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## Feds Drop Case Against Accused Iraqi Agent

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**"The Government has determined that continued prosecution of this case as to LINDAUER would not be in the interests of justice."\***

Michael Collins

"Scoop" Independent News

(Jan. 16, Wash. DC) The Department of Justice entered a motion to drop all charges against Susan Lindauer yesterday morning, Jan. 15, 2009. The filing (see below) at the federal district court in lower Manhattan ends the government's attempt to prosecute her for allegedly acting as an "unregistered agent" for Iraq. Since her arrest in early 2004, she has repeatedly asked for a trial to present evidence that she had been a United States intelligence asset since the early 1990's.

By filing this order, the government surrendered forever its ability to prosecute Lindauer as an "Iraqi foreign agent" and for lesser charges contained in the indictment, including a one week trip to Baghdad in March, 2002.

Lindauer made the following statement today, Jan 16, 2009: "I am disgusted by this case. They think that they have defeated me by denying my day in court. It could not be more wrong. If we can't have a criminal trial, we're going to have a civil trial for damages."

Lindauer was arrested in March, 2004 shortly after offering to testify before a Bush appointed blue ribbon commission evaluating U.S. pre-war intelligence on Iraq. In late February, she informed the offices of two commission members, Sen. McCain (R-AZ) and Trent Lott (R-MS), that she could testify that U.S. pre-war intelligence was proactive and effective, not a popular view at that time.

Lindauer has adamantly maintained her innocence of all charges since her arrest. In addition to the "unregistered agent" charge, the government alleged that she had taken an unauthorized trip to Baghdad, and attended meetings with Iraqi intelligence agents at the Iraqi Embassy at the United Nations. Lindauer planned an aggressive defense with evidence that showed both government knowledge and authorization of her activities plus a history of activity on behalf of U.S. intelligence.

Lindauer offered an affidavit concerning the Lockerbie bombing in 1998. Her statement was based on her discussions with Dr. Richard Fuisz, whom she named as her CIA handler. Dr. Fuisz was said to be "a major operative in the Middle East in the 1980s." Since then the Scottish Criminal Cases Justice Commission has since uncovered irregularities in the evidence against the two Libyans convicted of the bombing of Pan Am flight 103 over Lockerbie, Scotland.

The initial indictment charged Lindauer with trying to influence United States policy by sending this letter to her second cousin, then Bush chief of staff Andrew Card. From 2000 until her arrest in 2003, Lindauer provided Card with 11 letters detailing the progress of talks to resume the U.N. weapons inspections and anti terrorist cooperation offered with the United States by Iraq. The last of this series of letters to Card was the sole basis of the charge that Lindauer attempted to influence U.S. government policies, while acting as an "unregistered agent" for pre war Iraq.

The Card letter was the "high water mark" of the government's charge of acting as a foreign agent according to former chief judge of the Southern District, Manhattan federal court, now Attorney General, Michael B. Mukasey. In that letter, Lindauer urged the Bush administration to stop plans to invade Iraq and to seek engagement through negotiation. Lindauer wrote that U.S. soldiers would face stiff opposition based on Iraqi hostility resulting from a lethal ten year embargo and daily bombing during the 1990's.

She also advised Card that an invasion would create a new wave of terrorists threatening the security of the United States. This letter was hand delivered to Card with a copy, also hand delivered, provided to then Secretary of State Colin Powell.

"Above all, you must realize that if you go ahead with this invasion, Osama bin Laden will triumph, rising from his grave or seclusion. His network will be swollen with fresh recruits, and other charismatic individuals will seek to build upon his model, multiplying those networks. And the United States will have delivered the death blow to itself. Using your own act of war, Osama and his cohort will irrevocably divide the hearts and minds of the Arab Street from moderate governments in Islamic countries that have been holding back the tide. Power to the people, what we call "democracy," will secure the rise of fundamentalists." Susan Lindauer to Andrew Card, January 6, 2003\*

Lindauer has consistently maintained that she had been acting as a United States intelligence asset from the mid 1990's until the invasion, supervised by handlers for the CIA and Defense Intelligence Agency.

