

Starr's Justice Department: 'Hitman' Ewing and his thugs

by Edward Spannaus

"I believe that we look at the Department of Justice as our model," said Whitewater independent counsel Kenneth Starr on Feb. 19, 1997, in describing how he had organized his inquisition against President Bill Clinton. "While the Justice Department does not command an independent counsel, the Justice Department and its values and its culture" guide the independent counsel, Starr declared.

And, we shall see how true that statement is.

Starr described how he had recruited "richly experienced professional prosecutors, career Justice Department lawyers," and cited particularly his two deputies: **W. Hickman Ewing** in Little Rock, Arkansas, and **Jackie Bennett** in Washington, D.C. Starr boasted to the Fairfax County, Virginia Bar Association that "we are trying to be a faithful microcosm of the Justice Department."

Starr's comments drew little attention at a time when the news media's focus was on Starr's controversial and soon-rescinded resignation, in order to take a position at Pepperdine University in California, a position financed by Richard Mellon Scaife, the "Daddy Warbucks" of Clinton's worst enemies. But, in fact, Starr's office is made of up some of the biggest thugs among the Justice Department's stable of career prosecutors. They are heavily Southern, and conservative, and many have carried out racist targeting of black and Hispanic elected officials in the past, as part of a program which was known inside the FBI as "Operation Fruehmensch" (i.e., "early" or "primitive man").

Why Starr could resign

In a sense, Starr himself is irrelevant; he has never prosecuted a criminal case in his life. He is totally dependent

upon the career prosecutors who make up his staff. *New York Post* columnist John Crudele, who used to be a regular beneficiary of leaks from Starr's office, wrote on Feb. 18, 1997, that Starr's resignation would have absolutely no effect on the course of the Whitewater investigation. Crudele's sources told him that Starr "has not done the actual prosecution of any of the Whitewater-related cases, and wouldn't in the future."

A few days later, Crudele went further, and also pretty much admitted that his source was Hickman Ewing. Crudele declared that Starr's resignation could turn into "the White House's worst nightmare," because the Whitewater investigation would be taken over by the "tough-as-nails criminal prosecutor" Ewing.

"Ewing flat-out thinks Bill and Hillary Clinton are corrupt," Crudele wrote, adding the admission: "I know, because I've discussed the matter with him."

Ewing had just brought in two more veteran Federal prosecutors with whom he had worked in the past: **Thomas Dawson**, from Justice Department headquarters and later Mississippi, and **Solomon Wisenberg**, who went from DOJ headquarters to being a Federal prosecutor in North Carolina and then Texas. Jackie Bennett, a DOJ veteran who worked under Ewing in Little Rock, was about to move to Starr's Washington office to run the investigation there — which Bennett still does today. Bennett and Ewing were both involved in the Whitewater-related trial of Susan McDougal, James McDougal, and former Arkansas Gov. Jim Guy Tucker in Little Rock in 1996.

Hickman Ewing has been with the Justice Department for over a quarter-century, since 1972, beginning as an Assistant

U.S. Attorney in the Western District of Tennessee; in 1981, he was appointed as United States Attorney for that district by President Ronald Reagan, and remained in that position until 1991.

Ewing was described in a 1996 *Wall Street Journal* article as having “always pursued political corruption cases with a religious fervor—zealotry, some say—befitting his fundamentalist faith.” Ewing has tried over 100 criminal cases, and he has targeted and convicted a governor, ten sheriffs, and a host of lesser public officials.

Ewing played a prominent role in the targeting and prosecution of Rep. Harold Ford, the popular black Congressman from Memphis, who underwent a ten-year ordeal of abuse and prosecution, from 1983 to 1993—most of which was under then-U.S. Attorney Hickman Ewing.

Ford’s case has been described by Judge Ira Murphy, a former Tennessee legislator and judge, as “one of the most egregious cases in the harassment and abuse of a black elected official in the history of the United States Justice Department, where for no apparent reason other than racism, revenge, and jealousy over the advancement of black elected officials, a man was persecuted.”¹

Ford, after having served three terms in the Tennessee State Legislature, was elected to the U.S. Congress in 1973, defeating a Republican. After years of investigation, Ford was indicted in 1987, and he went to trial in 1990, which ended in a hung jury and a mistrial.

Ewing’s office had unsuccessfully tried to hold the trial in a white area at the other end of the state. For the second trial, Ewing’s office maneuvered to transfer the trial to a predominately white area outside of Memphis. And still, the jury acquitted Ford of all charges.

So, despite Ewing’s best efforts, until he decided not to seek reelection in 1996, Ford remained in the U.S. Congress.

