

Jury delivers split verdict in New York 'LaRouche' Trial

After three days of deliberation, the jury in the New York trial of four political organizers associated with Lyndon LaRouche delivered a split verdict. George Canning, a resident of Virginia, was acquitted on both counts charged against him, conspiracy in the fifth degree and scheme to defraud in the first degree; Marielle Kronberg, also from Virginia, and New Jersey resident Lynne Speed were both acquitted on the conspiracy count and convicted on the scheme to defraud count; and New Jersey resident Robert Primack was convicted on both counts.

All the defendants were immediately released on their own recognizance.

The partial exoneration of the defendants was in keeping with fact that over the course of the trial, the defendants were only permitted to present fragments of the full picture of years-long political persecution against them by powerful circles in the U.S. Establishment and parts of the U.S. government.

Virginia congressional candidate Lyndon LaRouche, who was railroaded into prison by the same political forces in January, immediately made the following remarks:

"It is appropriate that I make a preliminary comment on a split verdict which just occurred in a New York trial, that had been in progress during the last five months. As many know, four friends of mine were indicted and charged by the same federal, state and private task force, which is responsible for several attempts to convict me, and the successful one in the Alexandria, Virginia frame-up in federal Judge Albert Bryan's court.

"In this case, the split verdict reflected a split decision by the jury. One person accused was let off on every charge, and only one was convicted on two charges. The problem in the case—the problem that resulted in not all being fully exonerated—reflected the fact that Judge Crane, the presiding Supreme Court judge in that case in New York, followed Judge Bryan to the extent of not allowing the defendants to present the full evidence, and the major evidence showing why there were certain financial difficulties in three firms, three indebted firms, which some of the defendants had represented during 1986 and into 1987.

"So the judge—by excluding the evidence of who was responsible for the late performance in payment and then the

non-performance in payment ultimately, because of the bankruptcy caused by the federal government and only the federal government—misled the jurors, or allowed the jurors to be misled as to the nature of the case.

"Obviously the decision will have to be overturned. You cannot have people convicted simply because jurors are willfully misled on the most crucial evidence of an affirmative defense. I won't say more at this time, but I will comment as may be suitable at a later date."

Subpoenas quashed

What LaRouche referred to was the fact that New York State Supreme Court Justice Stephen G. Crane prevented the defense from calling witnesses who could have demonstrated that there was, and is, a top-down conspiracy involving federal, state, and local officials, and reaching into the Democratic Party on the state and national levels, to try to shut down the LaRouche political movement, and publications associated with it, through financial warfare and other means.

Nowhere did this become clearer than when Crane quashed subpoenas issued by the defense to New York Democratic Party chairman Larry Kirwan and to former U.S. Secretary of State Henry Kissinger.

In the case of Kirwan, the defense demonstrated that he was directly involved in soliciting action against the LaRouche faction of the Democratic Party—action which likely led directly to the New York indictment, which came down in March 1987. Yet Crane ruled that, since the defense couldn't prove—prior to his testimony—that he was involved in any of the particular transactions cited in the case, his animus was not "relevant."

Crane then also quashed a defense subpoena to Henry Kissinger, whom the defense showed was instrumental in activating federal agencies and others against LaRouche, with the express aim of "taking care of him" after the election of 1984. Kissinger's letters to the Federal Bureau of Investigation in 1982 have been traced as the initiation of the "Get LaRouche" strike force which has been responsible for all the indictments which have hit the LaRouche movement since 1986.

A bail hearing is set for Sept. 22, and sentencing is scheduled for Oct. 27. At that time, as well, Kronberg's post-trial

“Kastigar hearing” will commence, which hearing will determine whether or not evidence derived from her previous immunized testimony in Alexandria, was illegally used against her at trial.

Decisions will also be made around that time, as to whether New York State will proceed with trial of the remaining defendants in its original case. Five additional individuals are charged with the conspiracy misdemeanor count alone: Mark Calney, Paul Gallagher, Phil Rubinstein, Nancy Spannaus, and Kathy Wolfe.

