

“So, whether we are talking about the special prosecutor, or whether we are talking about the underlying legislation, what we are talking about is individuals who have run wild, who are trampling on our rights, who have gone absolutely too far. It does not matter whether they are from the right or they are from the left, or where they live in this country, what color they are.

“The fact of the matter is that we have violations of the Constitution being perpetrated on us by those who work in the Justice Department, and it is off the scale when we look at this special prosecutor. He has gone too far. This should be ruled in order.”

DOJ Crimes Aired at 1995 Independent Hearings

Two days of public hearings were convened, on Aug. 31 and Sept. 1, 1995 in Vienna, Virginia, to investigate allegations of gross misconduct by the U.S. Department of Justice (DOJ).

The independent hearings, which were facilitated by the Schiller Institute, were prompted by the refusal, in Summer 1995, of the House Judiciary Committee probe into the incident at Waco, Texas, to actually hear evidence of rampant corruption by the DOJ permanent bureaucracy. The House hearings were hijacked by a group of Republican Congressmen whose objective was to pillory President Bill Clinton, and the result was a massive cover-up of the DOJ corruption that the Congress had promised to investigate.

The independent panel, which declared that it would investigate what the House subcommittees refused to hear, included former U.S. Rep. James Mann (D-S.C.), who, while in Congress, served as a prominent member of the House Judiciary Committee; South Carolina State Sens. Robert Ford and Maggie Wallace Glover; Alabama State House of Representatives Reps. William Clark and John Hilliard; Reps. Toby Fitch and Howard Hunter of the North Carolina House of Representatives; Rep. Ulysses Jones, Jr. of the Tennessee House of Representatives; Rep. Percy Watson of the Mississippi House of Representatives; Attorney JL Chestnut, one of the foremost civil rights lawyers in America today; and Msgr. Elias El Hayek, Chor Bishop of the Maronite Church and professor of law.

The testimony concentrated on the cases that the Congress refused to touch, including the unprecedented abuses in the prosecution of Lyndon H. LaRouche, Jr. and his associates, the political targetting of African-American elected officials under the DOJ's racist pogrom called “Operation Fruehmenschen” (the German word for “primitive man”), and

the gross abuses in the DOJ Office of Special Investigation's “Nazi-hunter” prosecution of retired Cleveland auto worker John Demjanjuk.

At the conclusion of the hearings, the panel declared it impossible to summarize such results in a short concluding statement. Subsequently, hundreds of thousands of copies of hearing excerpts in the form of videotapes and transcripts were produced by the Schiller Institute, for circulation throughout the United States, to create the conditions for curbing the DOJ/FBI tyranny. (Copies are available from the Schiller Institute, P.O. Box 20244, Washington, D.C. 20041-0244.)

We excerpt some of the testimony delivered at these extraordinary hearings here:

Ramsey Clark

Mr. Clark is a former U.S. Attorney General, who represented Lyndon H. LaRouche, Jr. in his appeal, and who had, in 1990, presented the human rights abuses against LaRouche and his associates at the Organization for Security and Cooperation in Europe summit in Copenhagen:

“I'll start and end with the case of Lyndon LaRouche and his co-defendants, not because it's the alpha and omega—although it's about as close as a case gets to the potential perfidy of justice—but because it shows how bad it can be, and yet, it has, as so very, very few of these cases ever do, a positive side that we have to consider.

“I came into the case after the trial. As a person who lives in the country and pays attention to these things, I followed it carefully. I knew something about the ways of the judicial district in which the case was filed and the meaning of filing a case there. To call it the ‘rocket docket’ is a disservice, unless you identify the rocket, because if there's a rocket in present use that would be similar, it would be the so-called depleted uranium-tipped missile, the silver bullet used in Iraq.

“In other words, it's a lethal rocket. It's not a rocket that sought truth or intended justice. . . .

“But, in what was a complex and pervasive utilization of law enforcement, prosecution, media, and non-governmental organizations focussed on destroying an enemy, this case must be number one. There are some, where the government itself may have done more and more wrongfully over a period of time; but the very networking and combination of Federal, state, and local agencies, of Executive and even some Legislative and Judicial branches, of major media and minor local media, and of influential lobbyist types, the ADL [Anti-Defamation League of B'nai B'rith] preeminently; this case takes the prize.

“The purpose can only be seen as destroying—it's more than a political movement, it's more than a political figure; it is those two. But it's a fertile engine of ideas, a common purpose of thinking and studying and analyzing to solve problems, regardless of the impact on the status quo, or on vested



Former Attorney General Ramsey Clark, who testified on the LaRouche case, at independent hearings in 1995, on allegations of gross misconduct by the Justice Department.

interests. It was a deliberate purpose to destroy that at any cost.

