

Abscam bringing about Congress's self-destruction

by Scott Thompson

Michael J. Myers, the elected representative of a South Philadelphia congressional district, was expelled from the House of Representatives on Oct. 2. The vote was an overwhelming 376-30 in favor.

The expulsion of Congressman Myers is a story of Justice Department blackmail of the legislature and the cowardly capitulation of elected officials to that blackmail. In playing fast and loose with the issues involved, the House has potentially sown the seeds for its self-destruction.

In the entire history of this nation, there have been only three other congressmen successfully expelled from the House, all in 1861, the year the Civil War started. Each of those expelled was convicted of high treason.

Congressman Myers, in contrast, was not yet convicted. He is charged with bribery, having been targeted by the Justice Department's Abscam entrapment operation along with five other members of the House.

A key hearing in Congressman Myers's Abscam case is still pending before the U.S. District Court for the Eastern District of New York. At that hearing, evidence not presented at the jury trial will be examined to determine whether his constitutional right to due process had been violated.

In initiating expulsion procedures against Cong. Myers before his conviction, the House Committee on Standards of Official Conduct not only broke its own rules of congressional conduct, but it dismissed the constitutional rights of Myers's South Philadelphia constituents, who are left without elected representation.

Two members of the committee, Lee Hamilton and

Louis Stokes, strongly condemned their colleagues:

"In no meaningful sense can it be said that Representative Myers has been 'convicted.' On the contrary, he has reached only the first milestone along a road of many junctions that might or might not lead to a conviction.

"This Committee could thus find itself in the wholly untenable position of having expelled a member who has never been—and may never be—convicted of a crime [emphasis added—ed]."

Profile in cowardice

Using laws that were not even on the books until a decade ago, the Justice Department has convicted 20,000 business, labor, and political leaders over the last four years alone. This political purge has already exceeded the Moscow Trials in scope.

It was in this witchhunt climate that the expulsion was voted up. When Cong. Austin Murphy (D-Pa.) intervened with members of the Committee on Standards to remind them of their constitutional task, he raised the question:

"It strikes me that what if a member of this committee votes for Mr. Myers or what if myself, a congressman from Pennsylvania, speaks on his behalf? Do I now face an executive probe because I had the courage to voice my opinion? Does the FBI now target me for some special action?"

Astoundingly, none of Murphy's colleagues could assure him that he would not now become a Justice Department target.

The case against Congressman Myers is far stronger than it is in many other Abscam/Brilab cases. Myers had admitted taking \$15,000 out of a \$50,000 payoff from aides of the Abscam sheik, and the videotapes released by the Supreme Court show him accepting the money.

On these tapes, Myers also makes some fairly strong statements. This is particularly true of the taped meeting with the "sheik," to whom he is clearly giving the hard sell.

To show that he was willing to sell his influence, statements are often quoted in which Myers brags about his ability to help the "sheik" on immigration problems: "We can introduce a bill, sure. . . I got the clout to introduce legislation." Or, again: "Now we use all sorts of connections in the State Department. . . ."

The bottom line: Congressman Myers and his associates were entrapped by the Justice Department. Many of the steps to his entrapment took place in meetings that were never taped by the FBI.

First, the Justice Department claims that it targeted Myers and five other congressmen in Abscam because they had "*criminal minds*." Whether this was decided on the basis of sticking pins in the Congressional Directory, or by some other method, the Department has refused to say.

The Justice Department actually went after the leadership of the "delivery system" that built America and makes it work.

In the case of Abscam, the targets selected for entrapment were even more specific. Every one of those congressmen and senators who were Abscammed held a powerful position on one or more committees responsible for an area of the economy.

Myers, a former longshoreman, was a member of the House Marine and Fisheries Committee and the Education and Labor Committee. The chairmen of these committees, respectively Frank Thompson (D-N.J.) and John Murphy (D-N.Y.), were also targets. Until he got Abscammed, Thompson was a leading opponent of trucking deregulation. Until he got stung, Murphy was a staunch opponent of shipping deregulation; afterward, he dropped his public fight.

Second, these men were lured into crime, or at least the appearance of crime, using hardened criminals hired especially for this purpose under the Justice Department's Federal Witness Protection Program.

Third, the actual "deal" entrapment agent Melvin Weinberg offered Myers was not that claimed by the Justice Department at the trial. At hearings of the House Committee on Standards, Myers testified: "Now, I was told [by Weinberg] that the sheik likes tough guys; you got to talk tough; you got to act like you control everything, and come on strong. That was my basic script. 'You come on strong, to play-act, and . . .

the sheik would be willing to invest in the district . . . and give a hundred thousand dollars to the law firm As instructed, I walk in the door and start right out with about a four-, five-minute explanation of how strong I am. Now, would anybody go to a meeting and start off like that?"

In fact, the tapes confirm that Weinberg told him to play-act in this manner.

In one slip, Weinberg says on tape: "You gotta sell it like mad . . . you're on stage for 20 minutes." Not only did Weinberg con Myers into acting tough for the hidden FBI camera, but he also told him in private that none of his promises to the sheik had to be fulfilled. Instead of legislation and influence with the State Department, the "deal" Weinberg offered Myers "off-stage" was a small recompense in exchange for helping the sheik's aides invest in the Camden-Philadelphia area.

The issues in Abscam

There are other constitutional issues involved in the Justice Department's targeting and entrapment methods. No one has stated these better than Cong. Austin Murphy in his testimony before the House Committee on Standards, testimony which none of his colleagues could assure him would not bring him under the scrutiny of the Justice Department: "As a Congressman, I would want to see my colleague, Mr. Myers, disciplined, but I also feel strongly that safeguards that the people have in an elected Congress must be protected by this committee. . . . I shudder to think what might happen . . . if some day a chief executive comes on the scene and says that 'I am tired of dealing with an elected Congress and I am going to get enough of them indicted and they will all make moves against each other and I will dissolve that Congress. . . .'"

"What would happen to we members of the 96th Congress if we expel [Congressman Myers] and your later probes or the due process conduct of court proceedings points out that there were tremendous illegalities under our constitutional law committed by our government, yours and mine. Then, what do we do in coming years as we retire from this body and think that we expelled a member whose due process under our very Constitution was violated? . . ."

"I think we should be as interested in preserving our constitutional form of government as we are in disciplining members who would violate our code of conduct, and I too am interested in that."

These are the questions that face Congress.

Myers's constituents have already answered them. Though his entrapment and the contents of the Abscam videotapes were known months in advance due to Justice Department "leaks," he was successfully renominated by a sizeable plurality over 17 other candidates.