### ATTORNEY MISCONDUCT INVESTIGATION RESULTS

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Number of Matters Closed</th>
<th>Number of Matters Where Allegations Substantiated</th>
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<tbody>
<tr>
<td>1993</td>
<td>7</td>
<td>243</td>
</tr>
<tr>
<td>1994</td>
<td>22</td>
<td>407</td>
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**Source:** Justice Department

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**Misconduct Cases Rise At Justice Department**

**Reno Pushed to Have Allegations Settled Faster**

By Jim McGee
Washington Post Staff Writer

Last fall one of the country's most respected trial judges delivered a hard blow to the Justice Department. U.S. District Court Judge William Hoeveler accused one of Justice’s veteran prosecutors of “bad faith,” and overturned guilty verdicts in a huge savings and loan fraud case.

After sitting through the three-month trial, the judge said he realized the government had no credible evidence against the defendant. He criticized the conduct of a federal prosecutor and said the prosecutor had withheld crucial exculpatory evidence in order to prevail in a weak case.

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prepare, collapsed after a judge said the evidence failed to support the main charge, prompting the jury to acquit the defendant. The department declined to appeal, the local U.S. attorney said, because of credibility problems with the government witnesses. It is not clear how the case got through the review process at the Criminal Division and was approved by the U.S. attorney in Utah.

Shaheen said Reno insists that OPR look hard at the department managers during its inquiries. "She wants to supervise the whole account," Shaheen said, and have them ask, "How could this have happened, if you were doing your job right?"

Reno also has tried to shore up the internal affairs process in ways that would win the confidence of the federal judiciary without alienating her core constituency of 7,000 federal prosecutors.

She has tried to layer in funding for the internal watchdog units at the Justice Department, which include OPR, the Office of Intelligence Policy and Review and the Office of Inspector General.

In an effort to bring greater openness to the discipline process, Reno implemented a policy that allows public summaries of important OPR cases to be released, but the disclosures are moving at a glacial pace. In fiscal 1994, OPR completed a review of 407 cases involving attorney misconduct—sustaining 22 allegations. Twelve public summaries have been released.

"OPR was asked to expedite the public release of information about high-visibility matters in which the public had the greatest interest and it has responded well," said department spokesman Carl Stern. "In the last three working days it has put out three reports naming names and explaining in detail the conclusions it has reached."

Two of the department's most problematic summaries that have yet to be released include the 1989 case in Chicago when three trial judges overturned convictions against the notorious street gang, the El Rukns. The judges concluded that the prosecutor, Assistant U.S. Attorney William R. Hogan Jr. "withheld" exculpatory evidence and "suborned perjury" from government witnesses.

The other was an international heroin trafficking case in California that went bad after a prisoner from China, Wang Zong Xiao, was brought to the United States by Chinese authorities to testify for the government in a drug case.

During the trial Wang admitted from the witness stand that his testimony was false. Later, U.S. District Court Judge William H. Orrick found that Chinese authorities used cattle prods, repeated beatings and threats of execution to obtain his confession.

Recently the 9th U.S. Circuit Court of Appeals affirmed Orrick's findings. "Members of the prosecution team were aware of human rights abuses occurring in [China] and suspected that Wang might have been tortured when he gave his confession," the court's opinion read. "Nonetheless, the prosecution ignored this evidence, failed to disclose any of it to the defense counsel and arranged for Wang to testify."

Like many of the most serious OPR cases, the Wang case touches upon a larger issue for the department. In an effort to combat foreign drug cartels, ethnic mafias and terrorist groups, Reno is aggressively trying to expand the Justice Department's role overseas. This week she is in Budapest with FBI Director Louis J. Freeh to celebrate the first anniversary of a U.S.-backed police training academy.

But the Wang case also points to the difficulties that can arise when U.S. authorities conduct joint efforts with other countries. Experts testified that Chinese authorities routinely tortured criminal suspects to obtain confessions. Such practices could complicate plans by the FBI and the Drug Enforcement Agency to station agents in Beijing, where they would be working with Chinese authorities on criminal cases.