
 Essay

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Norma The Plumber

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Democrat Norma Holloway Johnson, in my view the most partisan and power-abusive judge on the federal bench, is finally being forced to answer questions about her conduct.

To avert favoritism, the chief judge of the D.C. District Court is supposed to assign judges to cases randomly. But when assigning politically sensitive cases involving Webster Hubbell and Charlie Trie, Judge Johnson veered "off the wheel" to direct those cases to Clinton-appointed judges.

When this apparent subversion of the administration of justice drew fire in the press and a formal complaint from Judicial Watch, the Judicial Council of D.C. listened to the chief judge's protestations at any challenge to her integrity and too hastily dismissed the complaint.

Then Representative Howard Coble, chairman of House Judiciary's subcommittee on the courts, sent the Court of Appeals here evidence of four more cases in which Chief Judge Johnson bypassed the system to steer cases embarrassing to Democrats (including that of Clinton-Gore fund-raiser Maria Hsia) to judges notoriously soft on Clintonites. The implicit message: if the Judicial Branch didn't clean up its act internally, the Legislative Branch would step up to its constitutional responsibility.

This evidence was somewhat sternly passed down to Judge Johnson's embarrassed see-no-evil colleagues. They hastily convened a five-judge panel to protect themselves from complicity in what the House subcommittee chairman called an "assignment procedure that was 'unusual, unorthodox and may be improper.'"

The Judicial Council hired an investigator. He is Joe D. Whitley, a lackadaisical former U.S. attorney in Atlanta who recused himself in the 80's Banca Lavoro scandal — a suitably Republican choice, but not the type to rock a boat in D.C.

However, when Whitley asked for the chief judge's records to ascertain a pattern of partisanship in assignments, goes the scuttlebutt, Johnson resisted until so ordered by the Judicial Council. Now genial Joe is duty-bound to take testimony from Johnson's possibly intimidated law clerks about any discussions with them about what to tell the investigator.

Logic suggests we now have one furious chief judge. In the midst of all this, and perhaps temperamentally related to it, the vindictive Norma Holloway Johnson launches and pursues a leak investigation even more bizarre and chilling than in the days of the Nixon "plumbers."

The object of the beleaguered judge's rage is Charles Bakaly, once Ken Starr's spokesman. She went after him for supposedly leaking grand jury information; when the Court of Appeals decided that no grand jury secrecy was involved, the angry judge charged him with lying about a non-crime. (Nice irony there.) She wants to brand him a criminal for swearing he did not pass on "non-public" information in talking with a New York Times reporter.

The huge secret that so incenses our out-of-control jurist was that the independent counsel was considering indicting President Clinton. Some secret: that possibility has been common knowledge for years, and Starr's

Angry pol on the federal bench

successor makes no bones about it in public.

I have not discussed the case with my colleague, but I am one of the thousands of journalists who discuss non-public information with all kinds of sources every day (sometimes calling it scuttlebutt) for the public purpose of making it public. I see Johnson's vendetta as her intemperate way of getting even with the House, the independent counsel and the press.

Consider: she makes an accusation of criminal contempt and asks the Justice Department to prosecute her target in her court. Reno Justice knows her charge is an egregious mixture of petulance and arrogance; sure to be rejected by a jury, but does not exercise its prosecutorial discretion to decline. Why? Because Reno political appointees owe Johnson plenty for steering Clinton cases to Clinton-appointed judges, and Justice's career lawyers are terrified of her wrath.

So Justice and the out-of-control judge, perhaps in collusion, make the criminal charge petty enough to rate only six months in the slammer, which takes away a defendant's right to trial by jury. Result: the accusation is made by Norma the Plumber, the trial is conducted by Norma the Plumber, the verdict is rendered by Norma the Plumber, and the sentence is meted out by Norma the Plumber.

If that is justice in Washington D.C., something is rotten in the state of the Judicial Branch. □