



United States Department of Justice

OFFICE OF THE UNITED STATES ATTORNEY

WASHINGTON, D.C. 20001

IN REPLY, PLEASE REFER TO  
INITIALS AND NUMBER

EJS:EMP:ELB:c

ADDRESS ALL MAIL TO:  
UNITED STATES ATTORNEY  
ROOM 3138 - C  
UNITED STATES COURT HOUSE BUILDING  
3RD AND CONSTITUTION AVENUE NW.

June 16, 1978

*Handwritten:*  
2nd. 78  
6/27-78  
95.

Mr. Paul A. Goldberger, Esquire  
401 Broadway  
New York, New York 10013

Re: United States v. Guillermo Novo, Ignacio Novo  
and Alvin Ross

Dear Mr. Goldberger:

This letter is in response to your June 6, 1978, letter which contains ten pages of requests for information.

1. All relevant written statements will be provided pursuant to Rule 16(a)(1)(A) of the Federal Rules of Criminal Procedure. Our definition of "statement" is that contained in 18 U.S. Code §3500(e).

2. Any oral statement by a defendant, which the Government intends to use at trial, made either before or after arrest, will be provided if the statement was made to a person whom the defendant, at the time of the statement, knew was a Government agent. This is in accordance with Rule 16(a)(1)(A) of the Federal Rules of Criminal Procedure. All other statements will be provided only in accordance with 18 U.S. Code §3500.

3. Recorded testimony of a defendant before a grand jury will be provided in accordance with Rule 16(a)(1)(A).

4. The defendant's prior criminal record, if known by the Government, will be provided in accordance with Rule 16(b) of the Federal Rules of Criminal Procedure.

5. The Government will provide the information required in Rule 16(c) of the Federal Rules of Criminal Procedure.

6. The Government will comply with Rule 16(c) of the Federal Rules of Criminal Procedure.

7. The Government will provide to the defendant copies of any documents and make available for inspection tangible objects seized from the defendant in accordance with Federal Rule of Criminal Procedure 16(c). The Government will not provide this with respect to codefendants.

8. This request is much too broad. We will provide discovery of Rule 16 material in accordance with our responses to other requests in this letter.

9. The Government will comply with this request pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure.

10. This request is somewhat unclear. If the request is to see Government exhibits, prepared by the Government for use at trial, they will be shown to the defense immediately prior to the trial.

11. The reports of all Government experts to be called at trial will be disclosed pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure. The names of the experts will be disclosed at the time of trial.

12. This request seems to be an informal motion pursuant to 18 U.S. Code §3504. If it is such, the appropriate written motion should be made, with the required particularity set forth (i.e., names, addresses, telephone numbers and dates).

13. If the Government possesses any such information and it intends to introduce it at trial, it will disclose these facts to the defendant after indictment.

14. The Government will, of course, disclose to the defense any information, including testimony, which it deems to fall under Brady v. Maryland and Agurs v. United States.

15. and 16. The Government will turn over to the defendant at the time of trial all statements made by persons who will be called as Government witnesses at the trial. Handwritten documents which the Government possesses will be included, assuming they fall within the ambit of the Jencks Act.

Does this mean at time of trial... or prior to final presentation?

17. The Government, at the time of trial, will disclose to the defense all impeachable convictions on the part of its witnesses. The law does not require, and the Government will not disclose, any other information. See answer to Number 61.

18. This will be turned over with the Jencks material at the time of trial.

19. This information if there is any of this nature, will be disclosed at the time of trial.

20. See answer to Number 18.

21. The Government is not required to open its files or to disclose the names of persons interviewed. If a person not to be called by the Government has information which falls under the doctrine of Brady v. Maryland and Agurs v. United States, it will be provided.

22. All statements by the defendant will be disclosed as indicated in response 2 and 3.

23. The Government will not disclose this information pre-trial.

24. The Government will disclose at the time of trial the names of witnesses in the witness protection program. No documents will be provided and no information on persons who have not been placed in a program because that person refused an offer to be in the program will be provided.

25. The Government has no knowledge at this time of any documents having been destroyed.

26. Since this is not a capital case, the Government will not disclose the names of its witnesses until the day of trial. Impeachable convictions of these witnesses will be provided at that time.

27. The Government, at this time, has no tax returns.

28. This material will be provided with the Jencks material at the time of trial.

29. The Government will not disclose this information, since the Government is not required to open its files for discovery.

30. As indicated earlier, impeachable convictions of Government witnesses will be provided; other information in this request will not.

31. This information will be provided to the defense with the Jencks material immediately prior to trial.

32. The Government will disclose to the defense, at the appropriate time, all information in its possession mandated by Brady and Agurs.

33. and 34. This request is encompassed in some of the defendant's earlier requests and the Government will comply in accordance with the provisions of Rule 16 of the Federal Rules of Criminal Procedure. Films and videotapes will not be provided unless they fall under Rule 16(c). The Government will provide photographic array information, in which the defendant's photograph was exhibited, prior to trial pursuant to Rule 16 of the Federal Rules of Criminal Procedure, and certainly in sufficient time for any motions to be filed.

