

'LaRouche' trial in Boston set to begin

The Boston trial of presidential candidate Lyndon H. LaRouche and six associates, plus five other organizations, is now scheduled to begin with opening statements on Tuesday, Oct. 20. Jury selection, pretrial motions, and court-ordered recesses have put the opening almost one month after the official Sept. 21 trial date.

The decisions on pretrial motions taken by Judge Robert Keeton have by and large been in favor of the government. Most significant for the government's generally flimsy case were his rulings to deny a motion to suppress evidence which the defense claimed to have been taken illegally, and to permit use of defendants' notebook entries, despite the fact that it is admitted even by the prosecution that statements found therein cannot be considered proof of truth.

Delays were also created by the failure of the government to produce answers on whether the government had documents concerning electronic surveillance by various agencies. The defense revealed the existence of surveillance by the super-secret National Security Agency (NSA) in September, having received Freedom of Information Act responses on the existence of wiretaps. But it was not until Oct. 16 that the government produced the documents for *in camera* inspection by the court, and then not all of them.

Jury tampered with?

Although the selection of the 12-person jury, with four alternates, was completed on Oct. 9, a new pretrial motion was introduced on Oct. 16 which challenges its impartiality.

Defense lawyers asked the court to either discharge the jury, or to conduct additional questioning of the jury, because of a recent, highly inflammatory CBS network television segment on its "West 57th St." program. The program, shown on Saturday evening, Oct. 10, was characterized as "extremely inflammatory, prejudicial, and adverse publicity."

In fact, the CBS television show is judged by knowledgeable observers to have been put together as part of an effort to influence the jury in the LaRouche case. The show eliminated all available material on LaRouche's political campaign, and his response to the government's charges, featuring instead one of the government's "star" witnesses, a former associate of LaRouche, running through his lines.

Suppression motions denied

Judge Keeton had held extensive hearings on defense motions to suppress notebooks of two defendants, Edward Spannaus and Robert Greenberg, during the course of the summer. On Oct. 6, he ignored the facts established in those hearings, in order to rule that the government's seizure of these materials, not cited in the search warrant, was legal.

Ignored in the judge's tortuous decision was the fact that FBI agent Richard Egan had lied to a federal magistrate in securing a second search warrant, by telling her that the offices were sealed and searches in them stopped, when they were not. Also passed over was the fact that the morning activities of law enforcement agents in the Oct. 6, 1986 paramilitary raid in Leesburg, Virginia, were, by government admission, geared principally toward finding any document which would support the immediate arrest of presidential candidate LaRouche.

Judge Keeton did recognize that the government had seized hundreds of items outside the scope of the search warrant, but he justified this by saying that since the first warrant referred to "writings," the searching officers were entitled to literally read all writings in the offices searched. Defense attorneys argued that such an interpretation permits a "general search," which is prohibited by the Fourth Amendment to the U.S. Constitution.

Judge Keeton also dismissed defendants' arguments concerning the search of law offices and reporters' offices, saying they were justified as part of the search for "writings."

The surveillance issue

Seven classified NSA documents and several documents resulting from FBI "surveillance or wiretap" were delivered to Judge Keeton's courtroom on Oct. 16, by an NSA courier, in a double-locked briefcase. They were delivered over extensive government protest, upon the judge's order.

Judge Keeton opened the documents and examined them in open court, after which he made findings that both sets of documents, with one exception, should not be disclosed to counsel for either side because of "compelling national security interests." Judge Keeton further ruled that the NSA documents were not relevant to the case.

Defense lawyers immediately objected, on grounds that they were not permitted to examine the documents, and that they might recognize things that could be relevant, which the judge might not realize were relevant.

The judge also ruled that, with one exception, the FBI documents were also not relevant, and then continued, "The exception is references to documents I have not seen." And therefore, he said, "I am not able to make a final determination." He then ordered the government to produce the withheld documents on Monday, Oct. 19.

It is likely that additional documents, now being illegally withheld, will continue to surface during the anticipated three-to six-month trial.