

FBI admits investigating LaRouche under Executive Order 12333

by Edward Spannaus

In sworn affidavits recently submitted in federal court, the Federal Bureau of Investigation (FBI) has admitted that it conducted an investigation of political leader Lyndon H. LaRouche and his associates under the provisions of the notorious Executive Order 12333. This Executive Order, promulgated Dec. 4, 1981, ostensibly governing foreign intelligence and counterintelligence activities, laid the basis for the "secret government" which was partially uncovered during the Iran-Contra hearings.

The FBI's admission came in court papers filed in a lawsuit brought under the Freedom of Information Act (FOIA) by Paul Goldstein, a LaRouche associate and Counterintelligence Editor of *Executive Intelligence Review*. Goldstein's request sought records compiled by the FBI since Dec. 4, 1981, concerning LaRouche and 10 organizations identified with him. The request covered files created under the categories of domestic security, foreign counterintelligence, and the provisions of Executive Order 12333.

The FBI claims to have located almost 5,000 pages of files it deems "responsive" to the Goldstein request, but it has released only about 600 pages. Even many of those 600 pages are heavily redacted.

An FBI affidavit filed in the case asserts that the FBI located 11 "main" files and 83 "cross-references" pertaining to the subjects of the Goldstein FOIA request: LaRouche and the 10 named organizations, including *EIR* and the Schiller Institute. Much of the material in the *EIR* and Schiller Institute files is under the category of "foreign police cooperation," which involves exchanges of information about LaRouche and these organizations with foreign government agencies. Review of the portions of these files that have been disclosed, shows that the FBI disseminated false and derogatory characterizations of LaRouche, *EIR*, Schiller Institute, etc. to Western European governments, including the suggestion that LaRouche and associates are agents of "Soviet disinformation."

One of the "main file" investigations is apparently so sensitive that even the file number and file name are classified. FOIA experts note that it is highly unusual for the FBI to go so far as to classify and withhold the file number, which would merely show the category of investigation.

The FBI's description of this file is as follows:

File Number and Caption Classified

This information was compiled pursuant to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations. These guidelines were established by the Attorney General to govern all foreign intelligence, foreign counterintelligence, foreign intelligence support activities, and intelligence investigations of international terrorism conducted by the FBI pursuant to Executive Order 12333. They also govern all FBI investigations of violations of the espionage statutes and certain investigations requested, or FBI assistance to investigations conducted, by foreign governments.

In recent years, the FBI and Justice Department have repeatedly denied conducting any kind of "national security" investigation of LaRouche and his associates in the National Caucus of Labor Committees (NCLC); the philosophical association founded by LaRouche in the late 1960s. LaRouche and the NCLC are still engaged in a major civil rights suit against FBI officials which has been pending in federal court in New York since 1975.

In that case, known as *LaRouche et al. v. Webster (Sessions)*, the FBI has denied conducting any kind of "national security" investigation of LaRouche and his associates since closing its "domestic security" investigation of the NCLC in 1977. In a motion seeking dismissal of the LaRouche suit during 1985, the Justice Department ended eight years ago, has not been reopened under any guise or pretext whatsoever, and it is not likely to be reopened."

An FBI agent's affidavit submitted to the court at the same time asserted: "The FBI's domestic security investigation of the NCLC was closed in September of 1977, and the FBI never reopened the investigation of the NCLC under that title or any other pretext title, nor does it have any plans to do so." The FBI has maintained that its only investigation of LaRouche and associates has been the strictly "criminal" investigations around the Boston and Alexandria indictments, and that this was unrelated to any type of national security or counterintelligence investigation. Yet in the Goldstein FOIA action, many hundreds of pages are being withheld under the FOIA's "national security" exemption.

In FBI files obtained through the *Webster* case and through FOIA, it is documented that Henry Kissinger and members of the President's Foreign Intelligence Advisory Board (PFIAB), which is headed by Leo Cherne, demanded in 1982-83 that the FBI investigate and go after the sources of funding of NCLC activities, under the pretext that LaRouche and the NCLC were probably agents of some foreign intelligence service. Many knowledgeable observers are convinced that the FBI's "criminal" investigations of LaRouche and associated individuals and organizations were merely pretexts for running sophisticated financial warfare and counter-intelligence operations (Cointelpro) against them.

Catch-22

Observers also note that the FBI has now created a real Catch-22 for itself. On the one hand, it has tried to cut off

discovery of evidence in the *Webster* civil rights suit by claiming that there has not been any FBI investigation of LaRouche and the NCLC for many years. But on the other hand, to cut off release of documents under the FOIA, the FBI is compelled to argue that its current investigative files are so sensitive that to release them would jeopardize the national security! In other words, in the civil rights suit the government justified withholding information on the grounds that there is *no* investigation, and in the FOIA suit the government justifies withholding information on the grounds of these (non-existent) investigations.

The plaintiffs in the *LaRouche v. Webster* case have recently cited a number of documents obtained under FOIA to attempt to reopen discovery in that case. Meanwhile, it is expected that Goldstein's attorneys will also emphasize this paradox as they file opposition papers in the FOIA suit over the coming weeks.

LaRouche warned of Executive Order 12333

On July 2, 1987, two days after he had been indicted on the bogus charge of "conspiracy to obstruct justice" by Boston federal prosecutors, then presidential candidate Lyndon H. LaRouche, Jr. issued a series of documents identifying the intelligence apparatus which was being used to persecute him, and his associates. The root of the apparatus, he noted, was Executive Order 12333 issued Dec. 4, 1981.

What E.O. 12333, and its accompanying order 12334, did, LaRouche said, was to establish the bureaucratic basis for arm's-length intelligence operations, which would be run through private channels, for objectives for which the official government did not want to take responsibility.

In a July 2 statement entitled "President Reagan Is in Very Deep Trouble," LaRouche said the following:

"What these two Executive Orders did, was to create what Senator Boren has accurately described as a 'secret government' operating both inside and outside the Reagan administration. This is the crew that is guilty of every sordid thing done in cooperation with that crew of drug-runners called the Contras, and that is only the beginning. Every dirty operation run against me and my friends through the Reagan administration's Department of Justice, was planned and directed by the 'secret government' operating under the cover of Executive Order 12333.

"Worse, Executive Order 12333 is the channel through

which the Soviet KGB directly penetrates deep inside the U.S. intelligence community. The key to this Soviet spying is a branch of the U.S. Department of Justice called the Office of Special Investigation (OSI), operating under the direction of Mark Richard and Neal Sher."

In addition to operations against him and his associates, LaRouche identified E.O. 12333 as the authorizing cover for public-private intelligence operations targeted to overthrowing the Panamanian government, and to removing from the U.S. individuals which the Soviet government wished to have punished.

LaRouche issued his statement during the time when the congressional Irangate hearings were ongoing, with an eye to the fact that "secret government" operations authorized by E.O. 12333 would boomerang on the Reagan administration as well. While Reagan got out of office unscathed, so far, the very same Sword of Damocles hangs over the head of President Bush, who was intimately involved in the implementation of the secret government operations.

LaRouche's legal defense went a good distance toward identifying the nexus of private and public agencies which had targeted him, during the course of the Boston trial. Indeed, so much exculpatory material, including material on the groups working with Oliver North, was uncovered that hearings on government misconduct were held, and the trial eventually fizzled on May 4, 1987. Since then, the federal government has had the aid of the courts in covering up for the "secret government" apparatus and its "Get LaRouche" strike force. This FOIA release, however, indicates that by no means, is the pursuit of this unlawful grouping finished.