
Mann-Chestnut Commission

Time to return justice to the Justice Dept.

Almost two years have passed since we participated in a series of extraordinary independent hearings to investigate allegations of gross misconduct by the United States Department of Justice. Those hearings, which were held on August 31 and September 1, 1995, in a northern Virginia hotel just minutes from the U.S. Capitol, were prompted by the refusal of the Senate and House Judiciary Committees, who at the time were involved in a probe of the incident at Waco, Texas, to actually hear evidence of rampant corruption inside the permanent bureaucracy at the U.S. DOJ.

We were committed to investigate what the Congress refused to investigate. We focused on cases where there was evidence of politically motivated targeting of groups and individuals by a concert of private organizations outside the U.S. government, working in tandem with corrupt officials inside federal governmental law enforcement agencies.

The testimony we heard was organized around three panels: the harassment of African-American elected and public officials—the FBI's "Operation Frühmenschen"; the conduct of the DOJ's so-called Office of Special Investigations (OSI), particularly the cases of Cleveland autoworker John Demjanjuk and former UN Secretary General and President of Austria Dr. Kurt Waldheim; and the Lyndon LaRouche case, the largest-scale single case involving the same corrupt DOJ apparatus that operated in the OSI and Operation Frühmenschen cases.

Although most of us who sat on this panel are political veterans, we were shocked by what we heard. In case after case, decisive evidence of rampant DOJ corruption, prosecutorial misconduct, withholding of exculpatory evidence, and conscious perjury and fraud upon the court, politically motivated and designed to deprive the American citizen of effective representation, was presented, not only by the good word of the witnesses who appeared before us, but by government documents, records, and memoranda, first suppressed and later obtained by FOIA [Freedom of Information Act] and other legal actions. We concluded that no summary statement could capture the shocking and dramatic nature of the testimony itself. We resolved that the written proceedings and videotaped presentations of the proceedings would be produced and circulated broadly, including to every member of the United States Congress.

We were confident that the nature of the evidence we had compiled was so compelling, and so indicting, that Congressional investigation and oversight, as well as other government action, would soon be forthcoming. A short time later, the National Black Caucus of State Legislators, along with many other organizations who reviewed our proceedings, joined us in calling on the Congress to exercise its oversight responsibility, and conduct an investigative probe into what was clearly a continuing pattern of rampant corruption inside the permanent bureaucracy at the DOJ.

However, under the leadership of House Speaker Newt Gingrich, it became increasingly clear that the Congress had no intention of doing so. A series of recent events, however, has radically shifted the climate.

Among the cases we reviewed during the "Operation Frühmenschen" panel, was the FBI sting operation that dismantled the political power of the South Carolina Legislative Black Caucus, known as Operation Lost Trust. Additionally, many of the witnesses referenced the ordeal that led to the impeachment of former federal judge, and current member of the U.S. House of Representatives, Alcee Hastings.

In late February/early March, a series of developments uncovered startling new revelations in those cases. First, on February 25, 1997, FBI Director Louis Freeh was forced to disclose that a DOJ investigation into "questionable conduct" in the handling of evidence at the FBI's crime lab in Quantico, Virginia, "seemed to indicate" that the FBI intentionally mishandled evidence, and gave false testimony to a judicial panel that later recommended the impeachment of Hastings. Later, it was revealed that, even when FBI supervisors were in possession of evidence that this outrageous behavior had occurred, they covered up the information, and knowingly permitted the false evidence and testimony to be presented to the U.S. Senate during the actual impeachment proceedings.

Then, on February 28, 1997, U.S. District Judge Falcon Hawkins of South Carolina, issued a stinging 86-page Order, in which he dismissed, "with prejudice," the Lost Trust cases. The landmark decision represented an unprecedented castigation of the Department of Justice, and specifically identified the perpetrators of what Hawkins called "appalling and egregious prosecutorial misconduct," as ranging from the local U.S. Attorney's office, to the DOJ's Office of Professional Responsibility, the DOJ's Public Integrity Section, and to FBI Director Louis Freeh. In going after the heart of the Justice Department's permanent bureaucracy by name, Justice Hawkins charged that the misconduct is not only serious, but "repetitious, flagrant, and long-standing . . . amounting to a pattern of misconduct."

