

The Great Leesburg Panty Raid was a hoax, say lawsuits

“Attorney-General Mary Sue Terry has absolutely no evidence of any criminal activity which would warrant even a raid, let alone a raid which deployed overtime 400 heavily armed state police to occupy a town for more than 24 hours.” That is the way Linda de Hoyos, president of Campaigner Publications, summarized matters in her Dec. 2 press conference in Leesburg, Virginia to announce the filing of a new court suit a day earlier against Virginia state officials involved in the enormous Oct. 6-7 police raid against associates of Lyndon H. LaRouche, Jr.

“This was timed precisely one month before the general elections, and had to do with what you would call a freak-out throughout the liberal media and press over the fact, that two candidates associated with LaRouche had won state primaries in Illinois while spending only \$300 on the campaign—which indicates a significant level of political support.

“It is an attempt to disenfranchise at least 20 to 30% of the voting public right now, by shutting down the organizations which put out literature which they read, and which constitute a political movement which they support, and which they may very well support in the 1988 presidential campaign.”

Twelve organizations that suffered through the “Great Leesburg Panty Raid” have now filed two separate lawsuits against Virginia state authorities, charging violations of civil rights and blatant political motivations in the police raid.

Six organizations targeted in the raid of Oct. 6-7, 1986 filed a court action Dec. 1, claiming that the entire search conducted by Virginia state law-enforcement officials was a hoax designed to provide political cover for a simultaneous federal raid.

This court action, “A Motion to Vacate and Return Property,” was filed in Loudoun County Circuit Court in Leesburg by the six organizations: Caucus Distributors, Inc., Campaigner Publications, Publications Equities, Inc., Publications & General Management, Executive Intelligence Review, and Columbus Data Systems, which had been named in the search warrant procured by Virginia authorities.

The state warrant admits the political nature of the search by arguing that these six organizations are connected to Lyndon H. LaRouche, the only declared candidate for the 1988 Democratic presidential nomination.

John P. Flannery, attorney for the plaintiffs, sums it up in section “IV. Argument,” entitling subhead “A. The State Search Was a Sham.”

Not even a warrant

In November, six other organizations, whose records were seized in the raid even though they were not mentioned in the warrant, brought a civil-rights lawsuit against Commonwealth of Virginia officials in federal court in Richmond, Virginia.

That suit named Virginia Attorney-General Mary Sue Terry and three top Virginia state police officials as defendants in connection with the 400-man paramilitary raid, and asked \$400,000 in damages.

The suit charges that state authorities acted in wanton violation of the plaintiffs’ civil rights and deprived them of due process of law, by seizing and carrying away their property without a search warrant.

The plaintiffs are seeking preliminary and permanent injunctions to prevent state authorities from keeping and using materials seized during the raid, in addition to the \$400,000 monetary damages.

The six organizations filing suit are the Fusion Energy Foundation, the Schiller Institute, the National Democratic Policy Committee, Independent Democrats for LaRouche, The LaRouche Campaign, and the Leesburg Security Fund. Their suit was filed Nov. 12 in Richmond in the U.S. District Court for the Eastern District of Virginia.

The plaintiffs point out that state officials admitted, when they handed over a list of property taken in the raid, that they had taken property from these organizations. Yet, the search warrants which were signed in authorization of the raid “did not authorize or otherwise permit the seizure or removal of property belonging to the plaintiffs.”

Thus, the suit notes, "The actions of the defendants in removing the property of the plaintiffs were intentional and willful, and done in wanton disregard of the rights of the plaintiffs," guaranteed by the Constitution.

The suit also notes that the "wrongful seizure of the property belonging to the plaintiffs has caused each of them to incur damages due to the disruption of their normal business activities. The continued wrongful retention of the property of the plaintiffs by the defendants will cause irreparable injury to the business operations of the plaintiffs."

