

Citizens Protection Act hearings must focus on LaRouche case

by Bruce Director

When Congress holds hearings on the Citizens Protection Act of 1998, co-sponsored by Reps. Joseph McDade (R-Pa.) and John Murtha (D-Pa.), there is no better case to examine which demonstrates the paradigm of Justice Department misconduct, than the politically motivated frame-up of Lyndon LaRouche and his associates. A full Congressional hearing into the LaRouche case will not only serve the objective of securing passage of H.R. 3396, and help to clean up prosecutorial abuse, but it will speed up the process of exonerating LaRouche, whose leadership is urgently required to deal with the systemic world financial crisis.

As former U.S. Attorney General Ramsey Clark, who was one of LaRouche's attorneys, has stated, the LaRouche case "represented a broader range of deliberate cunning and systematic misconduct over a longer period of time utilizing the power of the Federal government than any other prosecution by the U.S. government in my time or to my knowledge."

The McDade-Murtha bill proposes to establish standards of conduct for Justice Department employees, and specifically defines 10 areas of conduct that would be defined as punishable.

Six volumes of evidence of prosecutorial misconduct in the LaRouche case are already on file with the U.S. Fourth Circuit Court of Appeals, and attorneys associated with LaRouche continue to compile more. But, a summary review of the LaRouche case shows that virtually all 10 areas were violated by Department of Justice employees in this case. We include a small sampling of such evidence here.

Punishable offenses

We analyze below the provisions of H.R. 3396 (the numbered sections in bold are quotes from the bill; the paragraphs which follow are an analysis of the prosecutorial abuses involved in the LaRouche case). The bill would make it punishable offense for prosecutors to:

1. in the absence of probable cause seek the indictment of any person;

At all times the Federal government knew that LaRouche and his co-defendants were innocent of the false charges for which they were convicted. The LaRouche case arose for politically motivated reasons, when, upon the instigation of Henry A. Kissinger, in January 1983, the President's Foreign

Intelligence Advisory Board (PFIAB) authorized the Justice Department to conduct an investigation of LaRouche, "under the guidelines or otherwise." The language of the PFIAB memo, alleging that LaRouche was funded by "hostile intelligence agencies," was false and known at the time to be false by DOJ officials. Nevertheless, DOJ officials undertook an investigation under Executive Order 12333, in collaboration with the National Security Council and other Federal agencies. DOJ actions in this regard included illegal wire-tapping, illegal break-ins, planting evidence, and other crimes.

The subsequent indictment of LaRouche and his associates was a product of this politically motivated action—no probable cause that any crime had been committed. To cite but one example of the political-national security overlay to the LaRouche prosecution: When 400 Federal and state officers raided the offices of LaRouche's associates in October 1986 based upon a search warrant, and stripped them of every document and computer file, the bounty was taken to a top-secret military installation and no access was permitted for several weeks.

2. fail to promptly release information that would exonerate a person under indictment;

Throughout the LaRouche case, DOJ officials have suppressed documents in their possession that would prove LaRouche and his co-defendants innocent. These documents include internal FBI and DOJ memos, witness interviews, and other material that contradicts government witness and prosecutors. Since the trial, attorneys associated with LaRouche's legal defense have pursued release of these documents under the Freedom of Information Act. Of the several hundred thousand pages of documents in possession of Federal agencies, only a portion has been released, and those have been heavily redacted. Were this full file to be released, it would prove beyond all doubt that LaRouche and his associates were totally innocent of the charges.

3. intentionally mislead a court as to the guilt of any person;

While there are many such instances in the LaRouche case, perhaps the most egregious is the fraud upon the court committed by DOJ officials when they brought an illegal bankruptcy against three publishing companies associated with LaRouche.

By the fall of 1986, the government wanted to charge LaRouche and others with conspiracy to borrow money from supporters with no intent to repay. According to court records, the government was concerned at the time that if the companies that had borrowed the money made payments on the loans, an indictment and conviction would be impossible to ram through. On April 21, 1987, officials of the DOJ presented, *ex parte*, a petition for involuntary bankruptcy in the U.S. Bankruptcy Court for the Eastern District of Virginia, ending all possibility of loan repayments. DOJ officials then used the lack of loan repayments as evidence of LaRouche's guilt at trial. Two and one-half years later, Bankruptcy Judge Martin Van Buren Bostetter ruled that the government's bankruptcy petition was illegal, and that Federal prosecutors had committed a "constructive fraud" on the court and had acted in "objective bad faith." Without the bankruptcy, no conviction of LaRouche could have occurred.

