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Friday, January 18, 2002

The Honorable James M. Inhofe
United States Senate

**Re: Request for Assistance of U.S. Centers for Disease Control for Purposes of
Determining the Cause and Manner of Death of Ronald G. Miller
(Relevant to OCC Cause No. 980000188)**

Dear Senator Inhofe:

The purpose of this letter is to request your assistance in securing the cooperation of the U.S. Centers for Disease Control and Prevention in an effort to determine the cause and manner of death of Ronald G. Miller, one of two principal owners of Gage Corporation. We write in our joint capacity as consultants to the law firm of Walker & Walker, representing applicants Michael Edward McAdams and John Powell Walker before the Oklahoma Corporation Commission (Cause No. 980000188), seeking relief of rate payers from excessive natural gas costs incurred under a contract awarded by Oklahoma Natural Gas Company [ONG].

Settlement of a lawsuit initiated in October 1992 by Gage Corporation against William L. Anderson,¹ an attorney representing Oklahoma Natural Gas,² was a condition for ONG's award of a November 9, 1993, gas-purchase contract to Dynamic Energy Resources, Inc. [DERI]³ That contract provides the focus of the referenced Corporation Commission action, which is currently pending. The manner of Miller's death (currently classified as unknown, with homicide, suicide, accident and natural as the alternatives) and its cause may be directly related to the circumstances of the ONG-DERI contract and hence may influence significantly the interpretation and understanding of those circumstances and of the contract itself.

DERI secured Gage's agreement to the dismissal of its litigation against Anderson and ONG by purchasing Gage's assets. The agreement under which DERI acquired the Gage assets provided that a significant part of the purchase price (of about \$10 million) would be paid in the form of deferred monthly payments commencing in February 1994 and continuing for three years (at a rate of approximately \$1.5 million per year).⁴ As the agreement was amended in February 1994, payments were to be made through GCI Trust,⁵ an offshore entity created and controlled by Don M. Sweatman and Kit Barron Bradshaw,⁶ with Bradshaw as administrator and James H. Kitchens, the other principal owner of Gage, as sole trustee. To prevent Miller from discovering the source of the funds, the monthly payments from GCI were channeled through Windbrook Corporation, a California company owned by Kitchens, to a Gage account in Republic Bank in Norman.

In fact, the payments were made for only one year. When the payments remained suspended, in 1996 Miller filed suit against Kitchens, later adding Sweatman and Bradshaw as defendants. As in the case of the 1992 Gage suit against Anderson, Miller anticipated that, in the course of discovery, grounds would be established for the naming of further defendants; possible candidates identified by Miller included the principals of DERI (Nora and Eugene Lum, W. Stuart and Linda Mitchell Price, Michael A. Brown), DERI's attorney, John Tisdale, ONG/ONEOK and its executives, and political figures such as McLarty.

Simultaneously, as many of the persons involved in the resolution of the Gage-ONG dispute became foci of a number of overlapping investigations, Miller became a significant source of information to the investigators.

As early as 1992 Miller was consulted by agents of the FBI investigating corruption involving the Oklahoma Corporation Commission, and these consultations continued after the convictions of ONG attorney Anderson and Corporation Commissioner Hopkins.

Almost immediately after his installation as Secretary of Commerce, Ron Brown became the focus of law enforcement and congressional scrutiny, initially as a result of charges that he had solicited bribes in exchange for the normalization of trade relations with Vietnam. While the Vietnamese matter was contained (when Department of Justice attorneys took over a federal grand jury investigation which had been initiated by a U.S. attorney in Florida), by mid 1995 Attorney General Janet Reno was forced to request appointment of an independent counsel to investigate Brown's business affairs and financial disclosures, and in the fall of that year the charge to the independent counsel was broadened explicitly to include Brown's involvement in the DERI-GAGE-ONG affair.⁷

When Brown was killed in Croatia in April 1996, the independent counsel's investigation was transferred to the Department of Justice. While much of that investigation was effectively terminated, the Department had no alternative but to act on evidence which had been developed by the independent counsel of campaign-finance violations, specifically of conduit contributions by the Lums and Michael Brown to the 1994 reelection campaign of Senator Edward M. Kennedy. In 1997 Nora and Eugene Lum pled guilty to felony violations, while Michael Brown and the Lums' daughter Tricia entered guilty pleas to misdemeanor charges.

In the wake of the "travelgate scandal" (involving the "privatization" of the White House travel office), the related death of deputy White House counsel Vincent Foster and continuing questions concerning his involvement in the Oklahoma scandal, in July 1994 McLarty stepped down as White House chief of staff to a position as counselor to the President. When President Clinton informally proposed McLarty's nomination as ambassador to Mexico, he was dissuaded by Democratic senators who feared that McLarty's Oklahoma exposure would become the focus of a battle over his Senate confirmation.⁸ As a result, McLarty was named the President's "ambassador at large to the Americas," a White House position which did not require Senate confirmation.⁹

Well before Miller's lawsuit against Kitchens, Sweatman, Bradshaw et al. could come to trial, on October 2, 1997, Miller became ill, and he died on October 12, 1997. Because neither Norman Regional Hospital, where he had been treated from October 5 to October 8, nor Baptist Integris Medical Center in Oklahoma City, where he was treated from October 8 until his death on October 12, had been able to determine the cause of his illness, the case was referred by Baptist Integris to the Oklahoma Chief Medical Examiner.

The nonpublic case file of the OCME reveals that the personnel who handled the Miller case had some awareness of the sensitive and potentially dangerous matters in which Miller was involved. However, it is clear that they did not appreciate the confluence of events in the period just before and after his death which may have rendered him particularly threatening to certain individuals.¹⁰

The publicly-released **Report of Investigation by Medical Examiner**, as amended on February 18, 1998, ruled that Miller's "cause of death" was "adult respiratory distress syndrome due to undetermined etiology" and that his "manner of death" was "natural." On December 13, 1999, Chief Medical Examiner

Fred B. Jordan, M.D., was asked (by Stephen P. Dresch) to reconsider these findings, and on December 15, 1999, Dr. Jordan amended the “manner of death” to “unknown.”

