

THE FRIENDLY NEIGHBOR- HOOD ATTACK DOG

by KARIN BEUERLEIN
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JACKIE BENNETT JR. MAY BARK AT HOSTILE WITNESSES INSIDE THE COURTROOM, BUT OUTSIDE, HE DOESN'T BITE



Aggressive. Pugnacious. Volatile. The words that come up when one researches the career of Jackie Bennett Jr. are enough to give any reporter pause. Accounts of Bennett's work—notably the Whitewater case and the investigation into former president Bill Clinton—seem littered with the bones of witnesses he's broken in the courtroom. "Attack Dog," screams one *New York Times* headline. "Heavy Hitter," Salon.com warns.

Outside the courtroom, though, Bennett turns out to be anything but confrontational. "This is Jack Bennett," he says pleasantly while answering the phone, sounding for all the world like a guy who helps old ladies cross the street.

When asked where his tough-guy reputation comes from, Bennett just laughs. "I had a troubled youth?" he offers playfully. "How's that?" He shrugs off the notion that he's ferocious, attributing the description to the circumstances of his early career. "Much of that commentary probably comes from the time I was a federal prosecutor. The government has the burden of proof at a criminal trial, and so you have to take the initiative. Sometimes that seems to manifest as aggressiveness or, you know—*pugnacity*."

And that quality is a legal gold mine. "As my career unfolded and I developed experience, I would be assigned the problematic witnesses, the hostile witnesses, whom you had to subject to hostile examinations," he says. "I'm a little reluctant to call it a 'skill set'—it's a little unorthodox—and it's not one you have to call upon all the time, but when you need it, you really need it."

The 51-year-old Indianapolis native, a former offensive lineman at Hanover College, took jobs as a dock worker and law clerk to pay his way through Indiana University School of Law at Indianapolis. After graduating in 1983 and taking on a series of clerkships, he joined the U.S. attorney's office in Indianapolis as an assistant U.S. attorney under John Daniel Tinder. "I was very intent on trying lots of lawsuits, acquiring experience," Bennett says. "But never

having really been out of Indianapolis very much, I kind of wanted to see the world.”

Tinder had a suggestion for him—actually, better than that: he handed Bennett a list of potential jobs, ranked in order of desirability, and recommended he start making some phone calls. “He said, ‘Take the highest job offer you get,’” Bennett recalls. Number one on that list? The Public Integrity Section of the U.S. Department of Justice in Washington, D.C. Bennett landed the job within a couple of weeks.

So began Bennett’s career investigating and prosecuting public officials, a specialty that appealed to him. “What I was really interested in wasn’t so much saving the world, or seeing myself as a white hat, a cowboy riding into town to clean up the mess,” he says. “I believed very strongly, and still do, that public corruption is a serious issue, and it has a very damaging effect on communities. It’s demoralizing to people if they’re aware that their public officials are profiteering.”

He loved the challenges the job posed; the people he was investigating had a lot at stake. “They were government employ-

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Over the years, Bennett successfully prosecuted dozens of corruption cases, many involving bribery and extortion. “There is just an infinite variety of activities that public officials can get involved in and try to profit from,” he says. Soon he was involved in the case that earned him the American Bar Association Justice Center’s John Marshall Award.

The scene: West Texas, where Bennett ended up after he took a misrouted phone call from a Texas prosecutor who was working on a corruption investigation linked to the savings-and-loan scandals of the late ’80s. “We started talking,” Bennett says, “and very quickly I got involved in the case and got sent to San Antonio.”

The case sparked wiretaps in three states, spanned nearly eight years and led to several prosecutions, giving Bennett some intense on-the-job training. And he loved every second of it.

“I suddenly had a whole new circle of friends,” he says, “and I was single at the time. You can go out and work an 18-hour day and just pour yourself into the case if you don’t have family and children that you’re being taken away from. So that was the time in my life that I could afford to do that sort of thing, and it was just marvelous.”

A witness in the investigation offered Bennett a juicy tip about a local businessman’s illegal payments to U.S. Rep. Albert Bustamante, a Democratic congressman from Texas’s 23rd District. “He was taking kickbacks, and payments were being funneled to him through his wife, who was a lawyer,” Bennett says. “For example, they were living in Washington, D.C., and they were receiving payments on legal work that was being done in Texas—she was nowhere near Texas and had done none of the work. We learned that he had assisted some friends in obtaining the food concession contract with one of the Air Force bases in the San Antonio area, that sort of thing. There was a pattern of accepting things of value in exchange for his performing official duties.

“We ended up indicting him and his wife,” he says, “and he was convicted of racketeering and she was acquitted!” Fourteen years after the verdict, Bennett’s voice still betrays disbelief at the acquittal. “I don’t know what the jury’s reasoning was,” he says.

