Why Lyndon LaRouche is a political prisoner

The Commission to Investigate Human Rights Violations filed a petition to the Secretary-General of the United Nations on May 29, 1991, detailing the political persecution of Lyndon LaRouche and associates, and calling for immediate U.N. action to put a stop to these human rights abuses. The petition updates two previous documents that were filed with the U.N. (the second of which, filed Feb. 2, 1990, was serialized in EIR, *beginning April 20, 1990). We publish here the slightly edited text of the petition, excluding the exhibits that were attached.*

Petition to the Secretary-General of the United Nations

The following communication is a formal request addressed to the Commission on Human Rights of the United Nations. In accordance with the provisions of Resolution 1503 of the United Nations Economic and Social Council, the undersigned ask the United Nations to appropriately intervene into a present situation of widespread violations of human rights.

This report about human rights violations is the third one submitted to the United Nations by the Commission to Investigate Human Rights Violations and Mrs. Helga Zepp-LaRouche. The undersigned expressly refer to their two earlier communications dated May 29, 1989, and January 26th, 1990. The previous documentations is enclosed herewith for reference (with the exception of Exhibits No. 1-69, which should be available on file). Unfortunately the developments described therein, involving grave violations of human rights, not only continued, but escalated so dramatically, that we have to describe a lot more incidents and add many more names to our list of victims.

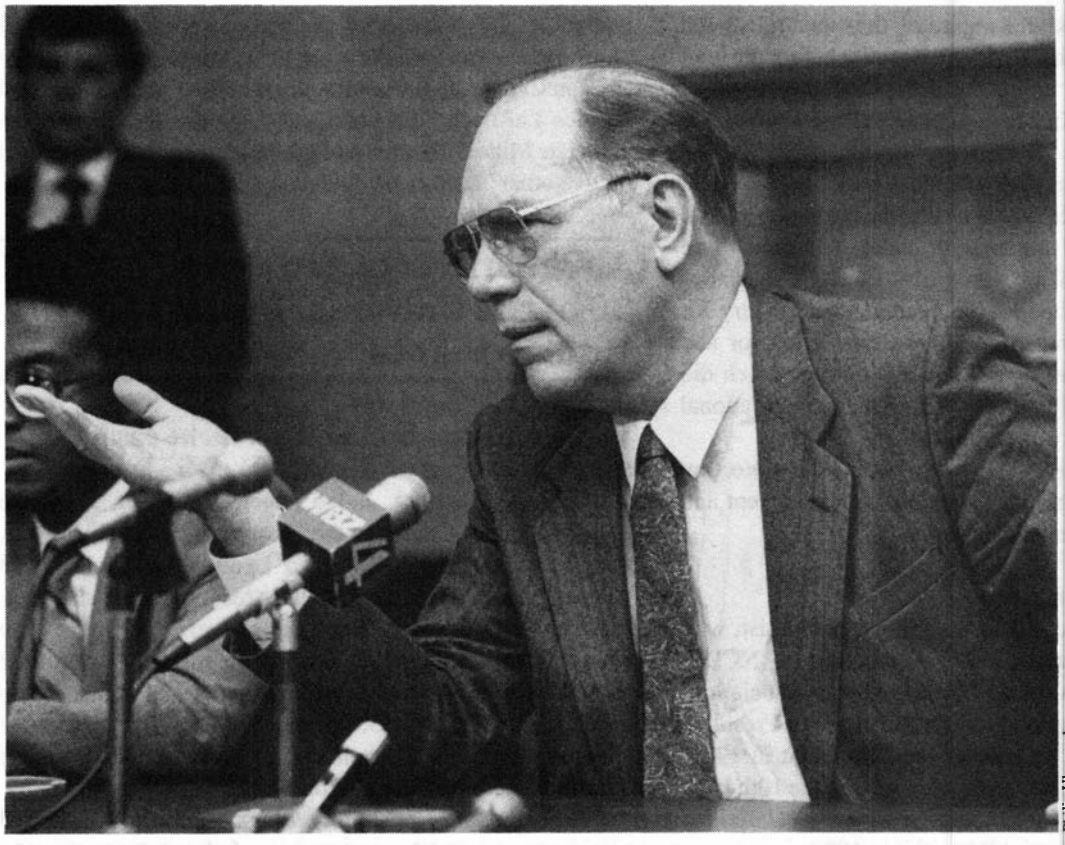
I. Country responsible for human rights violations

The responsibility for the systematic violations of Human Rights described in this communication lies with the United States of America.

II. Victims

The Commission to Investigate Human Rights Violations has followed the situation in the United States of America very closely and came to the conclusion that there is undoubtedly a pattern of systematic, widespread violations of human rights which occur not as an accidental, but as a conscious, willful part of government and administrative policy regarding law enforcement, justice policy, the economy, social and health policy and so on. Recent and continuing changes in the American judicial system demonstrate the effort to turn the justice system into an ever more powerful political (and economic) weapon, to ease prosecutions—be it of political dissidents, of members of "unpleasant" minorities or even economic competitors, to easily obtain criminal and other convictions and to remove obstacles against the speedy execution of convicts on death row.

This communication wants to draw the attention of the United Nations to one particular case, namely to the attempts to abuse the United States judiciary for the purpose of silenc-



Philip Ulanowsky

Lyndon H. LaRouche, Jr., on the campaign trail in Rochester, New Hampshire, in September 1987, campaigning for the Democratic presidential nomination.

ing a political "dissident," the American economist and politician Lyndon Hermyle LaRouche, Jr. and the political movement associated with him.

The following is an updated list of those persons, who are most immediately affected by the judicial measures directed against the "LaRouche movement":

Rochelle Ascher, American citizen, born April 23, 1951, in Cleveland, Ohio.

Michael Billington, American citizen, born July 8, 1945, in Jacksonville, Florida.

Anita Gretz Gallagher, American citizen, born April 30, 1947, in Baltimore, Maryland.

Paul Gallagher, American citizen, born Sept. 15, 1944, in Brooklyn, N.Y.

Laurence Hecht, American citizen, born Oct. 18, 1945, in Great Neck, N.Y.

Marielle Hammett Kronberg, American citizen, born Nov. 15, 1947, in Tulsa, Oklahoma.

Lyndon Hermyle LaRouche, Jr., American citizen, born Sept. 8, 1922 in Rochester, N.H., economist.

Donald Phau, American citizen, born Feb. 27, 1950, in New York, N.Y.

Robert Primack, American citizen, born May 1945 in Boston.

Edward Spannaus, American citizen, born April 3, 1943 in Seattle, Wash.

Lynne Speed, American citizen, born July 28, 1953, in New York, N.Y.

William Wertz, American citizen, born July 28, 1945, in Summit, N.J..

All correspondence in the matter addressed by this communication should be directed to Ortrun Cramer, Kommission zur Untersuchung von Menschenrechtsverletzungen, Postfach 2650, D-6500 Mainz 1, Germany.

III. Authors of this communication

This communication is submitted by Mrs. Helga Zepp-LaRouche, the wife of Mr. Lyndon LaRouche, and the Commission to Investigate Human Rights Violations. Both have direct and reliable knowledge of the violations described herein.

This petition to the United Nations also enjoys the support of numerous jurists, human rights activists, and others internationally, who regard the persecution of the political movement associated with Mr. LaRouche as a particularly troubling example of widespread human rights violations in and by the United States.

IV. Areas of human rights violations

This communication deals with three major areas of human rights violations:

A. Violations of Articles 1, 7, 18 and 20 of the Universal

Declaration of Human Rights regarding the equal rights and personal freedom of each individual, equality before the law, the right to freedom of thought and expression of political belief and the right to freedom to peacefully assemble and associate.

B. Violations of Articles 10 and 11 of the Universal Declaration of Human Rights regarding the right to a fair trial by an independent and impartial tribunal, the right to be presumed innocent until proven guilty in a public trial at which the accused has had all the guarantees necessary for his defense, and the protection against conviction for any penal offense on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed.

C. Violations of Articles 5 and 9 regarding the protection against inhuman or degrading treatment or punishment and against arbitrary arrest and detention.

