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“Democracy
dies in
broad daylight”

Department of Double Standards

Corporations get wrist slaps, the rest of us get handcuffs

No justice for
Boeing victims

By Russell Mokhiber

They call it the Department of Justice. But a more accurate name would be the Department of Double Standards of Justice.

Major corporations – legal persons – get wrist slapped.

Actual people – living, breathing human beings – get handcuffed.

Let's take two recent cases that are illustrative – Boeing and members of the African People's Socialist Party.

Boeing committed what a federal judge called “the deadliest corporate crime in U.S. history” – leading to the deaths of 346 innocents in two crashes of Boeing's 737 MAX airplane. And Boeing gets a deferred prosecution agreement. The name of the agreement tells you what you need to know – Boeing is charged with a crime, but the prosecution is deferred for three years. And if Boeing can show that it put its house

in order and abided by the terms of the agreement, then the charges are dropped.

Earlier this year, the Department of Justice made the determination that Boeing violated the terms of the deferred prosecution agreement.

And what did the Department do?

It offered Boeing a plea deal to a lesser included offense, a minimal fine – effectively deferred prosecution 2.0.

No prosecution of the company or of the higher level executives for the reckless crime that led to the deaths of the 346 people on those two planes.

That's the wrist slap.

Now lets look at the case of the African People's Socialist Party.

The African People's Socialist Party was one of the few groups in the United States that blamed the United States for provoking the Russian invasion in Ukraine.

The U.S. position is that the Russian invasion was unprovoked.

According to Leonard Goodman, a lawyer representing one

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Hundreds of Jewish activists were arrested in Congress after calling for Arms Embargo on Israel, July 23, 2024
Photo: Jewish Voice for Peace

In Congress, 52 standing ovations for Netanyahu

Tlaib: War criminal
guilty of genocide

By Linda Pentz Gunter

Rashida Tlaib knows what it's like to sit in a crowded room unseen, all but invisible, her identity and culture erased.

On July 24th she changed all that. As the lone Palestinian-American member of Congress, Representative Tlaib of Michigan was also the only

elected official who chose to make a visible protest against the disgraceful spectacle she was witnessing that day: Israeli prime minister, Benjamin Netanyahu, speaking inside the U.S. Capitol to a roaring, applauding audience of Republicans and many of her fellow Democrats.

These are the times we live in now, when an ebullient crowd of elected officials can stand to cheer and applaud 52 times, according to *Haaretz*, during an hour-long speech delivered

by a war criminal and purveyor of genocide.

That's almost one standing ovation per minute.

If any day in U.S. history should be remembered as “a date which will live in infamy” it is July 24, 2024. Addressing both houses of Congress is considered one of the highest honors the U.S. government can bestow on an international leader. They gave it to a mass murderer, and for a record fourth time.

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Exposing the Gaza death undercount

By Ralph Nader

One way that the annihilator – Israeli Prime Minister Benjamin Netanyahu – flipped off the meek urgings of President Joe Biden and Secretary of State Anthony Blinken to “minimize civilian casualties” in Gaza was to say – Don't lecture me – look at what you did to civilians in Hiroshima (140,000 dead), Nagasaki

40,000? It's more like 300,000 – Treachery on both sides

(70,000 dead) and Dresden (25,000 dead) to crush your enemies. That's 235,000 dead in two nations with a population at the time of 150 million.

In Gaza, a tiny enclave of 2.3 million long besieged and impoverished people, nearly half of them children, the Israeli regime, a military nuclear su-

perpower, backed unconditionally by the United States government and its demanding lobbies, has far exceeded that three city devastation.

The following probative evidence and professional assessments point to a death toll of over 300,000 Palestinians in Gaza with that number at least

doubling by end of the year.

Why then is the reviled Hamas' official death count now at about 41,000, accepted by the mass media and most governments, regardless of their view for or against the genocide in Gaza?

Hamas is vested in an undercount to temper accusations by their own people that it has not protected them. (Hamas badly underestimated the total sav-

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Department of Double Standards

Boeing CEO gets bonus, Omali Yeshitela gets arrested

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of the defendants in the case, the African People's Socialist Party has long opposed U.S. interference in Ukraine.

In 2014, the group publicly denounced U.S. involvement in the Maidan coup in which the CIA helped overthrow Ukraine's Russia-friendly president, Viktor Yanukovich, and replace him with a "U.S./EU puppet regime."

