

The Dirty Justice Department Is the Dirtiest of Them All

by Edward Spannaus

The most rotten agency of the United States government, the Department of Justice (DOJ), is coming under another round of public attack, this time for its cover-up of false testimony given to the court during the 1983 trial of rogue CIA officer Edwin Wilson. The Wilson case represents a sort of exposed raw nerve, demonstrating the gross corruption in the DOJ's Criminal Division.

A much bigger case, involving many of the same personnel in a much broader pattern of misconduct, was the targeting of Lyndon LaRouche and associates during the same time period. The Justice Department has yet to fess up in the LaRouche case, although it has begun to do so in the Wilson case.

On April 24, the *Washington Post* ran a full-page article on the Wilson cover-up, which featured a rogues' gallery-type spread across the top of the article, sporting photos of former CIA officials Stanley Sporkin and Charles Briggs, and present or former DOJ officials Ted Greenberg, Mark Richard, Stephen Trott, and D. Lowell Jensen (the latter two are now Federal judges, as is Sporkin), and Wilson himself. Some of those names, especially Richard and Greenberg, are fixtures of the DOJ permanent bureaucracy, oft exposed in the pages of *EIR*.

The article puts the major responsibility for the cover-up on the Justice Department, saying that the CIA lobbied for full disclosure, "only to be overruled by senior Justice Department officials."

Privatized Intelligence Operations

Wilson had been a direct CIA employee from 1955 to 1971, and then he "resigned" from the CIA and joined the Naval Intelligence covert unit Task Force 157. In the mid-1970s, Wilson and his partner Frank Terpil were involved in providing arms, explosives, and training to the Libyan government. In the early 1980s, Wilson was estimated to be worth \$23 million, accumulated from his global arms business.

Wilson's operation was a precursor of the "privatized" intelligence operations which came to prominence during the Iran-Contra investigations of the 1980s; such operations were given legal cover under the provisions of the 1981 Executive Order No. 12333, which gave much wider latitude to the U.S.

intelligence community for use of private contractors. Wilson explained his operation by asserting that he had been advised by Deputy Director of Operations Theodore Shackley in 1976 (in the period prior to Jimmy Carter's inauguration as President, a pending event which had many in the intelligence community worried) to leave the official intelligence service, and to report to the CIA and other agencies as a private businessman.

False Affidavit

Wilson was indicted in Houston in 1982 for illegally shipping explosives to Libya in the 1970s—his third Libya-related indictment. Wilson's only defense against the charges was that his activity was authorized by the CIA, and, more broadly, that he had been asked by a high-ranking CIA official to ingratiate himself with the Libyans by playing the role of a "renegade American" in order to gather intelligence for U.S. agencies. He said that he had provided top-secret intelligence from Libya, to the CIA, the Defense Intelligence Agency, the National Security Agency, and Naval Intelligence.

In his first trial in Federal court in Alexandria, Virginia, he was barred from presenting evidence of his close ties to the CIA and intelligence officials; that particular court is notorious for its routine denial of defense motions and its close ties to U.S. intelligence agencies—as also shown in the late-1980s LaRouche case.

In Houston, Wilson had slightly more latitude, and was permitted to present evidence that he had continued to provide information to the intelligence community. In order to attempt to discredit Wilson's defense, the DOJ asked the CIA for assistance. Over defense objections, and as the trial was concluding, prosecutors were permitted to file an affidavit from CIA Executive Director Briggs, which stated that Wilson had not been requested to provide any services for the CIA after 1971, with the single exception of one instance during 1972, when Wilson was employed by Naval Intelligence. The Briggs affidavit made such an impression on the jury, that they asked to have it re-read to them during their deliberations. Less than an hour after hearing the affidavit re-read, the jurors returned a verdict of "guilty" on all counts.

Within a matter of days, a CIA analyst had provided docu-

mentation showing that the Briggs affidavit was false. And within a couple of days after that, a DOJ attorney sent a memo to Mark Richard, the number-two career officer in the DOJ's Criminal Division, which was entitled, "Duty To Disclose Possibly False Testimony." Richard then communicated with the U.S. Attorney in Houston, telling him that CIA files contained information "inconsistent with the Briggs affidavit." But, nothing was done. CIA officials then proposed that a letter be sent to Wilson's attorneys, identifying some inaccuracies in the Briggs affidavit. But the letter was never sent.

CIA General Counsel Sporkin called Richard to urge that the issue be resolved before Wilson's sentencing; Richard told Sporkin that there was "very little sentiment in DOJ to do anything about the Briggs affidavit."

