

## New effort launched to end Justice Department tyranny

by Jeffrey Steinberg

On April 1, the Schiller Institute submitted written testimony to the House Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, calling upon Congress to take “immediate and drastic action against a reign of terror that has been carried out by a group of high-ranking career bureaucrats and prosecutors in the Department of Justice.” The testimony, which will be part of the subcommittee’s published proceedings on the Department of Justice fiscal year 1999 budget, comes at a moment when a growing group of members of the House of Representatives is showing signs of seriously tackling the pattern of abuse by the DOJ permanent bureaucracy, abuse that has now extended into a full-scale insurrection against the Presidency of the United States.

On March 5, Reps. Joseph McDade (R-Pa.) and John Murtha (D-Pa.) introduced H.R. 3396, the Citizens Protection Act of 1998, a bill that would establish “standards of conduct for Department of Justice employees,” and “a review board to monitor compliance with such standards.” McDade, who was himself the target of a protracted frame-up effort by the Justice Department, introduced a statement into the *Congressional Record* on the day the bill was submitted, warning, “The rights and freedoms of our citizens will come under increasing danger if we continue to allow the Justice Department to police itself in secret and exempt itself from regular rules of attorney conduct. We must strengthen oversight of the Department and shine a bright light on prosecutorial misconduct.”

Attached to the statement was a chronology, prepared by the Congressional Research Service, of instances of Justice Department abuse of power, which, although very incom-

plete, did serve to underscore the broad pattern of Justice Department abuse and outright criminality. So far, at least 50 Congressmen, including both Democrats and Republicans, have co-sponsored the bill.

Congressional action against the DOJ reign of terror is long overdue. The Schiller Institute testimony minced no words in reminding the committee that, on numerous occasions since 1993, both the Schiller Institute and *EIR* have provided extensive evidence of the criminality of the Justice Department permanent bureaucracy—in the 1982-89 railroad prosecution and jailing of Lyndon LaRouche and a number of his associates; in the 20-year racist effort to single out African-American elected officials for frame-up, known within the FBI bureaucracy as “Operation Fruehmenschen”; and, in the actions of the Department’s Office of Special Investigations (OSI), the so-called “Nazi-hunting” unit, in the case of John Demjanjuk and others.

The Schiller Institute charged that the failure of Congress to act on its repeated warnings gave license to the DOJ apparatus to launch an illegal covert frame-up campaign against the President of the United States—using some of the same illegal methods, prosecutorial agencies, and personalities that were involved in the 1980s “Get LaRouche” operation.

Here, we publish the Schiller Institute testimony, along with a chronology of previous *EIR* and Schiller Institute submissions to Congress; a report on the McDade-Murtha bill; and a letter of support to McDade and Murtha from Pennsylvania State Rep. Harold James. Last week’s *EIR Feature*, “Any Enemy of LaRouche Is an Enemy of Clinton,” was appended to the testimony submitted to the committee.



*FBI sledgehammer technicians leaving the Leesburg, Virginia offices of Campaigner Publications, one of the offices of the LaRouche movement raided by more than 400 government agents on Oct. 6, 1986. The failure of the Congress to put a stop to the Gestapo-like methods of the U.S. Justice Department in the LaRouche case, made possible a similar attack on the President of the United States.*

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## Documentation

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*The following testimony was submitted by the Schiller Institute on April 1, to the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, at hearings on the Department of Justice.*

This is not the first time that friends and associates of Lyndon LaRouche, through either the Schiller Institute or *Executive Intelligence Review* magazine, a publication founded by Lyndon LaRouche, have come before the United States Congress, urging immediate public review of and drastic action against a reign of terror that has been carried out by a group of high-ranking career bureaucrats and prosecutors in the Department of Justice, against countless American citizens of all religious, racial, and political persuasions.

During the spring of 1993, when Lyndon LaRouche was still unjustly incarcerated in federal prison, the Schiller Institute presented testimony to this very subcommittee, then chaired by Neal Smith (D-Iowa), documenting a pattern of grave misconduct by the Department of Justice, in the case of Mr. LaRouche, and of others.