V. STATEMENT OF THE FACTS

Mr. Lyndon LaRouche is an author and economist, who founded the National Caucus of Labor Committees (NCLC, an unincorporated political and philosophical association) and the U.S. Labor Party and ran for the office of President of the United States as an independent Democrat in 1980, 1984 and 1988. In 1990, he ran for Congress in the 10th U.S. Congressional District [in Virginia—ed.] and declared his candidacy for the Presidential Primaries in 1992.

Mr. LaRouche's conceptual contributions inspired various political, scientific and cultural organizations. As a political action committee the National Democratic Policy Committee (NDPC) has supported many political candidates who ran for office on a "LaRouche platform."

Since the late 1970s, political enemies of Mr. LaRouche have engaged in numerous efforts to damage the political movement associated with him. These involved systematic defamation by planting disinformation and slanders about him into the public media, causing U.S. authorities and the U.S. judiciary to investigate, prosecute, convict, jail political associates of Mr. LaRouche and otherwise impede the legitimate activities of his collaborators.

The political motive behind these efforts derived chiefly from Mr. LaRouche's widely debated concepts for the reorganization of the world economy and global financial system, his proposals for an uncompromising "war on drugs," his acknowledged influence on U.S. defense policy as highlighted by the genesis of the "Strategic Defense Initiative" and from his publicized opposition to the so-called "Iran-Contra" Policy.

Under section A of this communication we will describe the attempts to deprive members of the LaRouche movement of their constitutional rights of free speech and political association, as these attempts escalated in the course of the last 16 months, since our last communication was filed. Section B is devoted to some most egregious examples for how basic guarantees for a fair trial were neglected during several "LaRouche cases" in the state of Virginia and elsewhere. Section C takes up the continuing inhuman imprisonment of Lyndon LaRouche, the cruel and degrading treatment of his associate Mike Billington and the barbaric sentences imposed on five other "LaRouche defendants."

A. Violations of Articles 1, 7, 18 and 20 of the Universal Declaration of Human Rights

1. 'Task Force' behind 'LaRouche cases' surfaces in trial of Richard Welsh

On Jan. 27, 1989, Judge Albert V. Bryan, Jr. of the Federal District Court for the Eastern District of Virginia, Alexandria Division, sentenced Lyndon LaRouche to 15 years in prison, while six associates received sentences ranging from 1 to 5 years. The charges were "conspiracy" to commit fraud and to evade taxes. Subsequently, six further associates of LaRouche were convicted and sentenced to terms of 77, 39, 34, 33, 25 and 10 years. The respective charges also cited "conspiracy" to defraud and to violate Virginia "securities" regulations.

Throughout the legal proceedings against LaRouche and associates, it was the contention of the defense that the charges were spurious, having been brought for political reasons, with the aim of silencing an opposition figure and destroying his movment. The defense sought repeatedly to bring material into the 1988 trials (held in Boston, Massachusetts, and, after a mistrial was declared there, in Alexandria, Virginia), proving the existence of a "task force" behind the prosecution which, according to the defense, included police, security and intelligence agencies of the federal government, working together with counterparts on the state and local level. Finally, the defense asserted that an independent, non-profit and tax exempt organization known as the Anti-Defamation League (ADL) had worked as part of this task force, in defiance of all norms of law. The ADL, it was asserted, acted out of "animus" against LaRouche, and sought to bring about his downfall.

In the course of hearings held during the trial of Richard Welsh, an associate of LaRouche, before the Roanoke County Circuit Court of Virginia in late May, 1990, the shape and mechanism of this task force began to come to light.

In the course of examination during hearings in this case, Mira Lansky Boland, a member of the information and research division of the ADL, took the stand. Her testimony showed that she functioned as a coordinator of the ADL participation in the anti-LaRouche task force. She was present at both the Alexandria and Boston trials of LaRouche, wrote internal ADL reports which were circulated to federal and state prosecutorial agencies, wrote articles for the *ADL*

Bulletin, and helped prepare the ADL's special report on the LaRouche trial. She also was on the prosecution's witness list for a trial of three LaRouche associates in Ogle County, Illinois, and assisted the plaintiffs in several civil suits against companies associated with LaRouche.

Mira Lansky Boland's testimony

In her testimony in Roanoke, Va., Mira Boland acknowledged the animus guiding her action and that of the ADL against LaRouche, and acknowledged precise facts concerning this animus:

- Boland recognized and confirmed that she had been entrusted, as one of the heads of the Fact Finding Division of the ADL, with investigations into the political activities of LaRouche and organizations affiliated with him, by Mr. Irwin Suall, head of the Fact Finding Division. As part of this effort, Boland confirmed that she collaborated on a constant basis with the police, intelligence and federal judiciary services of a number of states and the federal government. She declared under oath, that she considered the organizations linked to Mr. LaRouche as a "cult, politically extremist, totalitarian and anti-Semitic." She acknowledged that this was the subject of lengthy conversations she had with the prosecutors of trials in Boston, Massachusetts and Alexandria, Virginia. Boland admitted that she provided documentation to prosecutor John Russell of the State of Virginia and his Assistant George Chabalewski as well as to Charles Bryant, a state police official, and other police officials.
- Boland acknowledged having been officially in the employ of the Central Intelligence Agency (CIA) and as an "agent of the CIA until 1979"; she admitted having worked with the Defense Department of the United States upon "leaving" the CIA. In 1982 she joined the Fact Finding Division of the ADL. A curious and crucial fact: an "ex"-agent of the CIA joins the Fact Finding Division of the ADL and devotes herself to the pursuit and prosecution of a prominent political figure and his associates.
- Mira Boland admitted having participated in two gatherings of political figures, financiers, intelligence agents and media opposed to LaRouche. The first meeting took place in April 1983 at the home of an important banker, John Train. Participants included Pat Lynch of NBC TV, who in 1984 produced a libel characterizing LaRouche as a "small-time Hitler"; Dennis King, a partisan of drug decriminalization, who writes for *High Times* magazine and who authored a slander against LaRouche paid for by American intelligence services, entitled "Nazis without Swastikas." The purpose of the 1983 meeting was to sketch out a public campaign of denunciation and calumny so as "to create a favorable climate for prosecution as well as police actions against LaRouche and his associates." The second meeting, organized after the Alexandria verdict which sentenced LaRouche to 15 years in prison, was to "celebrate the victory." Participants included those who had attended the first meeting in addition to the prosecutors of Alexandria.
- Boland admitted having given the names of prospective witnesses against LaRouche and others to the police and the prosecution. She admitted having had long meetings with the sheriff of Leesburg, Virginia, concerning the associations friendly to Mr. LaRouche, and having warned the sheriff, Mr. Isom, of their activities. She admitted furthermore having met the FBI repeatedly and diffused internal ADL reports on LaRouche to federal as well as state government officials. She told about meeting the prosecutorial teams of the "-LaRouche trials" in Boston (Mass.), Alexandria (Va.), Leesburg (Va.), New York City and Roanoke (Va.).
- Boland admitted to having met and having communicated with Roy Godson, a longstanding LaRouche enemy within the American intelligence establishment.

In order to cut off further questioning of Boland, prosecutor John Russell entered a stipulation, that Mira Boland and the ADL had animus against Lyndon LaRouche and his associates and entities associated with him; that she communicated that animus to law enforcement; and that she played an integral part in all prosecutions and investigations.

Richard Morris's testimony

The testimony of Richard Morris, former executive assistant to President Reagan's National Security Adviser during the first Reagan administration, Judge William Clark, given during the same trial of Richard Welsh, revealed more details about the nature of the political "animus" against LaRouche in Washington. Morris reported about his several personal meetings with Mr. LaRouche as well as representatives of LaRouche, and also that other members of the National Security Council (NSC) staff used to meet with LaRouche representatives. He said that the information received from LaRouche and his programmatic proposals were found useful in an entire range of strategic, political and scientific areas such as the economy, Soviet policy, ballistic missile defense (SDI), the "Contra" issue, the national debt, the bank indebtedness of South American nations, and South Africa. He testified that Lyndon LaRouche was one of the first individuals to bring to the attention of the NSC the potentials for an anti-ballistic missile defense well before it was known as the SDI and that this policy indeed was announced publicly by President Ronald Reagan in March of 1983.

