

Government stumbles in 'LaRouche' case

The trial has run into even more problems for the prosecution, as the issue of intelligence community involvement moves to center stage.

The trial of presidential candidate Lyndon H. LaRouche, which was scheduled to commence on Sept. 21 in federal court in Boston, is now expected to begin no earlier than Nov. 30. The government's case—weak from the very beginning—has been beset by problems which have only multiplied. After three weeks of jury selection and pre-trial motions, opening statements were set for Oct. 19-20. Instead, two related developments occurred: The issue of CIA and intelligence community involvement moved onto center stage in the proceedings, and defendant Roy Frankhauser was severed from the other defendants and his trial ordered to be held first. Frankhauser's trial started Nov. 2 and is still ongoing.

Frankhauser is a longtime CIA and intelligence community operative who has been described as serving as a "cut-out" between LaRouche and the CIA for many years. Both the government and Frankhauser's court-appointed lawyer have denied his CIA connections, and have claimed that he merely "conned" associates of LaRouche into believing that he had intelligence community ties. However, as more evidence has been placed on the record showing both Frankhauser's connections and other, high-level intelligence contacts of LaRouche, the government's denial of Frankhauser's role has become more and more implausible.

The severance of Frankhauser from other defendants was ordered on Oct. 20, the same day that a partially declassified CIA document being examined by the court was identified as bearing upon Frankhauser's relationship to the CIA. The document described a meeting between LaRouche and CIA officials at agency headquarters in Langley, Virginia. According to defense attorneys, Frankhauser was instrumental in both arranging the meeting and assisting in LaRouche's entry into the CIA compound. After hearing this, prosecutor John Markham told the court that "the government is persuaded that further inquiry is necessary" with regard to Frankhauser's role.

Frankhauser's trial began on Nov. 2, with both the government and Frankhauser's lawyer agreeing in opening statements that Frankhauser is a "con-man and a liar." From the very first moment of the Frankhauser trial, it was clear that the real issue was LaRouche, and in fact it was not until the fourth day of testimony that any evidence concerning the charges against Frankhauser was even heard by the jury.

The first three days of testimony were taken up with Charles Tate, a former associate of the defendants who "dropped out" of the National Caucus of Labor Committees

(NCLC), the philosophical association founded by LaRouche, in 1984. In his examination of Tate, Markham led Tate through a detailed and distorted picture of the organization and structure of the NCLC, the functioning of its security staff, and Tate's view of fundraising procedures during the 1984 presidential campaign.

In the course of the examination and cross-examination, Tate confirmed that LaRouche and his associates were firmly convinced of Frankhauser's CIA ties—an issue which the prosecution has conceded is very relevant to the questions of "intent" and "motive" of the defendants. Markham has already admitted that if the defendants believed they were acting at the direction of the CIA, then it will be difficult for the government to prove that they acted with criminal intent and corrupt motive.

When Tate was asked whether he believed that Frankhauser was a cut-out to the CIA, he answered that he had his doubts—but only as to whether Frankhauser's contacts were still active CIA officials, or former CIA officials who had been fired during Stansfield Turner's 1977 purge of the agency. He said that the leadership of the NCLC was convinced that Frankhauser's key source, known as "Mr. Ed," was actually "Ed Knoche." (E. Henry Knoche was the Deputy Director of the CIA under George Bush and Turner and was, for six months, the Acting Director of Central Intelligence.)

When asked if LaRouche had other contacts in the intelligence community besides Frankhauser, Tate replied that during 1983, other figures had begun to come into play. He went on to say that during 1982, LaRouche had begun to have a series of meetings with "bona fide, actual real intelligence operatives, whose role in the intelligence agencies is well-known." He said he knew of at least two meetings between LaRouche and former Deputy Director of the CIA, Admiral (Bobby Ray) Inman. Tate elaborated how one of these meetings took place at an official government facility on F Street in Washington, D.C., where guards and strict security checks were in effect; this was while Inman was still number-two at the CIA. He also said that he had answered at least two phone calls from Inman to Jeffrey Steinberg at the New York NCLC office. Tate also said he had learned of a meeting with Deputy CIA Director John MacMahon or an assistant at CIA headquarters in Langley, Virginia. In addition, he stated that he knew of meetings between LaRouche and former NSC Director of Long-range Planning Norman Bailey, and another NSC official named (Ray) Pollack.

Observers were astounded that so much evidence concerning the CIA and intelligence community was coming in through the mouth of a government witness—Tate.

