

Prosecution refuted in New York 'Get LaRouche' case

As the pressure mounts on the U.S. Congress to take action on the McDade-Murtha bill (the Citizens Protection Act) and thus to stem prosecutorial misconduct, prosecutors in New York sought this week to jail Marielle Kronberg and Lynne Speed, two associates of Lyndon LaRouche. Ultimately, New York Supreme Court Justice Stephen Crane refused to incarcerate Kronberg, but he also refused to let Speed continue on bond pending her appeal, ordering her to begin serving a six-month sentence. Speed was ordered released on bond pending appeal, only after an emergency appeal to the Appellate Division.

The fact that these convictions and those of LaRouche and his co-defendants, have not been thrown out and the prosecutors punished, is proof of the need for the type of judicial house-cleaning at issue in the Citizens Protection Act.

Indicted in 1987, Kronberg and Speed were prosecuted in 1989 by the New York Attorney General as part of the politically motivated trials aimed at eliminating LaRouche and his movement. After a five-month trial, they were convicted on one count of scheme to defraud and acquitted on one count of conspiracy. LaRouche associate George Canning was acquitted on both counts, and former LaRouche associate Robert Primack was convicted on both.

Like the other "LaRouche" prosecutions, the New York case was fraught with the types of prosecutorial misconduct the Citizens Protection Act seeks to punish, including withholding of witness statements (exculpatory evidence), suborning perjury, tampering with evidence, improperly disseminating information against the defendants, and impeding defendants' right to discovery.

The extent of the prosecutorial misconduct in the New York case was so great that in February 1995, after five years of post-trial hearings, trial Judge Stephen Crane threw out the convictions. In his opinion, Crane found that prosecutors had illegally withheld witness statements—evidence that, had it been available to the defense at trial, could have helped defendants prove their innocence. Crane wrote that the New York authorities "engaged in a conspiracy to lay low these defendants at all costs, both here and in Virginia." With whom did they conspire? The Federal officials who prosecuted LaRouche in Alexandria, Virginia, and the Virginia state officials who prosecuted a number of associates of LaRouche in state cases.

In December 1995, Crane vacated Kronberg's conviction



*Lynne
Speed*



*Marielle
Kronberg*

on a second ground. The issue this time was prosecutorial violation of Kronberg's Fifth Amendment privilege. In the so-called Kastigar hearings held on this matter, Crane determined that the New York Attorney General's office utterly failed to show that it had not used the fruits of her immunized testimony in prosecuting her.

However, this April—as a result perhaps of the clout of Gingrichism in New York politics—the Appellate Division of the New York Supreme Court adopted the prosecution's self-serving claims, ignored Crane's reasoning, overturned his decision, and reinstated the convictions.

Finally, at a July 13 hearing, Assistant New York Attorney General Rebecca Mullane demanded Kronberg be sentenced to the maximum prison time (four years) possible on her nine-year-old conviction. Sounding like the most violent of the gutter press, Mullane told one lie after another to the court, and accused Kronberg of being a member of a "criminal organization" headed by LaRouche.

These falsehoods were sharply refuted by Kronberg's attorney, Mayer Morganroth, who quoted extensively from the trial record to show how fraudulent Mullane's argument was. Speaking on her own behalf, Kronberg forcefully rebutted the prosecution's wild allegations.

Judge Crane refused to go along with the prosecutor's demands; he sentenced Kronberg to five years' probation, with no jail time.