

the marijuana is domestically grown, has little to do with smuggling.”

As for Gingrich’s great love for the nation’s children, Brown called on the Speaker to put his money where his mouth is. “Parents want to do more to assure that kids don’t use drugs, and drug education in our schools is a key. It’s time that the Speaker understands that stopping the demand will be the most effective anti-drug activity we can possibly take. That’s why the Speaker should work with us, instead of against us, to assure full funding of the Safe and Drug Free Schools program which reaches 39 million children in 94% of the nation’s school districts. The Speaker should work with us to assure full funding of the President’s treatment initiative, so that we can break the cycle of crime and drugs which puts drug criminals on the streets. The Speaker should work for American families by restoring the cuts made to the Health and Human Services treatment and prevention programs.

“The President’s comprehensive strategy also strongly supports interdiction and eradication in source countries, and effective measures to stop drugs from crossing over the borders.

“The 1995 National Drug Strategy attacks drugs on all fronts—supply and demand, education and punishment, treatment, rehabilitation, interdiction, eradication, international cooperation. The strategy has begun to work: the Cali drug cartel responsible for 80% of the cocaine that reaches our shores has begun to crumble, and casual (once a month or more) drug use remains at less than half the level of the mid-1980s.

“What the Nation needs from the Speaker is help in implementing and funding the President’s comprehensive anti-drug strategy, not ill-conceived ideas and congressional defunding of a plan proven to work. It’s time to put children and families ahead of political grandstanding.”

And what about the bankers?

In 1985, Lyndon H. LaRouche, Jr. spelled out a 15-point Hemisphere War on Drugs strategy that called for a total war against the international narcotics cartel known as “Dope, Inc.” The LaRouche plan—as distinct from the Gingrich appeal to lynch-mob rage and even from the Clinton administration’s far more productive and successful effort—called for the marshalling of all the available resources of the United States and its allies throughout the Americas to knock out the drug cartel at the point of production, on the high seas, on the streets, and where they can be hurt the most, in the board rooms of the major international banks and within the circles of the British monarchy, where the top executives of Dope, Inc. are to be found.

How telling it is that on the subject of these higher levels “above suspicion,” where the big money and big power are made from the trafficking in mind-destroying drugs, our loquacious Speaker Gingrich is . . . silent.

FBI, DOJ misconduct shown in Weaver case

by Edward Spannaus

With hearings on the 1992 shooting incident at Ruby Ridge, Idaho set to begin in the Senate on Sept. 6, a major focus of attention is expected to be the Department of Justice’s (DOJ) 542-page report on the incident, which documents serious FBI and Department of Justice misconduct in the aftermath of the shooting. *EIR*’s analysis of the report has discovered a pattern of misconduct among DOJ personnel—up to the level of Deputy Attorney General Mark Richard—which has so far been ignored by the media.

But at the same time, the Senate Judiciary Committee hearings are causing justifiable concern among top officials at the Justice Department over the possibility that the hearings could interfere with the ongoing *criminal* investigations of FBI officials involved in the Ruby Ridge incident. Speaking to the press on Aug. 31, Deputy Attorney General Jamie Gorelick warned that the “worst-case scenario” could be what she called “the [Oliver] North scenario, which is that a conviction is overturned, or that a prosecution simply cannot go forward.” She was referring to the manner in which North and other Iran-Contra conspirators were able to get their convictions overturned and walk away free, because Congress had required them to give testimony in public hearings under a grant of immunity from prosecution.

The ghost of J. Edgar Hoover

The DOJ report on the Ruby Ridge incident shows that corrupt practices, including hiding and destroying documents, which the FBI and DOJ said had ended decades ago, were still going on as late as 1992 and 1993.

The report was prepared last year by a task force appointed by Attorney General Janet Reno, but has not yet been officially made public. Justice Department spokesman Carl Stern told *EIR* that the department was ready to make the report public last December, but they were requested not to release it by the local prosecutor in Boundary County, Idaho, who is conducting his own investigation of possible criminal conduct by FBI agents and officials. The report was leaked to the *Legal Times* newspaper in mid-July, which put it on the Internet.

Most of the news media reporting about the DOJ report has focused on the dramatic issue of the FBI’s altered “rules of engagement,” under which an FBI sniper shot and killed Randy Weaver’s wife as she was standing behind a door

holding the Weavers' infant daughter.

