

Battle over McDade-Murtha smokes out DOJ thugs

by Debra Hanania-Freeman

In an interview with an *EIR* reporter the week of June 22, Dennis Boyd, the executive director of the National Association of Assistant U.S. Attorneys, the organization that represents the permanent bureaucracy within the U.S. Department of Justice which is mobilized to stop the “Citizens Protection Act of 1998” (H.R. 3396) at all costs, boasted nervously that the number of co-sponsors for the bill has been “shut down”; that his group has made sure that the number of co-sponsors “stopped at around 150.” The statement is only true in Dennis Boyd’s dreams.

In fact, at the time that Boyd made his wishful claim, the number of co-sponsors of H.R. 3396, sponsored by Reps. Joseph McDade (R-Pa.) and John Murtha (D-Pa.), hit 171, and was still climbing, as elected officials, civic and political activists, and thousands of ordinary citizens across the nation continued to join with the LaRouche movement drive, to make sure that this critical piece of legislation, which aims to halt the political lynchings and gross prosecutorial misconduct commonly associated with the U.S. Department of Justice and its permanent bureaucracy, gains a full hearing on Capitol Hill.

In late June, for the second time in less than a month, a powerful delegation of state legislators joined the Schiller Institute on Capitol Hill, in approximately 60 congressional meetings. This latest delegation included Howard Hunter (D-N.C.) and Toby Fitch (D-N.C.), both of whom served on the Independent Commission to Investigate DOJ Misconduct (known as the Mann-Chestnut Commission); Harold James (D-Pa.); Leanna Washington (D-Pa.); John Martinez (D-Conn.); Charles Hudson (D-La.); Arthur Morrell (D-La.); Thomas Jackson (D-Ala.); and, Glenn Lewis (D-Tex.). They delivered the same message being conveyed by their counterparts back in the Congressional districts: a firm insistence that members of Congress sign on as co-sponsors, and that they

work to ensure that hearings on the bill feature the most dramatic cases of Federal prosecutorial abuse, including the decades-long targetting of black and Hispanic elected and public officials (the FBI’s “Operation Fruehmenschen”); the Office of Special Investigations (OSI) cases, such as that of Ukrainian-American auto worker John Demjanjuk; and, the politically motivated frame-up of Lyndon LaRouche and his associates, a case that former U.S. Attorney General Ramsey Clark has said “represented a broader range of deliberate cunning and systematic misconduct, 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.”

The bill’s author and principal co-sponsor, Representative McDade, is seeking 218 co-sponsors—an absolute majority of the U.S. House of Representatives. Normally, a bill’s sponsor might seek such a majority in order to bypass House rules and procedures, and bring a bill directly to the floor for a vote. In this case, however, McDade has said that he is seeking 218 co-sponsors, so that he can ensure that the bill gets a full hearing. In introducing the legislation, McDade’s stated desire was to force a far-reaching public probe of the pattern of hideous abuses that is a commonplace practice of the permanent bureaucracy that controls the DOJ.

DOJ mobilizes to defeat bill

As the drive, spearheaded by the LaRouche movement brings the number of co-sponsors closer to the 218 threshold, the DOJ permanent bureaucracy, considered to be one of the most powerful institutions inside the Federal government, is fighting back as if its very survival were at stake.

When the legislation was introduced, on March 5, House Speaker Newt Gingrich (R-Ga.) referred the bill to the House Judiciary Committee, chaired by Henry Hyde (R-Ill.). Al-

though Hyde likes to boast that his committee “has vigorously conducted oversight in the 105th Congress,” and that he has held nearly 60 oversight hearings, it is no secret that Hyde, under strict orders from Gingrich, has made sure that his committee steer clear of any infringement of the DOJ permanent bureaucracy’s freedom to continue their reign of terror.

Hyde’s office claims that hearings on the bill, which he has sent to George Gekas’s (R-Pa.) Commercial and Administrative Law subcommittee for mark-up, will indeed occur. But, so far, no date for any hearings has been set. Well-informed Congressional sources say that Gingrich’s original instructions to Hyde were, simply, to stall. Gingrich fears that public hearings on McDade-Murtha, especially at a time when Americans are expressing increasing outrage at the conduct of independent counsel Kenneth Starr and his team, would cause an uncontrollable popular protest, far beyond that fostered by the recent hearings into Internal Revenue Service abuses, and would bring the Speaker’s drive to put the impeachment of President Bill Clinton on the Congressional agenda by early July to a grinding halt.