The group blamed the United States and NATO for creating the crisis in Ukraine by expanding "800 miles toward the border of Russia," by helping overthrow Ukraine's elected president and by arming Ukraine.

On July 29, 2022, FBI SWAT teams raided the homes of the party leaders, including its 82-year-old founder Omali Yeshitela, and the group's offices in St. Petersburg and St. Louis. They handcuffed Yeshitela and his wife and led them away.

Then in April 2023, the government formally charged three party activists – Yeshitela, Penny Hess and Jesse Nevelunder – with an obscure federal statute that makes it a federal crime to act as an agent of a foreign government without registering with the attorney general.

If convicted, the three defendants face up to 15 years in federal prison.

Goodman says that "to jus-

tify this charge, the indictment notes that the party received a small amount of financial support – about \$7,000 – in 2016 from a person whom the government alleges has ties to the Russian government."

"Many activist groups receive financial support from foreign nationals or even directly from foreign governments," Goodman wrote in the *Chicago Tribune* earlier this year. "This is perfectly legal, according to the U.S. Department of State website. For example, prominent Washington think tanks regularly receive tens of millions of dollars from foreign governments while pushing policies that reflect the priorities of their donors. None of the leaders of these groups are ever prosecuted as foreign agents."

"Many Americans will disagree with the party defendants' view that the U.S. provoked Russia into invading Ukraine. But agree or disagree, we must support their right to speak out and to dissent. The right to criticize our government is the most fundamental value protected by the First Amendment. If we lose that right, our democracy cannot survive."

"I've never seen anything like this," Goodman told the *Ralph Nader Radio Hour* earlier this year. "The African Peoples Socialist Party have no friends in the Democratic Party or the



Omali Yeshitela, African People's Socialist Party

Republican Party. They're major critics of both foreign policies no matter who the president is."

"In July of 2022, the leaders of the African People's Socialist Party had their homes raided by FBI SWAT teams, armed SWAT teams with drones, flash grenades. Their offices were raided. Their files were confiscated by the federal government. And they've been prosecuted under a rarely used statute."

"And there is no dispute in this case that the African People's Socialist Party is not a national security threat. No one says that they are. They're non violent. They don't preach the overthrow or the violent overthrow of the U.S. government. They push for change through political speech and advocacy and through the power of their words."

"And they also do other com-

munity work, which is quite important in St. Louis and in St. Petersburg, Florida. They have farmers' markets. They have a doula program. They have recreational programs for young people. They revitalize neighborhoods. They do a lot of important work. They've been around since 1972."

"We have filed a motion to dismiss based on the First Amendment. And I think one of the most important cases that we rely on is a case called *De Jonge v. Oregon*. And in that case, Americans who were being prosecuted for organizing public political meetings on behalf of the Communist Party. This was 1937 and the leader was convicted under a state statute. And the Supreme Court reversed and said – you cannot prosecute somebody based on their relationship to someone else. You have to look at the content of the speech, the content of the utterances. And if the utterances are protected by the First Amendment, then the speech is protected. So that appears to be a dispositive case."

"Our motion to dismiss is pending. It's been pending for about nine months. The district judge has taken it under

"There is no dispute in this case that the African People's Socialist Party are not a national security threat. No one says that they are. They're non violent. They don't preach the overthrow or the violent overthrow of the U.S. government"

advisement. It's fully briefed, so we'll see what happens."

"But in the meantime, we have a trial date of September 3, 2024. So we're preparing for trial, but also hoping that the judge will do the right thing. We seem to have a very, very good judge, and I believe that he's going to take a very hard look at this case."

Goodman says that if his clients "were out there advocating on behalf of the state of Israel, on behalf of Ukraine in support of additional funding for the war, there would be no problem."

"A content-neutral statute would be like no loud, amplified speech-making after ten o'clock in a residential neighborhood – something where a statute or prosecution has absolutely no concern with the content of the speech. It's laughable to say that this is a content-neutral prosecution."

"First of all, it says right in the indictment itself that they're being prosecuted for spreading Russian propaganda and disinformation. In the briefing of this motion, the government has conceded that the disinformation, in fact, does not involve any information that's not truthful," Goodman said. "The government has conceded that what Omali was saying about the war in Ukraine and the provocations is truthful information, but because it aligns with Russia, they are planning to label that disinformation on behalf of compromised

Russia. In fact, they're going to call an expert at trial to try to explain to the jury that this is a Russia disinformation, even though it may be truthful information."

