

The LaRouche indictment is a Dukakis dirty trick

Even as U.S. Attorney for the Eastern District of Virginia Henry Hudson was announcing a new 13-count indictment of Lyndon LaRouche and six associates on "conspiracy to commit mail fraud," independent Democratic presidential candidate LaRouche denounced the new indictment as a "pre-election dirty trick" carried out by the crowd behind Michael Dukakis.

Democrats for a National Economic Recovery, LaRouche's campaign committee, released an eight-page pamphlet substantiating this charge on Oct. 14. The pamphlet describes William Weld, the former U.S. Attorney in Boston, and then head of the Justice Department's Criminal Division, as the key link between the Dukakis political machine and the Justice Department group which approved the indictment.

Weld started his legal career under the supervision of Michael Dukakis at the Boston law firm of Hill and Barlow, and, upon his leaving the Justice Department in the spring of 1988, went to work at the firm of Hale and Dorr, where Dukakis' campaign chairman Paul Broutas is a senior partner. The pamphlet also notes that the former lead prosecutor on the LaRouche case in Boston is now on Dukakis's campaign staff, and that the federal judge who is trying the LaRouche case in Boston is someone whom Dukakis calls "my mentor."

Having seen the Boston federal prosecution against LaRouche end in a mistrial on May 4, 1988, however, the Dukakis machine has looked for another jurisdiction in which to carry out its political vendetta. They found it in Alexandria, where the U.S. Attorney's office has been collaborating with Boston on the matter since the summer of 1986.

"Their philosophy could be called prosecutorial rou-

lette," said Dana Scanlon, spokesperson for the LaRouche presidential campaign. "Indict your enemies here, indict them there, bankrupt them, investigate them, try to cut off their sources of funds. Indict enough people in enough jurisdictions, and hope that something, somewhere, will stick," she told the press.

The charges

The indictment against LaRouche and six associates is comprised of 13 counts: 1 of conspiracy to commit mail fraud; 11 of specific acts of the alleged mail fraud; and 1 of conspiracy to defraud the Internal Revenue Service. Only LaRouche is charged with all counts.

The individuals indicted with LaRouche are Michael Billington, Paul Greenberg, Joyce Rubinstein, Dennis Small, Edward Spannaus, and William Wertz.

Despite the superficial difference in charges, however, the 50-page Alexandria indictment is identical in substance to the failed Boston indictment of 1986-87. Analysis of the Alexandria document shows that it is a cut-and-paste job from the Boston indictment, the Boston prosecutors' trial brief, transcripts from the seven-month trial, and FBI agent Richard Egan's search warrant affidavit, from Oct. 6, 1986.

The alleged loan scheme, which is charged as a "conspiracy to commit mail fraud," is based upon evidence already presented to the jury in Boston. Several of the alleged victims were part of Assistant U.S. Attorney John Markham's witness list in Boston. Additionally, the purported tax conspiracy involving LaRouche, was also presented by Markham to the Boston jury as part of his case.

Reports from Boston just prior to the Alexandria indictment confirmed that, additionally, AUSA John Markham of

Boston is being dispatched to Alexandria to assist with the case, which the prosecution hopes to bring to trial, and conclude, prior to the scheduled retrial of the Boston case in January 1989.

Injunction sought and denied

Attorneys for LaRouche and others brought emergency action in federal court just hours before the indictments, asking a federal judge to issue a temporary restraining order (TRO) against the indictments which were about to be issued. The application was denied by Judge Stanley Sporkin, counsel to the CIA under Director William Casey.

The two grounds on which the TRO was sought were 1) that LaRouche is a presidential candidate, and the proposed indictment in the last weeks of the campaign, would cause irreparable harm to the campaign; and 2) that the Alexandria indictment is virtually identical to the indictment already pending against three of the defendants—LaRouche, Spannaus, and Billington—in Boston.