The conviction he did get was impressive enough to merit the John Marshall Award, which doesn’t surprise private investigator George B. Parks Jr. Parks worked the Bustamante case as an FBI agent and considers Bennett a good friend. “He has a tenacious commitment to finding the truth,” Parks says. “Jackie was not afraid to look anywhere for the truth—the real truth, not some preconceived notion of it. I found it gratifying to work with someone so committed.”

Bennett takes a modest view of his achievement. “I would attribute the victory to the evidence,” he says. “I mean, as egotistical as trial lawyers often are, cases don’t very often turn out based on the performance of the lawyers. It’s a conceit that they do. There is some room for a skillful presentation to affect the outcome, but the fact is, cases are won or lost by the strength of the evidence.”

He does acknowledge that the unique way he tried the case gave it national recognition. “For racketeering you have to allege a pattern of unlawful activity through the use of an enterprise,” he says, “and we alleged that the enterprise was his congressional office. That was a little controversial at the time. Members of Congress didn’t like the notion that a congressional office was a criminal enterprise, but indeed it was.”

After the Bustamante case wrapped, Bennett got his first call from Ken Starr. Impressed by Bennett’s work, Starr offered him a

job that would take his career to the next level—illustrious timing as Bennett was now a married man with his third child on the way.

“I was appointed to the Office of Independent Counsel in January 1995,” Bennett says. “It was a way to basically continue to do the same sort of work I had done the previous seven years for Public Integrity.”

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Actually, Lewinsky wasn't Bennett's biggest worry. “The hardest part of the job was the political dynamic,” he says. “We were being accused daily of being right-wing Republican muckrakers who were trying to bring down a Democratic president. And so

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1994 to investigate the Whitewater case and other charges related to President Bill Clinton, wanted Bennett to join the Little Rock portion of his investigation. Because of limits imposed by Congress on the independent counsel statute, Bennett had only 18 months to do his work. He used that time to check out a number of leads in the Whitewater case and ended up helping prosecute Arkansas Gov. Jim Guy Tucker and savings-and-loan operators Jim and Susan McDougal.

The time limit was strictly enforced. “I was there for 18 months, to the day,” he says. “I literally had a jury deliberating when I left town.”

Bennett left the Arkansas proceedings in the hands of his colleagues and returned to Washington. In 1997, he was promoted to deputy independent counsel in charge of the Washington office. “I was the day-to-day supervisor over a staff of prosecutors and investigators, and then a short time after I became the deputy is when the Monica Lewinsky matter came into our office.”

Ah, the Monica Lewinsky matter. In an interview, her biographer, Andrew Morton, once said Bennett treated Lewinsky “like a pit bull would treat a kitten.”

Bennett responds with the verbal equivalent of an eye roll. “Look,” he says, measuring his words, “Monica was not a cooperative witness. This is somebody who was in the middle of a civil litigation, who had a personal, physical relationship with the president of the United States. She's not somebody who was inclined to answer questions truthfully, because the president, she knew, didn't want that information known; and indeed they conspired to conceal that information.

“And her instinct at the time was to claim that she was mistreated, and in fact, she was not mistreated, she was treated very well,” Bennett continues. “You can go all over the criminal justice system in the United States and you won't find very many [hostile witnesses] who were taken to the Ritz-Carlton and given Starbucks. And yet she and her ghostwriter have seen fit to char-

acterize her treatment as shabby. There were investigations into those allegations, but the courts determined that I and everyone else who was a part of that acted properly.”

“We were fighting legal battles but they were under seal,” he continues. “We tended to be spectacularly successful in our legal battles, and yet, nobody knew. A motion would get filed by our opponents, we would win, nobody would know. So it's like the good news couldn't get out.”

The Whitewater proceedings cost around \$60 million over seven years, according to CNN. “Do I think the money was well spent?” Bennett asks. “I was too much involved in it to have a neutral view. But one thing I am proud of is that we left an accurate, factual record for review. The American people, if they want to know the record of the Clinton administration, they can read the transcripts, they can avail themselves of the fruits of that investigation, and that will tell them something about what kind of leaders they want or don't want to elect in the future.”

In 1999, Bennett returned with his wife and four sons to Indianapolis, where he eventually joined Sommer Barnard. These days he's involved in commercial litigation, a field that only occasionally requires growling at uncooperative witnesses. “I really enjoy what I'm doing,” he says. “Every other book at the bookstore these days is [by] some frustrated lawyer who's decided to become a novelist because he doesn't like practicing law. I don't understand that. I've worked with exceptional colleagues; Ken Starr is as fine a man as I've ever met. I was blessed in my time at the Justice Department to be exposed to wonderful people who were fantastically talented. I just think it's a wonderful life.” ◀