In several letters and telephone calls between July and October 2000, Dresch attempted to ascertain if the Office of the Chief Medical Examiner had considered inhalational anthrax as a possible cause of Miller’s demise. In fact, it appears that possible tests for inhalational anthrax were not conducted.

The simplest test for anthrax, *in vitro* growth of anthrax bacilli from clinical specimens, requires that the specimens be obtained prior to the initiation of antibiotic therapy. However, at that early stage Miller’s physicians at the Norman Regional Hospital had no reason to suspect anthrax or any other malignantly intentional infection, because Miller failed to inform them that he might be the victim of a homicidal act. The consensus statement of a DHHS-initiated working group on anthrax as a biological weapon observed: “Early diagnosis of inhalational anthrax would be difficult and would require a high index of suspicion.”¹¹ In the absence of “a high index of suspicion” associated with a particular person’s illness or death an attending physician or medical examiner would be unlikely even to test for anthrax as the cause. Interviewed four years after Miller’s death, his principal physician at Norman Regional Hospital, Christopher Edge, expressed frustration that he had not had the information required for “a high index of suspicion.”

Notes in the nonpublic case file of the Office of the Chief Medical Examiner clearly reveal that its staff did attach “a high index of suspicion” to Miller’s death. Thus, the OCME referred tissue samples from Miller and Maxwell Dennis Hames¹² to Jacqueline Coalson, Ph.D., professor of pathology at the University of Texas Health Science Center at San Antonio, noting, “Both individual[s] were considered to be potential candidates for homicidal activity ...”

However, until the relatively recent past, a failure to test for anthrax early in the course of the disease rendered it difficult if not impossible to identify anthrax at later stages of the disease, after the patient has been administered antibiotics. Thus, the working group’s consensus statement notes: “In experimental animals, once toxin production has reached critical threshold, death occurs even if sterility of the bloodstream is achieved with antibiotics.”¹³ This conclusion is borne out by analysis of three of the first ten recent cases:

The diagnosis of anthrax was established in three patients **without growth of B. anthracis** from clinical specimens. In all three of these cases, proper cultures were obtained **only after initiation of antibiotic therapy**. The diagnosis in these patients was established by a history of exposure or occupational and environmental risk with a clinically compatible syndrome, by the identification of B. anthracis in pleural fluid, pleural biopsy, or transbronchial biopsy specimens by immunohistochemical staining with B. anthracis-specific cell wall and capsular antibodies, or by identifying B. anthracis DNA by PCR on pleural fluid or blood. Serologic data from ELISA available for one patient with inhalational anthrax also demonstrated a >4-fold increase in levels of serum antibody (IgG) to the PA component of anthrax toxins.¹⁴ [Emphases added.]

It is, in any event, clear that the most definitive test (the PCR test for anthrax DNA) was not conducted.

Dr. Jordan’s associate, Larry Balding, M.D., assured Dresch that the CDC would be requested to perform further tests. However, notes in the (nonpublic) case file indicate that, on October 15, 2001, the CDC rejected this request: “CDC not able to take routine case at present [due to] terrorism. Said to check later.”

Of course, inhalational anthrax is not the only homicidal agent which might have caused Miller’s death. Rickettsial disease, Hanta virus and ricin are other alternatives identified by OCME staff.

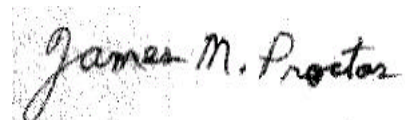
At the time of the OCME's investigation of Miller's death, the Fort Detrick laboratory of the U.S. Army Medical Research Institute for Infectious Diseases is the only facility which is able to conduct tests for inhalational ricin. The OCME staff contacted Dr. Robert Wanamacher of AMRIID to request testing of the Miller samples but was told that the request had to be routed through the FBI. The nonpublic OCME file contains a letter dated December 3, 1997, from Kevin Rowland, chief investigator for the OCME, to Special Agent John Hippard of the Oklahoma City office of the FBI,¹⁵ requesting assistance in arranging for the AMRIID tests. No reply from Hippard or report from AMRIID is contained in the file. Thus, it would appear that the AMRIID tests were not performed.

While the CDC should be explicitly requested to conduct tests for inhalational anthrax and ricin, its staff should be encouraged to suggest and test for other possible (homicidal or nonhomicidal) agents.

According to Dr. Jordan, material retained by the OCME's toxicology laboratory include "heart blood, femoral blood, subclavian blood, fat, liver, lung, brain, and scalp hair," consisting of "multiple hospital specimens dating from 10-08-97 to 10-12-97 as well as specimens obtained at the time of autopsy." These are accessible through a court order which has been obtained on behalf of Ron Miller's widow.¹⁶

Clearly, the ONG-DERI contract is part of a very tangled web dating back to the 1980s and involving persons of national as well as state prominence. Evidence that Ron Miller was the victim of homicide could well set in motion a process which would expose this history to public scrutiny.

Sincerely,



James M. Proctor



Stephen P. Dresch, Ph.D.

Attachments:

- Letter, J. Cooper, Jr., M.D. (OCME) to J. Coalson, Ph.D. (U. of Texas, Pathology), 12/11/97
- Letter, J. Coalson, Ph.D. (U. of Texas, Pathology) to J. Cooper, Jr., M.D. (OCME), 2/9/98
- Letter, K. Rowland (OCME) to John Hippard (FBI), 12/3/97

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- 1 Anderson, Corporation Commissioner Robert Hopkins and Jewell Callaham, owner of a small rural telephone company, were indicted in 1993 for the bribery of Hopkins to secure a decision favorable to Southwestern Bell Telephone Company. Anderson and Hopkins were convicted. Callaham's indictment was dismissed on grounds that the defendant was unlikely to survive the trial due to advanced age and ill-health.

