

# How the news media shaped the frameup of Lyndon LaRouche

*Below is one of the pretrial motions on jury selection filed in the case U.S.A. v. LaRouche et al. The motion was denied by Judge Albert Bryan, contributing to the Dec. 16 conviction of LaRouche and six associates by a contaminated Alexandria, Virginia jury on trumped up charges of conspiracy to commit mail fraud and conspiracy to defraud the IRS. Specifically documented in support of the request for special questioning of the prospective jurors is the media hate campaign, especially in the Washington, D.C. area, against LaRouche and his co-defendants.*

## **Motion of defendants for submission of specific questions to the jury venire**

NOW COME the defendants and move this Court to put specific questions to the jury venire in this case in order to guarantee a fair and impartial jury. In support thereof, the defendants submit that:

1) This is a case which has resulted in considerable publicity at both the local and national level. Attached hereto as Exhibit 1 is a summary and representative sample of such publicity.

2) The case involves defendants who have very strenuously expressed minority political opinion and the chance of prejudicial jurors as a result of these political beliefs is substantial.

3) Specific questions beyond those ordinarily asked are clearly called for in this case as are the employment of other extraordinary measures during voir dire. Attached hereto as Exhibit 2 is the Affidavit of Michael W. Reilly concerning such measures utilized in *United States of America v. The LaRouche Campaign, et al.*, Criminal No. 86-323-K, D. Mass.

Accordingly, the defendants move this Court to allow them to file specific questions for the jury venire by Friday, November 18, 1988.

## **Summary of print media publicity October 1984-August 1988**

The principal source of print media publicity on Lyndon H. LaRouche has been the *Washington Post*, although also included herein are a number of articles from the *Washington Times*, *Richmond Times-Dispatch*, *New York Times* (which enjoys a significant circulation in the D.C. metropolitan area)

and the *Baltimore Sun*. However, the *Washington Post* began focusing its attention on LaRouche in October 1984 when the NBC trial began. This attention continued after the trial as *Post* reporter John Mintz wrote a three-part series of articles entitled "LaRouche in Leesburg" which appeared in the *Post* in mid-January 1985. From that point on, the *Post* has covered Mr. LaRouche on a regular basis.

There follows a chronological summary of this coverage with the actual stories appended thereto:

1) Leah Latimer, "LaRouche Libel Suit Against NBC Opens in Alexandria," *Washington Post*, October 23, 1984.

The article reports the allegations contained in the NBC broadcasts at issue: LaRouche "described on the air as the anti-Semitic leader of a 'political cult' . . ." Persons identified as defectors say that "LaRouche followers are often 'armed and dangerous,' " and ADL charges that LaRouche is " 'a small time Hitler.' "

2) Leah Latimer, "Death Threat Against TV Producer Reported," *Washington Post*, October 24, 1984.

NBC claims that the libel defendant, Pat Lynch, received a death threat. The FBI was said to be investigating. The implication is that the threat was made by associates of LaRouche who are alleged to be "violence-prone." The investigation turned up nothing.

3) John Mintz (first of a three-part series "LaRouche in Leesburg"), "Loudoun Newcomer Puzzles Neighbors," *Washington Post*, January 13, 1985; John Mintz, "Group Raises Millions, Leader Puts Assets at \$5,000," *Washington Post*, January 13, 1985; John Mintz, "Some Are Out to Kill Me, LaRouche Says," *Washington Post*, January 13, 1985; John Mintz, "Group Makes Political Inroads," *Washington Post*, January 13, 1985.

4) John Mintz (second of the three-part series "LaRouche in Leesburg"), "Presidential Candidate's Ideological Odyssey," *Washington Post*, January 14, 1985; John Mintz, "Critics of LaRouche Group Hassled, Ex-Associates Say," *Washington Post*, January 14, 1985; John Mintz, "LaRouche Denies Leadership Role," *Washington Post*, January 14, 1985.