Almost every courtroom observer, lawyers included, believed the jury verdict reflected a fundamental confusion about a number of issues. For example, their decision to acquit Kronberg and Speed on the conspiracy count (which is a misdemeanor), while convicting them on the scheme count (a felony), seemed quite odd. Judge Crane looked surprised at the verdict, ordered the jury to return to the jury room and remain sequestered, and asked both sides if they considered the verdict to be repugnant, or to require further deliberation, citing the jury’s obvious confusion over the conspiracy/scheme split.

Defense by truth

The trial was notable in its closing phases for breaking several “rules of the judicial game.” First, in response to the 20 “lenderwitnesses” called by the prosecution to supposedly demonstrate a deliberate conspiracy not to pay them back, the defense mounted five weeks of testimony by 30 financial and political supporters of LaRouche, many of whom had given political loans, all in full knowledge that attacks by political enemies of LaRouche might endanger repayment.

Second, Lyndon H. LaRouche himself took the stand on behalf of the defense (see *EIR*, Aug. 25, 1989, “LaRouche gives testimony on patriots’ movement”). This was the first time LaRouche had testified in any of the multiple trials that have been conducted against him and his associates.

Third, three of the four defendants took the stand on their own behalf to assert their innocence—something which, according to standard legal “wisdom,” is never done, because this might “further incriminate” the defendants. Fourth, the “Get LaRouche” task force was placed on the stand, in the gelatinous form Richard Egan, the Boston-based FBI agent who has been assigned much of the task force’s dirty work.

During the course of the New York trial, Egan testified that he had deliberately destroyed documents belonging to Caucus Distributors, Inc. and Campaigner Publications, contrary to an order issued by Boston federal Judge Robert Keeton that the documents be preserved. According to the defense, the documents would have shown that thousands of checks were issued in repayment of loans.

Defendant Lynne Speed took the stand Aug. 17, following the Aug. 11 testimony of Lyndon LaRouche. She detailed her political organizing activities as a context for the fundraising efforts of the LaRouche movement. Such efforts in-

cluded, for example, the 1982 publication *Fifty Years a Democrat*, the autobiography of the late Hulan E. Jack, former Manhattan Borough President. This flew in the face of the prosecution’s contention that the fundraising activities were “a scheme to defraud the unsuspecting investing public.” Even Prosecutor Dawn Cardi herself commented in her closing, that she had found it difficult to cross-examine Speed, because “I felt like one of the lenders.”

Defendant Marielle Kronberg took the stand on Aug. 22. She detailed the story of the mid-1970s harassment of LaRouche organizers by the FBI in the Midwest, as well as the story of the creation and initial funding of the LaRouche-related book publisher New Benjamin Franklin House in the late 1970s. Over 15 titles produced by New Benjamin Franklin House were read into the record by Judge Crane during her testimony.

Summations

During his summation, Speed’s attorney Lawrence Hochheiser showed the jury photographs in evidence of one of the prosecution’s witnesses participating a Washington, D.C. mass demonstration in 1984, carrying a banner supporting LaRouche’s policies. “Does this look like a member of the unsuspecting investing public?” he asked.

Hochheiser also taunted prosecutor Dawn Cardi for having abandoned her original claim that this was only a trial about “criminals” and not politics, by comparing Ms. Cardi to a cat who accidentally slips across a newly waxed kitchen floor, picks itself up, and saunters away, as if to say, “This is where I intended to be all along.”

Defendant Primack’s attorney, Jeffrey Hoffman, ripped apart the prosecution’s case. He demonstrated, using the prosecution’s own witnesses, that in *none* of the 20 cases did any witness claim misrepresentation of their loan by a LaRouche-associated company or individual.

Hoffman stated, “If these defendants wanted, they could have walked away from the whole situation by declaring bankruptcy.”

In fact, Hoffman pointed out, all the prosecution witnesses, all the defense witnesses, and all the defendants were united in a single cause—publication, propagation, and implementation of the ideas and policies associated with former presidential candidate Lyndon LaRouche.

It was Attorney Hoffman who called LaRouche to the stand, “because he founded this movement. He can tell you what it’s about better than anyone else: That’s what this case is all about: the persecution of a political movement.”

Hoffman compared the plight—and potential triumph—of the LaRouche movement to that of Lech Walesa. “Two years ago Walesa was in jail for espousing an unpopular cause. Today, a close associate of his has become the prime minister of Poland.” Hoffman stressed that the U.S. Constitution and judicial system were designed to protect precisely those who espouse such unpopular causes.