Morris told the Court that there was criticism of LaRouche's influence and opposition to his input into the NSC among the NSC staff. He said LaRouche took a controversial position on the "Contras," and there were objections and opposition to his position in the NSC, because he opposed the "Contra" policy specifically. Criticism against LaRouche arose from the intelligence group in the NSC, in particular, Morris reported. He identified three individuals by name: Kenneth de Graffenried, a senior member of the intelligence staff who had spoken to him several times trying to stop the influence of LaRouche and his associates into the NSC. Second, a consultant to the NSC on intelligence affairs,

Roy Godson. And third, NSC member Walter Raymond, who thought that Lyndon LaRouche's input must be stopped.

Morris identified Raymond as the NSC member who was responsible for Project Democracy diplomacy and organizing support for the "Contras." He testified that the first communications trying to stop the input of LaRouche to the NSC were in the late summer of 1982, and occurred 5 to 6 times in subsequent periods. He testified that Roy Godson was the most persistent in demanding that contacts to LaRouche should be stopped. Morris testified that he was told that Mr. LaRouche should not be given access because he was a "socialist, a communist, a member of the KGB, and a fascist," but always an "extremist," although Godson never gave any factual basis for this. He also testified that there were other areas of Mr. LaRouche's political influence which could not be revealed publicly at this time because they were still classified.

More details on the "Task Force"

In Kastigar hearings that were held on the question whether the Commonwealth of Virginia used testimony given by Richard Welsh at both the Boston and Alexandria trials of LaRouche and associates under immunity by the Federal government, federal and state prosecutors and agents from around the country took the stand. Their testimony demonstrated that all the prosecutions of LaRouche and his asssociates were the work of one intimately coordinated federal and state task force. Until then the various prosecutorial agencies had maintained that each prosecution was developed and pursued independently of the other.

- Prosecutor John Russell admitted having had numerous discussions about the prosecutions with Mira Lansky Boland of the ADL, that he knew the ADL had an archive on LaRouche and asked Mira Boland for documents which he wanted to introduce into evidence.
- George Chabalewski, Russell's assistant and assistant prosecutor in the trial of LaRouche associate Rochelle Ascher, admitted that there was a "task force" behind LaRouche trials and that the Commonwealth used documents produced for them by federal agents for use by "the task force." He also admitted that he spoke with Mrs. "M." from the ADL when he attended the Boston trial of LaRouche as well as the Alexandria trial.
- John Markham, prosecuting Assistant U.S. Attorney in the Boston "LaRouche trial," admitted that he was assisted in the prosecution by the ADL. He also testified about the role of Pat Lynch of NBC in the attempt to link Lyndon LaRouche to the assassination of Swedish Prime Minister Olof Palme in February 1986!
- Virginia state police investigator C.D. Bryant confirmed his contacts with the ADL and Mira Boland during the Alexandria and Leesburg trials. He said Boland provided him with the names of potential witnesses against LaRouche's associates and even arranged an interview with a potential witness in her office at the ADL's headquarters in Washington, D.C. He said that he asked Mira Boland to provide him with background information about the "LaRouche organization" and testified that he "is still doing investigative things with the ADL."
- Mark Rasch of the U.S. Department of Justice testified that he exchanged information with Lansky Boland during the Boston trial and that he is still in contact with her.
- John Isom, Sheriff of Loudoun County, testified that he knew Mira Boland, that he had contacts with the ADL, that he called Mira Boland a couple of times.
- Deputy Sheriff Don Moore of Loudoun County testified that he had been in touch with Mira Boland for years, that he saw her and Brian Chitwood, a reporter of the *Loudoun Times Mirror* who authored numerous articles slandering LaRouche, in Boston, Alexandria, and also at the sentencing hearing of Mike Billington. He told that he had even driven Galen Kelly, a "deprogrammer" with the ADL-linked American Family Foundation to Roanoke for the Billington sentencing and arranged for his hotel because Kelley wanted to study "cult behavior."
- Loudoun County Sheriff's lieutenant McCracken testified that he received materials from the ADL and Mira Lansky Boland.
- State Corporation Commission investigator Partham testified, that the ADL brochures were part of his investigation.

ADL tried to influence the trial judge

The proceedings of the trial of Richard Welsh in Roanoke, Va., also revealed efforts on the part of the Anti-Defamation League to corrupt and influence the presiding judge in the case, Judge Clifford Weckstein. Weckstein had already presided over the trials of two other associates of LaRouche, Michael Billington and Donald Phau, who were sentenced by him to 77 and 25 years in prison, respectively.

Under the pressure of a defense memorandum questioning his impartiality in the case, Judge Weckstein revealed on April 12, 1990, that he had received a letter from the ADL dated April 7, 1990, signed by the regional director of the ADL in Virginia, Ira Gissen. Gissen had written the letter on the request of a member of the National Commission of the ADL residing in Virginia, Murray Janus. The letter sought to direct Judge Weckstein's attention towards ADL reports, which were enclosed and which accused LaRouche of leading a "cult," of being a "political extremist" and of being an "anti-Semite and a Nazi."

A week later Weckstein revealed that enclosed with the ADL letter was also the copy of a resolution of the Virginia chapter of the ADL which called upon the governor of the state to name a "Jewish judge" to the Supreme Court of the state. By including this resolution in the correspondence to Weckstein, Gissen was implying possible "rewards" if he handled the case favorably for the ADL, i.e. it constituted

an effort to corrupt a Judge.

In his answer to the letter, Judge Weckstein, who released the letter and entered it into court records, told Gissen that he would abstain from studying the contents of the ADL report. At the same time, the Judge included in his letter of April 16, 1990, a copy of a leaflet distributed in Roanoke by friends of Mr. LaRouche who accused Weckstein of having established links to the ADL and of partiality as a result of prior contacts to the government and the ADL.

Some facts also reported in the leaflet are of interest here: It is well known in the state of Virginia, that the nomination of Judge Clifford Weckstein had been supported by his close business associate, lawyer Murray Janus of Richmond—the instigator of the first Ira Gissen letter. Murray Janus is also a leader of the ADL, a superior of Mrs. Boland. Furthermore, the same Judge worked for some time for the local *Roanoke World News* and married the daughter of its Chief Editor. The newspaper, which has become the *Roanoke Times and World News* now, covered the various "LaRouche trials" in Roanoke with numerous inflammatory and libelous articles. (Most of these articles could not possibly have been missed by the jurors sitting in the "LaRouche trials" in Roanoke.) Today the brother-in-law of the Judge is responsible for political reporting in the paper and the in-laws of the Judge still hold significant shares in the paper.

2. The Ogle County, Illinois affair

It was the election victory of the two LaRouche Democrats Mark Fairchild and Janice Hart in 1986, which at that time caused leading members of the Democratic Party leadership to press for judicial action against the "LaRouche problem." In 1989, Neil Hartigan, Attorney General in Illinois, was running for governor against Mark Fairchild. It is a documented fact, that he abused his position to challenge the petitions filed by the LaRouche slate which also included Janice Hart, Patricia Noble-Schenk and Ronnie Fredman. In January 1990, the Illinois State Board of Elections denied the LaRouche-allied candidates access to the ballot. The candidates unsuccessfully sought injunctive relief via a Temporary Restraining Order (TRO).

(Another example for the usefulness of courts for "mainstream" political candidates is the case of LaRouche candidate [Mary] Frueholz in New Jersey. In spring 1990 Frueholz was the sole Democratic candidate in the 11th Congressional District until the Secretary of State decided to break the rules and keep the doors open for an additional 2.5 hours to allow Michael Gordon, the "regular" Democrat, to file his petitions past the legal deadline. Although the filed petitions were full of gross irregularities and forgeries, they were accepted. The Administrative Law Judge in Newark, Judge Clancy, simply refused to rule. At least he took several hours of testimony, which revealed that the courier who was deployed to deliver the petitions and claimed car trouble as the reason for the late filing, happened to be an employee of the Essex County Sheriff's department, using a county police car and not carrying out his regular duties for over 6 hours in order to file the Democratic Party petitions.)