5) John Mintz (third of the three-part series "LaRouche in Leesburg"), "Some Officials Find Intelligence Network 'Useful,' " *Washington Post*, January 15, 1985; John Mintz, " 'Star Wars' Work is Focus of Intelligence-Gathering," *Washington Post*, January 15, 1985.

6) John Mintz, "Judge Rejects LaRouche Appeal on NBC Verdicts: \$3 Million Damages Reduced to \$200,000," *Washington Post*, February 23, 1985.

Judge Cacheris reduced the counterclaim judgment from \$3 million to \$200K. However, Cacheris comments that LaRouche's testimony regarding his living situation is "completely lacking in credibility." Cacheris says, "LaRouche's lavish lifestyle shows he lives like a millionaire."

7) John Mintz, "LaRouche Group's Request for Summer Camp Opposed," *Washington Post*, September 11, 1985.

This represented the first major upheaval in Leesburg around the LaRouche presence. According to Mintz, the "nearby residents" asserted that the summer camp (Sweetwater Farm) which one of the companies proposed to run "could be used as a base for a paramilitary or indoctrination center for young people." The controversy flared until June 1986 when an outside judge from Culpeper, Vance Fry, decided that there was not a shred of evidence to support the opposition. Fry was picked to preside over the case because the local judges Horne and Penn recused themselves.

8) Ben A. Franklin, "LaRouche Arouses Fears in Rural Area of Virginia," *New York Times*, October 3, 1985.

This is another piece on the Sweetwater controversy. According to Sheriff Isom, many citizens "say they're afraid of these people."

9) Michael Wentzel, "LaRouche Firm's Notes Sale Probed," *Baltimore Sun*, March 12, 1986.

This news item publicizes the Maryland Securities investigation. Dan Small, the then prosecutor in Boston, provides comments on his investigation, which was ongoing.

10) John Mintz, "Suspect in Palme Case Had LaRouche Party Tie," *Washington Post*, March 19, 1986.

Mintz writes about the purported connections between LaRouche's European Labor Party and Victor Gunnarson, the man suspected of assassinating Swedish Prime Minister Olof Palme. Mintz tries to give credence to the allegation LaRouche was involved in the Palme assassination by describing LaRouche's political opposition to Prime Minister Palme.

11) John Mintz, "The Lash of LaRouche," *Washington Post*, April 7, 1986.

This one is a front-page political attack upon LaRouche in the wake of the Illinois primary victories of Janice Hart and Mark Fairchild.

12) John Mintz and John Harris, "Unease Over LaRouche," *Washington Post*, April 7, 1986.

The article begins: "Leesburg used to be a model of old-time Virginia gentility, a place where most faces were familiar and town people traded good-natured small-town news over lunch counters on King Street. Now, they look up and down the Safeway aisles before they whisper the latest news and they are afraid to speak their mind at public meetings." This change, of course, is the result of LaRouche moving to town. (There are also two sub-articles, "LaRouche Backers



Stuart Lewis

*Reporter John Mintz of the Washington Post. A years-long media hate campaign against Mr. LaRouche tainted the jury pool, yet the judge denied a defense motion for special questioning of the prospective jurors.*

Buy Farm" and "Battle for Supporter's Fund." The latter item is about the case of Lewis du Pont Smith—see *infra*).

13) Matthew Wald, "Small Town in Virginia Tense Host to LaRouche," *New York Times*, April 11, 1986. Another bit on LaRouche in Leesburg with claims of intimidation and a death threat.

14) Joel Brinkley, "Fraud Suggested in LaRouche Fundraising," *New York Times*, April 13, 1986.

This front page in the *Sunday Times* says that "preliminary findings" of the Boston grand jury showing defrauding of hundreds of people across the country. The early findings supposedly "indicate an extensive nationwide pattern" of credit card fraud.

15) John Mintz, "LaRouche Groups Scrutinized," *Washington Post*, April 19, 1986.

