

A political witchhunt: The Greenspan case

In October 1984, a grand-jury investigation was begun in Boston, Massachusetts, by U.S. Attorney William F. Weld—under the pretext of investigating alleged questionable fundraising practices by the presidential campaign of Lyndon LaRouche. From the outset, the investigation, spawned by the NBC-TV local Boston affiliate, was a fishing expedition whereby every political associate of Mr. LaRouche could be harassed, and every associated organization subjected to financial warfare designed to shut them down.

Under grand-jury procedure in the United States, a prosecutor like Weld has to present evidence to a jury of citizens before he is able to issue indictments for major crimes. But, rather than acting as a protection for the targeted individual or organization, grand-jury proceedings in recent years have become the cover for costly campaigns of harassment against their targets.

The chronology of the investigation against LaRouche associates follows:

November 1984: Days before the general elections, the New Jersey bank holding LaRouche campaign accounts seize \$200,000 in campaign funds, on the word of a Boston FBI agent involved in the grand-jury investigation.

In November, the accounts of Campaigner Publications, a publisher and distributor, are temporarily seized on rumors of “federal investigations” against the company.

In the same month, the New York bank accounts of Campaigner Publications and the Fusion Energy Foundation, a scientific foundation of which LaRouche is a director, are closed.

December 1984: The Federal Election Commission, the agency responsible for auditing election campaign finances, already involved in extensive harassment and litigation with previous LaRouche campaign committees, opens up new cases concerning credit card transactions, and sends out hundreds of investigative questionnaires to contributors, soliciting complaints.

January 1985: The Boston grand jury issues document subpoenas for six “LaRouche” organizations, The LaRouche

Campaign, Independent Democrats for LaRouche, the National Democratic Policy Committee (NDPC), the Fusion Energy Foundation (FEF), Campaigner Publications, and Caucus Distributors, Inc. (CDI). The two campaign committees accept the subpoenas and produce records; however, the subpoenas against the other four organizations are never properly served.

March 1985: At Weld’s request, the federal court in Boston directs the four organizations to show cause as to why they should not be held in contempt of court, even though subpoenas had not been properly served. Based on perjured statements from the FBI and U.S. Attorney’s office, Judge A. David Mazzone finds said companies in contempt and imposes fines of \$10,000 per day per organization.

April 1985: Boston FBI agent Richard Egan serves personal subpoenas on LaRouche campaign workers in Boston to appear before the grand jury.

The same month, Weld seeks partial judgments of \$70,000 each against CDI, FEF, Campaigner, and NDPC. Judge Mazzone grants the request and refuses to lift the \$10,000 per day contempt fines. Following this, Weld asks for an additional \$150,000 in fines per organization.

May 1985: Even though motions are still pending to appeal the fines, Weld illegally moves to enforce the judgments and seize bank accounts from the Fusion Energy Foundation and Campaigner Publications.

July 1985: True to his reputation of always ruling for the government, Judge Mazzone rules in favor of the U.S. Attorney on motions to 1) quash the subpoenas, 2) overturn the contempt fines, and 3) annul the enforcement of the contempt fines.

During July, the Federal Election Commission admits that it has for some months been giving all investigative material relating to LaRouche to the FBI and the Boston Grand Jury—which explained why the FEC had been opening numerous civil investigations about matters over which it had no legal jurisdiction. It is also admitted that FEC General Counsel Charles N. Steele had conducted conversations about LaRouche with his good friend and Harvard schoolmate William Weld.

August 1985: While Elliot Greenspan is in Boston appearing before the grand jury as the record keeper for CDI, an FBI agent serves a personal subpoena upon him. A motion to quash the subpoena is denied by the federal court.

September 1985: FBI agent David S. Higgins invades the offices of Campaigner Publications in Virginia, conducting

himself in a loud and abusive manner toward employees while "looking for" CDI.

September 1985: A new and separate grand jury in Cincinnati, Ohio, issues subpoenas for bank account records of CDI.

The jailing of Greenspan

Greenspan had appeared before the grand jury in September and asserted his right not to testify under the First and Fifth Amendments to the United States Constitution. The U.S. Attorney's office, upon approval of either Attorney General Meese or one of his top assistants, sought and obtained an immunity order directing Greenspan to testify and stating that his testimony could not be used to incriminate him. However, Greenspan continued to assert his right under the First Amendment not to disclose information about his political associates and their fundraising activities. "The issue of credit-card fraud is a bogus issue," Greenspan said, "Weld is just looking for information with which the FBI can harass my political associates and their supporters and contributors."