"The other thing that makes it hard to believe that this could

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Families of victims of Ethiopian Airlines flight 302, a Boeing 737 Max 8 that crashed in 2019, and family of John Mitch Barnett, a whistleblower who committed suicide, display photos of their loved ones as Boeing CEO Dave Calhoun testifies before a subcommittee of the Senate Energy and National Resources Committee on the company's safety culture, Washington, DC, June 18, 2024. In April 2024, Boeing rewarded Calhoun with a multi-million dollar stock bonus

Photo:Allison Bailey/NurPhoto via AP

Boeing prosecutor joins Boeing defense firm

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be a content-neutral prosecution is the timing of it,” Goodman told the *Nader Radio Hour*. “The fact that they supposedly became Russian agents in 2015 when the chairman participated in an anti-globalization conference in Moscow. And yet they weren’t investigated by the FBI and offices weren’t raided until after they started speaking out against U.S. interference in Ukraine, after February of 2022 when the United States was looking to fuel that war with hundreds of billions of dollars of taxpayer dollars going to weapons contractors.”

Well oiled revolving door

Boeing’s criminal negligence led to the deaths of 346 innocents.

What does Boeing get? Deferred prosecution and a fine.

The African People’s Socialist Party publicly pronounces its view that the United States and NATO provoked the Russian invasion of Ukraine.

What do the party’s members get? Handcuffs and a possible 15 year prison term.

One of the foundational reasons for the double standard of justice is the cozy relationship between prosecutors and the corporate criminal defense bar.

In fact, there is a very well oiled revolving door, sending prosecutors to defense firms and back again to the Justice Department.

You will probably never see a lawyer representing the African People’s Socialist Party jump ship and go to work for the Justice Department or a Justice Department prosecutor quit and go to work for the party.

But it happens all the time in the corporate crime bar.

The Boeing criminal case was brought in 2021 by the then U.S. Attorney in the northern district of Texas — Erin Nealy Cox.

And Cox negotiated the slap on the wrist deferred prosecution agreement with Boeing’s lawyers at the corporate criminal defense firm Kirkland & Ellis. After cutting the deal with Boeing, Cox turns around and joins Kirkland & Ellis as a partner in its Dallas office.

Kirkland & Ellis partner Mark Filip, who led the Boeing criminal defense team and signed the Boeing deferred prosecution agreement on behalf of the company, welcomed Cox to the firm.

And not a mention of Cox to

Kirkland & Ellis in the mainstream corporate press.

Then in late June, *The Lever* reported a story — “Boeing’s Old Friend Inside Biden’s Justice Department” — that the Deputy Attorney General at the Justice Department, the woman arguably now in charge of the criminal prosecution of Boeing, just a couple of years ago was a consultant to Boeing.

According to the report, Lisa Monaco, the deputy attorney general and second in command at the Justice Department, had Boeing as a client during her time at WestExec Advisors, a consulting firm co-founded by Secretary of State Antony Blinken.

And in January 2021 as she was being appointed to her current position, Monaco reported owning between \$1,001 and \$15,000 of Boeing stock, the *Lever* reported.

In response to the report of Monaco’s ties to Boeing, a coalition of public interest groups — the American Economic Liberties Project, Revolving Door Project and Demand Progress Education Fund — called on Monaco to recuse herself.

“Boeing’s repeated violations of its 2021 agreement have had serious consequences and they should be held criminally liable,” said Morgan Harper of the American Economic Liberties Project. “From undocumented repair work to downplaying whistleblower concerns, Boeing’s catastrophic mismanagement has led to a series of dangerous safety incidents and crashes. This is unacceptable for any company, but especially one with a monopoly over a nationally important industry like aerospace manufacturing.”

“A decision of this magnitude must be made without a hint of bias, which is why Deputy Attorney General Lisa Monaco — whose personal and financial ties to the company have been widely reported — must recuse herself from the deliberations so the Department of Justice can best protect the American public.”

That’s the criminal case.

Then there are the civil cases — the victim families are su-



Former Boeing Consultant and Current Deputy Attorney General Lisa Monaco

ing Boeing in federal court in Chicago to recover damages for the loss of their loved ones.

Most of the cases have been settled — for millions of dollars each.

