

Editorial

'If you can keep it'

The section in this issue which begins with “‘Secret Government’ Fake-Files Issue Before Judge Griesa’s Court,” documents that many men and women are sitting in American prisons, because of secret government evidence which they and their lawyers are never allowed to see. These prisoners include both non-citizen immigrants, and American citizens. Signal cases include those of Lyndon LaRouche and ten friends, who were convicted and sentenced to prison about a decade ago, through the use of secret evidence. Three of them—Michael Billington, Anita Gallagher, and Paul Gallagher—remain there today, serving out sentences of 77, 39, and 34 years, respectively.

Today, what is happening in Chief Judge Griesa’s Federal Court of the Southern District of New York, is that Justice Department secret evidence is being used to deny LaRouche his right to the government records of secret FBI informant operations against him—namely, the operations which led to his fraudulent conviction in the first place!

As Edward Spannaus explains, two 1996 Federal laws, enacted in the wake of the 1995 Oklahoma City bombing, allowed broad use of secret evidence in immigration cases. But its use by corrupt Department of Justice officials was widespread long before 1996. One method is documented by Jeffrey Steinberg: the use of parallel “dark” and “light” teams of FBI agents. The secret, “dark” team, whose very existence is never disclosed, prepares or fabricates a criminal case against a selected target, under a “national security” cover. Then, the public, “light” team, just happens to stumble upon the already-prepared case—perhaps initially in the form of a garden-variety criminal complaint by some private individual. Off goes the target to court, and to prison. He will probably never know where the case against him really originated.

Another method is exemplified by that being used in Judge Griesa’s court and elsewhere, to keep the LaRouche frame-up in place after all these years, even when it is widely known to be fraudulent. In LaRouche’s words, when Congressmen or others approach the Justice Department and ask:

“Wait a minute: This case was a piece of crap. It’s a complete fraud. How can you uphold this conviction?”

The answer comes back from the Justice Department: “Well, yes. What we did was fraudulent. Yes, the case is a real terrible case. Yeah, we did a lot of swindles in that case. But, you got to know one thing. We did it that way because we had to do it. You don’t realize what kind of secret files we have, which show what a bad guy this guy LaRouche is. You don’t have any idea. Now, we can’t show you these secret files. You can’t read them. They are highly secret. But, we can tell you. We know. You’ve got to listen to us. This guy’s a bad guy. So, don’t pay any attention to the evidence that he was framed up. Yes, he was framed up. We framed him up. Of course we did. We had to. But, if you want to know why, we can’t tell you. We can only tell you we have secret files, which say he’s a bad guy.”

But is secret evidence, properly “evidence” at all? If it’s never shown to anyone, or, in the best case, only shown privately to a judge in the secrecy of his chambers, that means it is never subjected to the test of cross-examination, or reasonability, or any other test of its truthfulness. It has been made secret, precisely because it is false! That is not only the conclusion of reason; it is also what has become obvious, on those few occasions when the light of day has been allowed to shine in on these “fake files.”

Here’s a question for you: If you continue to allow American courts to convict people on the basis of secret evidence, *are you free?* How about this one: If you continue to allow courts to convict based on secret evidence, do you *deserve* to be free?

Look at it this way: When Benjamin Franklin’s innkeeper asked him, during the Constitutional Convention, “And what kind of government have you prepared for us?” he famously answered her, “A republic, if you can keep it.” Just what did he mean by that, “if you can keep it”? Do your country the favor of asking yourself that question, as you consider the widespread use of so-called secret evidence in our U.S. courts.