

The False Charges Behind the Conviction of Lyndon LaRouche

Exposed by former U.S. Attorney General Ramsey Clark and LaRouche's trial attorney, Odin Anderson

The following was presented in public hearings convened by the Commission to Investigate Human Rights Violations on Aug. 31 and Sept. 1, 1995 in Vienna, Virginia, to investigate allegations of gross misconduct by the United States Department of Justice.

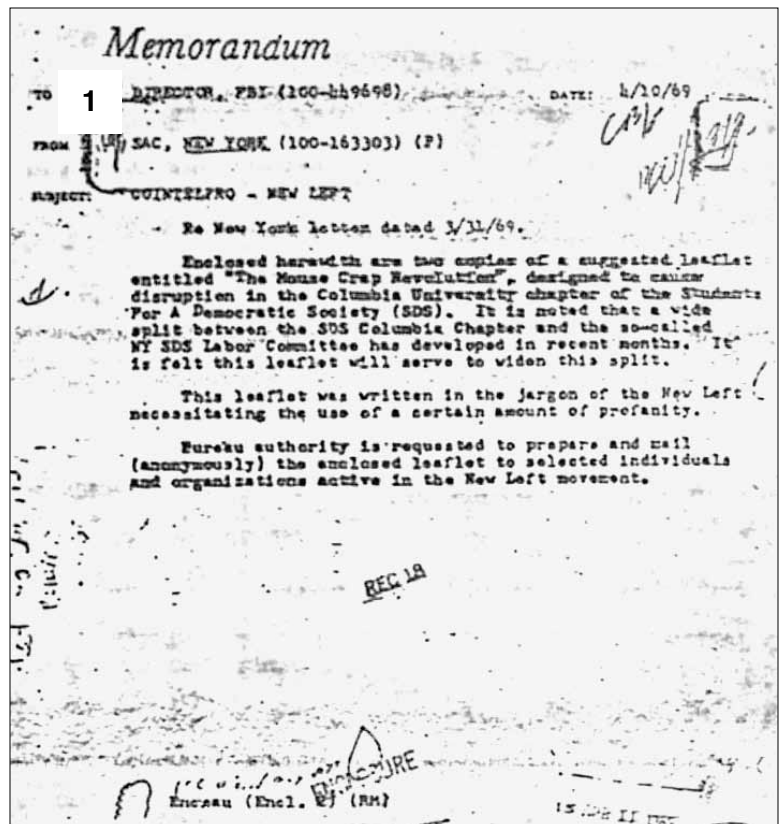
We present here excerpts from the testimony—under questioning by Alabama's most renowned civil rights attorney, J.L. Chestnut, Jr., regarding the vendetta against Lyndon LaRouche—of LaRouche's attorney Odin Anderson, and former U.S. Attorney General, Ramsey Clark, who represented LaRouche on appeal. When Chestnut first met LaRouche and learned about the circumstances of his case, he remarked: "You might as well be black and in Alabama."

Testimony of Odin Anderson

Odin Anderson: I have represented Lyndon LaRouche since 1984, at which time he was directly targeted by the Department of Justice, through the U.S. Attorney's office in Boston, although there is a history of many years prior to that.

Why is this case of Lyndon LaRouche of interest to you busy senators and representatives of color, who have very busy agendas, and a lot of work to be done for your own constituencies?

Because political targeting is political targeting, whether it's on the basis of race, which we see constantly, and you deal with it every day of your lives, before you became elected representatives and certainly now, in a different way, or for other political reasons; or political advocacy of various kinds, if it is not of the sort that is favored and smiled upon by the federal government, becomes the object, under the direction of



the Justice Department, of targeting and, ultimately, prosecution. And that's what happened in the case of Lyndon LaRouche, and it's what happened in many of the other cases, if not all of the other cases, that you've been addressing this morning....

Probably the best way to demonstrate the government's venal behavior, and the unconstitutional activities undertaken directed out of the Criminal Division of the Department of Justice, is to show you their own documents, and read to you their own words.