“To allow the government to indict plaintiffs now for the expressly stated purpose of forcing them to trial in Alexandria in December, before the Boston retrial date of January 3, 1989 can be met, would be to force them to choose between continuing to pursue their candidacy, campaign, and free exercise of their First Amendment rights, or begin to immediately devote the resources and attention necessary to defeat this duplicative prosecution,” the plaintiffs’ brief read. “The public interest cannot conceivably be furthered by such a brazen and calculated attempt at cutting off the political debate and plaintiffs’ fundraising activities. The Government should not be allowed to tamper with the political process in this way. Accordingly, this Court should order that the defendants be enjoined from indicting these plaintiffs in the Eastern District of Virginia until November 9, 1988, at the very earliest.”

The defendants’ brief charged the government with “forum-shopping” in hopes of getting a conviction, although the Boston case is still scheduled for retrial.

The TRO brief noted that attorneys for LaRouche and his associates had met with prosecutors and Justice Department officials several times, to attempt to dissuade them from proceeding with the simultaneous and similar prosecutions in two jurisdictions. The arguments included the fact that the prosecutions would be “highly duplicative,” and the “Department of Justice guidelines precluded duplicitous prosecutions in the absence of a compelling federal need, which need was lacking in this case.” It also noted that “a second and simultaneous prosecution in Alexandria, Virginia, would further burden the defendants’ already strained financial and emotional resources, thereby violating principles of fundamental fairness.”

The attorneys also argued that “the fact that the government did not intend to charge Mr. LaRouche with substantive tax crimes, but only with conspiracy, suggested that the tax

charge was merely a contrivance to avoid the Department of Justice’s dual prosecution policies.”

Despite their showing that the new duplicative indictment was political, and would violate the First, Fifth, and Sixth Amendment rights of the plaintiffs, Judge Sporkin refused to even read the papers, and denied the TRO request.

RICO denied

One aspect of the case which the Dukakis machine and U.S. Attorney Hudson did not get approval for, however, was a charge of racketeering. According to statements made by defense attorney R. Kenly Webster at the TRO hearing, he and other attorneys, including LaRouche’s attorney, Odin Anderson, had met with Justice Department officials and argued against the propriety of such charges over the two weeks prior to the indictments.

The TRO brief described the argument as including the charge that “as a matter of policy, the Department of Justice should avoid entangling RICO charges with the political/electoral process.”

Ultimately, the Justice Department declined to authorize the RICO count of the proposed indictment. Apparently, this is the second time such authorization was sought and denied, since the Boston indictment, according to knowledgeable sources, was also originally drafted as a RICO indictment.

The Dukakis dirty trick

As the pamphlet released by the LaRouche presidential campaign shows, it is no exaggeration to say that the new indictment of LaRouche is a “Dukakis dirty trick.” Dukakis, and the powers behind him, exert the key influence over the sections of the Justice Department that engineered the new attempted frameup of LaRouche. And there is no doubt that William Weld, who launched the investigation, has much stronger loyalties to the Boston law firm-Harvard-Dukakis crowd than to Ronald Reagan or George Bush.

Joining Dukakis and his personal machine in the nearly four-year legal persecution of LaRouche and his associates, are the pro-Soviet leaders of the Democratic National Committee. The history of the machinations by DNC leaders and Democratic influentials such as Paul Kirk and Armand Hammer, are documented in the pamphlet.

The goad that particularly set off the Democratic dirty tricks campaign, was the victory of two LaRouche supporters in the Illinois state election of March 1986. At that point, the liberal wing of the Establishment went wild, issuing orders that LaRouche must be destroyed before the 1988 elections.

The federal indictment in Boston was announced concurrent with a massive paramilitary raid against offices of LaRouche associates in Leesburg, Virginia on Oct. 6-7, 1986. This was followed by a series of mass arrests in the states of Virginia and New York, and the eventual shutting down of several publications associated with LaRouche, through an unprecedented federal involuntary bankruptcy action.