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## The Prosecutor Never Rests

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## This Prosecutor Never Rests

**To handle its toughest cases, the Justice Department calls in top legal gun John Michelich '74.**

**By David Brown '96  
Portrait photos by Hilary Schwab**

Since John Michelich graduated from Illinois Wesleyan in 1974, he's spent his entire career surrounded by sex offenders, drug dealers, burglars, frauds, embezzlers, and war criminals.

Luckily for the general public, once these dubious characters cross Michelich's path, they tend to end up behind bars.

Michelich, 50, is a federal prosecutor with the Justice Department's Criminal Division in Washington, D.C. As a traveling troubleshooter for the department since 1988, Michelich has spent a career parachuting into complex situations and making sense out of mountains of documents that local legal officials don't have the manpower or expertise to tackle.

That career includes the prosecution of several headline cases. In 1993, he was assigned to "Iraq-gate," an investigation of \$5.5 billion in loans made by the Atlanta branch of an Italian bank to Saddam Hussein prior to the first Persian Gulf War. Five years later, he worked as a prosecutor for the International War Crimes

"The government is fortunate to have someone of his abilities doing these cases, because not everybody can do them ... He's a hard-driving guy." — *Jonathan Barr, a Justice Department attorney on John Michelich, shown above*

Tribunal in the Hague, going after the masterminds behind the torture, rape and mass murder of Bosnians during the years of conflict there.

"The government is fortunate to have someone of his abilities doing these cases, because not everybody can do them," said Jonathan Barr, a Justice Department attorney who has worked with Michelich (pronounced MICK-uh-LICH). "A lot of times, you're up against some really top-shelf lawyers on the other side, and you have to have enough confidence in yourself and be able to defeat them in court. He's a hard-driving guy."

Michelich's skills have brought him to the attention of his boss. Last July, Attorney General John Ashcroft gave Michelich his award for distinguished service, the attorney general's second-highest honor.

Sitting in his office in the Bond Building, two blocks from the White House, Michelich points toward a plaque on the wall. It's a photo of Ashcroft with Michelich and his wife, Barbara. The plaque is one of the very few decorations he displays in an office kept immaculately tidy, probably due to the fact that its occupant spends so little time there.

"Attorneys in the Criminal Division in Washington don't have cases to prosecute here," he explains, "so we must travel to the location where our cases are — and that can be anywhere in the country ... So, we get on an airplane and go to court, in any federal district court where our cases happen to be.

"[Ashcroft] told my wife that she really deserved the award," Michelich adds, "because I'm gone all the time."

Even as a child growing up in Auburn, Ill. — a small town about 20 miles from the state capital in Springfield — John Michelich admired lawyers and knew he wanted to be one.

He was attracted to Illinois Wesleyan because he thought it would provide a great preparation for law school. “Having a good, broad liberal arts education is very important for a lawyer,” he says, “because it teaches you how to think analytically.”

“I think I could have majored in just about anything,” he says, but decided on economics. The choice was fortuitous, providing knowledge of stocks, bonds, and financial transactions that he has used in prosecuting white-collar criminals.

Law school at Drake University in Des Moines, Iowa, helped Michelich determine that he had the right stuff to be a trial lawyer. In 1976, a year before his graduation, he won “best oral advocate” after arguing a mock case before the Iowa Supreme Court. From that point on, he was certain that “I wanted to be in the courtroom,” he reflects. “I’ve always been more oriented toward using communication skills, and I’ve always been comfortable speaking in public.”

His friend, Jonathan Barr, confirms that Michelich is “amazing in the courtroom. He has a strong, deep voice. It really projects. When he gets up, you can just see the gleam in his eye. He’s just a completely different person,” says Barr, adding, “There’s a little bit of ham in every good trial lawyer.”

Michelich’s formidable courtroom persona did not arise overnight, nor were his early cases the stuff of headlines. After passing both Iowa and Illinois bar exams, Michelich got a job back home as an assistant state’s attorney for Sangamon County in Springfield, where he tried misdemeanor cases such as traffic violations, shoplifting, battery, and assault.

