

LaRouche contests government move to dismiss Boston case

by Jeffrey Steinberg

In a hearing before U.S. District Court Judge Robert Keeton in Boston, Massachusetts on Feb. 9, attorneys representing Lyndon LaRouche and several of his co-defendants opposed the government's motion to dismiss the 124-count indictment against them. Defense counsel argue that, if the trial proceeds, the defendants would be vindicated of all charges, and the basis would be provided for reversal of the Alexandria "railroad"—the political frameup trial which resulted in the conviction of LaRouche and six associates on Dec. 16—on grounds of massive government misconduct.

On Jan. 27, Boston U.S. Attorney Frank L. McNamara, Jr. had filed a motion asking the dismissal of the case against LaRouche, a dozen associates, and four organizations, on charges of mail and wire fraud and conspiracy to obstruct justice.

Judge Keeton has not yet ruled on the matter.

Not at all coincidentally, the very same day that the Department of Justice was moving to dump *U.S.A. v. The LaRouche Campaign et al.*, another federal judge in Alexandria, Virginia was sentencing LaRouche to a draconian sentence of 15 years in jail—in effect a death sentence for the 66-year-old political economist and four-time presidential candidate—and ordering him and six associates to immediately begin serving their sentences. The Alexandria prosecution had centered around mail and wire fraud charges, merely replacing the Boston conspiracy to obstruct justice counts with a single-count conspiracy charge that LaRouche had concealed information from the IRS.

In all but the most legalistic and technical features, the two cases were identical, and were the handiwork of the same Department of Justice "Get LaRouche" squad that was convened under the direction of former U.S. Attorney and Criminal Division head William Weld, at the behest of such liberal Establishment bigshots as Henry Kissinger, Edward Bennett Williams, Donald Regan, and the leadership of the Democratic National Committee—with strong urging from Moscow and the City of London.

On the most immediate level, the government's decision to drop the Boston case on the eve of a scheduled retrial, was motivated by a decision within the Establishment to "bury" LaRouche by shutting off all public forums—including the Boston federal courtroom. More to the point, however, a retrial in Boston threatened to further bring to light the Justice Department's own criminality in its decade-long effort to frame up LaRouche and destroy the international

political association that he founded over 20 years ago. Such revelations, which did begin to come out during the lengthy first Boston trial last year, prompting the government to scramble for a mistrial, would have likely provided new evidence forcing the reopening of the Alexandria case.

A special case of 'graymail'

At least one current occupant of the West Wing of the White House breathed a sigh of relief when U.S. Attorney McNamara filed his dismissal motion. C. Boyden Gray, former general counsel to Vice President George Bush and now the White House general counsel, had emerged during the final weeks of the first Boston trial (which ended in mistrial in May 1988) as a major player in the second Reagan-Bush administration's "Get LaRouche" program, a program that intersected possibly criminal aspects of the Iran-Contra scandal that are now the subject of other prosecutions, including the Oliver North trial.

In the midst of the first Boston trial, a Freedom of Information Act (FOIA) suit by the defendants demanding all National Security Council documents referring to Lyndon LaRouche turned up a May 6, 1986 memorandum from Gen. Richard Secord to Oliver North which said, "Our man here has info against LaRouche." The document, in the possession of Irangate Special Prosecutor Lawrence Walsh, had been retrieved from the NSC office safe of North. A May 1, 1986 FBI memorandum released to defense attorneys revealed that "our man here" was a retired U.S. Army Special Forces sergeant major, Frederick Lewis. Lewis and his two partners, Gary Howard and Ron Tucker, had made repeated efforts, beginning in September 1984 to "infiltrate the LaRouche organization" on behalf of both the FBI and the CIA. By planting false information in FBI and CIA files against associates of LaRouche, the trio had successfully triggered a criminal investigation into LaRouche-linked organizations.

According to a spring 1988 *Washington Post* article, the Lewis-Howard-Tucker trio had been reporting their activities directly to none other than C. Boyden Gray. The exposure of these ties prompted Judge Keeton to order a more thorough search of White House files for exculpatory documents. Keeton singled out the files in the Office of the Vice President for special scrutiny.

In addition to their efforts to "sting" LaRouche, the three Texas-based mercenaries had been simultaneously working as undercover agents for the U.S. Customs Service. Accord-

ing to British sources, while working in England between 1984-86, Howard, Lewis, and Tucker had been bagmen for a North-Secord Enterprise associate, Col. David Walker of the British SAS front company, KMS, Ltd. KMS had been brought in by North and by Secretary of the Navy John Lehman to carry out military covert operations in Nicaragua on behalf of the Contras, according to congressional testimony.

