

Synanon

11/28

lots of motions
we could just go down list... [reading]
basically, you want discovery to respond to
govt's motion, & immunity

GG & immunity

we see discov. as essential issue:

① no motion to suppress

② no whole case - last Jan's stay

we've gotten info. since last July...

we believe there's been discrim. pros. & need

discov. to try to prove it

other org's also being pursued by IRS - "new
religions"; decision by IRS higher staff? Seems
to be a screening policy

dt. allowed Mr. Brandon's deposition - agent in
charge of Syn. audit who rec'd. "change"
in Syn's exempt status

we've been trying to find out why his rec. was
rejected. Want to get @ people ~~is~~ in mat'l.

+ SF.

LaSalle - institutional b.f.

yes, like Yick Wo
GG unable to discover for 15 mos.

some allowed - Brandon + BF

GG st., but & much more on in Brandon's case

"b.f." change needs access to govt. files; unfair
motion to suppress also req's discovery. Weiss, Cal.

*

D. case. Crim. pros. of tp. Govt. has stated
there's a jt. crim./civ. prosecution here.

We allege the ~~tax~~ tax division is collaborating.

TR + J "tax" ≠ "civil"

J TR has told me + you that they are insulating themselves from crim. investigation

GG like Weiss, where it was the civil division.

J. there said ~~of~~ such thing as a "jt." investigation - its criminal.

Δ admits extensive jt. interviewing; Goodwin ~~subpoenaed~~ subpoenaed docs; crim. took "protective custody" of Farnsworth's diaries; wits have been approached by TR, Hertz, + Goodwin together. "Moodle of crim. division"

Shouldn't ~~occur~~ occur under Sells

- Another issue: 4 grants of immunity; new to DC. That's why we went to J. Robinson - to find out whether it was based on crim. or civil invest.

Act is 13 yrs. old, but issue re civil wits has only come up recently - Maider. But we say ~~is~~ based on st. law. Relied on 3 7th Cir cases. But look @ leg. hist. ...

J claims of selective pros. are imp. to ct.

I have ~~of~~ evid. besides your claims; you brought civil case

"~~of~~ main land" re immunity

~~of~~ know. what crim. ~~invest~~ invest's are going on -

Arizona, Ca., etc.

J suppose there was a "triple" interview of Farnsworth -
wrong?

GG they're doing their job - but Farns. is a govt. ee (computer expert) + they showed up @ his office. Troubled history; implicit threat w/

civ. law

I understand what you're trying to do, but doesn't strike me as anything wrong w/ that you're asking me to hamper govt invest. into possible violations of law
PB took 5th A; properly; but need. for DOJ to do civ. invest.

⊗ doing interviews could be misfeasance

66 strongly rec. Weiss

I recently decided a selective pros. case

66 want discovery; think we've only come across tip of ice berg
wedding 12/17 + another case...

I need more discov. to respond to 5/5?

66 nt.

I how to manage discov. if it decides to allow it?

66 A can file for protective order. R. 26(c) + other new rules...

we always try to resolve things informally

we want 60-90 days for discovery - auth. is R. 26 + Cortez

⊗ fair chance to litigate w/o discov.

I realize that; but you filed + ⊗ inclined to let you rummage through the govt's files

66 if our theory is persecution of "new religions" - asking for those docs is relevant

2 dep's we've gotten have been defensive

I never 150 w/its

"are you a religion" - that's the bottom line

66 ~~do~~ I⁺ A

another prob. w/ 2d 5/5 motion - we've applied to

Sten. Harris for immen. grants; & response yet
gov't got its grants from J. Robinson - got info.
from Mr. Mexico's atty. (6/83 grants) + will
provide info. to it.

J you want me to say Robinson erred
66 &, issue & clearly before Robby
ministerial

J quasi-jud.

66 using civil immunity as ex parte discovery
BF too says immen. comes from DC

@ first we thought immen. granted ~~to~~ through
g.j.'s ~~friend~~ Robby said "I standing";
we heard through Mexico. ^{Galewin + 2 FBI's; tried to get} wits to coop. in Bernstein.

J proves what Th said: & cross-fert. of crim./ci.
66 before it could rule on 1st s/5 issue, gov't. filed
2d motion. Motive was to provide a hq., here
or in Bernstein. Believe Galewin wanted a preview
to crim. defenses. Timing - 7/83 - suspicious.
If ~~he~~ Δ waited for it. to rule, ~~the~~ case
might have gone away.

gov'ts 1st s/5 motion: raised issues of fact + &
law; had to file lots of papers to respond

Th. need to clear up some misstatements.

Galewin's interview in Miami was w/Th + Hertz, &
FBI agents. Effort to develop wits in this case,
& Berman.

J division id

Th. oral or on credentials

change that 7/83 off's were strangely timed - accom-
panied order to produce

still & production + claim & relief due (R. 41?)

