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## Who Really Runs the Justice Department?

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# John Keeney, Mark Richard, and the DOJ permanent bureaucracy

by Edward Spannaus

“The FBI will not be pleased,” said Mark Richard, the second-ranking career official in the Justice Department’s Criminal Division, after being told on April 16, 1993, that the new Attorney General—who had only arrived 34 days earlier—had vetoed the FBI’s plan to use gas to end the standoff at the Branch Davidian compound in Waco, Texas. Webster Hubbell, the Associate Attorney General, offered to let Richard speak to the Attorney General. “I have nothing more to say,” Richard responded.

On other occasions, however, Mark Richard had no hesitation about taking the Attorney General of the United States to task. Let us go back to 1987, when Mark Richard is testifying in a deposition being taken for the congressional committee investigating the Iran-Contra Affair. Richard is being questioned about the 1986 indictments of attorney Sam Evans and others in New York for illegal arms shipments to Iran, and he comments that the case “had a particular interest to me because of what I’ll call the Israeli connection.”

On Nov. 14, 1986, Richard goes on to say, he went with Associate Attorney General Stephen Trott to brief Attorney General Edwin Meese about the case of Israeli spy Jonathan Pollard. “We briefed the Attorney General on that matter,” Richard testified, “and—maybe somewhat presumptuously of me—I said, ‘Mr. Attorney General, I want to raise the issue of the Evans case with you because I think there’s a horrendous mistake that’s about to be made.’”

In that same deposition, Richard also was questioned about events which occurred after the public disclosures of the Iran-Contra Affair, and about his discussions with then-head of the Criminal Division William Weld, and with Attorney General Edwin Meese. Richard makes it clear that he thought that Meese was bungling around, and then says: “There was one meeting on December 1st. After a lot of discussion, we are urging—‘we’ meaning Jack Keeney, myself—we are urging Bill Weld to recommend the appointment of a special counsel. . . . There was a meeting on the 1st with the Attorney General . . . at which we expressed our views to that effect to the Attorney General. . . .”

Arrogance? Read on.

During the Iran-Contra investigations, Weld himself was questioned about the highly unusual circumstances under which a briefing was given to the National Security Council about a pending case in Miami which involved gun-running to the Contras. When Weld was asked if the Criminal Division had any policy as to when the NSC should be briefed on a case, Weld simply answered: “I would just be guided by what Mark Richard told me on that.”

These are a few of the rare instances when material has made its way into the public record, which demonstrates the enormous power wielded by Deputy Assistant Attorney General Mark Richard, and by the senior Deputy, John C. Keeney, in the Justice Department’s Criminal Division.

The man-on-the-street suffers under the delusion that the Attorney General of the United States is actually in charge of the 90,000 employees at the Department of Justice (DOJ). In fact, on matters bearing on national security, Mark Richard is probably the most powerful official in the department, and with respect to all matters falling under the purview of the Criminal Division, Keeney and Richard run the show. Their supposed “superiors” are merely temporary place-holders.

Attorneys General come and go, as do the politically appointed Assistant Attorneys General who head the powerful Criminal Division. But John Keeney and Mark Richard just go on and on—Keeney for 44 years, Richard for 28 years so far.

Keeney and Richard are the most senior career officials in the Criminal Division, and thus they carry with them the “institutional memory” and the clout which the permanent bureaucracy holds over the temporary political appointees. Of the five officials who serve as Deputies to the Assistant Attorney General who heads the Criminal Division, three are political appointees, and two—Keeney and Richard—are careerists. And by virtue of the sections which they control, they will have a say in *any* sensitive matter or major case, even if it technically falls under the jurisdiction of another Deputy.

Keeney, the most senior Deputy in the Criminal Division, directly supervises the following sections:

**Organized Crime and Racketeering**, which, among other things, must approve all RICO (racketeering) indictments;

**Public Integrity Section**, which supervises all investigations and prosecutions of elected officials, or of appointed federal officials. PIS conducts all preliminary investigations under the Independent Counsel statute, and makes the recommendation to the Attorney General as to whether she should request a special prosecutor (which has been done four times already against Clinton administration officials);

**Office of Enforcement Operations**, which supervises the use of informants, immunity for witnesses, and runs the corrupt Federal Witness Protection Program (FWPP)—which has been used to target and frame up many elected officials; and

**Office of Professional Development and Training.**

Mark Richard also supervises four sections in the Criminal Division—all of which bear upon national security—which we will describe at more length below.

Thus, for anyone who is concerned about Waco, or Ruby Creek, or prosecutorial abuse more generally, the place to start is not with Janet Reno: The place to start is with Mark Richard and John Keeney. To clean house in the Justice Department, this is the place to begin.

## **The dirty career of Mark Richard**

Mark Richard has been involved in most of the nasty operations conducted by the Justice Department over the past two decades, from suppressing evidence in national security cases in order to protect the Bush intelligence networks, to creating and overseeing the abusive “Nazi-hunting” Office of Special Investigations (OSI), to playing a key role in the more recent Waco and Randy Weaver cases. And, not surprisingly, he shows up in key positions in the frameup of Lyndon LaRouche and associates.

Mark Richard came into the Justice Department’s Criminal Division as soon as he graduated from law school in 1967, and he has been there ever since. He was assigned to the Fraud Section, which he came to head from 1976-79, where he virtually invented the category of “white collar crime.” His own official resumé brags that, as Executive Director of the Attorney General’s White Collar Crime Committee in 1975-76, he was “responsible for developing a Department of Justice comprehensive program for combatting white collar crime.”

