
460.5-4-00 MRT Klintworth interview report.
461.5-4-00 MRT Klintworth interview report.
462.5-4-00 MRT Klintworth interview report.
463.5-4-00 MRT Klintworth interview report.
464.5-4-00 MRT Klintworth interview report.
465.5-4-00 MRT Klintworth interview report.
466.5-4-00 MRT Jenkins interview report.
467.5-23-00 MRT [REDACTED] interview report.
468. See DEA case # G6-99-0050.
469.98-21553B division Y, 13th Judicial Circuit, Hillsborough County, Florida (1999).
470.4-6-00 Chambers interview transcript at pgs. 92-93.
471.4-22-99 Landrum deposition transcript at pg. 6.
472.4-6-00 Chambers interview transcript at pgs. 90-96.
473. MRT Sanchez interview.

- 474.99-1412CFAES/99-1440CFAES, 6th Circuit, Florida, Pasco County (1999).
- 475.7-30-99 Zamora deposition transcript at pg. 6.
- 476.MRT [REDACTED] interview.
- 477.4-6-00 MRT Garcia interview.
- 478.See DEA case # IF-98-0187.
- 479.See DEA case # IF-98-0187.
- 480.*United States v. Williams*, 198 F.3d 252 (8th Cir. 1999) (unpublished opinion).
- 481.6-1-00 MRT [REDACTED] interview.
- 482.6-1-00 MRT Hoag interview at question 2.
- 483.6-1-00 MRT Hoag interview at question 4.
- 484.6-1-00 MRT Hoag interview at question 6.
- 485.6-1-00 MRT Hoag interview at question 8.
- 486.6-1-00 MRT Hoag interview at question 9.
- 487.6-1-00 MRT Hoag interview at question 9.
- 488.6-1-00 MRT Hoag interview at question 10.
- 489.Michael D. Sorkin and Phyllis Brasch Librach, *Top U.S. Drug Snitch Is a Legend and a Liar*, ST. LOUIS POST-DISPATCH, January 16, 2000.
- 490.6-1-00 MRT Hoag interview at question 15.
- 491.6-1-00 MRT Hoag interview.
- 492.6-1-00 MRT Hoag interview.
- 493.6-1-00 MRT Hoag interview.
- 494.Michael D. Sorkin and Phyllis Brasch Librach, *Top U.S. Drug Snitch Is a Legend and a Liar*, ST. LOUIS POST-DISPATCH, January 16, 2000.
- 495.6-1-00 MRT Hoag interview.
- 496.Michael D. Sorkin and Phyllis Brasch Librach, *Top U.S. Drug Snitch Is a Legend and a Liar*, ST. LOUIS POST-DISPATCH, January 16, 2000.

497.6-1-00 MRT Hoag interview.
498.6-1-00 MRT Hoag interview.
499.5-31-00 MRT Mehan interview report.
500.95-CR-377-CAS.
501.5-31-00 MRT Mehan interview report.
502.5-31-00 MRT Mehan interview report.
503.5-31-00 MRT Mehan interview report.
504.5-31-00 MRT Mehan interview report.
505.5-31-00 MRT Mehan interview report.
506.5-31-00 MRT Mehan interview report.
507.5-31-00 MRT Mehan interview report.
508.5-31-00 MRT Mehan interview report.
509.6-1-00 MRT [REDACTED] interview report.
510.6-1-00 MRT [REDACTED] interview report.
511.6-1-00 MRT [REDACTED] interview report.
512.7-11-00 MRT Corcoran interview report.
513. See DEA case # IF-94-Z006.
514. See DEA case # IF-94-0072.
515.5-31-00 MRT [REDACTED] interview.
516.5-31-00 MRT [REDACTED] interview.
517.2-23-00 OPR [REDACTED] interview.
518.2-23-00 OPR [REDACTED] interview.
519.2-23-00 OPR [REDACTED] interview.
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521.2-23-00 OPR [REDACTED] interview.
522.2-23-00 OPR [REDACTED] interview.
523.2-23-00 OPR [REDACTED] interview.
524.2-23-00 OPR [REDACTED] interview.
525.4-28-00 MRT [REDACTED] interview report.
526.5-5-00 MRT [REDACTED] interview report.
527.5-3-00 MRT [REDACTED] interview report.
528.5-3-00 MRT [REDACTED] interview report.
529.5-3-00 MRT [REDACTED] interview report.
530.5-3-00 MRT [REDACTED] interview report.
531.5-3-00 MRT [REDACTED] interview report.
532.5-3-00 MRT [REDACTED] interview report.
533.5-3-00 MRT [REDACTED] interview report.
534.5-3-00 MRT [REDACTED] interview report.
535.5-3-00 MRT Davenport interview report.
536.5-3-00 MRT Davenport interview report.
537.5-3-00 MRT Davenport interview report.
538.5-3-00 MRT Davenport interview report.
539.5-3-00 MRT Davenport interview report.
540.5-3-00 MRT Davenport interview report.
541.5-4-00 MRT Noll interview report.
542.5-4-00 MRT Noll interview report.
543.5-4-00 MRT Noll interview report.
544.5-4-00 MRT Noll interview report.

