

Senator Williams: 'Defend the separation of powers'

by Susan Johnson, Managing Editor

The Justice Department and FBI went on trial March 3 in the U.S. Senate, when plenary deliberations began on the Senate Ethics Committee's recommendation to expel Harrison A. Williams, Jr., the New Jersey Democrat convicted of "influence-peddling" in the Justice Department's Abscam operation.

There were three options for the Senate on the fate of Senator Williams himself: expulsion (pressed for by Majority Leader Howard Baker and Minority Leader Robert Byrd); censure (proposed by Minority Whip Alan Cranston, Democrat of California); and a vote for full exoneration (advocated by Daniel Inouye, Democrat of Hawaii and ranking minority member of the Senate Intelligence Committee) at once or pending the results of Williams's court appeal.

Either expulsion or censure, *EIR* concludes, would be a long step toward the Senate's self-destruction, for reasons presented below. Yet what has been unleashed in the United States, not least through *EIR*'s own efforts, is a demand for investigation into conduct of the executive branch which criminally violates both its own mandate and the principle of separation of powers. At this point, no Senator will be able to openly oppose the investigation of DOJ-FBI misconduct proposed by Senator Cranston. The effort instead, as we go to press on March 6, has been to sever that investigation and proceed with the expulsion vote, an effort made most explicit by the *New York Times*, which served as the first "leak" weapon against the Senator in Abscam.

The issue of separation of powers, raised by Senator Williams on the Senate floor March 4, is at the heart of the matter. The same Carter administration which installed Federal Reserve Chairman Volcker and his crushing policies selected as its senatorial Abscam target a 23-year veteran of the nation's highest legislative body, a powerful opponent of economic austerity and a spokesman for the interests of labor, the elderly, public education, and narcotics enforcement. The Abscam targeting proceeded despite repeated affirmations by middle-level

DOJ officials and FBI agents that their efforts to entice Williams into misconduct had been unavailing.

Senator Williams, in expanding the prepared statement we excerpt below, pointed out to his colleagues that he was tried above all by a "hue and cry" in the national news media, which he characterized as the mob justice of "old England" as opposed to the American presumption of the accused's innocence. He further stressed that, contrary to the self-righteous statements March 3 and March 4 by Ethics Committee co-chairmen Malcolm Wallop (R-Wyo.) and Howell Heflin (D-Ala.), the committee conducted no independent investigation into his case whatever. In fact, the Ethics Committee relied on the assertions of a staff member, Thomas Sanders, a former FBI agent and friend of Abscam prosecutor Thomas Puccio, who colluded with Puccio to withhold evidence from the committee. The committee thus confined itself to the segments of tapes and other documentary evidence provided by the FBI and sanctified in Williams's trial by Federal Judge George Pratt, who instructed the jury to disregard any issue of FBI misconduct.

As Senator Williams, invoking the Nazis' Reichstag Fire destruction of the independent legislature, summarized it for the Senate: "The government manufactured evidence, co-opted targets, and destroyed evidence in their efforts to make me appear guilty of wrongdoing. The government committed the crimes of perjury, obstruction of justice, conspiracy to commit perjury, bribery, impersonation of a foreign dignitary, and fraud. In addition, the government violated its own guidelines and regulation. The government engaged in a bad-faith prosecution by trying me in the press, engaging in *ex parte* contacts with the trial judge, with forum [judge] shopping, and withholding exculpatory evidence; and the prosecutor in my case stood to make \$60,000 from a book contract contingent on my conviction."

Williams described how the FBI forged a letter from himself on Sept. 12, 1979 to document improper dealings,

one of dozens of improper acts in preparation for “planting significant internal material from the Justice Department with the *New York Times*,” he said.

During the break in deliberations, a gaggle of Democrats led by Robert Byrd disappeared and finally had to be dragged back to the Senate floor after one hour by the sergeant-at-arms. However, the instance of forgery drew alarmed commentary from other Senators, many of whom appeared to be unfamiliar with the details of the case. They also commented attentively on the testimony of linguistic specialists that the jury under Judge Pratt had in effect been bamboozled by videotapes of Williams’s meetings with the FBI pseudo-sheiks, in which he not only emphatically refused a payment but gave no sign, according to these experts, of assenting to so-called “influence-peddling.”

The fact that the “white-collar crime” of “influence-peddling” is still on the minds of the Senate (the Ethics Committee insists that even if Williams is legally exculpated, he has “brought the Senate into disrepute”) demonstrates, however, to what extent legislators and the public at large have been induced to turn the concept of criminality upside-down, relying on swindlers and murderers as witnesses. Now, the evidence against the elements within the DOJ who have perpetrated this Orwellian deception is before the Senate to an unprecedented extent.

