

It was a four-count indictment. The jury was out for three days. They couldn't reach a verdict. The judge threatened to keep them in over the weekend, and the foreman said, "Wait a minute, Your Honor, I think we can work this out." They went back to the jury room. They said, "All right. Those of you who are holding out for guilty, we'll give you two counts, those of you who want not guilty, we'll give you two counts."

So we were found "not guilty" on conspiracy, "not guilty" on one of the wire-fraud counts. But then we were found guilty of aiding and abetting a conspiracy that we were found *not* guilty of being a part of, and we were convicted on a wire-fraud count that consisted of one of the Wedtech Corp. people having made a phone call to my answering machine, with no evidence that I ever even responded to the message that was left on my answering machine. But that was what we were convicted of.

Why do I share that? Not because I want you to feel sorry for Clarence or Michael Mitchell. We ain't looking for no sympathy. When we got out there, we expected that the enemy would go to any length. And we're still fighting. They only wounded us. They sure didn't take us out. But I want to say that, and share that with you, because I want you to understand, that as you look at what's happening with Larry Young, you will begin to understand that the prosecutorial arm of our system will go to any lengths, *to any lengths*, to destroy outspoken leadership that doesn't toe the line that they want.

Another example of that is Lyndon LaRouche. Another example where they were willing to stoop to all kinds of things, just to get him off the street. Now, I have to admit, I'm one of those who sat back and said, "Well, you know, that's LaRouche's problem." And I'm sure LaRouche sat back when he saw me and said, "That's Clarence's problem." And while we were all sitting back and saying that's somebody else's problem, who gets hurt in the process? The people are hurt, masses of people who depended on leadership that would tell them the truth, and that would help to guide them in a direction that would enable all of us to enjoy a better way of life.

So, we're now coming together. Time tends to cause things to happen that maybe should have happened earlier, but I believe that everything happens at the right time for a reason. So, I'm happy to be here with you, and to share with you. I apologize for taking the time that I took, but I wanted to help to try to put it into perspective, as one who has been in the war. They only wounded me slightly. . . .

And that's where we are today. Fortunately, our people are beginning to wake up. . . .

One of the major strengths of any fight that we fight, is coalition. And I'm here tonight, in coalition, and hope that we will continue to flesh out this coalition that will enable all of us to realize the proper solution of the issues that we know are important for the people that we seek to be of assistance to.

Thank you very much.

---

## Documentation

---

# McDade-Murtha 'Citizens Protection Act of 1998'

*The following bill, H.R. 3396, was introduced into the U.S. House of Representatives on March 5 by Reps. Joseph McDade (R-Pa.) and John Murtha (D-Pa.), and was referred to the Committee on the Judiciary.*

To establish standards of conduct for Department of Justice employees, and to establish a review board to monitor compliance with such standards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### **Section 1. short title**

This Act may be cited as the "Citizens Protection Act of 1998."

### **Sec. 2. Interpretation**

It is the intent of this Act that the term "employee" shall be interpreted so as to include, but not be limited to, an attorney, investigator, special prosecutor, or other employee of the Department of Justice as well as an attorney, investigator, accountant, or a special prosecutor acting under the authority of the Department of Justice.

## **Title I— Ethical standards for Federal prosecutors**

### **Sec. 101. Ethical standards for Federal prosecutors**

(a) In general—Chapter 31 of title 28, United States Code, is amended by adding at the end the following:

"Sec. 530B. Ethical standards for attorneys for the Government

"(a) An attorney for the Government shall be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State.

"(b) The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this section.

"(c) As used in this section, the term 'attorney for the Government' includes any attorney described in section 77.2(a) of part 77 of title 28 of the Code of Federal Regulations."

(b) Clerical amendment—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"530B. Ethical standards for attorneys for the Government."

## **Title II—Punishable conduct**

### **Sec. 201. Punishable conduct**

(a) **Violations**—The Attorney General shall establish, by plain rule, that it shall be punishable conduct for any Department of Justice employee to—

(1) in the absence of probable cause seek the indictment of any person;

(2) fail promptly to release information that would exonerate a person under indictment;

(3) intentionally mislead a court as to the guilt of any person;

(4) intentionally or knowingly misstate evidence;

(5) intentionally or knowingly alter evidence;

(6) attempt to influence or color a witness' testimony;

(7) act to frustrate or impede a defendant's right to discovery;

(8) offer or provide sexual activities to any government witness or potential witness;

(9) leak or otherwise improperly disseminate information to any person during an investigation; or

(10) engage in conduct that discredits the Department.

(b) **Penalties**—The Attorney General shall establish penalties for engaging in conduct described in subsection (a) that shall include—

(1) probation;

(2) demotion;

(3) dismissal;

(4) referral of ethical charges to the bar;

(5) loss of pension or other retirement benefits;

(6) suspension from employment; and

(7) referral of the allegations, if appropriate, to a grand jury for possible criminal prosecution.