This [Figure 1], is an FBI memorandum from the SAC, who was the Special Agent-in-Charge of the New York Field Office of the FBI, to the director. It's dated

FD-36 (Rev. 3-22-64)

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FBI
Date: 11/23/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (100-392623)

FROM: SAC, NEW YORK (100-123674) (P)

SUBJECT: LYNDON HERMYLE LA ROUCHE JR., aka
Lynn Marcus
SM-NCLC
(OO:NY)

ReBulet, 10/29/73.

In reviewing New York case file it is noted that information has been received that the CPUSA is conducting an extensive background investigation on the subject for the purpose of ultimately eliminating him and the threat of the NCLC, on CP operations. Several sources have furnished this information to the New York office, and this information has appeared in the Daily World newspaper several times.

NCLC sources have advised that the subject is the controlling force behind the NCLC and all of its activities. A discussion with the New York NCLC case agent indicates that it is felt if the subject was no longer in control of NCLC operations that the NCLC would fall apart with internal strife and conflict.

New York proposes submitting a blind memorandum to the "Daily World" CP newspaper, in New York City which has been mailed from outside this area to help facilitate CP investigations on the subject. It is felt that this would be appropriate under the Bureau's counter intelligence program.

The blind memorandum is attached.

ENCLOSURE ATTACHED
Bureau comments are requested on such a proposal.

2 - Bureau (RM) (Encl. 2)
1 - New York

100-392623-45
EX-110 15 NOV 20 1973
12/7

Special Agent in Charge Sent M Per
U.S. Government Printing Office: 1972 - 485-1000

March 1969. It requests authorization of the director to issue a false leaflet, to stir up antagonisms between these various factions of SDS [Students for a Democratic Society]. Now I'm sure that's a tactic familiar to all of you, if in slightly different form. They want to disseminate this leaflet under false cover, to various of these groups and stir up as much controversy among them, hopefully undermining their ability to act in concert and getting them into faction fights which would destroy their efficiency and cohesion.

So, in 1969 and the 1970s, this was the kind of activity which was going on against the LaRouche political movement and many others, including people you're well acquainted with personally.

The next document [Figure 2], is to the Director of the FBI, again from the SAC in New York, regarding the named subject, Lyndon Hermyle LaRouche, Jr., also known as Lyn Marcus, as they suggest. This is one of the most incredible pieces of FBI material that I have ever seen. And I have to stress something to you, all of

you who were involved in the effort. And you'll ask: What is our agenda? How do we fight against these wrongs, these evils emanating from the very center of our government?

One of the difficulties, is that you can't get the proofs. Where are the proofs? The proofs are hidden. It has taken us, literally, years. I appreciate the kind words, but my time is *de minimus*, compared to the time of all of the others who have contributed to the effort to bring this case to the point at which it currently exists. An unsatisfactory point, but a point, nonetheless, where we have established evidence which clearly demonstrates, to any honest and unbiased viewer, the level of government misconduct that went into this entire witch trial of Lyndon LaRouche.

J.L. Chestnut: What is the CPUSA referred to in the document?

Odin Anderson: That's the Communist Party of the United States. What this memorandum suggests, is that the Communist Party has let the FBI know, that they want to eliminate Lyndon LaRouche for their political reasons. They consider him to be a politically dangerous person, and the Communist Party wants to eliminate him.

If you look at the bottom, New York proposes

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HENRY A. KISSINGER

CUSTOMER SOURCE
August 19, 1982

Dear Bill:

I appreciated your letter forwarding the flyer which has been circulated by Lyndon LaRouche, Jr. Because these people have been getting increasingly obnoxious, I have taken the liberty of asking my lawyer, Bill Rogers, to get in touch with you to ask your advice, especially with respect to security.

It was good to see you at the Grove, and I look forward to the chance to visit again when I am next in Washington.