It was the perfect place for him to start, he says. “I knew it would be the absolute best way to try cases in a courtroom, and that’s what I did. You have more cases than you can possibly handle thrown at

you, and you can try however many cases you want to, because they’re there.”

As the conveyor belt of available cases whizzed by, Michelich started grabbing. “There were drunk-driving cases galore,” he recalls. “You can have jury trials in drunk-driving cases every day if you want, the volume is so large.”

In fact, his very first case was a drunk-driving charge. He got the conviction, but the victory was balanced with pressure that Michelich’s classroom experiences couldn’t really prepare him for. “You don’t want to try a case and then lose it for something that you did wrong,” he says, “and that’s where the real pressure is.”



Attorney General John Ashcroft (above left) gave Michelich a distinguished service award for prosecuting the Keystone Bank fraud, which was the costliest bank failure since the Great

He moved on to felony cases, such as burglary, armed robbery, aggravated battery, and even murder, but his specialty became sexual assault — what he describes as the “very serious, more violent rape cases.”

Depression.

“I did one difficult case, and it was successful, then I got an assignment for another one, then another one after that. Once you learn how to do a particular type of case, it’s easier to repeat the same type of cases,” he explains.

One “particularly brutal” episode that stands out in his mind is a gang-rape case in which one woman and two men broke into a couple’s house. While the woman made off with their stereo equipment, the men raped the female victim in her bed. One of the defendants confessed and was identified by the victim. But the woman was so traumatized that she couldn’t remember her other attacker’s face.

Michelich tried a novel approach: he had the woman hypnotized so that she could “relive” the attack. Afterward, she identified the second man, who was convicted and was sentenced to 45 years in prison.

In 1986, then State’s Attorney Bill Roberts ’64 moved up to U.S. attorney for central Illinois. His vacancy started a process that promoted Michelich to the job of first assistant state’s attorney — the first of many times in which the fellow IWU graduates would overlap. A second big break occurred when Michelich attended a conference in Washington, D.C., and struck up a conversation with a friend of a friend who worked at the Justice Department. Urging him to send in a resume, the acquaintance told Michelich “you’re the kind of guy we’re looking for.”

In early 1988, Michelich relocated to D.C. when he was hired to work in the Justice Department’s Obscenity Section of the Criminal Division, a group formed to prosecute cases involving child pornography and the transporting of obscene materials. If one of the 93 federal districts did not have the resources, expertise, or personnel to tackle such cases, Michelich was among the attorneys flown in to help.

Although his efforts sent one of the world’s largest distributors of pornographic material to federal prison, three years of work in the Obscenity Section also burned him out. “You can’t do it really long,” he says. “It’s horrible stuff and a really difficult area, but it’s an area that needs to be prosecuted.”

Michelich found a new vice to prosecute in the Narcotics Section, reeling in a big case in 1992. He spent the entire year in Puerto Rico going after people who worked the hub of narcotics trafficking on the island.

At the time, smugglers would fly bales of cocaine wrapped in plastic from South America and drop them in the water. Accomplices nabbed them offshore using high-speed boats and transferred the bales to rubber rafts. At night, the bales were delivered to beachside locations and then hauled by truck to concealed safe houses with the goal of eventually delivering the cocaine via commercial airlines into the continental U.S.

Michelich and others broke up the links in this drug chain, indicting over 30 people and sending several to jail for long prison terms. He says he enjoyed the experience. “The narcotics penalties are so severe that you really feel you can do some good,” he told IWU Magazine in a 1993 interview.

Not long afterward, he became involved in an even bigger case. Bill Roberts had been appointed by then Attorney General William Barr to direct a Justice Department task force investigating \$5.5 billion in loans made by an Italian bank (Banca Nazionale del

Lavoro, or BNL) to Iraq prior to the Persian Gulf War. It promised to be an incredibly complex case, and Roberts knew just who to call for assistance.

\* \* \*



Michelich's office is in Washington, D.C., near the White House, but don't expect to find him there. "I'm always on the road," he says.

