



Scales of Justice

See WXP 11 Feb 76,
"Exposure of IRS Inquiry ... "

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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.

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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 a single trial on orders of government attorneys.

When there is time, former prosecutors have confirmed, the U.S. Attorney may have an IRS crony pull an actual return 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.

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BECAUSE the system gives this sharp advantage to the prosecution in jury selection, the end 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 only allow "yes" or "no" answers to whether jurors have been investigated.