

Judge orders Bush, White House files searched in trial against LaRouche

White House files, including those belonging to Vice President George Bush, will have to be searched for documents relevant to the LaRouche case, according to an order issued by Federal Judge Robert Keeton in a hearing in the Boston trial of *U.S.A. v. The LaRouche Campaign, et al.* on March 10. The judge also ordered an expanded search of CIA, FBI, and National Security Council files, over the protests of Prosecutor John Markham.

The order came after a week of dramatic courtroom fights over documents, which interrupted jury deliberations in the more than 60-day-old political trial against Democratic presidential candidate Lyndon LaRouche and 10 other individuals and organizations. At one point in the fight, Prosecutor Markham threatened to withdraw from representing the government due to a "conflict of interest" with the FBI.

The conflict appeared to have been resolved when the government agreed to declassify an FBI memorandum which showed that both the FBI and the CIA had sought to "penetrate" the LaRouche apparatus, using a group of dubious government agents. The memorandum was linked to a recently declassified telex message from Maj. Gen. Richard Secord to Lt. Col. Oliver North, which noted that "our man here" has learned that one Fred Lewis had collected "info against LaRouche." "Our man here" was identified by Markham as Oliver "Buck" Revell, a top official of the FBI.

At the same time that the FBI declassified the memorandum, however, the head of the FBI's Counter-Terrorism Global Unit showed up in the courtroom with three huge stacks of hitherto undisclosed and still classified FBI documents relevant to the defense.

Defense attorneys have argued that the trial cannot be continued until the government has carried out new and complete searches for documents relevant to LaRouche. Already, the recently declassified documents have shown that the government either consciously withheld documents, or was extraordinarily lax in its search, when confronted with defense demands before the trial began. In one whole area of documents relevant to national security, the defense itself found the documents through Freedom of Information Act procedures, while the government claimed they did not exist.

Defense attorneys have also argued that the withholding of documents up through the 55th day of trial, may have already prejudiced the proceeding beyond repair. Judge Keeton has several motions to dismiss pending before him.

Where are the documents?

As a result of Judge Keeton's decision, Prosecutor Markham is now ordered to search for documents relevant to LaRouche that might be found under the names of individuals and companies listed in a two-and-one-half-page typewritten list submitted by the defense. Markham unsuccessfully complained that the list included Bush, Oliver North, Soviet dissidents Andrei Sakharov and his wife Elena Bonner, and "some very sensitive" matters such as CIA spy satellites.

This is not the first time that the defense has requested such information, however. Back on Aug. 21, 1987 defense attorney Daniel Alcorn had submitted a lengthy proffer in compliance with the Classified Information Procedures Act (CIPA), saying that such "sensitive" matters were at the very heart of the government's case. We quote:

"Defendants will introduce into evidence at trial the existence of a *top secret Cointelpro-type* investigation of Defendants previously revealed by the National Security Agency and the FBI. Defendants will additionally introduce specifics of said investigation as they may become known between now and the trial" (emphasis in original).

At that time the government, specifically the CIA, waived any classification concerns. The prosecution also denied that it had information on the defense relevant to Executive Order 12333, Oliver North, and other intelligence agencies.

Several months later, however, defense attorney Alcorn was informed that the FBI had accumulated over 4,700 pages of material on counterintelligence operations related to LaRouche which were authorized under E.O. 12333.

Judge Keeton twice demanded an explanation from Markham of why the defense had been able to discover documents through FOIA procedures which the prosecution had not been able to find. "I need an answer to the question: How are documents turned up through FOIA that are not turned up in searches resulting from prosecution requests?" Judge Keeton asked. "The U.S. is responsible for the conduct not only of the prosecution team, but also for the conduct of other agencies of the government."

The judge also overrode Markham's objections to his new expanded list of search areas with the following warning: "Your resistance increases the risk that something will turn up later which results in prejudice to the defendants. I am not giving you immunity from conducting a broader search than I am ordering. If something else shows up, I will hear argu-

ments with respect to the prejudice that results, and sanctions. I am not doing your job for you. You are taking whatever risk will result from it.”

Case to be thrown out?