545. See *Texas v. Chambers*, 9817235, Harris County District Court # 12, Motion to Dismiss/Order (June 3, 1998).

546.5-5-00/5-25-00 MRT [REDACTED] interviews report.

547.5-5-00/5-25-00 MRT [REDACTED] interviews report.

548. See DEA case # [REDACTED]

549.5-17-00 MRT [REDACTED] interview.

550. See DEA case # [REDACTED]

551.5-18-00 MRT Freese interview.

552.5-18-00 MRT Freese interview.

553.5-18-00 MRT Freese interview.

554. See DEA case [REDACTED]

555.5-17-00 MRT [REDACTED] interview.

556. *State v.* [REDACTED] 97-7617, Jefferson Parrish, Louisiana.

557.5-18-00 MRT Block interview.

558.5-18-00 MRT Block interview.

559.5-18-00 MRT Block interview.

560.5-18-00 MRT Block interview.

561.99-13123X, Thirteenth Judicial Circuit of the State of Florida, Hillsborough County.

562.99-8978, Thirteenth Judicial Circuit of the State of Florida, Hillsborough County.

563.99-9894, Thirteenth Judicial Circuit of the State of Florida, Hillsborough County.

564.98-21553, Thirteenth Judicial Circuit of the State of Florida, Hillsborough County.

565.99-01412CFAES, Thirteenth Judicial Circuit of the State of Florida, Hillsborough County.

566. MRT Miranda interview.

567. MRT [REDACTED] interview.

568. MRT Sanchez interview.

569.MRT Meyers interview.

570.MRT Meyers interview.

571. [REDACTED]

572.4-3-00 MRT [REDACTED] interview report.

573.4-3-00 MRT [REDACTED] interview report.

574.4-3-00 MRT [REDACTED] interview report.

575.2-2-00 Memorandum from [REDACTED] GS, Miami Division to Vincent J. Mazzilli, SAC, Miami Division, through [REDACTED] A/SAC, Miami Division and [REDACTED] ASAC, Miami Division, regarding: "Participation of CS-84-036739 [Chambers] in MFD/GP-1 Investigations." *See also*, Time Line of CS-84-036739 [Chambers] Activities in the Miami Area October 1999 - January 2000.

576.2-2-00 Memorandum from [REDACTED] GS, Miami Division to Vincent J. Mazzilli, SAC, Miami Division, through [REDACTED] Miami Division and [REDACTED] ASAC, Miami Division, regarding: "Participation of CS-84-036739 [Chambers] in MFD/GP-1 Investigations." *See also*, Time Line of CS-84-036739 [Chambers] Activities in the Miami Area October 1999 - January 2000.

577.2-2-00 Memorandum from [REDACTED] GS, Miami Division to Vincent J. Mazzilli, SAC, Miami Division, through [REDACTED] A/SAC, Miami Division and [REDACTED] ASAC, Miami Division, regarding: "Participation of CS-84-036739 [Chambers] in MFD/GP-1 Investigations." *See also*, Time Line of CS-84-036739 [Chambers] Activities in the Miami Area October 1999 - January 2000.