Warm regards, 16 SEP 23 1982

Henry A. Kissinger

Mr. William H. Webster
Director
Federal Bureau of Investigation
Washington, DC 20535

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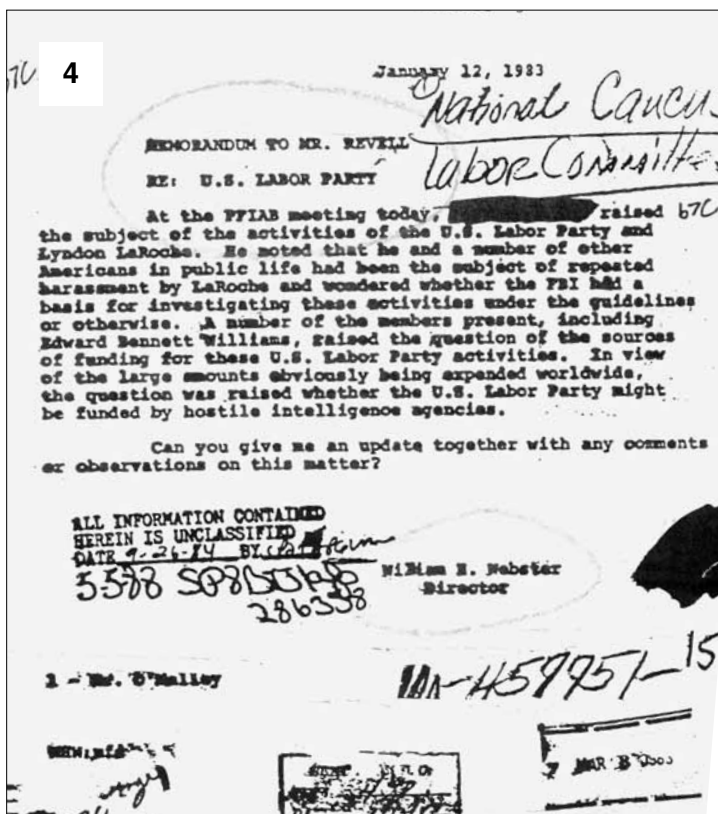
submitting a blind memorandum to the *Daily World*, to foster these efforts. Here is the FBI climbing in bed with the Communist Party, in order to effect the elimination of Lyndon LaRouche from the political scene. I think we all know what that means.

So, moving into the '80s: Henry Kissinger, whom we all know by name and some probably remember by reputation and actions, was a very powerful man. Mr. LaRouche took exception to his policies, which he considered to be genocidal, particularly in the context of the financial policies and the conditionalities imposed on the Third World, in order to get monies from the World Bank, and got into a serious row with Mr. Kissinger.

And Mr. Kissinger writes [Figure 3], on his letterhead, to William Webster, the Director of the FBI. They had recently had a lovely social occasion together at the place called the Grove, where these powers associate and frolic around in various curious ways. And, after that, he appreciates having seen him there, and asks for the assistance of Bill Webster in dealing with the LaRouche menace....

A short period thereafter, [Oliver] "Buck" Revell, who was the head of counterintelligence for the FBI at the time, is sent this memorandum [Figure 4] by William Webster, who had been contacted by David Abshire of PFIAB, that's the President's Foreign Intelligence Advisory Board. And the same parties, Henry Kissinger and his colleagues, are now raising before PFIAB, the question as to whether LaRouche, because he seems to have funding from sources that they don't understand, is possibly operating as a foreign intelligence agent, and they want to look into this.

Now, what that does—and the words are bad enough, but the reality is terrifying—is this triggers Executive Order 12333, which allows virtually *any form of conduct, any activity*, to be undertaken, provided it's under this national security cover. So this was the beginning of a national security-covered operation against Mr. LaRouche and his colleagues. Why do we have these documents? Not because they gave them to us. *They hid them from us*. We finally, after years of fighting FOIA [Freedom of Information Act] litigation cases, were able to peel off small pieces of this grapefruit. There's still a lot left down there. We haven't even



got to the seeds yet, we're still working through the pulp.

The common denominator among all of these cases [being reviewed by the Commission here], is twofold. It's, as I said, political targeting, and it's the Criminal Division of the Justice Department. Can you imagine a more frightening thing, than to realize, that among the worst abuses of our constitutional rights as a people and as individuals, are, in fact, being planned and directed out of the very heart of the agency that's supposed to be protecting those rights?

