

## Du Pont heir calls for special prosecutor

Lewis du Pont Smith, an heir to the Du Pont chemical fortune and political associate of Lyndon LaRouche, called on Sept. 30 for the appointment of a special prosecutor to investigate evidence of criminal misconduct by Minnesota Attorney General Skip Humphrey.

Smith pointed to the announcement on Sept. 24 by Virginia Assistant U.S. Attorney Larry Leiser that former Sheriff's Lt. Donald Moore would soon be indicted on new kidnapping charges. Moore is a long-time collaborator of Humphrey against the LaRouche movement. Humphrey investigator Richard Munson was caught on an FBI wiretap plotting with Moore against LaRouche supporters (see p. 28).

"At the very moment that Munson was caught conspiring with Moore," du Pont Smith said, "Moore was a ringleader of a conspiracy to kidnap and 'deprogram' me and my wife Andrea! Humphrey has prostituted his office by conspiring with thugs and kidnapers like Don Moore, and the FBI caught Humphrey's office in the act. I am demanding a special prosecutor to get to the bottom of this and bring Humphrey and his underlings to justice. No one, not even Skip Humphrey, is above the law."

people on my staff are pros, they care, they do the job, and yet they were trying to intimidate us by calling us names. It was high school stuff." (*Minneapolis Star-Tribune*, Dec. 26, 1992)

Williams denounced Humphrey's squad for abusing the "awesome power that government agencies have. You can't have a bunch of renegades going out and busting people, but that's what they're doing." (*Minneapolis Star-Tribune*, Dec. 26, 1992)

Undeterred, Humphrey's prosecutors hauled their victims into court in January 1993 for preliminary hearings. At the end of his hearing in Hennepin County Court, an astounded Mike Stich found himself dragged off to jail again, to be strip-searched again, re-photographed and so on. . . .

Stich pointed out the seeming "coincidence" that his company had been subjected to a surprise inspection by the U.S. Occupational Safety and Health Administration (OSHA) just 10 days before Humphrey's raid, and that afterwards he was audited and inspected by the Minnesota Department of Revenue, as well as by both the federal and state departments of transportation. Observers believe that Humphrey was look-

ing to save face by catching Stich on other violations, in case his phony sting operation fell apart.

After a full hearing in March on Van de Linde's and Miller's motion to dismiss the charges, Ramsey County District Judge M. Michael Monahan issued a scathing opinion on May 14, declaring Humphrey's sting operation an unconstitutional violation of due process, and throwing out the case.

Judge Monahan's memorandum states caustically at the outset that "the prosecution acknowledged that one of the operational goals was to generate publicity. That goal seems to have been achieved." He ridiculed the 19 phone calls, "a 3.327495622% response rate," and two duped entities, "a 0.350262697% success rate," resulting from the 571-piece mailing, showing "that the transportation of hazardous waste within the four metropolitan counties was not a significant enforcement concern."

Judge Monahan's conclusions provide important insight into standard Humphrey police-state methods: "*The crimes charged here are the direct product of police intervention.* Drawing from the arsenal of police tactics developed to catch crafty criminals such as drug dealers and crooked politicians, EID created Red Lion for the purpose of snagging small and very small generators of hazardous waste. It targeted generators who were likely to be particularly susceptible to a cost-based appeal. It took a dragnet approach rather than targeting suspected violators. There is no record basis for concluding that the defendant here, or any of the 570 other receivers of the tacky flier, was predisposed to commit a crime. Indeed, this defendant appears to have been involved in an active and voluntary compliance effort through the appropriate local environmental authorities.

"In addition to trolling in apparently untroubled waters, the way that EID set its hook is troubling. The recorded conversations show a deliberate attempt on the part of the EID to obscure, muddle, and camouflage Red Lion's status. The investigator assured Miller that the waste would be properly handled. He was deliberately sly and misleading in describing the nature and extent of Red Lion's effort to obtain the required licenses and insurance. He used language giving the impress[ion] that Red Lion's efforts to obtain the required licenses and insurance were continuing. He gave the impression that Red Lion had legally operated in other states. The transcripts show that defendant twice told the investigator that it's new to the area of environmental law and that it never before needed to ship waste. The investigator played upon the gullibility and inexperience of Miller. . . .

"Combatting criminal activity, by its nature, requires stealth and strategy as necessary weapons in the police arsenal. But, the availability of such weapons does not sanction their unbridled use. When appropriately used, they are an invaluable police tool. *When misused, they are a source of over-reaching and oppression. That is the case here.*" (*State of Minnesota v. Pioneer Custom Cabinets, Inc.*, Ramsey County District Court, File No. KO-92-3434; emphasis