Among others in Starr’s stable of Justice Department prosecutors are the following:

Bennett: a schoolyard bully

Jackie Bennett, who now runs Starr’s Washington office. After serving as a prosecutor in Indiana, Bennett came to Justice Department headquarters in 1985, where he worked in the Criminal Division’s Public Integrity Section, prosecuting, or overseeing prosecutions of, elected officials.

Among those he has directly prosecuted was U.S. Rep. Albert Bustamante, in San Antonio, Texas in 1993. Representative Bustamante charged that the Justice Department was retaliating against him, because of his support of Hispanic FBI agents in an equal-opportunity lawsuit against the FBI. At his trial, Bustamante’s attorney called Bennett a “bully” who had stormed into San Antonio from Washington, intimidating witnesses to try and make his case against the His-

1. See the *Independent Hearings to Investigate Misconduct by the U.S. Department of Justice*, the Schiller Institute, Aug. 31-Sept. 1, 1995.

panic Congressman.

Bennett still maintains his reputation for bullying and browbeating witnesses. “Everybody has the same complaint about him,” *Arkansas Weekly* editor Max Brantley recently told the *Washington Post*. “He screams and berates witnesses. He’s a schoolyard bully. Just about any defense attorney in Little Rock came away from Bennett feeling abused or worse.”

Udolf: Experience in illegal tactics

Bruce Udolf, hired by Starr last summer, had been a Federal prosecutor in Miami, also specializing in “public corruption” cases. In Florida, Udolf prosecuted three judges, five mayors, several city counsel members, and policeman.

In one case, that of Hialeah Mayor Raul Martinez, Martinez was convicted, but he won his appeal. Martinez was tried a second time, resulting in a hung jury. And then, Udolf prosecuted Martinez yet a third time. The third trial ended in an acquittal on one count, and a hung jury on the other five.

“If independent counsel Kenneth Starr was looking for a prosecutor with experience in ruthless and illegal tactics, he found him in former northeast Georgia district attorney Bruce Udolf,” said an editorial in the *Atlanta Constitution* on Feb. 14, 1998. “From seeking search warrants based on mere speculation to throwing an ordinary citizen in jail on a bogus charge . . . Udolf’s actions depict a prosecutor so determined to get a conviction he was willing to disregard the U.S. Constitution’s Bill of Rights.”

In one case in Georgia which has been recently publicized, Udolf was found liable by a jury for violating a defendant’s civil rights in a 1985 case; he was ordered to pay \$50,000 in damages.

Emmick: help for drug pushers

Michael Emmick came to public attention recently when Susan McDougal, imprisoned by Starr and Ewing for refusing to cooperate with their investigation, stated that Emmick had sent her a letter threatening to bring additional criminal charges against her—for criminal contempt and obstruction of justice—if she still refused to cooperate. McDougal has emphasized repeatedly that Starr’s office simply wants her to lie, and that she fears they will charge her with perjury if she tells a truthful story which does not conform to the story that Starr and Ewing want her to tell.

Emmick was also the attorney who detained Monica Lewinsky on Jan. 16, after Lewinsky had been lured into an FBI trap by Linda Tripp; among other things, Emmick threatened Lewinsky’s parents, as well as Monica herself.

Emmick, who was also only hired by Starr last summer, is a 15-year veteran of the U.S. Attorney’s office in Los Angeles, and has been chief of its public corruption and government fraud section since 1990.

In one case prosecuted by Emmick in Los Angeles, a judge dismissed an indictment against a female sheriff’s deputy on

tax charges, and concluded that “the government’s intent was callous, coercive, and vindictive.” The court said that prosecutors had “used threats, deceit, and harassment techniques” against the woman in an attempt to win her cooperation before Emmick prosecuted her. The court said that prosecutors had “violated the due process clause.”

According to defense lawyers in Los Angeles who have dealt with Emmick, he was known there for using very rough tactics, including indicting a target’s parents, spouse, and so on.

As a Federal prosecutor, Emmick also went after a group of Los Angeles County deputies and a police officer who were accused of corruption in the wake of raids on the Blandón-Meneses drug ring in 1986—the drug ring which provided the drugs to “Freeway Ricky” Ross, and which was the subject of the famous 1996 *San Jose Mercury News* series on the CIA and crack cocaine. (Although, in reality, as *EIR* has shown, it was not the CIA, but George Bush and his “secret government” apparatus which was behind the Contra/drug operation.)

A number of people believe that these prosecutions were part of a cover-up of the U.S. government’s role in the Contra-linked drug ring. The deputies and detectives were accused of beating suspects, planting drugs on suspects, and

stealing money.