When he ran the Fraud Section, Richard boasts: “Under my stewardship, the Fraud Section developed the multinational fraud unit. The Unit played a pivotal role in development procedures for implementing the Foreign Corrupt Practices Act.” What this did, of course, was to put the Justice Department in the middle of conducting foreign policy and overthrowing foreign governments and officials.

In 1979, Richard was made a Deputy Assistant Attorney General, the position he presently holds, and it was in 1979

that he created the Office of Special Investigations (OSI). In 1980, he became the “Deputy Attorney General in charge of General Litigation and International Law Enforcement,” and after 1984 he became the “Deputy Attorney General for Internal Security and International Law Enforcement.”

Beginning in 1980, Richard had particular responsibility for overseeing four sections within the Criminal Division:

**The Internal Security Section**, which has handled espionage and related national security prosecutions, including “trading with the enemy” and arms exports violations.

**The Office of International Affairs**, which handles all liaison arrangements pertaining to mutual assistance in law enforcement, such as joint investigations, extradition matters, and the like. This was the section which was headed from 1979-82 by Michael Abbell, who left the department in 1984 and soon went to work for the Colombian drug cartels.

**The Office of Special Investigations (OSI)**, which Richard personally created in 1979, handles deportations of alleged Nazi war criminals resident in the United States, and is responsible for a vast train of abuses, blackmail, and extortion (see p. 15).

**The General Litigation and Legal Advice Section (GLLAS)**, which handles a broad array of national security and terrorism matters, and which is, along with the Internal Security Section, loaded with personnel from the notorious Internal Security Division, abolished in 1979. (Richard supervised this section up until 1984.) This unit, as we will see, was involved in many operations targeting Lyndon LaRouche during the 1980s.

During the Bush administration, in 1991, a new Terrorism and Violent Crimes Section was created, drawing its new chief, James S. Reynolds, and other personnel from the GLLAS section. The new Terrorism section was added to Richard’s portfolio, and this was the unit directly overseeing the Waco and Ruby Creek/Weaver debacles.

That’s not all. Mark Richard is also the department’s official liaison with the National Security Council, the State Department, and the CIA. According to a DOJ spokesman, Richard has had this responsibility for at least 10 years. Thus it is no accident that Richard shows up in almost every case involving national security or sensitive government operations, particularly when it involves protecting the intelligence community and dirty operations run under George Bush in the 1980s.

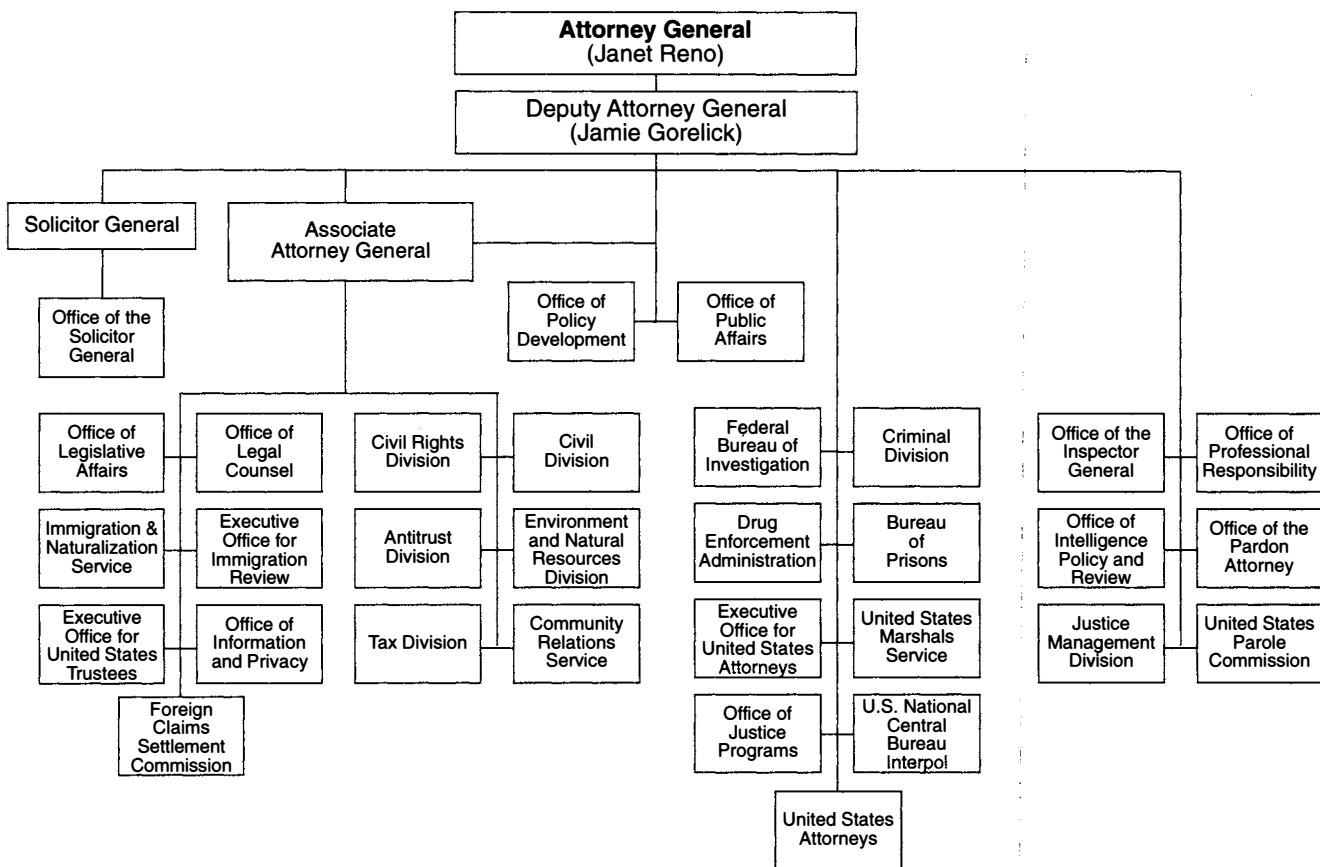
This is not just supposition. Richard’s resumé lists the following honor received in 1986: “*Central Intelligence Award for Protection of National Security During Criminal Prosecutions.*”

We will now see some examples of what Mark Richard did to earn that award.