These indictments and convictions were the result of a four-year FBI investigation of corruption involving the Oklahoma Corporation Commission. That investigation had been triggered by Commissioner Bob Anthony, who, in 1988, had reported to then U.S. Attorney Bill Price that Bill Anderson had made what appeared to be illegal contributions to Anthony's campaign for corporation commissioner. It would eventually be revealed that, over the course of this investigation, Anthony, working in cooperation with the FBI and the U.S. attorney's office, had recorded numerous conversations with utility executives and attorneys in which covert payments by the utilities and their lawyers to Anthony and other commissioners were discussed, in the course of some of which cash had actually changed hands.

For reasons which are unclear, Anderson, Hopkins and Callaham, who became known as "the three old men," were the only persons to be prosecuted as a result of the Anthony-inspired investigation. Anthony had provided evidence implicating a number of the utility executives. Among these was Arkla's Dick Moore, who died in 1991, while the investigation was still in its active stage, thus avoiding any risk of indictment. There is no comparable explanation for the failure of the U.S. attorney's office to request a grand jury indictment of Southwestern Bell's Dave Miller, who was directly implicated in the bribery of Hopkins and who had personally made illegal cash payments to Commissioner Anthony in the course of meetings which the Commissioner had recorded. Interestingly, during the federal grand jury proceedings which eventuated in the indictments of Anderson, Hopkins and Callaham, but not Miller, Miller was represented by Patrick Ryan, who would be appointed U.S. attorney in May of 1995.

During Ryan's tenure as U.S. attorney (which ended in October 1999), the Corporation Commission scandal would become intertwined with independent counsels' investigations of Ron Brown and of the Clintons and with numerous U.S. Department of Justice investigations, including those of campaign-financing violations, in addition to numerous congressional investigations. While the FBI's Oklahoma City office would be at least peripherally involved in all of these investigations, no prosecutions eventuated in Oklahoma.

- 2 The Gage action against Anderson originated in an effort by ONG, initiated in 1988, to utilize decisions of the Oklahoma Corporation Commission to abrogate a 1980 gas-purchase contract into which ONG had entered with Creek Systems, Inc., a Gage subsidiary. ONG claimed that its purchase of gas under the contract violated the priority-take rules promulgated by the Commission. Gage prevailed when the matter was heard by an administrative law judge, but the full Commission, with Commissioner Anthony dissenting, reversed that finding, ruling in favor of ONG. While Gage pursued actions for relief from the Commission's judgment, evidence of an active FBI investigation of corruption at the Corporation Commission began to become public.

On October 2, 1992, Commissioner Bob Anthony formally announced that he had reported the receipt of illegal contributions by Anderson to his 1988 campaign for commissioner and triggered the FBI investigation in which he had participated over the preceding four years.

Anthony particularly singled out Gage, in its dispute with ONG, as a party which had been damaged by decisions of the Commission which had been secured by corrupt influences on commissioners and Commission staff. The Gage suit against Anderson was filed 28 days later.

The initial Gage complaint against Anderson and an accompanying Miller press release clearly represented that Anderson was acting on behalf of ONG and anticipated that ONG executives and the company itself would eventually be joined as defendants. The Gage lawsuit threatened to expose bribery and other illegal activity committed not only by ONG, its parent ONEOK and their executives but also by Arkla and its executives and by other utilities, and the solicitation and receipt of bribes by other commissioners and Commission employees.

- 3 Efforts to resolve the Gage-ONG dispute were initiated more than a year prior to the November 9, 1993, Gage-DERI-ONG settlement, after Arkla chairman Thomas F. (Mac) McLarty III, slated to become Presi-

dent Clinton's White House chief of staff, learned of the FBI's investigation of corruption involving the Oklahoma Corporation Commission and of the likelihood that the Gage lawsuit would lead to the public disclosure of that corruption. Arkla had particular exposure, because Commissioner Bob Anthony had recorded a 1989 meeting with Arkla's president, Milton T. Honea, and other senior executives, including Arkla's general counsel, at which Anthony was promised substantial contributions to retire his campaign debt; Anthony had also recorded a subsequent meeting with Arkla's senior Oklahoma executive, Dick Moore, and an associate at which cash had actually been delivered as well as a later call to Moore to arrange the exchange of previously delivered checks for cash.

Especially because of McLarty's exposure, a number of persons became actively involved in the effort to secure a Gage-ONG settlement:

- **Ron Brown**, chairman of the Democratic National Committee and future Commerce secretary- Brown was informed of the situation by **Bruce Lindsey**, a Little Rock lawyer also slated for a position in the Clinton White House.
- **Nora and Eugene Lum**- The Lums first became acquainted with Brown through their daughters' friendship with Brown's son, Michael. In Hawaii the Lums had developed strong political ties by serving as conduits for bribes from major developers to high-level officials, including Governor John Wahiee and Honolulu mayor Frank Fazi. Recommended by Wahiee, in early 1992 the Lums had been recruited by Brown to relocate to California and establish the Asia Pacific Action Council – Vote, a "subsidiary" of the DNC. In the 1980s the Lums had become associated with Miller's Gage partner, James H. Kitchens, when he built race tracks in Hawaii for racing promoter Mickey Thompson.
- **Don M. Sweatman**- Through a childhood friend, Lee Haslam, employed by Kitchens, Sweatman became associated with Kitchens and Miller in the early 1980s. His subsequent relationship was primarily with Kitchens. In the late 1980s he had attempted to broker the sale of Gage to Aida Esacove, a person of some notoriety in investment circles. At about the same time he and his brother-in-law, Larry Locke, also of Texas, secured control of Anaheim-based Whitworth/Towne-Paulsen Pharmaceuticals and proceeded to liquidate its retirement fund (via a Bahamian bank), an action which resulted in a criminal investigation which apparently died without prosecution. At some point, either in Hawaii or California, Sweatman became associated with the Lums. Charles Chidiac, a Lebanese developer who had become a cooperating witness for the FBI after channeling bribes through the Lums, joined the Lums in California and reported that Sweatman appeared frequently at the APAC offices, representing himself as "Bill Clinton's personal representative" (a claim which Sweatman denies). Sweatman served as an intermediary between the Lums, Kitchens and Miller.
- Oklahoma Governor **David Walters**, his appointments secretary **Alec Cunningham**, and his energy secretary **Charles Nesbitt** (former corporation commissioner and attorney general)- Walters was closely associated with DNC chairman Brown. Cunningham provided notable assistance to ONG, while Nesbitt worked to facilitate the Gage-DERI-ONG transactions, using his son, **Doug Nesbitt**, and **Philip Redwine**, a Norman, Oklahoma, attorney.
- **John Tisdale**, a partner in the Little Rock law firm of Wright Lindsey & Jennings (and thus a partner of Bruce Lindsey)- Tisdale would represent the Lums in the final phases of the ONG-DERI-Gage affair. Tisdale had served as counsel to the Clinton-Gore campaign.
- **W. Stuart and Linda Mitchell Price** (niece of Maine senator George Mitchell)- A nonpracticing lawyer, Price was finance chairman for the Clinton campaign in Oklahoma. He was recommended to the Lums by Jim East of Tulsa mayor Susan Savage's office, in response to a request from Fred Humphries of the DNC for a person with oil-and-gas experience who could assist the Lums.

Brown was the source of the proposal that the Lums themselves should acquire Gage. Brown saw Gage, under minority ownership, as an ideal vehicle for the solicitation of profitable minority-preference contracts. With close ties to Colorado governor Roy Roemer (who would succeed Brown as DNC chairman) and Denver mayor Frederico Pena (who would become secretary of transportation in the Clinton administration)

and having lobbied for federal funding of the new Denver Airport, Brown saw fuel supply contracts at the airport as a particularly profitable target for the Lums. Thus, by the fall of 1992, encouraged by Brown, the Lums perceived a significant "opportunity" for themselves in the Gage-ONG dispute.

Earlier in 1992, Miller, Kitchens and an associate, Peter C. Hield, began negotiations with Walmart to develop a chain of "fill stations" for compressed-natural-gas vehicles. Seeking the support of Governor Walters, Hield met with Walters' appointments secretary, Alec Cunningham. In December 1992 Cunningham, claiming that he was working on an investigation being conducted by the Attorney General's office, requested information concerning the Gage-ONG dispute and asked Hield to submit to a deposition, to be arranged by Vincent Stone and Virgil Smith in Tulsa. Cunningham's claim that he was associated with an Attorney General's investigation was investigated by Deputy Inspector Jack W. Dailey of the Oklahoma State Bureau of Investigation, who discovered that there was no investigation and that Stone and Smith in fact were private investigators associated with the law firm representing ONG. Fearing that his investigation of Cunningham would be compromised by the close relationship between Governor Walters and the director of the OSBI, Dailey consulted with Attorney General Susan Loving, who agreed that Dailey's investigation should be transferred to the FBI. For reasons which are unknown, the FBI investigation appears to have died in 1993.

By early 1993 the Lums, through their company, Cal Pacific International, were actively engaged in attempting to acquire Gage, aided in that process by Governor Walters' energy secretary, Charles Nesbitt, and Nesbitt's son, Doug, with legal representation by Philip Redwine.

For reasons which are not entirely clear, the negotiations foundered. By late spring 1993 the Lums had replaced Redwine with John Tisdale. In August 1993, as a result of the DNC request to Tulsa mayor Savage, the Lums forged a relationship with W. Stuart Price. The Lums and Price then formed a new entity, Dynamic Energy Resources, Inc., as the vehicle for solution of ONG's Gage problem.

Price negotiated the ONG contract which made possible DERI's acquisition of Gage assets and the settlement of the Gage-ONG litigation the following November. As he participated in the negotiation of this complex of transactions at the Gage offices, DERI's attorney, John Tisdale, received a steady stream of calls and faxes from the Clinton White House.

The settlement of all litigation involving ONG and Gage on November 9, 1993, was critical because an evidentiary hearing before a special master appointed by the Oklahoma Supreme Court was scheduled for the following day. That hearing originated in an effort by ONG to disqualify Commissioner Bob Anthony from participating in any cases involving ONG because of asserted bias as a result of his role as instigator of and as a cooperating witness in a four-year FBI investigation of corruption at the Corporation Commission.

Gage had intervened in the ONG action before the Oklahoma Supreme Court in order to develop evidence for use in its federal suit against Anderson, especially as a foundation for naming additional defendants in that action. At the time of the ONG disqualification action, rulings of the U.S. District Court in *Gage v. Anderson* were under appeal to the U.S. Court of Appeals for the Tenth Circuit. At the November 10, 1993, hearing Gage expected to develop evidence of the complicity of ONG executives in Anderson's corrupt activity.

The settlement was accomplished as part of a complex of transactions: (1) DERI (of which, at that point, Eugene and Nora Lum held 70 percent ownership, with the remaining 30 percent held by W. Stuart and Linda Mitchell Price) acquired all assets of Gage Corporation for a total price (including deferred payments) of over \$10 million. (2) ONG awarded a very lucrative, transferrable ten-year gas purchase contract to DERI. (3) Because of the extremely favorable terms of the ONG contract, DERI was able to presell one-half of the ONG contract to Associated Natural Gas, Inc. [ANG], for over \$7 million. (4) Gage and ONG agreed to dismiss with prejudice all litigation between them (including ONG's disqualification action against Commissioner Anthony).