Known in the news media as “Iraq-gate,” the investigation focused on Christopher Drogoul, manager of BNL’s Atlanta branch, who made the loan by financing exports of various agricultural and industrial commodities. It was later claimed that Saddam Hussein used this money to buy military hardware used against U.S. troops during Operation Desert Storm. When Iraq defaulted on the loans, fraud and conspiracy charges were filed against Drogoul. The banker pleaded innocent, claiming he made the loans with the knowledge of top U. S. officials, and that it was part of then-President George H.W. Bush’s foreign policy to secretly build up Saddam’s defenses for an Iran–Iraq war, so that Iran would not win.

As part of Roberts’ trial team, Michelich spent two months poring over hundreds of thousands of documents in search of information that could actually assist Drogoul’s case. Under the Constitution, if the government has any information that could help the defense, it has to produce it, Michelich explains.

“It’s an absolute duty. It must be done,” he says. “If we had material in our possession that could have been helpful and didn’t disclose it, the case could be reversed on appeal.”

What promised to be a long, arduous trial ended before it began when Drogoul pleaded guilty to the lesser fraud charges in a 1993 plea

agreement.

Meanwhile, Michelich remained in the Fraud Section, prosecuting a gamut of complicated cases, including the fast-growing criminal activity of health-care fraud, involving the likes of physicians who received illegal kickbacks and hospitals that doctored phony billings.

“The Fraud Section gave him a much wider scope of the potential for cases,” says Roberts, who retired from the Justice Department and is now a managing partner for Hinshaw & Culbertson in Springfield. “I think the BNL task force [investigating the Iraq loan] was probably a good opportunity to showcase his talents,” he adds.

Those talents were spotlighted again a few years later in another high-profile case that remains one of Michelich’s most memorable.

In 1997, he saw an announcement spread throughout the Criminal Division that the Justice Department was looking for experienced prosecutors to send to the War Crimes Tribunal in the Hague. It was a year-long detail, and a prospect Michelich thought would be “fascinating.”

“I had been a state prosecutor and a federal prosecutor,” he says. “Now I was going to be an international prosecutor.”

Michelich joined a team of prosecutors who sought indictments for alleged war criminals of the Bosnian war. Each team was assigned a geographical area to investigate alleged crimes. His section was in the Bosanski Samac region in northern Bosnia, along the border with Croatia, where several men had been accused of persecuting non-Serbs, with charges such as murder, torture, and other crimes against them.

While mostly working in the Hague, Michelich and his team twice traveled to the remote village of Orasje, which was the Bosanski Samac region’s equivalent of a county seat. There, he would question witnesses who had been convinced to come forward with their stories. Working through a translator, Michelich would briskly

type their translated words into a laptop computer, then ask the witnesses to read a re-translated version and sign off on the testimony.

His work helped lead to the indictments of three major ringleaders of that area: Milan Simic, Miroslav Tadic, and Simo Zaric. Michelich later appeared at the tribunal, wearing translator's headsets as he closely followed proceedings against the three men.

His time in Bosnia — driving among shelled-out buildings, staying in rat-infested hotels with intermittent electricity and undrinkable water, and meeting people who had been tortured in unspeakable ways — left an indelible impression.

“Here we have these people who are fighting for no reason other than they hate each other and they don't know why they hate each other,” Michelich said, his voice rising as he remembers what he saw.

Returning to Washington, Michelich continued his work with the Fraud Section. Although not allowed to discuss any of his current cases, he did share details of one that recently concluded.

The fraud occurred in Keystone, W.Va., where a woman running a bank in one of the poorest areas of Appalachia was accused of stealing more than \$60 million from her depositors. The twist was: once she got wind that the bank was being examined by the Federal Deposit Insurance Corporation, she boxed up all her records and buried them in a 100-foot-long, 30-foot-wide and 10-foot-deep hole in her ranch that had been bulldozed by her ranch hands.

Michelich and others went through the dug-up documents and found out what had caused the bank to fail. Pleading guilty and convicted, the bank owner faced the same lesson learned over the years by dozens of other criminals: you can't run far enough or dig a hole deep enough to hide from John Michelich's relentless search for justice.