Another front page effort from Mintz which begins with an account of a purported victim, Carl Swanson of Maryland. The article details various investigations then outstanding.

16) Editorial, "The LaRouche Probes," *Washington Post*, April 30, 1986.

The essence of this editorial is that while "prosecutors should hesitate to interfere with political campaigns," LaRouche is an exception because of the number and nature of complaints against his organization. Where there is smoke, there's fire, and prosecutors, the *Post* says, should not be afraid of LaRouche's tactics.

17) John Mintz, "LaRouche Group at Center of du Pont Family Fight," *Washington Post*, May 16, 1986.

This concerns the battle over the estate of Lewis du Pont

Smith, a thirty-year-old who was declared incompetent because he contributed money to LaRouche. Smith, of course, is not incompetent; he recently ran for Congress in New Hampshire. The case is still pending.

18) Matthew Wald, "Du Pont Heir's Gifts to LaRouche Spark a Court Battle," *New York Times*, May 17, 1986.

Another article on the du Pont Smith case.

19) Rich Arthurs, "LaRouche Puts Pressure on Loudoun Lawyers," *Washington Legal Times*, June 23, 1986.

The *Legal Times* describes the intense pressure of the Sweetwater case and the plight of Dean Worcester, the attorney originally hired by the LaRouche forces. As Worcester describes it, "[T]he entire county got consumed by the issue of LaRouche."

20) John Mintz, "Du Pont Heir Defends LaRouche Ties," *Washington Post*, June 24, 1986.

Mintz reports on a hearing in the du Pont Smith case which occurred in West Chester, Pa.

21) John Mintz, "Judge Affirms Watchdog for Heir's Money," *Washington Post*, July 24, 1986.

This details the final decision by the lower court in the du Pont Smith case. Mintz points out that the judge "based his conclusion that Smith is mentally ill partly on Smith's statements supporting the apocalyptic message of LaRouche."

22) John Mintz, "Hard Times in the LaRouche Camp," *Washington Post*, September 14, 1986.

This story about the financial difficulties of the organizations traces the problems to the "stunning" Illinois victories which "prompted a round of critical news reports about LaRouche and investigations by state agencies of the group's financial practices. The LaRouche group raises most of its funds through telephone solicitation and in airports, and the damaging news reports on LaRouche turned off many potential contributors, law enforcement sources and experts on the group said.

23) John Mintz, "LaRouche Followers Indicted," *Washington Post*, October 7, 1986 (this is the first of a series of four articles by Mintz which appear during the course of the week.)

Mintz reports on the Leesburg raid and the Boston indictment. The concluding paragraphs explain that raid and indictments came as response to Illinois primary victories. The feeling was, "Let's hit them."

24) John Mintz, "An 'Underground' of LaRouche Foes," *Washington Post*, October 8, 1986.

This is the French resistance bit which says that "hundreds" of Loudoun County residents assisted in the investigation.

25) Thomas Ferraro, "Virginia Community Hopes LaRouche Will Leave," UPI (Leesburg), October 8, 1986.

"They [Loudoun residents] see the light at the end of the tunnel," said Lt. J.T. McCracken of the Loudoun County Sheriff's Department. "They see signs that the big black cloud that has hung over Loudoun County may start to leave."

26) Mark Smith, "Long LaRouche Probe Due," *Rich-*

*mond Times-Dispatch*, October 8, 1986; Leesburg (UPI), "Leesburg Residents Helped Track LaRouche," *Richmond Times-Dispatch*, October 8, 1986.

This is another resistance force story coupled with a report on the post-raid news conference of Virginia Attorney General Mary Sue Terry.

27) John Mintz, "LaRouche Probers Hope Suspect Will Help Them," *Washington Post*, October 9, 1986.

"Law enforcement officials say they hope to 'flip' some of the 10 associates of political extremist Lyndon H. LaRouche, Jr., who were indicted by a federal grand jury Monday, persuading them to give information to authorities about higher-ups in the organization, including LaRouche." The remainder of this story speculates about this possibility.

