

# DOJ's 'Operation Fruehmenschen' apparatus continues its reign of terror

by Harley Schlanger

"We are in a war, and whether or not we win this war will determine if the United States will continue to be seen as a beacon of hope in the battle for economic justice worldwide." With these words, Harley Schlanger of the Schiller Institute opened a forum to lay bare the 35-year-long political enforcement operations of the Justice Department's permanent bureaucracy. The forum, held at the University of Houston on March 5, brought together a panel of veteran civil rights leaders. Sponsored by the Black Student Union, the audience of students, law professors, and community activists was challenged to act to clean out the networks of the permanent bureaucracy of the U.S. Department of Justice (DOJ) which have conducted an illegal reign of terror.

The speakers included two former elected officials with personal experience battling this DOJ hit team: former U.S. Rep. Mervyn Dymally, who also served as California's lieutenant governor; and former South Carolina State Sen. Theo Mitchell. Both were targets of Justice Department hit teams, a bitter experience which convinced Dymally, chairman of the Congressional Black Caucus, to retire after six terms. Senator Mitchell, who was campaigning for lieutenant governor, received a short prison term and was removed from office. Also on the panel was Minister Robert Muhammad, the southwestern leader of the Nation of Islam.

The impetus for the forum was the "sting" run by the FBI against black and Hispanic members of the Houston City Council. The elaborate operation involved the creation of a dummy firm, the "Cayman Group," run by two Hispanic agents posing as wealthy investors interested in bidding on a city-subsidized downtown hotel project. Their clumsy efforts to entrap lobbyist Betti Maldonado, and to intimidate her into working with the sting, blew up in their faces when she sought an attorney and went public in May 1996. The method they employed in the effort to "turn" her was similar to that used by FBI agents and Justice officials working with special prosecutor Kenneth Starr against Monica Lewinsky, i.e., holding her against her will, while threatening her with a long prison term if she refused to cooperate.

After Maldonado rejected their "offer," the Justice Department spent more than a year, until July 30, 1997, to bring indictments against Councilman Michael Yarbrough and former Councilman John Peavy, Jr., who are African-American; Councilman John Castillo, former Councilman Ben Reyes, and Maldonado, who are Hispanic; and lobbyist Ross Allyn.

Motions by their attorneys to dismiss the charges on grounds of "selective prosecution and targetting by the government" were denied, as was a motion to subpoena the former U.S. Attorney in Houston, Gaynelle Griffin Jones, who had recused herself from pursuing the case. Defense attorneys believe that Griffin Jones, who is African-American, and who subsequently resigned from her post, can shed light on the illegal nature of the sting.

When Jones declined to prosecute the case, local FBI head Mike Wilson appealed to the Justice Department's Washington headquarters to intervene. They sent veteran prosecutor Mike Attanasio to take over the case. Attanasio had been chief prosecutor in the years-long effort against Washington, D.C. Mayor Marion Barry.

The trial in Houston opened on March 9.

## The 'permanent bureaucracy' hit squad

The Houston sting is not the only one presently being run by the DOJ, Schlanger made clear in his remarks. He identified several recent cases involving Justice Department targetting of African-American elected officials, including the recent indictment of Arkansas State Rep. Ben McGee (as well as his son), the expulsion of Maryland State Sen. Larry Young on "ethics charges" on Jan. 16, and Justice Department prosecutions in Cleveland and Dallas.

There is a continuity in these actions, Schlanger demonstrated, which goes back more than 35 years, to "Operation Fruehmenschen," which was run by FBI Director J. Edgar Hoover. The racist premise (*Fruehmenschen*, or "early man," implies that the operation's targets are not quite human) is that African-Americans are inherently incapable of acting as government officials, and are inclined toward corruption. The dirty operations of the FBI against Martin Luther King, Jr., are well-documented. But the FBI did not stop after King's assassination. Schlanger showed how the Justice Department machine behind "Fruehmenschen," which has framed up and jailed hundreds of black elected officials, is the same one which ran the railroad against Lyndon LaRouche, and is today directing the assault on President Clinton, through such individuals as Hickman "Hitman" Ewing, a top operative under Starr. Ewing was responsible for a ten-year vendetta against former U.S. Rep. Harold Ford of Tennessee.

Using a chart of the DOJ Criminal Division, Schlanger identified key operatives in the permanent bureaucracy, such

as Assistant Attorney General John C. Keeney (who began his Justice Department career in the early 1950s) and his deputy Mark Richard. This is the gang of thugs, said Schlanger, deployed to crush those who wish to continue Dr. King's battle for economic justice.