In the summer of 1995, we provided the House Judiciary Committee, which was probing the tragic events at Waco and Ruby Ridge, with a detailed profile of the illegal collusion between the Department of Justice's top career civil servants

and outside agencies, in instigating those needless deaths. When the committee failed to live up to earlier promises to conduct a public review of the railroad prosecution and jailing of Lyndon LaRouche and more than a dozen of his political associates, as part of a far-reaching probe of Justice Department criminality, a group of current and former elected officials and prominent civil rights leaders took it upon themselves to form an independent commission, and hold two days of public hearings. Those hearings, held in Tysons Corner, Virginia, on Aug. 31-Sept. 1, 1995, did not focus exclusively on the abuses in the LaRouche case, although certainly the pattern of criminality by officials of the Justice Department in the LaRouche case could have filled two days of riveting testimony.

The panel, chaired by former U.S. Rep. Jim Mann (D-S.C.) and Alabama civil rights attorney JL Chestnut, also heard extensive testimony about "Operation Fruehmenschen," the Justice Department/FBI campaign to frame-up, jail, and drive from office, literally hundreds of African-American elected officials, because, in the words of one FBI agent, high-ranking officials at the Bureau believed that "black officials were intellectually and socially incapable of governing major governmental organizations and situations."

Operation Fruehmenschen was launched by no later than 1977. Detailed testimony, including the sworn statement of the FBI official from which the above quote was taken, was presented to the House of Representatives in January 1988, at the behest of Rep. Mervyn Dymally (D-Calif.). Yet, 10 years

after that testimony, and more than 20 years after the racially motivated campaign was instigated, there is, today, mounting evidence that Operation Fruehmenschen is alive and well, despite even occasional efforts by the courts to curb this particularly vile pattern of abuse. Recent Justice Department indictments and probes of high-ranking African-American state legislators in Arkansas, Ohio, Maryland, and Massachusetts, and the ongoing DOJ probe of Labor Secretary Alexis Herman, are but a few of the most glaring recent signs of the continuing pattern of politically targeted, and racially motivated actions by the Criminal Division, in hideous violation of both the letter and the spirit of the Constitution.

## Judicial condemnations

This most recent outbreak of racially targeted prosecutions by the Justice Department is all the more damning, because the courts have taken an unambiguous stand against the Fruehmenschen abuses. Eighteen months after the Mann-Chestnut commission hearings, on Feb. 28, 1997, U.S. District Court Judge Falcon Hawkins of South Carolina, issued a stinging 86-page Order, dismissing, with prejudice, a series of frame-up convictions of some of South Carolina's most important African-American elected officials, conducted under the code-name "Operation Lost Trust." In all, 28, predominantly African-American state legislators, lobbyists, and other political figures were indicted under Lost Trust. Judge Hawkins threw out several of the convictions with prejudice, and, in his opinion, singled out the Justice Department's Office of Professional Responsibility, which is supposed to be a DOJ watch-dog against prosecutorial abuse, for failing absolutely to provide defense attorneys with mountains of exculpatory evidence. Judge Hawkins characterized the pattern of abuse in the Lost Trust cases by officials in the U.S. Attorney's office and at Justice Department headquarters in Washington as "repetitious, flagrant, and long-standing." "The withholding of such a voluminous array of discovery," he wrote, "which the government had to know was exculpatory and relevant to the defenses of these defendants is unprecedented before this court. The court finds that these violations are too numerous and too specific to certain issues to be considered simply unintentional or the result of neglect. The constant assurances that 'we have given them everything,' the veracity of which the court had no reason at the time to question, rises to the level of outrageous misconduct. . . . The government acted in bad faith, and its misconduct is not only greatly offensive to this court, but has interfered with this court's duty to insure the proper administration of justice."

The 1995 Mann-Chestnut commission also heard testimony by Yoram Sheftel, the Israeli attorney who defended John Demjanjuk, the Ukrainian-American who was prosecuted, stripped of his U.S. citizenship, and deported to Israel by the Justice Department's Office of Special Investigations (OSI), for concealing his alleged involvement in war crimes at the Treblinka death camp in order to immigrate to the United States. All the while, the OSI had evidence, which it withheld

from Demjanjuk's attorneys, demonstrating that they were knowingly targetting the wrong man. One OSI prosecutor resigned from the Justice Department, when his repeated written warnings that Demjanjuk was not "Ivan the Terrible of Treblinka," were ignored.

