

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

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| _____ |) | |
| MARIELLE (“MOLLY”) KRONBERG, |) | |
| |) | Civil No. 1:09-cv-00947-AJT-TRJ |
| Plaintiff, |) | |
| |) | |
| -v- |) | FIRST AMENDED COMPLAINT |
| |) | CHARGING HARASSMENT |
| LYNDON LAROUCHE, |) | OF A FEDERAL WITNESS |
| BARBARA BOYD, |) | AND LIBEL |
| EIR NEWS SERVICE, INC., and |) | |
| LYNDON LAROUCHE POLITICAL |) | |
| ACTION COMMITTEE, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

FIRST AMENDED COMPLAINT

Marielle Kronberg, known also as Molly Kronberg, alleges as follows.

SUMMARY

1. Each of the defendants, and others, (i) conspired to injure Molly Kronberg in her person and property because she testified against Lyndon LaRouche in a federal criminal trial in this District at which he was convicted of defrauding elderly citizens of millions of dollars and of a conspiracy to defraud the government of the United States, and (ii) defamed and libeled Molly Kronberg. Defendants maliciously, and with conscious disregard of her rights, repeatedly published knowingly false statements that she had framed LaRouche and perjured herself at LaRouche’s trial to falsely cause his conviction, perjury which, defendants also falsely stated, caused the death of her beloved husband, Kenneth Kronberg, to whom she had been married and devoted for 34 years, and who tragically committed suicide in 2007 after being viciously harassed by defendants.

JURISDICTION AND VENUE

Jurisdiction for Counts I and II

2. This Court has original subject matter jurisdiction over Count I pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) since the claim in Count I arises under 42 U.S.C §1985, which confers a federal right of action to plaintiff Molly Kronberg against those, such as the defendants herein, who have conspired to injure her in her person or property by reason of her having attended and testified as a witness during the trial of a federal criminal case.

3. This Court has supplemental jurisdiction over Count II under Title 28 U.S.C. §1367, since Count II is a libel claim, arising under the law of the Commonwealth of Virginia, and is so related to Count I, the federal witness harassment claim that is within the original jurisdiction of this Court, that (i) such libel claim alleged in Count II forms part of the same case or controversy alleged in the witness harassment claim stated in Count I, and (ii) there is a common nucleus of operative facts governing and relating to both Counts I and II.

Venue for Counts I and II

4. Venue is proper in this District under 28 U.S.C. § 1391 because, as more specifically alleged in paragraphs 5 through 9 below, all defendants either reside or have their principal place of business within this District, and thus are found within this District, and, alternatively, because a substantial part of the events giving rise to the claims alleged in this Complaint occurred within this District.

THE PARTIES

5. Plaintiff Molly Kronberg is a longtime resident of Leesburg, Virginia, within this District. She came to Leesburg with her beloved husband, Kenneth Kronberg, in 1985, and, since she and Ken arrived here, Leesburg has been her home. It is where she worships at her church, has family, friends, neighbors, and, where, in nearby Vienna, Virginia, also within this District, she works and enjoys good relations with her co-workers. For many years she and her husband Ken were members of the National Caucus of Labor Committees (the "NCLC"), which is an association of individuals who supported Lyndon LaRouche. After sacrificing many years of her life in furtherance of what she believed to be LaRouche's political genius and his professed dedication to the betterment of society, she, like many others, became disillusioned after she determined that he was a fraud who had, among other things, used his followers to defraud citizens of their money under the pretext that it would be used for certain public-spirited purposes, when in fact it was being used, in substantial part, to support Lyndon LaRouche in his extravagant lifestyle. She severed relations in the summer of 2007.

6. Lyndon LaRouche resides in Round Hill, Virginia within this District, at Windy Hill Farm Estate, a Colonial-style farmhouse with surrounding outbuildings all sitting on a large acreage. LaRouche is the head of what he calls a political movement, and has organized under federal law a Political Action Committee which generates money to support his lavish lifestyle, including lodging at an exclusive farmhouse, food, expensive wine, clothing, travel, and other luxuries.

