

Thursday, March 25, 2004  
Baton Rouge, Louisiana

### **FINAL THOUGHTS ON MARTHA**

Editorial opinion on the outcome of Martha Stewart's trial was pretty much unanimous. In column after column the same conclusion was reached. Don't talk to federal investigators. Here are snippets from what the pundits are saying:

#### **THE WALL STREET JOURNAL**

*We also have doubts about what "message" this conviction really does send about lying. In hindsight we can now see that had Miss Stewart said absolutely nothing at all when investigators came calling, she would not be facing jail time today. Our guess is that the corporate defense lawyers are a more reliable guide about the message of this prosecution, and right now they're pretty much all agreed that the real lesson here is to zip up completely when the FBI starts calling. Hard to see how this is a big victory for transparency.*

#### **NEWSWEEK MAGAZINE**

*The conventional wisdom is that by convicting Stewart of lying and obstructing justice, the government has struck a blow for truth, justice and the American way. It has put the fear of God into people, who will now be forthcoming and forthright. That's the rationale for spending all that time and effort and money prosecuting a cover-up when there wasn't any crime. But the conventional wisdom is wrong. The lesson that any thinking person draws from the Stewart saga is that when the government asks questions, run for your lawyer and don't say a word.*

*Today the government whacks Stewart for daring to defend herself. Tomorrow, my friend, it could be your turn in the barrel.*

#### **NATIONAL REVIEW**

*Prosecutors played on the jury's prejudices to win a case that never should have been brought. Stewart may be the first person to be sent to prison for the terrible offense of being too, too perfect.*

#### **THE CLEVELAND PLAIN DEALER**

*If anything is capable of stirring up a bit of sympathy for Martha Stewart, it ought to be the reason she was convicted and faces jail time.*

*She was convicted of lying to the government, under a law that prohibits lying to any federal agent, even by someone who is not under oath and even by a person who has not committed a crime. Even if it turns out no other crime was committed.*

*But Stewart's conviction does raise the question of why turnabout shouldn't be fair play. Why shouldn't it be illegal for the government to lie to you?*

I could continue with page after page of the editorial comment that concludes the same thing. No crime was committed. A person wants to cooperate, and clear the air. But under the "gotcha" mentality of federal investigators, it becomes too easy to fall into a trap.

The standard advice that Martha should have been given by her lawyers was written several years ago in my case. Lawyers throughout the state, or for that matter, throughout the country have told me on many occasions that when someone wants to talk to federal investigators and protest their innocence, they simply remind them of the "Jim Brown Rule." The column about the rule was written back in 2000 by Gambit Weekly columnist Clancy Dubois. I'm told it's pasted on the walls and bulletin boards of numerous law firms. Even state judges and district attorneys tell me they have kept the article to share with those involved in federal investigations.

### **GAMBIT WEEKLY**

*Years from now, they're going to call it the Jim Brown Rule: if you're a public official in Louisiana, do not talk to the FBI.*

*Not under any circumstances.*

*Not even if you're innocent and have nothing to hide.*

*Especially if you're innocent and have nothing to hide.*

*Brown's conviction of making false statements to an FBI agent sets a low-water mark for the federal government's otherwise valiant attempts to clean up Louisiana politics. For Brown, the guilty verdict is especially hard to bear because he was cleared of all 43 substantive charges in the Cascade Insurance Case .. there's little justice to be found in his conviction.*

*Brown was not under oath at the time of the interview and he was being asked to recount things that had transpired months earlier. The agent also had the benefit of having listened to taped conversations between Brown and Edwards – but he didn't tell that to Brown.*

*Most of all, the agent did not tape record his conversation with Brown, so at trial it came down to the agent's word against Brown's. The only "record" of*

*Brown's alleged lies was the agent's notes, which were dictated and then typed days after the interview.*

*FBI agents, however, are just as human as the rest of us. If the government could record every other important conversation in the case, why not Brown's interview as well?*

*Worst of all for Brown, Judge Edith Clement denied his attorney's request for the agent's hand-written notes from the interview. That effectively killed Brown's best chance of fighting the charges.*

*Brown now stands convicted of collateral charges, based on what one FBI agent says he remembers hearing Brown say, using notes typed days after the interview, which could have been tape recorded but wasn't, and which covered events that occurred months earlier.*

*The feds shouldn't be doing any victory laps on this one, because from now on, the Jim Brown Rule is in effect across Louisiana.*

It's pretty obvious that Martha Stewart had not read the Gambit column. But even worse, she had hired a high-powered New York lawyer who let her walk right into the meat grinder. In January, 2002, Martha retained John Savarese, a former New York prosecutor who had helped convict some of the reigning Mafia bosses on the east coast. He apparently had no objection for Stewart to walk into the U. S. Attorney's office and give an interview. Not once, but twice. According to the current issue of *The New Yorker* magazine, "What Savarese did was an unbelievable disaster."