## **Protecting the secrets**

**The Terpil-Wilson case:** Mark Richard took personal control over all aspects of this case in 1981, when, as he

## Organizational structure of the U.S. Department of Justice



described in in his 1987 deposition, "the papers were carrying daily revelations of massive CIA illegalities, all revolving around Wilson and his associates. . . . Accusations were flying all over the place with respect to government complicity, CIA cover-ups, and what have you." The case involved present and former CIA officers such as Theodore Shackley, Thomas Clines, Richard Secord, as well as Ed Wilson and Frank Terpil. Wilson and Terpil were indicted for selling armaments to Libya; Wilson was convicted, while Terpil fled to Cuba.

Under the excuse that the case was spread out over many jurisdictions and was being mishandled, Richard took personal control over all the separate cases, and created a special "Wilson Task Force." Richard took the case away from prosecutor Lawrence Barcella in the District of Columbia, and assigned it to his crony Ted Greenberg in the Eastern District of Virginia, across the river in Alexandria.

By so doing, Richard saw to it that Terpil and Wilson were thrown to the wolves, while he protected key players in Bush's intelligence network, such as Shackley, Clines, and Secord, who were involved in the EATSCO case. Clines and Secord, of course, went on to play prominent roles in the global, East-West gun-running operation which figured in

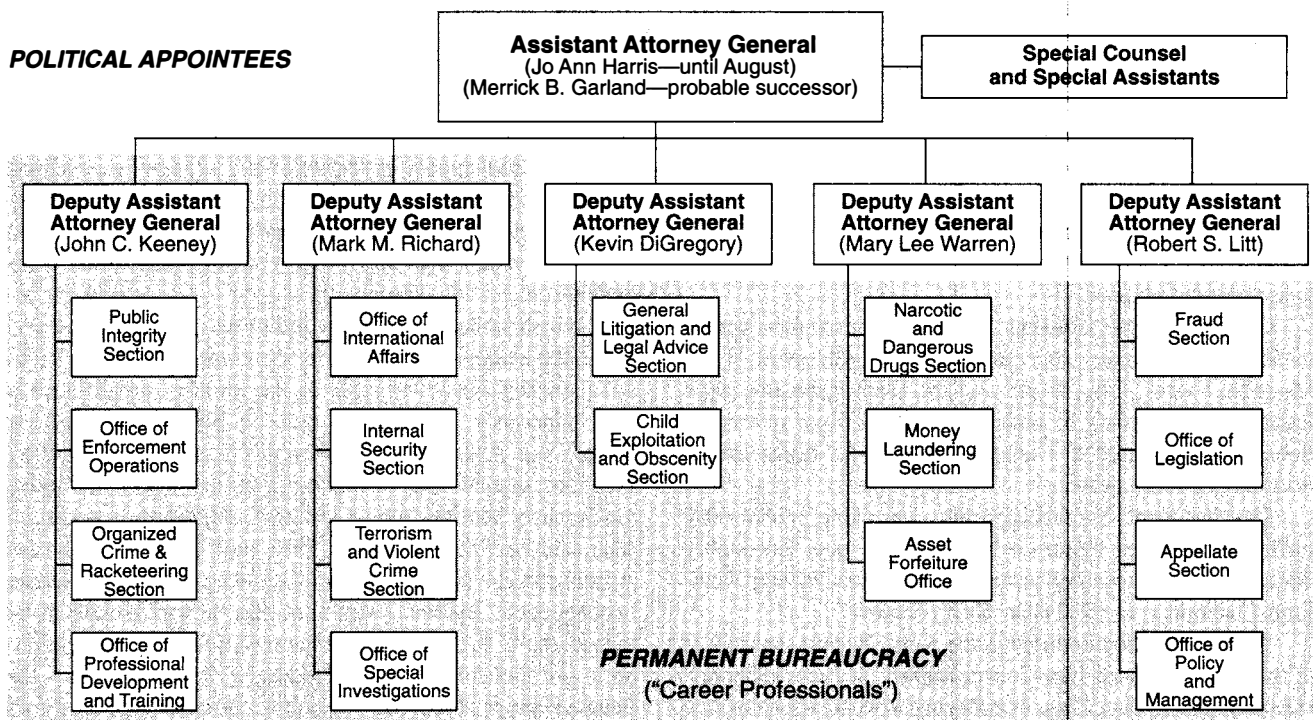
the so-called Iran-Contra Affair.

(Ted Greenberg, who was Richard's counterpart, the "protector of the secrets" in the Alexandria federal court, now heads the Money-Laundering Section of the Criminal Division. He is now on a highly unusual special assignment in Arkansas, working on the staff of Special Prosecutor Donald Smaltz, who is working in tandem with Whitewater Special Prosecutor Kenneth Starr to try and concoct a criminal case against President and Mrs. Clinton.)