But State Attorney Dennis Schumacher of Ogle County went further. He started a criminal investigation against Schenk, Fredman—both candidates on the LaRouche slate—and Richard Blomquist, who were indicted by a Grand Jury for "theft, residential burglary, robbery and intimidation." The indictment claimed that the three had forced a supporter to make contributions to publications and entities associated with Mr. LaRouche, although the lady in question, Mrs. Harriet Driver, had never filed a complaint and had never testified before the Grand Jury. As Schumacher admitted in court, it was only the intervention of Mrs. Driver's stock broker which stopped her from continuing to support the political efforts of the defendants. Obviously in light of the March 20 primary date and the, at that time ongoing, legal battle of the Fairchild slate to gain ballot status, Schumacher pressed for a trial date on March 5, 1990.

In the beginning of the trial, Schumacher pointed out, that his intention was to show the alleged criminal nature of the whole "organization" the defendants were part of. The prosecution's first and principal witness, Harriet Driver, turned out to be a reluctant witness for the prosecution, although the prosecutor had "prepared" her for testimony for several hours. She continued to refer to the defendants by their first names and described the reasons for her political support. In a fashion hardly consistent with that of someone who has been robbed, she described each of the series of conversations and visits that occurred with "Pat and Ron." Never did she say she had been robbed, threatened or even afraid. During her testimony, it became clear that she had been pressured to testify. After 45 minutes of intense questioning and direct interrogation, she physically broke down and was rushed to a hospital in an ambulance with symptoms of a stroke.

In opposition to the three defendants' attorney, who requested a dismissal, Schumacher requested the court to continue the trial the next day and that his witness be forced to return to court to provide testimony. But the Judge declared a mistrial. Retrial was scheduled for June.

According to medical records of Harriet Driver, Dennis Schumacher personally visited Harriet Driver on May 3, 1990, in a nursing home, where she was recovering, and informed the nurse on duty that an NBC interview would be conducted on May 4. Schumacher arranged and promoted the interview, and coerced Mrs. Driver into granting it, parts of which were shown on "NBC Nightly News." The medical record states that on May 4, Harriet Driver "does not want to be interviewed." Despite this, the interview took place in which Driver said: "Maybe if I hadn't testified in court, maybe I wouldn't have had a stroke."

In a hearing on May 29, 1990, when it was still undetermined whether Mrs. Driver was physically able to testify,

Schumacher indicated his intention to proceed to trial and force Mrs. Driver to testify.

The interview was part of an "NBC Nightly News" show put together by Pat Lynch, which was aired on May 21, 1990, a week and a half before the retrial of Fredman and Noble-Schenk was to begin. Pat Lynch called on the federal government to take action against LaRouche and claimed supporters were stealing money from the elderly. Don Moore, Deputy Sheriff of Loudoun County (where a Grenada-style police raid of several organizations associated with LaRouche took place in October 1986) said LaRouche was running the organization from prison over the phone, and also Virginia prosecutor John Russell appeared. On the same day, the *Washington Post* ran a similar story, and shortly afterwards the *Loudoun Times Mirror,* which quoted the local Sheriff John Isom claiming that his offices watched the continuing activities of the "LaRouche organization" and had deployed specific personnel for this purpose.

After a motion filed by attorneys for Fredman, Noble-Schenk and Blomquist asked the Court on June 1, 1990, to compel NBC TV and Schumacher to produce documents and the portions of the videotape of the interview which NBC did not show on the air, Schumacher suddenly dropped all charges against LaRouche's associates. The motion mentioned also the role of Mira Boland, who was on Schumacher's witness list, in the prosecution.

The effort to impede constitutionally protected First Amendment political activity, cutting off of political contributions and support for organizations and activities connected to LaRouche is part of a complaint for damages filed by Lyndon LaRouche, Ron Fredman and Patricia Noble-Schenk with the United States District Court for the Northern District of Illinois, Western Division, in July 1990. The complaint against Dennis Schumacher, Pat Lynch and Harriet Driver's daughter Mary Ann Plock also accused the defendants of utilizing a grand jury and a criminal prosecution to improperly attempt to extort the payment of money by the plaintiffs Fredman and Noble-Schenk to a private individual and of utilizing the discovery mechanism of grand jury subpoenae to obtain information for a private law firm to use in preparing a planned civil lawsuit to harass and intimidate political supporters and contributors to political organizations in support of plaintiff LaRouche. In so doing, the complaint stated, "Dennis Schumacher acted outside his legitimate role as a prosecutor . . . for purposes of political harassment and for promoting a civil lawsuit by a private party."

3. Infringement on Rochelle Ascher's First Amendment rights

Rochelle Ascher, a fundraiser for the LaRouche movement, was convicted of phony charges of violating a Virginia securities regulation and sentenced to an 86-year prison term by a Loudoun County jury in April 1989. Loudoun Circuit Judge Carlton Penn reduced her sentence to 10 years, but ordered her immediate imprisonment. Two days later, the Virginia Appeals Court overturned Penn in an abrupt ruling, stating that Penn had "abused his discretion in denying Ascher bail" pending the outcome of her appeal. Despite the strenuous objection of the prosecution, the Appeals Court refused to order Ascher to cease fundraising activities as a condition of her release.

On May 16, 1990, prosecutors from the Virginia Attorney General's office filed a motion before the Virginia Court of Appeals to revoke Ascher's bail citing her successful effort to enlist financial support for the LaRouche political movement, although the bail conditions merely prohibit her from soliciting loans, not contributions. The motion referred to the case of a Mrs. Helen Overington.

Mrs. Overington had purchased literature and made contributions from February 1989 until February 1990. On May 1, 1989, when Mrs. Rochelle Ascher was being sentenced by Judge Penn, Overington—fully aware of the charges against Mrs. Ascher and after making substantial contributions—had written to the Judge: "I know Rochelle as a very bright competent enthusiastic person whose integrity is above question. It would be unfair to sentence her to any time in prison, much less 86 years." In April 1990 Overington wrote Penn to say that she was retracting her previous letter. On March 23, 1990, she had written to Mrs. Ascher, that in order to get her contributions back, she was ready to pursue "whatever legal action . . . including answering questions in court against the LaRouche organization and persons with whom I dealt."

The legitimate question is, what caused this change of behavior? Thanks to the several trials of associates of LaRouche, the following facts are part of the record:

Virginia State Police Agent and state police chief investigator for the LaRouche cases since 1986, C.D. Bryant, who travels around the country contacting supporters of the LaRouche movement and attempting to turn them into useful witnesses for "LaRouche trials," testified under oath that he had discussions with one or more of the daughters of Mrs. Overington relating the possibility that a bond revocation would be sought if payment were not made by Mrs. Ascher. It is also confirmed, that Bryant introduced the disgruntled family of Mrs. Overington to Lansky Boland, as well as to the Pennsylvania law firm McNees, Wallace & Nurick in an effort to cut off Overington's contact with Ascher and her financial support for LaRouche. (This law firm, representing another former LaRouche-supporter, moved on May 22nd, 1990 to garnish bank accounts of six LaRouche-related companies, although the respective judgement was under appeal in another state court.) The family of Mrs. Overington subsequently hired the Pennsylvania firm to threaten Ascher with imprisonment if she did not cut all ties with Mrs. Overington. The attorney wrote to Ascher as well, threatening to cooperate with a bail revocation hearing unless a substantial amount of the money Mrs. Overington had contributed was returned.

Bryant's testimony about a continuing relationship to Mira Boland is on the record as well, the same has been admitted by Virginia Assistant Attorney General John Russell, who prosecuted the case against Ascher and now moved to put her in jail. That this move again aimed at the financial basis of the political activities of the LaRouche political movement, was made overtly clear by the aforementioned article in the *Washington Post* of May 21, 1991, which also referred to Helen Overington. The article reported about the conviction of LaRouche and six associates in Federal Court and of four associates in Virginia courts and then read: "But the group has not—as state and local officials hoped after the raid—gone away. LaRouche's followers maintain financial and legal offices in Leesburg and run a publishing operation in Eastern Loudoun."