In the only open hearing on the case, award winning investigative reporter and former Congressional chief of staff, Kelly O'Meara, testified that she observed Lindauer meeting with Paul Hoven on a weekly basis over a period of 16 months. Lindauer maintains that Hoven was her second handler for the Defense Intelligence Agency. Investigative reporter Leslie Cockburn wrote that Hoven had "an enormous range of contacts in the murky world of special - i.e., clandestine - operations."

At the same hearing, Parke Godfrey, PhD, an associate professor of computer science at York University, Toronto, testified that Lindauer had warned him on several occasions that a major attack would take place in Southern Manhattan in the fall of 2001. Dr. Godfrey claimed her warnings specified that the attack would most likely involve airplane hijackings and a reprise of the 1993 World Trade Center attack. She came to this conclusion based on work she describes with Richard Fuisz.

The Department of Justice argued that Lindauer was "delusional" for claiming a role as a U.S. asset. Lindauer described this as "guilt by pleading innocent." In October, 2005, former Judge Mukasey ordered Lindauer to a federal prison facility at Carswell Air Force Base in Ft. Worth Texas for psychiatric evaluation to see if she would be competent to stand trial. Lindauer was confined for seven months, and then formally declared incompetent without a hearing, over her strongest objections. The allowable period for such evaluations is four months according to U.S. Federal Code.

Carswell staff acknowledged that there were no external symptoms of mental illness. However, they proposed that Lindauer should be detained indefinitely and drugged with Haldol until whatever time she could be "cured" of claiming that she had worked as a U.S. asset in counter-terrorism. Lindauer refused, and a lengthy court battle ensued. She was transferred to Metropolitan Correctional Center in Manhattan.

After four months confinement in Manhattan, former Assistant U.S. Attorney Edward O'Callaghan sought an order from Mukasey to incarcerate her for another four months and the use physical force to administer doses of Haldol or similar medications. This was despite an internal staff report by Carswell that there was no reason to justify forcible drugging since Lindauer was not a threat to herself or anyone else. Mukasey denied the prosecution request and ordered Lindauer to be released on bond on June 6, 2006.

Lindauer hired former prosecutor and Washington DC criminal attorney Brian W. Shaughnessy as counsel in mid 2008. Shaughnessy filed a motion to overturn the governments finding that she was incompetent to stand trial. Shaughnessy argued that Lindauer's record of doing well on her own before and after her arrest and her direct involvement in her defense made the government's continual claim of an inability to stand trial moot.

Bush appointee, Judge Loretta Preska ruled to uphold the government's position on Lindauer's competence on Sept. 15, 2008. Preska had been nominated for the federal appellate bench on Sept. 9, 2008.

Just a few weeks after Dr. Godfrey testified about Lindauer's warnings on the 9/11 attack, Assistant U.S. Attorney Edward O'Callaghan left the District Attorney's office to join the McCain presidential campaign. He began assisting Sarah Palin's legal team in Alaska. Dr. Godfrey testified that he had told the FBI her claims were truthful a full year before the Justice Department detained her at Carswell.

Ms. Lindauer's Attorney, Brian W. Shaughnessy pointed out that he could find no other instance where federal, state or local prosecutors have ever argued for a defendant's incompetence to stand trial over the objections of the defendant and defendant's Counsel, when that defendant was a successfully functioning member of the community and a full participant in her defense.

Lindauer lives in the DC metropolitan area where she is rebuilding her career and undertaking some writing projects.

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\* [Filing to Drop Case](#)

\* [Susan Lindauer to Andrew Card, January 6, 2003](#)

Previous "Scoop" coverage on USA v. Susan Lindauer:

[American Cassandra: Susan Lindauer's Story Michael Collins 17 October 2007](#)

[Bush Political Prisoner Gets her Day in Court Michael Collins June 11, 2008](#)

[An Exclusive Interview with Bush Political Prisoner Susan Lindauer Michael Collins June 2008](#)

[911 Predictions Revealed at Susan Lindauer Competency Hearing Michael Collins June 17, 2004](#)

[Did Justice Order Forced Psychiatric Medication? Michael Collins, Sept. 12, 2008.](#)

[American Kafka: Susan Lindauer Demands "The Trial" Michael Collins, Oct. 4, 2008](#)