**The Steven Bryen case:** Mark Richard personally suppressed a 1978 investigation of Steven Bryen, then a Senate staffer, after Bryen was caught red-handed giving classified information to the Mossad station-chief in Washington. Bryen now leads the Likud-linked Jewish Institute for National Security Affairs (JINSA), whose board has included kidnapper Galen Kelly (see p. 24).

**The John Demjanjuk case:** In 1983, Richard traveled to Israel to persuade a reluctant Israeli government to accept the deportation to Israel of Cleveland autoworker John Demjanjuk, who was accused of being a Nazi concentration camp guard. The Israeli judicial system later acquitted Demjanjuk, and a U.S. appeals court ruled that OSI had committed fraud on the court in handling the case (see p. 15).

## Political appointees and fixtures at the DOJ Criminal Division



• **The Jonathan Pollard case:** In 1985, Richard and John L. Martin (chief of the Internal Security Section) were part of a four-man U.S. delegation sent to Israel on the Jonathan Pollard spy case. Reportedly, the trip ensured that certain aspects of that case would never see the light of day. Pollard had been overseen by Ariel Sharon aide Rafi Eytan, and handled by Ruth Sella, a Mossad agent then employed in the legal department of the ADL. Richard handled all aspects of Pollard's prosecution.

On Dec. 29, 1993, the *Washington Times* reported that Mark Richard was leading the campaign to induce the President to grant clemency to Pollard. One source said, "Mark Richard is beating the drum on this and has lost his objectivity. . . . He's pushing the bogus idea that Pollard should be released."

The paper also reported that Richard was pressing for the dropping of criminal cases now pending against "three unindicted Israeli co-conspirators who fled to Israel after Pollard was arrested. . . . They were identified in court records as Col. Aviem Sella [Ruth's husband], Joseph Yagur and Irit Erb."

**The Bueso-Rosa case:** In 1985, Honduran General José Bueso-Rosa was convicted of conspiring to assassinate the President of Honduras, in a plot funded by a \$40 million cocaine deal—with the drugs to be sold in the United States. But Bueso-Rosa had friends, among them Ollie North, who went to bat for him to try to get the general released. In

self-serving testimony before the Congressional Iran-Contra Committee, Richard claims he strenuously opposed doing anything for Bueso-Rosa on the grounds that he was an international terrorist—yet Richard admitted that he had personally called the head of the U.S. Bureau of Prisons to have Bueso-Rosa transferred to a minimum-security facility.

**The Medellín Cartel indictment:** In 1986, federal prosecutors in Miami undertook their biggest effort to nail the Medellín cocaine cartel. The RICO indictment named Jorge Ochoa, Pablo Escobar, Carlos Lehder, and others as operating a racketeering enterprise. It charged them with producing 58 tons of cocaine between 1978 and 1985.

According to Richard Gregorie, the lead prosecutor on the case, the indictment combined all their work for the previous three years. In Colombia, some people were very anxious to see the indictment issued, believing that it would put so much pressure on the Colombian government that it would be compelled to extradite Ochoa and others to the United States.

The case was being presented to the grand jury on Aug. 16, 1986. According to published accounts, leading television networks and newspapers were notified that something big was coming, and a press conference was scheduled after the grand jury session.

Just as the grand jury was about to vote on the indictment, there was a knock on the door, and the prosecutors were told that "Washington just called," and that Justice Department

headquarters had ordered them to seal the indictment. This was later explained as being in response to a request from the Colombian government, which, fearing great embarrassment from the pending indictment, relayed its request through the State Department to the Justice Department. The indictment remained sealed for three months, dissipating its effect, so that when it was finally announced, the impact was greatly lessened.

In a recent interview with this writer, Gregorie said that it was Mark Richard who took the responsibility for the order to seal the indictment.

**Ollie's Cocaine Contras:** During the same time period in which prosecutors were preparing the indictment of the Medellín Cartel, Ollie North and the Bush apparatus were frantically attempting to suppress or delay other investigations that threatened to expose their guns-for-drugs operations in Central America.

That the North-Secord apparatus was using known drug traffickers for their Contra resupply effort, was thoroughly documented by a report issued by the Senate Foreign Relations Committee in 1988 (the "Kerry Report").

What is also documented in the Kerry Report, as well as in the Congressional Iran-Contra Report, is Justice Department complicity in killing or delaying investigations on behalf of the North-Secord apparatus.

The Congressional Iran-Contra Report states that North and National Security Adviser Adm. John Poindexter were concerned that various investigations "would expose the NSC staff's covert operations." The report continues:

"They sought to monitor investigations and, in some cases, to delay or impede their progress by suggesting that national security was at stake. Confronted with such assertions from White House officials concerned with the nation's security, law enforcement agencies understandably cooperated with the NSC staff by delaying some investigations, arranging to move a convicted former official [i.e., Bueso-Rosa] whom North was afraid would disclose facts about the Contras to a minimum security prison, and giving Poindexter and North information about other investigations."

In a number of these cases, in addition to the Medellín and the Bueso-Rosa cases cited above, Mark Richard was the point man at the Justice Department for relaying these "national security" concerns to prosecutors in the field.

Another case cited in the Iran-Contra Report was a Neutrality Act case in Miami involving one Jesus García; after being convicted, García began providing information on Contra operations and paramilitary plots in Central America, sending off alarm bells in Washington. The U.S. Attorney in Miami, Leon Kellner, says that Mark Richard called him for information. While Richard portrays himself as just following orders from higher-ups in this matter, it should be recalled that it was in connection with this case that Assistant Attorney General William Weld made the statement quoted at the

beginning of this article: that he would follow the advice of Mark Richard as to whether the NSC should be given information about a pending investigation.