On May 22, 1990, Rochelle Ascher filed a motion in the Circuit Court of Loudoun Co., Va. asking the chief judge to appoint a special prosecutor to investigate this matter under the Virginia extortion code, which makes it illegal to threaten criminal action to extort money from someone. (The full text of this motion is attached as Exhibit 72, because it is an instructive description of the tight cooperation between the U.S. government, private political interests such as the ADL and the media in the combined effort to impede legitimate political activity associated with LaRouche.) The attempt to interrogate Mira Boland about this affair, failed because Judge Kaplan, Chief Judge of Baltimore, Maryland, on August 30, 1990, quashed a subpoena that had been served to Mira Boland personally, accepting the argument of the ADL's attorney, that the subpoena was just harassment.

4. Financial warfare by Minnesota Attorney General Hubert Humphrey

Beginning in January 1991, the office of Minnesota Attorney General Hubert Humphrey used the transactions with a supporter of Mr. LaRouche, which had been the subject of civil litigation, as an obvious means to hurt the financial basis of the political initiatives of the LaRouche movement. That litigation was fully settled in November of 1990, with no admissions and a satisfactory resolution. Nonetheless, Humphrey, who is closely tied to the Anti-Defamation League, used it as the pretext to illegally and improperly seize the bank records of three entities and organizations associated with Presidential candidate Lyndon LaRouche and the bank accounts of the Constitutional Defense Fund (CDF). CDF is non-profit entity that has provided the funds for the legal defense of LaRouche and his political movement against government attacks.

Using a Minnesota Forfeiture Statute, that was never intended for use in this fashion, Humphrey's office convinced both a Judge in Minnesota and in Pennsylvania to issue orders seizing bank accounts, effectively shutting down CDF. In an *ex parte* proceeding, without disclosing that a civil settlement existed and that the money claims of the supporter's family had therefore been satisfied.

After hearings in both Minnesota and Philadelphia, both Judges vacated their earlier orders, finding that Minnesota authorities had illegally and improperly used the Forfeiture Statute, violating the due process rights of CDF.

Using the same methods they also moved to have search warrants issued in Philadelphia and Virginia for all bank records of CDF and three other organizations. While the warrants were thrown out by a Fairfax Co., Va. judge as being unconstitutionally over broad, another Judge in Alexandria Co., Va., throwing out the constitutional protection provided by the First and Fourth Amendments, denied a request for a temporary restraining order brought by the four entities, whose bank records are the subject of search warrants.

The warrants were issued on the basis of affidavits by Loudoun County Sheriff's Lt. Don Moore, and an investigator for Minnesota Attorney General Hubert Humphrey, Jr., Richard Munson. The affidavits allege criminal wrongdoing by the four entities, based on acts that were the subject of civil litigation in Minnesota settled four months previously.

The TRO, requesting that the documents not be produced until a motion to quash was heard, was filed when the entities learned that the bank involved intended to turn the records over to Lt. Moore. However, Alexandria Circuit Court Judge Kent denied the TRO, stating that he saw no compelling need, nor any authority to issue a TRO. The Judge said the entities had a remedy, to make a motion to "suppress" evidence improperly seized, after a criminal prosecution were brought.

As grounds for their request for a TRO, the entities argued that as the organizations engaged in political activity, irreparable harm would occur if such records had to be produced. It would mean disclosing the names of contributors and supporters to law enforcement agencies that have a clear animus, and thus subject them to possible harassment and other scrutiny in violation of the rights of free speech and political association, contained in the First and Fourth Amendments to the Constitution.

The four entities argued that they exist for clear political purposes: the Constitutional Defense Fund is a legal defense fund providing financial assistance to wage the legal fight against the Anti-LaRouche task force's efforts to silence the LaRouche political movement; EIR News Service is the publisher of several political newspapers and publications that are read internationally; the Human Rights Fund is a charitable trust.

Both the request for a TRO and the motion to quash asserted that "(1.) the affidavits (of Moore and Munson) fail to establish probable cause that the records sought contain or are evidence of any criminal acts; (2.) the warrant is over broad in that it seeks a vast number of documents for a broad time period far beyond the very limited specific acts set out in the affidavit; and (3.) the records demanded, particularly

those of Executive Intelligence Review News Service, Constitutional Defense Fund and Publication and General Management, are not tied in the affidavit in any way to alleged illegal activities, or to an account at Sovran [Bank]."

Kent's denial is presently being appealed to the Virginia Supreme Court, but Humphrey's office, along with Moore, have the records for the time being.

The warrants in Philadelphia were subsequently narrowed in scope for the same reasons, limiting the documents produced to only those directly relating to the transactions set forth in the affidavit. This did not occur, however, until Humphrey's office had improperly gotten documents from one of the banks in Philadelphia, by going over the head of the Philadelphia authorities. They were forced to return them, and destroy any copies they had made. Nonetheless, the actions of Mr. Munson, represented yet another illegal attempt to circumvent the Constitution.

This latest assault, based on misrepresentation and falsehood, was possible only because the fact of a settlement in a civil action in Minnesota was not disclosed. In an earlier attempt to seize bank accounts and bank records, judges in both Philadelphia and Duluth, Minn., had to vacate their seizure orders which had been granted because the judges had not heard of the Minnesota settlement.

What is clear in this situation is that the request has nothing to do with any "investigation" in Minnesota. Rather, the timing coincides with an escalation of financial warfare against the LaRouche movement by an organization named Cult Awareness Network (CAN).

CAN recently created the "LaRouche Victims Support Group," which has taken out newspaper ads, including in the *Washington Post,* and has had spokesmen on radio talk shows in several parts of the country. Members and leaders of CAN include people like Galen Kelly, a "cult deprogrammer" convicted numerous times of kidnapping, who was also hired by the family of LaRouche supporter Lewis du Pont Smith, to kidnap him in an attempt to "remove" him from the LaRouche movement.

5. Virginia bail conditions—additional political restrictions imposed on Don Phau

The defendants convicted in the Roanoke court of Judge Clifford R. Weckstein have all been released on bail pending the appeal of their convictions. Judge Weckstein has imposed conditions on the defendants' conduct while free on bail, which severely limit their rights to political association and their right to retain attorneys for their defense.

Weckstein has ordered that the defendants can not solicit contributions for any political cause. He has also prohibited the defendants from soliciting contributions to pay for their own legal defense. In addition, Weckstein has prohibited the defendants from communicating to any of their political associates anything that would aid them in the solicitation of contributions.

Don Phau had been sentenced by Judge Weckstein to 25 years in prison. In July 1990, Virginia Assistant Attorney General John Russell filed a motion to revoke his bond as well, alleging that Phau solicited a Troy, N.Y. woman for a contribution. This allegation was entirely untrue. The political nature of Russell's action was shown by the fact that before Russell filed the motion, the incident was covered in the *Troy Record* and *Albany Times Union*.

In a hearing on the matter on July 20, 1990, Weckstein did not revoke Phau's bail but put additional, unconstitutional restrictions on it and denied all defense subpoenas for testimony which could have proven that the charges against Phau were baseless. He also denied a motion by Phau's attorney for sanctions against Virginia prosecutor John Russell for abuse of his office. The Virginia Court of Appeals in March 1991 upheld the ruling by Judge Weckstein, which probibits Phau not only to "directly or indirectly (participate) in the solicitation of funds" while [free] on bond pending appeal, but even to "communicate verbally or otherwise" to anyone about anything which might lead to a solicitation of a contribution to anything. The Court did not find that these conditions were a violation of Phau's First Amendment rights.

It should be noted, that also on Joyce Rubinstein and Dennis Small, who were convicted in Federal Court in Alexandria and have been released on probation in the meantime, court orders were imposed which directly infringe upon their constitutional rights, especially, but not only, their First Amendment rights.

6. The government-initiated involuntary bankruptcies

Perhaps the most telling example for the abuse of the judicial system is the story of how the U.S. government shut down two publishing companies and a scientific foundation with hundreds of thousands of subscribers.