28) John McCaslin, "Ex-Worker Describes LaRouche Shredding," *Washington Times*, October 9, 1986.

This information comes from an interview with a purported ex-employee. It infers, but does not state, that the "shredding" was done for obstruction of justice purposes.

29) John Mintz, "LaRouche and Aides Reacted to Heat from Federal Probe," *Washington Post*, October 10, 1986.

This is the last of the series of four by Mintz which details the bail hearing held on the previous day. Jeff and Michele Steinberg were held without bail after Magistrate Grimsley made a finding of "clear and convincing" evidence of obstruction. This finding was based upon the testimony of FBI Agent Richard Egan who subsequently recanted the most critical elements of this testimony.

30) AP, "U.S. Seeking Hard Evidence in LaRouche's Seized Files," *Washington Times*, October 13, 1986.

This release prints the statement from Henry Hudson's press conference which referred to "an organizational policy of fraud and bilking." Hudson is also quoted as saying that the LaRouche organization "preyed upon many elderly people."

31) Thomas Ferraro, "Lyndon LaRouche vs. The Leesburg Garden Club," UPI (Leesburg), October 9, 1986.

Another story of the "hundreds" of Loudoun residents who assisted in the investigation.

32) John Mintz, "Sifting Truth from Informers on LaRouche," *Washington Post*, October 26, 1986.

This reviews the prominent government informers in the LaRouche case: Frankhauser, Fick, Emerson, and Levy.

33) Thomas Ferraro, "The Many Investigations of the LaRouche Group," UPI (Washington), October 26, 1986.

This is a compilation of the various ongoing investigations.

34) Philip Shenon, "LaRouche Holdings Seen as Imperiled by Inquiry into Fund Raising," *New York Times*, October 29, 1986.

"Federal law-enforcement officials have said their best hope of disrupting Mr. LaRouche's activities may be found in thousands of documents seized earlier this month in a raid on his headquarters in Virginia." . . .

"A Justice Department official said, however, that evidence gathered in the raid on Mr. LaRouche's offices could eventually cripple the fund-raising campaign."

35) AP, "U.S. Investigators Take Samples of LaRouche's Handwriting," *Baltimore Sun*, November 8, 1986.

This release asserts that a grand jury has been empaneled in Alexandria but has not met yet. There are several confidential and/or law enforcement sources referred to throughout.

36) Caryle Murphy and John Mintz, "U.S. Confirms LaRouche Probe," *Washington Post*, November 22, 1986.

The Ed Spannaus Rule 41 motion before Judge Bryan is covered. For the first time, Robinson reveals the existence of the Alexandria grand jury. "Sources said authorities are investigating whether the group's payments for LaRouche's daily needs, including his stay on the estate, constitute a form of payment to him on which he should have paid taxes."

37) Paul Glastris, "Dialing for Dollars," *Washington Monthly*, December, 1986.

One paragraph in this piece says that "[t]elephone fraud has slipped into politics: phone solicitation is the chief source of campaign contributions to the Lyndon LaRouche organization." Mintz is cited as a source that LaRouche supporters committed fraud over the telephone

38) UPI, "Sweden Reported Investigating LaRouche Link to Palme Assassination," December 12, 1986.

The release reveals that Swedish authorities are combing through the seized notebooks investigating "whether extremist Lyndon LaRouche's political organization had a role in the assassination of Olof Palme."

39) John Mintz, "Airing the LaRouche Line," *Washington Post*, December 23, 1986.

The article focuses on the connection of LaRouche to WTRI radio in Brunswick, Md. The tone is similar to the Leesburg controversy stories. "It's frightening," said [one Brunswick resident], "we really don't know what to think of LaRouche. Leesburg wants to get rid of him, so he comes over here."

40) AP, "Additional LaRouche Illegalities," *Washington Times*, January 29, 1987.