You probably also know, from your own experiences with colleagues who have run afoul of the situations that have been discussed [in these Hearings], that the first place they try you, is in the press. Only then do they try you in the courts, once they've set the stage, once they've poisoned the minds of the community against you. Then they haul you into court, where you can't get a fair trial, because the jurors who are sitting there, have been told for days, months, years, or millennia, what a bad person you are, and what horrible offenses you've committed against the moral or social fabric of the community.

Well, that's precisely what happened in the LaRouche case, probably more so than in any other case.

This [Figure 5], is an article from the *Boston Herald* [May 5, 1988], and I'm only showing it to you for one reason, not because of the highlight, "LaRouche Jury Would Have Voted 'Not Guilty,'" although that's true, and does come out of the words of the jury foreman who was interviewed. But, in the first line of text, there are some very important words from the foreman:

"We would have acquitted everybody at this point, and that's based on prosecution evidence," said foreman Dashawetz. "There was too much question of government misconduct in what was happening to the LaRouche campaign."

"Government misconduct." Very seldom do you get a jury to see it, because the government fights you tooth and nail. They lie, they cover up evidence, they, in fact, deny information to their own agents, so that their agents won't be in a position to have to intentionally not disclose it. These are common tactics, and that's what happened here. Fortunately, in our case, we were able to show enough of it to the jury, so that the jury got the smell.

However, the government wasn't about to quit, particularly having taken what was a serious public relations beating, so they decided to switch forums, come down to a much more favorable forum, in fact the most favorable forum, the Eastern District of Virginia: the so-called "rocket docket," the home of almost every government agency and government contractor in the country, with a few other pockets here and there. . . .

Ramsey Clark, former Attorney General of the United States, who has been with me on all of the appeals, joined the effort just after the sentencing of Mr.

4 The Boston Herald, Thursday, May 5, 1988 5

LaRouche jury would have voted 'not guilty'

By SHELLEY MURPHY

JURORS in the Lyndon H. LaRouche trial said yesterday they would have found him innocent if the case did not suddenly end in a mistrial.

A federal judge declared the mistrial yesterday for LaRouche and his aides, ruling that four of the 14 jurors would suffer "severe hardships" if the four-month trial continued.

In a surprise vote taken in the jury room after they were excused, jurors unanimously decided they'd find LaRouche, six aides and five organizations innocent of all charges based on evidence presented since the trial began Dec. 17.

"We would have acquitted everybody at this point, and that's based on prosecution evidence," said Roman Dashawetz of Sci-

Four LaRouche organizations were charged with credit card fraud, all of which allegedly occurred during LaRouche's 1984 presidential bid.

"It seemed some of the government's people caused the problem (for LaRouche)," said Dashawetz, adding that evidence showed people working on behalf of the government "may have been involved in some of this fraud to discredit the campaign."

"It certainly throws a lot of doubt into the government's evidence. The government's side wasn't helped by that."

Dashawetz said, "There was a question as to how many of the actual alleged wrong-doers were government people and how many were overzealous LaRouche people."

Four other jurors confirmed they voted in favor of acquittal, but all agreed

LaRouche and his colleagues in 1989. Recently, he wrote a letter to the Attorney General, asking for a departmental review of the LaRouche case, and I'd like to read you some portions of his letter:

Dear Attorney General Reno,

I have been an attorney in this case since shortly after the defendants were sentenced in January 1989 and appeared as co-counsel on appeal and on the subsequent motions and appeals in proceedings under 28 U.S.C. Sec. 2255 and F.R.Cr.P. Rule 33. I bring this matter to you directly, because I believe it involves a broader range of deliberate and systematic misconduct and abuse of power over a longer period of time in an effort to destroy a political movement and leader, than any other federal prosecution in my time or to my knowledge. Three courts have now condemned the Department's conduct in this prosecutorial

campaign. The result has been a tragic miscarriage of justice which at this time can only be corrected by an objective review and courageous action by the Department of Justice.

Testimony of Ramsey Clark

Ramsey Clark: I'll start and end with the case of Lyndon LaRouche and his co-defendants, not because it's the Alpha and Omega, although it's about as close as a case gets to the potential perfidy of justice, but because it shows how bad it can be, and yet, it has, as so very, very few of these cases ever do, a positive side that we have to consider. . . .

