

'Operation Fruehmenschen' escalates against African-American officials

by Debra Hanania Freeman

Exactly ten years ago, on Jan. 27, 1988, then-Congressman Mervyn Dymally (D-Calif.) placed before the U.S. House of Representatives, sworn testimony by an FBI agent concerning an FBI policy called "Operation Fruehmenschen" (Fruehmenschen is German for "early man"). According to the testimony, "Operation Fruehmenschen" was an FBI directive that called for the "routine investigation, without probable cause, of prominent elected and appointed black officials in major metropolitan areas throughout the United States. The basis for this policy was the assumption by the FBI that black officials were intellectually and socially incapable of governing major governmental organizations and situations."

Dymally, who then served as chairman of the Congressional Black Caucus, also introduced two studies by Dr. Mary Sawyer (1977 and 1987), which documented a pattern of disproportionate attacks on and improper investigations of African-American public and elected officials. He transmitted the evidence to the chairmen of the House and Senate Judiciary Committees, and the House Subcommittee on Civil and Constitutional Rights, and demanded that these bodies open investigative hearings into these allegations.

A decade has passed. The pattern of attacks has not only continued; indeed, at certain key points, it has escalated. In August 1995, friends of Lyndon LaRouche helped facilitate a series of independent hearings, chaired by former U.S. Rep. James Mann (D-S.C.), who served as a prominent member of the House Judiciary Committee during the Watergate hearings, and JL Chestnut, one of the foremost civil rights attorneys in America. The hearings focussed on cases where there was overwhelming evidence of politically motivated targeting of groups and individuals by a concert of private organizations outside the U.S. government, working in tandem with corrupt officials inside Federal law enforcement agencies. Testimony focussed on Operation Fruehmenschen; on the Department of Justice's Office of Special Operations; and on the Lyndon LaRouche case, the largest single case involving the same corrupt DOJ apparatus. At the close of the hearings, the panel submitted the proceedings to every member of Congress, accompanied with a call for Congressional oversight

hearings. A short time later, the National Black Caucus of State Legislators joined that call. To date, such hearings have not occurred.

During recent days, the press has been dominated by sensational coverage of the witch-hunt being conducted against President Bill Clinton. Those reports have largely overshadowed a clear and alarming escalation, not unrelated to the assault on the Clinton administration, of racially motivated legal lynchings of some of the nation's most powerful African-American public officials.

Former U.S. Rep. Harold Ford (D-Tenn.), who was an important target of "Operation Fruehmenschen," gave a TV interview on Jan. 28 in Memphis, Tennessee, pointing out that Hickman Ewing, who ran the prosecution against him, is now the deputy of Whitewater Independent Counsel Kenneth Starr, the man who is leading the assault against Clinton. Ford, who was tried twice and acquitted, after a 10-year fight that cost several million dollars, charged that the same modus operandi—lies, leaks, and innuendo—that was used against him, is now being used by Starr against the President.

Indictment of Ben McGee

On Jan. 14, the U.S. Attorney for the Eastern District of Arkansas announced a five-count indictment against Arkansas State Rep. Ben McGee (D-95), charging him with taking a \$20,000 bribe from a dog-racing track to sponsor legislation that gave the track a \$5 million annual tax break. The indictment also accuses McGee of extortion and giving false statements to IRS agents.

The Southland dog track, which is the largest employer in McGee's district, and one of the largest employers in the state, began losing business after casinos opened in nearby northern Mississippi in October 1992. By 1995, when McGee is alleged to have taken the money, the track's business was off by more than 50%. McGee was the lead sponsor on a bill that reduced Southland's state tax in order to make the enterprise more competitive with the Mississippi casinos. The measure passed the House by a unanimous vote!

McGee has argued that there clearly was no need for Southland to bribe him, to back a measure that had unanimous

support. Further, he has provided documentation that the money he received from Southland was for running a petitioning campaign to place a casino-gambling referendum on the Arkansas ballot, activity that even the U.S. Attorney admits is legal under Arkansas law.

At issue, however, are not the “facts” of the particular case. The indictment came after an almost five-year DOJ-FBI investigation during which, according to McGee, “half of my constituents were visited and interviewed by the FBI.” Not only were McGee’s children called to testify before the grand jury, but, in a desperate attempt to win a plea agreement in a weak case, the U.S. Attorney threatened to indict McGee’s son if the elder McGee refused to cooperate.