Defense lawyers have argued that the documents declassified the week of March 7, as well as others that have not yet been produced, are “exculpatory,” i.e., demonstrate the innocence of the defendants. Federal rules require that such evidence be provided to the defense before trial.

The two documents released that week, for example, suggest that an individual named Fred Lewis, working on behalf of Oliver North’s Project Democracy network of “private” companies and in coordination with top FBI official Oliver Revell, attempted to infiltrate the LaRouche apparatus. Such targeting might also indicate that illegalities being charged against LaRouche campaign committees and associates may have been the acts of government agents, as the defense charged in its opening statements.

In addition, two of the individuals identified in the FBI “cut and paste” document have a history of carrying out

“sting” operations on behalf of the federal government, including in the area of illegal arms shipments to Iran and elsewhere. Such a specialty could indicate that these individuals were also carrying out a “sting” against LaRouche.

In the hearing March 9, defense attorneys argued that the entire defense strategy in the case could be fundamentally altered on the basis of full disclosure of the documents. Attorney William Moffitt further argued that his case may have already been irreparably damaged. The prosecution has failed to adequately explain why it had not presented crucial exculpatory evidence showing that Ryan Quade Emerson, a long-time paid intelligence source for *Executive Intelligence Review*, had been an FBI informant.

New dirty tricks?

The court proceedings were also highlighted by the startling news that the offices of a key defense attorney had been burglarized. Daniel Alcorn, from Fensterwald and Alcorn of Alexandria, Virginia, told the court March 10 that his papers on the LaRouche case had been “rearranged” during the night before.

Documentation

The following document is a composite “cut-and-paste” of FBI secret documents from a larger file. As released on March 8, it had no letterhead and no routing information or any other accompanying notations.

On May 1, 1986, Lewis and two of his associates, identified as Ron Tucker and Gary S. Howard, were interviewed by FBI Agents from the San Antonio and El Paso Offices. Lewis advised that he is presently employed by Rhyolite Management Systems, Limited, in Dallas, Texas, and that in the interest of national security, his employer allows him to assist four or five other individuals in the fight against terrorism.

At the initiation of the meeting, Tucker stated he has had dealings with the FBI in the past and that the FBI has never taken any action on the information he has provided. Lewis, Tucker and Howard indicated they have a very high level source in the Federal Government who advises them regularly concerning cooperation or lack thereof between Lewis and his associates and the Federal Government.

A search of FBIHQ indices concerning Lewis, Tucker and Howard determined that during 1984, they were in contact with supporters of Lyndon LaRouche. During 1984, Lewis introduced Jeffrey Steinberg, an editor for the *Executive Intelligence Review (EIR)*, a LaRouche publication, to Howard. Steinberg told Howard that he wanted to hire Howard and others like him for possible covert action in foreign countries. Also, it was indicated that Steinberg had asked Lewis to rescue a LaRouche supporter who had been kid-

napped in Colombia by drug or terrorist groups.

During December, 1984, the FBI attempted to interview Lewis concerning his contacts with LaRouche. However, Lewis advised that all inquiries directed to him should be directed through his attorney pursuant to an alleged agreement his people made through the headquarters of the Central Intelligence Agency (CIA) and the FBI.

The above FBIHQ indices information was provided to San Antonio and El Paso prior to their interview of Lewis, Howard and Tucker. When asked about their possible ties to LaRouche, they claimed they had previously been requested by the FBI and CIA to penetrate the LaRouche organization. They claimed they were agreeable to the tasking, however the FBI has failed to direct their operations against LaRouche.

FBIHQ indices also indicate that during late 1984, Tucker and Howard approached supporters and family members of Soviet dissidents Elena Bonner and Andrei Sakharov and alleged they could free Bonner and Sakharov for \$2,000,000. No further information was available concerning this matter.

It is the opinion of San Antonio that Lewis, Howard and Tucker will sell information to any and all United States agencies who will pay for such information. Once they have provided the information, they will then attempt to sell it to other agencies.

San Antonio is being instructed to polygraph Lewis in order to establish his credibility and conduct further investigation to confirm the validity of his information.