

## Will there be justice under Bill Clinton?

by Nancy Spannaus

January 27, 1993 was the fourth anniversary of the jailing of prominent American statesman Lyndon LaRouche, a man known internationally to have been the political prisoner of a vindictive President George Bush. Over 150 people demonstrated near the White House, and scores more held symbolic candlelight vigils in cities around the United States, Europe, and Ibero-America in order to demand: President Clinton: Restore Justice, Free LaRouche.

While Bush has been kicked out of office, the innocent 70-year-old LaRouche remains in the Rochester, Minnesota Federal Medical Center. What are the prospects for the incoming Clinton administration to reverse this injustice? The answer to this question will define whether the United States returns to being a constitutional democratic republic, or whether it is consolidated as a fascist state.

It is in this light that one should view the battle over the attorney general's position in the Clinton administration, and the other fights which are being waged in the Department of Justice. The DOJ is leaderless and is in total disarray. The old, corrupt Republican "dirty tricks" apparatus has been destabilized, but much of it is still in place. There is a vacuum, and a bitter fight in which no "good guys" have emerged.

### The appearance of justice

The fight over the shape of the Justice Department began in the final months of the Bush administration, when exposés of the coverups in various banking scandals began to hit the press. All of a sudden, the FBI was attacking the CIA, the DOJ was contradicting the FBI, and everyone who had been in a position of power during the Reagan-Bush years started scrambling to protect himself.

Then, on Jan. 3, the *Washington Post* began a six-part series under the title "The Appearance of Justice." In its own

overblown style, the paper put its spotlight on some of the most egregious abuses of power by the Department of Justice. Spotting particularly the roles of former Attorney General Richard Thornburgh and former Assistant Attorney General Robert Mueller, the article dissected case after case of high-handed tactics, including: 1) government failure to disclose evidence favorable to a suspect; 2) government interference between a defendant and a client; 3) government intimidation of witnesses; and 4) blitzkrieg indictments, intended to force plea-bargains or otherwise overwhelm the target.

If anything, the review vastly understated the politicization and aggrandizement of the Justice Department. Starting with Thornburgh's tenure there in the 1970s, the department had shifted heavily into literally organizing crime, through setting up "sting" operations against political targets in unions and government, among other places. The philosophy was increasingly blatant: Might makes right. Combined with the decisions of the U.S. Supreme Court in favor of prosecutorial power, and against the rights of the defendant, the shift has been toward an all-out police state.

Particularly striking to those following these matters, however, was that the article did not include the most celebrated political case of the Bush Justice Department—the LaRouche case. All of the abuses which the series reviewed, and then some, had been carried out in the LaRouche case, which has become a subject of human rights investigations in various international fora. The *Washington Post*, a major political enemy of LaRouche, apparently wants "reform," but not too much.

### The Baird case

Into this political environment walked President Clinton's nominee for attorney general, Zoe Baird.

The issue with Baird, as LaRouche himself has stressed, had little or nothing to do with her having hired "illegal aliens" to do housework. Rather, that scandal was played up in the press with the aid of forces in the Reagan-Bush Justice Department who wanted to prevent her from getting the job. Given the populist environment in the United States, it worked like a charm.

Why did the "old boys" in the DOJ want to prevent Baird's accession to power? It's not fully clear, of course, but there is some indication from the discussion at the committee hearings on the nomination. For example, in her back and forth with Sen. Strom Thurmond (R-S.C.), the quintessential representative of Confederate police-state justice, Baird balked on a number of points of the Reagan-Bush-Rehnquist criminal justice agenda. She testified that she was in favor of the exclusionary rule, and that she wanted to ensure that defendants charged with capital crimes got adequate counsel at any early stage. She stressed that the emphasis should be on crime prevention rather than just locking people up as it had been under the Reagan and Bush administrations. Although Baird declared her support for the federal death penalty and the like, her outlook was clearly disturbing to the likes of Thurmond.

In an *EIR* interview given on Jan. 27, LaRouche put it this way: "So these fellows wanted to get Baird. Why? I don't think it was because of Baird herself, but rather because she represented, as the discussion before the congressional committee indicated, an attempt to clean up and reform the Justice Department system, along the lines indicated in the six-part series recently run in the *Washington Post*."

Clinton was caught off-guard, as reflected in the fact that he has not yet offered a new nominee for attorney general. The department is now being run by Webster L. Hubbell, a law partner from Hillary Clinton's law firm who has moved into the attorney general's office, even though officially the man in charge is Stuart Gerson, an assistant attorney general held over from the Bush administration.

## The Sessions fight

The other major indication of the fight over the shape of the justice system under the Clinton administration is evident in the fight between FBI Director William Sessions and the Department of Justice bureaucracy. It is particularly telling that Sessions has been publicly denounced by Oliver "Buck" Revell, a collaborator with Oliver North in the Iran-Contra operation, a personal enemy of LaRouche, and a former top official in the FBI.

The public attacks on Sessions emerged at the time that the FBI, DOJ, and CIA went to war with each other over the Banca Nazionale del Lavoro (BNL) scandal (pre-war aid to Iraq). Bush Attorney General Barr's last act in office was to release the report of an Office of Professional Responsibility (OPR) investigation of Sessions, which had turned up numerous "improprieties." These included such infractions as

allowing his wife to ride in an official vehicle; taking personal trips at government expense (by sponsoring some government business in the same location); and having a security fence built around his residence.

The OPR has determined that these are serious breaches of ethics. What that means is that President Clinton can use them as "cause" for removing Sessions, if he so wishes. (Sessions had announced prior to the election that he intended to remain in his post as FBI director until his term expired in 1997.)

Why would the FBI and DOJ bureaucracy want to get rid of Sessions? Sessions has prided himself upon being a "reformer" of the FBI, particularly in race relations. As such, he has raised the hackles of many in the bureau, including FBI Deputy Director Floyd Clarke and Hooverite John Otto. He may also be seen as an ally by the incoming administration, which wants to see "reform," at least insofar as it will serve their political interests.

The "old-boy" apparatus wants to end the reign of "outsiders" that has run the FBI since J. Edgar Hoover's death in 1972. One name being floated for Sessions's replacement is that of William Lee Colwell. Colwell, now a professor at the University of Arkansas, spent 25 years in the FBI, and is a personal friend of Clinton. He seems to be the favorite of those who want to go back to the "good old days."

## The basis for justice

As is becoming increasingly evident to thinking people around the world, there is no way that justice could be reformed in the United States if the government's unjust imprisonment of LaRouche and his associates is not reversed. Cosmetic changes, or politically motivated adjustments as to who gets targeted, might be made, but that would not alter the consolidation of fascist irrationalist law.

Many in the Democratic Party apparatus now taking power were intimately involved in the railroading of LaRouche, of course. They worked with sections of the Bush and Reagan administrations, the Anti-Defamation League, and state governments to try to eliminate a movement which threatened their political corruption.

Thus, while it seems that President Clinton does not have a personal animus against LaRouche, as Bush did, there is no visible move within his circle to reverse the LaRouche conviction. Only massive political pressure could convince the President that it were more costly to keep LaRouche in prison, than to admit the government's breaches of law and let him out.

As LaRouche said on Jan. 27: "There is nothing left of the case, in terms of evidence. The problem is, that the federal courts in the Fourth Circuit are doing everything to try to jam up and to refuse to face the simple fact, that the whole set of charges against me and my associates, was now proven to be, and to have been, nothing but a pack of lies and perjury."