But in the 1991 trial, in which Emmick was the chief prosecutor, all the defendants were acquitted, and Emmick was accused by the defendants of leaking information against the officers.

Emmick used drug dealers such as Ricky Ross as witnesses against the cops and deputies; later, Emmick appeared as a “character witness” on behalf of convicted drug trafficker Ross.

During the preparation of the Los Angeles Sheriff’s report on the allegations of the *San Jose Mercury News* series, a police officer who had been involved in the initial stages of the Blandón-Meneses investigation, Jerry Guzzetta, was interviewed. The Sheriff’s report states:

“Guzzetta expressed very strong feelings about the fate of the majority of law enforcement officers who investigated Blandón. He stated, “Every policeman who ever got close to Blandón was either told to back-off, investigated by their own department, forced to retire, or indicted.”

You, the reader, have now met a few of the Justice Department thugs who make up Starr’s office. There are others, as well, but you now have some idea of what Starr meant, when he proclaimed that the “values and the culture” of the Justice Department are what guides his own office.

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State legislators battle to end prison privatization

by Marianna Wertz and Rochelle Ascher

The interviews, below, with Tennessee State Rep. Joe Towns and Missouri State Rep. Charles Quincy Troupe, reflect the intense battle that is now raging across the United States, to defeat the scourge of privatization of the penal system. Though privatization hasn't yet entirely taken over our prisons and jails, the growing threat has prompted honest legislators—those who still represent their constituents and not the monied interests behind the manifold privatization scams—to begin a real grassroots fight.

The facade of respectability surrounding the privatizers began to crack last August, when a videotape taken at the Brazoria County Detention Facility outside Houston, Texas, showing guards at a private prison beating prisoners, kicking them in the groin, and subjecting them to dog attacks, circulated nationwide (see *EIR*, Sept. 5, 1997). As Representative Troupe discusses, the fallout from that incident prompted the company, Capital Correctional Resources, Inc., to turn tail and run in January, completely abandoning its facility in Texas, after Troupe and other state legislators, from Oklahoma and Massachusetts, yanked their prisoner-victims out of CCRI's bloody hands.

EIR spoke on Feb. 23 with Brazoria County Judge Willey, who said the former CCRI facility, with 4-500 beds, is now being used to house county prisoners, though the county may seek another private company to take over in May, when the CCRI contract runs out.

One of the centers of the fight is Tennessee, home to the world's biggest prison privatization company, Corrections Corporation of America (see *EIR*, Dec. 12, 1997). CCA thought its home state, where it controls most of the legislative leadership, should have been an easy target. But that has not been the case. As *EIR* reported, the state's residents, particularly African-Americans, are up in arms in opposition to what they rightly view as a proposal to reinstate slavery in the state.

CCA's proposed plan to privatize all the state's prisons was smothered by opposition last year, when it was first brought before the Select Oversight Committee on Corrections in October. Today, as Representative Towns reports, rallies with hundreds of people are occurring repeatedly in the state, aimed at stopping a new version of that bill, which

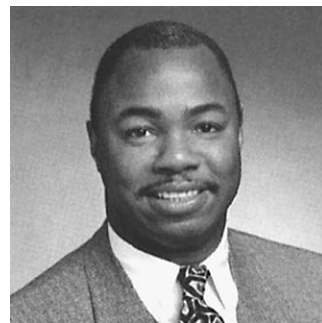
would privatize 70% of the state's prisons.

Troupe is fighting privatization not only in Missouri, as he indicates in the interview, but nationwide. Last December, he put a proposal before the 21st Annual Legislative Caucus meeting of the National Black Caucus of State Legislators (NBCSL) in Milwaukee, demanding that all African-American elected officials act immediately to put a halt to this new form of slavery. He has circulated his draft legislation (see box) for adoption in the 44 states where there are Black Caucuses.

The Schiller Institute has been actively involved in aiding these efforts, and we invite other state legislators to join in the fight. For more information, the authors can be reached at (703) 771-8390.

Interview: Joseph Towns

Tennessee State Rep. Joe Towns (D-84—Memphis) was interviewed on Feb. 18 by Rochelle Ascher and Marianna Wertz.



EIR: What is the current status of any legislation that's pending on the issue of prison privatization in Tennessee?

Towns: What has been presented is not actually a bill. We have been presented with a proposed document that embraces the characteristics of what the bill will look like. So, you don't have an official bill that has been filed. But you have meetings and discussions on the document, from which the bill should be drafted. It's kind of like "Catch 22."

EIR: Is that document something that would privatize all prisons in the state?