

# DOJ, FBI caught in more misconduct

by Edward Spannaus

In addition to the almost-daily new disclosures around the Waco case, Department of Justice (DOJ) officials have been caught in gross misconduct in two other cases recently, which have received far less attention than Waco. One case involves the 1983 conviction of former CIA officer and arms dealer Edwin Wilson; the other involves an ongoing Freedom of Information case pertaining to the scandal-ridden FBI Crime Laboratory.

In the Wilson case, it has now been shown that Federal prosecutors, including the very dirty Justice Department career prosecutor Ted Greenberg, knowingly submitted a false CIA affidavit in Wilson's 1983 trial—an affidavit which played a crucial role in the jury's decision to convict him. And then, after the trial, Department of Justice officials refused to disclose documents to the court or to defense attorneys, which would have shown that the affidavit was false.

Wilson has now filed a motion to overturn his conviction, on the basis that perjured testimony was used to obtain his conviction. An article in the Oct. 4 issue of *The Nation* provides the background to Wilson's recent court motion.

## False CIA affidavit

Wilson was a direct CIA employee from 1955 to 1971, and then he "resigned" from the CIA and joined the spooky Naval Intelligence unit Task Force 157. In the mid-1970s, Wilson and his partner Frank Terpil were involved in providing arms, explosives, and training to the Libyan government.

When Wilson was tried on the explosives charges in 1983, prosecutor Greenberg filed an affidavit by a top CIA official, Charles Briggs, which stated that Wilson had not been asked or requested to provide any services for the CIA after 1971. Even as the affidavit was being filed, CIA General Counsel (and now Federal Judge) Stanley Sporkin asked Greenberg not to use the Briggs affidavit, but Greenberg went ahead and filed it anyway.

The affidavit was filed in the trial the day before the jury reached its guilty verdict. While deliberating, the jury asked that the affidavit be read to them, and although some believed that the CIA might have had something to do with Wilson's activities, Briggs's testimony convinced them that the CIA was not involved. Specifically, the one "holdout" juror was swayed by Briggs's statement.

Documents later obtained by Wilson under the Freedom of Information Act (FOIA), and through court discovery, show that Department of Justice officials Mark Richard and D. Lowell Jensen also knew that the affidavit was false, with Richard supposedly arguing that the DOJ had a duty to inform the court and/or defense attorneys of the falsity of the affidavit—but this was never done. All that was done was that the government filed a classified brief in Wilson's later appeal, which stated that the Briggs affidavit had omitted a few contacts, but that it was nevertheless sound—thus compounding the Justice Department's misrepresentation to the court.

Two months after Wilson's conviction, an internal CIA memorandum documented some 80 contacts between the CIA and Wilson after 1971; according to Wilson's lawyer, 36 of these were substantial enough to contradict the Briggs affidavit!

In late September, Federal prison officials raided Wilson's prison cell at the new high-security prison at Allenwood, Pennsylvania, and seized his copies of his own court filing and other documents, including documents obtained under the FOIA.

Not coincidentally, the four Federal officials implicated in the false filing and then withholding information about it—Mark Richard, Ted Greenberg, Lowell Jensen, and Stanley Sporkin—were all also personally involved in the Lyndon LaRouche case in the middle and late 1980s.

## The FBI lab case

In the case involving the FBI crime laboratory, a Federal judge issued a ruling on Oct. 1, finding that the Justice Department and the FBI engaged in "misconduct and bad faith" in an attempt to cover up for improprieties committed by the FBI. The plaintiffs in the case are the National Association of Criminal Defense Lawyers (NACDL) and former FBI lab scientist and "whistleblower" Frederic Whitehurst.

In her ruling, Federal Judge Gladys Kessler said that she had supervised the release of the DOJ Inspector General's Final Report on misconduct at the FBI laboratory, which found that several lab examiners had provided scientifically flawed or inaccurate testimony, that there were serious deficiencies in the qualifications of several FBI examiners, and that there is a possibility of criminal prosecutions being tainted by the lab's deficiencies and inaccuracies. She said that these factors must be taken into account in considering an FOIA case, adding: "This is especially so at a time when the credibility of the FBI is being called into question more serious[ly] than [at] any other time in its history."

Judge Kessler said that the government had made "serious, repeated misrepresentations" in its arguments in the FOIA case "that are deeply disturbing."

Whitehurst's lawyer put it more bluntly, saying that that "the FBI's OPR [Office of Professional Responsibility] has been caught red-handed covering up misconduct."