Two months after Wilson's conviction, a CIA memorandum documented some 80 contacts between the CIA and Wilson after 1971; 36 of these were substantial enough to contradict the Briggs affidavit, and some involved services provided by Wilson at the government's request, including gun sales to a Saudi security agency, and shipments of two desalination plants to Egypt on behalf of the CIA.

The DOJ, which had been investigating Wilson's activities in Libya and elsewhere during the 1970s, had in its own possession a 1977 Criminal Division memorandum which stated: "A reliable source of the FBI reports that Wilson was still a 'contract employee' of the CIA as recently as the summer or early fall of 1976." A 1979 Criminal Division memo said that between 1971 and 1976, Wilson, "with the knowledge and coordination of the Agency"—referring to the CIA—was "an important independent contractor on a secret and sensitive Navy project," and that Wilson had established and operated two Navy "proprietary" (front companies) along with a CIA proprietary which he also operated.

The Briggs affidavit was a knowing lie, both from the standpoint of the CIA, and from the Justice Department's own records and knowledge.

Despite extensive discussions and meetings between CIA and DOJ officials and the prosecutors, full disclosure was never made. The most adamant against any disclosure was the lead prosecutor, Theodore Greenberg, a career DOJ official who had prosecuted Wilson just a few months earlier in Alexandria, Virginia, on similar charges, and who went to Houston for the second round. Finally, it was decided to slip a reference to the problems with the affidavit into an appellate brief, which would have the "benefit"—in the words of a DOJ memo—that the court would likely "treat the issue without much attention." That is exactly what happened, and it took years for Wilson's attorneys to painstakingly pry the information out of the CIA and DOJ through Freedom of Information requests and lawsuits.

Another round of cover-up, in 1986-88, involved misconduct on the part of prosecutor Lawrence Barcella, who was suspected of illegally leaking classified information, FBI reports, and grand jury material to author Peter Maas. Although

there was a recommendation within the DOJ that Barcella be investigated for the leaks, the matter was killed and information withheld from the court, at the instruction of Benjamin Flannagan, a senior official of the General Litigation and Legal Advice Section (GLLAS), which was supervising the Wilson case, and which was also intensively involved in the illegal prosecution of LaRouche at the same time.

GLLAS was an outgrowth of the old Internal Security Division of the Justice Department, and it deployed one of its own staff attorneys, Karen Morrisette, to Houston to work with Greenberg on the Wilson case. Both Morrisette and Greenberg were specialists in national security cases.

In court papers filed just this last Jan. 18, the Department of Justice finally admitted that it had used false testimony in Wilson's trial, 17 years earlier. "They knowingly used false testimony," defense attorney David Adler said after the government's admission. "Briggs's affidavit said Wilson was not working for the CIA, but he was doing everything from giving advice to locating military hardware to recruiting."

On March 17, Wilson's attorney filed a motion to hold 17 present and former DOJ and CIA officials in contempt of court for hiding evidence and using false testimony. That motion is still pending in the Federal court in Houston. Of the ten DOJ officials named in the motion, six were also involved in the LaRouche case around the same time.

The Targetting of LaRouche

Even bigger and dirtier than the Wilson case, is the Justice Department and FBI effort—which dates back to the early 1970s, but which began in earnest in 1982—to bring a fraudulent prosecution against Lyndon LaRouche, for the purpose of railroading LaRouche into Federal prison, or setting up a situation in which he could be killed.

The operation against LaRouche was conducted covertly under the legal "authority" of Executive Order 12333, as a putative "national security" operation using both official agencies of the U.S. government and private organizations.

Beginning in August 1982, Henry Kissinger repeatedly demanded that the FBI and DOJ launch a national-security, foreign counterintelligence investigation of LaRouche. On Jan. 12, 1983, several of Kissinger's cronies raised the LaRouche question at a meeting of the President's Foreign Intelligence Advisory Board (PFIAB). As an indication that this was to be handled under the looser, covert foreign intelligence procedures of E.O. 12333—rather than as a "domestic security" investigation—FBI Director William Webster reported that the PFIAB meeting discussed whether the FBI had a basis for investigating LaRouche "under the guidelines or otherwise."

That same day, Assistant Attorney General D. Lowell Jensen ordered the FBI to open an investigation of LaRouche, and to report the results to the GLLAS section of the DOJ's Criminal Division. Jensen, and his successor from late 1983 through 1986, Stephen Trott, were both involved in the Wil-

son and LaRouche cases at the same time. (Jensen and Trott are both named in Wilson's contempt-of-court motion.)