Finally, on April 7, key individuals, like Jack Keeney and Mark Richard, whose role in the permanent bureaucracy was exposed in our 1995 hearings, were put into the political spotlight in a front-page article in the *Washington Post*. The purported purpose of the article was an "exposé" of the

career staff for allegedly protecting President Clinton from an independent investigation of Democratic Party fundraising.

What the article showed, in fact, was that it was “careerists” like Mark Richard, who had been making all the important decisions during Reno’s tenure as Attorney General. Mark Richard, not Janet Reno, made the final decisions that led to the appointment of four Independent Counsels investigating the Clinton Administration.

Deputy Assistant Attorney General Mark Richard was exposed during our hearings as the individual personally responsible for deciding to prosecute Cleveland autoworker John Demjanjuk as “Ivan the Terrible,” even though it had been determined that the evidence against Demjanjuk had been doctored. Mark Richard was named as one of the key individuals, who along with fellow DOJ “careerist” John Keeney, participated in the pattern of outrageous judicial misconduct that resulted in the fraudulent prosecution of Lyndon LaRouche and his associates. It is also public information, that Mark Richard was the individual who advised Janet Reno, early in her term as Attorney General, to go ahead with the assault on the Branch Davidian compound at Waco, Texas. The *Washington Post* article also named Lee Radek, head of the Public Integrity Section, which Justice Hawkins specifically singled out for censure, as a pivotal player in the permanent bureaucracy.

As the evidence of DOJ misconduct continues to mount, what is, perhaps, most clear, is that Attorney General Janet Reno’s most grievous action, is her persistent pattern of covering up for the widespread judicial abuses of a permanent bureaucracy that, in testimony before our Commission, witness Lyndon LaRouche referred to as “a rotten, permanent bureaucracy which acts like contract assassins, using the authority of the justice system to perpetrate assassination,” and which led witness [former South Carolina State Senator] Theo Walker Mitchell to declare, “I love my country; but I fear my government,” a sentiment that was echoed by several of us who sat on the panel.

In Congressional hearings held thus far on the Waco incident, and later, on the events that took place at Ruby Ridge, the failure to hear all available evidence has left this permanent bureaucracy largely unscathed and unbridled.

Given recent events, it appears inevitable that Congress will be forced to exercise its oversight responsibility, placing investigative hearings high on the agenda of both the Senate and the House Judiciary Committees. If such hearings are to facilitate the long-overdue clean-out of one of the most corrupt sections of our government’s permanent bureaucracy, it is imperative that the full evidence presented to the 1995 Mann-Chestnut Commission, particularly a full investigation of the judicial railroad of LaRouche and his associates, a case that former Attorney General Ramsey Clark called a case which, viewed in context, “represented a broader range of deliberate cunning and systematic miscon-



Commission co-chairman J.L. Chestnut, during a hearing of the independent commission to investigate misconduct by the Department of Justice.

duct, over a longer period of time, utilizing the power of the federal government, than any other prosecution by the U.S. government, in my time, or to my knowledge,” be heard. Anything less would constitute a continuation of a long pattern of cover-up. As former Congressman James Mann stated at the close of our 1995 Independent Hearings, “Justice must finally be returned to the Department of Justice.”

Signers:

- James R. Mann (D-S.C.), U.S. House of Representatives (retired)
- J.L. Chestnut, attorney, Selma, Alabama; author, *Black in Selma*
- Sen. Robert Ford, South Carolina State Senate
- Sen. Maggie Wallace Glover, South Carolina State Senate
- Rep. William Clark, Alabama House of Representatives
- Rep. John Hilliard, Alabama House of Representatives
- Rep. Toby Fitch, North Carolina General Assembly
- Rep. Howard Hunter, North Carolina General Assembly
- Rep. Ulysses Jones, Jr., Tennessee General Assembly
- Msgr. Elias El Hayek, Chor Bishop of the Maronite Church; Professor of Law