It was a dud case from day one

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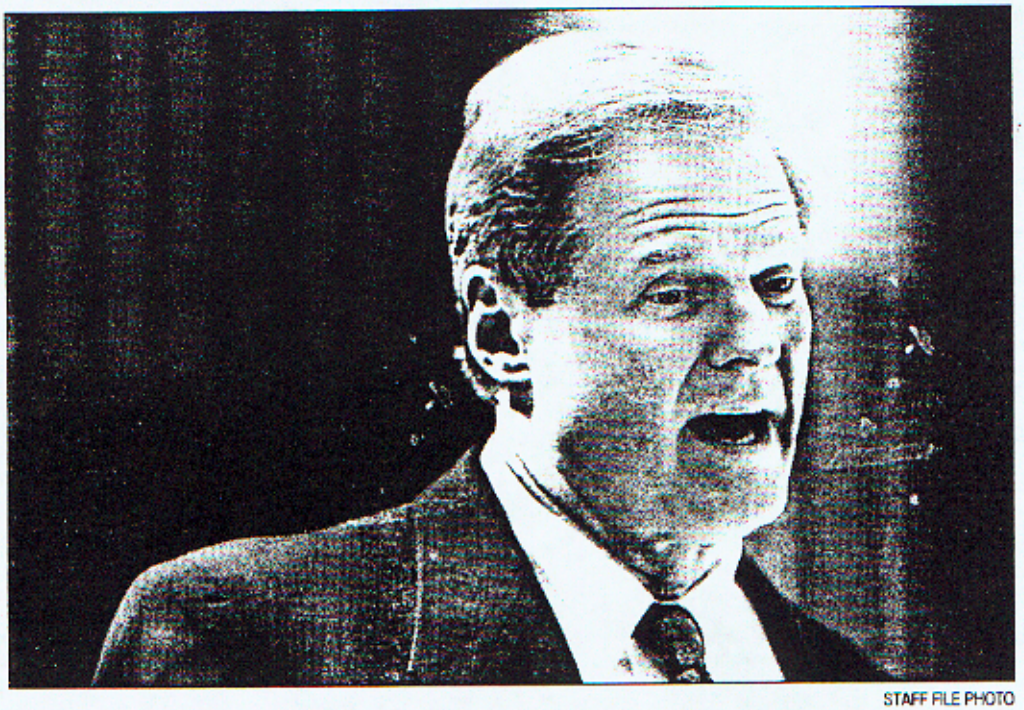

STAFF FILE PHOTO

Insurance Commissioner Jim Brown addresses the media on Oct. 2 in Baton Rouge.

Pity U.S. Attorney Eddie Jordan as he tries to put a brave face on it after that abortion of a trial in Baton Rouge.

He will have a hard job finding anyone to agree with the assertion that his assistants presented a strong case and put "compelling" witnesses on the stand. He says he has no regrets, but taxpayers might, for this was a dud case from day one.

The star fink, ex-state District Judge Foxy Sanders, was so far from being a compelling witness as to be simply repellent. It made everyone's flesh crawl as he recounted his various betrayals of the public trust in an effort to nail his erstwhile friends in return for the lenient sentence promised by the feds.

Evidently, jurors were unwilling to convict anyone on Sanders' say-so and agreed with defense counsel that he was the crook around here. The only mystery is why it took so long to hand out acquittals all round after a dull prosecution team laid out its threadbare case.

The feds did notch up one success, and they should be ashamed for it.

Although the jurors rejected the entire thrust of the government case, they convicted Insurance Commissioner Jim Brown on seven peripheral charges of lying to the FBI.

This presumably means curtains for Brown politically, which hardly seems fair when neither he nor former Gov. Edwin Edwards and Ron Weems were found guilty of the criminal conspiracy alleged by the government.

Brown was the victim of an FBI trick, which may not meet the legal definition of entrapment but will strike any fair-minded layman as dirty pool. When the FBI interviewed Brown it was not, as he would naturally have assumed, to gather information.

Thanks to bugs in Edwards' office and on his home telephone, the feds already knew all the answers, and the only point in questioning Brown was apparently to catch him stretching the truth. With the dual advantage of the secret tapes and the law that says they can lie to us but we can't lie to them, the feds managed to reel their man in.

Since the evidence on the tapes was spectacularly inadequate to support a criminal prosecution in any case, Brown will now ruefully reflect that he could have told the truth with impunity. He had, after all, done nothing wrong.

The feds nevertheless have now convicted the last three insurance commissioners elected in Louisiana, although there has never been any suggestion that Brown, unlike Sherman Bernard and Doug Green, trousered any illegal money.

Notwithstanding Jordan's protestations, his assistants never came close to proving that the defendants conspired with Sanders, "insurance duty judge" in Baton Rouge at the time, to settle the liquidation of the Cascade Insurance Co. on terms that let its owner David Disiere make off with a bunch of moolah and stiff his policyholders and other creditors.

All three defendants on the stand persuasively argued that the settlement they engineered was legitimate, producing a bigger payoff for the state than any other company in liquidation at the time and satisfying all claims.

Jurors must have scratched their heads after the government told them that Edwards "corrupted" Sanders. Wouldn't that be a trick?

According to the government, Edwards offered to get the dogs called off in an unrelated criminal investigation of Sanders in return for his agreeing to do Disiere a favor. Edwards was indeed attorney for both Disiere and Sanders at the time, but the government effortlessly disproved its own case by playing tapes on which Edwards repeatedly tells Sanders that the two cases must be kept separate.

That was not the only time that jurors had cause for bafflement. Prosecutors also gave plea bargains to Disiere and to Robert Bourgeois, who was appointed by Sanders to oversee insurance company liquidations, yet neither was called to the stand.

Asked to explain the tactical thinking behind this, Jordan said that his assistants figured the witnesses they did call had been sufficient to prove their case. If so, Jordan's assistants are easily satisfied, for nobody else who set foot in the courtroom appeared to share that view.

Bourgeois, in fact, even after signing his deal, continued to insist that the Cascade settlement was "excellent" for the state. Why he copped a plea therefore remains something of a mystery, but it is a fair bet that his testimony would have made the government case even weaker, supposing such a thing to be possible.

Now attention turns to the federal appeals court, which is considering whether to overturn Edwards' conviction in the great riverboat license scam on grounds that a juror was dismissed in the middle of deliberations. Jordan is one guy who probably does not relish the prospect of a retrial.

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