“Being personally immersed in two other cases right now, which I’m going to mention briefly. One is Waco. Just the deadly firepower of the government on a church. That was a church. You won’t find lawyers in this country, that spend as much time reading law books, as those folks in that church spent every day reading the Bible. You hear a lot of bad things about ’em, but I’ll tell you, if you want to get someone who can quote the Bible, and quote the Bible, and quote the Bible, they could do it. The other is the case of Sheikh Omar Abdel Rahman, whose trial concluded yesterday, and whose jury charge was set today (196 pages). Closing arguments will begin Monday. Sheikh Rahman, who is blind, memorized the Holy Koran at age 11.

“And yet, all this law enforcement was coming down on them. We didn’t have that kind of violence, that physical violence, in the LaRouche case. But the potential from the government’s side was entirely there. The day they went out to seize 2 million documents. These people produce a lot of paper, and it’s not trash; it’s not bureaucratic paperkeeping; you may not agree with it, but it’s all saying things. They had several times more agents, armed, than the ATF [Treasury Department Bureau of Alcohol, Tobacco and Firearms] force that initially attacked the Mt. Carmel Church outside Waco on Feb. 28, 1993. They just didn’t have people on the other side, who were shooters.

“But the *potential* was high; and I’d have to say, if I know law enforcement, that was the mind-set on the day of the Leesburg raid. . . .

“In the LaRouche case, they’re book people. (I have to confess to an intellectual weakness: I find reading easier than thinking, so I read constantly, nearly blinded myself from too much reading. I’ve got 15,000 books at home, read most of them, unfortunately. As you can tell, I haven’t learned much, but I haven’t stopped yet.) These are book people. They had publishing houses going on. Important publications. Non-profit stuff. This is what they were about: ideas, information, social change. Meeting the needs of human people all over the world, humanity all over the world.

“We’re going to have a billion more people before the end of this millennium, and the vast majority, 80% are going to have beautiful, darker skin. And they’re going to live short lives, *short lives* of sickness, hunger, pain, ignorance, and violence, unless we act radically. And these books have ideas. Some will work, some won’t work, but they’re ideas. They can be ‘tested in the marketplace,’ as we used to say.

“And the government came in with a *false* bankruptcy claim, against non-profit publishing houses, and *shut ’em down!* What’s the First Amendment worth? ‘We’ll silence you, you’ll have no books out there.’ . . .”

Yoram Sheftel

Mr. Sheftel is the attorney for John Demjanuk, a naturalized American citizen falsely accused of being a Nazi war criminal known as “Ivan the Terrible”:

“My name is Yoram Sheftel, and I’ve been practicing for 19 years as a criminal lawyer in the state of Israel. I defended about 800 cases. We do not have jury trials in Israel; but like

The OSI Is Still Targetting Demjanjuk

One further indication of the fact that the corrupt Department of Justice (DOJ)-FBI police-state apparatus will not give up without an all-out public fight, is seen in the just-concluded trial in Federal court in Cleveland, Ohio, of John Demjanjuk, the 83-year-old Ukrainian-American retired auto worker, who was falsely accused, by the Department of Justice's "Nazi-hunting" Office of Special Investigations, of being the Treblinka, Poland concentration camp mass murderer "Ivan the Terrible" in 1978. Following a 16-year ordeal, that saw Demjanjuk stripped of his citizenship, deported to Israel, tried and convicted of war crimes, and sentenced to death, evidence *in the files of the OSI* came to light, showing that the DOJ knew all along that Demjanjuk was not "Ivan the Terrible." The Israeli Supreme Court reversed his conviction, and Demjanjuk was later released and allowed to return to the United States.

The Sixth Circuit Court of Appeals, in Cincinnati, Ohio, was outraged at the OSI's handling of the Demjanjuk case. It ordered highly unusual hearings, and appointed a Special Master to determine whether the DOJ had committed fraud upon the court.

'Fraud on the Court'

The Sixth Circuit concluded on Nov. 17, 1993, that "the OSI attorneys acted with reckless disregard for the truth and for the government's obligation to take no steps that prevent an adversary from presenting his case fully and fairly. This was fraud on the court in the circumstances of this case where, by recklessly assuming Demjanjuk's guilt, they failed to observe their obligation to produce

exculpatory materials requested by Demjanjuk."

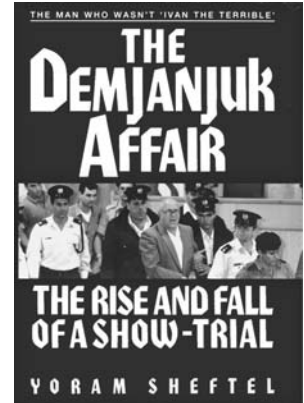
The Sixth Circuit ruling named some of the names of the senior DOJ officials, whose abuse of power had led to Demjanjuk's ordeal, including Deputy Assistant Attorney General for the Criminal Division Mark Richard and Criminal Division head Robert Mueller. (Mueller's name is currently under consideration as a possible replacement for Louis Freeh as FBI Director, when Freeh steps down later this Summer.)

Despite the actions of the Sixth Circuit, last year the DOJ again accused Demjanjuk of having illegally entered the United States, at the close of World War II, by lying about his Nazi past. This time, the OSI charged him with having served at two other Nazi concentration camps.