**Interference with Congressional investigations:** The Kerry Committee report charges that, while the committee was attempting to investigate allegations that the Contras and the Contra supply operations were engaged in weapons smuggling and narcotics trafficking, there was a long delay in its ability to conduct public hearings, beginning in April 1986. The report says that it received information that "officials in the Justice Department sought to undermine the attempts by Senator Kerry to have hearings on the allegations."

In the evidence presented by the committee, Mark Richard naturally shows up right in the middle—while always self-righteously maintaining that he himself did nothing wrong. An Assistant U.S. Attorney from Miami, Jeffrey Feldman, testified that he had met with the head of the Internal Security Section, John L. Martin, and Martin's assistant, who told him that the DOJ, FBI, and Drug Enforcement Administration (DEA) had met to try to undermine the Senate investigation. Feldman also said that he had reviewed the files of the U.S. Attorney in Miami (a Reagan-Bush appointee), and had found there confidential documents from the Senate Foreign Relations Committee. Mark Richard testified that he had seen a confidential transcript of a closed Executive Session of the Foreign Relations Committee, but that he somehow couldn't recall where or from whom he obtained it.

Information from the prosecutors' files in Miami was also obtained by Justice Department officials, and selectively leaked to Republican senators to attempt to discredit the allegations of Contra drug-running and other illegalities being made by Feldman and other federal prosecutors in Miami. A Justice Department official testified that the confidential document had been passed on to the head of the DOJ's Office of Legislative Affairs by Mark Richard.

**The Branch Davidian/Waco case:** The Waco case is covered in depth in an separate article in this feature. The critical points to be noted here are these:

There were two categories of officials at the top levels of the Justice Department in the spring of 1993: those who had just walked in the door, and the career "professionals."

In the absence of a Senate-confirmed Assistant Attorney General, John Keeney was the acting head of the Criminal Division in February and March of 1993. Jurisdiction over the Waco case lay with the Terrorism and Violent Crimes Section, headed by James S. Reynolds. That section, as we have noted, is supervised by Mark Richard. Richard thus had key responsibility during the Waco crisis, and he was the highest-ranking Justice official to personally travel to Waco, which he did twice.

After both trips, he immediately briefed the brand-spanking-new Attorney General, Janet Reno. He was the first to brief Reno on the FBI's plan to insert gas into the Branch

## The DOJ targets black officials

A growing mountain of evidence indicates that at least since 1977, members of the Justice Department's "permanent bureaucracy" have been behind a concerted effort to mount selective and vindictive prosecutions against black elected officials. This pattern has been most recently documented by Dr. Mary R. Sawyer in her 1987 book, *Harassment of Black Elected Officials: Ten Years Later*, a followup to her initial 1977 report, *The Dilemma of Black Politics: A Report on Harassment of Black Elected Officials*.

This matter has been before the House of Representatives since at least Jan. 27, 1988, when then-Congressman Mervyn Dymally placed before the House a shocking document. It was an affidavit sworn by an FBI agent, Hirsch Friedman, concerning an FBI policy named Operation *Frühmenschen* (German for "primitive man"). According to Friedman's testimony, "The purpose of this policy was the routine investigation without probable cause of prominent elected and appointed black officials in major metropolitan areas throughout the United States. It was explained to me that the basis for this Frühmenschen policy was the assumption by the FBI that black officials were intellectually and socially incapable of governing major governmental organizations and institutions."

Dymally insisted that the Judiciary Committees exercise their oversight responsibility by opening investigative hearings into the allegations. Although that demand has been reiterated repeatedly over the last seven years by various members of the Congressional Black Caucus, no such oversight hearings have ever occurred.

In testimony delivered at 1990 public hearings,

Dymally explained, "This is the way the harassment begins: Someone in the Justice Department calls his favorite newspaper and leaks a story. The reporter is assured that the information has come from a reliable source and prints an article citing allegations and charges. After the article is printed, the Justice Department initiates an investigation based upon the article, which more often than not, is based on its own leak."

Mary Sawyer's 1977 report named the following leaders as targets of such campaigns: New York Congressman Adam Clayton Powell; Cleveland Mayor Carl Stokes; Gary, Indiana Mayor Richard Hatcher; California Lt. Governor Mervyn Dymally; Missouri Congressman William Clay; New York Congresswoman Shirley Chisholm; Detroit Mayor Coleman Young; Fayette, Mississippi Mayor Charles Evers; Atlanta Mayor Maynard Jackson; Michigan Congressman Charles Diggs; U.S. Sen. Edward Brooke; and Colorado Lt. Governor George Brown.

More recent cases include that of Congressman Harold Ford of Tennessee, who in 1987 was indicted on 19 counts of mail and bank fraud, stemming from loans he had received from the Butcher family to aid his family funeral home business. The Butchers' banking empire collapsed in 1983, triggering the largest banking collapse in Tennessee history. The 1987 indictments followed four years of personal contention with the U.S. Attorney's office in Memphis, Ford's political base. Two grand jury investigations during that period brought no charges. A first trial, in 1990, resulted in a hung jury, and it was not until April 1993 that Ford was acquitted of all charges.

