

Department of Injustice, under attack, lashes out

by Rochelle Ascher

In recent weeks, the corrupt permanent bureaucracy of the U.S. Department of Justice (DOJ) has suffered a series of damaging setbacks, which it is attempting to counter, in part, by launching a new round of "Operation Fruehmensch" frame-ups of prominent African-American elected officials.

The DOJ failed in its summer offensive to defeat the McDade-Murtha "Citizens Protection Act of 1998." A crucial component of the act, which would force Federal prosecutors to comply with state laws governing their own ethical conduct, was included in the budget bill that passed Congress in October and was signed into law by President Clinton. Furthermore, as the result of the Nov. 3 elections, which were in part a referendum against DOJ tyranny, the department's Congressional champion, Speaker of the House Newt Gingrich, is leaving Congress before the end of the year. Capitol Hill sources tell *EIR* that it is almost certain that an updated version of the Citizens Protection Act will be introduced into the 106th Congress, and hearings on Justice Department criminality are expected to be held.

The outcry against Independent Counsel Kenneth Starr's witch-hunt against President Clinton has also placed a public spotlight on the crimes of the DOJ. Career Federal prosecutors run Starr's office, and have used the full complement of dirty tricks and criminal misconduct to go after the President. Some of those criminal tricks, including withholding of exculpatory evidence, entrapment, and witness tampering, are now the subject of investigation by a Federal grand jury, a court-appointed Special Master, and several Democrats on the House Judiciary Committee.

On Nov. 24, Rep. Zoe Lofgren (D-Calif.) wrote Starr, demanding that he provide sworn written answers to questions she posed during Starr's Nov. 19 appearance before the House Judiciary Committee. These questions relate to indications that Starr's office knew as early as November

1997 about the existence of the Linda Tripp-Monica Lewinsky taped phone conversations, which implies collusion between Starr's team and the Paula Jones lawyers in an effort to entrap the President of United States in perjury.

There is also growing support for an exposé of the DOJ's frame-up of Lyndon LaRouche. Tens of thousands of people have signed petitions calling on President Clinton to bring LaRouche in as his economic adviser, and demanding that the President exonerate LaRouche for the Bush-era railroad prosecution, conviction, and jailing.

On Nov. 22, the Pittsburgh *Post-Gazette* began a ten-part series by investigative reporter Bill Moushey, cataloguing the results of a several-year investigation into Justice Department criminal misconduct. Moushey reviewed more than 1,500 cases of DOJ abuses, filed with the Justice Department's internal watch-dog agency, the Office of Professional Responsibility (OPR). In the overwhelming majority of those cases, prosecutors literally got away with murder, cover-ups, frame-ups, and collusion with drug traffickers. The series, entitled "Win At All Costs," is to run through the middle of December and will appear in several major regional newspapers, adding to the public clamor for action against the DOJ corruption and tyranny.

This spotlight makes the DOJ highly vulnerable, and the possibility of Congressional hearings on DOJ abuse and the exoneration of LaRouche far more likely. So, immediately following the Nov. 3 elections, the DOJ struck back.

'Operation Fruehmensch' in Cleveland

On Nov. 20, after a seven-day jury trial, State Sen. Jeffrey Johnson, chairman of the Ohio Legislative Black Caucus, was convicted on three counts of a four-count indictment under the Hobbs Act. Johnson will be sentenced on Feb. 5, and is facing up to 20 years in prison.

The long list of abuses in the Johnson case are exactly the types of abuse cited by Reps. Joseph McDade (R-Pa.) and John Murtha (D-Pa.) in their introduction of the Citizens Protection Act this past spring.

First, the “investigation” of Johnson was run by a convicted felon, a grocery store owner named Aly Hamed, who pled guilty to \$2.5 million in illegal food stamp trafficking and \$125,000 in tax evasion. In exchange for *no jail time*, Hamed became an FBI informant, secretly taping conversations with Johnson for two years, offering him money, bribes, and trips to Cancún, Mexico. The case against Johnson, run by the DOJ Public Integrity Section, involved accusations that Johnson extorted \$10,000 in campaign contributions and \$7,000 in personal loans from grocers who sought his aid in obtaining state licenses to sell alcohol and lottery tickets, cash vouchers in a government nutrition program, and to issue food stamps.