When the Chief Judge of the Sixth Circuit Court of Appeals learned, through reading an article in the *New York Times*, of the prosecutorial abuses in the Demjanjuk case, he initiated a review of the case, after Robert Mueller, the head of the Criminal Division at the Main Justice Department, refused even to reply to the Judge's letters and telephone calls, asking for corroboration of the *New York Times* allegations. The Sixth Circuit took the unusual step of appointing a Special Master to probe the conduct of the Justice Department, and, eventually, the Circuit ruled that the DOJ had perpetrated "fraud upon the court" on a grand scale. Demjanjuk's ordeal began in 1978. It led him to death row in Israel. His citizenship was only restored last month—20 years later; and it is still unclear whether the Justice Department's OSI will once again attempt to expel him from the United States.

## A second warning

In April 1997, once again, we submitted exhaustive documentation, this time, to the Senate Judiciary Committee, of a pattern of top-down prosecutorial misconduct, politically and racially motivated frame-ups, and other long-standing patterns of abuse by Department of Justice career prosecutors. We warned at the time that, if the Congress failed to act, the entire foundation of our constitutional system would be in grave danger.

Sadly, there was no appropriate action by the Congress, despite the fact that Attorney General Janet Reno had repeatedly ignored requests for internal review of her bureaucracy-gone-wild made by Mr. LaRouche's attorneys, former Attorney General Ramsey Clark of New York, and Odin Anderson of Boston, and by members of the Congressional Black Caucus. Thus we are now faced, today, with the startling circumstances, of the same career bureaucrats at the Justice Department, using the same illegal methods, to destroy the institution of the Presidency, in what can be justifiably called an insurrection against the Constitution of the United States.

It is not our purpose here to restate the evidence that we have already presented to a number of Congressional bodies. Along with this testimony, we shall make the proceedings of the Mann-Chestnut commission, and other relevant documentation, available to the Committee. It should be noted that the same information—about the frame-up of Lyndon LaRouche, and the other instances of abuse already referenced—was provided to Attorney General Reno, and she chose to ignore even the words of former Attorney General Ramsey Clark, who, in September 1994, stated that the LaRouche case "represented 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.”

Former Attorney General Ramsey Clark’s experience with Janet Reno in the LaRouche case, was mirrored in the Attorney General’s handling of the Lost Trust cases. Sen. Ernest Hollings (D-S.C.) went personally to the Attorney General, to seek an independent review of the DOJ and FBI handling of Lost Trust. The Attorney General swore to the Senator that she would personally review the matter; but, she then turned around and handed the review over to the very same permanent bureaucrats who were the guilty parties. The oversight process within the Justice Department has, itself, become a focal point of abuse.

The failure, repeatedly, of the Attorney General to seriously take up the pattern of abuse by her senior aides, is particularly disturbing, given that, when the Clinton administration first came into office in January 1993, cleaning up the Department of Justice was high on the list of priorities. An extensive study of abuses of prosecutorial power by the Department had been prepared by the President’s transition team. However, from the first day that she assumed the post of Attorney General, in the midst of the Waco crisis, Janet Reno has been, in effect, a hostage of the permanent bureaucracy, particularly the tightly knit network of career prosecutors in the Criminal Division.

The inability of Attorney General Reno to curb the abuses of the DOJ is, unfortunately, nothing new. No recent Attorney General can claim credit for having curbed the abuses. The attitude among the inner cabal at Main Justice, particularly in the Criminal Division, is: Attorneys General come and go, Presidents come and go, but the bureaucracy lives on, enjoying a degree and abuse of power that is unprecedented in American history. In fact, the core group of decision-makers at the Department of Justice have all been there for 30 years or more.

Who are the career prosecutors we refer to? Start with John Keeney, the highest-ranking career civil servant in the DOJ. Keeney is a Deputy Assistant Attorney General in the Criminal Division. He joined the DOJ in 1951! On nine separate occasions during his career, Keeney has served as the acting head of the Criminal Division.