Additionally, sources say, Gingrich fears that such hearings would not only serve to promote the exoneration of Lyndon LaRouche, who he has placed at the top of his enemies list, but could turn the economist into a veritable “folk hero,” and remove whatever obstacles still stand in the way of LaRouche playing a prominent leadership role in solving the global financial crisis.

So, it is no surprise that, as the number of co-sponsors moves within range of the 218 threshold, the original “stall tactic” has been abandoned in favor of far more aggressive measures. In fact, the Justice Department’s entire gestapo apparatus, and all of its appendages throughout the Federal bureaucracy, have been set into motion.

Prosecutors lobbying door-to-door

When the Schiller Institute delegation arrived in Washington on June 16, they already knew that the National Association of Assistant U.S. Attorneys (Naausa) had put out an alert to all of its members, identifying the bill’s co-sponsors by name, and demanding that immediate measures be taken to roll back McDade-Murtha, to prevent hearings, and to stop it from ever coming to a vote. A letter to this effect had also been sent to all members of Congress. But, the state legislators were shocked to learn that the group was sending Assistant U.S. Attorneys door-to-door, in a so-called “lobbying effort.” Rumors were flying that implicit threats of reprisals were being delivered to members who had already signed on as co-sponsors.

The delegation learned that several Representatives, whose professional staffs frequently include former prosecutors, found that members of their staffs had been recruited in the drive to stop the bill. In at least one case, a co-sponsor’s chief of staff saw to it that his boss’s name was withdrawn from the legislation! Fortunately, the state legislators were

able to persuade that member to reinstate his co-sponsorship before the week was out.

Reno jumps into the fray

Then, on June 18, the concluding day of the highly successful Schiller Institute-sponsored lobbying effort, Attorney General Janet Reno devoted the opening part of her weekly press briefing to a harsh attack on the bill. She said it represented “an unjustified and unwarranted interference” into the activities of DOJ attorneys. She asserted that the “sponsors of this bill are trying to solve a problem that really doesn’t exist.”

Reno insisted that the DOJ’s Office of Professional Responsibility, which is itself one of the centers of the permanent bureaucracy’s power, was perfectly capable of ensuring that “our attorneys continue to conform to the highest ethical standards.” But, she provided no explanation for OPR’s failure to act to curb a single case of prosecutorial abuse. Reno also chose not to comment on the fact that U.S. District Judge Falcon Hawkins, in a stinging 86-page order issued in February 1997 in which he dismissed the notorious “Operation Lost Trust” frame-up cases and ordered that they not be retried because of “egregious prosecutorial misconduct,” singled out the Office of Professional Responsibility, as well as the DOJ’s Public Integrity Section, for knowingly covering up the misconduct.

EIR has also learned that Reno, whose record of protecting the permanent bureaucracy can be traced back to her catastrophic actions in 1993 during the Waco incident, has sent a letter to Judiciary Committee Chairman Hyde, and to the committee’s ranking Democrat, John Conyers (Mich.), in which she argues that requiring Federal prosecutors to comply with the same laws and rules governing the defense lawyers whom they argue against in court, would have a “disruptive impact on Federal prosecutions.”

The letter claims that by creating a list of “punishable conduct,” and by establishing an independent review board, the McDade-Murtha bill “would give defendants and their lawyers the means to disrupt prosecutions” by allowing them to force investigations of allegations of misconduct.

The letter is accompanied by a 14-page “DOJ Analysis of H.R. 3396,” which purports to demonstrate that the bill is “vague and unclear,” and that it would disrupt and inhibit Federal law enforcement. The memorandum complains that the bill would establish “exceptionally harsh” penalties for prosecutorial abuse and misconduct, and begs the committee that “there is no justification for putting this cudgel in the hands of defendants and their lawyers.”

Reno’s staff has also reportedly prepared a letter, co-signed by former Attorneys General Richard Thornburgh and Griffin Bell, and currently being circulated to other former Attorneys General, urging that the bill be repudiated. It was the infamous Thornburgh Memorandum, which Reno turned into a regulation, that self-empowered the Department of Justice to exempt its attorneys from the ethical and judicial rule by which all other lawyers must abide.

Heavy-handed tactics may backfire

However, considering the high premium placed on keeping the DOJ's permanent bureaucracy unscathed and unchecked, opponents of McDade-Murtha are not willing to leave the drive to kill this bill solely in the hands of lawyers.

