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Public Defender Moves To Have Federal Prosecutors Held In Contempt In Leavenworth Tappings Case

By [DAN MARGOLIES \(/PEOPLE/DAN-MARGOLIES\)](/PEOPLE/DAN-MARGOLIES/) • OCT 25, 2017

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The Federal Public Defender says prosecutors are trying to obstruct an investigation into the taping of attorney-client phone calls and meetings at the Leavenworth Detention Center.

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The Federal Public Defender's office is asking a judge to hold the U.S. Attorney's Office in Kansas in contempt after it stopped cooperating with an investigation of attorney-client tapings at a Leavenworth prison.

The U.S. Attorney's decision was disclosed earlier this week in a report by the special master, Cleveland attorney David R. Cohen, who was appointed by the judge to look into the tapings.

In his report, Cohen said he received a 24-page letter last month from the U.S. Attorney's Office stating that it will no longer provide him with information and documents he is seeking as part of the investigation.

The letter gave several reasons for declining Cohen's requests for information, including the assertion that there was no evidence suggesting inmates' right to counsel had been violated.

In its motion seeking to have the U.S. Attorney's Office held in contempt, the Federal Public Defender, which took the lead in pushing for Cohen's investigation, says Cohen's report "laid to rest any doubt about the government's obstructive delay tactics, and that these tactics have violated the Court's Orders."

"The Report details the (U.S. Attorney's Office's) long-term dissembling and desultory conduct intended to deter and mislead the Court-ordered investigation," the motion states.

Jim Cross, a spokesman for the U.S. Attorney's Office, declined to comment on the motion, saying the office "will reserve comment for the courtroom."

U.S. District Judge Julie Robinson has scheduled a hearing on Nov. 28 to address Cohen's report.

Robinson appointed Cohen last year to investigate the tapings, which triggered an uproar among criminal defense lawyers. In May, she expanded the scope of Cohen's investigation and directed him to look into whether the U.S. Attorney's Office and other government agencies procured and used video and audio recordings of attorney-client meetings and phone calls at the Leavenworth Detention Center.

Dan Margolies is a senior reporter and editor for KCUR. You can reach him on Twitter @DanMargolies (<http://twitter.com/DanMargolies>).

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