
The LaRouche trial

Charge U.S. is using grand jury illegally

The Justice Department is illegally using a federal grand jury in Alexandria, Virginia to gather evidence for use in the ongoing Boston trial of Lyndon LaRouche and associates, according to charges made by defense attorneys in court Feb. 16. Under the law, once indictments have been issued, it is improper to use a grand jury to gather evidence for a pending prosecution.

The issue arose around the testimony of Richard Welsh, a member of the National Caucus of Labor Committees (NCLC), who is being compelled to testify for the prosecution. Defense attorneys moved to prevent the calling of Welsh, on the basis of the fact that Welsh had been questioned extensively by a federal grand jury in Alexandria, including on the issue of alleged obstruction of justice in Boston.

Judge Robert Keeton ultimately denied the defense motion, and Welsh went on the stand for three days.

But this was not the only incident of government bad faith raised during this ninth week of the *U.S.A v. The LaRouche Campaign*. On Feb. 18 the defense raised the fact that the government had suppressed at least 2,300 pages of FBI files pertaining to investigations carried out by the FBI under the rubric of Executive Order 12333. The government had repeatedly denied the existence of such documents during pre-trial discovery.

Deliberate whipsawing

Defense attorneys argued that, in fact, all the areas in which Welsh, the assistant treasurer of LaRouche's 1984 presidential campaign, was questioned in Alexandria related directly or indirectly to the Boston trial. "The predominant purpose was to elicit testimony for use in this case," attorneys argued. "This testimony was elicited for an improper purpose, to obtain discovery for a pending prosecution."

"This is by design," argued LaRouche's attorney Odin Anderson. "We're getting whipsawed, and we've been getting whipsawed from the very beginning." Other defense attorneys pointed out that there is a free exchange of information between the prosecution teams in Boston and Alexandria.

Prosecutors John Markham and Mark Rasch claimed they had not seen testimony from Welsh, or other individuals subpoenaed to the Alexandria grand jury, which was relevant to the whereabouts of three "missing" fundraisers from Bos-

ton. In conclusion, Judge Keeton denied both the defense motion to suppress Welsh's testimony, and the motion to dismiss the entire Boston case because of the improper use of the Alexandria grand jury.

Assistant U.S. Attorney Markham then proceeded to question Welsh at great length about organizational structure and officers of various businesses and other associations operated by members of the NCLC. Markham had originally stated that he would question Welsh for only one hour and stick to the question of a memorandum Welsh wrote in early October 1984 on credit cards and chargebacks hitting the LaRouche campaign.

Government disinformation

The prosecution was also exposed as liars during the Feb. 15-19 week's court proceedings. During pretrial motions, defense attorneys had consistently argued that the prosecution against LaRouche and his associates was a political intelligence operation by LaRouche's enemies in the intelligence community. The rubric under which this operation was carried out, the defense claimed, was Executive Order 12333, an order which enabled the National Security Council to carry out private foreign counterintelligence operations such as the Irangate weapons sale, and the harassment of groups who opposed the U.S. Contra policy.

In response, the government claimed that its search had turned up no documentation of such action toward LaRouche and his associates.

On Feb. 18, however, defense attorney Daniel Alcorn told the court that he had learned of the existence of at least 2,300 pages of FBI files pertaining to associates of LaRouche, maintained under the provisions of E.O. 12333. The files, compiled since December 1981, were discovered through the defendants' request through the Freedom of Information Act. "We were told there were no relevant documents, but now we learn that there are 500 of them. If we hadn't gotten FOIA access, we would have never known of them," charged defense attorney Odin Anderson.

Defense attorney Alcorn reminded the court that the defense had filed extensive pretrial motions charging the existence of ongoing FBI dirty tricks and counterintelligence operations. Prosecutor Markham called the defense assertion an "Orwellian fantasy," Alcorn said. "But now we find out through CISPES and our own FOIA requests that there are numerous documents to that effect."

Markham attempted to explain why the documents had not been found earlier by saying that "we are dealing with agencies that have different agendas."

The Central Intelligence Agency, which also failed to produce any documents requested by the defense before trial, has proceeded to trickle out a mass of documents relevant to LaRouche. So far, Judge Keeton has agreed with the government that most of these documents are not "relevant" to the trial. Thus most have not been released to the defense.