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## Law

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# Williams sues to force Abscam debate

by Edward Spannaus, Law Editor

U.S. Senator Harrison A. Williams has raised the ante in his Abscam case by bringing suit in Federal Court to block the Senate vote on his proposed expulsion scheduled for Dec. 3. The suit, filed Nov. 23, asks the court to issue a temporary and a permanent order restraining against the Senate vote until violations of Williams's constitutional rights have been remedied.

Williams has previously filed a civil suit against the Abscam conspirators—ranging from former Attorney General Benjamin Civiletti to FBI-protected con man Mel Weinberg—charging a conspiracy to violate his constitutional rights. In the new action filed last week, Williams now accuses the Senate leadership and the Senate Ethics Committee of working hand in glove with the FBI and Justice Department to orchestrate the Senate expulsion procedure with the Justice Department's criminal prosecution of him, in further violation of his constitutional rights.

Named as defendants in the new Williams suit are the Senate leadership including George Bush, Howard Baker, and Robert Byrd, the Ethics Committee leadership of Howard Heflin and Malcom Wallop, and certain Ethics Committee staff. The suit charges that Heflin, Baker, and Byrd had a meeting with Civiletti and FBI Director William Webster shortly after the "press leaks" of Abscam occurred, and then voted to launch an inquiry into Williams's conduct long before Williams was indicted by a Federal Grand Jury.

Williams charges that the entire Ethics Committee investigation of him violated specifically his Fifth and Sixth Amendment Constitutional rights. By conducting itself first as a "grand jury" (in its "preliminary investigation") and then as a trial court (in its full "investigation"), the Ethics Committee violated his right to be represented by counsel of his choice and the right to a trial by a jury of his peers. The complaint by Williams cites 18 closed meetings of the Ethics Committee at which Williams was not allowed to be present, and cites *ex parte* meetings between the Committee and Justice Department officials, including one meeting in which DOJ officials stated that they were "having difficulty making

the 'facts fit the law.' "

A central allegation of the Williams suit is that his Sixth Amendment rights were violated because the Ethics Committee would not allow for his lawyers to have adequate time to prepare for the Ethics Committee investigation, which was being run simultaneously with the court prosecutor in New York. As a result, Williams attorneys were forced to enter into stipulations as to the accuracy of the videotapes being shown to the Senate. The tapes were then shown to many individual Senators by Ethics Committee staff officials such as Donald Sanders, and these showings were "fraught with inaccuracies and prejudicial misrepresentations."

As a result, charges Williams,

"Plaintiff [Williams], at present, is in the untenable position of standing before the trier of fact, the Senate . . . while the Senate's mind has been poisoned by the Committee's demonstration to most of the Senate's members of false and misleading tapes in conjunction with untrue and inaccurate *ex parte* statements . . . without any opportunity to compel and confront those witnesses against him to whom reference is made in the Ethics Committee Report accompanying S. Res. 204.

Calling and cross-examining witnesses would allow Williams to demonstrate the perjured testimony being used against him.

Other egregious conduct cited by Senator Williams is the fact that his wife and his wife's secretary were questioned by the Ethics Committee with assurances that the testimony would not be used in the criminal case, and then the testimony was handed over to the Justice Department for use in the criminal prosecution! This obliterated "the privilege of spousal immunity."

Williams is seeking a full trial before the Senate, in which he would be represented by counsel and in which he would call an estimated 25 witnesses, and he is asking the courts to enjoin the expulsion vote until such time as violations of his constitutional rights are corrected.

Meanwhile, Ethics Committee Chairman Malcom Wallop has responded to Williams's suit by telling the press that the courts have no jurisdiction over the matter because the Williams case involves only "internal Senate business." Wallop's separation-of-powers argument is rather weakened, however, by the Ethics Committee's collusion with the Justice Department. The weakness of this argument is ironically raised in looking at the abuse of separation-of-powers by Carter in the Abscam operation overall. Executive overreach into the legislative branch is at the heart of the issue of whether Abscam was constitutional at all. But even more fundamental is the question of whether Wallop and Heflin can succeed in putting the Ethics Committee and the Senate above the Constitution itself.