

Time To Take Out The Garbage at FBI, DOJ

by Jeffrey Steinberg

On June 1, in an interview with the *Washington Post*, former U.S. Sen. John Danforth (R-Mo.) delivered a stinging denunciation of the FBI, charging that the Bureau had systematically obstructed his special counsel probe of the April 19, 1993 Waco tragedy, in which 86 members of the Branch Davidian sect died in a fire during an FBI armed assault on their church compound. Danforth's 1999 probe dubiously concluded that the FBI was not guilty of wrongdoing at the scene of the showdown; however, the former Senator and Episcopal priest said that he encountered such stonewalling and obstruction from FBI officials at every level, that he considered seeking a search warrant from a Federal judge to raid the FBI's headquarters.

Danforth said that he encountered a "spirit of resistance" to outside scrutiny. "It was like pulling teeth to get all this paper from the FBI." The *Post* reported, "The problem came to a head in late 1999 when his [Danforth's] office threatened to get a search warrant from a Federal judge, he said. Danforth said that he agreed in a phone conversation with [FBI Director Louis] Freeh not to seek a warrant if 14 postal inspectors would be allowed to search Bureau files themselves. The search netted hundreds of pages of documents that had not been turned over, investigators said. . . . Earlier in 1999, [Attorney General Janet] Reno had sent U.S. Marshals into FBI headquarters to seize other Waco-related documents."

The Danforth assault on the lack of integrity at the FBI has contributed to a growing climate of anger at the tyranny of the FBI and Federal prosecutors in several other recent high-profile cases, including the Oklahoma City bombing case, in which the Bureau had been caught withholding thousands of pages of evidence from defense attorneys for Timothy McVeigh and Terry Nichols, the two men convicted in the Alfred P. Murrah Federal Building bombing on April 19,

1995 (two years, to the day, after the Waco massacre).

The revelations about the withheld documents were made just days before McVeigh was scheduled to die, in the first Federal execution since 1963, forcing an infuriated Attorney General John Ashcroft to announce a 30-day postponement. Ashcroft—like President George W. Bush, a strong advocate of the death penalty—had elected to use McVeigh as the poster-boy for Federal executions, and had turned the scheduled murder of McVeigh into a public spectacle—what Lyndon LaRouche had denounced as a "pay-per-view televised snuff film." Ashcroft had hoped to exploit the public hatred of McVeigh, for his admitted role in the worst terrorist attack in American history, to blunt criticisms of the death penalty, which have been growing in recent years, in the wake of numerous documented instances of prosecutorial abuse, and several cases in which individuals were executed, who were later proven to have been innocent.

On June 5, Ashcroft appeared before the House Judiciary Committee, and lied that a recent study by the National Institute of Justice (NIJ) had found that there was no prejudice or racial profiling in the prosecution of Federal death penalty cases. Therefore, Ashcroft told the panel, he felt no need to postpone the scheduled execution of Juan Raul Garza, a convicted drug trafficker, scheduled to die on June 19.

Even the *New York Times* reacted to Ashcroft's dalliance with the truth. In a June 10 editorial, the *Times* noted that, aside from McVeigh, who was hours away from execution, there were only two white men among the 21 men on Federal death row, and over the past dozen years, "fully three-quarters of those charged with Federal capital crimes have been members of minorities." The *Times* noted that the NIJ study had not even been completed yet, and that Ashcroft had promised, at his confirmation hearings before the U.S. Senate, to wait



FBI agents in the raid against publishing houses associated with Lyndon LaRouche in Leesburg, Virginia, Oct. 6, 1986. As Timothy McVeigh was being put to death, the question remained: What is the connection between gross FBI illegalities and the threat of terrorism in the United States?

until the study had been finished and thoroughly evaluated, before going ahead with any Federal executions. The *Times* concluded with a warning: Ashcroft had better think twice, particularly with a Democratic majority in the Senate, before he “carries out executions in the face of what continues to be powerful evidence of discrimination.”