Another prominent case is that of Washington, D.C. Mayor Marion Barry, who was imprisoned in 1990 following an FBI "sting" operation. Now back in the mayor's seat, he has been targeted by a new task force headed by two Assistant U.S. Attorneys, including a former top aide to former U.S. Attorney Jay Stephens, who ran the 1990 sting.—*Dr. Debra Hanania Freeman*

Davidian compound—a plan which Richard strongly supported. After Reno was finally persuaded to go ahead with the gassing plan, Richard was the DOJ official who handed to Reno the documentation from the FBI justifying the planned attack. For personal reasons, Keeney was scarcely involved during the final days of the crisis; the Justice Department report states: "AG Reno relied a great deal on DAAG Richard during the latter days of the crisis."

### Michael Abbell, the cartel's contact

On June 5, federal prosecutors in Miami announced the indictment of six lawyers and 56 other individuals in connec-

tion with a multi-count indictment for racketeering, narcotics smuggling, obstruction of justice, and money laundering. Among the indicted attorneys were two former Assistant U.S. Attorneys and a former director of the Office of International Affairs at Justice Department headquarters, Michael Abbell. The prosecutors announced that three of the attorneys, including Abbell's law partner Francisco Laguna, had entered guilty pleas.

Abbell joined the Justice Department in 1965, shortly after receiving his law degree from Harvard. In 1979, he became the director of the newly created Office of International Affairs (OIA), where he handled, among other things,

extradition proceedings for drug traffickers being prosecuted by the United States. In 1982, Abbell was, in effect, demoted, becoming the associate director of the OIA, while a political appointee, Philip T. White, was made director. (According to a former Justice Department official who had worked closely with Abbell, both were actually demoted: White had been a Deputy Assistant Attorney General, while Abbell was regarded as somewhat of a loose cannon who was not very effective at his job.)

It is likely that Abbell began making plans to leave the Department of Justice (DOJ) already at that time. Later, he told Associated Press that he had quit the DOJ because of low pay (he remedied that, for sure), and because a political appointee was “moved down on my shoulders.”

In late 1984, Abbell resigned from the DOJ, and became “of counsel” to the law firm of Kaplan, Russin and Vecchi. One of the partners in that firm later joined Abbell in the new firm of Abbell and Ristau; this was Bruno Ristau, who had worked in the Justice Department’s Internal Security Division and its foreign litigation office in 1958-81.

About six months after leaving the DOJ, Abbell showed up in Madrid, Spain to oppose the United States in extradition proceedings for the Colombian drug kingpins Jorge Ochoa and Gilberto Rodríguez Orejuela.

Before going to Spain, Abbell was cleared by the Justice Department of any conflict of interest. The clearance came in the form of a letter dated May 17, 1985, which reads as follows:

“Re: Representation of Gilbert Rodriguez-Orejuela

“Dear Mr. Abbell:

“We have reviewed your request to represent Rodriguez in connection with his proceedings on extradition from Spain for trial on federal indictments in the Central District of California and the Eastern District of New York. It is our view that you did not personally and substantially participate in this matter in connection with Rodriguez nor was it under your official responsibility during your last year of government service.

“Accordingly, you are not disqualified under the Post-Employment Rules for Government lawyers from so representing Gilbert Rodriguez-Orejuela.

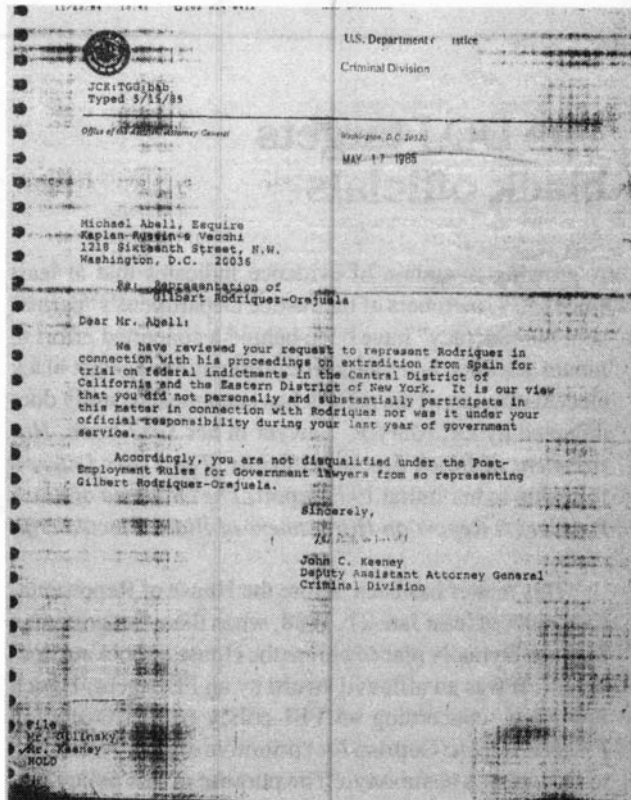
“Sincerely,

“John C. Keeney

“Deputy Assistant Attorney General

“Criminal Division”

Although Abbell claims that he only represents the “non-violent” Cali Cartel, two U.S. officials who were involved in the Ochoa extradition proceedings have told *EIR* that they believed at the time that Abbell was representing Ochoa—one of the chieftains of the Medellín Cartel. In fact, Ochoa and Rodríguez Orejuela had travelled to Spain together and were close companions there.



*John Keeney authorizes Michael Abbell to represent Cali Cartel kingpin Gilberto Rodríguez Orejuela.*

While in Madrid, Abbell provided “expert” testimony concerning U.S. extradition procedures; he attacked the U.S. extradition papers, and submitted an affidavit to the court which described various alleged deficiencies in the U.S. Justice Department’s extradition request. Because he was a former U.S. official who handled these matters, his “expertise” was taken quite seriously by Spanish authorities: One U.S. official who was there, told *EIR* that the Spaniards figured “there must really be a problem with these documents” for Abbell to come to Spain to testify about them.