If Tate's testimony was strange, the testimony of another government witness, Monroe N. Wenger, was nothing short of bizarre. Wenger, whose activities as a CIA and intelligence community agent have been confirmed by numerous sources, took the witness stand on Nov. 5. He admitted that he had "posed" as a CIA operative, but then denied that he in fact worked for the CIA or any intelligence agency.

Wenger testified that he had been asked by Roy Frankhauser to pose as a CIA agent in order to fool Frankhauser's boss (Paul Goldstein). He said he had had four meetings with Jeffrey Steinberg and Goldstein along with Frankhauser, and then three more meetings, one with Lyndon and Helga LaRouche, accompanied only by Forrest Lee Fick.

He said that Frankhauser told him to say that he would pass on information to "Ed the Source." When asked, "Who is 'Ed the Source,'" Wenger answered, "Hank Knoche" without a moment's hesitation. "Frankhauser said 'Ed the Source' was connected to the CIA," he added. Later, during cross-examination, he said that the LaRouche people wanted

to keep a line into an ex-head of the CIA, "somebody that Frankhauser knew at one time."

Wenger said that he worked on a ship as a "marine oiler," but Markham never asked Wenger the obvious follow-up question—who is his employer? When Frankhauser's lawyer did ask the question, Wenger replied, "I work for the Department of Defense." Under further questioning, he said that he works for the Army Corps of Engineers on the *Dredge McFarland*. The dredge ship described by Wenger is not a small operation: It is more than 300 feet long, with a crew of over 60 men, which works "on the East Coast and down around the Gulf." Observers noted that such a cover assignment would fit perfectly for CIA covert operations in Central America.

In another development, the prosecution suffered a stinging setback on Nov. 9 when the U.S. Court of Appeals in Boston granted a motion by Jeffrey Steinberg to stay contempt charges against him. Steinberg is appealing an order from Judge Keeton directing him to hand over his notebooks to the prosecution for use in the Frankhauser trial. The contempt against Steinberg is now stayed until at least Dec. 11, so his notebooks will not be available for Markham to use.

Documentation

The following article, bylined John D. Forester, appeared in the Reading Times Nov. 12, under the title, "Slow Pace of Frankhauser Case Is a Trial for Observers."

Boston—After listening to more than a week of testimony here in the obstruction of justice trial of Reading's Roy Frankhauser, the jurors still seem a bit puzzled by the case. But the jury is not alone. The knotted tangle of the so-called facts in the case is being untied so slowly that the case must be difficult to follow for someone without some knowledge of all the characters involved.

The gallery of lawyers, press, and spectators following the daily trial has not been impressed with the pace at which John Markham II has been presenting his case. Markham has presented a series of witnesses giving repetitive testimony. Most of the testimony so far has dealt with the way LaRouche followers raised funds for LaRouche's presidential bids. And while the testimony presented makes the fundraising techniques sound aggressive and demanding, the same could be said of any other presidential candidates' fundraising activities. Markham says he is making sure the jury understands the inner working of the LaRouche organization, before presenting his evidence against Frankhauser, who was employed as an intelligence consultant to LaRouche.

On the documents filed before the trial began, key evidence rests mainly in the personal notebooks of several

LaRouche followers, and in the expected testimony of Forrest Lee Fick, of Berks County, who has been described as Frankhauser's sidekick in the intelligence operation.

Now there seems to be some doubt as to whether Markham will be able to produce all the evidence he thought he could. One of LaRouche's aides, Jeffrey Steinberg, balked when the government demanded his personal notebook. Steinberg's lawyers said that since the notebooks are not business records, the government has no right to subpoena them. And because Steinberg has been a reporter for several LaRouche publications, there is a question as to whether the notes are protected by the First Amendment's provision covering freedom of the press. Judge Keeton found Steinberg in contempt of court earlier in the trial, but a federal appeals court ordered a stay on Keeton's ruling, thereby gumming up the works for the prosecution.

Fick is another story. Since being slapped with a defense subpoena to produce personal KKK and Nazi party regalia, which was requested in an attempt to discredit Fick's character, Fick is in the process of obtaining his own lawyer. Until now, Fick has been under Markham's influence. That was before he was put on the defensive. With a lawyer representing Fick, there is some doubt that he will be allowed to testify as freely as Markham hoped.

Some court observers said the case against Frankhauser is crumbling. Others say Markham has a trump card or two left to play. Proof will come next week when the trial resumes. If the government quickens its pace, it is a sign of confidence. If it starts dragging its feet, it could be a signal that the case is crumbling and they need time to regroup.