7. Defendant Lyndon LaRouche Political Action Committee ("LaRouchePAC") is the Political Action Committee referred to above. On July 30, 2004,

LaRouchePAC filed a Statement of Organization with the Federal Election Commission, announcing Barbara Boyd as its then current officer of record, Treasurer. LaRouchePAC has its principal place of business in Leesburg, Virginia. The money it raises is used, in substantial part, to support the lavish lifestyle of Lyndon LaRouche referred to above.

8. Barbara Boyd is a resident of Leesburg, Virginia, within this District. She is a longtime, devoted follower of Lyndon LaRouche, works with him on a weekly basis, and sometimes daily, assists in his writings, and is active in LaRouchePAC, being its Treasurer, its principal officer, and thereby, along with defendant LaRouche, exercising control over its actions as pleaded herein.

9. EIR News Service, Inc. ("EIR") is a news publishing corporation incorporated in Delaware and registered in good standing in Virginia under the registered agent Susan Ulanowsky at 60 Sycolin Road SE, Leesburg, Virginia 20175. EIR News Service, Inc. produces *Executive Intelligence Review* magazine, which is a Lyndon LaRouche publication; LaRouche is the founding editor and a contributing editor.

FACTS

10. In 1988 a federal grand jury sitting in Alexandria, Virginia, within this District, indicted Lyndon LaRouche and others for mail fraud and also indicted LaRouche for a conspiracy to defraud the United States by scheming to conceal his income so that he would not have to pay taxes thereon.

11. There were more than 20 prosecution witnesses called at the trial, which was held in November and December 1988, in the federal courthouse in Alexandria, Virginia. Molly Kronberg was one of those witnesses. At the time, she was still a devoted follower of Lyndon LaRouche. She was compelled by the United States to testify

under a subpoena issued by the United States Attorney's Office, and she testified under a court order providing that nothing said during her testimony could be used against her in any criminal case unless she testified falsely. She testified under the Court's compulsory order to do so, and testified truthfully in all respects.

12. After the trial, the jury convicted Lyndon LaRouche, and others, of fraud against elderly citizens who had loaned millions of dollars to the LaRouche organization under false and fraudulent pretenses and who had not been repaid as agreed because of the fraud perpetrated by LaRouche and others. LaRouche was also convicted of conspiring to defraud the United States by concealing his income so that he could evade his obligation to pay federal income tax.

13. After being convicted, LaRouche was sentenced to serve a term in federal prison and was imprisoned for five years. He was released from prison in 1994 and resumed his activities in Leesburg, Virginia, heading his group of followers, exhorting them to raise money which he then used in substantial part to support his lavish lifestyle.

14. Commencing at least as early as April 10, 2007, defendants Lyndon LaRouche, Barbara Boyd, LaRouche PAC, and other persons not named herein, conspired to injure plaintiff Molly Kronberg in her person and property, in violation of title 42 U.S.C. §1985, by reason of the testimony she gave as a witness at the above-referenced trial where LaRouche was convicted of fraud. In furtherance of this conspiracy and in order to accomplish the object thereof, namely, injuring Molly Kronberg in her person and property because she testified at the 1988 trial, defendants intentionally and maliciously did the following, among other actions, by composing,

writing, editing and/or publishing, or assisting each other in composing, writing, editing and/or publishing, the following writings, among others:

(i) Commencing in or around 2006 and culminating on April 10 and 11, 2007, Lyndon LaRouche, the other defendants, and others, commenced a campaign to criticize those operating PMR, the printing company for all LaRouche-related publications. Ken Kronberg, Molly Kronberg's husband, was the head of PMR who ran its operations. He was repeatedly and viciously criticized by LaRouche. This criticism culminated in two writings, dated April 10 and 11, 2007, in which LaRouche told those running PMR that they should consider suicide because of their failings. LaRouche's importunings of suicide were reported in the lead portion of the organization's Morning Briefing of April 11, 2007, the Morning Briefing being a vehicle disseminated throughout the LaRouche organization by intranet; and, on April 11, 2007, Kenneth Kronberg, Molly Kronberg's husband and the head of PMR which had been the object of LaRouche's attacks, committed suicide;

