

# Passage of McDade-Murtha is a stinging rebuke to Gingrich

by Debra Hanania-Freeman

At 8 p.m. on Wednesday, Aug. 5, less than 48 hours before the August recess, the U.S. House of Representatives overwhelmingly rejected, by a vote of 345-82, all attempts to remove the language of the McDade-Murtha Citizens Protection Act from the Commerce, State, Justice, and the Judiciary appropriations bill. The vote, which came after hours of intense floor debate, and months of controversy, represented a stinging defeat for House Speaker Newt Gingrich (R-Ga.), and a stunning victory for supporters of statesman Lyndon LaRouche.

The McDade-Murtha legislation, which had first been introduced as H.R. 3396 on March 5, was designed to ensure that the rules of ethics and standards of conduct applied to all other attorneys, also be applied to the Department of Justice. It not only establishes those standards, it also defines punishable conduct and penalties, and creates an independent review board to monitor compliance. Although the measure still gives the Attorney General the first right to investigate allegations of DOJ misconduct, it also guarantees a citizen the right to seek an independent review conducted by a board outside the jurisdiction of the DOJ itself.

From the beginning, the bill drew howls of protest from the permanent prosecutorial bureaucracy inside the DOJ, who, for years, have operated with impunity, without penalty or oversight, as an out-of-control "political hit-squad" against elected officials, civil rights leaders, and political activists deemed threatening to the financial establishment. Indeed, the historic measure represented Congress's first direct and explicit assault on DOJ tyranny. Acting on their behalf, Speaker Gingrich employed the full power of his position to bury the measure, even depriving it of a hearing.

Efforts to "keep a lid" on McDade-Murtha grew increasingly difficult as the LaRouche movement led a broad and powerful coalition of forces to build support for the bill and ensure that hearings not only take place, but feature the most dramatic cases of prosecutorial abuse, including the judicial railroad of LaRouche and his associates. Gingrich's own efforts to kill the bill were soon joined by an array of DOJ-related front groups; by members of Congress with long-standing ties to the DOJ permanent bureaucracy; and, finally, by Attorney General Janet Reno herself. Rep. Joe McDade (R-Pa.) was concerned enough about the efforts to sabotage the bill that, on July 16, he surprised friends and foes alike,

by inserting the bill, in its entirety, into the bill providing funding for the DOJ for the next fiscal year.

By the first week of August, the number of co-sponsors of the bill had climbed to more than 200 members of Congress from both parties, and highly placed Congressional sources reported that Gingrich was taking daily vote counts. Gingrich stalled the floor debate for more than a week, to allow more time for the DOJ apparatus to strong-arm supporters into changing their votes.

Even on Aug. 5, the day the historic debate and vote finally occurred, rumors were still flying that Gingrich would, somehow, prevent the vote. But, late that afternoon, the McDade-Murtha provisions, now Title VIII of the Commerce, State, Justice, and the Judiciary appropriations bill, were read on the floor of the House. Immediately following that reading, three Republicans, Asa Hutchinson (R-Ark.), Bob Barr (R-Ga.), and Ed Bryant (R-Tenn.), all former U.S. Attorneys, moved to amend the bill by removing the McDade-Murtha language, thus triggering the floor debate. To avoid presiding during what was sure to be a humiliating public defeat, Speaker Gingrich was nowhere to be found.

## Broad bipartisan support

One feature of the McDade-Murtha bill that made it so difficult to defeat was the fact that it enjoyed broad bipartisan support, an increasingly rare commodity in today's Washington, D.C. Although bipartisanship had been a fairly common feature on Capitol Hill in the past, now, under Gingrich's rule, the environment has been dominated by bitter disputes between the two parties. So, when John Conyers (Mich.), the ranking Democrat on the House Judiciary Committee, rose to offer a surprise "perfecting amendment," broadening the McDade-Murtha provision to apply to independent counsels such as Kenneth Starr, there was a definite air of nervousness among McDade-Murtha supporters.

It was no secret that Conyers had lined up with the DOJ in opposing the bill; indeed, he had applied heavy pressure on members of the Congressional Black Caucus, an overwhelming majority of whom were co-sponsors of McDade-Murtha, to withdraw their support. And, while there was little question in the minds of at least the Democrats that independent counsels should also be covered by the provision, Conyers chose to utilize particularly divisive language in motiva-

ting his proposal. Many members later confided that they thought Conyers's motive was to split the bill's supporters along party lines, and irreparably fracture the coalition.