The upshot of the proceeding was that Ochoa and Rodríguez Orejuela then arranged for the government of Colombia to indict them on precisely the same charges as the U.S. charges, which gave the Spanish court no choice but to extradite them to Colombia—where they were soon freed.

How could this happen? Another U.S. prosecutor who was involved in the Ochoa proceeding, Richard Gregorie, testified before the Kerry Committee in 1988 about the Ochoa case, and complained about the low-level treatment of the Ochoa matter by the State Department; Gregorie also complained that Attorney General Edwin Meese never talked to the prosecutors involved in the case, although Meese did have discussions with Spanish government officials.

Of course, all extradition matters and dealings with for-

eign governments were under the supervision of Mark Richard. Richard was not only Abbell's former boss, but, as we have shown above, Richard was also the Justice Department's official liaison to the State Department. It is thus inconceivable that Meese would have taken—or not taken—any action in the Ochoa case without extensive consultation with Mark Richard.

Abbell went on to become the in-house attorney—"house counsel"—to the Cali Cartel. By 1989, he admitted to having travelled to Cali six times to consult with the leaders of the cartel. The recent indictment shows him travelling to Colombia at least three more times after that, as well as sending his new law partner, Francisco Laguna, to Cali in 1991.

The indictment charges that Abbell obstructed the U.S. government's investigation of the Cali Cartel by obtaining and filing false statements with the courts, obtaining and filing affidavits which falsely exculpated Miguel Rodríguez Orejuela, and using narcotics proceeds to hire lawyers for others charged with narcotics trafficking. Abbell seldom appeared in court; his role—as well as the other lawyers charged—was to protect the leaders of the Cali Cartel by ensuring that other defendants did not cooperate with the government, by obtaining false affidavits to protect the leaders of the cartel, and by hiring hand-picked lawyers for other defendants to protect the cartel kingpins.

The indictment of Abbell and the other lawyers in the Cali case sent shock waves through the legal community, and, according to some reports, through Justice Department headquarters as well. Although some of Abbell's former colleagues are delighted that he was finally indicted, others were not so happy.

"There was terrible tension in the Justice Department over this indictment," a former U.S. congressional investigator told *EIR* recently. He said that the pressure in favor of the indictment came from the law enforcement agents and prosecutors on the scene in Florida, while most officials in the Justice Department in Washington opposed the indictment. "They are reluctant to go after any of their own," he commented.

### **Richard, Keeney, and the LaRouche case**

The story of the LaRouche case and gross misconduct by the Justice Department is told in full in the article on p. 20. What we will summarize here, is what is known about the role of Mark Richard, John Keeney, and the permanent bureaucracy in operations against LaRouche and associates during the 1980s.

John Keeney, who became a Deputy Assistant Attorney General in 1973, shows up in various Justice Department documents concerning FBI surveillance and operations against LaRouche and associates from at least the mid-1970s. Most of the operations against LaRouche were centered in the old Internal Security Division.

When the Internal Security Division was dissolved in 1979, much of the "LaRouche" portfolio seems to have gone into the General Litigation and Legal Advice Section (GLLAS). GLLAS also took over the services of the DOJ's resident "cult expert," Roger Cabbage. Around 1976, when this writer filed a complaint with the Justice Department after associates of Lyndon LaRouche had received a death threat from convicted mass murderer Charles Manson, he was referred to Mr. Cabbage. Cabbage was the Deputy Chief of GLLAS in the 1980s, and James Reynolds was its Principal Deputy Chief.

It was the GLLAS section, under Mark Richard's supervision, which, in 1983, ordered the FBI to investigate Henry Kissinger's now-famous "Dear Bill" complaint against Lyndon LaRouche. When Kissinger wrote his letter to FBI Director William Webster, both the FBI's terrorism section and the Justice Department's Civil Rights Division shrugged it off and declined to treat it seriously. Kissinger then got his cronies in the President's Foreign Intelligence Advisory Board (PFIAB) to bring the issue up to Webster at a Jan. 12, 1983 PFIAB meeting. A Justice Department memorandum five days later instructed the FBI to report the results of its investigation directly in writing to Lawrence Lippe, the chief of GLLAS. Kissinger's law firm, Arnold and Porter in Washington, D.C., communicated directly with Lippe and the GLLA section, according to FBI documents obtained under the Freedom of Information Act (FOIA).

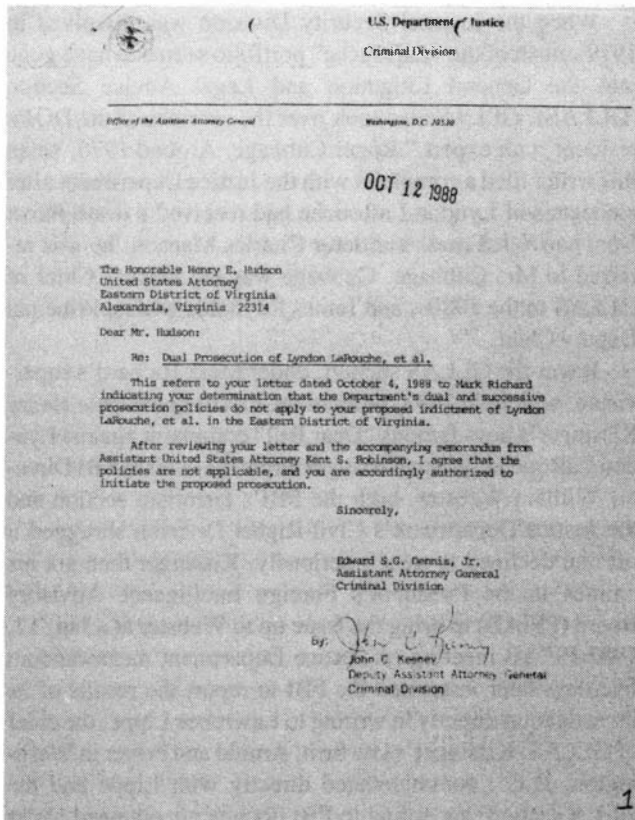
In 1984, GLLAS, under Mark Richard, defended the Secret Service's denial of security protection to presidential candidate Lyndon LaRouche. The litigation was handled by GLLAS senior legal advisers Benjamin Flannagan and Victor Stone. Flannagan joined the Justice Department in 1955, and spent his entire career first in the old Internal Security Division, and then handling internal security matters for the Criminal Division in GLLAS.

