

## As his scandals mount, it's time for Starr to go!

by Edward Spannaus

In the face of a growing body of evidence regarding gross prosecutorial misconduct by Kenneth Starr and his staff, the Whitewater independent counsel has brazenly rejected allegations of his conflicts of interest, and is now attempting to put one of the Justice Department's top cover-up artists in charge of any probe of his office.

Instead, Starr should be fired—as the Attorney General has the power to do—and a full and impartial investigation of all the misconduct by Starr and his office should be launched immediately.

Recent examples of prosecutorial misconduct which have come to light include:

- Starr's top deputy in Little Rock, Arkansas, Hickman Ewing, had undisclosed and unreported meetings with a private investigator hired by Richard Mellon Scaife to dig up dirt on President Bill Clinton.

- Starr's prosecutors are continuing to use intimidation and threats of further prosecution against Susan McDougal, in order to force her to give testimony which would support the lies of Starr's bought-and-paid-for key witness, David Hale.

- Starr has admitted that there were "FBI-supervised" meetings between Hale and agents of Mellon Scaife.

- In 1996, Starr succeeded in a motion to disqualify U.S. District Judge Henry Woods from presiding over a Whitewater case involving Arkansas Gov. Jim Guy Tucker. At the time, Judge Woods said that he was the only judge in history to be removed from a case "on the basis of newspaper accounts, magazine articles, and television transcripts." Now it turns out that the articles which Starr used against Woods, were based upon information provided by operatives of the Scaife-financed, dirt-digging "Arkansas Project."

Starr's biggest conflict of interest is not the Pepperdine

University "golden parachute" financed by Scaife; it is Starr's close association with Washington attorney Theodore Olson, who serves as counsel and a board member for the American Spectator Education Foundation, which laundered about \$2 million into investigations in Arkansas designed to gather material for anti-Clinton publications, and to create witnesses for legal actions aimed at the President. Olson even personally represented David Hale, Starr's "well-tampered" witness.

Olson also reportedly hosts a weekly "salon" at his secluded Great Falls, Virginia home, which brings Starr together with a circle of friends including *Wall Street Journal* editor Robert Bartley, *American Spectator* editor Emmett Tyrrell, and various judges and lawyers, including Olson's wife, Barbara, who is chief counsel to Rep. Dan Burton's (R-Ind.) House Government Reform and Oversight Committee.

### Starr's cover-up proposal

On April 16, Starr sent a letter to Attorney General Janet Reno, responding to the April 9 letter sent to him by Deputy Attorney General Eric Holder. Holder's letter had requested that Starr investigate witness-tampering allegations which have been made concerning witness David Hale, and further suggested that Starr may have a conflict of interest because the monies to pay Hale came from funds provided by Mellon Scaife. Holder advised Starr that the Justice Department was therefore prepared to take over the witness-tampering investigation, if Starr were to determine that he indeed does have a conflict of interest.

This was clearly a shot across Starr's bow, but Starr did not get the message. In his April 16 letter to Reno—the same letter in which Starr admitted that there had been "FBI-supervised contacts" between Hale and *American Spectator* agent Parker Dozhier—Starr brazenly asserted that it is the Justice

Department, and not he, which has a conflict of interest around the Hale witness-tampering allegations. Starr wrote that while he himself may have an *appearance* of a conflict, the Department of Justice has “multiple actual conflicts of interest” because 1) under the independent counsel law, the DOJ can’t investigate matters already being investigated by the independent counsel; 2) Hale provided information damaging to the President; and 3) the FBI-supervised contacts between Hale and Dozhier took place when the investigation was under the supervision of the Justice Department. Starr totally avoided the issue of Hale’s meetings with Dozhier and other Scaife-paid agents of the *American Spectator* which took place up between 1994 and 1996, on Starr’s watch.

Starr said that since the Justice Department can’t investigate the witness-tampering charges, his office has developed “several proposed alternate mechanisms for investigating this matter.” Although Starr’s letter doesn’t further specify what mechanisms he is proposing, it has been reported by a number of sources that Starr wants to hire Michael Shaheen, the former head of the DOJ’s internal “watchdog” unit, the Office of Professional Responsibility (OPR), to conduct the investigation.