Within five months DERI would sell the remaining half of the ONG contract to Enogex, Inc., a subsidiary of Oklahoma Gas and Electric Company, for in excess of \$11 million, thus reaping a gross profit of more than \$19 million and a net profit of at least \$9 million without any initial investment. Alternatively stated, through

the generous terms of the DERI contract (which a 1997 study for Commissioner Anthony estimated would impose on ONG rate payers excess gas costs of \$40 to \$50 million over the ten-year life of the contract), ONG had settled the Gage litigation for about \$19 million, of which at least \$9 million was retained by DERI (later distributed to Nora and Eugene Lum, Stuart and Linda Mitchell Price, Michael Brown and others, with further distributions, through straw donors, to political campaigns, most notably the Senate reelection campaign of Edward Kennedy in 1994), while the original litigants, Miller and Kitchens, were to receive only about \$10 million. This suggests that ONG could have reduced its settlement cost by almost 50 percent (by \$9 million) if it had settled with Miller and Kitchens directly rather than utilizing DERI as an intermediary.

However, despite the inflated cost, this complex mechanism for settling the Gage litigation had significant advantages for ONG. First, because ONG's payment of the settlement cost would take the form of inflated gas charges over ten years, if the ONG-DERI gas-purchase contract could be isolated from the DERI purchase of Gage assets, then ONG could claim that it had not made a payoff to Miller and Kitchens in exchange for the termination of the lawsuit; essentially, ONG obtained deniability by laundering the payoff through DERI. Second, the DERI contract permitted ONG to launder the litigation-settlement expense, which, as a lump-sum payment, it would not have been permitted to recover from utility rate payers, into gas-purchase costs which would be passed through directly to the rate payers; as a result, ONG's profits were unaffected by the settlement.

Just before the closing of this complex web of transactions on November 9, 1993, it was discovered that, because of Miller's distrust of ONG and DERI, DERI would require bridge financing of more than \$4 million. In sworn testimony before the Corporation Commission on January 31, 2001, Nolanda Butler Hill recounted the Lums' frantic appeal to Commerce Secretary Brown for assistance in obtaining this financing. Brown turned to White House chief of staff McLarty. Reflecting the threat that the November 10 hearing posed to McLarty as a result of Arkla executives' illegal payments to Corporation Commissioner Bob Anthony, McLarty arranged for the bridge financing. Miller's refusal to close until the funds were in hand required that bank wires between Little Rock, State Bank in Tulsa and Republic Bank in Norman be kept open later than usual on November 9, awaiting the transfer. Interviewed by James Proctor, advisor to Commissioner Bob Anthony, as part of Anthony's inquiry into "The Business and Affairs of Arkansas Louisiana Gas Company, a Division of NORAM Energy Corp., and Oklahoma Natural Gas Company, a Division of ONEOK, Inc." (Cause No. 960000039), Miller reported that Chuck Thompson of Republic Bank had identified Llama Capital Corporation of Little Rock as the original source of the bridge loan.

After the settlement Nora Lum gave interests in DERI to, among others, Michael Brown (five percent ownership), son of Commerce Secretary Ron Brown, and Helen Yee (one percent interest), mother of Melinda Yee, an aide to Ron Brown at the Department of Commerce and, previously, at the Democratic National Committee (now an aide to San Francisco mayor Willie Brown).

Through their associate Don Sweatman, the Lums demanded, and received, from Miller and Kitchens a \$350 thousand off-the-record "commission" for their role in the successful conclusion of these transactions. Because the Lums distrusted Miller, the fee was paid by Kitchens, who was reimbursed by Gage. Later, when the IRS audited Gage tax returns, the fee became a matter of contention because Kitchens refused to identify to whom the commission was in fact paid. Kitchens led Miller to believe that the payment was made to Sweatman. However, according to a close associate of Ron Brown, at least \$250 thousand of the fee was transferred to KI Industries Corp., of which Michael Brown was president and stockholder of record (and in which the Lums appear also to have had an interest). The younger Brown then attempted to use KI as the vehicle for agricultural and other exports to Vietnam (via South Korea) and North Korea (via Thailand).

For his critical efforts to resolve the Gage-ONG dispute, Brown was invited to a private luncheon at the White House at which Hillary Rodham Clinton expressed her personal appreciation for "everything you have done for Mac [McLarty]," and Brown was elevated to membership in the informal group of President Clinton's most intimate advisors.

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- 4 The precise price which DERI agreed to pay for the Gage assets and also the precise amount of that price which would take the form of deferred payments is somewhat uncertain because there is some evidence of a "side deal," pursuant to the terms of which the Lums agreed to pay approximately \$1.5 million more than the nominal price. The side payment would be made only after three years (when the scheduled deferred payments would have been completed). Further complicating the picture is the \$350 thousand "commission" which the Lums successfully demanded of Miller and Kitchens, a significant part of which went, directly or indirectly, to KI Industries Corp.
 - 5 GCI Trust is variously identified as Gage Cook Islands and Grand Cayman Islands Trust. It appears that GCI had some nexus to Gibraltar.
 - 6 Bradshaw is an attorney licensed in Georgia but resident in Evergreen, Colorado. In Georgia he was associated with a number of companies (for-profit and nonprofit) with vaguely religious connections. While he has not lived in Georgia for over a decade, he continues to use the letterhead of an Atlanta law firm from which he had acquired office space.
 - 7 A close associate of Ron Brown's reports that, at about this time, Miller met with Brown to solicit his assistance in securing a resumption of the deferred payments to Gage. At the meeting Brown denied knowledge of the situation.

Also in this period, Don Sweatman arranged a telephone conversation between Nora Lum and Ron Miller, in the course of which Lum asked Miller to obtain information from his FBI contacts on the substance of the independent counsel's investigation of DERI, the Lums and Brown.