However, when other Democrats rose to offer passionate support of the Conyers's amendment, their appeals were based more on the universal principles of justice expressed in the U.S. Constitution, than on rancor between the parties. And, members on both sides of the aisle responded. When the vote on the Conyers's amendment was called, in a sharp rebuke to Gingrich — and to Starr — it passed 249-182. Forty-eight Republicans voted to support the measure, confirming rumors that, although they may be pleased with what they see as the likely outcome, many Republicans simply feel that Starr has gone too far.

As the debate continued, one member after another rose to express their outrage, and the outrage of the American people, at the systemic abuse of the judicial process by the permanent prosecutorial bureaucracy inside the DOJ (excerpts of the debate follow). Observers commented that many of the statements were among the most articulate presentations in Congressional history. The arguments made by McDade-Murtha opponents, many of which were transparently fraudulent, had little effect. When the roll was called, support for the measure was overwhelming. In one of the many ironies of the day, John Conyers voted *against* McDade-Murtha, despite the fact that his amendment had been accepted! Later on that night, the House of Representatives passed the Commerce, State, Justice, and the Judiciary appropriations bill in its entirety.

Washington analysts say that this fight is far from over. The overwhelming support for McDade-Murtha seems to guarantee that the public hearings Gingrich was so intent on stopping will inevitably occur, when the House returns in September. Indeed, the vast majority of the House Judiciary Committee, including Committee Chairman Henry Hyde (R-Ill.), ultimately cast votes in support of the measure. And, although Attorney General Reno announced, at her Aug. 6 press briefing, that the bill's opponents had already turned their attention to the Senate, in an effort to kill the bill there, McDade-Murtha opponents privately concede that they are in for the fight of their lives.

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## Documentation

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*Here are excerpts from the Aug. 5 floor debate on the McDade-Murtha amendment (Title VIII) of the Commerce, State, Justice, and the Judiciary appropriations bill.*

**Asa Hutchinson (R-Ark.):** Mr. Chairman, I rise in support of the Hutchinson-Barr-Bryant amendment. . . . The title VIII, which our amendment would strike, goes far afield from

the ordinary requirements of the spending bill. It includes almost verbatim the well-intentioned, but ill-advised, Citizen Protection Act. Including this legislative title in the bill violates the normal process in this House by bypassing committee hearings and markups, but even more importantly, it is wrong on substance. The proposed title VIII, which is the subject of our amendment, would cut to the heart of our Federal system of justice. . . . I know that is why all former United States Attorneys now serving in Congress are co-sponsors of this amendment and are leading this effort.

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**John Murtha (D-Pa.):** Mr. Chairman, I just want the Members of this House to know that I sat beside the gentleman from Pennsylvania (Mr. Joe McDade), a Member of Congress for eight years, while he was investigated for six years; the most insidious tactics that could possibly have been used against him.

The appeals process, which is supposed to make sure that the Federal prosecutors do not get out of control, the Federal appeal process ruled two to one. He went two years under indictment. The Federal jury, which came from an area that said 70% of the politicians are crooks, ruled in three hours. He was acquitted.

In the indictment they said campaign contributions are bribes. The rules of the House are clear about the legality of campaign contributions, that honorariums are legal gratuities. That is what they charged him with. They were trying to intimidate a Member of the House of Representatives.

In addition to that, in addition to trying to intimidate the House of Representatives and ignore the rules of the House, which the public saw immediately, he was re-elected three times during this period, when they leaked everything that could possibly be leaked, using those unethical tactics we are talking about during this period of time. Then, after this is all over, they tried to promote the prosecutor to judge.

Now, this is a Member of Congress who was able to raise \$1 million to defend himself. The ordinary citizen, the ordinary person, cannot raise \$1 million. The ordinary citizen cannot even raise money to defend himself. The public at one time used to think that a person was innocent until [proven] guilty. Now they get the impression, because of the leaks, the unethical leaks that come from the prosecutor, that the individual is guilty.