A National Security Breach

Even after the FBI was forced to admit that the thousands of pages of evidence had been withheld from McVeigh’s and Nichols’ attorneys, Ashcroft continued to insist that he would not allow McVeigh’s execution to be postponed past June 11. On May 31, attorneys for McVeigh filed a motion with U.S. District Court Judge Richard Matsch, the original trial judge, asking for a further stay of execution, and seeking an evidentiary hearing to prove that Federal prosecutors and the FBI had committed “fraud upon the court” by failing to comply with discovery orders. On June 6, Judge Matsch, at the close of a one-hour hearing on the defense motions, ruled that, despite his “shock” at the government’s failure to disclose the missing documents until days before McVeigh’s scheduled execution, he would not grant the further stay. The next day, McVeigh’s attorneys filed an appeal of Judge Matsch’s ruling with the appellate court, but that appeal was rejected, and McVeigh was executed on June 11, with precisely the media “bread and circus” atmospherics sought by Ashcroft.

As Democratic Presidential pre-candidate for 2004 Lyn-

don H. LaRouche, Jr. had warned, in a statement issued by his campaign, the execution of McVeigh may have satisfied the blood-lust of Attorney General Ashcroft, President George W. Bush, and others, but it severely undermined the national security of the United States, by eliminating one of the few known individuals who could, at some future date, shed light on the “others unknown” who directed the Oklahoma City bomb plot, and who are now free to act again. The DOJ and the FBI, as McVeigh’s attorneys argued, committed fraud upon the court, by burying evidence of the broader bomb plot, in favor of a “lone assassin” case, pinning the entire bombing on McVeigh.

As *EIR* said in last week’s *Editorial*, should those “others unknown” strike again, “the blood of those victims will be on the hands of Ashcroft and those in the FBI and the Department of Justice, who covered up the truth about the Oklahoma City bombing, in order to reap the public relations and budgetary benefits, offered by the quick capture, trial, and execution of McVeigh.”

Senator Danforth, in his *Washington Post* interview, made a forecast: “I bet that Timothy McVeigh at some point in time, I don’t know when, will be executed, and after the execution, there will be some box found somewhere.”

Ruby Ridge Revisited

The day before Judge Matsch issued his death order against McVeigh, the FBI suffered a setback in yet another high-profile case of murderous government misconduct. On

June 5, in a 6-5 ruling, the U.S. Ninth Circuit Court of Appeals in San Francisco reinstated Idaho state manslaughter charges against FBI sharpshooter Lon Horiuchi, for the 1992 murder of Vicky Weaver, during an 11-day standoff at Ruby Ridge, Idaho. On May 14, 1998, U.S. District Court Judge Edward Lodge had ruled that Horiuchi could not be prosecuted under Idaho state law for the Weaver murder, because he was “acting within the scope of his Federal authority” when he shot her, as she stood, unarmed, in the doorway of her cabin holding her infant daughter.

Days before Vicki Weaver’s murder, Federal agents had gotten into a gun battle with her husband, Randy Weaver, during a bungled attempt to arrest him on dubious gun charges. The Weavers’ 12-year-old son and a Federal agent were killed in the incident, and FBI SWAT teams were dis-

patched to the Ruby Ridge scene, with orders to shoot to kill.

The Ninth Circuit found that Horiuchi could not duck behind the claim that he was only following the FBI’s rules of engagement. “Assuming the facts alleged by the state, this is not a case where a law enforcement officer fired his weapon under a mistaken belief that his fellow agents or members of the public were in immediate danger. Rather, a group of FBI agents formulated rules of engagement that permitted their colleagues to hide in the bushes and gun down men who posed no immediate threat. Such wartime rules are patently unconstitutional for a police action,” the court wrote.

The Horiuchi case will now be taken up, once again, by a Federal judge. Beyond the specifics of the Ruby Ridge case, the appellate court ruling sent a clear message to the FBI and

The Hanssen Case: A Puzzling Enemy Within

When FBI Director Louis Freeh announced on May 1 that he would be resigning his post, sometime this Summer, two years before his ten-year term expired, “to pursue a more lucrative career in the private sector,” the fact of the thousands of pages of withheld FBI documents in the Timothy McVeigh and Terry Nichols cases had not yet become public. Many experienced FBI-watchers immediately suspected that Freeh’s sudden decision to leave the Federal government may have been linked to the recent arrest of FBI Counterintelligence official Robert Philip Hanssen, on charges that he spied for the Soviet Union and Russia over a 16-year period. Hanssen had been part of the inner sanctum of the FBI’s National Security Division; he had gone to the same Northern Virginia Catholic church with Freeh (and Supreme Court Justice Antonin Scalia); he had a reputation of being a holier-than-thou hard-core anti-Communist, who frequently lectured fellow FBI agents on their personal morals; and he was a member of the Catholic organization Opus Dei.