Why is Boeing settling these cases and not insisting on trial?

Because Boeing doesn’t want to make public incriminating documents that would shed light on which top ranking executives knew about the problems with the MAX planes and when they knew it.

Erin Applebaum is a partner at Kreindler & Kreindler in New York.

Her firm represents 34 of the families in the civil cases and in the criminal case before the Justice Department. She has seen those incriminating documents — now under seal. Under seal means there is a protective order — and if anyone violates that protective order, they can go to jail for a long time.

Applebaum says that the reason Boeing is shoveling millions to the victims’ families to settle these cases is because the company never wants those documents made public.

“Every other time we have scheduled trials, the cases settled shortly before trial,” Applebaum told the *Corporate Crime Reporter* in an interview in June. “We are going to try it again in November. The civil cases actually interacted a bit with the deferred prosecution case over the past week. The judge in Chicago granted a motion to allow the protective order to be

lifted in order to give the Justice Department some documents from the civil cases we believe are incriminating against Boeing that show they may have committed a crime besides just the conspiracy to commit fraud.”

“The documents will be given to the Department of Justice. But I very highly doubt that these documents will ever see the light of day unless they are inappropriately leaked.”

Wouldn’t one way to make them public be through a trial?

“Correct,” Applebaum says. Is that the key reason why Boeing wants to avoid a trial — either in the civil case or a criminal case?

“I can’t speak for Boeing, but if I were Boeing’s lawyer, I certainly would not want incriminating documents to be made public,” Applebaum says.

Have you seen these documents?

“Yes,” Applebaum says. “I’m on the plaintiffs executive committee for the civil cases. Many of them are deposition transcripts or documents marked highly confidential or highly sensitive. They are very privileged. I can’t even talk about what is in them.”

Incriminating documents will not be released

Boeing wants to make sure that these incriminating documents don’t come out. What are the chances that there will actually be a trial on the merits in Chicago?

“There won’t be because we have signed the liability stipulation for every family aside from two families. I don’t represent those families. I do know that those two families want to sue the Boeing executives. They have filed an amended complaint to bring in the executives. Boeing has filed a motion to dismiss that complaint. They just filed that motion a couple of days ago.”

In the cases that are scheduled to go to trial in November on damages, are you saying at those trials, these incriminating documents are not relevant?

“They are not,” Applebaum says. “We have signed a liability stipulation where Boeing conceded liability for the crashes. If these cases go to trial, they will be trials on damages. The only issue considered at those trials is — how much is the case worth? There would be experts testifying. None of the incriminating documents will be involved at all.”

On the criminal side, the Justice Department’s Criminal Division — headed by former Boeing consultant Monaco — on June 30 offered Boeing another sweetheart deal.

It’s what’s called a C-plea — where the judge can only give it a thumbs up or a thumbs down. Yes, this time around there would be a three year monitor. But Boeing gets to name three candidates to be the monitor — and the Justice Department chooses one of the three.

Peter Reilly, a professor at the Texas A&M College of Law, has been working with Utah law professor Paul Caspell for the past couple of years representing the families. He was at the June 30 meeting between the families and the Justice Department where the Department laid out its plea deal proposal to Boeing. The meeting did not go well.

“The Department proposed a C deal — where the judge has to give it either a thumbs up or a thumbs down,” Reilly told *Corporate Crime Reporter* in an interview in late June. “Can’t make any changes. Hands tied on sentencing. The Department said they are proposing a monitor in this case. The fami-

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“The documents will be given to the Department of Justice. But I very highly doubt that these documents will ever see the light of day unless they are inappropriately leaked”

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lies called for a monitor.”

Did the Department’s proposal meet your standard?

“The Department made it very clear that they were going to use their usual internal guidance document to run this monitor. That guidance very clearly states that the Department checks with the company and lets the company give three possible names to be the monitor. And the Department selects one of those names. The families think this is horrific. Boeing is the wrongdoer and they get to name their monitor?”

“In this instance, the families feel that to be fair, if Boeing gets to put up three names, the families should be allowed to put up three names.”

“Also, the Department said that the monitor will make public an executive summary of a report once a year. Not the full report – just an executive summary.”

The families asked for an independent monitor and a \$24 billion fine. They also asked for prosecution of the executives and of Boeing itself on more serious charges – including manslaughter. What did Glenn Leon, the head of the Fraud Section, who reports directly to Lisa Monaco, say at the meeting about that?

