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PRELIMINARY STATEMENT BY COUNSEL FOR SENATOR TED STEVENS

Corrupt prosecutors obtained an illegal verdict against Senator Stevens on October 27, 2008. As a result, a sitting Senator lost certain re-election and the balance of power shifted in the United States Senate.

Judge Emmet Sullivan dismissed the case on April 7, 2009 at the request of the Attorney General. Judge Sullivan was so stunned by the government's misconduct that he ordered an investigation by an independent attorney to run parallel to the Department of Justice's own investigation. Henry F. Schuelke, III, a former federal prosecutor, and his colleague William Shields, a former New York prosecutor, conducted an extensive investigation over a two-year period that resulted in the 514-page Report, which Judge Sullivan released today.

The Report provides evidence of government corruption that is shocking in its boldness and its breadth:

- The government encouraged and presented to the jury false testimony by its star witness, Bill Allen. Government attorneys sat silently while Allen lied about whether his case-altering testimony was in fact a recent fabrication designed to undermine powerful evidence for the defense. Moreover, the government hid from the defense the written evidence proving the lie.
- The government hid critical witness statements that would have bolstered the testimony of both the Senator and Catherine Stevens, and even sent the witness back to Alaska so that the witness providing these statements would not testify.
- The government introduced false business records to boost the value of renovations on the Senator's Alaska home. It also hid from the defense the evidence needed to show that the value was much less than the government claimed, including evidence that its key witness disagreed with the government about the value of the renovations.
- The government hid from the Court evidence that its chief witness was a sexual predator, who encouraged a young woman to sign an affidavit falsely stating that she had not had sex with Allen when she was just fifteen years old. The government lied to protect its chief witness and to prevent the defense from using this damning information during cross-examination of Allen. Had the defense been permitted to demonstrate that Allen had previously suborned perjury about his own sexual misconduct, the government's case would have been destroyed.

A miscarriage of justice would have been averted had the government complied with the law. There would have been no illegal verdict. The Senator would not have lost the election in Alaska. Instead, the government proceeded by any means necessary to win their case. In the process, the government violated the United States Constitution and the ethical rules of the legal profession.

This case was prosecuted by an elite team of experienced, highly-educated professionals. Some were from the U.S. Attorney's Office in Alaska. Some, incredibly, were from the Department of Justice's Public Integrity Section. The Report released today demonstrates that all of them propagated a grave injustice. The Report shows what the government did to obtain an illegal jury verdict, and it reflects stomach-churning corruption. It also provides a look at the pitiful excuses tendered by those prosecutors as they attempted to explain their own conduct to the skilled investigators. Their reliance on well-rehearsed protestations of "I don't recall," or "I was not in charge," or "That was not my responsibility" reflect poorly on them.

Senator Stevens was never convicted. It is important to understand that the corrupt conduct of the government was uncovered before there was a conviction. A conviction does not occur until sentencing. No sentence was imposed because Judge Sullivan permitted sufficient time to uncover the evidence of government wrong-doing. Judge Sullivan dismissed the case against Senator Stevens, because the Senator was denied a fair trial by those who wanted to win so badly that they ignored the law. As the Judge said in his order releasing the Report: "Notwithstanding mounting evidence to the contrary, the Court accepted the prosecutors' representations and declined to dismiss the case or declare a mistrial (though the Court did take other steps to ameliorate the prejudice to the defense). Had the Court known of the misconduct and the information concealed by the government, as documented in the Schuelke Report, those decisions would have been different."

Once in a generation a case comes along which impacts more than the parties involved and their families. This is that case. To preserve justice in America, we must carefully analyze injustice whenever we find it. The Report does that. If we don't learn from injustice, we are doomed to repeat it. We can't pretend it did not happen. Mere reverence for the Constitution does not assure that it actually protects individual liberties. This Report is a powerful tool to prevent future violations of the rights of all citizens.

Our hope is that the tragic circumstances of this case and the misconduct described in the Report will never be repeated. The Report serves to remind that every citizen is at risk of wrongful conviction unless honest, skilled professionals perform their respective roles in the criminal justice system with diligence, zeal and respect for the rule of law. Needless to say, if this can happen to a United States Senator in a federal courtroom in Washington, D.C., it can happen to any citizen anywhere in America.