578.6-28-00 MRT [REDACTED] interview at question 8. *See also*, Time Line of CS-84-036739 [Chambers] Activities in the Miami Area October 1999 - January 2000.

579.2-2-00 Memorandum from [REDACTED] GS, Miami Division to Vincent J. Mazzilli, SAC, Miami Division, through [REDACTED] A/SAC, Miami Division and [REDACTED] ASAC, Miami Division, regarding: "Participation of CS-84-036739 [Chambers] in MFD/GP-1 Investigations." *See also*, Time Line of CS-84-036739 [Chambers] Activities in the Miami Area October 1999 - January 2000.

580.4-5-00 MRT [REDACTED] interview.

581. *See* DEA case # G1-00-0032.

582.4-5-00 MRT [REDACTED] interview.

583.12-15-99 letter from AUSA Matthew C. Dates to CC attorney [REDACTED]

584.12-29-99 memorandum from Robert Spelke, Acting Chief/Domestic Criminal Law Section to AUSA Matthew C. Dates, regarding: United States v. Terrell King, et al.

585.12-30-99 memorandum from Robert Spelke, Acting Chief/Domestic Criminal Law Section to AUSA Matthew C. Dates, regarding: United States v. Terrell King, et al.

586.4-5-00 MRT [REDACTED] interview.

587.4-5-00 MRT [REDACTED] interview.

588.MRT [REDACTED] interview.

589.4-5-00 MRT [REDACTED] interview.

590.4-5-00 MRT [REDACTED] interview.

591.4-5-00 MRT [REDACTED] interview.

592.4-5-00 MRT [REDACTED] interview.

593.DEA case # G1-99-0428.

594.4-6-00 MRT McCabe interview. ✓

595.99-918-CR-Seitz, S.D. Florida, Miami (1999).

596.4-6-00 MRT Miner interview. ✓

597. United States v. Darrel Cash, Bradley Thompson, 99 - 918 - CR - Seitz, Order for Dismissal, March 3, 2000.

598.99-803-CR-Gold, S.D. Florida, Miami (1999).

599.4-6-00 MRT Dates interview. ✓

600.4-6-00 MRT Dates interview at question 15.

601.4-6-00 MRT Hall interview report. ✓

602.4-6-00 MRT Hall interview report.

603.4-6-00 MRT Sabin interview report. ✓

604.2-2-00 Memorandum from [REDACTED] GS, Miami Division to Vincent J. Mazzilli, SAC, Miami Division, through [REDACTED] A/SAC, Miami Division and [REDACTED] ASAC, Miami Division, regarding: "Participation of CS-84-036739 [Chambers] in MFD/GP-1 Investigations." See also, Time Line of CS-84-036739 [Chambers] Activities in the Miami Area

October 1999 - January 2000.

605.6-28-00 MRT [REDACTED] interview at question 8. *See also*, Time Line of CS-84-036739 [Chambers] Activities in the Miami Area October 1999 - January 2000.

606.6-28-00 MRT [REDACTED] interview.

607.6-28-00 MRT [REDACTED] interview.

608. *See* DEA case # G7-00-0017.

609.6-28-00 MRT [REDACTED] interview.

610.6-28-00 MRT [REDACTED] interview.

611.6-28-00 MRT [REDACTED] interview.

612.6-28-00 MRT [REDACTED] interview.

613.6-30-00 MRT Drake interview.

614. United States Attorney case # 1999 RO 1530, 3991037.

615.6-30-00 MRT Drake interview.

616.6-30-00 MRT Drake interview.

617.6-30-00 MRT Drake interview.

618.6-30-00 MRT Drake interview.

619.6-30-00 MRT Drake interview.

620.6-30-00 MRT Drake interview.

621.6-30-00 MRT Drake interview.

622.6-30-00 MRT Drake interview.

623. CR 96-984 JSL, DEA case # [REDACTED]

624. CR 97-1265 CAS, DEA case # [REDACTED]

625.6-24-00 MRT Rhodes interview report.

626.7-6-00 MRT [REDACTED] interview report.

627.7-6-00 MRT [REDACTED] interview report.

