

CHAMBERS: DEA Policy on Informants Questioned

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"Andrew Chambers is a hero who has put his life on the line many times," said Terry Parham, chief spokesman for the DEA in Washington, D.C. He said Chambers always wanted to be an actual DEA agent but couldn't because he lacked a college degree.

One reason for Chambers' effectiveness was that he passed himself off—to his DEA handlers, prosecutors and juries—as an upstanding citizen with no criminal background. But a tenacious public defender in Orange County began asking questions that led to the disclosure that Chambers has been arrested at least six times and was convicted of soliciting sex from an undercover police officer and impersonating a DEA agent.

At least two judges have publicly labeled Chambers a liar. Assistant U.S. Atty. Stephen Wolfe in Los Angeles told a federal judicial panel that Chambers is "undefendable." And the DEA itself has sanctioned Chambers for lying on the stand, docking him \$5,000 in one case when it found that he had lied in another, records show.

Chambers could not be reached for comment.

According to some estimates disclosed in court filings, a variety of law enforcement agencies have paid Chambers a total of \$4 million for his work. Chambers' payments were based—at least indirectly, the



Andrew Chambers in 1995

DEA concedes—on arrests and seizures.

On assignment from the DEA, he would drive into one city after another, typically in a fancy car, meet the street hustlers, set up deals and then help drug agents bust everyone involved, DEA and court records show.

Many times the DEA would arrest people in controversial "reverse sting" operations, after they bought what they thought were illegal drugs from Chambers—a

practice that defense lawyers say borders on entrapment.

Such undercover efforts are considered dangerous but essential by the DEA in conducting the federal government's war on drugs. Authorities say these tactics allow them to gain access to the underbelly of the drug trade.

Chambers seemed perfect for the assignment: He's a fast-talking, street-savvy chameleon who can easily pass for a gang member or for a Mercedes-driving drug kingpin, court papers show. Sometimes he says he's black, other times a Latino named Rico or a host of other aliases.

Chambers' information and testimony have helped put away dozens of drug dealers and other criminals, including two men the federal government wanted to send to death row in California under a federal murder-for-hire statute.

However, records show that Chambers has lied in numerous cases about his background, his use of aliases and other personal information. What's more, the DEA continued to use Chambers long after warnings that his effectiveness as an informant could be compromised, according to law enforcement and court documents.

DEA agents in some cases never told defense lawyers, judges or the government's own prosecutors about Chambers' criminal record or credibility problems. Chambers has

been convicted and fined for soliciting an undercover Colorado police officer for sex in 1995, and for impersonating a DEA agent to try to wrangle out of that arrest.

Chambers has also been arrested on suspicion of forgery, theft, domestic assault and soliciting prostitution, according to court and law enforcement records. DEA officials confirmed that Chambers has been arrested six times, not including traffic arrests.

DEA agents interceded on Chambers' behalf when he got into legal trouble while on his payroll. Court and legal records show that one DEA agent persuaded a Kentucky judge to recall arrest warrants issued for Chambers in 1985, and another posted bail for Chambers in 1998 after an arrest in Dallas on suspicion of soliciting an undercover officer posing as a prostitute. That case was quietly dropped, even though Chambers never showed up for his required court appearance.

Authorities were required by law to fully disclose such matters to attorneys defending suspects accused in Chambers' many drug cases. That failure has called into question many cases in which Chambers worked for the DEA, particularly in instances in which he testified, say defense lawyers and legal experts.

In a Hillsborough County, Fla., case last June, Chambers disclosed

in a deposition that he had been arrested once for soliciting a prostitute.

"Is that the only time you've ever been in trouble?" asked defense lawyer Paula Adams.

"Yes," Chambers testified.

The DEA "deactivated" Chambers from the ranks of its informants in February. It has also promised to fully investigate his operations and reform the way it handles its \$20-million-a-year informant program.

"There are a number of things that we feel need to be reviewed," said the drug agency's Parham.

Accusations of Repeated Lies

Parham, however, defended the use of Chambers, saying it is nearly impossible to breach the highest levels of the drug trade without streetwise operatives, many of whom have less-than-impeccable backgrounds.

Parham said the DEA has found at least three cases in which Chambers lied outright on the stand about his background.

Defense lawyers said Chambers has lied a lot more than that.

Chambers "has lied under oath virtually every time he has been put on the witness stand," wrote H. Dean Steward, a federal public defender in Santa Ana, in a formal complaint to the DEA in 1998.

Chambers, he contended, "lies about his criminal history, his edu-

cational background, his aliases, where he is from, and just about every personal detail you could imagine."

The disclosures about Chambers "should reopen past cases where he has been used," said Gerald Uelman, a professor at Santa Clara University Law School's Center for Applied Ethics. "If we have an informant whose credibility is suspect, I would think the government has an obligation to go back and re-examine prior cases, especially if there are allegations of lying."

That could add up.

In Los Angeles alone, Chambers was paid \$721,388.33 for a variety of cases over more than a decade, DEA records show.

The DEA refuses to discuss Chambers' role in specific cases, but court records and interviews show he worked frequently in Southern California. He went undercover for one multi-agency task force investigation dubbed Operation Desert Stop that resulted in the arrest of 82 defendants in a nationwide drug trafficking ring, and in many convictions.

But Chambers also had problems here. According to a 1989 memo by Assistant U.S. Atty. Elynn Marcus Lindsay, Chambers "is not working in Los Angeles anymore" because of a dispute between him and his DEA handler over "how Mr. Chambers spent and accounted for the money he was paid."

DEA officials in Los Angeles had no comment on why they contin-

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used to use Chambers for years after that.

Some legal experts criticized the payment of Chambers based on his success, saying such practices encourage professional informants to ensnare as many people as possible in their investigations.