~~Handwritten signature or initials~~

litigant who's twice refused to comply w/ct's orders...
of discovery or suppression...
discovery + dispositive motions; need Q of selective
pros....

[recess]

TR Δ feels φ discov. nec.; ripe to go on Δ's
2d s/J motion

of 166 nt.; π wants discov. on 2d s/J motion

TR our position: by collat. estop. - π out of ct.

of how fraud on this ct?

TR destroyed evid. + ② contended in complaint
& requests for admission that φ destroyed. - audit
Signed by PB. More fraud 3/21/83: collat.
between PB + J. Lies. Also in aff. in
support of first s/J motion.

Sym. now wants to put Δ "at peril" after having
destroyed evid. before filing suit
- vident - cult - militaristic ...

principle probative evid. destroyed - tapes

Braman found Simon committed perjury; suborned by
PB. Braman found PB testified falsely.

of Braman is an Ast. I judge, φ Ast. III. Does
offensive collat. apply, or is it binding?

TR believe yes - Parklane, Montana, ... Sole Q
is whether p. had a full & fair opp. to hearing
φ distinct, re which ct.

of Snider - Vietnam air crash case held φ collat.
estop. diff. facts, but good discussion. Also in
AT+T. Must involve subst. the same issue
for estop. to apply.

TR ID issue: "tax-exempt" / "non-profit" for zoning use

as both residence + business.

GG open Q whether "tax-exempt" = "non-profit" under zoning. Braman's decision deals w/ "non-profit".

Intervening zone change \Rightarrow Syn. couldn't occupy as a matter of rt. (need special auth.) Pre-existing occupancies OK'd for tax reasons.

Syn. lost - complaint dismissed

Th argues suppression of evid. re "non-prof." translates to this case

J needn't be D, just "subst. similar"

GG all Braman said is that evid. ~~that~~ going to non-prof. was probably destroyed

J \neq need for discov. re collat. estop. Q

GG but if govt used untoward means to get Braman decision, \neq entitled to profit from it

J looks like a solely legal Q re Bernstein issue disting govt involvement in this case + \neq that case

time to respond before wedding

Th want to reply too

J you have 7 days under new rule

GG ~~is~~ 'til next Mon.?

J too long - you're known ~~as~~ about this

GG outstanding prob's w/ minority + discovery

[J Wed. @ 4

reply on Mon.

collat. estop. is growing doctrine but \neq always applied

you're claiming the Braman decision supports your earlier state. of material facts

Th yes

12 if S/T denied, still prepared to go ahead w/
minutes on 2d issue in S/T motion -
private involvement

J want to discuss immunity + selective pros.?

Th yes

§1601 et seq - govt it. to grant immu. in civil
cases. 9-page brief filed Fri.; \neq law to
contrary.

stat. itself also authorizes applications for civ. immu.
look to definitions of "US cit." in Ryan,
civil tax case, cert. denied. [In brief.]

J to chief judge?

Th you were away + AR called ~~me~~ CRR who said
to go to Robby

re commingling: addressed @ length in 11/4 memo
in response to T's motion to suppress. Duties
have been exclusively civil ~~to do~~ from the start.
Civil defense.

re certain of interviews: after A's first S/T motion,
started to look for wits. Found Ariz. wits, but
their counsel insisted on immunity. We didn't
know how to handle immu.; went to our
superiors; \therefore needed crim. division approval +

J what Deedwin came along, don't know what up since criminally
what about Bernstein + govt?
 \neq 2 FBI agents in Miami w/ Schiff

J other cases too...

GG also w/ Farnsworth; trip to Miami during Bernstein
trg.

12 went to Miami for this case, \neq Bern.

didn't know of Farnsworth's past troubles 'til
day before testimony; had info. before. Farnsworth

said he didn't feel he was under pressure
but that govt ought to know.

didn't coerce BF either; another wit, led us to her
of govt misconduct in this case; what other
branches doing / of doing of relevant here
immunity grants given for this case's purposes + that
reason alone

misfeasance if US hadn't gotten story re violence +
destruction

J of discriminating v. "new" religions?

TR defending

J forced to, by revocation

TR auditor never get to see docs which are part of
record now - S/I exhibits

of IRS b.f. - even if there was, of impact on
issue before it. (Syn. wants 10 dep's in
3 cities.) Must satisfy 501(c)(3), even if
the IRS doesn't like you + decides to go
after you.

J has Yick Wo been applied to a civil case?

66+TR don't know

TR will check

J don't think so

66 1st time we get an answer on Soalewin's presence -
an awful lot of time for what could be done
w/a phone call

J even if true, doesn't support what you're advancing.
Suppose Soalewin present to get info. - misfeasance
for crim. division of to investigate.
want answer Wed. - selective pros. in civil case

GG final pt - lots of allegs on both sides, but need
"lt." (ie, discovery)

Ca. cases - similar allegs.; settled favorably to Spr.

of Jan. to date continued

hope to find ~~at~~ way to pierce through motions