(ii) On August 18, 2007, LaRouche wrote and published an e-mail which he sent to many members of the LaRouche organization, entitled "Bush-League Molly." In this e-mail, LaRouche, in an effort to punish Molly Kronberg and create in her great anxiety and depression by reminding her publicly of the suicide of her beloved husband and by asserting that he killed himself because of her, stated that the LaRouche followers "had no reason to feel guilt over the suicide," and that the reason for the suicide was that Ken had felt betrayed because Molly Kronberg had given financial support to President George Bush in the 2004 Presidential election;

(iii) On August 19, 2007, in a publication entitled “The North American Operations Bulletin,” a part of the daily Morning Briefing, published to LaRouche followers and others, LaRouche reiterated in substance the assertions quoted in subparagraph (iii) hereof about Molly Kronberg’s contributions to the campaign of President Bush, and then wrote or caused to be written, that:

At the time of these contributions, Ken Kronberg, with other members of the LaRouche movement, was engaged in an all-out war to prevent the re-election of Bush-Cheney and the clearly manifested fascism which they represent. Does anything more need be said in the matter of Ken's suicide?

(iv) On April 14, 2008, in a daily briefing caused to be written and published by LaRouche, and sent out to his followers and placed on the public Internet, LaRouche was quoted as having said that, in the federal case in which he was convicted of fraud, Molly Kronberg was a fraudulent witness and that her beloved husband Ken “had committed suicide because his wife was on the other side, and he [Ken] thought the situation was hopeless”;

(v) On April 26, 2009 in a Morning Briefing caused to be written by LaRouche and published to all LaRouche followers and then posted on the public Internet, LaRouche wrote as follows:

. . . I saw it in this panic about Molly. It was just one outbreak of it. The organization broke down morally for a period of time, over a suicide, which Molly had driven her husband to! Because Molly had been, as we all knew –those of us who knew anything about this, knew that none of us would have gone to prison, not in that trial, not in Alexandria, except for Molly. And except for some people tried to cover up for Molly. Molly gave the false testimony without which the trial could not have occurred in Alexandria. It would have gone back to Boston, and everybody would be cleared. Because some of our people decided to try to get me out of the situation, in defining the policy for defense in that trial, many people went to jail, from {that trial, and also from others}, as a result of that trial.

So, that is, for me, a good example of immorality: When this woman, who’s been a government agent, who became a government agent, who

sent a bunch of us to prison directly and deliberately, and then explained, “I’m sorry, I had to do it. It was for Max,” that is for her then-infant son. “I had to do it.” She lied! It was only her lies that got us imprisoned. If she hadn’t had that lie, nobody would have gone to prison in that trial.

Now, you’ve got a situation, where he kills himself, because he was living with that witch: Who’s been evil all along! Her behavior had never been good. She’s never been honest. And then, he commits suicide, and these bums try to blame me for it! He was driven – there was no reason for the suicide, there was no excuse for it. But there’s an understanding of the oppression that he felt by being married to that bitch. Because he was a moral person. He made a lot of mistakes. But it was on the question of divided loyalty, divided pressures. And she was evil. And she still is.

The “Molly” referred to above was Molly Kronberg.

(vi) The above-quoted and published in the Morning Briefing came just after various writings written or caused to be written by LaRouche were posted on the Internet, on defendant LaRouchePAC’s public website, and in the public online version of the LaRouche organization’s *Executive Intelligence Review* magazine, writings which falsely and maliciously accused Molly Kronberg of criminal wrongdoing, specifically asserting falsely that she criminally uttered false checks with the intent to frame Lyndon LaRouche, and asserting falsely that she then lied under oath later during LaRouche’s federal trial to blame LaRouche for directing that she do so, in order to cause him to be falsely convicted in his criminal trial, thereby allegedly committing perjury, and these false and malicious writings were made, among other dates, on the dates and in the manner referred to and quoted below in subparagraphs (viii) – (x), next below;