### **Sec. 202. Complaints**

(a) **Written statement**—A person who believes that an employee of the Department of Justice has engaged in conduct described in section 201(a) may submit a written statement, in such form as the Attorney General may require, describing the alleged conduct.

(b) **Preliminary investigation**—Not later than 30 days after receipt of a written statement submitted under subsection (a), the Attorney General shall conduct a preliminary investigation and determine whether the allegations contained in such written statement warrant further investigation.

(c) **Investigation and penalty**—If the Attorney General determines after conducting a preliminary investigation under subsection (a) that further investigation is warranted, the Attorney General shall within 90 days further investigate the allegations and, if the Attorney General determines that a preponderance of the evidence supports the allegations, impose an appropriate penalty.

### **Sec. 203. Misconduct review board**

(a) **Establishment**—There is established as an independent establishment a board to be known as the "Misconduct

Review Board" (hereinafter in this Act referred to as the "Board").

(b) **Membership**—The Board shall consist of—

(1) three voting members appointed by the President, one of whom the President shall designate as Chairperson;

(2) two non-voting members appointed by the Speaker of the House of Representatives, one of whom shall be a Republican and one of whom shall be a Democrat; and

(3) two non-voting members appointed by the Majority Leader of the Senate, one of whom shall be a Republican and one of whom shall be a Democrat.

(c) **Non-voting members serve advisory role only**—The non-voting members shall serve on the Board in an advisory capacity only and shall not take part in any decisions of the Board.

(d) **Submission of written statement to board**—If the Attorney General makes no determination pursuant to section 202(b) or imposes no penalty under section 202(c), a person who submitted a written statement under section 202(a) may submit such written statement to the Board.

(e) **Review of Attorney General determination**—The Board shall review all determinations made by the Attorney General under sections 202(b) or 202(c).

(f) **Board investigation**—In reviewing a determination with respect to a written statement under subsection (e), or a written statement submitted under subsection (d), the Board may investigate the allegations made in the written statement as the Board considers appropriate.

(g) **Subpoena power**—

(1) **In general**—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States.

(2) **Failure to obey a subpoena**—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) **Service of subpoenas**—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) **Service of process**—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(h) **Meetings**—The Board shall meet at the call of the

Chairperson or a majority of its voting members. All meetings shall be open to the public. The Board is authorized to sit where the Board considers most convenient given the facts of a particular complaint, but shall give due consideration to conducting its activities in the judicial district where the complainant resides.

(i) Decisions—Decisions of the Board shall be made by majority vote of the voting members.

(j) Authority to impose penalty—After conducting such independent review and investigation as it deems appropriate, the Board by a majority vote of its voting members may impose a penalty, including dismissal, as provided in section 201(b) as it considers appropriate.

(k) Compensation—

(1) Prohibition of compensation of Federal employees—Members of the Board who are full-time officers or employees of the United States, including Members of Congress, may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(2) Travel expenses—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(l) Experts and consultants—The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed \$200 per day.

(m) Staff of Federal agencies—Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Board to assist it in carrying out its duties under this Act.

(n) Obtaining official data—The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Board, the head of that department or agency shall furnish that information to the Board.

(o) Mails—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(p) Administrative support services—Upon the request of the Board, the Administrator of General Services shall provide to the Board, on a reimbursable basis, the administrative support services necessary for the Board to carry out its responsibilities under this Act.

(q) Contract authority—The Board may contract with and compensate government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

#### **Subpoena power**

(1) In general—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the

production of any evidence relating to any matter [under investigation by the Commission] [which the Commission is empowered to investigate by section]. The attendance of witnesses and the production of evidence may be required from any place within [the United States] [a State] [a judicial district] at any designated place of hearing within the [United States] [that State] [that judicial district].

(2) Failure to obey a subpoena—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) Service of subpoenas—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) Service of process—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

## **IRS gestapo is scrutinized by Senate**

by Suzanne Rose

Four days of hearings before the Senate Finance Committee on April 28 to May 1, have begun to lift the veil from the gestapo-like functioning of the Criminal Investigative Division (CID) of the Internal Revenue Service, an arm of the permanent bureaucracy within U.S. government law-enforcement agencies. This apparatus has been contaminated through its service to a financial oligarchy which operates outside of effective control of elected U.S. government officials.

Testimony on day three of the hearings began to bring out the extent to which the CID has been used in pursuing political targets. Tom Henderson, a CID special agent who was stationed in the Knoxville, Tennessee District during 1987-89, testified that he became privy to a plot involving a subordinate to charge three prominent Tennessee elected officials on trumped-up allegations of bribery and money-laundering. When he blew the whistle to his superiors, Hen-