As is typical for the DOJ, their informant was forced to admit to being on cocaine throughout the sting (he failed a court-ordered drug test). Furthermore, he continued to commit crimes under DOJ supervision, and was under investigation by both the IRS and U.S. Department of Agriculture for illegal trafficking in food stamps. When these agencies attempted to indict him, they were told by the DOJ that they themselves would face criminal charges for obstruction of justice! The only other witness against Johnson was another convicted felon, a former county prosecutor and criminal defense attorney, who was also promised leniency in his sentencing for food-stamp fraud, in exchange for his testimony.

The timing of the case was also typical for the DOJ in their targeting of African-American elected officials. The investigation ended in 1996, but the DOJ chose to wait until two years later, indicting Johnson just two weeks after he had announced his campaign for U.S. Congress, and was the acknowledged front-runner for the seat vacated by retiring 30-year Congressional Black Caucus member Louis Stokes. Johnson is the highest-ranking black elected official in the state, and one of the most vocal leaders in the legislature. He represents the poorest Senate district in Ohio. As his attorney pointed out, “Prosecutors failed to bring forward a single law-abiding citizen from the 330,000 residents of Johnson’s district to accuse him of demanding so much as a dime in return for the exercise of his influence as a Senator.”

‘Lost Trust’ indictments reinstated

Then, just three days later, a three-judge panel of the U.S. Fourth Circuit Court of Appeals ruled that U.S. District Court Judge Falcon Hawkins had ventured too far when he dismissed the indictments against the five defendants in the “Operation Lost Trust” DOJ sting. The panel reinstated the indictments; the defendants immediately appealed to a full hearing of the Fourth Circuit.

“Lost Trust” entrapped more than 28, mostly African-American, legislators, and wrecked the power of the Legisla-

tive Black Caucus in South Carolina. Again, the key government witness was a criminal and a drug addict, himself a former legislator and lobbyist who was promised immunity, no jail time for his drug-trafficking conviction, and large sums of money, by the prosecutors. In the course of the trial, the DOJ was found to have committed so many abuses that Judge Hawkins wrote a 67-page ruling, tossing out the entire indictment. “The breadth and scope of the government’s misconduct [and] the involvement of the FBI during this entire incident was and is shocking to this court” said Hawkins. “Most offensive to this court, however, is that the government sat silent when it knew its silence would not only fail the efforts of the defendants to fully develop the defense to which they were entitled but would misrepresent facts to both the grand jury and the trial jury and mislead the court to such an extent as to affect its rulings. As reluctant as this court is to call it such, this silence in several instances was subornation of perjury.”

The Appeals Court’s reinstatement of the indictments was not out of character. This is the same Appeals Court that had repeatedly denied motions on the part of Lyndon LaRouche and his co-defendants, in defiance of overwhelming fact and law. In the “Lost Trust” case, the court recklessly overturned the verdict of a well-respected trial judge who spent more than five years hearing the case and wrote a landmark decision tossing out the indictments “with prejudice”—something almost never done.

Public outrage

Members of the Cleveland Area Metropolitan Ministers formed an alliance during the trial to assert Johnson’s innocence, and raise money for his legal defense. At a Nov. 24 rally, organized by Rev. John Walker of Lane Metropolitan CME Church, Johnson warned the crowd: “They chose me in 1993; they will choose you in 1999.” He said he was “the latest, but not the last” in a string of African-American politicians to be indicted.

Stanley Tolliver, the most veteran civil rights attorney in the city, remarked on the Johnson verdict: “This is nothing more than a continued conspiracy against black elected officials. It is disgusting that a notorious person like Hamed could be used as a witness against an upstanding young Senator like Jeff Johnson. Jeff is facing *more* time for something he didn’t do than Hamed is facing for millions of dollars of *admitted* crimes.”

A cornered and wounded rat is desperate—but vulnerable. It is time for citizens to end the abuses of the DOJ, and see that the LaRouche case—characterized by former Attorney General Ramsey Clark as “representing a broader range of deliberate cunning and systematic misconduct over a longer period of time utilizing the power of the Federal government than any other prosecution by the U.S. government in my time or to my knowledge”—is heard, and that LaRouche is exonerated.