“The Hanssen case broke the mold,” one high-ranking retired U.S. intelligence officer, with decades of experience probing the psyche of spies, double-agents, and traitors, had told *EIR*. Hanssen did not appear to be spying for Moscow in return for a personal fortune; nor did he fit the profile of a man recruited to sell out American national security, out of ideological motivation.

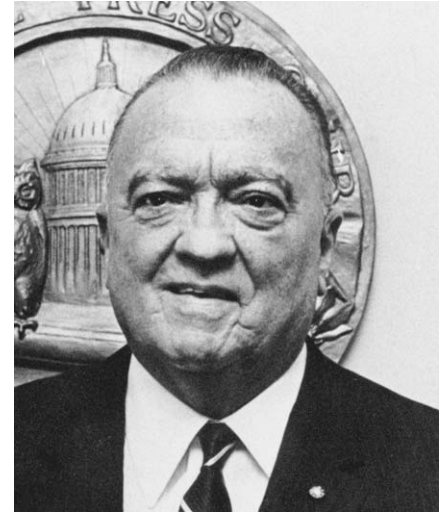
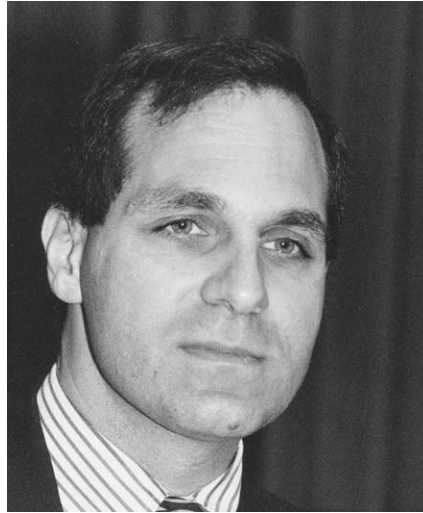
But, according to well-placed former FBI sources, Hanssen’s career at the FBI was not without serious blemishes. According to one source, Hanssen should have been

fired, for cause, on at least three separate occasions. Twice, he was caught tampering with the FBI’s computerized databases, and in a third incident, he assaulted a fellow employee, nearly dislocating her shoulder. According to a second source, Hanssen was similarly caught tapping into one of the Pentagon’s most sensitive computer databases, but he talked his way out of that fiasco, by claiming that he was conducting a “counterintelligence” test of the Defense Department system’s vulnerability, as part of the Bureau’s efforts to combat cyber-warfare.

Each time that Hanssen was caught in a compromising act, these sources reported, he was bailed out of trouble by a network of senior Bureau officials, “an old boy apparatus,” according to one source, which ensured that the complaints were buried, and Hanssen’s career was never jeopardized.

The past several months’ veil of silence surrounding Hanssen’s fate, were necessitated by ongoing negotiations between Federal prosecutors and Hanssen’s lawyers, but that silence is likely to soon be broken. In early June, Hanssen entered a plea of “not guilty” on the spy charges, and vowed to fight the case in open court. DOJ and FBI officials had refused to rule out seeking the death penalty against Hanssen, and sources close to Hanssen’s attorney, Plato Cacheris, hinted that Hanssen would not strike a deal with the Justice Department, averting an embarrassing high-visibility trial, unless the capital penalty were taken off the table.

Whether the Hanssen case ultimately goes to trial, there will be answers demanded of the top-ranking officials of the FBI, particularly in light of the other scandals now surfacing about FBI misconduct and institutional suppression of evidence, in the Bureau’s highest-profile cases. One of the people certain to be faced with those questions is the outgoing Director, Louis Freeh. — *Jeffrey Steinberg*



Attorney General John Ashcroft, FBI Director Louis Freeh, and the late J. Edgar Hoover. From its inception, the FBI has operated on behalf of an oligarchical force which represents a threat to the U.S. Constitution.

other Federal law enforcement agencies, that they are not above the law.

