

## Do Weaver case actions portend a DOJ shakeup?

by Jeffrey Steinberg

Since Aug. 11, the day the Senate recessed for its summer vacation, the Clinton administration has taken several steps toward correcting the terrible injustice that was done to the family of former Green Beret Randy Weaver by the FBI and U.S. Marshals three years ago. And, while the actions do not in themselves represent the kind of cleanout of the criminal elements in the nation's federal law enforcement and judicial agencies that has been repeatedly called for by *EIR*, Lyndon LaRouche, and others, it does represent a possible first step toward initiating such a long overdue house-cleaning.

On Aug. 11, FBI Director Louis Freeh announced that he was suspending four senior FBI officials—including the man he briefly appointed as his deputy director, Larry Potts—pending the completion of three separate federal criminal probes. All three probes—by the Department of Justice's Office of Professional Responsibility, by the U.S. Attorney for the District of Columbia, and by the FBI's Inspector General—focus on the question of whether headquarters documents were shredded or otherwise concealed following the Aug. 22, 1992 shootout at the Weaver cabin in Ruby Creek, Idaho, which resulted in the death of Weaver's wife, Vicky, and the injuring of the Weavers' adopted son, Kevin Harris. One day earlier, U.S. Marshals had shot and killed the Weavers' 14-year-old son, Samuel, after they lured him into an ambush by shooting the family dog.

A several months-long U.S. Marshals stakeout of the Weaver cabin began after an apparent frame-up of Weaver on gun charges, after he refused to work as an undercover operative for the FBI inside white supremacist groups in the area.

Weaver's attorneys, and even the FBI Special Agent in Charge of the Ruby Creek standoff, charged that high-ranking FBI bureaucrats in Washington had issued illegal "shoot

to kill" orders to FBI sharpshooters at Ruby Creek, and had subsequently covered up their role and scapegoated lower-ranking Bureau agents. After Deputy Attorney General Jamie Gorelick last April issued censure letters to several FBI agents for the tragedy at Ruby Creek, a complaint was filed with the Justice Department's internal affairs unit, the Office of Professional Responsibility (OPR), charging a cover-up at FBI headquarters. After several months of investigation, on July 22, one senior FBI official was suspended, when it was discovered that he had shredded a document detailing Larry Potts's role and that of other FBI headquarters officials in the decision to alter the FBI's standing "rules of engagement" for the Ruby Creek siege.

On Aug. 11, Director Freeh added four other ranking officials to the list of those suspended for their possible role in the Ruby Creek decision and alleged coverup—including Potts, who had been earlier demoted from the deputy director's post to an undisclosed position at the FBI Training Academy at Quantico, Virginia.

Sources close to the Bureau have also reported that Freeh has called in a large number of senior Bureau officials for a review session. Reportedly, Freeh has been given an unambiguous mandate from the President to root out the problems, and get to the bottom of the entire incident before Congress returns after Labor Day. On Aug. 17, Freeh announced several personnel shifts. The highest-ranking Afro-American supervisor in the Bureau, Paul Phillips, has been reassigned to take charge of the critical Miami field office. Phillips headed an internal probe of racism by old Hooverites in the Bureau hierarchy several years ago, which led to some changes in FBI personnel practices.

At the same time that this White House-mandated house-cleaning is going on at the FBI, Deputy Attorney General

Gorelick has reportedly been given an even broader mandate from the White House to clean up the Department of Justice.

### **Congress's pathetic performance**

One of the first items on the Senate Judiciary Committee's agenda following the summer recess is hearings on the Weaver case, and this has generated criticism from Gorelick, who is concerned that congressional hearings could result in grants of immunity to some key FBI officials who are simultaneously under investigation on possible criminal charges. The Senate hearings will be chaired by Sen. Arlen Specter (R-Pa.), who is an intimate of the Anti-Defamation League of B'nai B'rith and a declared GOP presidential candidate; he is already under fire for using his chairmanships of several powerful committees as bully pulpits for his campaign. Following the Oklahoma City terrorist bombing in April, he held hearings that featured testimony from leaders of the militia groups.

