

They take testimony on the harassment of African-American elected officials, the OSI cases, and the LaRouche cases. At the close of proceedings, they draft an appeal to Congress. Transcripts of the proceedings are delivered to every member of the House and Senate.

Dec. 18, 1995: The National Black Caucus of State Legislators, the nation's largest organization of African-American elected officials, makes public their adoption of Resolution 20, "A Call for Congressional Hearings to Investigate Misconduct by the U.S. Department of Justice." The resolution endorses the call of the Mann-Chestnut Commission and demands that both the House and the Senate exercise their oversight responsibility by conducting investigative hearings. They urge the Congressional Black Caucus to demand such action.

April 30, 1997: The Mann-Chestnut Commission appeals to the Senate Judiciary Committee oversight hearing on the DOJ, citing the fact that almost two full years have passed since their original request, and document that, in those two years, "a series of startling new revelations in those cases" reviewed has come to light.

April 1, 1998: Testimony submitted to House Appropriations subcommittee on Commerce, Justice, State, and the Judiciary, as attached.

Bill to curb DOJ abuse introduced in Congress

by Suzanne Rose

Apart from a single commentary in the March 26 *Washington Times* by syndicated columnist Paul Craig Roberts, the major American media have imposed a blackout on the introduction of H.R. 3396, "The Citizens Protection Act of 1998," a bill by U.S. Reps. Joe McDade (R-Pa.) and John Murtha (D-Pa.), introduced in response to growing public outrage at the abuses of the Department of Justice's career prosecutors. In his column, Roberts concluded that "there is no more important business before Congress than passage of the McDade-Murtha Citizens Protection Act." And, he may be right.

At the time that the bill was introduced into Congress on March 5, Representative McDade noted, "There are Justice Department employees who engage in questionable conduct without penalty and without oversight, using the full weight and power of the U.S. government. A win-at-all-costs attitude blinds them into suppressing exculpatory evidence, falsifying evidence, misleading grand juries and other misconduct, which most of the time goes unpunished."

As *EIR* goes to press, at least 50 members of Congress

have signed on as co-sponsors of the bill. The group of sponsors is bipartisan, represents virtually every faction within the Democratic and Republican parties, and is a clear indicator that the moment is ripe for the tyranny of Federal prosecutors—including those working under the even more draconian authorities of the Independent Counsel Act—to be brought to an end.

Independent oversight, at last

The legislation sponsored by Representative McDade seeks to ensure that the rules of ethics and standards of conduct applied to all other attorneys, also be applied to government attorneys. The bill establishes standards of conduct for Department of Justice employees, defines punishable conduct and penalties, and creates an independent review board to monitor compliance with the standards. The board, the "Misconduct Review Board," would have the power to investigate allegations of abuse, issue subpoenas, and impose punishment. The meetings of the board are to be conducted in public. A person who believes that a DOJ employee has engaged in misconduct can submit a written complaint to the Attorney General. After the Attorney General has disposed of the matter by conducting an investigation and imposing a penalty where appropriate, or, if the Attorney General has not investigated and imposed a penalty, the person can resubmit his complaint to the board if he or she is not satisfied. The board would then conduct an independent review and investigation, and by a vote of a majority of its members, could impose a penalty.

Among punishable conduct would be: leaking or otherwise improperly disseminating information to any person during an investigation, seeking an indictment of a person without probable cause, failure to release information that would exonerate a person under indictment, intentionally or knowingly misstating evidence, intentionally or knowingly altering evidence, attempting to influence or color a witness's testimony, and acting to frustrate or impede a defendant's right to discovery. The penalties for such abuses would range from probation, demotion, dismissal, referral of ethical charges to the bar, and loss of pension, to referral of the allegations to a grand jury for possible criminal prosecution.

To buttress his bill, McDade asked the Congressional Research Service to compile a list of Federal cases in which prosecutorial misconduct has occurred. On the day he introduced his bill, he cited several hundred cases which had been provided to him, and he entered them into the *Congressional Record* under various categories of misconduct, including: "selective prosecution" (prosecution based on race, religion, gender, national origin, or exercise of first amendment rights), "vindictive prosecution" (prosecuting someone twice for the same offense, or without probable cause, or based on other violations of a defendant's rights), "abuse of the grand jury process" (actions which improperly influence or mislead the grand jury, leaking to the press, improper use of grand jury

materials), “interference with the attorney-client relationship,” “prosecutorial conflict of interest,” “inflammatory remarks at trial,” “improper characterization of defense witnesses or evidence,” and “reliance on perjury or deception at trial.”

