

The Washington Merry-Go-Round

# Prosecutors Get IRS Data on Jurors

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and Les Whitten

For years, federal prosecutors have been prying into prospective jurors' income tax records in order to tip the scales of justice in the government's favor.

The Justice Department's access to the tax records permits them to screen out potentially hostile jurors in criminal tax cases. Thousands of unsuspecting jurors have been screened and the practice may have affected hundreds of cases.

Some Internal Revenue Service officials became so outraged by the unfairness of the practice that they lodged a stiff complaint within the IRS. As a result, the release of tax information to government lawyers has been restricted.

But sources with intimate knowledge of Justice Department procedures say the snooping is still "widespread." Here's how it works:

In tax cases, U.S. attorneys often become close confidants with the IRS agents handling the investigation. The agent, of course, has access to taxpayers' files.

When the pool of potential jurors is chosen, the names are turned over to both prosecutors and defense lawyers. The defense, at best, can only make a cursory check of them.

The Justice Department, however, has an electronic investigator: the nearest terminal of the IRS computer. We have learned that entire jury panels of more than 100 names have been run through the IRS computer for single trial on orders of government attorneys.

BLONDE

When there is time, former prosecutors have confirmed, the U.S. attorney may have an IRS crony pull an actual tax return in for inspection, although there are strong rules against this practice.

If a prospective juror has been recently audited, investigated or otherwise hassled by the IRS, the prosecutor can strike him from the panel without explanation. This, of course, weights the final 12-person panel with jurors who have no reason to be suspicious of government tax procedures.

Because the system gives this sharp advantage to the prosecution in jury selection, the result is an unfair trial and the defendant's rights are severely damaged.

Footnote: A Justice Department spokesman told us that information can be legally obtained from the IRS about prospective jurors. He said some U.S. attorneys do not ask for it at all, some inquire about only a few jurors and some screen entire panels. An IRS spokesman said regulations allow only "yes" or "no" answers to whether jurors have been investigated.

**Panama Pusher** — The diplomat brother of Panama strongman Omar Torrijos has been named in a sealed U.S. indictment as a narcotics conspirator, according to federal agents. But the case has been buried for years.

Now, the House International Narcotics Subcommittee, chaired by Rep. Lester Wolff (D-N.Y.), is investigating whether the State Department engineered the hushup to protect its Panama Canal talks with Torrijos.

Torrijos's brother, Moises, is the luxury-loving Panamanian ambassador to Spain. If he sets foot in the U.S., the agents told us, they have enough information to arrest him on the spot.

His troubles stem from a 1971 U.S. Customs Service case. At that time, customs agents broke up a ring of Latin Americans who smuggled \$100 million worth of heroin into the U.S., some of it in the suitcase of a Panamanian diplomat's son. Buit Moises had already escaped to Spain.

Nevertheless, we were told, the dictator's brother was named in a federal grand jury indictment. But all mention of his name was rapidly sealed, even though a warrant reportedly was issued for his arrest.

In 1972, the case took a bizarre turn when the State Department tried to cover up other evidence of Moises' connections with drugs. A narcotics agent had confided to Rep. John Murphy (D-N.Y.), that Moises was a trafficker.

The State Department forced the agent to sign a letter retracting the statement. But the infuriated Murphy put the agent under oath and had him reaffirm the charge.

Footnote: Both the State and Justice Departments declined official comment, although State Department sources insisted there was no pressure brought to bear in the case.