Caucus Distributors, Inc. (CDI), Campaigner Publications and Fusion Energy Foundation (FEF), three entities associated with LaRouche, had been commanded by a grand jury subpoena to produce all their business records to the 1984 grand jury initiated by then-Massachusetts U.S. Attorney William Weld. Numerous boxes of documents were turned over during the course of 1985 and were kept by Markham's office even after his Boston indictment of LaRouche and fifteen others mistried in May 1988. When Markham was leaving the Boston office last Spring, he moved Keeton's court for authority to discard the companies' records, unless anyone of the companies should want them back.

In the intervening time between 1985, when the documents were produced, and 1989, when Markham sought to return or destroy them, the U.S. government in an unprecedented move—using fines which had been imposed for the alleged non-production of these very same documents—had

the companies seized and put under the control of interim trustees by filing an involuntary bankruptcy petition against them. The very creditors the government claimed to protect by this move were severely harmed, because the companies could no longer repay loans to thousands of lenders.

Judge Albert V. Bryan, Jr., who was to preside over the trial of LaRouche and six associates in Alexandria, Va., made two rulings condoning the bankruptcy procedure. Then, in the beginning of the criminal case charging the defendants for defaulting on loans given by supporters, he not only failed to recuse himself in light of his prior rulings, but granted the government's demand to ban and censor from LaRouche's trial any evidence that the government bankruptcy action had been carried out in bad faith. Moreover, his order prohibited the defense from saying that it was the government which brought the bankruptcy. The trial ended with the conviction of all defendants who received jail terms of 3-15 years.

Back to the documents: Those trustees appointed by the bankruptcy order in 1987 did request the documents be returned. In May 1989, this fact was presented in a hearing before Judge Keeton (who had presided over the mistried Boston case in 1988), with FBI Agent Egan present in the courtroom. Markham told the judge the documents would be returned. But the very next morning Egan gathered up the box-loads of documents and put them in a garbage container. After learning this, the companies' attorneys demanded Keeton hold a hearing to determine if Egan should be held in contempt.

Keeton held a hearing on July 19, 1989, where he used strong words to criticize "the FBI agent's" behavior. Although Keeton found the "government . . . admitted that it discarded these documents," his final order issued beginning of February 1990, did not find any wrongdoing by FBI agent Richard Egan. Keeton refused to find either Egan or former prosecutor John Markham, who supervised Egan's investigation of Lyndon LaRouche and numerous of his associates, in contempt of court for the willful destruction of the documents belonging to three companies formerly associated with LaRouche. (Similarly, Keeton's final order issued in the wake of LaRouche's attorney's presentation of extraordinary misconduct in the mistried criminal case had ultimately found "systematic and institutional misconduct" but no wrongdoing on the part of Markham and other prosecutors.)

In October 1989, federal bankruptcy judge Martin Bostetter had found that the government seizure and shutdown of Fusion Energy Foundation, Caucus Distributors and Campaigner Publications was—unlawful—carried out in "objective bad faith" and—done by means of a "constructive fraud on the court." In March 1990, the U.S. Government appealed the bankruptcy court's dismissal of its actions, asking the District Court to consider the "special circumstances" involving "these debtors" as an excuse for at least bending the bankruptcy law.

In July 1990, Federal Judge Claude Hilton denied the Government's appeal and upheld Chief Bankruptcy Judge Martin V.B. Bostetter's finding that the Justice Department acted in objective "bad faith" when it brought an involuntary bankruptcy action against the three companies.

On Oct. 1, 1990, lawyers for the three entities received written confirmation that the U.S. government formally decided not to appeal these two decisions of two separate federal judges! On Oct. 19, 1990, the three bankrupted entities filed a claim for several million dollars in damages against the U.S. government citing that: LaRouche and his associates have been unjustly held in prison for 21 months for economic crimes the government committed and then pinned on him through a continuing fraud on the court system; an extensive distribution network of political literature was dismantled; none of the publications or journals were produced or distributed again, all income-generating activities ceased.

The government brief filed in opposition to this claim of damages argued that since the victim companies were now destroyed, they had no standing to sue for damages!

7. Shutdown of a political action committee

Like FEF, Campaigner and CDI, also the National Democratic Policy Committee were heavily fined for the alleged non-production of documents to the Boston grand jury. The huge fines were imposed solely upon the affidavit of FBI agent Richard Egan, the NDPC was never allowed to challenge the fines in a court hearing. The final recalculation of the fines to "merely" $2.7 million by the District Court relied on secret papers, sealed documents and untested evidence. In the numerous requests for hearings on the facts of the matter, the NPDC has pointed to the fact that collection of even a part of this sum amounts to an "economic death penalty."

On March 8, 1990, the Federal U.S. Attorney in Boston filed opposition papers to the political action committee's appeal, contending that the government's key affidavit was submitted under seal because "it was unavoidably necessary" to conceal "certain highly sensitive information." On April 30, 1990, the First Circuit Court of Appeals denied the NDPC's appeal against the secret recalculation procedure.

The NDPC has appealed these fines three times to the First Circuit and twice to the U.S. Supreme Court and has never once been given a hearing.

8. Federal Election Commission aids anti-LaRouche 'task force'

From the moment the U.S. federal government began its investigations of Lyndon LaRouche's presidential campaigns, back in 1984, the Federal Election Commission ("FEC") has been an instrumental part of the prosecutorial task force. The FEC has used the allegations created by the task force's investigations to, in turn, interfere with LaRouche's electoral campaign efforts.


Stuart Lewis

Edward Spannaus delivers a press conference in Washington, D.C. in December 1988, on the Justice Department's coverup of the Iran-Contra affair, specifically the intermediary role of Iranian gun-runner Cyrus Hashemi.

In January of this year, 1991, the FEC issued an official notice that despite its finding that the Anti-Defamation League of B'nai B'rith had acted illegally, by spending funds to defeat LaRouche's 1988 bid for the presidency, the FEC would not pursue court action against the ADL.

The ADL's violations had been brought to the attention of the FEC by LaRouche's treasurer, Edward Spannaus, in a complaint filed on April 2, 1986. However, the FEC's superficial investigations into the ADL's wrongdoing dragged out for 4 years, making no finding until after the prosecution against LaRouche was completed. The superficiality and/or "failure to investigate" is demonstrated by the factual contradictions in the ADL's responses to the FEC's investigation which were never resolved.

Even without resolving the contradictions, in May 1990, the FEC made a "probable cause" finding that the ADL had violated the law. Yet, after another delay and negotiations between the ADL and the FEC, in January 1991 the FEC ultimately determined to let the ADL off. The FEC stated it would: "exercise its prosecutorial discretion and not pursue this matter in a judicial forum," because among other things the ADL has a "relatively sympathetic posture."

Thus, the FEC, which is supposed to be non-partisan, decided not to hold the ADL accountable for its violations of the law because it would be viewed as a "sympathetic" party by the courts in the U.S.

Two critical facts were revealed when the FEC finally made its announcement that it would close the investigation initiated by the complaint filed back in 1986: 1) the ADL's Mira Lansky Boland had been a consultant to the FEC during this period on other matters and 2) the ADL had distributed its illegal negative-campaign literature against LaRouche to 1,580 media outlets, 510 members of Congress, among others.

The effect of delaying the FEC investigation and its findings (albeit incomplete investigative work) was to deny LaRouche, his co-defendants and other associates being tried, of direct evidence of the ADL's collaboration with the prosecutorial task force. LaRouche and his co-defendants in the Alexandria trial specifically made a formal request for evidence, "referencing or suggesting the participation of the Anti-Defamation League of B'nai B'rith . . . in investigations of defendants and organizations, entities or individuals affiliated with defendant LaRouche." Such requests were ridiculed by the prosecution as "fantasies" of the defendants and denied by Judge Albert V. Bryan, Jr. The FEC's opening of the file on the 1986 complaint, now shows that defendants were correct and the FEC assisted—by not releasing prior to the completion of LaRouche's trial—in the government's coverup of the task force's operations.