It seems apparent that, following the House Republicans' outrageous performance during ten days of hearings in July on the FBI and Treasury Department Bureau of Alcohol, Tobacco and Firearms (ATF) handling of the 1993 siege at the Waco, Texas compound of the Branch Davidian sect, Congress has abrogated its oversight responsibilities with respect to the FBI and, especially, with respect to the permanent bureaucracy at the Department of Justice. Absent congressional guts (see article, p. 66, for an account of Congress's cave-in to the FBI and DOJ during the Abscam/Brilab affair), even greater responsibility now falls on the White House to make sure that the cleanout is not further delayed.

### **\$3.1 million settlement**

On Aug. 15, another important step was taken in the Weaver affair, when the Justice Department announced an out-of-court settlement of a \$200 million civil suit against the federal government by Randy Weaver and his three surviving children. The settlement will give the Weavers \$3.1 million, and, although the official statement issued by the Justice Department stipulated that the settlement was not an admission of guilt, DOJ spokesmen admitted to reporters that, had the case gone before a federal jury in Idaho, the Weavers would have been likely awarded the full \$200 million they sought.

These actions make it impossible to sweep under the rug the pattern of DOJ-FBI official corruption that was singled out in the cover story of *EIR's* June 30, 1995 issue. The ability of Deputy Attorney General Mark Richard, Deputy Attorney General John Keeney, and other career DOJ bureaucrats to bully Congress and the White House into backing off from the urgently needed crackdown, was made more difficult by the recent release of a mass pamphlet by the newspaper *New Federalist*, "It Didn't Start With Waco: Clean Out the Criminals," which pillories the House of Representatives' coverup and spells out the evidence of DOJ

criminality in the Waco and Weaver cases, in the case of John Demjanjuk, in the "Operation Frühmenschen" targeting of black elected officials, and, most of all, in the attempted murder and frameup of Lyndon LaRouche.

### **War against Afro-American politicians**

One of the most far-reaching cases of systemic corruption in the DOJ and the FBI is the ongoing "Operation Frühmenschen" (cf. *Investigation*, p. 66), which has targeted thousands of Afro-American politicians all across the country for frameup, employing the full arsenal of unconstitutional tricks pioneered by Richard, Keeney, and David Margolis, another career prosecutor who for years ran the Justice Department's anti-racketeering unit. According to an affidavit by a former FBI official, the assumption of senior FBI officials was that Afro-Americans were incapable of serving in public office, and that, therefore, any dirty tricks required to drive them from office were justified. Now, some of this corruption by Bureau officials also appears to be under attack.

One of the potentially important signs that the DOJ clean-up is breaking beyond the bounds of the Waco and Weaver cases is the fact that, in addition to the FBI suspensions, the Justice Department announced on Aug. 16 that the OPR, following a two-and-a-half-year probe, has recommended the firing of Assistant U.S. Attorney William R. Hogan, for gross misconduct in his handling of the prosecution of leaders of the El Rukn gang in Chicago.

Hogan, a DOJ "superstar" prosecutor, was first slammed for his behavior in the El Rukn case on Sept. 20, 1993, when Federal District Court Judge Marvin Aspin overturned the convictions of seven El Rukn gang leaders on the grounds of gross prosecutorial misconduct by Hogan. Among the instances of misconduct: Hogan concealed from defense attorneys the fact that the key defector-witnesses in the El Rukn case had been allowed to obtain heroin and cocaine while in the federal Metropolitan Correctional Center in Chicago; and two key government witnesses were brought from MCC to the federal prosecutor's office to have conjugal visits with their wives and girlfriends. Hogan received 15 separate reports of drug abuse by the witnesses, yet he never informed defense attorneys.

Judge Aspin, in his ruling overturning the convictions, wrote that this was "the most painful" decision he had had to make in 14 years on the federal bench. Hogan, he wrote, "deliberately concealed" evidence that might have "destroyed his case," and, as the result, "the conviction of some of the most hardened and anti-social criminals in the history of this community must be overturned. It is tragic that the United States of America has squandered millions of taxpayers' dollars and years of difficult labor by the courts, prosecutors, and law enforcement officers in the investigation and trial of these botched prosecutions."

Deputy Attorney General Gorelick will soon decide whether to act on the OPR recommendation to fire Hogan.