



family members, but that Anderson knew that there had been no agreement relative to immunity or promises of immunity by the government as to anyone. Anderson further stated that the March Affidavit was drafted by another person, who was the subject of an unrelated federal investigation and who purportedly received immunity in the March Affidavit, and that Anderson felt pressure by that individual to sign the March Affidavit. Again, a copy of the Form 302 was also previously produced to defendant, and a redacted copy of that document has also been attached hereto.

Third, during his trial testimony in the *Stevens* case, Anderson was asked questions on direct examination about whether his statements in the March Affidavit were true. Anderson specifically stated that they were not:

Q. Okay. Mr. Anderson, let me ask you about something that occurred earlier this year. Did you sign an affidavit that wasn't completely accurate?

A. Yes, I did.

Q. Tell the jury about that.

A. Okay. We drafted, basically I tried to keep like my loved ones protected in the best way that I can through all this. It's been a long road. I mean, it's been a long, hard road, so, you know, I tried to keep them protected as much as I can, you know, through all this, because it has been a long road.

Q. All right. Did you sign an affidavit that said that a number of people had been given immunity by the United States government from criminal prosecution?

A. Yes, I did.

Q. Do you know that that was not true?

A. Yes. That was never said. It was kind of a gentlemen's agreement, you know. You know, that's what I work off of.

Q. All right.

A. A handshake, you know, so, you know, I take it as an immunity, but it was never -- that was never said.

Q. Did you draft that affidavit?

A. I didn't draft it, but I signed it.

Q. Did you know that it wasn't true when you signed it?

A. Yes.

10/9/08 Tr. (A.M.) at 80-81.

Fourth, armed with the March Affidavit, the Form 302 reflecting Mr. Anderson's repudiation of the March Affidavit, and substantial other information bearing on Mr. Anderson's credibility and truthfulness, defense counsel elected not to cross-examine Mr. Anderson. See 10/9/08 Tr. (A.M.) at 83. Taken together, this evidence – again, all of which defendant had in his possession at the time of Mr. Anderson's trial testimony – demonstrates that Mr. Anderson's March Affidavit was false, and that Mr. Anderson's testimony in the *Stevens* trial was consistent with his prior, repeated admissions to the government that the March Affidavit was false. Mr. Anderson's new statements to the contrary are like his statements in the March Affidavit itself: not true.

Mr. Anderson's letter also makes a series of allegations about the conduct of certain government personnel in connection with Mr. Anderson's preparation for trial. These statements are also untrue. The government has now obtained substantial additional evidence, including both documents and video surveillance, that prove the falsity of Mr. Anderson's allegations and that further explicitly prove Mr. Anderson's collusion with an interested party in the preparation and transmission of Mr. Anderson's letter. We will describe and submit that additional

information to the Court in a subsequent filing on Monday.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2008, a copy of the United States' Initial Response to Defendant's Motion for Discovery and for an Evidentiary Hearing was served electronically, via the District Court's ECF system, on defense counsel as set forth below:

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