I had followed the earlier case in Boston, which, by any measure, was an extremely peculiar case, both in its charges and its prosecution, and in its history. I knew the judge there [Robert E Keeton] as a fellow Texan, and his brother, Page Keeton, had been dean of the law school where I started out, down at the University of

Texas. The Boston judge is one of the old school, that doesn't like tricks, falsity, or injustice, and he became outraged with the prosecution, and did a lot. I can't tell you he did all that a judge could have done. I believe Odin [Anderson] would agree, though, he did a lot. And not many judges, who come through a political conditioning and process, have the courage to stand up to the power of the Executive branch, to the FBI and others, and say the things that he did. And that was almost an early end to a malicious prosecution.

But in what was a complex and pervasive utilization of law enforcement, prosecution, media, and non-governmental organizations focussed on destroying an enemy, this case must be number one. There are some, where the government itself may have done more and more wrongfully over a period of time; but the very networking and combination of federal, state, and local agencies, of Executive and even some Legislative and Judicial branches, of major media and minor local media, and of influential lobbyist types, the ADL [Anti-Defamation League] pre-eminently, this case takes the prize.

The purpose can only be seen as destroying—more than a political movement, more than a political figure—it is those two; but it's a fertile engine of ideas, a common purpose of thinking and studying and analyzing to solve problems, regardless of the impact on the status quo, or on vested interests. It was a deliberate purpose to destroy that at any cost. . . .

In the LaRouche case, they're book people. I have to confess to an intellectual weakness: I find reading easier than thinking, so I read constantly, nearly blinded myself from too much reading. I've got 15,000 books at home, read most of them, unfortunately. As you can tell, I haven't learned much, but I haven't stopped yet. These are book people. They had publishing houses going on. Important publications. Non-profit stuff. This is what they were about: *ideas, information, social change*. Meeting the needs of human people all over the world, humanity all over the world. We're going to have a billion more people before the end of this millennium, century, decade, and the vast majority, 80%, are going to have beautiful, darker skin. And they're going to live short lives, *short lives* of sickness, hunger, pain, ignorance, and violence, unless we act *radically*. And these books have ideas. Some will work, some won't work, but they're ideas. They can be "tested in the marketplace," as we used to say.

And the government came in with a *false* bank-

ruptcy claim, against a non-profit publishing house, and *shut 'em down!* What's the First Amendment worth? "We'll silence you, you'll have no books out there."

And not only that: Then they took people who were contributing and supposed to be paid back their loans to the publisher, and tried to prosecute, falsely, on it. They put on witnesses, to give false testimony. From the tens and tens of thousands of contributors, and thousands of people who gave loans, they come up with a baker's dozen, roughly, 13, 14, 15 people, who got their feelings hurt, perhaps, and some who were mean-spirited enough to lie about it, and who didn't get their money back, although they were being paid back. Because anybody can have a financial crunch, where you can't pay back.

Imagine what would happen to political campaigns in this country, if you enforced law strictly against those who are raising money like this, by inquiring about all the people who gave money, whether they got what they wanted, what they expected and whether they were misled about it, or anything else. Nobody could run for office. . . .

I read the record. In addition to reading books, I read lots of records, from trials. Absolutely no evidence to support a conviction there. If you take it all, if you exclude the parts that were false or venomous, there's not even a shell. But they had to say that this noble enterprise, agree or not with it, was corrupt. Corrupt. "Have nothing to do with it. It's corrupt." Nobody respects financial or other corruption. Destroy 'em that way.

They were put to trial, without any chance to prepare their case, and they made a valiant effort, and got consecutive sentences. Unbelievable! When the government will use that much force, that much energy, that much of its resources, to destroy an idea or movement of people.

So this is one reason to look at what's happening here. I don't know much about it, I just see it from afar. I'm just a lawyer. But, talk about getting heavy body blows! This Lyndon LaRouche and his supporters and people who work with him—heavy body blows. *Five mean years in prison*. Constantly worried about health, and all the rest. Continuing prosecutions, with *unbelievable sentences*: 77 years, 44 years. You can't say draconian. They're essentially *psychological death sentences*, if not physical death sentences. Constantly coming at you. And there they are. And here we are.