

SERIES: CORRUPT AMERICA ♦

Ninety Thousand Dollars in the Freezer

An AI Wrangler illustrated story



From the film

MARTY

Federal agents searched a congressman's home in Washington and opened the freezer. Inside, in food containers, wrapped in aluminium foil and stacked among the frozen dinners, was ninety thousand dollars in cash. The serial numbers had been recorded in advance, because the money had come from them. I'm Marty Shepard, and this is Corrupt America.

CAROL

In the freezer. I have heard that detail my whole adult life and I have never once known the rest of the story.

MARTY

Most people know the freezer and nothing else, which is a shame, because what happened after it is the more interesting half. The congressman was William Jefferson, a Democrat who represented Louisiana's second district — most of New Orleans — for nine terms across eighteen years. He was the first Black person elected to Congress from Louisiana since Reconstruction.

CAROL

That is not a small thing to have been. That is a life's work before any of this starts.

MARTY

It was, and the record reflects both. He was a Harvard-trained lawyer, he sat on the ways and means committee, and he had spent decades building a political organisation in a city that does not hand those out. The government's case was about what he did with the access that came with it.

CAROL

Which was what, specifically?

MARTY

Prosecutors said he used his office to broker private business deals in West Africa — telecommunications ventures, oil concessions, sugar and satellite

contracts in Nigeria, Ghana, Cameroon and elsewhere — and that in exchange for using the weight of a congressional seat to move those deals, payments flowed to companies controlled by members of his family.

CAROL

So the office is not being used to pass a law or block one. It is being used as a door opener.

MARTY

That is precisely the shape of it, and remember that phrase, because it becomes the whole case later. The investigation began when a businesswoman who had paid into one of these ventures went to the federal bureau of investigation. She agreed to cooperate, and she was recorded handing him a briefcase containing one hundred thousand dollars.

CAROL

And the money in the freezer was that money.

MARTY

Ninety thousand of it. The government's evidence was that it was intended as a bribe for the vice president of Nigeria, to secure his help with a telecommunications deal. Four days after the handover, agents searched the house and found it where it was found.

CAROL

I want to sit with how ordinary the hiding place is. Not a safe, not an offshore account. The freezer, behind the peas.

MARTY

In August of two thousand nine, after a trial in Virginia, a jury convicted him on eleven counts, including bribery, racketeering and money laundering. In November, Judge T S Ellis the third sentenced him to thirteen years in federal prison. At the time, that was the longest sentence ever imposed on a member of Congress for corruption.

CAROL

Thirteen years. And he had already lost the seat by then, hadn't he?

MARTY

He had lost it the previous December, in the election that followed his indictment. He began serving the sentence in May of two thousand twelve, after his appeals were exhausted. And that is where the story would ordinarily stop.

CAROL

But it doesn't.

MARTY

It doesn't, because of a case that had nothing to do with him. In two thousand sixteen the Supreme Court decided McDonnell against the United States. Bob McDonnell was a former governor of Virginia, a Republican, convicted of accepting gifts and loans from a businessman who wanted state universities to study his company's product.

CAROL

And the Supreme Court looked at that and said what?

MARTY

It said, unanimously, that the government's definition of an official act had been too broad. Setting up a meeting. Hosting an event. Calling another official to ask them to hear somebody out. The court held that those things, standing alone, are not official acts within the meaning of the federal bribery statute. An official act has to involve a formal exercise of governmental power on a specific matter — a decision or an action, not merely access to the people who make them.

CAROL

Which is the exact thing you told me to remember. Door opening.

MARTY

The exact thing. And the ruling was not limited to Bob McDonnell. It changed what the statute meant for everyone who had been convicted under the broader reading, including a man five years into a thirteen-year sentence in Louisiana.

CAROL

So his lawyers went back to the judge.

MARTY

They did, and the judge who heard it was the same Judge Ellis who had sentenced him. In October of two thousand seventeen, Ellis applied McDonnell to the verdicts and vacated seven of the counts that remained, and the racketeering count along with them. He ordered William Jefferson released from prison that day.

CAROL

The same judge. There is something almost formal about that — the person who imposed it being the person who has to take it apart.

MARTY

In December, on a joint recommendation from the prosecutors and the defence, Ellis reduced the sentence to time served: five years and five months. And this is the part that gets lost. He was not exonerated. A number of counts survived the ruling untouched. William Jefferson remains a convicted felon, and the conduct behind the surviving counts was never disturbed by anybody.

CAROL

So it is not that the jury was wrong about what he did. It is that some of what he did stopped being the crime he was charged with.

MARTY

That is as clean a statement of it as I can manage. The facts the jury found did not change. The legal category they fell into did. Seven counts became not-a-crime in two thousand sixteen without a single new fact entering the record.

CAROL

I find that genuinely difficult, and not in a partisan way. Both of those men were convicted by juries who sat through everything.

MARTY

And both had a substantial part of it undone by nine justices reading a statute more narrowly than the prosecutors had. Whether that is the system working or the system failing depends on what you think criminal statutes are for. The court's reasoning was that a law which makes every courtesy a potential felony gives prosecutors too much discretion over ordinary political life. That is a serious argument, made unanimously, and it is not obviously wrong.

CAROL

But somebody who sat in that jury box for weeks might feel their verdict was borrowed and then returned changed.

MARTY

They might. And there is a cost on the other side too, because the McDonnell standard is now the standard, and it is genuinely harder to prosecute the arrangement where nobody votes for anything and nobody signs anything and money simply moves toward people who can make a phone call.

CAROL

This series keeps arriving at the same place from different directions, doesn't it. A conviction is entered, and then something happens to it.

MARTY

Three things can happen to it, and this season has now shown all three. Executive clemency can end the punishment or forgive the offence altogether — that is Duncan Hunter, George Santos, Rod Blagojevich. A conviction can sit beyond the reach of that power entirely, because it belongs to a state and not to the federal government. Or the Supreme Court can change what the statute means underneath it, years after the verdict, and a sentence can simply stop.

CAROL

And in all three, the thing that never changes is what actually happened.

MARTY

The conduct is fixed. It is the consequence that moves. Ninety thousand dollars was in that freezer, wrapped in foil, in marked bills, and a jury said what it said about how it got there. What the law was willing to call it turned out to be the part that could still be argued.

CAROL

And I'm Carol. Thanks for sitting with us.