Shaheen is a fitting choice for Starr. As the one and only head of the OPR from its creation in 1975 until his resignation last year, he was notorious for covering up prosecutorial misconduct. The OPR was known for suppressing almost all allegations of prosecutorial abuses that came before it. Most of the instances of misconduct which were cited during the recent introduction of the McDade-Murtha “Citizens Protection Act” (a bill aimed at cleaning up prosecutorial abuse), are examples of complaints which OPR never acted upon.

The OPR was featured in the January 1993 *Washington Post* series on Justice Department misconduct. The *Post* reported on a 1992 General Accounting Office report which had found the OPR “disorganized” in its investigations and record-keeping. The GAO official who conducted the audit was quoted saying that “the system they have in place could not be better for sweeping things under the rug, could not be better for hiding the outcome.” One example cited was the case of John Demjanjuk: Before the Sixth Circuit Court of Appeals reopened the Demjanjuk case—which resulted in a judicial finding of serious and willful misconduct by DOJ prosecutors—the OPR had already looked at the same allegations and had declared that there was *no* substance to them. Demjanjuk had been deported to Israel and almost executed, based on evidence which the Justice Department’s Office of Special Investigations knew was fraudulent.

Similarly, in dismissing the South Carolina “Lost Trust” cases in February 1992, U.S. District Judge Falcon Hawkins blasted the OPR for failing to disclose exculpatory evidence to the defendants.

Shaheen himself was under investigation by the DOJ Inspector General at the time of his resignation last November. Shaheen and his office were being investigated for excessive and wasteful travel expenditures, and for “abuse of authority.”

## ‘Hitman’ Ewing implicated

One of the new pieces of the Starr scandal involves Starr’s top deputy in Little Rock, the notorious W. Hickman Ewing, Jr. Ewing has now come under scrutiny in connection with Rex Armistead, the former Mississippi state police official who was hired as a private investigator by agents of Mellon Scaife.

The online magazine *Salon* had reported in late March that Armistead had been retained by a lawyer associated with the American Spectator Educational Foundation to investigate whether Clinton, as Governor of Arkansas, had ordered state law enforcement authorities to turn a blind eye to drug-running and money-laundering out of Mena, Arkansas. The Mena operation, as *EIR* has reported, was conducted as part of the Contra guns-for-drugs scheme carried out by the George Bush “secret government” operation.

In checking out this story, *EIR* learned that Armistead and Ewing have been extremely close friends for many years, and that, for a period of time, while Armistead was providing security for the Midcontinental Oil Co. in Memphis, his office was just a hop, skip, and a jump away from Ewing’s.

It was therefore not surprising when *Salon* reported on April 20 that Ewing had quietly met with Armistead a number of times since Ewing has been involved in the Whitewater investigation, and while Armistead was conducting investigations of Clinton. *Salon* also reported that some of the meetings were also attended by FBI agent Steven Irons, who was detailed to the Whitewater investigation. Irons reported all of the meetings, but Ewing apparently did not.

The Ewing-Armistead disclosures immediately fueled the Starr-Scaife witness-tampering scandal, since this was the first instance reported of a top Starr prosecutor meeting directly with agents of the Scaife-*American Spectator* operation.

*Salon* also disclosed that Armistead had been hired by Scaife to investigate the personal life and family of John Camp, a CNN reporter who had stated on CNN that drug-running allegations against Clinton around Mena airport were groundless. Among other things, Armistead obtained information from Louisiana state police officials, who had once brought a libel suit against the reporter. A copy of Armistead’s report ended up in the files of the House Banking Committee, which was supposedly investigating drug-running and money-laundering in Mena.

When *EIR* asked Starr’s Washington office about the Ewing-Armistead meetings, a spokesman for Starr said only: “Mr. Ewing had no improper contacts with Mr. Armistead.” Starr’s office would make no further comment, and when asked, declined to deny that meetings between Ewing and Armistead had taken place.

Ewing was a federal prosecutor in Memphis from 1971 to 1991, and was well known for his racist targetting of black elected officials, especially former Congressman Harold Ford. Ewing is also deeply involved with various local organizations of the so-called “religious right.”