It was also the GLLAS which in 1986 was assigned by Criminal Division head William Weld (now governor of Massachusetts) to coordinate collection of the Boston contempt fines against organizations identified with LaRouche—which led to the 1987 illegal bankruptcy seizure of three publishing and distributing companies. That bankruptcy shutdown was a crucial step in preparing the prosecution and imprisonment of LaRouche and a number of his associates in 1988-89.

Weld again contacted James Reynolds of GLLAS (now heading the Terrorism Section) in March 1987, to ask them to determine if there would be any problem for prosecutors in the ongoing criminal case against LaRouche's associates, if the government were to initiate an involuntary bankruptcy action.

On March 24, 1987, four senior GLLAS attorneys—Reynolds, Flannagan, Cabbage, and Stone—held a conference call with DOJ bankruptcy specialist David Schiller. Documents released under the FOIA to this writer in 1993





John Keeney gives U.S. Attorney Henry Hudson the go-ahead to prosecute LaRouche.

contain handwritten notes made by Reynolds during the call, in which Reynolds wrote: "Benefit is that a trustee is immediately appointed. They are ordered to shut down the business immediately." A marginal note next to this reads: "Trustee's role is to shut down the entities."

Reynolds notes directly contradict the Justice Department's official position, as repeatedly argued by prosecutors in court, that the government intended to keep the three businesses operating. By shutting down the companies, the government prevented them from repaying loans which had been made to the companies by political supporters. The Justice Department then indicted LaRouche and others for allegedly deliberately failing to repay those loans!

In 1988, during the trial of LaRouche and various associates and organizations in Boston, Fraud Section attorney Mark Rasch assisted in the prosecution, aided for a while by a GLLAS attorney, William Braun, who just happened to be in Boston at the time. When the judge in that case ordered an "all-agency search" of federal agencies—including the office of Vice President George Bush—for any exculpatory documents concerning LaRouche, it was Benjamin "internal security" Flannagan of GLLAS who coordinated the search. Needless to say, he didn't find anything.

After the prosecution's failure in the Boston case—it

ended in a mistrial after months of wrangling over classified information and government misconduct—the Justice Department prepared to move the case to the Eastern District of Virginia, where they could be certain of having a rigged judge and jury. However, to bring a second indictment while the first was still pending, was highly questionable, even by Justice Department standards.

During this time, one attorney was told that Mark Richard was one of two officials in the Justice Department fully conversant with the LaRouche case. And it was Mark Richard to whom the prosecutors went for formal approval to bring the second prosecution against Lyndon LaRouche. John Keeney signed the official authorization.

On Oct. 3, 1988, the chief of the DOJ Fraud Section, William Hendricks, sent a lengthy letter and memorandum to Mark Richard, opposing arguments made by attorneys for LaRouche that a second prosecution would be in violation of the Justice Department's own policies regarding dual prosecutions and successive prosecutions of the same individual. (In his Iran-Contra deposition, Weld described Hendricks as someone "who has a lot of experience in CIA matters.") The following day, Henry Hudson, the U.S. Attorney for the Eastern District of Virginia, sent a similar letter to Mark Richard, also requesting approval to proceed.

On Oct. 12, a response was sent to Hudson over the name of the head of the Criminal Division, Edward Dennis, and signed by John Keeney.

The letter begins: "This refers to your letter dated Oct. 4, 1988 to Mark Richard indicating your determination that the Department's dual and successive prosecution policies do not apply to your proposed indictment of Lyndon LaRouche, et al. in the Eastern District of Virginia. After reviewing your letter and the accompanying memorandum from Assistant United States Attorney Kent S. Robinson, I agree that the policies are not applicable, and you are accordingly authorized to initiate the proposed prosecution."

On Oct. 14, LaRouche and the other targets of the Alexandria prosecution—including this writer—brought suit in federal court in Washington, D.C. to attempt to enjoin the pending indictment. Because the action involved a pending grand jury indictment, the courtroom, presided over by Judge Stanley Sporkin (the former CIA general counsel), was closed. Just as the proceeding got under way, two attorneys from GLLAS, Flannagan and Stone, came running breathlessly up to the courtroom and demanded entrance. In an affidavit submitted in a later case, Flannagan stated: "GLLAS attorneys Victor D.L. Stone and I were personally directed by . . . John Keeney to go to Judge Sporkin's courtroom and, as a courtesy, offer to assist United States Attorney Henry Hudson in defense of this injunction action."

Sporkin denied the injunction, and within a few hours, LaRouche and six codefendants were indicted by Hudson, rapidly rushed to trial, and then convicted within a matter of two months.