(vii) In a LaRouchePAC publication publicly posted on the website on February 20, 2009, LaRouche and Barbara Boyd composed and wrote an article/press release entitled: “The Crime of Marielle (Molly) Kronberg Defeats LaRouche’s HBPA in South

Dakota;” the article falsely and maliciously accuses Molly Kronberg of committing perjury during her testimony at the trial at which LaRouche was convicted;

(viii) in a LaRouchePAC publication publicly posted on the website on February 26, 2009, LaRouche wrote or caused to be written and LaRouchePAC published an article/press release which falsely and maliciously stated that “Va. Prosecutors obtained perjured testimony from one crucial witness, Marielle Kronberg,” and falsely and maliciously accused her of criminal uttering of false checks and of “giving false testimony” to convict LaRouche;

(ix) In a LaRouchePAC publication publicly posted on the website on March 25, 2009, LaRouche wrote or caused to be written an article/press release entitled “More British Empire Lies Against the LaRouches,” which referred to “one Marielle ‘Molly’ Kronberg ..., a fanatical adherent to the Church of England who had established herself as a willing liar more than twenty years ago when, under penalty of prison for her own misconduct, she provided false testimony against LaRouche in the infamous criminal trial brought against him by George Bush the elder with the collaboration with the same Fabian circles in Britain behind the current propaganda campaign”;

(x) In a LaRouchePAC publication publicly posted on the website on April 26, 2009 LaRouche wrote or caused to be written an article/press release entitled “Time to Reopen LaRouche Exoneration,” in which he wrote or caused to be written about his fraud conviction and which falsely and maliciously stated that “Marielle Kronberg presented false testimony and LaRouche was convicted because of that testimony and because of “fraudulent checks which had been uttered by Kronberg”;

(xi) On March 17, 2009, in a Morning Briefing written to LaRouche followers and then posted publicly on the Internet, LaRouche is reported to have stated, and he had so stated falsely and maliciously, about what he called the “lying testimony of Molly Kronberg, so what happened is, her criminality, in complicity with Gus and Company, in trying to set me up in 1979, now was used to set her up! * * * So her criminality was used by the FBI to blackmail her into fraudulent testimony against me! Because, as explained, in a tax case, -- I had no tax case, and tax fraud didn't exist . . . Molly's testimony was the testimony that on which the whole case depended.”

15. On Feb. 27, 2009, defendant *EIR* published an article in the form of an editorial entitled “Reversing a Crime” which stated that “In 1979 and 1980, Kronberg participated in a concocted scheme to arbitrarily impute income to LaRouche for purposes of appearances during LaRouche's 1980 presidential campaign” and further stated that she provided false testimony to lead to LaRouche's conviction for tax fraud. The article stated that Molly Kronberg had committed the crime of uttering because she had been writing out royalty checks from the publisher of LaRouche's books to LaRouche, and stated that the FBI used her crime to blackmail her into giving false testimony against LaRouche at his trial; further calling her testimony a “frame-up of Lyndon LaRouche.”

16. The March 6, 2009 issue of *EIR* published an article on page 79, which asserted that the federal government's 1988 “railroad” conviction of Lyndon LaRouche “relied exclusively on perjured testimony from one crucial witness, Molly Kronberg, whose false statements under oath were the basis for the illegal conviction of LaRouche on false allegations of tax fraud conspiracy. LaRouche was sentenced to 15 years in

Federal prison on the fabricated charges, and colleagues were sentenced to 3-5 years, all on the basis of the fraudulent Kronberg testimony, which centered on her own criminal uttering of a false check.”

17. In the April 10, 2009 issue of *EIR* on pages 36-37 thereof, in the article entitled “It’s Time to Reopen LaRouche Exoneration,” *EIR* cited the dismissal of charges against former Alaska Senator Ted Stevens and stated that that dismissal raises the issue “of when the Justice Department will exonerate Lyndon H. LaRouche, Jr., a victim of prosecutorial misconduct far more egregious than that employed against Stevens” because the case against LaRouche “depended crucially on a key false witness.... One Marielle Kronberg [who] presented false testimony suggesting that LaRouche took steps to intentionally conceal his actually, virtually non-existent income from the IRS during his 1979-80 Presidential campaign.” The article went on to state that it was not LaRouche who had committed any crime, but “Kronberg [who] was facing possible criminal charges for kiting checks and other mismanagement of the company which published LaRouche's books, and testified falsely in order to avoid prosecution and imprisonment on those charges”; the article further stated that “without her false testimony, the tax charge against LaRouche could not have been brought.”