35. All telephone toll records which the Government intends to introduce in its case in chief at trial will be provided pursuant to Rule 16(c) of the Federal Rules of Criminal Procedure. This includes toll records which were obtained from or belong to the defendant.

36. These documents will be provided in accordance with Rule 16(c) of the Federal Rules of Criminal Procedure.

37. The Government will supply photographs, after indictment of all conspirators, of which it has a photograph.

38. and 39. Is this another case?

40. The Government will disclose copies of all writs used to procure the presence of the defendant in the District of Columbia.

41. The Government is not aware at this time what evidence it intends to introduce at trial. In any event, the Government is not required to disclose the evidence it intends to introduce unless that evidence fits into one of the Rule 16 categories.

42. The Government is not required to provide this information and will not do so. Investigative tactics and investigation reports are not open to the defense pursuant to Rule 16(2).

43. I believe I gave you most of these documents. However should you not have a particular one, I will be happy to provide it. *minutes of Prob. Violation Hearing*  
*copy of Doct. from Venezuela & Chile. -*

44. The law does not mandate disclosure of Agency investigation reports and the Government will not do so. Rule 16(2).

45. Mr. Seymour Glanzer, Esquire, represents Mr. Michael Townley and he should be contacted if you desire to interview Mr. Townley. *Can this be asked of Judge?*

45a. Mr. Townley's wife is not in this country. Should you desire to interview her, however, you should also contact Mr. Glanzer. *her home phone number in C*

46. See the answer to request Number 12.

47. See the answer to request Number 44.

48. All documents seized by the Government at the scene of the crime, which will be introduced by the Government at trial, will be disclosed in accordance with Rule 16. This includes documents which may have been located in the Letelier home or office, if they will be introduced at trial. No other document either from the crime scene or from Mr. Letelier's home or office, will be disclosed.

49. This request is not germane to any issue in this case and any such information, if it exists, will not be provided. *can we insist?*

50. Mr. Letelier's relationship with the United States Government or any other government, other than his position as former Ambassador to the United States from Chile, is not relevant to this case and any such information will not be provided. *can we insist?*

51. This information will be provided if the Government determines that it falls under the tenets of Brady and Agurs. Otherwise, unrelated threats received by Mr. Letelier are not relevant. *He did have threats - U.S. Pres. - ins*

52. The travels of Mr. Letelier prior to his murder are not relevant. *INSIST!*

53. This information is not relevant and will not be disclosed, unless it falls under Brady and Agurs. *insist*

54. This information is not relevant and will not be disclosed. It is relevant, however, that while in the United States, Mr. Letelier was an Ambassador or former Ambassador *ins* from Chile.

55. The Government does not possess any Senate or Congress investigative reports and requests for same should be made to t appropriate Senate or House Committees. *Can we request it*

56. All surveillances leading to information which the Government will disclose at trial will be made known to the defense. No other surveillances, if any, will be disclosed. *II*

57. The names and addresses of persons, wherever they may be, who have been interviewed by the Government do not have to be disclosed to the defense, unless they are to be called at trial as witnesses for the Government or unless they provide information which the Government deems to fit under Brady or Agurs.

58. The relationship, if any, between the CIA and DINA is not relevant to this case. If any such relationship is found to exist which is relevant and helpful to the defense, that information will be disclosed. *MUST-!!*

59. This is relevant only to Mr. Townley. Therefore, it will not be produced. *insist!*

60. This will be made available with the Jencks material.

61. If Mr. Townley has impeachable convictions, the Government will make them available to the defense. The law prohibits further questioning by the defense at trial and the Government will not make the requested information available, if it exists at all. }

62. Mr. Townley can be questioned at trial regarding all his prior employment. The United States will disclose to the defense, with the Jencks material, all promises, including payments, made to Mr. Townley, for his testimony. Employment records of the CIA or NSA are not relevant and will not be provided.

63. The dates and times, if any, that Mr. Townley met with any representative of the CIA is irrelevant to this case and will not be provided.

64. The Government is not clear what this request, which asks for the connection of any defendant or co-conspirator to a United States Government agency, means. Please clarify.

Our agreement to turn over the Jencks material of our witnesses at a time prior to what is mandated by the Jencks Act is conditioned upon reciprocal disclosure, pursuant to United States v. Nobles, 422 U.S. 225 (1975), of the same materials in the possession of the defense other than those statements by the defendants themselves. Barring that type of reciprocal disclosure, our position would be that the Jencks material would be turned over only after the witnesses' direct testimony has taken place.

Sincerely yours,

EARL J. SILBERT  
United States Attorney for  
the District of Columbia

By: EUGENE PROPPER  
Assistant United States Attorney

E. LAWRENCE BARCELLA, JR.  
Assistant United States Attorney