- 8 In light of Miller's law enforcement and congressional contacts, it can be anticipated that he would have been a witness at the confirmation hearings had McLarty been nominated as ambassador to Mexico.
- 9 From his "ambassadorial" White House position McLarty was significantly involved in the successful efforts of the U.S. to reinstall Jean Bertrand Aristide as president of Haiti. After Aristide's return to power, his government's telecommunications ministry gave an exclusive contract for international telephone service to Fusion Telecommunications International, a company in which McLarty, former DNC finance chairman Marvin Rosen, former Congressman Joe Kennedy and John Sununu, former White House chief of staff under President George H.W. Bush, have significant interests. McLarty is also reported to have been instrumental in the development of a chain of Latin American auto dealerships owned by his son.
- 10 The following provides a brief chronology of these potentially threatening events:
 - 7-31-97 The House of Representatives Committee on Government Reform and Oversight (Burton Committee) subpoenaed documents from Michael Brown about questionable relationships between Ron Brown, Nora and Gene Lum, the Commerce Department, ONG and others connected to Dynamic Energy Resources.
 - 8-5-97 Ron Miller provided 165 tape-recorded conversations to the FBI. The recordings were discussions Miller had with individuals involved in litigation and business related to ONG, Dynamic Energy Resources, Nora and Gene Lum, Don Sweatman, James Kitchens and others.
 - 8-12-97 Staff of the Burton Committee interviewed Ron Miller about the investigation of Ron Brown, Nora and Gene Lum and Dynamic Energy Resources.
 - 8-13-97 Attorneys for Michael Brown requested extension of time for production of documents sought by Burton's subpoena of 7-31-97 and objected to the scope of the subpoena.
 - 8-14-97 James Proctor, advisor to Commissioner Bob Anthony, issued a memorandum to Anthony which estimated that the ONG-Dynamic contract is costing ONG's rate payers \$40-\$65 million more than necessary for gas purchases. Proctor recommended that the OCC not allow these excessive costs to be charged to ONG's rate payers.
 - 9-2-97 The Burton Committee subpoenaed documents from Ron Miller about the investigation of Ron Brown, Nora and Gene Lum and Dynamic Energy Resources.

9-5-97 The Burton Committee deposed Thomas F. McLarty III. McLarty, former CEO of ARKLA when bribes were paid to Chairman Anthony, was asked questions about ARKLA attorney Bill Anderson. McLarty's attorneys successfully kept him from having to be deposed on issues about OCC corruption. In particular, on page 16 of the deposition, committee attorney Barbara Comstock tried to ask McLarty about Bill Anderson, but, before the question could be completely stated, McLarty's attorneys successfully diverted the questioning to other topics.

Mr. McLarty denied knowing Nora and Gene Lum, but admitted knowing of Dynamic Energy Resources. Also, he admitted that Ron Brown had discussed with him about his son, Michael Brown, being placed on the Board of Directors of DERI. Although Mr. McLarty did not recall ever meeting the Lums, it is disclosed through the deposition (page 98) that he had breakfast with them at an APEC meeting in Seattle, Washington on November 15, 1993. This breakfast meeting occurred six days after closing the ONG/Creek Systems/DERI transaction in Oklahoma. Also, he testified that he had no knowledge of John Tisdale representing the Lums.

9-12-97 A documentary written by Peter Boyer, "Follow the Money", appeared on the PBS series, Frontline. The show built on Boyer's previous reporting for The New Yorker in his article "American Guanxi" and PBS Frontline documentary "The Fixers". In detail, the article set forth the questionable relationships between Ron Brown, Thomas McLarty, Nora and Gene Lum, Commerce Department, ONG and others connected to Dynamic Energy Resources.

Ron Miller appeared and was interviewed in the documentary.

10-2-97 Ron Miller became ill at his office in Norman, Oklahoma.

10-4-97 Ron Miller's wife took him to the emergency room of Norman Regional Hospital, and he was admitted to the hospital early the next morning.

10-8-97 Chairman Dan Burton of the Government Reform and Oversight Committee presented opening statement for the beginning of his committee's review of campaign-finance irregularities. Several paragraphs of his speech addressed Nora and Gene Lum and Dynamic Energy Resources. During his speech, he mentioned that the Lums agreed to provide testimony about their knowledge of abuses in return for immunity from prosecution. However, in order to grant immunity, the bipartisan committee would need to approve the measure by a two-thirds vote of the members.

Ron Miller was transferred from Norman Regional Hospital to Baptist Integris Medical Center in Oklahoma City.

10-12-97 Ron Miller died of unknown causes at Baptist Integris Medical Center.

10-13-97 The initial report of the medical examiner indicated the cause of Ron Miller's death was pending and possible threat to public health.

10-15-97 Memorial service was held for Ron Miller at Saint Stephen's United Methodist Church in Norman. Miller's partner and childhood friend, Jim Kitchens, and Don Sweatman, an agent for the Lums and DERI, were not at the funeral. However, Gage employee, Doug Anderson visited the Gage offices immediately after the service and found Kitchens and Sweatman rifling the office files.

10-22-97 The Burton Committee requested from the FBI 165 tape-recorded conversations provided to the FBI on 8/5/97 by Ron Miller. The recordings were discussions Miller had with individuals involved in litigation and business related to ONG, Dynamic Energy Resources, Nora and Gene Lum, Don Sweatman, James Kitchens and others. After several months of delay the Department of Justice refused on the grounds of an on-going investigation.

10-24-97 Attorneys for Michael Brown raised Fifth Amendment rights as grounds for refusing to comply with the Burton Committee's subpoena for documents, issued on 7/31/97.

10-30-97 Ron Miller's pending lawsuit filed against Jim Kitchens, his business partner in Gage and Creek Systems was amended to include Don Sweatman and Kit Barron Bradshaw as defendants. Nec-

essarily, the decision to amend the lawsuit was made before Ron Miller became ill on October 2, 1997.