A Cover-Up Implodes

The FBI's belated admission that it withheld a treasure trove of documents from attorneys defending McVeigh and Nichols did not come voluntarily. Indeed, just two days before the Bureau admitted that it had failed to provide the files, FBI Supervisory Special Agent Danny Defenbaugh, in an interview with a Dallas TV station, boasted that the Oklahoma City bombing investigation, which he had headed, was error-free.

The reason for the sudden reversal became clear on May 29, when CBS News aired a "Sixty Minutes II" segment, featuring four former FBI officials, all principals in the Oklahoma City bombing probe ("OKBOMB" in FBI parlance), who all said that they knew the Bureau had withheld exculpatory evidence from the Oklahoma City defendants.

One of the four agents, Rick Ojeda, had written a letter to Sen. Charles Grassley (R-Iowa) on March 7, 2000, alerting him to the fact that the FBI had withheld exculpatory evidence from McVeigh and Nichols. According to the court papers filed by McVeigh's lawyers seeking the stay of execution, Ojeda's letter to Grassley said, in part: "The reputation of the FBI, as an agency that covers up crimes and destroys evidence is well deserved. Instances such as Ruby Ridge and Waco have brought this to the public's attention. I am also aware of instances in other cases, including the Oklahoma City bombing, where exculpatory evidence was ignored and not documented, including exculpatory evidence I personally gathered from leads assigned me in the case."

It was only *after* the FBI learned of the pending Sixty Minutes exposé of the withheld Oklahoma City documents — when producers for Sixty Minutes asked for permission to

interview Defenbaugh — that it 'fessed up to the "error." On May 9, a Special Assistant to Attorney General Ashcroft wrote to McVeigh's and Nichols' attorneys, alerting them to the problem.

Even after the initial revelation, the scope of the document burial took on larger and larger proportions, with almost daily "discoveries" of more documents that had never been turned over to defense lawyers. Ultimately, 46 of the 56 FBI field offices in the United States, and at least one overseas legate post, admitted that they had failed to release OKBOMB files — an admission of systemic, institutional corruption. All told, by the time of McVeigh's execution, the FBI had turned over 4,449 pages of previously undisclosed case documents, and 11 computer disks containing 16 hours of audio and video tapes of evidence, according to the court papers filed by McVeigh's attorneys before Judge Matsch.

Sources familiar with the work of an Oklahoma state grand jury probing the Murrah Building bombing, have told *EIR* that crucial surveillance-camera footage in the possession of government prosecutors showed other individuals, in addition to McVeigh, fleeing the bombing scene. The sources also confirmed that there were several sequential detonations, suggesting, as some have claimed, that there were bombs planted inside the Murrah Building, in addition to the rental truck bomb. According to the sources, much of that material has *still* been withheld from defense attorneys.

Defenbaugh now says that he knew in early January 2001 about the missing documents, but claims that he decided to keep the information from any Bureau higher-ups for more than four months!

Defenbaugh's story — that he acted on his own in hiding the knowledge of the withheld documents — was further called into question by the Sixty Minutes investigation. Jim Volz, a 27-year FBI veteran, told CBS that he was driven out

of the Bureau by Defenbaugh, because he had raised questions about the handling of the OKBOMB investigative files, and had defended several African-American and Hispanic Special Agents on the task force, who complained about biased treatment by their boss. Volz says he was driven out by Defenbaugh in retaliation for these efforts, and he took the matter to court, suing Defenbaugh personally. The judge who heard the complaint found, in a written ruling, that Defenbaugh “was not credible” and “was not to be believed,” according to *Sixty Minutes*.

A Menace Too Grave To Ignore

The pattern of new revelations of FBI institutional corruption comes at the same time that the Bush Administration is coming under growing criticism at home and abroad for unilaterally pursuing menacingly incompetent policies that threaten global stability and pose an immediate threat of rule-by-decree crisis-management government at home. This suggests that the pile-up of corruption scandals at Freeh’s doorstep is part of a transatlantic institutional move to contain the Bush “committee to blow up the world.” Such a coordinated international campaign against the Bush Administration was first demanded by Lyndon LaRouche, immediately after Supreme Court Associate Justice Antonin Scalia handed the Presidency to “Dubya.”

