

1 that the screen was a total and effective ^{walling-off} ~~wailing off~~
2 of Mr. Purdon; that he had no communications with any
3 person responsible for the prosecution; and that all of
4 it had fallen upon the First Assistant United States
5 Attorney. He put that in an affidavit.

6 The Court scheduled a hearing on March 3rd,^e
7 because I'm going to be in Bismarck on March 2nd,
8 anyhow, and the sentencing is set for May 8th.
9 Mr. Cates indicated that he's available to travel to
10 North Dakota for the hearing. Mr. Delorme said that he
11 ^{use,} needs more time because he can't just call Mr. Purdon
12 to the stand, that he has to consult with the
13 Department of Justice. I just wanted to ^{kind} ~~find~~ of flesh
14 that out a little bit. It seems to me that once you
15 put in an affidavit from somebody, you make him a fact
16 witness. Once he's a fact witness, due process
17 ^{that he be} ~~he that be~~ available for cross-examination.
18 And either the United States can withdraw the
19 ^{use -} affidavit, in which case there will be no evidence of a
20 screen, and that will pose whatever problems ^(delete) ~~are~~ that
21 ^{use -} exist, or the United States could submit another
22 affidavit from the ^{cap} ~~first~~ ^{cap} ~~assistant~~ United States
23 ^{use,} Attorney saying that it was handed off to him and that
24 First Assistant could be made available for
25 cross-examination, but I know of no rule that would