I cannot tell you the physical and mental distress that the gentleman from Pennsylvania [Mr. McDade] went through. Now, I see what you are talking about, and maybe we have to look in conference at some exemptions in drug cartels and things like that, but I think this is a ploy by the prosecutors to continue their unethical conduct without any kind of regard to the ordinary citizen.

We call this the Citizens Protection Act because we feel so strongly that the gentleman from Pennsylvania [Mr. McDade] is just an example. What he did for the House of

Representatives is absolutely essential to our independence. But what we are trying to do for the ordinary citizen is absolutely important to their individual protection. We believe we need an independent body to watch over them, to give them some sort of controls so that they do not go off without control and then be promoted, as somebody was after Waco, and the terrible, terrible injustice they did to the individual in Atlanta with the leaks that came out of the Justice Department.

So, I feel very strongly that we have to get some kind of control. The legislation that we drew up we hoped would

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*I would hope that the House would rise up and show the prosecutors who are out of control . . . that they need some sort of oversight and that this House will send a clear signal to the rest of the country that we will not stand by, [allowing] citizens to be persecuted.—John Murtha*

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come through the authorizing committee. We could not work it out at this late date.

I just hope that the Members—and we have almost 200 co-sponsors of this legislation. We have said to the Justice Department, if you have individual situations that you would like us to look at, we would be glad to look at that. They have not come back with anything. They just want to take this out. They want no kind of controls from the outside.

So, we believe that it is important to put some kind of controls over the unethical conduct of the Justice Department. As a matter of fact, we have 50 chief justices of the United States that have said that they believe that the Justice Department of the United States should fall under the ethical rules of each of the States.

I feel very strongly about this, and I would urge Members to vote against this amendment. If there is something that has to be adjusted, we are glad to work with them in trying to adjust this when we get to conference.

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**Harold Ford, Jr. (D-Tenn.):** I would say that I bring a bit of personal experience to this as well. I am saddened to have heard what happened to my new friend and my father's friend over the years, the gentleman from Pennsylvania [Mr. McDade]. . . .

As a matter of fact, my father was indicted some several years back by one of the prosecutors working with counsel [Kenneth] Starr, Hickman Ewing. After five years of investigating, several years, one trial, a second trial, abuse by the

Justice Department, simply trampling the rights of an individual, another Member of Congress, I cannot tell you the pain that it exacted on my family and my father personally.

Fortunately and blessedly, we were able to survive. But plentiful and often times it seemed exhaustless resources of the Federal government—for prosecutors not to be reined in, not to have to comply with some sense of ethical conduct, Mr. Chairman, I submit to you it is un-American. I submit to my friends on the other side, no matter how noble their wanting to strike this provision might be, we have American rights, we have American liberties. And whether or not they choose to agree with the person's politics, whether it is on President Clinton's part with Ken Starr, whether it is a Republican that disagrees with a Republican or a Democrat with a Republican, it is unfair to trample people's lives.

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**Paul Kanjorski (D-Pa.):** . . . I want to say to my colleagues on both sides of the aisle, this is not a political issue. This is an issue of fundamental fairness.

I occupy the District immediately south of the gentleman from Pennsylvania [Mr. McDade]. Members cannot imagine what this government and those prosecutors did to that Member of Congress. I do not know of any other Member of Congress who could have withstood the leaks and the poisonous spirit in which the public persecution, not prosecution, occurred. Yes, it was lucky that Joe McDade had \$1 million, or could raise \$1 million, but how many more Americans could raise that amount? That is the substantive question, here. . . .

I am sort of embarrassed to bring up another issue, but we had a prosecution in Pennsylvania, and the gentlemen from Pennsylvania, Mr. Joe McDade and Mr. Jack Murtha, will remember this. There was a Treasurer of the Commonwealth of Pennsylvania, where a prosecutor was prosecuting the improper award of a contract and brought a criminal action. The witnesses in that case testified against the contractor and the contractor was convicted of bribery.

Within one month, the prosecutors in that case had those very same witnesses change their story 180-degrees to now testify against the Treasurer of the Commonwealth of Pennsylvania, and threatened those witnesses with prosecution of their wives and their children. It is a famous story across this country. It was witnessed on television.

The only way that Treasurer could protect the future of his family and maintain his pension was to commit suicide before sentencing, and he did.

Mr. Chairman, if that is not extreme, extraordinary prosecutorial activity, I do not know what is. I have witnessed it in the case of the gentleman from Pennsylvania [Mr. McDade]. I am witnessing it with this special counsel.