What the news media have ignored, is that the DOJ report also shows a pattern of corruption by FBI and DOJ officials that harks back to the days of J. Edgar Hoover and his notorious "Do Not File" files. Naturally, the FBI has learned a thing or two since the "Cointelpro" days of the 1960s, but in the waning days of the Bush administration, both FBI and DOJ officials still demonstrated their proclivity for hiding documents so that they could not be located either under the Freedom of Information Act (FOIA), or provided to defendants in criminal trials under the legal procedure known as pre-trial "discovery" of evidence.

How to hide documents

As the government's prosecution of Randy Weaver neared trial in late 1992, federal prosecutors entered into standard "discovery" agreements with Weaver and his co-defendant, Kevin Harris. (In a criminal case, the government is obligated to provide to a defendant any exculpatory evidence, i.e., evidence which would tend to show the innocence of the defendant, or which involves witness statements, etc.)

The DOJ report on Ruby Ridge recounts a discussion in which a federal prosecutor in the Weaver case warns an FBI supervisor of the problems which would occur if a document were not produced in discovery, but then later was found by the defense through an FOIA search. According to the report, the FBI supervisor, T. Michael Dillon, responded "that the document had come from someone's desk and was not in any official file that would be searched for a[n] FOIA request."

(The prosecutor may well have had in mind the trial of Lyndon LaRouche and others in Boston, Massachusetts in 1987-88. That trial ended in chaos and a mistrial, in part because the defendants were able to obtain government documents under the FOIA, which the government had withheld from discovery. The prosecutors and the FBI then had to explain why they hadn't produced those documents which the defendants were able to get themselves using the FOIA.)

The DOJ report also describes other methods of hiding documents used by both federal prosecutors and the FBI. For example, one of the prosecutors used U.S. Marshals Service agents, instead of FBI agents, to conduct witness interviews, because FBI agents are required to prepare written reports of their interviews, which are known as "302s." The DOJ report says that "the evidence demonstrates without question that they did not want to create a paper trail of their activities for the defense to discover."

But even when FBI agents wrote up 302 interview reports, the prosecutors still had a way of hiding them from the defense. A prosecutor told FBI agents he wanted "clean 302s." One of the FBI agents later told investigators that a "clean 302" was one in which the FBI case file number was not present; the file number was left off the report so that "it would impair the ability of the defense to obtain all of the

information in that file under a Freedom of Information Act request."

Mark Richard's role

The DOJ report describes a heated dispute that arose between the prosecutors and the FBI over discovery in the Weaver case. Since prosecutors had entered into a normal discovery agreement with the attorneys for Randy Weaver and Kevin Harris, they were very worried that if they were caught failing to comply with their discovery obligations, any conviction could later be overturned.

The FBI, on the other hand, was determined to shield certain documents from the defense lawyers. The FBI was especially worried about 1) the "shooting incident report" prepared by the FBI's Inspection Division after the Ruby Ridge shootings; 2) the FBI's operations plan prepared for its Hostage Rescue Team to use at Ruby Ridge; and 3) the "marshal critique," a two-page document containing 12 critical observations of the actions of the U.S. Marshals Service at Ruby Ridge. It was the "marshals critique" that FBI supervisor Dillon said could be hidden from FOIA.

In an effort to resolve the disputes between the prosecutors and the FBI, two meetings were held at Justice Department headquarters in early 1993. The first was held after the U.S. Attorney in Idaho telephoned James Reynolds, the chief of the DOJ's Terrorism and Violent Crimes Section. Reynolds arranged a meeting the next day, chaired by his supervisor, Mark Richard. The FBI representatives at the meeting were Danny Coulson and Mike Kahoe (both of whom are have recently been suspended from duty by FBI Director Louis Freeh). Coulson and Kahoe suggested a "compromise"—that the prosecutors themselves could look at the contested documents, but not take them or give them to the defense! Mark Richard and Reynolds agreed with the FBI "compromise," which meant withholding the documents from Weaver and Harris's attorneys.

Under continued pressure from the local U.S. Attorney, who believed that the prosecutors were obligated to turn the documents over to the defense, a second meeting was held on March 23, 1993, with Richard, Reynolds, and other DOJ attorneys, and with Coulson, Kahoe, and Larry Potts of the FBI. At this meeting, it was agreed that the documents should be produced to the defense, but only if certain sensitive portions were deleted. The documents were finally given to the defense only on the eve of trial.

During the trial, the FBI delayed so much in providing other documents, that the judge held the FBI in contempt of court and fined the Bureau almost \$2,000. More recently, it has been disclosed that Kahoe has admitted that he shredded an FBI document relating to the modified "rules of engagement" which resulted in the killing of Vicki Weaver. His actions, along with those of other FBI agents including Potts and Coulson, are also under investigation by a federal grand jury in Washington, D.C.