

## Analysis: Eventful year for acting U.S. attorney Larry Brown in Sacramento

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You might call 2009 the Year of Larry Brown's Great Adventure.

Brown didn't sign up to be U.S. attorney when McGregor Scott left that post, but he wound up with the job for 10 months last year, and it was no walk in the park.

Under Brown's guidance, the office decided:

- Not to prosecute former state Senate leader Don Perata, despite nearly five years of FBI investigation into whether campaign contributors and others benefited from his power as Senate president pro tem.
- To sign off on a settlement with Mayor Kevin Johnson even though a highly vocal inspector general in Washington, D.C., railed against letting Johnson off the hook as someone not eligible to receive federal funds.
- To drop a charge that revered Hmong leader Vang Pao plotted with others the violent overthrow of the communist government of Laos. Before the decision, thousands of Hmong turned out for emotional rallies in Sacramento.

In the words of Benjamin Wagner, President Barack Obama's eventual choice as U.S. attorney, "Bombs were going off all over the place. Larry Brown ... handled these difficult matters very well."

On the surface, Brown comes off more a genial, wisecracking salesman than a hard-nosed federal prosecutor who will stay on as executive assistant U.S. attorney.

"I get to keep my parking place" in the courthouse's underground garage. "How can you ask for more?" deadpanned Brown.

Dig deeper, though, and you find a keen mind and perceptive eye for nuance, an innate sense of fairness and a profound belief in the American system of justice.

"I'm proud of the fact I'm perceived as a nice guy," Brown said in a recent interview. "The label doesn't mean I don't have a spine."

"I'm grateful he's agreed to stay on," said Wagner. "As much as anything else, he is a decent human being."

From Jan. 5 to Nov. 9, Brown was the top law enforcement officer in the sprawling Eastern District of California.

There was early euphoria. His first day he was on National Public Radio and later spoke at a conference at the Radisson.

"I remember thinking, 'this is a pretty good gig,' " he said.

A harsher reality set in when Perata's angry attorney, George O'Connell, went public in March with the fact that the U.S. attorney's office had undertaken a review of the evidence against the East Bay politician, even though federal prosecutors in San Francisco had declined to charge him. O'Connell mounted a furious protest to members of the House Judiciary Committee and U.S. Attorney General Eric Holder.

At the request of FBI agents, Scott had decided in October 2008 to review the evidence, but no conclusion had been reached when Scott departed in January.

"He bequeathed it to me," Brown said with an impish look.

The pitch from Perata's lawyers "was that this was a rogue U.S. attorney's office that needed to be reined in," he said. "We certainly felt ourselves to be anything but. This office has a long and very enviable track record on public and political corruption. ...

"Ultimately, we couldn't put the case together," Brown continued. "It was disappointing to the agents, but they understood."

Meanwhile another major controversy enveloped Brown and his office.

Johnson and his nonprofit St. HOPE Academy had been barred from receiving federal funds for alleged misuse of AmeriCorps money. Gerald Walpin, who was inspector general of the federal agency that oversees AmeriCorps and its grants, pushed the U.S. attorney's office to initiate criminal charges.

Scott turned thumbs down on criminal charges before he left, but the question of how to lay the issue to rest was still on the table.

"Greg bequeathed that to me too," quipped Brown.

The matter became more pressing when City Attorney Eileen Teichert secured an outside opinion that Sacramento might not qualify for federal financial aid with Johnson as mayor.

A civil settlement negotiated by the U.S. attorney's office called for Johnson and the Oak Park-based St. HOPE to give back more than \$400,000 and for the government to remove them from the debarment list.

Walpin publicly excoriated the settlement as legal "malpractice."

"He was adamantly opposed to linking a settlement to the mayor's removal from the debarment list," Brown recalled. "He thought those two matters should stay on separate tracks.

"Everyone else, including board members of the agency he worked for, saw that as an important objective in order to make sure federal funds could flow to the city."

The outside opinion obtained by Teichert "actually gave us an edge, because it gave the mayor and St. HOPE a motive to settle," Brown said. "We didn't give the store away. The interest of the United States was vindicated."

For all of the drama and controversy surrounding the Perata and Johnson matters, Brown said that dropping Vang Pao as a defendant in the Laos conspiracy case was probably the toughest decision he had to make.

Vang, leader of a CIA-sponsored guerrilla force that fought the communist incursion in Southeast Asia for 14 years, is arguably the most influential member of the international Hmong community. The ripple effect of his indictment swept worldwide.

When a new lead prosecutor – Assistant U.S. Attorney S. Robert Tice-Raskin – was assigned to the case a year ago, he undertook a top-to-bottom analysis of the evidence even as the defense

sought to get the case thrown out for "outrageous government conduct."

Brown said not all of the foreign language conversations intercepted by government wiretaps had been translated into English and transcribed when the initial indictment was returned in 2007.

"What in piecemeal was perceived to be Vang Pao's role in the conspiracy was not supported by the full record," Brown said.

The decision was made after consultation with the U.S. Justice Department's counterespionage section in Washington, he said.

"To undo such a decision couldn't be taken lightly. ... The new administration, members of Congress who supported Vang, the uproar among Vietnam veterans – none of it played any part in what was a very cold, deliberative process. We put all of that out of our minds."

There is a matter yet undone on Brown's agenda. He has the unshakable view that the "walk" light across I Street at Fifth Street near the federal courthouse is far too short.

"So far, I haven't had much luck," he reported. "But I'm battle-hardened now, and feel much more qualified to take on the city's traffic engineers."

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