There are statistics now available that, in the White House alone, the individuals working there have had to spend more than \$12 million in hiring lawyers to appear in depositions and before grand juries who are not in any way substantively

involved. We are going on and on.

What this ends up doing, and the American people know this, is destroying respect for the American judicial system, all with the idea that every now and then some prosecutor who wears a pearl-handled .45 revolver can find somebody who has a grudge against an elected official, Republican or Democrat, who can make a point to bring a charge, and substantiate that charge by just marginal testimony, sufficient to get an indictment, but not sufficient to convict.

But you can take that public official down the road to ruination, that family down the road to ruination, our system down the road to ruination. Why? Why do we sit here? Why are we so innocent? Why have we not recognized that this has been happening over and over and over again? Why are we asking for the McDade-Murtha language?

It was an understanding in the bar and in the prosecutorial field and in the defense field that there were certain standards of ethics and honor, certain things you did not do, an unwritten code. Well, the prosecutors in the United States today, whether they be special counsels or regular prosecutors, have shown us that they are going to push it to the end of the envelope and beyond. They are going to write their own definition of what standards are.

So it is incumbent upon this House, the people's House, to determine that if you are going to push it to the edge of the envelope and you are going to destroy lives and you are going to prosecute people unreasonably at high expense and at a detriment to both, the family and this democracy, then this public House should take action.

We are saying we want to codify the code of standards. We want to say what they have to do and what they do not have to do, and we want to make them subject to a review board. Why should not public officials and all Americans know that when they get taken by their government for hundreds of billions of dollars, hundreds of prosecutors, thousands of FBI agents, that they have a right not to be ruined. That is what the McDade-Murtha language and the perfecting amendment of the gentleman from Michigan is going to accomplish.

I urge my colleagues to vote for justice.

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**Peter King (R-N.Y.):** I think it is time to put a human face on the abuses that are carried out by prosecutors in this country, prosecutors who consistently violate the rights of innocent human beings, innocent citizens and their families, friends and relatives.

By putting a human face on it, I would like to refer to a predecessor that I had here in the Congress, Angelo Roncallo, a man who a number of years ago sat in the very seat that I occupy today. And what went on in his case has happened in so many other cases over the years.

He was a man who was brought in by the United States Attorney and told he had to deliver a political leader. When he refused to do that, he was called before the grand jury.

His family was harassed. He was indicted. His friends were indicted. Everything was leaked to the newspapers. This man's career was destroyed. He was defeated here in the United States Congress.

Finally his case went to trial. The jury was out 30 minutes and he was acquitted. It came out during that case that all throughout, from day one, the prosecutors had evidence that would have completely exonerated this defendant. They knew it from day one. Throughout the trial, they had U.S. Marshals stand around the U.S. Attorney's office because they had convinced the judge that this Congressman, Angelo Roncallo, was somehow going to have them killed during the trial. The jury had to witness this, Marshals in the courtroom day in and day out.

When the trial was over, the judge said it was a disgrace. He referred it to the Justice Department to have it investigated. What was done? Nothing. That is what always happens. Nothing.

The gentleman from Georgia [Mr. Barr] said it is bizarre. He said that opposition to the Hutchinson amendment is bizarre. He said the comments of the gentleman from Pennsylvania [Mr. Murtha] were bizarre. I would say to the gentleman from Georgia, if he were targeted by a prosecutor, if they tried to destroy his reputation, he would find that bizarre.

I think it is important for all of us in this Chamber, those of us who are self-righteous, those of us who say it could never happen to us, let you be the target of an unscrupulous prosecutor, and you will see how fast you will change your tune when you see your wife harassed and your children. And I can go on and on with case after case. I remember I was once negotiating with the United States Attorney in a case and he ended the discussion, ended the negotiation by telling me that he was the United States of America, it was time that I realized it.

The fact is, no prosecutor in this country is the United States of America. The United States of America is the people. We represent the people. It is time for us to stand up and say no to these prosecutors, no matter where they are coming from.

Prosecutors are out of control. They are ruining the civil liberties of people in this country. I am a Republican. I cannot understand how Members in my party who say they support individual rights could ever allow a prosecutor to trample upon the rights of innocent people—the abuses that they are guilty of. . . .

