

# LaRouche denounces dirty trick by the Department of Justice

Lyndon LaRouche, candidate for the Democratic Party nomination for President, issued the following statement on Oct. 12:

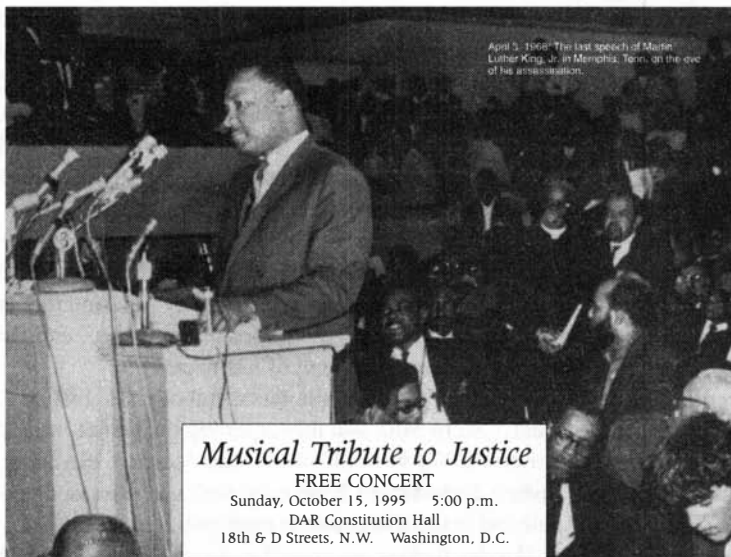
The corruption within the U.S. Department of Justice seems to be endless. Once again, a politically corrupt Department of Justice goes to bed with Katharine Graham's *Washington*

*Post*, to run political dirty tricks against Democratic Presidential candidate Lyndon LaRouche and his associates.

The latest incident to surface centers around a U.S. Department of Justice letter, dated Oct. 4, 1995, to Washington, D.C. Mayor Marion Barry, from the DOJ's Office of Legislative Affairs. The letter is signed Nicholas M. Gess, identified as Director for Public Liaison and Intergovernmental Affairs.

SCHILLER INSTITUTE PRESENTS

## Let Justice Ring!



### Open the Files!

CORRUPTED ELEMENTS of law enforcement agencies, including the U.S. Department of Justice, have targeted and harassed American leaders, in order to silence their political ideas. The time has come to open the "secret" files on these cases:

- Martin Luther King, Jr. and the civil rights movement
- Malcolm X
- African-American elected officials targeted by the FBI's Operation "Fruehmenschen"
- Lyndon H. LaRouche, Jr. and associates
- Minister Louis Farrakhan
- and others

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The Schiller Institute's leaflet advertises a "Musical Tribute to Justice," a free concert of Classical music to be held in the context of the Oct. 16 Million Man March on Washington. The Department of Justice and the Washington Post put out the lie that employees of the District of Columbia had received the leaflet stuffed into the same envelope with their paychecks. That lie was compounded by the completely false claim, published in the Post, that such stuffing of envelopes would be a violation of the Hatch Act, which regulates political activities by government workers. In fact, the Justice Department has no jurisdiction over the Hatch Act. "There is a strong indication," writes LaRouche, "that the DOJ allegation is not merely a mistake, but a typical, politically motivated DOJ fraud upon the public."

The letter represents itself as complaining that “employees of the District of Columbia have received the attached flyer with their paychecks.” The flyer to which Director Gess refers proves to be one issued by friends of mine, announcing a musical concert to be given in the context of the “Million Man March.” The evidence gathered in investigation of that claim by Director Gess shows that, barring a single alleged instance of hearsay evidence, the statement is false; the evidence is, that no such stuffing of paycheck envelopes of employees actually occurred.

There is a strong indication that the DOJ allegation is not merely a mistake, but is a typical, politically motivated DOJ fraud upon the public. Most of the letter is devoted to Director Gess’s presenting a strong DOJ political motive for circulating such a false allegation against the authors of the flyer in question. As part of that argument, he lies outrightly. He states that “the allegations” of DOJ misconduct, “contained in the flyer are false.” That statement by the DOJ is a lie.

