

The McKay report on Meese: a travesty

by Joseph Brewda

Police-state rule in the United States significantly advanced on July 18, with the long-awaited release of Independent Counsel John McKay's report on the alleged improprieties of Attorney General Edwin Meese. McKay had been appointed to determine whether sufficient evidence existed to justify the prosecution of the attorney general on a wide variety of allegations relating to efforts to divest himself of stock, tax matters, and influence peddling.

McKay's report concludes that there would be no indictments, but that the attorney general was "probably guilty" on some counts.

Under U.S. law, an individual is innocent until proven guilty; he is either formally charged with a crime, and then prosecuted, or he is not. "Guilt" by alleged probability, and without trial, has no standing in this republic. McKay's formulation, moreover, is not merely unconstitutional. British authorities in the American colonies used the same police-state methods, often leading to imprisonment without trial. It was to abolish such abuses that the American Revolution was fought.

Meese has for months been the target of former Deputy Attorney General Arnold Burns and former Assistant Attorney General William Weld, both of whom act under the guidance of such Establishment figures as Elliot Richardson. Both quit the Justice Department last spring in an effort to bring down the attorney general. The combined forces of Weld's patrons, the Bush campaign, and Judge McKay succeeded in forcing the attorney general to announce his resignation immediately prior to the announcement of McKay's conclusions.

An unconstitutional pattern

Properly outraged at the report, Attorney General Meese charged McKay with being "totally irresponsible," adding that "no prosecutor in America could have gotten away with" what McKay asserted. "If anyone would try such a thing at the Department of Justice, he would be fired," he noted—but not very accurately. Meese went on to correctly assert that the concept of "probable guilt" "violates every principle of fairness and decency and makes a mockery of our judicial system." It sets a "dangerous example" for the American people, he said. Clearly, if the attorney general of the United States can be abused in such a blatant fashion, so can any American.

Unfortunately, however, the Meese Justice Department has been guilty of the same mockery of the judicial system which the attorney general condemns, including its witch-hunt against this publication and Lyndon LaRouche, the Pentagon, and the Teamsters. These abusive actions, including those against Meese, originate within the same Establishment cabal.

Questioned by *EIR*'s Washington correspondent at a press conference the day his report was released, Judge McKay tried to justify his formulations by stating that it is the prosecutor's job is to determine if there are "probable grounds" for prosecution or not. What he didn't say, is that such internal prosecutorial deliberations are never made public. Furthermore, the prosecutor can only make such claims if he intends to proceed with a prosecution, in which case the defendant has a chance to establish his innocence. Otherwise, the prosecutor is illegally inflicting personal harm, and engaged in defamation, as was wittingly done against Meese.

More violations

Immediately following the submission of the McKay report, Common Cause, a so-called public-interest watchdog group, announced that the Justice Department's Office of Professional Responsibility (OPR) had begun its own investigation into Meese. Common Cause had written OPR director Michael Shaheen earlier in July, arguing that he had an obligation to determine whether Meese violated Executive Branch standards and rules. On July 14, Common Cause received a reply from Shaheen stating, "We have initiated an inquiry into your complaint, and we will advise you of the results upon its completion."

In other words, a parallel investigation of the attorney general has now begun, just to be sure that he "gets the message," and retires from public life.

The OPR gained recent notoriety when the *Washington Times* revealed that it had spent a mere five minutes investigating charges that former DoJ Criminal Division director William Weld had smoked marijuana. It has been similarly unaggressive in its investigations of Arnold Burns, despite the fact that Burns's involvement in tax shelters in the Bahamas sparked a Criminal Division investigation of the former deputy attorney general—that is, until aborted by Weld.

The OPR was established by former Attorney General Edward Levi, who pioneered politically motivated prosecutions under the cover of combatting "white collar crime." Former Criminal Division head under Levi, Richard Thornburgh was recently nominated as Meese's replacement by the Reagan-Bush administration.

Common Cause is run out of Harvard Law School by Archibald Cox, a mentor of former Criminal Division chief William Weld, and numerous other former prosecutors. It is the Establishment's "Common Cause" which spearheaded the attacks on Meese, and also on the Pentagon, in the first place.