This is a report on the filing of the F.R.E. 404(b) notice in Boston which alleges tax and loan illegalities.

41) John Harris, "16 Associates of LaRouche are Indicted," *Washington Post*, February 18, 1987.

This front-page story announces the Loudoun County indictments and arrests. There is a prominent picture of defendant Michael Billington being led away in handcuffs.

42) Regional Report, "Terry Says LaRouche Organization Preyed on Old," *Fairfax Journal*, February 19, 1987.

The headline speaks for itself. The text quotes from Virginia Attorney General Mary Sue Terry's press conference following the Loudoun County indictments.

43) Frank Perley, "LaRouche Followers are Accused of Defrauding Elderly of Millions," *Washington Times*, Feb-

ruary 19, 1987.

This is another bit on the Terry press conference (see #42 above).

44) John Mintz, "Federal Papers Suggest LaRouche Evaded Taxes," *Washington Post*, February 25, 1987.

The Boston filings charge that LaRouche and associates are involved in an "elaborate scheme" to avoid reporting income while LaRouche lives in "regal style."

45) R. H. Melton, "Va. Bans Sales by LaRouche," *Washington Post*, March 5, 1987.

The Va. State Corporation Commission bans the sale of promissory notes which law enforcement authorities say will "help them in their efforts to cut off a major pipeline of revenue for the group."

46) John Harris, "LaRouche Followers Arrested," *Washington Post*, March 18, 1987.

This article publicizes the New York indictments and arrests with a picture of defendant Ed Spannaus featured. This is described as "the latest blow to the LaRouche fund-raising network which authorities have said is being threatened 'like a house of cards' . . ." The prosecutors in New York charge a scheme which "bilked \$30 million out of investors, many of them senior citizens, across the nation."

47) John Harris, "9 LaRouche Supporters Freed on Bond," *Washington Post*, March 19, 1987.

The New York indictments are reviewed: "[T]he charges are the latest in a string of criminal and civil actions that are acting like a tightening noose around the financial lifeline of the LaRouche organization, causing it to bounce checks and miss deadlines on its political publication, according to law enforcement authorities."

48) John Mintz, "Crisis Time in LaRouche Land," *Washington Post*, March 22, 1987.

"'The boa is constricting. I know they're hurting bad,' one law enforcement official said of the group, known for its apocalyptic rhetoric and denunciation of perceived enemies."

49) William Welch, "LaRouche Stays in Europe as Financial Difficulties Add to Legal Problems," (Washington) AP, March 27, 1987.

"One source who, like the others, spoke only on condition of anonymity, described the organization as a fragile structure as a result of the investigations and said, 'We're pulling out sticks one by one.'"

50) John Mintz, "LaRouche Sell-Off is Alleged," *Washington Post*, April 3, 1987.

Federal prosecutors charge that the organization is selling off assets to avoid contempt fines.

51) John Mintz, "Federal Raids Effectively Shut LaRouche Organization," *Washington Post*, April 22, 1987.

This reports on the impact of the bankruptcy seizures and Hudson's statement that this is a "somewhat extraordinary remedy."

52) AP, "Millions Funneled to LaRouche at Whim, Justice Says," *Washington Times*, April 23, 1987.

The headline speaks for itself. The text quotes from the more prejudicial sections of the bankruptcy petition.

53) John Mintz, "LaRouche to Talk to Grand Jury, Sources Say," *Washington Post*, June 27, 1987.

Sources leak to the media the fact that LaRouche is about to testify before the Boston grand jury.

54) John McCaslin, "U.S. Jury Expected to Indict LaRouche," *Washington Times*, July 2, 1987.

Three sources reveal that the Boston grand jury is about to indict LaRouche.

55) John Mintz, "LaRouche Indicted in Conspiracy," *Washington Post*, July 3, 1987.