So on the advice of her lawyer, Martha voluntarily goes into the Federal Courthouse in New York on two occasions, and volunteers to answer any questions posed to her about her stock trades. She was hoping to clear up any misunderstandings and put the case to rest. Boy did she get some bum advice, and did her lawyers ever misread the motives of the investigators involved.

So when all was said and done, she was not accused of any criminal offense. Her mistake was giving false information about a "crime" that never existed. When Martha writes her book of all that has happened to her, she will no doubt reach one important conclusion. She should have remembered the Jim Brown Rule.

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There has been a great deal of recent press coverage over President Bush's National Guard service. Was there a gap in his time served as has been documented by a number of news organizations? Talk show hosts immediately hopped on this as an attack on the

National Guard. Implications were flying that those criticizing Bush were actually criticizing service in the National Guard.

This, of course, is hog wash. The question is not one of present service in the National Guard. It's more a question of "Did he show up for work?" A number of Louisianians are particularly sensitive about service in the National Guard. Our state has the highest per capita participation in the Guard compared to any other state in the country. Louisiana's National Guard regularly receives commendations for the outstanding job it performs.

A number of current and former Louisiana legislators have built distinguished careers in the National Guard. The list is long. Current representatives Peppi Bruno, Charlie Lancaster, former reps Ted Haik, Frank Simereaux, Gene Magee (also former judge), Ned Randolph (current Alexandria mayor), Louis Lambert (also former Public Service Commission member), Jim Donelon (stayed in the Guard for 20 years), LSU Board Chairman Charlie Weems, and many others. Yours truly served 10 years in the Louisiana National Guard. And like others above, it was a choice. I wasn't under any threat of being drafted. A lot of us felt like we should, in some way, serve our country.

So service in the National Guard is not the issue. All of us listed above, for many years, spent twelve weekends a year and two weeks every summer serving our country. All of these fellows showed up for work.

It's of interest to compare the commitment of many Louisiana public officials to the so called "Chicken Hawks" on the national scene. There is a whole group of Hawkish government big wigs who were able to find a way to avoid military service. The list is long. Vice-President Dick Chaney has said publicly he had "other priorities." Paul Wolfowitz, deputy secretary of Defense and architect of the Bush preemption doctrine had a student deferment. Newt Gingrich was too busy in grad school. Texas Sen. Phil Gramm had a student deferment. Pat Buchanan had a bad knee, though he is an avid jogger today. George Will – student deferment. We all know of Bill Clinton's lack of service time. Few of his cabinet members served any time in the military.

Many of the Louisiana fellows had student deferments also. But we still found some way to serve. So much for the Chicken Hawks.

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### **BOOK REVIEW**

The critics keep piling on Mel Gibson's new movie *The Passion of the Christ*, but the movie theatres continue to be sell outs for the show. I think too many people were expecting to see Gibson paint a sweeping portrayal of the whole breadth of Christianity with a focus on the life of Christ. Maybe he will enlarge his vision in future films. It's

true the film ignores most of Christ's life and provides but a brief glimpse of His Resurrection. But was that really Gibson's purpose? Gibson may be telling us that too many believers look at religion as little more than an electric blanket, bringing warmth and security. Gibson took an approach of portraying a crucified Christ, and through Him a God who challenges and enlarges each of us rather than just giving comfort. He might be merely opening the door to a much further consideration of our purpose here on earth. Gibson's movie vividly portrayed the sacrifice, then threw the ball to us. No more "heaven lite."

The next step, if you are so inclined, is offered in a current huge best seller, *The Purpose Driven Life* by Reverend Rick Warren. The book has topped the New York Times best seller list for months. Its sales have surpassed twelve million and the book has served as a point of continuing discussion in churches all over the country.

Warren's message is demanding. He presents a formula of five broad purposes which he hopes the reader will commit to and holds no punches in telling the reader what God expects.

He tells us if you really want to get right with God, you should stop standing around expecting the "blanket of comfort" that many hope to find through religion. Don't worry about whether or not life is fair. Your time on earth is little more than a minor stopover in the journey of eternal life. Maybe bad things happen to good people. But it is nothing more than a challenge in the short stay we will all have on earth.

If it's a good time in your life to synthesize the personal aspects of your Christian theology, the movie and the book work well together. Gibson's movie helps us define ultimate sacrifice, and *The Purpose Driven Life* lays the foundation on which to spiritually rebuild. The tools are there for anyone wanting to accept the challenge.

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*"Asking an incumbent member of Congress to vote for term limits is a bit like asking a chicken to vote for Colonel Sanders."*

--Bob Inglis, 1995

*"Asking politicians to vote themselves out of power is like asking rabbits not to multiply, it ain't natural."*

--Bob Beckel, on term limits,  
CBS This Morning, 3/30/95

Peace and Justice to you and your family,

Jim Brown