I again urge and implore all of my colleagues to defeat the Hutchinson amendment, stand with the gentleman from Pennsylvania [Mr. McDade], stand with the Constitution and say no to this untrammled abuse of power by the prosecutors and our Justice Department today.

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**Maxine Waters (D-Calif.):** Mr. Chairman, this debate is long overdue. It is about time we dealt with what is wrong with the Justice Department and with unethical prosecutors in this Nation.

Legislators at the state level, at the Federal level have been absolutely supportive of the criminal justice system. They have done everything to give law enforcement the ability to apprehend criminals. They have done everything to be supportive of the Justice Department.

When we look at the generosity of public policymakers on wire-tapping, no-knock, search and seizure, all of that, when we look at mandatory minimums, three-strikes-and-you-are-out conspiracy laws, we have been very generous,

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—Sheila Jackson Lee

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sending a message to the people of this nation, we want criminals locked up.

We never knew that they would take the generosity of good public policymakers and turn it on its head. We never knew that they would take out after innocent people in so many different ways.

I cannot even get into telling my colleagues how they use conspiracy laws. No evidence, no documentation. These conspiracy laws are filling up the prisons.

I do not know all of the details of the case of the gentleman from Pennsylvania [Mr. McDade]. I have heard about it. But I want to tell my colleagues, I know thousands of Mr. McDades who do not have any money, who do not have any attorneys, whose grandmothers and mothers come crying to my office for me to help them and I cannot do anything because my powerful government, prosecutors, have run amuck. . . .

I am so glad this debate is taking place. I wish we had this in our committee. It should have been in subcommittee. It should be in full committee. We should bring people in here to tell their stories about what has happened to them.

I should be able to tell my colleagues about a young woman named Kimber Smith, who is 19 years old, who is sitting in a Federal penitentiary today.

And so, I do not know all of the details about the gentleman from Pennsylvania [Mr. McDade]. I have heard some. But I want to tell my colleagues, indeed, I know many, because I have heard the stories and I have seen the devastation of unethical prosecutors.

It is time for America to believe that even though we want criminals prosecuted, indicted, and locked up, we do not

intend for them to be violated and run over and disrespected by anybody's prosecutor.

I want to tell my colleagues something. No matter what they think about the gentlewoman from California [Ms. Waters] on the left or somebody on the right, there is one thing that I hold dear that was drummed in my head as a student, and that was the Constitution of the United States of America.

I was made to believe that I would be protected. Even when things were going wrong, there would be some hope because we had a system of justice that would make sure that the average person, in the final analysis, would have an opportunity for redress. And I believed in this Constitution. They taught it to me too well. And that is why I can stand here and fight for it and feel very comfortable with it.

I do not care about some other prosecutor who is a prosecutor in a state somewhere in Georgia who gets up and defends all prosecutors. I know the reputation of some prosecutors. I know the lives that have been ruined by some state prosecutors. They are no better than these Federal ones that we are talking about.

I want criminals to be apprehended, to be investigated, to be locked up. But I want people to have a chance to have their voices heard and to have a chance to be innocent until proven guilty. . . .

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**Sheila Jackson Lee (D-Tex.):** . . . I would say to the gentleman from Pennsylvania [Mr. McDade] that it is my view that no one deserves to be put on the trash heap of life. That sounds like a very harsh statement, harsh in that that is not your destiny. But I do believe that we have an opportunity today to maybe speak for many across this country who unfortunately were caught in the web of someone's misdirections and someone's abuse of power. I think it is appropriate for those of us who are members of the Committee on the Judiciary to say first of all that prosecutors across this nation have done good by the people of the United States of America. They have prosecuted those well deserving of being prosecuted. They are by and large officers of the court who have upheld the highest standards.

But why are we arguing against prosecutors being subject to the same state laws and rules and local court rules and state bar rules of ethics of any other series of lawyers? Why are we suggesting to our constituents that there is something wrong with requiring prosecutors, Federal prosecutors, to not seek an indictment against you with no probable cause, to fail to promptly release information that may exonerate you, to attempt to alter or misstate evidence, to attempt to influence or color a witness's testimony, to act to frustrate or impede a defendant's right to discovery. Yes, the scale of justice is balanced and blind, and that is what we are speaking of, to be able to equalize you in a court of law against a Federal prosecutor representing the United States of America.