"The reward system that the DEA has been allowed to set up, giving informants an incentive to create information, has become a tremendous problem," said Uelman, a former federal prosecutor in Los Angeles who worked often with informants.

Of particular concern is whether Chambers lied about his troubled background to bolster his credibility and continue getting paid by the DEA, according to Uelman and several defense lawyers.

"What I worry is that it is the tip of the iceberg. How many other Andrew Chambers are there?" asked Uelman.

The DEA's continued use of an informant with such credibility problems, he said, "is a pretty sad reflection on the degree of supervision the DEA is exercising over its informants."

The effort to challenge the DEA's use of Chambers is being led by lawyers for Edward Stanley Jr. and Daniel Ray Bennett, the first two men whom federal prosecutors in Los Angeles wanted to send to death row under a 1994 federal

murder-for-hire statute.

By voluntarily pleading guilty to murder in the 1996 slaying of an alleged heroin ring accomplice in Las Vegas, Stanley and Bennett avoided the gas chamber.

Now, their lawyers say, the two men deserve a chance to go to trial, or have their convictions overturned, based on the fact that the DEA used information provided by Chambers to get the wiretap used to convict them.

That wiretap never would have been approved, lawyers for both men contend, if the judge had known of Chambers' true background.

Chambers' actions "seriously undermine the legitimacy of the convictions" and require, at the very least, a review of all the cases in which he played a role, said David Chesnoff, Stanley's lawyer. "I think every judge and every jury should have known that the person being used to put people in jail has been found by courts across the country to be a [liar]."

Minneapolis defense lawyer Jonathan Peck is preparing an appeal for convicted drug seller **Ralph "Plukky" Duke** and plans to attack Chambers' credibility, saying the issue never came up during prosecution. He also contends that his client was set up, essentially, by Chambers.

"Hundreds [of cases] might be looked at," said Peck, "and I think

they certainly should be."

Some defense lawyers contacted by The Times said that, had they known of Chambers' background and propensity to lie, they would have been much less likely to cut a deal for a plea bargain. And in the relatively few cases that went to trial, they contend, they would have attacked Chambers' credibility to the point where juries wouldn't have believed anything he said.

It will take years for the impact of Chambers' activities to become known, as judges one by one assess whether he irreparably tainted individual cases. The federal standards for reversing a case based on a tainted witness are high, and some legal experts said many defense lawyers will have a tough time saying Chambers alone swayed the outcome.

Public Defender's Crucial Role

Chambers' relationship with the DEA might never have become public without the dogged detective work of Steward, the federal public defender in Santa Ana.

Steward, who had no comment for this story, was in the initial stages of defending Bennett when he became suspicious of Chambers.

The DEA refused to provide

Steward with information about who Chambers was or how much he had been paid. So Steward filed a Public Records Act lawsuit demanding that the DEA open its files on Chambers.

In April 1998, Steward filed a complaint with the DEA's Office of Professional Responsibility, alleging misconduct so serious that the DEA should never again use Chambers in an investigation.

But that didn't happen. Last summer, the head of the DEA's internal affairs office promised Steward he would review the material the public defender had sent in and would, if the allegations were true, ensure that the DEA stopped using Chambers, according to one of Steward's court filings.

That didn't happen either. In a July 22 ruling, U.S. District Judge Gladys Kessler condemned the DEA's continued stonewalling with regard to its relationship with Chambers.

Citing "extensive government misconduct," she ordered the agency to give Steward the information he wanted.

"Furthermore, it is clear from the far-reaching and serious consequences of the activities and collaboration of Chambers and DEA that there is a substantial public interest in exposing any wrongdoing in which these two parties may have engaged," Kessler wrote.

In September the DEA launched

an internal investigation and restricted the use of Chambers. But it kept using him, Steward alleges in court papers.

Subsequently, the National Law Journal and the St. Louis Post-Dispatch published articles giving some of the details of Chambers' background and his role in cases. On Jan. 27, Steward wrote to Atty. Gen. Janet Reno, asking that she get personally involved.

"In the 18 months since I filed my original complaint, [DEA officials have] talked to me two or three times, and done utterly nothing," Steward wrote. "To my shock, Chambers continues to work for the DEA to this day."

In the past few weeks, four drug trials in Florida have been postponed because defense attorneys and even some prosecutors say they were never told about the government witness, Chambers.

In February, DEA administrator Donnie Marshall ordered Chambers "deactivated," saying agents cannot use him until an internal investigation is complete.

Meanwhile, the DEA says it is revamping its procedures for using informants like Chambers.

A series of mistakes, incomplete files and "communications breakdowns," Parham said, allowed DEA field agents to use Chambers—and other informants—without knowing that they had criminal backgrounds.

That had a ripple effect in which prosecutors and defense lawyers "in many cases" also didn't know,

he said.

The DEA is now instituting a rule forbidding an informant who has lied on the stand from being used again without special exemption, Parham said, and it has vowed to create central files that will include any information about an operative's criminal record.

DEA agents have always been required to put an informant's criminal record in their file, "but that was always done. . . . In a lot of cases agents who were responsible for advising the prosecutors were not aware of Mr. Chambers' background," Parham said.

That central file also will include a synopsis of what an operative did in prior cases, and a prosecutor's assessment of whether the operative was truthful in his testimony.

Parham praised Chambers as a man "willing to risk his life" in many dangerous situations.

But is Chambers so good that the DEA should help him out when he runs afoul of the law?

"There are occasions where a determination is made and authorization is provided to assist with the adjudication" of certain cases, Parham said, "because we still need him to continue with our investigation."

Nevertheless, Parham said several cases in which defense lawyers have sought appeals because of his involvement already have been rejected.

Chesnoff and others say there are far better test cases, but Parham said, "We'll have to wait and see what happens in court."