

Gov't shifts strategy in 'LaRouche' trial

The government prosecution team in the trial of the *U.S.A. v. The LaRouche Campaign* has decided to shift strategy, in hopes of reviving its credibility against the defendants. The first two weeks of the Boston trial, and the government-supplied witness list, had featured a host of "drop-outs" from the National Caucus of Labor Committees (NCLC), the philosophical association which LaRouche heads. Now Assistant U.S. Attorney John Markham is at least postponing testimony from other drop-outs, and instead calling a host of alleged credit card victims.

Markham's lead-off witnesses were Gail Lunsford Bardwell and Vera Cronk, and they were supposed to support his theory of the NCLC being a "dictatorial" organization, as well as establish patterns of behavior that would verify the government's assertions about credit card fraud. But the prosecution ran into trouble immediately, since the defense lost no time in showing that Bardwell and Cronk were both leading members of a conspiracy of drop-outs, who had been intimately involved with one another, including in meetings and parties dedicated to discussing the political destruction of LaRouche.

Most embarrassing to the prosecution was the fact that Bardwell had been the hostess at an Oct. 30, 1986 Halloween party, which featured NCLC drop-outs dressed up as credit card chits and the like, and the leader of the anti-LaRouche drop-out cabal, Costas Kalimtgis. Thus, on cross-examination, Bardwell was intensively questioned about the affair. During this questioning, both she, and the following witness Cronk, who was a guest at the party, showed themselves to be totally evasive and incredible.

First, the prosecution announced that it was postponing the testimony of two other leading drop-out conspirators—Charles Tate and Steven Bardwell. Then, over the weekend of Jan. 10, the prosecution decided to cancel testimony by Janet Mandel, who had been scheduled to appear Jan. 11, and had actually been waiting around the witness-room during the previous week. AUSA Markham announced that he was not calling her because "everything we wanted to put in through this witness has been satisfactorily covered through the first two witnesses."

Observers suspect that Markham was afraid of the testimony that would have been elicited from Mandel concerning the Bardwell Halloween party—in which she appeared as Helga Zepp-LaRouche's credit card—as well as concerning the FBI harassment which she personally experienced in the

mid-1970s in New Jersey.

Part of Markham's new strategy is also to throw the defense team off guard by constantly changing the order of witnesses. Not only has he now rescheduled five of the first seven witnesses on his witness list, but he has also continued to shift the order of witnesses day to day.

Where's the beef?

The prosecution put on seven alleged credit card victims in the first five days of trial. In most of the cases, AUSA Markham has been faced with embarrassment, as the witnesses under cross-examination have all raised significant doubt, if not totally disproven, that they were ever defrauded at all.

In all the instances, the government's assertion of fraud depends on the fact that the witness had "charged back" a purchase, or contribution, which appeared on his or her credit card. In order to "charge back," and get one's money back, one must say—whether it is true or not—that the charge was "unauthorized." Unauthorized charges are a normal hazard of phone credit card operations, since the buyer has up to 90 days to cancel the charge by declaring it unauthorized. This can be done on his or her say-so, for various reasons—from meeting a spouse's objection, to bilking the merchant, to changing one's mind.

The credibility of most of the government's witnesses so far, as to why they claimed unauthorized charges, was highly suspect. The second witness, Dr. George Szabo, swore he had never authorized three credit card contributions to one of LaRouche's campaign committees, which totaled \$1,000. But he had to admit under cross-examination, the authenticity of a letter he wrote to that very committee, thanking it for repaying the \$1,000 loan. This means that he, in fact, got paid back twice—once by the bank, which took it from the campaign committee account, and once directly!

Another witness, former bank vice-president Bernd DeKant, presented an equally incredible picture. DeKant had a record of 14 "chargebacks," but, not only had he never made a complaint to the campaign, but he continued to pay for publications from *Executive Intelligence Review* for more than a year later. It appears that DeKant did not charge back the *EIR* purchases, since he paid for them out of bank funds, not through his personal credit card. That leaves an open question as to what caused his chargebacks to the campaign committees.

Among these first witnesses was Frank Murray, a restaurant manager, who had starred on the October 1984 broadcasts on NBC-TV, which put out the message on the federal grand jury investigation of the LaRouche presidential campaigns, and effectively started a run against the committees. Investigators for the defense were suspicious of Murray, since he so closely fits the profile of the fictitious government scenario, and he admits that local NBC reporter Dan Rea, who put the "credit card" story on the air, is a frequent customer of his.