Let me thank the prosecutors for going into the deep South

in the 1960s and raising up issues of civil rights that other local attorneys could not raise up. Let me thank them, The Department of Justice did an amazing job in dealing with those issues. So, we realize the uniqueness of the Federal prosecutor system. But, does that mean that we throw people to the trash heap of life? Do you lose all of your rights because you go into a Federal courtroom and a prosecutor says, 'I have all of the rights'? I believe that we are doing nothing here that is against the boundaries of respect for our Federal system.

Let me say as a member again of the Committee on the Judiciary, yes, I think our job might have been better if we had had hearings. In fact, I do not think we are finished. I think we must proceed and investigate even more whether there are abuses across the country. But today we are where we are. We have an opportunity not to attack but to make better. . . .

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**Dana Rohrabacher (R-Calif.):** Mr. Chairman, I rise in strong support of the Conyers amendment as well as in opposition to the Hutchinson amendment, which would then strike the McDade-Murtha provision of this bill. In essence, McDade-Murtha codifies the long-recognized, but recently ignored principles that U.S. Attorneys must abide by the same rules of ethics as all other practicing lawyers. The Conyers amendment says that this includes special counsel as well, not just the people who are currently employed by the Department of Justice, and that makes all the sense in the world.

Limited government is the prerequisite for liberty and justice. That is what we are talking about today, limiting government power to what is a reasonable power to maintain order in our society.

Well, however, over the last three decades, because of the fear of crime, we have ended up granting enormous power with very few checks and balances to prosecutors. We have just been expanding their power, and yours truly is just as guilty as anybody else out of fear of crime to give prosecutors power without having any checks and balances. Now we are surprised to see that big government, with lots of power, people in that government tend to abuse that power.

Our Founding Fathers would not be surprised at that. The fact is, every time we expand power we have to put checks in place or there will be abuses of power. For far too many times, we have seen out-of-control prosecutors who now have all this more power to attack the bad guys, not seeking truth or not trying to protect the innocent, but instead engaging themselves in self-aggrandizing, targeted attacks, often pushing relentlessly for some kind of prosecutorial victory regardless of the cost and, at times, regardless of the cost and, at times, regardless of the actual guilt or innocence of the target.

I and other supporters of the McDade-Murtha provision, and we are advocates of law and order, take this stand today to protect freedom and liberty threatened by prosecutors who are not being held to the same standards as other people in the

legal profession. The gentleman from Indiana [Mr. Buyer] answered these charges, that there is going to be confusion, that we have different standards at the local level. The fact is that we expect our prosecutors to be at the highest level because we are protecting the rights of our citizens, the freedom of the people of the United States of America.

Far too often we have seen cases like the gentleman from Pennsylvania [Mr. McDade] where prosecutors are out of control and politically motivated. They go out and destroy public officials and public people. But what about the little guys? The little guys who have no money to defend themselves and are faced by these same abusive prosecutors?

No, putting down a code of conduct, if my colleagues will, a standard of ethics for the prosecutors, is something good. It is totally consistent with freedom in our country, with what our Founding Fathers wanted, with the concepts of limited government.

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**Mr. Hutchinson:** I have made mention of the fact I am a former Federal prosecutor, and that is true. I was a prosecutor in the mid-'80s, but after I left that, I became a defense attorney. So I have sat in that courtroom and I have heard a jury come back with an acquittal, and I realized an acquittal does not remedy everything, because an individual defendant who has been through an enormous Federal criminal trial still suffers consequences. . . .

In addition to the reviews of the state ethics laws, you presently have the Office of Professional Responsibility. You have the inspector general that will have review over these Federal prosecutors, in addition to the Federal courts —

**Mr. Rohrabacher:** Mr. Chairman, will the gentleman yield?

**Mr. Hutchinson:** I yield to the gentleman from California.

**Mr. Rohrabacher:** Does the gentleman believe that if a prosecutor, for example, encourages a witness to commit perjury or breaks the law in some other way, that that prosecutor should himself or herself be prosecuted for violating the law for doing something like that?

**Mr. Hutchinson:** Absolutely. That is obstruction of justice.

**Mr. Rohrabacher:** How many prosecutors have been prosecuted? Almost none, is that right? Instead, like in the case of the gentleman from Pennsylvania [Mr. McDade], they get promotions.