Schlanger pointed out that the recent cases, including those in Houston, have an additional "political" twist to them, which is the attack on Hispanic Democrats. This includes the indictment against former Housing Secretary Henry Cisneros, the popular former mayor of San Antonio. This is part of a concerted effort, by George Bush's political machine, to drive Hispanics away from the Democratic Party, clearing the way for a big vote for his son, Texas Gov. George W. Bush, to propel him toward a Presidential race in 2000.

The second speaker was Mervyn Dymally, who addressed the effect of such targeting on the political process. Minority elected officials feel a special responsibility, he said, for helping small businesses, and creating jobs in urban areas. By running stings based on the promise of job creation, the DOJ has intimidated elected officials from acting to aid their constituents, out of fear that the person offering to create jobs in their district may be an FBI agent!

He reviewed his effort to bring forward evidence of this coordinated effort against black elected officials. In 1976, he worked with Mary Sawyer, who travelled throughout the South to compile evidence of a pattern of harassment. When they presented the evidence at a Washington, D.C. press conference, a black reporter from the *Washington Post*, the same paper heavily involved in the attacks against President Clinton today, intervened in an attempt to discredit their findings.

In 1988, as chairman of the Congressional Black Caucus, Dymally again brought Dr. Sawyer forward, with a study documenting the pattern of judicial assault against black elected officials. The report included an affidavit from a former FBI agent, which confirmed the existence of "Operation Fruehmenschen." Despite this evidence, and his efforts to expose this practice, no one picked it up, until the Schiller Institute, which organized hearings in August 1995. "I want to praise them," he said, "for having the courage for carrying this issue." He concluded his report by describing FBI tactics against him, and the tactics employed by Newt Gingrich, et al. to drive House Speaker Jim Wright into retirement. "I left Congress then," he added, "because I saw no one willing to take up the fight. And now they are using the same tactics against President Clinton."

### **From Andrew Johnson to J. Edgar Hoover**

Minister Robert Muhammad elaborated further, beginning with the role of Hoover and the permanent bureaucracy. After quoting from a 1919 letter from Hoover, which demonstrated his racist targeting of Marcus Garvey (Hoover wrote that it was "unfortunate" that Garvey had committed no crime!), Muhammad blasted the apparatus set up by Hoover and others as a "fourth branch" of government, made up of "career bureaucrats who have taken the mantle away from the



*Former U.S. Rep. Mervyn Dymally (D-Calif.) told a Houston forum about his 20-year effort to stop the judicial attack against black elected officials.*

electorate and put it upon themselves." He pointed to the connection between "Fruehmenschen" and the prosecutorial abuses aimed at toppling President Clinton, the case of retired auto worker John Demjanjuk (whose citizenship was just restored, nearly 20 years after the DOJ framed him up as a "Nazi war criminal"), and an ongoing investigation of the Nation of Islam's Minister Louis Farrakhan.

What holds people back from confronting this unconstitutional network, Muhammad said, is the change since the 1960s to the "Me Generation," with the cultural shift away from acting for the good of the community and the nation, to wanting to "feel good." This cultural change "took our minds off the struggle for justice and put us into the party mood"; but, he declared, the party is over: "We are at war, a war of survival."

The final presentation, by Theo Mitchell, broadened the scope in order for the audience to better understand this corruption. He quoted from President Andrew Johnson's 1866 speech to justify his veto of the Reconstruction bill (which was overridden by the Congress), in which Johnson questioned whether newly freed slaves had the intellectual capacity to participate in the election process and government. This is the same mentality, said Mitchell, which one finds in the DOJ today.

One will discover that "J. Edgar Hoover is alive and well," he said, by a review of the actions of the DOJ in its effort to tear down the entire Black Caucus in South Carolina. Mitchell described how members were charged with accepting bribes, in the form of campaign contributions, to vote for pari-mutuel betting, even though they had supported the bill for years. Following numerous plea bargains, extorted under pressure, and convictions, which destroyed the careers and lives of

many members, Federal Judge Falcon Hawkins eventually reversed the convictions, declaring there were numerous cases of “prosecutorial abuse” by FBI and DOJ officials. “And yet,” he said, “this outrageous, unlawful practice continues to create more victims.”