The McGee case bears a striking similarity to a 1989-90 FBI sting against the South Carolina Black Caucus, known as Operation Lost Trust. That case, which revolved around a proposal to legalize pari-mutuel betting, went after 28 legislators and other political operatives, and represented the largest single attack by George Bush’s Justice Department on black elected officials and their allies; it decimated the black leadership of the South Carolina legislature, and although he was not caught in the “Lost Trust” trap, the scandal sabotaged the 1990 gubernatorial campaign of State Sen. Theo Walker Mitchell, the first black to seek statewide office in South Carolina in over 100 years. In 1997, U.S. District Judge Falcon Hawkins issued a stinging 86-page decision, dismissing the frame-ups and ordering that the defendants not be retried. Hawkins’s decision castigates the Justice Department for knowingly using false testimony, acting in bad faith, withholding exculpatory evidence, working to prejudice the political atmosphere, and other “egregious prosecutorial misconduct” in the pursuit of a guilty verdict. But, the defendants had already been out of office for years, and most had served their prison sentences.

McGee, who is one of Arkansas’s most influential elected officials, has served in the Arkansas House of Representatives since his election in 1988. He fought for redistricting measures that allowed the election of black representation in Arkansas for the first time since Reconstruction. He was Assistant Speaker of the House until 1997, when he was named chairman of the Transportation Committee, becoming the first and only African-American to chair that committee. Additionally, since the Arkansas legislature sits in full session for only 90 days every other year, the state’s business is largely controlled by a 20-member Legislative Council. McGee is the only African-American to serve on that Council.

In 1997, McGee was part of fact-finding mission of current and former elected officials, trade unionists, and civil rights leaders, organized by the Schiller Institute, to investigate allegations of slavery and other human rights abuses by the government of Sudan. Since his return, he has been an outspoken opponent of sanctions against Sudan, and has made frequent visits to Washington, D.C. to make his views, and the findings of the fact-finding group, known.

Clinton loyalists hit

The case against McGee follows an escalation of the targetting of key supporters of President Clinton, including top minority administration officials, as well as black state legislators who played prominent roles in Clinton’s two Presidential campaigns. During Clinton’s first term, every minority member of his Cabinet came under heavy fire from the DOJ.

The week of Jan. 12 represented a particularly bad week for the President’s friends. During the same week that Linda Tripp claims she made her first phone call to Whitewater prosecutor Ken Starr, and Hillary Rodham Clinton faced yet another of Starr’s depositions, the DOJ disclosed that it had opened an investigation into allegations that Labor Secretary Alexis Herman had accepted illegal funds in exchange for assisting a business associate, while she served as a White House aide during President Clinton’s first term. Federal prosecutors were reported to be leaning toward seeking an independent probe of Interior Secretary Bruce Babbitt in connection with the rejection of an Indian casino application. The ex-mistress of former Housing and Urban Development Secretary Henry Cisneros (who was hounded out of office by the DOJ’s permanent bureaucracy) pleaded guilty to concealing hush money she claims he paid her. And, two Tyson’s Foods executives were charged with giving \$12,000 in illegal gifts to Mike Espy while he was Secretary of Agriculture. The week ended with the President’s own deposition in the Jones case.

Just a few weeks earlier, Massachusetts State Senator Diane Wilkerson, that state’s most prominent African-American legislator, who had led an effort to investigate George Bush’s involvement in the 1980s launching of the crack cocaine epidemic, and was known to be considering a run for Congress, was convicted of tax evasion. Although she retains her seat, she is under house arrest, and has been stripped of her committee chairmanship.

The case of Larry Young

Perhaps most outrageous is the case of Maryland State Sen. Larry Young. On Jan. 16, the Maryland Senate voted to expel Young on ethics charges, the first such expulsion in the Senate’s 221-year history. Young, who was chairman of the Maryland Black Caucus, has served in the legislature since 1975. In 1983, he became the first African-American to head a legislative committee. In 1988, he assumed the Senate seat held by Clarence Mitchell III, after Mitchell was caught in the FBI “Wedtech” sting. Young rapidly rose through the leadership ranks, to chair the Senate Executive Nominations Committee, which approves hundreds of gubernatorial appointments, and the Senate Finance subcommittee on health, which determines how millions of dollars in state funding are appropriated to hospitals, HMOs, nursing homes, and other companies. Young established a nexus of power and influence that was almost unrivalled within the 188-member Assembly.

Last year, he led a campaign against state auto tags that featured the Confederate battle flag. He was instrumental in the 1994 election of Gov. Parris Glendening, and was one of President's Clinton staunchest supporters.

