

Judge Bryan: COG in police-state machine

by Joseph Brewda

On Sept. 1, U.S. District Court Judge Albert V. Bryan, Jr., who last year presided over the railroad trial of Lyndon LaRouche, summarily dismissed a suit brought by Fred Westerman relating to federal government break-ins of his firm, after another federal judge imposed a gag order on the contractor to prevent him from discussing the case with anyone. The case highlights Bryan's own deep links to the outlaw "secret government" that wants former presidential candidate LaRouche silenced—at all costs.

Westerman, a Virginia-based federal contractor, had begun in 1986 to report serious problems in a top-secret government program designed to run the government in the aftermath of a nuclear war. Following his complaints, the Federal Emergency Management Agency (FEMA) burglarized Westerman's firm on at least three occasions, according to a suit filed in federal court in August.

A former Army counterintelligence officer for 20 years, Westerman had been contracted to provide security and other services to FEMA's "Continuity of Government" program in five states. COG is the code-name for a secret National Security Council-centered interagency team, composed of 100 members who are charged with ensuring the continuation of vital government and non-government functions—for example, food distribution—in the aftermath of a nuclear war or other emergency.

Westerman reported that the alarm and security systems at several highly classified COG sites were faulty, that water was allowed to seep into high-voltage areas, and that emergency vehicles provided for the secret program were defective, among other serious problems. In November 1987, Westerman was told by his superiors to cease making complaints, according to reports published by Associated Press, and was ordered to turn over to the government all of his records pertaining to the program. According to these same reports, a FEMA operations security division specialist threatened to put Westerman's company out of business.

The first of four burglaries of Westerman's office took place 48 hours after the contractor refused to give his records to FEMA. One month later, Westerman was told that his negotiations with the government for a new five-year contract had been terminated. After his expulsion from the secret program, Westerman went to the FBI and other agencies in

January 1988 to complain of COG "irregularities." Within six months of these complaints, Westerman was formally informed that he had become a target of a Justice Department criminal investigation regarding his work for COG.

In response to this harassment, Westerman took out a suit against FEMA and other agencies, reportedly for burglary and related crimes. The case is sealed from public scrutiny. In August, U.S. District Court Judge Norma Johnson issued a gag order preventing Westerman and his attorney from discussing the case with anyone.

Westerman then took out a related suit against FEMA, under the provisions of the Freedom of Information Act, which demanded that that agency and others give him all records they have of him obtained through surveillance, wire-tapping, or burglary of his office. It was this suit which Judge Bryan summarily dismissed at a Sept. 1 hearing, relying on a secret government declaration provided by the Justice Department which neither Westerman nor his counsel was allowed to see. The Justice Department refused to confirm or deny whether Westerman's offices had been bugged, or otherwise compromised.

Police-state implications

A Federal Intelligence Surveillance Act passed in 1978 provides for electronic surveillance and surreptitious entry without a warrant in matters pertaining to national security. Judge Bryan was on the first team of 10 judges assigned to work with the FBI and National Security Agency in conducting secret hearings authorizing such buggings and "black-bag jobs." Only such hearings could have provided Judges Bryan and Johnson the authority for their recent actions.

The powers provided by the 1978 act were considerably expanded in 1981 through President Reagan's Executive Order 12333, which provided for the Attorney General to conduct legal investigations, such as the one against Westerman, with no other purpose than harassment, if, it was alleged, that is in the interests of national security. It was through the powers invested in EO 12333, that the Reagan-Bush White House began in 1984 extralegal, frivolous legal actions against LaRouche.

In December 1988, LaRouche and six other associates were convicted on a variety of charges for which there was no legal basis, in a railroad conducted by Judge Bryan. Bryan later sentenced the 67-year-old LaRouche to 15 years in jail, after an earlier effort to convict LaRouche in Boston, based on the same charges, had ended in mistrial.

To deny LaRouche his ability to defend himself, Bryan refused to allow mention of the conspiracy against LaRouche authorized by Executive Order 12333, and refused to allow the individual questioning of prospective jurors. The foreman of the jury that convicted LaRouche and his six colleagues was Buster Horton, FEMA's representative at the U.S. Department of Agriculture and *officially a member of the 100-man Continuity of Government team.*