



4. Ken Kronberg was also the President of PMR Printing, Inc. (“PMR”) and World Composition Services, Inc. (“World Composition”), which were in the commercial printing business and provided printing services to entities associated with LaRouche including political committees and EIR. These companies were targets in the criminal prosecutions led by Markham and AUSA Robinson, during which Ken Kronberg, PMR and World Composition were constantly under investigation for failure to pay withholding taxes.

5. During the course of the Boston and Alexandria Federal Prosecutions,<sup>1</sup> Ken Kronberg reported to me that he was under investigation by the IRS for failure to pay withholding taxes owed by PMR and World Composition (“IRS Actions”). These IRS Actions were the same investigations I understood to be referenced on page 61 of the Affidavit at App. 27, letters written by Special Agent Lucey and AUSA Robinson at Apps. 23 and 24, and in the notice of unindicted co-conspirators at App. 25. Only a small portion of the IRS investigative files concerning Kronberg, LaRouche and others have been released to defendants under the FOIA, with the majority of the remaining files withheld based upon various governmental privileges.

6. Shortly before Ken Kronberg committed suicide, he told me that he had failed to pay taxes owed by PMR, and that he was afraid he would be sent to prison because of the prior tax actions. I understood Ken Kronberg’s reference to the prior tax action(s) to mean the IRS Actions.

7. Based on my review of redacted and other documents produced in the Boston and

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<sup>1</sup> These terms are used as they are defined in the Memorandum in Support of Defendants’ Motion to Disqualify.

Alexandria Federal Prosecutions and related FOIA litigation, I believe Markham and government agents working with AUSA Markham interviewed witnesses about Marielle Kronberg and the events about which she testified. Defendants had access to only that small portion of the witness interviews produced at the criminal trials, and none of the witness evaluations.

8. No evaluations of Marielle Kronberg's credibility and that of other witnesses related to her testimony were produced by AUSA Markham or by the United States.

9. Defendants are concerned that Markham can use false or incomplete statements in confidential government information he reviewed to ask questions which will have the effect of undermining our credibility at trial. Further, the jury will know Markham spearheaded the criminal prosecutions that convicted Lyndon LaRouche and six others, and this will unfairly affect the Defendants' credibility before the jury.

10. William F. Weld, the former U.S. Attorney in Massachusetts who commenced the first Boston grand jury investigation against the Defendants, was nominated to become Assistant Attorney General for the Criminal Division of the U.S. Department of Justice on or about July 15, 1986.

11. The witness who is testifying in the transcript excerpts at App. 26 is AUSA Markham, who testifies at page 23 thereof that he was the primary drafter of the Egan search warrant Affidavit that is excerpted at App. 27. The identities of some of the John Does used in that search warrant affidavit were disclosed as a result of their witness status and other proceedings in the Boston case. However, many John Does remain unknown to defendants to this day, and their identities have been withheld under claims of informant privilege, law

enforcement privilege, and privacy.

12. The *Boston Herald* reported on May 5, 1988 that jurors had taken a straw poll following the mistrial in the Boston case, and, at that point (after the government presented its credit card fraud case), they would have acquitted all defendants because of questions surrounding government misconduct in the case.

13. Richard Yepez and Pam Cowdery Goldman worked for Ken Kronberg, know the relationship of Ken Kronberg's printing companies to LaRouche and others, and other potential witnesses in this case. Their names were on Markham's Boston trial witness list, and they testified at the Alexandria trial. Ken Kronberg reported to me and others during the criminal proceedings that Yepez had become hostile to Ken Kronberg and was suspected by Kronberg and others as being an informant used by AUSA Markham. While Markham's initial notes of his Boston interview of Goldman were produced to defendants, notes from subsequent interviews of Goldman were not produced. Markham never produced interview notes concerning Yepez.

14. Felice Merritt Gelman was identified by Marielle Kronberg in her testimony as the person who told her to write royalty checks to LaRouche from New Benjamin Franklin House. Felice Gelman was not a witness in either the Boston or Alexandria proceedings and no statements by her were produced by the government to the criminal defendants in those cases. Under the FOIA, defendants have received what appear to be handwritten notes of an interview with Gelman conducted in 1988 by agents of the IRS and FBI. These notes specifically tell the agents how to make future contact with Gelman. No FBI Form 302 was produced for this interview, and Defendants have not received any other documents which can be identified as

pertaining to Gelman.

15. Marielle Kronberg has alleged that it is defamatory for LaRouche to state that Kronberg wrote the royalty checks to him as part of a setup conducted by “Gus” (First Amended Complaint at ¶ 14(xi) at 10). “Gus” is Konstandinos Kalimgtis, who was Chief of Staff for the National Executive Committee of the NCLC when he resigned from the NCLC in 1980. In her prior testimony, Plaintiff Kronberg identified Gus as the person she worked with most closely in the NCLC during 1979-1980, and described Gus’ role in how funds were raised that were investigated in the Alexandria Federal Prosecution (see, e.g., excerpts at App. 31).

16. Kalimgtis was not called as a witness at the criminal trials, and the defendants in the criminal cases were not provided with any statements he made about them. No identifiable documents concerning Kalimgtis’ interviews by Markham or government agents working with Markham have been released to defendants pursuant to FOIA requests.

17. Criton and Vivian Zoakos were members of the National Caucus of Labor Committees until March of 1988. Criton Zoakos was a member of the National Executive Committee, editor of EIR Magazine, director of the NCLC’s political intelligence division, and was also a godfather to Marielle Kronberg’s son, Max Kronberg. Vivian Zoakos was a member of the National Committee.

18. During the course of the government’s investigations of LaRouche, Criton Zoakos told me he was the subject of deportation proceedings by the Immigration and Naturalization Services. The deportation proceeding against Zoakos was dropped following his Alexandria grand jury appearance.

19. AUSA Markham told me that he had interviewed Criton Zoakos, and that the

interview concerned events in the New Hampshire campaign in 1980. During the Alexandria trial, the defense was notified that Criton Zoakos and Vivian Zoakos would be called as witnesses against LaRouche. Criton Zoakos was also listed as a witness on Markham's witness list for the Boston retrial on obstruction of justice charges.

20. Neither Criton Zoakos nor Vivian Zoakos testified in the Alexandria or Boston trials. Defendants were not provided any FBI Form 302s nor other documents recording Criton Zoakos' prior statements to Markham and other government agents, and no documents have been released under the FOIA which record these statements in whole or in part. Since that time, Criton Zoakos has been hostile to the Defendants.

21. The documents at Apps. 1-30 are true and correct copies of the materials produced by the United States during the above criminal proceedings and FOIA litigation.

22. At my request, counsel in this action submitted the FOIA requests at App. 31 to various components within the United States Department of Justice. The Department's substantive responses are also at App. 31.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 3, 2009.

  
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BARBARA M. BOYD