The Federal Law Enforcement Officers Association (FLEOA), which represents 14,000 investigators and police officials in such Federal agencies as the Bureau of Alcohol, Tobacco and Firearms; Customs; the Drug Enforcement Administration; and the criminal investigative sections of all branches of the U.S. military, is actively lobbying against the bill, and paying personal visits to members of Congress.

Mark Spaulding, the FLEOA legislative director, who is himself a Pentagon investigator, told *EIR* that "our unit brought about the prosecution of Congressman McDade for bribery and corruption." Spaulding tried to dismiss the legislation as nothing more than McDade's animus toward the DOJ for what Spaulding defended as a legitimate, though failed, effort to jail the Representative. (McDade was indicted in 1992, after being subjected to a four-year investigation. His ordeal lasted until August 1996, when a jury finally found him innocent of all charges.)

The FBI Agents Association has also thrown its heavy artillery against H.R. 3396. In a June 22 interview, FBIAA

president John S. Sennett, who expressed anger at the legislation, said his group has been assured that "the bill is going nowhere; it will not pass." Agent Sennett said that the assurance that "McDade-Murtha will die in committee" came from the FBIAA's General Counsel, Ed Bethune. Sennett confidently described Bethune as being "very well connected in the Republican Party." Sennett's claim is not unwarranted.

In fact, the record shows that Bethune has been the private attorney and adviser to Gingrich, and helped draft the strategy for Gingrich's own (unsuccessful) defense against charges of ethics violations. Gingrich was ultimately found guilty of the charges, and still owes hefty fines.

Clearly, this array of forces is intended to intimidate the bill's supporters. And, given their record of reckless abuse, they are, indeed, an intimidating group. But, the success of their tactics is heavily dependent on their ability to operate "in the shadows." Some Washington observers believe that, simply by virtue of the fact that they have been forced out in the open, their heavy-handed tactics to kill this legislation will backfire. Meanwhile, the drive to gain 218 co-sponsors for H.R. 3396 continues to build, in what is shaping up as the most important domestic policy battle to take place on Capitol Hill in decades.

Kenneth Starr to bring indictments in Virginia?

Independent counsel Kenneth Starr is making preparations to bring indictments against associates of President Clinton in the "rocket docket" of the notorious Eastern District of Virginia, according to various reports. Starr has recently leased almost 6,000 square feet of office space close to the Federal courthouse in Alexandria, and, as reported by former U.S. Attorney Henry Hudson, Starr is hiring former Federal prosecutors who used to work for Hudson in Virginia.

During a CNN report on how Starr could move his entire case across the river from Washington, D.C. to northern Virginia, Hudson boasted: "The U.S. District Court in Alexandria probably has the fastest-moving docket in America. It's been dubbed the 'rocket docket.'" More important, the Eastern District of Virginia is known for its almost 100% denial of all defense motions, and pro-government juries which are composed heavily of Federal employees.

Hudson should know. When Justice Department prosecutors fell on their faces in the first trial of Lyndon LaRouche and his associates in Boston in 1987-88, they

moved the LaRouche case to Hudson's office in Alexandria, where prosecutors were guaranteed a rigged court and jury. Hudson and his office were later found to have committed a "constructive fraud on the court," when they illegally shut down publishing companies operated by associates of LaRouche, in order to set the stage for the "fraud" trial of LaRouche — yet, the unjust convictions of LaRouche and his associates were allowed to stand by the Alexandria court and the equally corrupted Fourth Circuit Federal appeals court in Richmond, Virginia.

Despite a number of recent setbacks, Starr is desperately pushing ahead with both indictments of associates of the President, and a report to the House of Representatives which could be used to launch impeachment proceedings. On June 25, the U.S. Supreme Court rejected Starr's efforts to obtain confidential notes of a conversation between the late White House aide Vincent Foster and Foster's attorney. And, the firestorm around Starr's leaks to the news media is continuing, in the wake of Steve Brill's "Pressgate" article in the inaugural issue of *Brill's Content* magazine.

Starr is under intense scrutiny for his admissions that he gave confidential "background" briefings to selected reporters concerning his investigation of the President; at the same time, an investigation of allegations of witness-tampering and payoffs to Starr's key witness in Little Rock, David Hale, is also ongoing. — *Edward Spannaus*