To compensate for the wrongs done to them, the organizations are making two sets of demands. First, they seek to inspect all property, identify all persons and organizations to whom information about the property has been disclosed, prohibit further disclosure, and to get all the materials and copies back again. Second, they seek compensatory and punitive damages, in particular from the two state police officers who ran the search, W. A. Spivey and R. H. Perry, III. Spivey and Perry "stole, carried away, and converted to their own use and to the use of others the property of the plaintiffs."

Atmosphere of lawlessness

The lawsuit against the Virginia state police attacks one of the grossest illegalities in the paramilitary raid ordered by William Weld of the Justice Department on Oct. 6 and 7. It and the subsequent Dec. 1 suit by organizations that were named in the warrant are the first of many legal challenges to be expected against the government's violation of the constitutional rights of the defendants, including Jeffrey and Michele Steinberg, Paul Goldstein, and others who were arrested under federal criminal indictments for "obstruction of justice" which were issued shortly before the raid.

As FBI agents smashed in doors with sledgehammers, refused permission for legal observers to witness the search, and sought to cripple the organizations' activities by seizing truckloads of documents, the Virginia state police participated in the general atmosphere of lawlessness. One example: The private security guard employed at the premises where the raid took place, himself a former New York City police officer, was brutally manhandled by the state police, when he was seeking to inform them of his cooperation.

The pattern of human rights violations in both the indictments and the paramilitary raid have led to the establishment of an International Commission to Investigate Soviet-Style Human Rights Violations in the United States. The Commission is currently in the process of recruiting members who will sit on a tribunal, to review the government's actions.

One charge to be aired before the tribunal is that the excessive use of force—325 police and FBI officers—betrayed the intention to provoke an incident at LaRouche's residence, in which he would be killed. Soviet officials had demanded LaRouche's head on a platter during the two months before the raid.

There are other indications that a provocation to police

violence was on the agenda. One example: Some of the state police appeared to have been fed disinformation by their superiors or other parties which caused them to become intensely paranoid and fearful for their own physical safety. Several sources say police refused cups of coffee offered by a local restaurant, because they feared being poisoned.

Blatant political motivation

The Motion to Vacate, filed Dec. 1 by the organizations that were named in the search warrant, exposes the blatant political purpose underlying the raid in its opening paragraph:

On Oct. 6 and 7, 1986, about one month before the nationwide midterm elections, state authorities, in a dramatic show of force and with a flair for media exposure, so extreme as to constitute misconduct, conducted an unlawful and otherwise unnecessary search of the political, news, publishing and other organizations named herein, exceeding the scope of the warrant improvidently granted.

The motion plus attached affidavits and exhibits demonstrate that the Commonwealth of Virginia merely tagged along on the federal search to provide local political support for sledgehammer-wielding FBI agents who broke down the doors of two office buildings at 6 o'clock in the morning.

The federal raid was calculated to cause maximum disruption less than one month before the November midterm elections when LaRouche Democrats, Janice Hart, Mark Fairchild, and others, and the LaRouche-backed Proposition 64 in California were to appear on the general election ballot. On the same day the raid began, federal authorities arrested five LaRouche associates on the basis of trumped-up indictments issued by a grand jury in Boston, Mass.

The Commonwealth of Virginia, however, had no grand jury investigation to justify their *Nacht und Nebel* raid on the Leesburg offices. The Fourth Amendment to the U.S. Constitution mandates a preliminary showing of criminal activity, known as "probable cause," to justify the issuance of a search warrant. The Commonwealth of Virginia attempted to conjure up "probable cause" by citing isolated examples from various state *civil* cases against two of the organizations targeted. Lacking any evidence of criminality, the Commonwealth instead tried to create the aura of criminal wrongdoing, by citing "confidential sources" who allegedly supplied information at great peril to their physical safety.

The Motion to Vacate exposes this "confidential source" tactic to be a complete fraud, perpetrated to "bolster otherwise paltry evidentiary submission." In affidavits conjoined to the Motion to Vacate, three of the four sources assert that they did not ask for confidentiality or express fear for their personal safety, and two of the individuals submitted sworn statements attesting to the misrepresentation in the state's affidavit.