On Oct. 3, Judge Mazzone attempted to nullify the First Amendment, and threatened to jail Greenspan, an NDPC candidate from New Jersey, for contempt of court. Mazzone held Greenspan in contempt and threatened to throw him in jail if he continued to assert his First Amendment rights of freedom of association.

Greenspan had already agreed to answer the three questions demanded by the court, but had objected to the nature of the intrusive questions about his associates and the relevance of those questions to the investigation. His attorney said, "It is not clear at this juncture as to the extent the Government will attempt to probe into the structures of the political organizations with whom Mr. Greenspan is affiliated, the identities of co-workers, other volunteers, fundraising, and political activities." Both the U.S. Attorney and Judge Mazzone stated on the record that this was a "specific investigation" limited to credit-card fraud, and Mazzone said he saw no application of the First Amendment "in a credit-card fraud investigation." "I also order," Judge Mazzone said, "that, if you, in the future, persist in your use of the First Amendment as grounds for refusing to answer questions, I will hear a further motion from the government to hold you in contempt, this time in criminal contempt."

Mazzone stated on the record that when Greenspan was asked, "Do you have any knowledge of the credit-card scheme?" and that if the answer is "No," then "we go no further; Mr. Greenspan goes home, and the matter is adjourned until further notice." Mazzone also stated on the record that if the prosecutor should ask questions that violated Greenspan's First Amendment rights, "they [Greenspan] can come back to me."

During Greenspan's next appearance, Assistant U.S. At-

torney Daniel Small spent almost the whole day avoiding questions about credit cards, instead subjecting Greenspan to interrogation about his personal finances and taxes. Following this, Greenspan's attorney again moved to quash the proceeding, which was once again denied by Judge Mazzone, prior to Greenspan's next appearance on Oct. 22.

Later on Oct. 22, in violation of all normal contempt requirements and procedures, Judge Mazzone ordered Greenspan to be confined in jail. Greenspan had interrupted his grand-jury testimony on Oct. 22 when Small produced a private telephone list stolen from the offices of Campaigner Publications in Virginia, and asked Greenspan to identify the persons listed, his political associates.

grand-jury foreman to be excused to consult his attorney and to go before the judge for a ruling on the validity of this line of questioning, which constituted a clear intrusion into his First Amendment rights. Even though Mazzone had invited Greenspan to come back before him under such circumstances, he summarily overruled the contentions of Greenspan's attorney and said—as Small had said earlier in the day—"I don't believe this gentleman has ever purged himself of contempt."

This was an outright lie, since 1) Mazzone had received a letter from Greenspan's attorney saying that Greenspan would answer the three questions and "purge" himself; 2) Mazzone knew that Greenspan had been before the grand jury for at least two days of testimony since the Oct. 3 contempt hearing; 3) in Greenspan's renewed motion to quash the subpoena, which Mazzone had denied that morning, it was stated that Greenspan had answered the three questions; and 4) Greenspan's attorney again told Mazzone at this hearing that Greenspan had answered all the questions put to him.

The conditions at the 100-year old county jail in Lawrence, Massachusetts, where Greenspan was confined, were abysmal, with three people in cells originally intended to hold one. The first night, Greenspan was forced to sleep on the floor, with no heat, in freezing temperatures. Only after numerous calls to the jail from supporters were heat and cots provided.

On Oct. 23, Mazzone refused to reconsider his action, again asserting that Greenspan had not purged himself of contempt, even when told again that Greenspan had not refused to answer any questions. He told Greenspan's lawyers that he would release him if his lawyers filed a formal motion to purge the contempt the next morning, but, in fact, he did not issue the release order until the end of the day on Oct. 24.

On Oct. 29, Greenspan again appeared before the grand jury for more questioning about his and his associates' personal finances. At the end of the session, Small demanded that CDI produce "index cards" of all supporters and contributors used in fundraising—a move which CDI is expected to vigorously oppose, on the grounds that this would give the FBI an open door to harass all contributors and LaRouche supporters.