Mintz reports that the indictment of LaRouche comes "after 19 years of periodic federal investigation of him, starting in the late 1960s when he was a Marxist, and extending into the middle of 1970s when he was allied with neo-Nazis." Further, he says, "[N]ews of LaRouche's indictment caused jubilation in Leesburg, where LaRouche has engendered hostility since he and at least 250 associates moved there three years ago. 'People are slapping each other on the back and just going crazy out here,' said one investigator there."

56) John Mintz, "Loudoun Acts to Oust LaRouche," *Washington Post*, July 14, 1987.

This is the Leesburg story again. One Loudoun businessman is reported as saying, "[T]here's a grand design to get rid of these people."

57) John Mintz, "Inside the Weird World of Lyndon LaRouche," *Washington Post*, September 20, 1987.

"Law enforcement officials and experts on the group say the key to understanding the charges in the [Boston] trial—from the bilking of the elderly to the burning of subpoenaed documents—is not something that can be summed up in an indictment. The key they say, is in the members' arrogance about themselves and their position in world history. . . ." Further, "[L]aw enforcement officials say the psychological browbeating continues to this day."

58) John Mintz, "Judge Delays Trials of LaRouche, Six Associates," *Washington Post*, October 21, 1987.

This piece reports on the severance of the Boston case and the scheduled trial of "former Ku Klux Klan leader Frankhauser."

59) AP, "LaRouche Himself Goes on Trial This Week," *Richmond Times-Dispatch*, December 14, 1987.

This is an eve of trial report which is expected to include "testimony from witnesses with checkered pasts and bizarre tales of intimidation and pressure with the LaRouche organization. . . ."

60) AP, "LaRouche Faces Fraud Trial This Week," *Washington Times*, December 14, 1987.

Same as #59 above.

61) John Mintz, "Anti-Meese Poster's Source is a Mystery," *Washington Post*, December 25, 1987.

This item discusses the "Meese is a Pig" poster which was put up in the D.C. area one week previously. The infer-

ence is that it was done by LaRouche.

62) Bill McKelway, "Papers Show LaRouche Empire Built on Fragile Base of Loans," *Richmond Times-Dispatch*, May 1, 1988.

This is an eve of bankruptcy trial report. The allegations in the Government's paper are that allegedly the bankrupt corporations were used "as the private preserve of LaRouche cronies." Virtually all of the money was allegedly spent at LaRouche's direction.

63) Bill McKelway, "Legality of Move by U.S. is Argued," *Richmond Times-Dispatch*, May 5, 1988.

This is an update on the bankruptcy trial. Government attorney David Schiller said that "pipelines siphoned off millions of dollars for LaRouche's personal use or uses which had no bearing on the reasons individuals agreed to make the loans in the first place."

64) Bill McKelway, "Trail of Suffering Laid to LaRouche Firms," *Richmond Times-Dispatch*, July 6, 1988.

This post-trial article quotes from the Government's brief, "grievous human suffering," "cold, callous, cynical" schemes, and three companies which generated " 'rivers of cash' for LaRouche's and others' benefit but shattered the lives of unwary contributors, severely hurt unpaid creditor companies, and diverted cash through shell companies."

65) Haynes Johnson, "Mudslinging and Responsibility," *Washington Post*, August 5, 1988.

This news article reports on the Dukakis medical records flap. It describes LaRouche as a "hate merchant."

## Post: 'Stop LaRouche before 1988 campaign'

*In its lead editorial April 30, 1986, the Washington Post detailed various investigations of LaRouche and associates under way at that time, and then warned its readers:*

LaRouche followers have won unexpected victories in primaries this year, and may win more. . . .

You might reasonably ask why investigations of charges made about activities that took place in 1984 or earlier have reached no conclusion. . . .

These cases ought to be resolved before the 1988 campaign, in which Mr. LaRouche says he will again be a candidate for the Democratic presidential nomination. . . . The prosecutors and the FEC have more hard work and abuse ahead of them, but they must continue all the investigations—despite the tactics they face—with a view to bringing prosecutions wherever the evidence warrants.