COUNT I

(Conspiracy to Injure a Witness under 42 U.S.C. §1985)

18. Plaintiff Molly Kronberg adopts by reference each of the allegations set forth in paragraphs 1 through 17 of this Complaint as if fully and completely re-alleged herein.

19. Commencing at least as early as April 10, 2007, and continuing until at least May 2009, defendants LaRouche acting individually, Barbara Boyd, acting individually and as an officer of defendant LaRouchePAC, defendant EIR, and defendant LaRouchePAC, conspired together, in violation of Title 42 U.S.C. §1985, to injure Molly Kronberg in her person or property on account of her having attended and having testified at the federal criminal trial of LaRouche.

20. In furtherance of this conspiracy and in order to accomplish its object, namely, the injury of Molly Kronberg because she appeared and testified in the criminal trial of Lyndon LaRouche, defendants harassed her husband, subjecting him to severe emotional distress, urging him to commit suicide, which he did, and wrote and published, or assisted in the writing and publishing of, or caused to be published, the above-referenced false, malicious, and harassing statements, about Molly Kronberg, as well as undertaking other actions, all in order to injure her in her person and property, and they have in fact so injured her in her person and property in the manner and to the extent to be proved at trial, and therefore are, jointly and severally, liable to her for those damages.

COUNT II
(Libel Per Se)

21. Plaintiff Molly Kronberg adopts by reference each of the allegations set forth in paragraphs 1 through 20 of this Complaint as if fully and completely re-alleged herein.

22. Each of the statements made in paragraph 14, subparagraphs (ii) to (xii), and in paragraphs 15, 16, and 17, was false when made, was published in the manner described in this Complaint, and was known by the defendants to be false. Moreover, the statements are each defamatory per se because they each falsely accuse Molly Kronberg

of the commission of a crime. Because each of these defamatory statements was written, each constitutes a libel per se.

23. Each of these statements, and all of them in combination, have damaged Molly Kronberg in her reputation and in her property, in amounts to be proved at trial, and defendants are liable for such damage, jointly and severally.

24. The statements made in paragraph 14, subparagraphs (iii) to (xii), and in paragraphs 15, 16, and 17, were also made, published, and caused to be made and published, with knowledge of their falsity, with knowledge that they would injure Molly Kronberg, with the intent to do so, and with malice or with a degree of recklessness or negligence that amounts to a conscious disregard of the rights of Molly Kronberg, and many of the statements were made, published, or caused to be published with the specific intent not only to speak publicly about her beloved husband's suicide, but to falsely blame her for causing his suicide, knowing that this was false and knowing how dearly she loved him, how badly she missed him, and how this would therefore inflict upon her severe emotional distress, particularly because these statements were made and published in the small community of Leesburg, Virginia, where Molly Kronberg has resided for many years, and where such statements became known to her employer, co-workers, neighbors, family, and friends, all for the purpose of causing Molly Kronberg severe emotional distress and which in fact did cause her such emotional distress.

25. Accordingly, defendants are liable, jointly and severally, to Molly Kronberg for punitive damages in amount to be determined at trial.

WHEREFORE, plaintiff Molly Kronberg demands judgment in her favor and against each defendant named herein as follows:

For compensatory damages on Count I in the amount to be proved at trial;

II. For compensatory damages on Count II in the amount to be proved at trial;

III. For punitive damages on Count II in the amount to be proved at trial; and

IV. For such other and further relief as is deemed just by this Court.

PURSUANT TO F.R.C.P. RULE 38, PLAINTIFF MOLLY KRONBERG DEMANDS TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Respectfully submitted,
Marielle Kronberg
By Counsel

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