

Political solicitation is now a crime?

A five-count theft charge brought against Keith Levit in Upper Marlboro, Maryland, has carried the absurd logic of the "Get LaRouche" task force—that the mere fact of political sales and solicitation by those associated with Virginia congressional candidate Lyndon H. LaRouche, Jr. is a crime—to its most ridiculous extreme. With absolutely no allegations of force, intimidation, or fraud, i.e. without anything that would constitute a crime, a warrant for Levit's arrest was issued on the basis of information provided to a magistrate by a Greenbelt, Maryland Police Detective Carolyn McLean.

Levit, an associate of Mr. LaRouche already indicted in Virginia for so-called securities fraud, surrendered on July 13 on the charges and was released on a \$15,000 bond. The charges brought in December of last year, allege five counts of theft, involving contributions made by a political supporter of LaRouche. The warrant has all the pawprints of the work of the multijurisdictional, multi-agency "Get LaRouche" task force. The warrant was sworn out in December of 1989, yet until July 12 there had been no attempt to serve it, or to notify Mr. Levit of its existence. Only then, when Officer McLean, along with three other Maryland police officers, Loudoun Coun-

ty, Virginia Sheriff's Deputy Donald Moore, and a film crew from the syndicated television "news" program, Inside Edition, stormed into the Baltimore offices of Levit's employer, did the existence of the charges come to light.

The charges against Levit, judging from what was in the affidavit of probable cause sworn by McLean, appear to be even more ridiculous than those brought against three associates of LaRouche in Ogle County, Illinois, which resulted in a dismissal in June. LaRouche, Patricia Noble-Schenk, and Ron Fredman just a week before Levit's arrest had filed a suit for \$30 million in damages for violations of their civil rights by an Illinois prosecutor, a supporter's hostile daughter, and Patricia Lynch, a long-time anti-LaRouche operative with NBC. That action arises from a strikingly similar case of attempts to concoct criminal charges, deny First Amendment rights, and extort the return of funds willingly contributed by an elderly supporter, Harriet Driver.

In a *Washington Post* article that appeared on July 14, Mira Boland of the tax-exempt Anti-Defamation League was quoted, along with sources close to the investigation, and appeared to have more information about the charges than Levit's attorneys had been given thus far. Levit's attorneys noted that, besides the fact that the warrant was issued in the unusual fashion that it was, over six months ago, the alleged "crimes" date from 1988. Other observers noted that the arrest had the character of a "canned" event designed to bolster the flagging efforts to silence LaRouche and his associates after recent setbacks in Roanoke, Virginia, and Ogle County, Illinois.

against him based on government fraud, deciding instead to mount a drug investigation that only culminated in an indictment when the government created a "crime" in FBI informer Rasheeda Moore's government-financed hotel room.

Government strongarmed witnesses

Mundy has also not hesitated to point out that, of the 25 witnesses the prosecution produced, all of them, with the exception of the federal officials who set up and orchestrated the sting, testified under grants of immunity or promises of leniency in their own cases. One such witness, former restaurateur Hassan H. Mohammadi, had been threatened with deportation to his native Iran where his opposition to the Khomeini revolution would have meant his death.

One instance in which the prosecution's heavy-handed tactics may have backfired came with testimony from Barry's friend Bettye L. Smith, a former employee of the city's financial adviser, W.R. Lazard and Co. Smith did not testify voluntarily. She was escorted by U.S. Marshals under a war-

rant issued by Judge Jackson from a hospital bed in Chattanooga, Tennessee where she was being treated for stress related to this case. On July 16, her lawyers pleaded with Jackson to delay her appearance since her medical condition had deteriorated; her psychiatrist submitted written testimony describing Smith as suicidal. Jackson responded by ordering her arrest.

Prosecutors needed Smith's testimony to bolster the drug possession charges against the mayor alleging that he possessed cocaine between New Year's Day, Jan. 1, 1990, and Jan. 18, the day he was arrested in the government sting. But Smith said she was unsure of the exact date on which she gave Barry a small amount of cocaine at her house. She said it might have been in 1989.

Smith said that on that occasion, the mayor took the cocaine with him to the bathroom. When he returned, he gave the cocaine back to her, she said. She also testified that in the nine years since she first met Marion Barry, he has never used drugs in her presence, and has frequently reprimanded her for her own drug use.