- 11 T. V. Inglesby et al., "CONSENSUS STATEMENT-- Anthrax as a Biological Weapon, Medical and Public Health Management," **JAMA**, vol. 281, no. 18, pp. 1735-45 (May 12, 1999).
- 12 The Hames case was referred to Coalson "because of the strikingly similar clinical histories of the two individuals, with somewhat similar pathological findings." Hames, an Oklahoma City police officer, died on June 8, 1997. The OCME ruled that his cause of death was "acute pulmonary edema with hyaline membrane disease of unknown etiology" and that his manner of death was "unknown."
- 13 Inglesby et al., p. 1737.
- 14 J. Jernigan et al., "Bioterrorism-Related Inhalation Anthrax: The First 10 Cases Reported in the United States," **Emerging Infectious Diseases** (U.S. Centers for Disease Control and Prevention), vol. 7, no. 6 (Nov.-Dec. 2001), <http://www.cdc.gov/ncidod/EID/vol7no6/jernigan.htm>.
- 15 Agent Hippard had been Miller's primary contact with the FBI since 1992, and he had also been a principal agent in the investigation of corruption involving the Oklahoma Corporation Commission, working with Commissioner Bob Anthony. It is evident that Hippard monitored quite closely the work of the OCME from the time of Miller's death until the OCME's natural-death determination was made in February 1998.

When Chief Medical Examiner Jordan changed the manner of death to unknown in December 1999, he notified the Cleveland County district attorney, Tim Kuykendall, and the Norman Police Department of his action. Kuykendall immediately instructed his chief investigator, Gary Waits, to launch a preliminary inquiry into the matter. Informed by Dresch of the Miller tapes in the possession of the FBI, Waits called Hippard. Hippard assured Waits that the FBI had investigated Miller's death intensively, even testing the contents of the Millers' refrigerator, had found nothing to indicate foul play and strongly advised Waits not to investigate further. Hippard also denied Waits' request for access to the Miller tapes. The following day a high-ranking member of the Norman Police Department visited Kuykendall, delivering on behalf of the FBI what was apparently the same message. The following week Hippard took early retirement from the FBI.

Hippard's claim to have intensively investigated Miller's death is refuted by Miller's widow, who has informed us that she is unaware of any physical examination of their home or Miller's office.

Hippard now is employed as a private investigator for the law firm of former U.S. Attorney Patrick Ryan, who previously had represented Southwestern Bell's Dave Miller and who, as U.S. attorney, failed to pursue prosecutions in any of the politically-charged cases in which Hippard had been involved. Hippard apparently joined Ryan only months after Ryan's departure from the post of U.S. attorney in October 1999.
- 16 Unstained slides of lung, liver and kidney were obtained by court order in late 2001 and are awaiting analysis by an independent medical examiner in Michigan, although it is now clear that this medical examiner will be unable to conduct the necessary tests. However, these slides, and the nonpublic case file, can be quickly made available to the CDC.

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**OFFICE OF THE CHIEF MEDICAL EXAMINER
BOARD OF MEDICOLEGAL INVESTIGATIONS**

December 11, 1997

Jacqueline Coalson, Ph.D., Professor
Department of Pathology
University of Texas Health Science Center at San Antonio
7703 Floyd Curl Drive
San Antonio, TX 78284-7750

Dear Dr. Coalson:

Enclosed are blocks and slides from two perplexing cases we have recently encountered. The first case is that of Ronald G. Miller, case number ML 711-97, which is currently being investigated with pending toxicology and which is the primary focus of this consultation request. The other case is being sent due to the strikingly similar clinical histories of the two individuals, with somewhat similar pathologic findings. One patient was a local police officer of some standing, and the other an investment banker with ties to the Democratic National Convention and a material witness in certain FBI/Congressional investigative matters. Both individuals were considered to be potential candidates for homicidal activity and, to further enhance the mystique, it has been reported that the two men knew each other. Nevertheless, they were not close associates, and their deaths occurred a number of weeks apart.

Ronald G. Miller presented on the 4th of October with complaints of acute respiratory distress preceded by nonspecific prodromal symptoms. Physical examination revealed a 58 year old Caucasian male with a fever of 100.8, elevated white count of 20,000 with a substantial left shift. X-ray showed a right upper lobe infiltrate. The patient was also in renal failure, with a Creatinine of 2.5, BUN 33, as well as proteinuria and hematuria. Arterial blood gases showed hypoxia with a PO₂ of 54%. The hospital course was characterized by steadily deteriorating pulmonary function requiring ventilator assistance, deteriorating renal function leading to a Creatinine to 5.1, continued leukocytosis with left shift, high fevers spiking up to 105 degrees and developing eosinophilia, with absolute

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December 11, 1997

eosinophil counts in the neighborhood of 1800. The pulmonary disease had a reactive component, and the patient was treated with steroid inhalational therapy but did not receive systemic steroids. He was placed on broad spectrum antibiotics. Microbiologic studies included routine cultures, bacterial and viral, mycoplasma and autoimmune serology, as well as legionella cultures. Bronchio-alveolar lavage was performed early in the hospital course. Eosinophils were not present at that time, and the only microorganisms detected were *Candida albicans*. Toward the end of his eight day hospital course, the patient developed jaundice and elevated liver function tests.

Autopsy findings are seemingly nonspecific. The combined lung mass was 3845 gms. Hepatosplenomegaly was present - liver 2350 gms; spleen 495 gms. I feel that the pulmonary histology is best characterized as diffuse alveolar damage with eosinophilia. There appears to be some vague tubular epithelial injury in the kidneys and there are foci of interstitial infiltrates, also with eosinophils in appreciable numbers. Hepatocellular injury appears to have a centrilobular distribution, and we found a solitary focus of subendocardial inflammation in the heart, again with significant numbers of eosinophils. Other findings include superficial gastric candidiasis. Routine toxicology has been negative, using early hospital specimens. Special toxicologic studies which are pending include testing for nickel, beryllium, paraquat and ricin. Rickettsial disease and Hanta virus are etiological considerations, but biological material for testing is quite limited.

