

5/21/80

JACK ANDERSON

Justice Department Helps Out Judge

The Justice Department has come to the rescue of U.S. District Judge John H. Pratt, who once privately but pointedly assured FBI investigators that he was "very progovernment" in his courtroom.

The Senate Judiciary Committee is quietly investigating the department's handling of serious allegations against Pratt, and it appears that evidence of Pratt's misconduct has been withheld from the committee.

Pratt's is one of the 14 politically sensitive cases being looked into by the committee, spurred by Sen. Orrin Hatch (R-Utah). The Justice Department has refused to let the chief of its Public Integrity Section of the department's criminal division, Thomas H. Henderson Jr., testify, but instead has sent the Senate committee a written response.

If the department's reply to the charges against Pratt is typical, it demonstrates the need for a thorough investigation of the way such cases are handled.

I broke the story of Pratt's misconduct on April 12, 1979. My associate Gary Cohn turned up allegations that Pratt and his secretary had conspired to delete from court records some remarks made by the judge. Moreover, we obtained evidence that Pratt's secretary ordered the court reporter to destroy his stenographic tape of the judge's remarks. A conspiracy to destroy court records is a felony punishable by up to five years in prison and a \$10,000 fine.

The evidence — including a se-

cretly taped conversation between Pratt and his court reporter — show that the judge apparently misled FBI agents who interviewed him about the allegations. Incredibly, a Justice Department official wanted to warn Pratt about the incriminating tape before he was interviewed, but the FBI agents correctly refused.

Most serious of all, the evidence quoted Pratt as reminding the FBI agents that he was "very progovernment and especially pro-FBI."

If this was an empty boast designed to defuse the FBI investigation of Pratt and his secretary, it would be bad enough, constituting a possible obstruction of justice. But if it was indeed true, it means that plaintiffs and defendants appearing against the government during Pratt's dozen years on the bench were not given fair and impartial treatment by the judge.

Yet despite the tampering with court records and the attempt to influence an FBI investigation, the Justice Department told Senate aides: "A Public Integrity Section investigation revealed that Judge Pratt engaged in absolutely no criminal activity."

He "never covered up any impropriety by altering court transcripts," the department's statement said. Yet it acknowledges that the court reporter refused repeated orders from the judge's secretary to "destroy his notes. . . and to cover up the deed."

The Justice Department states flatly that Pratt "never pressured the FBI in any way during the investigation," despite substantial evidence to

the contrary in the department's own files.

Pratt was let off the hook and an even stronger case against his secretary was dropped when she agreed to resign.

B1 Reborn — Like the wondrous Phoenix of Egyptian mythology, the controversial B1 bomber seems about to rise from the ashes, three years after President Carter shot it down in flames. The House Armed Services Committee recently voted \$600 million for research and procurement on a variation of the bomber.

Rockwell International, which still hopes to build the big bird, was asked by the committee to prepare a brochure comparing the various versions of the B1 with the FB111, the plane favored by the Air Force to carry cruise missiles.

An internal Air Force analysis prepared for Rep. Robert Carr (D-Mich.) indicates that Rockwell oversold the B1's capabilities drastically.

"First," the report declares, "the brochure grossly understated the range of the FB111" — by almost 900 nautical miles. The company did this by comparing an FB111 flying a low-level mission with a B1 flying at a higher, fuel-saving altitude, the Air Force report noted.

The report also noted that Rockwell fudged on the delivery dates it promised in the brochure, by three or four months in one case and about a year in another. "There are many other areas that are inaccurate," the report alleges.