Under the direction of Trott, and the top Criminal Division career officials Mark Richard and Jack Keeney, a Federal grand jury was convened in Boston at the end of 1983, as the next phase of the targetting of LaRouche. After years of pre-trial wrangling, a trial began in Boston at the end of 1987, but became enmired in issues of classified information and government misconduct. At one point the judge ordered an all-agency search for records of U.S. government or intelligence agency involvement around the LaRouche case, including a search of the offices of then-Vice President George Bush. (That search was supervised by GLLAS's Flannagan, a sidekick of Keeney's from the 1950s when they both worked in the McCarthyite Internal Security Division. In 1984, Flannagan led the effort in the DOJ to deny Secret Service protection to then-Presidential candidate LaRouche.)

The LaRouche trial in Boston was interrupted for five weeks of hearings in the Spring of 1988, which included calling to the witness stand the FBI case agent on the Wilson case, Angus Llewellyn of Alexandria, Virginia, because of his role in sending intelligence operatives into the LaRouche camp.

Government Bankruptcy Fraud

With the DOJ seeing the vulnerabilities of their Boston case, they launched a second operation in April 1987, designed to set up another prosecution of LaRouche, to be held in the infamous and compliant "rocket docket" Federal court in Alexandria, Virginia.

This was a forced bankruptcy and shutdown of three publishing and distribution companies operated by associates of LaRouche. The objective was to *prevent* those entities from paying back loans to political supporters, under color of a bankruptcy seizure, and then to undermine their support for LaRouche, and intimidate a handful of those lenders into becoming prosecution witnesses.

The pre-planning for the bankruptcy was conducted through the very same GLLAS unit of the Criminal Division, with some of the same individuals, such as Flannagan, who were involved in the Wilson case.

Later, after LaRouche and many associates had been railroaded into prison, a Federal bankruptcy judge threw out the government's bankruptcy case, and ruled that the Justice Department prosecutors had conducted a "constructive fraud on the court" with the filing of the bankruptcy action; the court also found that the government prosecutors had acted in "objective bad faith."

According to testimony given during the Boston LaRouche proceedings, Wilson prosecutor Greenberg was also consulted in the planning of the bankruptcy action.

This was at least the second instance of Greenberg's involvement in the operation against LaRouche. During the planning for the 400-officer armed raid against the Leesburg, Vir-

ginia offices of the publishing companies which were later bankrupted, Greenberg had served as a covert channel between the DOJ and the "special operations" section of the Joint Chiefs of Staff (in particular, the special office which provided Defense Department logistical support for intelligence operations), to arrange for two truckloads of documents seized in the Leesburg raid to be secreted away at a military base near Washington.

The key to the second trial of LaRouche in the Eastern District of Virginia, was the action by the trial judge, Albert V. Bryant, Jr., to prevent any evidence about the fraudulent bankruptcy from being presented during the trial. That very same judge had earlier upheld the shutting down of the publishing companies by the DOJ's illegal and unprecedented bankruptcy action, thus barring any continuation of loan repayments; the defendants were then convicted on fraud charges for not repaying those same loans, of which the government had prevented repayment.

As the Alexandria indictment was about to be issued on Oct. 14, 1988, attorneys for LaRouche went into Federal court in Washington seeking an injunction to block the indictment. The judge who heard—and denied—the motion, was none other than Stanley Sporkin, the former CIA General Counsel who had certified the Briggs affidavit in the Wilson case in 1983.

And just as the closed-door injunction hearing was beginning, two attorneys from the DOJ's GLLAS section came running up to the courtroom demanding admission.

One of those two was Benjamin Flannagan, the "senior legal adviser" in the GLLAS unit who, three days later, on Oct. 17, 1988, wrote "DO NOT DISCLOSE, NO ACTION" on the internal DOJ memorandum drafted by Karen Morrisette, urging that the judge in the Wilson case be notified that one of the prosecutors had apparently illegally leaked information to author Peter Maas, and that an FBI investigation of the prosecutor be initiated. Flannagan's directive killed any investigation or disclosure of the prosecutor's illegal action. Incidentally, Morrisette had magically appeared in a meeting earlier on the day of the court hearing, with top DOJ officials on the subject of the pending LaRouche indictment.

There are many more elements of DOJ corruption in the LaRouche case which are thoroughly presented in LaRouche's "He's a Bad Guy, But We Can't Say Why" (*EIR*, March 10, 2000).

Suffice it to say for our purposes here, that what is now being exposed in the Edwin Wilson case, is just the tip of the iceberg of the DOJ malfeasance which was manifest in the LaRouche case, against a defendant who was totally innocent of the charges presented.

In the Libya arms case, Wilson was dirty, and the CIA and particularly certain elements of it, such as those grouped around Thomas Shackley, were very, very dirty, but the Justice Department is the dirtiest of them all.