Sen. Williams: government misconduct is the issue

Below are excerpts from a personal statement by Senator Williams released on March 3. Emphasis is in the original.

... This is the first time I am to be judged by my peers on the totality of the Abscam net that was so crudely wrapped around me. In Brooklyn, New York where my law case was tried, the jury was specifically denied the right to consider government misconduct in the operation by an erring judge. The Ethics Committee construed its mandate of investigation as limited and excluding any consideration of the gross misconduct of the Department of Justice and FBI.

Now if the Abscam operation is to be understood in its totality, it is not only my conduct but the government’s conduct which must be considered by the full U.S. Senate in order to arrive at a fully fair and just result. Renegade elements of the Department of Justice and FBI

manufactured the aroma of crime out of thin air, where no crime was ongoing or ever contemplated. . . .

Plato has taught us that the appearance or perception of reality is *not* reality itself. Plato emphasized the need for the political leaders of society to seek the truth based upon the careful use of *Reason* and rational deliberation. He deplored the art of sophistry, which made the worst argument win out over the more rational through manipulation of words and perceptions. Sophistry convicted Socrates despite the fact that Socrates committed no crime. . . .

I rely upon you to perform the historic function for which this great body exists: to guide our nation on the course of justice central to our constitutional republic, which has been so violated in the synchronized effort to create the appearance of my wrongdoing where there was none.

There is another significant and profound reason for our deliberation, which transcends the issue surrounding me personally. The Abscam operation, in which the executive branch of government politically targeted and then framed through sophistry an innocent member of the U.S. Senate, grossly trampled upon the separation of powers guaranteed by our constitution. . . .

What has been done to me constitutes the first time, to my knowledge, that the executive branch of government targeted to eliminate and destroy an innocent and duly elected member of the United States Senate. This type and method of operation is morally abhorrent and ethically repugnant to our constitution and government. Adolf Hitler destroyed the independent German Parliament through the Reichstag Fire in 1933 in order to impose his police state. I am afraid that in Abscam our own constitutional democratic government faces a mortal threat from an attitude that tolerates the manufacture of crime and framing up of duly elected political officials. . . .

They [the Abscam team] forged letters on Senate stationery. They committed major perjury, obstruction of justice and other crimes. They took bribes and gift favors from the convicted felon Mel Weinberg, who brazenly attempted at taxpayers’ expense to bring about my demise. They considered drugging me. On June 10, 1979 Mel Weinberg had a telephone conversation in which he was told by those trying to set me up that I was not a “doer” and that I always moved “quietly.” When Weinberg was directly told that I “do not use power for any advantages,” he responded on tape: “*Oh, how can we make him use it?*” (Senate Select Ethics Committee Print, pages 10-11-12) The essence of FBI and Department of Justice wrongdoing is the machinations of Mel Weinberg and the errant government operatives. . . .

Federal Judge Ruggiero Aldisert of the U.S. Third Circuit Court of Appeals wrote on February 12, 1982 in

a dissenting opinion on Abscam what the deeper meaning of this state of affairs represents:

The Gestapo were the consummate users of the "honey pot," a technique government witness Mel Weinberg proudly described as the technique the government utilized in this case.

In my situation, of course, I instantly responded to the offer of money by saying "No, no, no, no." Nonetheless Judge Aldisert's warning in his summation is directly relevant to the matter at hand. Judge Aldisert's eloquent words are:

To the Department of Justice, its operation was a taste of honey; to me, it emanates a fetid odor whose putrescence threatens to spoil basic concepts of fairness and justice that I hold dear. That the FBI has earned high praise for its performance in the traditional discharge of its duties should not immunize the secret police tactics employed in its Abscam operation from appropriate and vigorous condemnation.

Erwin Griswold, the former Solicitor General of the United States and longstanding eminent Dean of Harvard Law School, has also stated that the methods used in Abscam of surreptitiously taping innocent legislators raises the spectre of the "police-state" methods which we have always shunned. . . .

The power vested in each of us as Senators of the United States is a sacred bond between ourselves and the electorate we represent. If it were not I, but one of our constituents who had been the victim of such wrongdoing, I am confident we would be unanimously engaged in full committee investigation of the renegade individuals who even took in William Webster and Benjamin Civiletti with their confidence games. . . .

It is essential that we focus on the wrongdoings committed by FBI and Department of Justice operatives against the legislative branch of government. Future generations of free Americans will grant us blessing for proceeding with responsibility, reason and judicious deliberation.