- 628.7-6-00 MRT Spelke interview report.
- 629.7-6-00 MRT Spelke interview report.
- 630.7-6-00 MRT Spelke interview report.
- 631.7-6-00 MRT Spelke interview report; 7-6-00 Mitchell MRT interview report.
- 632.7-6-00 MRT Spelke interview report.
633. See memorandum from [REDACTED] Program Analyst, Policy Analysis Unit to William Simpkins, Integrity Assurance Program, dated April 1, 1992, regarding: Integrity Assurance Program Limited Review of DEA's Informant Payment Process (FFS # 190-06).
634. *Id.*
635. *Brady v. Maryland*, 373 U.S. 83 (1963), *Strickler v. Greene*, 527 U.S. 263, 280 (1999).
636. *Giglio v. United States*, 405 U.S. 150 (1972); *United States v. Bagley*, 473 U.S. 667, 676 (1985). See also, FED R. EVID. 608 (b).
637. *United States v. Bagley*, 473 U.S. 667, 676 (1985); *Kyles v. Whitley*, 514 U.S. 419 (1995).
- 638.4-6-00 MRT Chambers interview transcript at pg. 90.
- 639.4-6-00 MRT Chambers interview transcript at pg. 98.
- 640.6-28-00 MRT [REDACTED] interview.
641. *Hampton v. United States*, 425 U.S. 484, 490 (1976) (quoting *Sorrells v. United States*, 287 U.S. 435, 442 (1932)) (citations omitted).
642. *United States v. Sligh*, 142 F.3d 761, 763 (4th Cir. 1998) (quoting *United States v. Osborne*, 935 F.2d 32, 38 (4th Cir. 1991)) (citations omitted).
643. *United States v. Brown*, 43 F.2d 618, 623 (11th Cir. 1995).
644. *United States v. Andrews*, 765 F.2d 1491, 1499 (11th Cir. 1985).
645. *United States v. Devore*, 423 F.2d 1069, 1071 (4th Cir. 1970).
646. *United States v. Devore*, 423 F.2d 1069, 1071-72 (4th Cir. 1970).
647. *United States v. Brown*, 43 F.2d 618, 623 (11th Cir. 1995).
648. *United States v. Wright*, 921 F. 2d 42, 45 (3rd Cir. 1990) (quoting *United States v. Berkery*, 889 F.2d 1281, 1283 (3d Cir. 1989)).

649. United States v. Ward, 793 F. 2d 551 (3rd Cir. 1986).

650. United States v. Walther, 867 F.2d 1334 (11th Cir. 1989).

651. See FED. R. EVID. 404 (b).

652. United States v. Osborne, 935 F.2d 32, 38 (4th Cir. 1991)(citations omitted).

653. Jacobson v. United States, 503 U.S. 540, 549 (1992).

654. 2-2-00 Memorandum from [REDACTED] GS, Miami Division to Vincent J. Mazzilli, SAC, Miami Division, through [REDACTED] A/SAC, Miami Division and [REDACTED] ASAC, Miami Division, regarding: "Participation of CS-84-036739 [Chambers] in MFD/GP-1 Investigations." See also, Time Line of CS-84-036739 [Chambers] Activities in the Miami Area October 1999 - January 2000.

655. 2-2-00 Memorandum from [REDACTED] GS, Miami Division to Vincent J. Mazzilli, SAC, Miami Division, through [REDACTED] A/SAC, Miami Division and [REDACTED] ASAC, Miami Division, regarding: "Participation of CS-84-036739 [Chambers] in MFD/GP-1 Investigations." See also, Time Line of CS-84-036739 [Chambers] Activities in the Miami Area October 1999 - January 2000.

656. 2-2-00 Memorandum from [REDACTED] GS, Miami Division to Vincent J. Mazzilli, SAC, Miami Division, through [REDACTED] A/SAC, Miami Division and [REDACTED] ASAC, Miami Division, regarding: "Participation of CS-84-036739 [Chambers] in MFD/GP-1 Investigations." See also, Time Line of CS-84-036739 [Chambers] Activities in the Miami Area October 1999 - January 2000.

657. 4-6-00 MRT [REDACTED] interview report.

658. See attached June 6, 2000 teletype re: Confidential Source Tracking (FFS: 060-07.2, Confidential Source).