“Glenn Leon said that they don’t think they can prove manslaughter against Boeing in court.”

In the civil cases against Boeing in Chicago, the Justice Department asked that the protective order be lifted so that they could see these incriminating documents against Boeing.

Did Glenn Leon talk about those documents at all?

“No,” Reilly said. “He keeps saying – we want to see all the evidence. But he never talks about what they reviewed, their assessment of it. He never talks about that. He says – we are going to look at everything carefully and then take a position.”

What did he say about bringing criminal charges against



Erin Nealy Cox, former Boeing prosecutor and current partner, Kirkland & Ellis

higher ranking executives?

“He says – we have looked at this thoughtfully and carefully. He says it’s got to be a federal law and we are not convinced we can make those charges stick. He says – we are going to bring charges that we think we can adequately prove in court.”

“But our position is – the deferred prosecution agreement happened in January 2021,” Reilly said. “And they only had so much information at that time. There has been so much more information that has come out since then.”

“The House of Representatives did an investigation. The Senate did an investigation.

In the moments before he apparently shot himself through the left temple, Barnett sat in the front seat of his orange Dodge Ram truck and scrawled his final thoughts into a notebook

There were independent investigations coming from both countries where the planes crashed. Reporters have been doing investigations. Whistleblowers have been coming out. The Federal Aviation Administration has been investigating, the National Transportation Safety Board did an investigation.”

“With all of this information that has come to light in the last three years, surely there must be enough to charge higher ups. And then there is the information from the civil cases in Chicago,” Reilly says.

“But the Department’s position is – we look at everything that you give to us and we make the determination on whether to charge and we don’t think we can successfully prosecute higher ups in court.”

Reilly says that the families will challenge the new sweetheart plea deal in court.

“The families are strongly opposed to the agreement. They look at this like deferred prosecution agreement 2.0. Their position is – they want a prosecution both of the company and of higher up individuals within the company. Yes, they will strongly oppose this plea deal.”

No major United States corporation is more deserving of a criminal prosecution than Boeing.

And yet, because of the double standards that run deep in the justice system, it’s apparently not going to happen, despite the best efforts of victims’ families and a slew of whistleblowers.

Took his own life

On May 17, 2024, the Charleston County Coroner and the City of Charleston Police Department released reports that concluded that John Barnett, a whistleblower and former Boeing employee known for being a champion of safety in aviation,

took his own life.

The reports note that Barnett had been suffering from PTSD and anxiety and panic attacks. His lawyers say that his mental condition was a result of the retaliation and hostile work environment he was subjected to in response to his complaints that Boeing senior management was pressuring workers to disregard processes and procedures required by law to be followed, allowing defective parts to be installed

on the airplanes, and disregarding and ignoring problems that he believed pose a potential threat to the flying public, his lawyers said.

In the moments before he apparently shot himself through the left temple, Barnett sat in the front seat of his orange Dodge Ram truck and scrawled his final thoughts into a notebook.

The note was released to reporters by the Charleston Police.

“I can’t do this any longer,” Barnett wrote.

“Enough.”

“F*** Boeing.”

“Whistleblower protection is f***ed up too.”

“I pray the motherf***rs that destroyed my life pay.”

“I pray Boeing pays.”

“Bury me face down so that Boeing and their lying ass leaders can kiss my ass.”

“To my family and friends.”

“I found my purpose.”

“I’m at peace.”

“I love you more.”

“Mr. Barnett’s last words make clear that while Boeing may not have pulled the trigger, the company is responsible for his death,” said Barnett’s lawyers Rob Turkewitz and Brian Knowles. “It is hoped that John’s legacy will be his brave and courageous efforts to get Boeing to change its culture of concealment to one that places quality and safety first.” **CHC**

Congress Quiz Answer



Answer: Congresswoman Marjorie Taylor Greene (R-Georgia)

On June 23, 2024, Congresswoman Greene posted this picture on her Twitter page, with the following explanation:

“If you are going to ask me for American tax dollars for foreign wars or purposes, make sure you are registered under FARA (The Foreign Agent Registration Act).

“And expect me to say NO.

“I’m America FIRST all the way.

“Some people think this sign is Congressman Thomas Massie’s sign, but it’s not, it’s mine.

“It’s posted on my office door in the Cannon.”



Boeing whistleblower John Barnett

Photo: BBC