

# Victory won vs. DOJ on McDade-Murtha

by Suzanne Rose

In a tremendous victory over Department of Justice (DOJ) tyranny, Congress included a section of the historic McDade-Murtha "Citizens Protection Act" in the final Omnibus Spending bill (HR 4328), which passed both Houses of Congress the week of Oct. 19. Section 801 of the Omnibus bill is Section 101 of the McDade-Murtha bill. It states that Federal prosecutors and independent counsels will be subject to state-enforced ethical standards, overturning the practice of the DOJ permanent bureaucracy to hold itself above the law.

Passage of this amendment was hailed by the National Association of Criminal Defense lawyers, in a release issued on Oct. 21. The association praised Congress for overturning the 1989 memorandum by then-Attorney General Richard Thornburgh memorandum, which stated that DOJ employees were not subject to state ethical standards with respect to contacting persons for interrogation without their lawyers. Other, subsequent DOJ policy memorandums have made the same point, vis-à-vis the right of states to enforce ethical standards and discipline DOJ prosecutors. Attorney General Janet Reno proclaimed the department's opposition to this and other sections of the McDade-Murtha bill when it was pending before the House. It has recently become the practice for the DOJ to sue states which have tried to enforce ethical standards on Federal prosecutors through the state supreme courts.

The McDade-Murtha bill was introduced in March 1998 in response to the growing Gestapo-like activities of DOJ prosecutors. Both Reps. Joseph McDade (R-Pa.) and John Murtha (D-Pa.) had been targets of DOJ political prosecutions, designed to weaken the power of Congress.

McDade-Murtha included three sections: the one which has finally passed into law; one which enumerated particular egregious offenses, including indicting people without probable cause, failure to turn over evidence of innocence to the defense, lying in court, and so on, which the Attorney General would be mandated to investigate and punish; and an outside "misconduct review board," to which defendants could appeal prosecutorial abuse during trial.

After intense negotiations between representatives of the House, which passed the full McDade-Murtha bill, and the Senate, where such a bill had not been introduced, and where pressure from the DOJ was especially heavy on members of the Judiciary Committee, a compromise was reached where subjection of DOJ prosecutors to state ethical standards, but not the other two provisions, were included in the final legisla-

tion. Sources involved in the negotiations described the bill as extremely controversial, and said that there was a big fight to keep even the section on state ethical standards in.

It is known that the DOJ went all-out to stop this legislation, to the point of contacting individual members directly, and using its channels on the Judiciary Committees to campaign against it. There was a nationwide media blackout of the fact that such legislation challenging the DOJ abuses of power was even before Congress.

Importantly, the final legislation does include, under the category of prosecutors who will be subject to this law, the independent counsel and his employees. When the original McDade-Murtha bill passed the House by a vote of 365-72, an amendment was successfully introduced on the floor with bipartisan support, which subjects the Office of Independent Counsel to the McDade-Murtha provisions. Many of the speeches endorsing the bill referred to Kenneth Starr's abuse of power as exemplary of the reason legislation was needed to curb the power of Federal prosecutors.

## State rules of conduct will apply

The amendment states that Chapter 31 of Title 28 of the United States Code, which governs the administration of the courts, is amended by adding, "Ethical standards for attorneys for the Government." It says that an attorney for the government shall be subject to state laws and rules governing attorneys in each state where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that state. This means that state courts and state bars can enforce state ethical standards and local Federal court rules against Federal prosecutors and independent counsels. The U.S. Attorney General is mandated to make and amend rules of the DOJ to assure compliance with this section. The effective date of enforcement will be six months from the date of enactment of the legislation.

A mobilization for the enactment of McDade-Murtha bill was led by associates of Lyndon LaRouche, whose supporters in every state intervened at public meetings of Congressmen, wrote opinion columns, and visited, wrote letters, and phoned Congressional offices directly, demanding its passage. At the point that McDade attached the legislation to the Commerce Justice and State Appropriations bill for 1999, in which form it passed the House on Aug. 5, it had 200 co-sponsors. Supporters of LaRouche also demanded hearings on the legislation, which would smoke out the political agenda of the core group of permanent bureaucrats who run the DOJ. Such hearings to expose the politically motivated prosecutions of Lyndon LaRouche, black elected officials who have been systematically targeted, and others, were deemed necessary to exonerate the innocent, and to demonstrate the political motivations behind the abuses characteristic of DOJ prosecutions. A full airing of the LaRouche case would spotlight the fact that leading DOJ permanent bureaucrats operate as towel boys for the New York and London financial oligarchy.