Mark Richard, also a Deputy Assistant Attorney General in the Criminal Division, first came to the Justice Department in 1967—31 years ago. Richard is the Attorney General’s liaison to all U.S. and foreign intelligence agencies; he was the founder of the OSI and the Public Integrity Section (PIS), another purported watch-dog unit, which has covered up DOJ criminality.

David Margolis, now Associate Deputy Attorney General, came to the DOJ in 1965. Paul Coffey, the head of the Organized Crime and Racketeering Section, joined the Department in 1967. Lee Radek, the current head of the Public Integrity Section, joined the DOJ in 1969. James Reynolds joined the DOJ in 1967; he ran the Special Litigation section of the Criminal Division, until 1991, when he became the first head of the newly established Terrorism and Violent Crimes

section. John Martin came to the Department from the FBI in 1965, and he has directed the Internal Security section since 1980.

It is this apparatus that *Time* magazine described, in its Feb. 15, 1993 issue, as “the most thoroughly politicized and ethically compromised department in the government. . . . Politics have invaded the Justice Department in many administrations. . . . What is different about the Justice Department that Clinton is inheriting is the depth to which politicization has seeped into the bureaucracy, which includes 92,300 people.”

### **Assault on the Presidency**

There are six volumes of evidence, on file with the Fourth Circuit Court of Appeals in Richmond, Virginia, cataloguing the massive criminality by the Department of Justice, in its 1983-89 drive to destroy the political movement founded by Lyndon LaRouche. Three federal and state judges have eloquently commented on the abuses.

In 1988, U.S. District Court Judge Robert Keeton of Boston, found “institutional and systemic prosecutorial misconduct” during the federal trial of LaRouche and others in Boston. The case ended in a mistrial.

In 1989, U.S. Bankruptcy Judge Martin V.B. Bostetter found that federal officials had acted in “objective bad faith” and committed a “constructive fraud on the court,” when they illegally put three publishing companies into involuntary bankruptcy as part of the political prosecution of LaRouche and his associates.

In a Feb. 16, 1995 ruling, vacating the convictions of three LaRouche associates in New York court, State Supreme Court Judge Stephen G. Crane found that the conduct of New York and federal government agents “raises an inference of a conspiracy to lay low these defendants at any cost, both here and in Virginia.”

The six volumes of evidence on file in Richmond spell out a decade-long “Get LaRouche” vendetta, implicating senior officials of the Justice Department, along with elements of the national news media, agents of foreign governments, and corrupt officials in various positions within the national security apparatus of the United States. Powerful private sector interests—typified by Henry Kissinger and McGeorge Bundy—demanded LaRouche’s scalp, and viewed the DOJ and the FBI as their “private” enforcement agencies to carry out a political vendetta, by corrupt “judicial means.”

The LaRouche case involved the abuse of Executive Order 12333, a December 1981 document, signed by President Reagan, that gave extraordinary investigative powers to the DOJ and FBI, and allowed those agencies to employ private sector assets, in cases alleged to involve foreign espionage, international terrorism, or international narcotics trafficking targeting the United States.

Under even the most generous interpretation of EO 12333, top ranking officials of the Department of Justice and FBI, in league with then-Vice President George Bush, Na-

tional Security Council staff officer Lt. Col. Oliver North, members of the President's Foreign Intelligence Advisory Board, and others, criminally abused the Order, to conceal an illegal domestic covert operation against the LaRouche political movement, aimed at framing up and jailing LaRouche and others, illegally bankrupting legitimate publishing houses, and even laying the conditions for violent attacks against LaRouche and his political associates, under the color of a criminal probe. Indeed, on Oct. 6-7, 1986, more than 400 federal, state, and local law enforcement officers, backed up by Pentagon anti-terrorist units, carried out a raid on LaRouche's publishing house, and the residence where he and his wife were staying. A Waco-style mass murder was averted, but documents and testimony released during the course of the LaRouche cases, revealed that some DOJ and FBI officials were prepared to instigate a violent attack, at the first pretext.