4. intentionally or knowingly misstate evidence;

At LaRouche's trial, DOJ officials repeatedly lied about the evidence. For example, prosecutors repeatedly told the jury and the judge that the companies mentioned in the indictment had \$30 million in unpaid and completely defaulted debt, which was taken with no intention to repay. Yet they knew from their own investigations that this was false. They knew that the loans were political, and were subject to frequent rollovers and extensions, or conversions to contributions. They also knew that DOJ employees had taken actions which were designed to completely undermine the revenues to the LaRouche movement, thus frustrating the ability to repay or service the loans. Prosecutors also used informants to plant evidence which they later used in court against the defendants. When this misconduct was uncovered in the first LaRouche trial in Boston, Massachusetts, Federal Judge Robert Keeton found the government guilty of "systemic and institutional misconduct."

5. intentionally or knowingly alter evidence;

FBI Special Agent Richard Egan destroyed years of evidence of loan repayments which had been submitted to a Boston Federal grand jury.

6. attempt to influence or color a witness' testimony;

In order to make their case, DOJ officials relied on former political associates of LaRouche. Prosecutors portrayed these individuals as conscience-stricken people who were coming forward to tell the truth. In fact, prosecutors considered these people "brainwashed" and utilized the services of professional "deprogrammers" to help shape their testimony. DOJ employees, when interviewing political supporters of LaRouche, told lurid and false tales about LaRouche and his associates in order to convince them they had been victims of a crime. In some cases, when these supporters refused to say they had been defrauded, they were threatened by DOJ agents.

7. act to frustrate or impede a defendant's right to discovery;

The defendants filed a 63-page pre-trial motion for discovery which sought disclosure of 181 categories of exculpatory evidence. The government claimed such evidence was either irrelevant or didn't exist. Documents obtained under the Freedom of Information and Privacy Act, and post-trial investigations conducted by LaRouche's defense team, have proven DOJ claims to be false. Several documents obtained under FOIPA specifically state that DOJ employees should conceal evidence from the defense. For example, a January 1989 document states that the FBI "imposed limits regarding the extent of information which should be divulged" to the defendants. A December 1987 memo shows that Federal prosecutor John Markham sought to avoid receipt of materials containing exculpatory evidence.

8. offer to provide sexual activities to any government witness or potential witness;

To date, no evidence of this category of misconduct has been discovered in the LaRouche case.

9. leak or otherwise improperly disseminate information to any person during an investigation;

From the very beginning, DOJ employees and agents participated in planting defamatory news stories with the intent of demonizing LaRouche, as part of the prosecution's strategy. In early 1983, DOJ agents participated in a series of meetings at the home of New York investment banker John Train, along with media representatives from NBC-TV, the *Wall Street Journal*, *Reader's Digest*, and other news organizations. At these meetings, a nationwide defamation campaign was discussed, with the express goal of creating a prosecution of LaRouche.

Participants in these meetings later broadcast or published defamatory news stories with the assistance of DOJ personnel. For example, in 1984, Pat Lynch, a participant in the Train meetings, broadcast a defamatory story on NBC's "First Camera." She later testified that she obtained non-public information from DOJ officials while preparing the broadcast. In 1986, Lynch and Assistant U.S. Attorney John Markham collaborated in broadcasting a false allegation that LaRouche was involved in the Feb. 28, 1986 assassination of Olof Palme, the Prime Minister of Sweden. (It was later disclosed that this lie originated with Division X of the East German secret service, the Stasi.) Prosecutors worked with CBS-TV's news magazine, "West 57th Street," to air a vicious defamation of LaRouche and his associates on the eve of jury selection for the Boston trial. This happened not once but twice—jury selection was cancelled for reasons unrelated to the initial "West 57th Street" broadcast, and the broadcast was aired again, weeks later, when jury selection actually began. Throughout the investigation, prosecutors engaged in a repeated pattern of leaks of grand jury information and falsehoods about LaRouche.

10. engage in conduct that discredits the Department.
All the above.