The danger of a Bush Administration resorting to bureaucratic fascist methods was raised by LaRouche in a Jan. 3, 2001 speech to a Washington, D.C. audience and broadcast internationally on his website, in which he assailed Bush’s nomination of Ashcroft as Attorney General, citing the case of how Adolf Hitler used the Reichstag fire to ram through dictatorial rule by decree in Germany in 1933. “Now I’m not suggesting that the case of Ashcroft is comparable to the Reichstag fire,” LaRouche told the audience. “But it’s a provocation, a deliberate provocation. And if the Democratic Party and decent Republicans do not combine to throw that nomination back in the face of the nominator, this Congress isn’t worth anything. That is, because it will have surrendered its dignity.

“If you give those kinds of powers, of a Justice Department, to that Ashcroft, and what he represents, under that flag,” LaRouche warned, “you don’t have any justice left in the United States. . . . So don’t sit back and be nice guys,” LaRouche concluded, specifically addressing the members of the Congress. “When Bush makes some proposal which is sensible, it should be treated as a sensible proposal. But when he tries to shove a provocation down your throat, like Ashcroft, no. No way, buddy, no way.”

Those remarks by LaRouche were incorporated into Jan. 16 testimony before the Senate Judiciary Committee by Dr. Debra H. Freeman, LaRouche’s spokesperson, in opposition to the Ashcroft nomination. Dr. Freeman concluded her testimony by prophetically warning, “Were John Ashcroft to be

confirmed as Attorney General, he would only augment the horrible abuses of power and criminal tyranny already rampant within the Justice Department and FBI bureaucracies.”

An Ongoing Battle

In her testimony, Dr. Freeman had reminded the Senate that the fight to curb the abuses of power by the permanent bureaucracy at the FBI and Department of Justice didn’t start with the Ashcroft nomination. “I have presented testimony before this committee,” she said, “documenting the shameful pattern of judicial abuses by the FBI and the Department of Justice Criminal Division, in Operation Fruehmenschen (which targetted thousands of African-American elected officials for judicial frame-up), in the Waco and Ruby Ridge massacres, and, most emphatically, in the railroad prosecution of Lyndon LaRouche and dozens of his political associates.”

She continued, “The LaRouche case was described by former U.S. Attorney General Ramsey Clark, in 1995 testimony before an independent commission on Justice Department tyranny: ‘I believe [the LaRouche case] involves a broader range of deliberate and systematic misconduct and abuse of power over a longer period of time in an effort to destroy a political movement and leader, than any other Federal prosecution in my time or to my knowledge.’ ” (Clark’s testimony is excerpted in this *Investigation*.)

Dr. Freeman reminded the Senators that “in 1998, a bipartisan majority of members of the House of Representatives backed the McDade-Murtha bill, which attempted to place serious constraints on the Justice Department, the FBI, and other Federal law enforcement agencies—to prevent the continuing pattern of official criminality and abuses, targetted against American citizens. That effort was only partially successful,” she lamented. “Much remains to be done to assure that the U.S. Justice Department no longer serves as a government-sponsored political police and assassination bureau.”

With the Bush-Ashcroft team weakened, but still in power, and with the FBI under a public spotlight for the recently exposed instances of abuse of power and corruption, it is more important than ever before, that the effort to “take out the garbage” inside the Federal law enforcement community move forward—under a public spotlight best afforded by open hearings before the Democratic-led Senate.

For more than a decade, Congress has dodged the issue of the LaRouche railroad prosecution—which began with an Oct. 6, 1986, Waco-style military assault against *EIR* publishing offices in Leesburg, Virginia and a nearby farm where LaRouche was residing, by more than 400 Federal, state, and local police, backed up by armored personnel carriers, fixed-wing aircraft, and military sniper teams. No thorough housecleaning of the corrupt permanent bureaucracy at the FBI and DOJ would be possible, without an airing of truth about the “Get LaRouche” atrocity.