In short, the Howard-Lewis-Tucker issue threatened to unearth the otherwise successfully suppressed "Bush role" in Irangate.

The Emerson-FBI angle

From the very outset of the Boston prosecution, which began on Oct. 6, 1986 with a 400-man paramilitary raid on the offices of two LaRouche-linked Leesburg, Virginia companies and the unsealing of the original indictment, defense attorneys had labeled the prosecution a political frameup of LaRouche, capping a 17-year FBI COINTEL-PRO campaign against the National Caucus of Labor Committees (NCLC), the philosophical association LaRouche founded.

Despite agreements between defense attorneys and prosecutor John Markham committing the government to turn over all documents relating to FBI informants before the start of the trial, it was only on the 70th day of the trial that the government released an extensive FBI file on informant Ryan Quade Emerson, a.k.a. Ivan Nachman. An oftentimes paid informant for the FBI since 1966, Emerson had been used by the FBI to plant "evidence" on several LaRouche associates who were then accused of obstruction of justice; the "evidence" took the form of verbal briefings that were reflected in those defendants' personal notebooks, and then used to build a case against them. Markham used quotes from the FBI's Emerson, taken from seized notebooks of defendant Jeffrey Steinberg, in his opening statement before the jury as "proof" of the obstruction conspiracy. Seventy days into the trial, Markham was forced to submit an affidavit to the court acknowledging that he had *personally authored* the notebook entry delivered by Emerson as part of the informant's efforts to gain access to the offices of *EIR* in preparation of the search warrant.

Confronted with massive evidence of government misconduct, Judge Keeton eventually ordered an evidentiary hearing to determine the level of government abuse. Emerson was grilled by defense attorneys and Judge Keeton ordered FBI classified files on Emerson from half a dozen field offices to be declassified and made available to the defense. In the course of his testimony, Emerson revealed that during 1978-80, he had been paid by the FBI to publish a "private" law enforcement oriented newsletter filled with FBI-provided information. This FBI invasion of the media unleashed a storm of protests and investigations by investigative reporters around the country. This groundswell of interest in the

LaRouche case began to seriously jeopardize FBI "methods and procedures."

It was under these circumstances that the Department of Justice jumped at the first opportunity to "cut bait" and walk away from the Boston trial with a mistrial. The issue of government corruption and interference in the affairs of a legitimate political organization had become such a central issue in the trial that the jurors, in an informal poll taken moments after the case was ended, voted unanimously to acquit all defendants on all counts.

Fearful of the consequences of a repeat of the initial Boston experience, prosecutors went shopping for a new judge and a new jurisdiction. The Department of Justice handed down a November 1988 "new" indictment against LaRouche and six colleagues in Alexandria, a jurisdiction known as the "killing field," and scheduled the Alexandria trial to "leapfrog" the Boston retrial.

Lying their way in, lying their way out

At the time of the Oct. 6, 1986 raid, the Justice Department succeeded in having two of the Boston defendants, Jeffrey and Michele Steinberg, held without bail. In a highly charged hearing before Magistrate Grimsley of Alexandria, Va., U.S. Attorney Henry Hudson had argued that the Steinbergs were "kingpins" of the obstruction, and would continue to obstruct justice if allowed to remain free on bail. From the official transcript of the Oct. 9, 1986 hearing:

Hudson: "We will show that the failure to produce documents and the agreement to squirrel these witnesses off to Europe was the direct result of a conspiracy created by Jeff Steinberg and Michele Steinberg. . . . These individuals are a very bad flight risk because they, like the people who went before them, could easily go to Germany. . . . We would also ask for their detention because they are very likely to continue to engage in obstruction of justice that brings us here today."

FBI Special Agent Richard Egan, the case officer for the two-year grand jury probe in Boston, delivered wildly perjured testimony at that bail hearing. Among his lies, subsequently disproved during hearings and the trial: that four LaRouche-linked entities subpoenaed to provide documents to the Boston grand jury had failed to provide any documents—under orders from the Steinbergs. In later testimony, Egan acknowledged that *millions of pages* of material had been submitted to the grand juries.

The Steinbergs spent 100 days in jail without bail.

When the government filed its Jan. 27, 1989 motion to dismiss, an accompanying memorandum suddenly offered a radically different set of facts, belatedly admitting that their target was LaRouche. Edward Spannaus, the director of legal affairs for the NCLC, was now the secondary "kingpin." Since LaRouche and Spannaus had already been convicted in Alexandria, further prosecutions were now deemed "unnecessary" and a waste of government funds.