For this reason, Mitchell announced that he has sent a letter to Kweisi Mfume, Director of the National Association for the Advancement of Colored People, demanding that the NAACP act immediately to halt these operations and punish their perpetrators (see next article). “I told Kweisi that the next century is the economic century, and those left out will never recover,” he said. “What about the next generation? Are we going to allow the powerful to continue to prey upon the weak? We’re going to have to roll up our sleeves and, if we have to, tear the tentacles off this octopus, one by one.”

## Mitchell issues challenge to NAACP

*An open letter, sent to National Association for the Advancement of Colored People (NAACP) president and CEO Kweisi Mfume by former South Carolina State Senator Theo Mitchell, is reprinted below.*

*Mitchell served two decades in the South Carolina Legislature, first in the House, and later in the Senate. In 1990, he was the Democratic nominee for Governor of South Carolina, when an FBI sting operation known as “Operation Lost Trust” brought down virtually the entirety of the South Carolina Legislative Black Caucus. Although Senator Mitchell was not caught in the Operation Lost Trust net, the negative publicity surrounding the case weighed heavily on his campaign, and he was defeated by the Republican candidate. (Last year, convictions won in that FBI sting were all overturned, due to what was identified as a long and consistent pattern of prosecutorial misconduct that reached all the way to Washington, D.C. and the Justice Department headquarters.)*

*In 1994, while serving in the South Carolina State Senate, Mitchell was engaged in what a very promising bid for the office of Lieutenant Governor. In the middle of that campaign, he once again came under heavy attack by the Justice Department, this time in relation to an incident that had occurred six years earlier. When the DOJ threatened to charge Mitchell’s staff with money-laundering and conspiracy to commit money-laundering, he agreed to plead guilty to misdemeanors, in order to protect them.*

*It was understood that Senator Mitchell would serve no time in jail, and would be permitted to retain his seat in the State Senate, where he was the only African-American to chair a standing committee—Corrections and Penology, from which position he defeated single-handed some of the meanest legislation pertaining to the state’s sentencing and*

*corrections laws. However, he was sentenced to 88 days in Federal prison, and on Jan. 17, 1995, when he was within 10 days of completing that sentence, he was ejected from the State Senate, without ever having had the opportunity to defend himself.*

*Mitchell was an outspoken national critic of the FBI/Justice Department “Operation Fruehmenschen” long before he became one of its victims, and continues to work to expose this hideous injustice. Today, he maintains a law practice in Greenville, S.C., and serves on the national board of the Schiller Institute.*

Friday, February 13, 1998

Dear Mr. Mfume:

As a life member of the NAACP, along with my wife Greta, I write you to remind you that as the preeminent Civil Rights organization, you are called upon to pay attention to the all-too-long exercise of the Fascist Doctrine of “Operation Fruehmenschen,” the primitive, prehistoric, or early man doctrine . . . specifying that people of color are unfit intellectually and incapable to lead from high places.

You may recall that on Jan. 2, 1988, the Honorable Mervyn Dymally addressed the U.S. House of Representatives on this matter. He placed before the House a document which challenges the very basic tenets of Constitutional rights and abrogation of duty! As the then chairman of the Congressional Black Caucus, he transmitted this document to the chairmen of the House and Senate Judiciary Committees when he gave them the affidavit of the former FBI agent, Hirsch Friedman. This affidavit alleges an established official policy of that body to initiate investigations of black elected officials without probable cause.

While the matter drew some attention, nothing was ever done, or did I miss it? From that day to this, there has been silence on this conspiracy of Richard Nixon and J. Edgar Hoover in the policy of using the U.S. Justice Department, FBI, and the IRS to destroy black elected and high appointed officials. The silence is deafening as the latest victims, Alexis Herman, Larry Young (Maryland), and Ben McGee (Arkansas) are being systematically destroyed.

Why didn’t the Congressional Black Caucus follow up upon Dymally’s fact paper? Were you not a member then? You now have the opportunity to expose this destructive octopus, with others, who feel it must be *now*, and the matter placed high on the NAACP agenda.

While abuse of office must always be of interest to us, are we as black people more prone to abuse the public trust, or is there a deliberate, designed, nefarious, and vile conspiracy to keep us in *our* place? I submit it is all the aforementioned.

For example, by illustration and not limitation, look at . . . the U.S. Congress: Adam Clayton Powell (N.Y.); Edward Brooks (Mass.); Carol Moseley-Braun (Ill.); Floyd Flake (N.Y.); Parren Mitchell (Md.); Harold Ford (Tenn.); Gus Savage (Ill.); Walter Fauntroy (D.C.); William Gray (Penna.); Ralph Metcalf (Ill.); John Conyers (Mich.); Ronald Dellums