I am sending you this case in the hope that the clinical course and distribution of histopathologic findings will suggest a specific syndrome or allow you to form an opinion as to whether this probably represents an infectious, toxicologic or other allergic insult. Any additional workup suggestions that you may have will be greatly appreciated.

Maxwell Hames (ML 388-97) was a 41 year old white male. He presented in much the same way, with progressive multi-organ failure. However, his initial complaint was stomach pain rather than respiratory distress, and eosinophilia was not a feature of his disease

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process. He had a 12 day hospital course, and autopsy findings which included pulmonary edema with hyaline membranes (combined lung weight 3100 gms) and hepatosplenomegaly (liver-3100 gms; spleen-280 gms). Histopathologic findings were similar in nature to those of Mr. Miller.

Thank you very much.

Sincerely,



John T. Cooper, Jr., M.D.

Fellow

Forensic Pathology

JTC:wf

Encl: Micro slides under separate cover



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Department of Pathology

(210) 567-4000

February 9, 1998

Dr. John T. Cooper, Jr.
Fellow, Forensic Pathology
Office of the Chief Medical Examiner
901 N. Stonewall
Oklahoma City, OK 73117

Dear Dr. Cooper:

I have examined the two very interesting cases that you forwarded to me for review over the last 3 weeks. Unfortunately, I cannot help you with a specific etiology for these two patients' unusual hospital courses and demises.

Mr. Maxwell Hames (ML388-97) had a few findings that are not routinely found in a typical ARDS patient following a 12 day hospital course. In addition to the exudative DAD changes of pulmonary congestion, fibrinous edema, hyaline membranes and collections of leukocytes, there was a significant chronic bronchiolitis and occasional perivascular accumulations with the same cell types. The inflammatory cells were plasma cells and a few lymphocytes and other mononuclear cells. Also on Slide 14, there was an intraalveolar organizing process with some foreign body giant cells, again, an unusual repair response in typical ARDS. A bone marrow embolus was present in one of the vessels, so I suspect the patient was resuscitated. A large number of megakaryocytes were evident within the vasculature, a finding that has been described in ARDS. I agree with your assessment of the kidney and thought that were some protein/hemoglobin[?] casts in the collecting tubules, and in spite of the autolysis, an ATN lesion was suspected.

Mr. Robert G. Miller's material (MS711-97) also showed changes consistent with DAD, exudative phase: hyaline membranes, congestion, hemorrhage, etc. In this case only a few of the vessels had perivascular cuffing with chronic inflammatory cells. Megakaryocytes were again seen in the lung vasculature.


Bronchopneumonia was evident in slide 7, probably hospital acquired. I suspect the patient was a smoker, there was considerable anthracotic pigment about the bronchopulmonary dyads. Kidneys were fairly autolysed, and only an occasional protein cast was identified. The liver had some mononuclear infiltrates, and significant degenerative and fatty change.

The findings in these cases are non-specific, and the potential etiologies are numerous. However, ARDS patients usually present with a known inciting cause, so unusual etiologies such as those we discussed on the phone were investigated. The hantavirus pulmonary syndrome does have a capillary leak lesion, so an ARDS type picture would be expected in affected patients. A slight to moderate interstitial infiltrate of small and enlarged mononuclear cells some of which appear to be immunoblasts are described. Hantavirus diagnostic criteria have been published and include fibrinous edema with hyaline membranes, interstitial pulmonary lymphoid infiltrates and immunoblast-like cells in lungs, blood, lymph nodes, spleen, liver and bone marrow. This is accompanied by hematologic findings of left-shifted neutrophilic leukocytosis, thrombocytopenia, increased hematocrit level and circulating immunoblasts. So, the lungs findings in hantaviral infection do overlap with some of those seen in Mr. Hames case material, but they are not pathognomonic.

I did not find any human case information of ricin poisoning. The monkey data from the Fort Detrick investigators indicate that lung lesions of diffuse alveolar flooding, multifocal to coalescing fibrinopurulent pneumonia and acute necrosis are exhibited following inhalation of ricin. These findings are again non-specific and overlap with other causes of DAD and the findings in both of your cases.

In summary, the findings are those of a non-specific exudative, diffuse alveolar damage lesion in the lungs in both patients. This lung response to injury can be seen following many different types of injury, and unusual causes like ricin and hantaviral infection can not be ruled out as possibilities. Mr. Hames does exhibit a chronic bronchiolitis, so an infectious etiology might be considered further. I'm sorry I could be of no help to you in defining exact etiologies for the lung findings in these two cases.

Sincerely,



Jacqueline J. Coalson, Ph.D.
Professor of Pathology

JJC/sdr

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OFFICE OF THE CHIEF MEDICAL EXAMINER
BOARD OF MEDICOLEGAL INVESTIGATIONS

December 3, 1997

Special Agent John Hippert
Federal Bureau of Investigation
50 Penn Place
Oklahoma City, OK. 73118

Dear Mr. Hippert:

I am writing you to request your assistance in submitting a blood sample to the United States Army Medical Research in Infectious Disease (US AMRID) for testing on the case of Ronald Miller. As you are aware Mr. Miller died on 10-12-97 in Baptist Medical Center in Oklahoma City. Mr. Miller had a type of pneumonia that is very unusual and did not respond to medical treatment. There are various things that could be the cause of this type of pneumonia from natural to chemical to biological agents.

One biological agent is Ricin and the only laboratory currently testing for this is US AMRID. We have spoken with Dr. Robert Wannamacher there and he has said that he will be glad to do the testing, but that the only mechanism for us to submit this sample is through the FBI. Since you are the agent who was working on the case involving Mr. Miller, I thought it appropriate to request your assistance.

If you can help us submit our blood sample for testing it would be greatly appreciated. I will be glad to work out the logistics of where to send it and how it should be packaged. I look forward hearing from you.

Respectfully yours,

A handwritten signature in cursive script, appearing to read 'Kevin Rowland'.

Kevin Rowland
Chief Investigator