As part of the "Get LaRouche" effort, a private-sector "salon" was set up, out of the New York City offices of John Train, an investment counselor, frequent contributor to the *Wall Street Journal*, and an active player in the 1980s U.S.- and British-sponsored mujahideen operations in Afghanistan. Several dozen print and electronic media journalists and editors, from the *Wall Street Journal*, NBC-TV, *Business Week*, the *Washington Post*, *New Republic*, and *Reader's Digest*, were brought to the Train salon, where a campaign of major media slanders against LaRouche was devised — in coordination with federal prosecutors. Several officials of the Anti-Defamation League of B'nai B'rith played a pivotal role, coordinating the Train media slander campaign, and working directly with federal and state prosecutors, including in the suborning of perjured testimony. Part of the cost of the Train salon was paid by Richard Mellon Scaife, who has emerged in recent weeks as a pivotal player in the witch-hunt against President Clinton.

It was from the unique vantage point of having survived the "Get LaRouche" EO 12333 concert of action of 1983-89, that Mr. LaRouche and several senior editors and staff at *EIR* began looking into the actions of the Department of Justice, targeting President Clinton, from no later than the period of the 1992 Presidential election campaign. The entire project took on an added degree of urgency, when, it was recently revealed that a law partner of Independent Counsel Kenneth Starr, former Reagan Justice Department official Theodore Olson, was running a media salon out of his home in Great Falls, Virginia. The question provoked by the Olson revelation was: Is there an EO 12333 illegal action being conducted against the President of the United States, similar in form and personnel to the 1983-89 "Get LaRouche" action?

It is already established that, during the 1992 Presidential election campaign period, then-President George Bush's White House General Counsel, C. Boyden Gray, and his Attorney General, William Barr, attempted to instigate criminal proceedings against Democratic nominee Bill Clinton, that

later led to the investigation known as "Whitewater." There are indications that bogus national security "concerns" were also raised, targeting candidate Clinton at that time.

In the effort to answer that question, a team of *EIR* editors and staff researchers assembled a series of grids. All of the institutions and individuals known to have been involved in the 1980s "Get LaRouche" effort were listed, and the form of their involvement broken down into seven categories: civil legal actions, criminal legal actions, IRS legal actions, salon activities, legislative actions, media attacks, and covert operations. A similar list of individuals and institutions was compiled in the case of the concert of activities against President Clinton since 1992. The "Get LaRouche" and the "Get Clinton" maps were overlaid and points of intersection were identified. The documentation is also appended to this testimony [see *EIR*, April 3, 1998].

In many instances there were strong overlaps of personnel, from the Department of Justice — including the DOJ prosecutors now directing the Kenneth Starr and other independent counsel probes — to the media, to the sources of private funding. In recent days, news reports suggest that Richard Mellon Scaife is now under investigation for possible witness tampering, in the ongoing Whitewater probe.

### **Urgent action needed**

For private citizens like Mellon Scaife, criminal misconduct can lead to federal prosecution. The tax-exempt status of his foundations can be reviewed by the IRS. But for the vast apparatus at the Department of Justice, there is at this moment no institutional check on their persistent abuse of power — now targetted at the President of the United States — a President who came into office, publicly committed to a clean out of the DOJ.

Twenty-six members of the House of Representatives have co-sponsored a bill that would create an oversight body, with subpoena power, to probe criminal misdeeds by DOJ prosecutors and bureaucrats. This is an appropriate initiative; however, the stakes today demand far more action by the Congress. Before the Department of Justice is provided with hundreds of millions of dollars in taxpayers' money, the criminal abuses must be thoroughly and publicly probed. The conduct of the permanent bureaucracy of the Department of Justice must be placed under a public spotlight. John Keeney, Mark Richard, and the rest of the abusers must be called to account for their criminality. In particular, the question must be thoroughly investigated: Are officials of the DOJ engaged in an illegal, insurrectionary destabilization of the Presidency of the United States? This is not a partisan issue, as some Republicans are likely to scream. We have catalogued a pattern of abuses by the Department of Justice, targetting, in many instances, citizens with few resources to defend themselves. If the DOJ bureaucratic cabal has now targetted the President of the United States, using the same illegal methods, this is a grave crisis for us all.