Young has been hounded for years by the notoriously racist *Baltimore Sun*, the city's only daily newspaper. In 1997, the *Sun* renewed an effort to indict Young as a key figure in the 1990 murder of Marvin Moore, a friend of the senator. Although the police had noted inconsistencies in Young's alibi, there was never any evidence implicating him in the murder. But, the *Sun* went after him anyway. When that effort failed, on Dec. 3, 1997, the *Sun* printed what they said was the result of a two-month investigation, in which they charged him with using his Senate office to boost his personal business. The same day, the president of the Maryland Senate launched an ethics probe against Young, and unnamed law enforcement sources claimed that both Federal and state criminal investigations had been opened. On Jan. 12, the Joint Committee on Legislative Ethics issued a report alleging that Young had indeed used the prestige and influence of his office to obtain business. Four days later, Larry Young was expelled from the Maryland Senate.

Young's constituents, who inhabit the poorest district in Maryland, were in a state of shock. Although it was clear that Young probably had committed technical violations of the state's ethics code, the public record indicated that at least a dozen white legislators had done so as well. None of them even faced censure. At the time of his expulsion, Young had not been charged with any crime. He was not under indictment. He hadn't even been subpoenaed to appear before a grand jury. His removal was based solely on an "investigative" report — completely unsubstantiated — by the *Baltimore Sun*. And, it was only *after* the Senate voted to expel him that the FBI announced that they were launching a criminal investigation of Young, citing his expulsion as the basis for the probe.

Time to clean up the DOJ

The cases cited above represent only a small portion of the political lynchings orchestrated by the corrupt permanent bureaucracy that rules the Justice Department.

After the 1992 elections, hopes ran high that the careerists who were responsible for the judicial abuse during the 12 years of the Bush-Reagan DOJ would be cleaned out. Clinton had identified such a clean-up as a priority, and there was growing support for the initiative. *Time* magazine and a six-part *Washington Post* series chronicled major abuses by the Department.

The Clinton transition team had put together a 120-person task force to review the DOJ. Their report declared that the Department "now faces a crisis of credibility and integrity." It was particularly critical of the Criminal Division, headed by Mark Richard and Jack Keeney, stating that "the image and authority of the Division have been badly tarnished . . .

by a perception that the handling of high-profile cases is politicized."

But, like many of Clinton's early initiatives, the effort was, at best, faltering. The President had difficulty finding an Attorney General. His first nominee, Zoe Baird, was forced out on "nannygate" allegations. His second choice, Federal Judge Kimba Wood, met the same fate. It wasn't until February 1993, that Clinton nominated Janet Reno.

When Reno took office in March 1993, there was no Clinton appointee to head the Criminal Division. Keeney remained acting Assistant Attorney General. And, Reno was quickly hit with a series of major crisis. On Feb. 26, the United States had been hit with its first major terrorist incident, the bombing of the World Trade Center in New York City. The siege of the Branch Davidian compound in Waco, Texas, triggered by a Feb. 28 raid that had been authorized and set up during the Bush administration, was already under way. Mark Richard headed the division in charge, and it was he who pressured Reno to go along with the FBI's plan, which she initially resisted, to insert CS gas into the compound. The result was the fiery massacre in which almost 100 people, including women and children, were killed.

Reno had been set up. She came under heavy fire by members of Congress. Richard and the permanent bureaucracy gave Reno just enough cover to keep her from being run out of town. But, the consolidation of the permanent bureaucracy's control over the new administration was now under way. The process accelerated after the November 1994 Gingrich Revolution, and became most intense after the 1995 Oklahoma City bombing. The efforts to reform and clean up the Justice Department were dead. Reno focussed on issues like child abuse and gangs, and gave the permanent bureaucracy free rein.

In early 1997, following revelations of misconduct by the FBI and the Criminal Division, focussing on the intentional mishandling of evidence at the FBI crime lab, there was another opportunity to dismantle the corruption. On Feb. 25, 1997, FBI Director Louis Freeh was forced to admit that, during the 1980s, the FBI had knowingly mishandled evidence and given false testimony to a judicial panel that later led to the impeachment of U.S. District Judge Alcee Hastings. At the time, Hastings was Florida's only black Federal judge, and an outspoken critic of the Reagan administration's immigration policies. Congressional hearings seemed certain. Reno stonewalled. And, when confronted with evidence of gross prosecutorial misconduct and Justice Department abuses in the LaRouche case, Reno has repeatedly moved to protect the permanent bureaucracy.

Ironically, the very same members of the permanent bureaucracy who emerged as the key figures in the earlier Operation Fruehmenschen cases, in the OSI cases, in the Waco massacre, and in the LaRouche frame-up, are today running this new harassment of black elected officials, and are targeting the President himself.