It is of significant note that at the same time the FEC refused to take the ADL to court for its violations of law, the federal agency re-activated an investigation into LaRouche's 1984 campaign committees, a political collaborator who had run for Congress in 1982, Debra H. Freeman, and five other entities which either provided services to his electoral campaigns or had employed persons who happened to support his candidacy. This investigation was restarted just weeks after LaRouche announced from his jail cell that he would run in the 1992 presidential elections. This FEC action has raised allegations which the FEC intends to use to prevent or curtail LaRouche's 1992 bid for office.

9. The case of Lewis du Pont Smith

In April of 1985, the parents and siblings of Lewis du Pont Smith, an heir to the DuPont Co. fortune, brought a proceeding for incompetence against him, based on his political and financial support of organizations and causes associated with Lyndon LaRouche.

Initially they petitioned the Court in West Chester, Pennsylvania, for a guardianship of his estate. The action alleged that du Pont Smith was not competent to manage his financial affairs, and should be barred from control of his approximately $10 million in trust assests. This action by his family was based solely on du Pont Smith's contributions and loans of $212,000 to two organizations that published materials disseminating the outlook of Mr. LaRouche and the political movement associated with him. This fact was admitted publicly by Lewis du Pont Smith's father in a letter to the editor in the local newspaper, the West Chester *Daily Local News,* where he described the court battle as "not a family dispute, it's not Smith vs. Smith, it's Smith vs. LaRouche."

Additionally, while the first proceeding was pending, the

family filed another action against du Pont Smith, requesting a guardianship of the person, which would have meant a court-sanctioned "cult deprogamming" operation. The family essentially argued that by resisting their efforts to stop his financial support for Mr. LaRouche, Lewis had "proven" that he was so mentally unstable as to need court protection; the Court ordered control of his actions by either his family or the State, which would have surely meant institutionalization. Testimony during the proceeding clearly demonstrated the role of the Anti-Defamation League, the American Family Foundation, and the Cult Awareness Network in guiding the family in their efforts to have du Pont Smith declared incompetent. Pennsylvania Orphan's Court Judge Lawrence Wood heard testimony by family members, the ADL, AFF, and CAN as well as by du Pont Smith and two experts who testified on his behalf. Judge Wood found du Pont Smith "mentally incompetent" to manage his financial affairs, and appointed the du Pont family bank, the Wilmington Trust Co. to manage his funds. Wood's decision, in November of 1985, in complete disregard for the testimony of du Pont Smith and his experts, made clear the political character of the action. In his opinion, the Judge stated that as a finding of fact, he did not view the LaRouche political movement as being similar to the Republican or Democratic parties, or other "recognized" causes; he wrote that "we are reluctant to equate the importunings of the Lyndon LaRouche organization with the message of Christianity or of any of the other recognized religions." In thus granting the du Pont family's petition Wood found for the first time in American legal history that someone was incompetent or mentally ill because of his political beliefs and activity. While Wood denied the petition for a guardian over Lewis's person nonetheless, du Pont Smith lost his right to vote, marry and control his finances as a result of the finding of incompetence.

Only after a significant political and legal battle did Lewis du Pont Smith win the right to marry Andrea Diano-Smith, and to run for political office and vote. However, to this day Lewis does not have control over his finances, which are in the hands of the bank that was appointed guardian of his estate. A court order prevents his using the funds he is given to live on for any political campaign or initiative. For example, in 1986 a request to contribute funds to the presidential campaign of his cousin Pete du Pont was denied by Judge Wood, when du Pont Smith would not pledge not to request the right to similarly contribute to Mr. LaRouche's presidential campaign.

As a result, Lewis du Pont Smith has not only been deprived of his essential First Amendment right to support, financially and otherwise, the political causes of his choosing, but he and his wife Andrea have been subjected to the full brunt of the power and influence of Lewis's family's opposition.

This has meant harassment of both of them and of Andrea's family. Incidents included: an attempt to block their marriage; efforts to have them kidnaped by Galen Kelly, a well-known "cult deprogrammer" hired by Lewis's father and brother; a trumped-up indictment in California of Andrea that was subsequently dropped when it was discovered that evidence supplied by Lewis's father was falsified; the break-in of their home by Lewis's father and his subsequent perjury under oath regarding the matter.

Perhaps most outrageous of all, Lewis du Pont Smith has seen his estate lose several million dollars as a result of the incompetence on economic matters of his guardian. Not once, but twice, du Pont Smith warned to no avail the Wilmington Trust Co. of the instability of the world markets. In October of 1987 and October of 1989, du Pont Smith requested that his trust assets be moved out of stock paper because of the imminent probability of market collapses. In both instances du Pont Smith was right; whereas the guardian appointed to protect du Pont Smith's estate from dissipation because of his so-called incompetence lost him an estimated $3 million.

Judge Wood's initial finding of incompetence was appealed by Lewis du Pont Smith. It was affirmed by the Pennsylvania intermediate Appeals Court, the State Supreme Court, and the Supreme Court of the United States. Du Pont Smith currently has a petition pending for reconsideration of the ruling of incompetence. After months of testimony and legal battles, Judge Wood, required by law to hear the proceeding, was forced to remove himself from the case, after making public statements that exposed his bias.

(This case has been the subject of extensive media coverage not only in the United States, but especially also in Italy and France; a report in the British daily *The Independent* of February 10, 1990, draws the connection to the "total pursuit" of LaRouche by the U.S. government.)

10. The New York 'LaRouche case'

Since 1987, the behavior of New York prosecutor Dawn Cardi has made manifest the vindictive nature of this prosecution. Initially the indictment consisted of over 100 counts against 16 collaborators of LaRouche and several companies. One defendant was held for two weeks on a bail of $500,000. After the charges against 12 defendants were dropped, George Canning, Marielle Kronberg, Robert Primack, and Lynne Speed were put on trial. Although they were not allowed to put on a full defense, on August 31, 1989, Canning was acquitted on all counts, the others were convicted: Primack on one count of conspiracy and one of scheme to defraud, Kronberg and Speed were each convicted on one count of scheme to defraud and acquitted on the conspiracy count.

On Feb. 8, 1990, New York Supreme Court Justice Stephen G. Crane sentenced Primack to an indeterminate state prison term of one to three years. Crane also ordered him to pay $36,000 in restitution to three lenders who had testified for the prosecution in the case. Prosecutor Dawn Cardi had demanded that Primack receive the maximum sentence—

four years in prison—and repay $30 million in restitution. On April 5, 1990, Lynne Speed was sentenced to six months' incarceration and five years' probation, Judge Crane also ordered her to pay $16,000 restitution.

On March 12, 1991, Primack filed a motion to have his conviction overturned and a new trial granted. The motion is based on evidence that the prosecutors in the case withheld exculpatory statements from the defense. The evidence surfaced during testimony in the ongoing Kastigar hearing pertaining to Primack's co-defendant, Marielle Kronberg.

Although the sentences might appear mild relative to the barbaric terms imposed on associates of Mr. LaRouche who have been convicted in the state of Virginia, this case, which lasted for four years and is still going on, is an example for the pattern of vindictive prosecutions conducted against many of Mr. LaRouche's political collaborators. To force a political movement to devote large amounts of manpower and financial resources to legal defense, as phony as the charges may be, is in itself an infringement on constitutional rights.

To document this point, a few further examples shall be cited:

11. California 'LaRouche case' collapsed

On March 15, 1991, the Office of Los Angeles District Attorney Ira Reiner announced that it will not prosecute Bruce Kilber, the last defendant in the investigation and indictments produced by him and California Attorney General John Van de Kamp against organizers for the LaRouche-inspired anti-AIDS initiative "Proposition 64." Back in January 1988, Kilber had been charged with illegally registering to vote, after the most extensive investigation of an election campaign in California history. Andrea Diano-Smith, who had been indicted along with Kilber, had charges against her dropped two years ago by Reiner's office, after it was learned that key "evidence" had been manufactured by the family of her husband, Lewis du Pont Smith. The prosecutions had been the product of pressure by opponents of "Proposition 64," which had been placed on the November 1986 California state election ballot by associates of LaRouche and received a considerable amount of votes. Both Reiner and Van de Kamp were prominent and outspoken opponents of Prop. 64 and are known for their ties to the circles of California's Hollywood/"Gay" Lobby and the Anti-Defamation League.