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**William Delahunt (D-Mass.):** Mr. Chairman, I think it is important, given the statements by my friend from Arkansas [Mr. Hutchison], whom I have great respect for, that if somehow you support McDade and Murtha you are somehow assisting or abetting drug cartels in the United States. That simply is not the case.

State prosecutors historically have conducted investigations that are multistate in nature, whether it be organized crime, whether it be drug trafficking, whether it be white collar crime. They adjust. As the gentleman from Arkansas indicated, Massachusetts has a very stringent standard in terms of prosecutorial ethics, but it has not caused a problem.

It is reminiscent of when the Warren Court issued the landmark cases in Mapp and Miranda. It was going to impede and be the end, in terms of law enforcement. I dare say, now we have better and more professional law enforcement that is more ethical than ever before.

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**Joseph McDade (R-Pa.):** Mr. Chairman, let me say to my colleagues, I had not intended to speak on this aspect of the bill, but in view of the comments that were made a few moments ago, I am compelled to.

Under the current system that we heard described by my colleagues, the gentlemen from Tennessee and from Arkansas, there is a remedy for a citizen, once convicted. They can appeal to another court, a higher court. They can make a recommendation or an argument at OPR, the Office of Professional Responsibility in the Department of Justice, after they have been convicted; lives ruined, bankrupt. If they can prove something, they might get a reversal of their case.

Let me be specific. In the case of *United States v. Taylor*

about a year ago, the Department of Justice twisted the testimony of an individual and convicted him on perjurious testimony. If we read the case, we will read that the judge that tried it found the employees of the Department guilty of obstruction of justice. What a charge, corrupting the system that they are are supposed to be defending.

What did the Office of Professional Responsibility do after the judge made that finding? Mr. Chairman, they gave the people who corrupted that system a five-day suspension from their jobs, a five-day suspension for corrupting the system of justice in this country. No better example exists as to why we need to empower a citizen to have the right to have his case heard in front of the conviction and away from the OPR by an independent body.

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**Mr. Murtha:** Mr. Chairman, if the Members think I am excited about this, they are right. If they think I am sincere and focussed on this issue, I am.

I sat beside the gentleman from Pennsylvania for eight years, eight years while he was under persecution by the Justice Department: six years investigation, two years intimidation, under indictment. I watched the gentleman decline physically, mentally, and emotionally from the strain of the Justice Department. . . .

I would hope that the House would rise up and show the prosecutors who are out of control, not all of them, just the ones out of control, that they need some sort of oversight and that this House will send a clear signal to the rest of the country that we will not stand by, [allowing] citizens to be persecuted by a prosecution.

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**Robert Brady (D-Pa.):** . . . Mr. Chairman, very alarming information concerning alleged abuses and misconduct on the part of career prosecutors employed by the U.S. Department of Justice, has been brought to my attention by State Representative Harold James, who is chairman of the Pennsylvania Legislative Black Caucus, and Rep. Leanna Washington, secretary of the Pennsylvania Legislative Black Caucus.

Both Representative James and Representative Washington requested my support for the Citizens Protection Act, which I have subsequently co-sponsored.

They informed me of the results of independent hearings, endorsed by the National Black Caucus of State Legislators, which raised grave questions about misconduct by prosecutors. The Caucus, the Nation's largest organization of African-American elected officials, in 1995 called for Congressional Hearings to Investigate Misconduct by the U.S. Department of Justice.

Mr. Chairman, the McDade/Murtha amendment addresses every area of concern expressed by my constituents. I urge its adoption.

## Videos Provide Evidence of DOJ Corruption

In August-September 1995, a group of distinguished state legislators and others, with the aid of the Schiller Institute, pulled together independent hearings "to investigate misconduct by the U.S. Department of Justice." They examined three types of cases: Operation Fruehmenschen against black elected officials; the LaRouche case; and the cases brought by the DOJ's Office of Special Investigations (OSI), including that against John Demjanjuk.

Two videos are currently available:

- DOJ Misconduct: 4 Case Studies (104 minutes)**, order number SIV-95-002, \$35.
- LaRouche Case (60 minutes)**, order number SIV-95-005, \$25.
- Or, **both videos** for \$50.

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