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## LaRouche Trial Halts

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# Hearings ordered on U.S. misconduct

by our Special Correspondent

Hearings on government misconduct and withholding of information by prosecutors were set to commence in Boston on March 28, resulting in another interruption in the ongoing federal court trial of Lyndon LaRouche and six associates.

The hearings were ordered on March 25 by Judge Robert E. Keeton, after prosecutors admitted that they had violated their legal obligation to provide the defense with exculpatory evidence. Judge Keeton said that it is clear that the government has violated its obligations, and set hearings for the following Monday, to determine the scope of the violations, responsibility for them, and to determine what remedy he should order—which could range from dismissal of the indictment, to a mistrial, or allowing defense attorneys to make new opening statements in the middle of the current trial.

The hearings were to cover three areas: 1) withholding of exculpatory evidence regarding FBI informant Ryan Quade Emerson, who was also an intelligence source for associates of LaRouche; 2) belated disclosure of government files pertaining to covert intelligence operatives Gary Howard and Fred Lewis, who said they were asked by the FBI and CIA to infiltrate the “LaRouche organization” in 1984, and who later showed up in May 1986 offering “information against LaRouche” to the Richard Secord-Oliver North “Enterprise”; 3) withholding of exculpatory information in handwritten notes of prosecutors, which put certain of the “overt acts” charged in the indictment in a non-criminal context.

Defense attorneys proposed that the hearing begin with five witnesses, which was approved by Judge Keeton. The five witnesses were to be: Ryan Quade Emerson; Timothy Klund, the FBI Special Agent in Alexandria, Va., who is the case officer on the “LaRouche” case there, and who used Emerson as an informant against the defendants in 1986; Angus Llewellyn, an FBI counter-intelligence specialist working in Alexandria and at FBI Headquarters, who allegedly utilized Emerson as an informant on various counter-intelligence and counter-terrorist matters; Richard Egan, the FBI case agent on the LaRouche matter in Boston; Donald Moore, the Loudoun County, Va. Deputy Sheriff who is now employed as a Special Deputy U.S. Marshal on the federal prosecution team in Boston. (Moore was a tent-mate of Oliv-

er North in Vietnam, and set up Emerson to tape-record an interview between Emerson and a defense investigator last September.)

Defense attorney William Moffitt, who asked for the evidentiary hearing on the Emerson matter, charged that he is being denied the right to prepare a defense by the government’s hiding of evidence. “Emerson was listed as a government witness,” Moffitt told the court, “and the fact that he lied to my client is exculpatory.” Moffitt charged that Emerson was used by the FBI to plant information in his client Jeff Steinberg’s notebook, and then prosecutor John Markham “utilized it as evidence of Jeff Steinberg’s guilt,” by referring to a statement by Emerson from Steinberg’s notebook in his opening statement to the jury last December.

As Moffitt continued to hammer away at the government’s withholding of FBI interview reports, known as “302s,” Judge Keeton asked Markham if he had not violated his agreement with Moffitt regarding pre-trial discovery, and also if he were not violating his legal obligations regarding the providing of exculpatory information. “Wasn’t there a violation of the agreement, if the 302s were not provided until the 52nd day of the trial?” Keeton asked. “Yes,” conceded Markham. Markham also admitted that he was in violation of his obligation to provide exculpatory evidence by withholding evidence showing that Emerson had made prior false statements.

After a short recess, Markham told the court that he recognized that he had an obligation to give to the defense any information regarding false statements by a government witness. “As a witness, his [Emerson’s] relationship to the U.S. government is exculpatory, and the fact that he had lied is exculpatory. I was obligated to provide this information,” Markham admitted.

Judge Keeton then further pressed the issue about the government sending Emerson to give a phony story to the defendants in September 1986. “Isn’t it a problem, when the government is sending him to the defendants undercover with some kind of cover story? . . . Isn’t the government setting up the conditions for creating evidence?”

Keeton then ruled that “it is clear that there has been, to some extent, a violation of the government’s Brady obligation and the discovery agreement.” (“Brady” refers to a U.S. Supreme Court decision which said that the prosecution is required to give the defense any exculpatory evidence in its possession.)

### Will Ollie North testify?

Judge Keeton was also to hear proposals for additional hearings which will probably involve Lt. Colonel North and Richard Secord, in connection with a telex message from Secord to North found in North’s files, which discussed information-gathering against LaRouche. Defense attorneys are expected to ask that North and Secord be called as witnesses to the hearings.