McDade, representing Pennsylvania’s 10th District (Scranton area), has been in the House since 1962. During his tenure, he became chairman of an Appropriations Committee subcommittee which oversees defense spending. In 1992, he was indicted for allegedly taking bribes from defense contractors. Although he was acquitted after extensive litigation, he lost the opportunity to become chairman of the Appropriations Committee. His motive in introducing the legislation, according to his press staff, is not to vindicate himself and what he experienced, but to prevent it from happening to anyone else. Indeed, the history of the targeting of public officials and constituency leaders, including under such acronyms as “Abscam” and “Brilab,” and the infamous “Fruehmenschen” cases against African-American political leaders, suggest that the campaign to begin to curb the power of the permanent bureaucracy in the DOJ is long overdue.

Rep. Harold James backs McDade-Murtha bill

State Representative Harold James (D-Philadelphia) is currently serving his fifth term in the Pennsylvania House of Representatives, and is chairman of the Pennsylvania Legislative Black Caucus, and Subcommittee Chairman on Crime and Corrections of the House Judiciary Committee. A law enforcement officer for over 20 years, he formerly chaired the National Black Police Association. He also currently serves on the Criminal Justice Board of Directors of the Council of State Governments, and is a member of the National Executive Committee of the National Black Caucus of State Legislators.

The following letter, dated April 2, was sent to Reps. John Murtha and Joseph McDade, in support of H.B. 3396, “The Citizens Protection Act of 1998.”

Honorable John P. Murtha
2423 Rayburn HOB
Washington, D.C. 20515

Honorable Joseph M. McDade
2107 Rayburn HOB
Washington, D.C. 20515

Dear Sirs:

This letter is written in regards to H.B. 3396, which, if

passed, would serve to provide a certain degree of protection for citizens of this nation against unjustified, unfair, and abusive prosecution by employees of the Department of Justice.

I believe that this bill is extremely relevant in today’s “no-holds-barred” legal climate in which a prosecutor has an unrestricted license to use any means necessary to collar an individual targeted for prosecution. The actions of these prosecutors often destroy the lives of our fellow citizens through some combination of public embarrassment and financial ruin, all in the name of “justice.” “The Citizens Protection Act of 1998,” as you have appropriately short-titled H.B. 3396, is an important piece of legislation that may finally offer some recourse against abuses experienced by far too many in this nation.

In addition to the partial list of specific instances of prosecutorial misconduct which you have submitted for publication in the *Congressional Record*, I would like to bring to your attention other instances of unethical and abusive prosecutorial misconduct. I am aware of many, including “Operation Fruehmenschen” (the DOJ’s calculated operation to frame, drive from office, and jail hundreds of African-American elected officials nationwide), “Operation Lost Trust” (a similar attack on South Carolina’s most prominent African-American officials), and the case of Lyndon LaRouche (who still awaits exoneration of charges that many, including former Attorney General Ramsey Clark, believe to be a baseless and unethical miscarriage of justice based on political ideology). There exists within the DOJ a permanent bureaucracy made up of individuals who operate with far too little oversight or concern for the consequences of their unethical conduct. I believe that this legislation may go far toward seeing that they are finally held accountable for the pain they have caused justice in our nation.

You should know that I have initiated steps to introduce legislation modelled after the “Citizens Protection Act of 1998” here in the Commonwealth, that would afford our citizens protection from similar conduct perpetrated by state law enforcement officials in the offices of the Attorney General and District Attorney.

As Representative McDade stated in introducing this act, “we must strengthen oversight of the Department and shine a bright light on prosecutorial misconduct.” I wholeheartedly agree with these reasoned comments, and I believe that similar oversight need be conducted at a state level as well. Hence, my action.

Again, I applaud you on your courage and foresight in introducing this legislation, and I look forward to offering you whatever support you deem appropriate in seeing it through passage.

Sincerely,
Representative Harold James,
Chairman, Pennsylvania Legislative Black Caucus