The matter of Director Gess’s expressed concern is a hearing held on Aug. 31 and Sept. 1, 1995, in which a panel of elected officials heard evidence on misconduct by the Department of Justice in four cases: 1) The Demjanjuk case, in which the Federal Sixth Circuit found, in 1993, that the Department of Justice had perpetrated fraud upon the court, over a period of more than 14 years; 2) the DOJ’s continued support for a racist targeting of elected African-American officials, a matter of official record; 3) the most massive case of fraud, the DOJ fraudulent prosecution of Lyndon H. LaRouche, Jr., et al. during a period of more than 20 years; and 4) the DOJ’s gross misconduct in the case of false charges placed against Austria’s President Kurt Waldheim. The facts referenced in the subject flyer are all true.

There is a crucial issue of policy in this matter.

After the 1992 revelations of the Sixth Circuit, on the massive fraud on the court by the DOJ, after it had been shown that the DOJ knew, since 1978, that John Demjanjuk was not the “Ivan the Terrible” the DOJ accused him of being, the DOJ still attempted to support its fraudulent case against Demjanjuk. Even when the Sixth Circuit ruled formally, in 1993, that the DOJ had perpetrated fraud on the court for more than 11 years, even fraudulently attempting to send Demjanjuk to his death on charges which the DOJ had known to be false at that time, the DOJ still attempted to appeal the Sixth Circuit’s freeing of Demjanjuk to the Supreme Court. The Court declined to consider the appeal; the Sixth Circuit decision stands, and Nicholas Gess’s letter is a lie.

The issue of policy so posed is this. The fact that the DOJ was caught red-handed in a massive fraud upon the court, in that case, should have compelled the DOJ to act at the highest level, to set a new standard of review for past and ongoing DOJ investigations and prosecutions, to purge the Department of those wicked past practices of the Criminal Division’s permanent civil-service bureaucracy. To the present date, the Justice Department continues to refuse to clean up its act. Its behavior would be called, in the language of the

Watergate era, “stonewalling,” or, one might prefer to say, “piling one coverup on top of another.”

## The anatomy of a DOJ dirty trick

by Edward Spannaus

The pretext used by the U.S. Department of Justice to attempt to intimidate potential supporters and attendees at the Schiller Institute-sponsored “Musical Tribute to Justice” concert, was that support for the concert was political activity prohibited under the Hatch Act. This claim is completely false, and was simply a subterfuge to mask the Justice Department’s alarm over wide circulation of exposure of the corruption of significant elements of the Justice Department.

The Justice Department’s letter to District of Columbia Mayor Marion Barry, excerpted below, expressed the department’s alarm about the “false” allegations contained in the concert announcement, and warned Mayor Barry that the D.C. city government should do nothing to “lend official credence” to these allegations.

The Justice Department letter to Mayor Barry was straight political thuggery, and made no mention of the Hatch Act. However, when the *Washington Post* went public with the DOJ complaint, they framed it in terms of the Hatch Act, attributing to Justice Department spokesman Carl Stern the claim that “such a mailing could be a violation of the federal Hatch Act, which regulates political activities by government workers.”

Contacted by *EIR*, and asked why the concert leaflet could possibly fall under the Hatch Act, Stern said that political activity can come under the Hatch Act, and that the concert announcement “has a political message,” and that “it is not just an announcement of a concert.”

“These are false allegations about the Justice Department,” Stern said, and then, quoting the leaflet, he asked this writer: “Do you really think that ‘corrupt elements of the Justice Department have targeted and harassed American political leaders because of their political ideas’?”

Under further questioning, Stern disclosed that the Justice Department has no jurisdiction over the Hatch Act, which he said is administered by the Office of Personnel Management. And indeed, the letter to Mayor Marion Barry makes no mention of the Hatch Act. Stern also said in a later conversation that it was the *Washington Post* reporter who had brought up the issue of the Hatch Act, and he could not cite any legal or statutory basis for the Justice Department’s action—other than the fact that the leaflet criticized the department!

*EIR* contacted the U.S. Office of Special Counsel (OSC),