Demjanjuk went on trail on the immigration violation charges on May 29, 2001, before U.S. District Court Judge Paul Matia. Judge Matia, at the start of the trial, denied defense attorney Michael Tigar's motion for a 30-day delay, so he could review new documents that the DOJ had just turned over, including hand-written documents in foreign languages. Tigar also recently obtained documents from the Ukrainian government, including interviews with relatives of a man named "Ivan Demjanjuk," who may have been the actual guard at the other camps.

The case was heard by Judge Matia, without a jury, and at the conclusion of the trial, he announced he would not be issuing his ruling until late this Summer.

—Jeffrey Steinberg



jury trials, cases are taken to the floor for evidence. And in 1986, I joined the defense team of John Demjanjuk. Two years later, when the appeal proceedings started, I was left alone in this case. For five years, I was conducting the entire appeal proceedings of John Demjanjuk in the state of Israel, and I was also involved — although not appearing in court — in all the proceedings which took place in the U.S.A. from 1987 onwards. As the result of this, on July 29, 1993, Demjanjuk was found unanimously not guilty by the Israeli Supreme Court. And, about two and a half months later, the U.S. Federal Court of Appeals for the 6th Circuit decided that the extradition of Demjanjuk to the state of Israel was a product of fraud upon the courts in the U.S. . . .

"The Demjanjuk affair became one of the worst cases of

cover-up in modern history. This was due to the enormous, unprecedented misconduct of the U.S. Department of Justice, and, most specifically, its Office of Special Investigations.

"The lawsuit to revoke Demjanuk's American citizenship was brought to the Cleveland Federal court, in September 1977. . . . Less than a year after this indictment was presented . . . the OSI received . . . hundreds of pages of documents [which] also contained information about the real identity of Ivan the Terrible. . . . That is to say, on the 12th of August 1978, the OSI is in possession of a picture of the real Ivan the Terrible; a picture which has no similarity whatsoever to Demjanjuk. . . .

"What did the OSI do with this material? It didn't reveal it, not to Demjanjuk's lawyers, and not to the courts which

later tried his case. Only in 1986 was this material turned over to the defense as a result of a court order. Meanwhile, Demjanjuk had been stripped of his American citizenship, and extradited to the state of Israel for being Ivan the Terrible. And this material was deliberately concealed from his lawyers, and from the courts in this country. . . .

“But, the worst atrocity comes when Demjanjuk was finally extradited to the state of Israel [in 1986]. A few weeks later, his son-in-law Ed Nishnic filed a lawsuit based on FOIA [the Freedom of Information Act], to get the entire file, the entire dossier about Demjanjuk, which was in the possession of the OSI. And we have a memo, written to Martin Sachs, one of the trial attorneys of the OSI. . . .

“And here we see, cold-bloodedly — cold-bloodedly — in a death penalty case, the OSI, as an organization, decides not to provide the family of the accused in these proceedings, the exculpatory material which it has in its possession, that could easily undermine the strategy of his prosecutors. I don’t think a cover-up was ever proven by its perpetrators’ material so unequivocally, in writing, black and white, as this cover-up of the OSI to execute Demjanjuk for being what he’s not. I don’t think ever, in such a blunt way, could you expose and show a cover-up as this document shows us. . . .

“If, in 1986, the material which we obtained five years later, if this material had been revealed in 1986, I have no

doubt whatsoever that Demjanjuk not only wouldn’t be sentenced to death, he wouldn’t even have been tried in the State of Israel. No way whatsoever. In the end, when this specific material came to the surface, not through the OSI, but through the defense efforts in Eastern Europe, it led to his acquittal. And it would have happened the same in ’86, if this material had been revealed five years earlier. If John Martin, the defense lawyer of Demjanjuk had gotten the material in 1982, Demjanjuk would have gotten his citizenship back, and there would never have been extradition proceedings against him. . . .

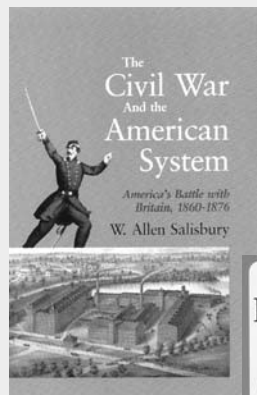
“And the only reason he was not executed, for reasons that nobody, including myself, could have anticipated, was that in the end the defense possessed such strong evidence that proved, beyond a shadow of a doubt, that someone else was Ivan the Terrible. No court of law, which tried the case in the open, can convict in these circumstances. *The only thing* that prevented his execution in the State of Israel, was the knowledge of the court, that if it had rejected the appeal, it *would have caused one of the worst scandals about a legal case in the 20th Century*. Only because of this situation, was he acquitted. Normal proceedings led to his death sentence based on *nothing*; based on the most suggestive photo spread, as the sole evidence against him, and this, because it was a politically motivated show trial. But, not a cover-up.”

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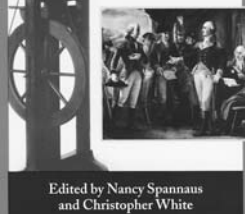


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