Sen. Inouye: 'Williams did no wrong at all'

From the statement on the floor of the Senate March 3 by Sen. Daniel Inouye, Democrat of Hawaii, in defense of Senator Williams:

I believe the record will show that agents of the

executive branch created this corruption out of whole cloth, and that this manufactured kind of corruption is unworthy of the FBI as an institution and is unworthy of our consideration and our approval. . . . [T]here is a willingness to deliberately set up completely innocent and honorable people. So I say that this could happen to any one of us.

Let us take, for example, a recorded conversation of January 7, 1980, in which Congressman John Jenrette of South Carolina indicated that Senator Strom Thurmond, the senior Senator from South Carolina, could be approached to assist these Arab investors, but that he would be "damn expensive." When Congressman Jenrette was on the stand at his trial, he said that his allegations about Senator Thurmond were false.

I think that if any one of us were in a position of authority in the Justice Department at that time, and if that tape had been brought to our attention, we would have known, or at least suspected, that this was a lie, and very likely the matter would have been stopped right there. But what actually happened in this case? Let me quote from the testimony of Mr. Philip Heymann, Assistant Attorney General and head of the criminal division at the time of the Abscam investigation:

"U.S. Attorney Ruff called me up and said, 'I want to go ahead and offer in some way an opportunity for Senator Thurmond to come in and take money, because we found this in the record, and we think we ought to follow this through.' . . . And I said, 'Go ahead.' This is the first time I heard of it. So, for me . . . within 15 minutes of the time the phone rang, I said 'Yes.' "

. . . And this was from a man who testified before the Congress of the United States: "After the careful internal review procedures are satisfied, we will initiate an undercover investigation only where we have a reason to believe that there is a pattern of criminality."

Unfortunately, that is not the end of the list. In recorded conversation on September 10, 1979, Mr. Melvin Weinberg, Abscam's No. 1 con man, said, "Javits we would definitely like and we'd like Moynihan." Now just what was going on in this investigation? This Abscam team wanted the Speaker of the House, Tip O'Neill. They went after Peter Rodino, chairman of the House Judiciary Committee. . . . Some of us here whose names have not yet surfaced may also have been targeted. . . .

What was Abscam? . . . [I]n order to lend credibility to Abdul Enterprises, the FBI arranged with the Chase Manhattan Bank to respond to any inquiry about Abdul by affirming that Abdul Enterprises had a line of credit of \$400 million. Imagine, the Chase Manhattan Bank, the foundation of our economy, conspiring like this. I would be ashamed to be on that board. . . .

We now have evidence that the con man Mel Wein-

berg completely and totally fabricated the initial allegations about Senator Williams, and that this fabrication was the basis upon which Justice Department officials decided to proceed. . . . If this is true, then none of us, no matter how pristine our dealings, is safe from this kind of intrusion. And what does Senator Williams do over the course of the next seven months that brings him before this body for possible expulsion? He brags about his senatorial influence. . . . Well, what is so illegal about that? Who among us has never touted his importance to his constituents? . . .

Imagine if I were in New York . . . and a mayor from one of the cities in Hawaii comes forward and says, "I met some very interesting people. They would like to invest some money for geothermal energy. What am I supposed to do? If I learn that his name is Abdul Habib, am I supposed to say, "Whoa, I do not want any part of Arabs." . . . I am certain that all of us have one time of another used our good offices to encourage investment in our State or in our State's businesses. What is wrong with that? . . .

And let us say the sheik says, "In my country when someone does me a good turn I have to reciprocate." I reject it, as Pete Williams did. I say, "No, no, no." And I try to lead the conversation back to the subject of the

investment. Does that make me a criminal? Am I supposed to leave that room right away and go to the FBI and report the sheik for saying that he would like to contribute something to my campaign? Have I now committed a crime? I do not believe so. And yet what is it that Senator Williams is supposed to have done?

After nearly a year of pursuing Senator Williams, the prosecutors were convinced that a successful prosecution was not at that point possible. Therefore, they felt it was necessary to contact him again to attempt to coerce him to commit a crime. . . .

[A]s the record shows, it failed miserably. Senator Williams rejected the bribe firmly. "No, no, no, no," four times. . . . So what crimes did Pete Williams commit, if he did commit any crime at all? He was trapped in this nightmare because he wanted to help his constituents. And what is the nature of our business here? To help our constituents. Each of us intercedes to encourage the economic interests of our constituents. That is part of our job. And we would not be re-elected unless we were able to provide such assistance. . . .

Outside, those listening might conclude that what is on trial is the Abscam investigation and not Harrison Arlington Williams, Jr. In some sense, I believe that is so, and that it is properly so.

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