Reiner's decision to drop the case against Kilber comes at a point when Kilber's attorney prepared to document in court not only that the prosecution was politically motiviated, but that Reiner did not investigate similar charges made against his own political friends.

12. 'Theft' charge, but no victim

In Prince George's County, Maryland, prosecutors dropped charges against LaRouche associate Keith Levit in August last year in order to avoid an evidentiary hearing on prosecutorial misconduct scheduled for a few days later. The prosecutors said they had neither evidence of theft nor any witness.

The evidentiary hearing had been ordered by the Chief Judge of the General District Court after Levit had filed a motion seeking to dismiss the charges on the grounds that a local police detective, Loudoun County Deputy Sheriff Donald Moore, Mira Lansky Boland of the ADL and reporters for "Inside Edition" [a syndicated television program—ed.] acted improperly by bringing about the baseless charges and staging Levit's arrest for the purpose of attacking the political movement associated with Lyndon LaRouche. Levit's motion also stated that the charges should be thrown out, because the charging document failed to even state a crime. It merely said that Levit had "convinced" a supporter of Lyndon LaRouche (who never filed a complaint) to contribute money and purchase literature. The police detective asserted this constituted "theft."

On hand for Levit's carefully arranged arrest were reporters for "Inside Edition," who were preparing a TV broadcast attacking LaRouche. The day after the arrest, the *Washington Post* printed an article with the inflammatory headline: "LaRouche aide charged with theft; Greenbelt woman, 82, allegedly bilked of her life's savings." The article featured Mira Lansky Boland.

At Don Phau's bail revocation hearing (reported above), prosecutor John Russell of Virginia, where Levit had also been indicted, had told Judge Clifford Weckstein on the record that he would bring Levit's case before him as an example of illegal fundraising practices. When a hearing was finally called to revoke Levit's Virginia bail, Russell did not show and the motion was dismissed.

13. Courts ban political organizing

Finally in this section dealing with the infringements of the right of thought and manifestation of political belief, we want to report two decisions by American courts which directly violate the First Amendment rights of friends and supporters of Lyndon LaRouche as they are rooted in the American Constitution.

In a case involving a supporter of Lyndon LaRouche, who was arrested for selling subscriptions to a political newspaper, *New Federalist,* on postal property, the Supreme Court of the United States decided last year that the U.S. Postal Service could ban solicitation on postal property. The 5-4 decision reversed 50 years of court precedent, whereby the right to solicit had been upheld as integral to the right to distribute political literature. Until this ruling, the Courts had repeatedly held that to ban solicitation would limit the full exercise of free speech only to those rich enough to afford to print and distribute the literature without needing contributions. As one Supreme Court Justice indicated during oral argument of this case, which was brought and argued by the Solicitor General of the United States, the Court understood

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Dennis Small leads a Schiller Institute rally at the Mexican Embassy in Washington, D.C. in January 1989, in defense of the Mexican oil workers' union chief Joaquín Hernández Galicia, who had recently been arrested on trumped-up charges.

that the LaRouche movement specifically was the target of the post office solicitation ban.

In March of this year, the Second Circuit Court of Appeals in New York ruled that airports are not public forums and airport authorities may ban solicitation in airport terminals by political or other organizations. Over the last 10 years, supporters of LaRouche have frequently organized at airports, leading to public attacks on this practice by LaRouche's political opponents. The Second Circuit decision is viewed as a harbinger of further limitations on the rights of political organizers to have access to the public.

B. Violations of Articles 10 and 11 of the Universal Declaration of Human Rights

1. Alexandria conviction upheld

Under violation of the most essential provisions for fair trial procedures, Mr. Lyndon LaRouche, William Wertz, Edward Spannaus, Michael Billington, Dennis Small, Paul Greenberg and Joyce Rubinstein were tried during November and December 1988 in the United States District Court for the Eastern District of Virginia, Alexandria Division. On January 27, 1989, LaRouche was sentenced to 15 years in prison, his six co-defendants were condemned to lesser terms from three to five years. The essence of the charge, was that Mr. LaRouche and his colleagues had conspired with intent not to finish repaying less than $300,000 worth of political loans. Mr. LaRouche's Appeal to the Fourth Circuit Court in Richmond, Va. was rejected on January 22nd, 1990. The Opinion of the Appeals Court neither retained nor even contemplated a single one of the arguments of the 811 American and 50 European jurists attached to the defense as *Amici Curiae,* although it would be hard to find a group of more respected academic and practical lawyers.

On February 5, 1990, LaRouche and the co-defendants filed a motion with the Fourth Circuit Court of Appeals, which sought to have all the judges of the Fourth Circuit rehear the case which three of their colleagues had dismissed.

The motion first described how the seven petitioners were indicted in Alexandria, Va. only "after a massive multi-jurisdiction, four-year investigation, and in the wake of the mistrial in Boston" of many of the same defendants. "They were arraigned the next business day after indictment before two defendants had retained counsel, were rushed to trial at breathtaking speed, had their defense decimated by an *in limine* order 11 days before trial, and were then hurtled through a perfunctory jury selection process in a case involving one of the most controversial public figures of the past decade."

At every possible opportunity the three-judge panel's opinion had laid blame on the defendants for the circumstances of the rush to trial. In adopting the government's view, the opinion had stated that Bryan's denial of a continuance motion made by the defendants approximately 18 days after arraignment but before trial, was appropriate, because if a continuance had actually been required the defendants would have made it on the day of arraignment. The opinion had justified this finding by saying that "the prolonged silence leads to the reasonable inference that 34 days was not a clearly insufficient period of time between arraignment and trial."

In challenging this, the petition filed on Feb. 5 stated: "The anomaly of the Court's ruling is that if a defendant fails to move for a continuance at . . . arraignment, he risks being found tardy even if a later substantiated motion for continuance is filed. As a result, counsel is forced to immediately file an unsupported motion based on supposition, which will likely be denied. In such a 'Catch 22' situation, a defendant's constitutional right to effective assistance of counsel is rendered void."

The other constitutionally critical issue raised in the LaRouche appeal was the Sixth Amendment right to a fair and impartial jury. Again, in the three-judge panel opinion the defendants were faulted for allegedly "remaining silent at the conclusion of the *voir dire*" and therefore were found to have "waived" their right to challenge the *voir dire* on appeal. But this reasoning, the petition pointed out, "[b]oth . . . evade[s] and obscure[s] the constitutional deficiency of the jury selection conducted" in this case. The petition argued that the opinion obscured the fact that the defendants had filed an extensive pre-trial motion requesting adequate and individual questioning of the prospective jurors and that it was summarily denied without argument ten days before the selection process began. In fact, the most critical reason the defendants had given in that pre-trial motion for needing this type of questioning was the extensive adverse publicity which had surrounded them for years, which would reasonably cause certain persons to be prejudiced or biased against them. In the opinion which dismissed the appeal, the judges evaded this fact altogether.

Pointing out that the Court evaded the issue of the jury foreman Buster Horton, which had been raised in the appeal, the petition stated: "The Court . . . misses the critical point about Horton: that the significant fact was not his employment with the Department of Agriculture . . . but rather his position within its FEMA [Federal Emergency Management Administration—ed.] unit, a fact not revealed in the data made available to counsel. . . . If Horton's true position had been known, he certainly would have been challenged." Horton's position in FEMA brought him together with known political enemies of LaRouche like Col. Oliver North.

On February 20, 1990, the Fourth Circuit Court of Appeals denied the motion. The order denying the petition mentions that "no member of this Court or the panel requested a poll on the suggestion for rehearing in banc."

On May 17, 1990, Lyndon LaRouche and his six associates filed their appeal to the U.S. Supreme Court

The three critical issues presented for the Court's consideration were:

1) The denial of a continuance, which forced the defendants to trial in 35 days from arraignment despite the fact that the government had been conducting a 4-year multiagency investigation in which it seized 1.5 million documents to be used against the defendants;

2) the peremptory selection of a jury in less than two hours in the face of the most vile prejudicial publicity saturating the jury pool over the four years leading up to the trial;

3) the granting of a government *in limine* motion which prevented the defendants from presenting their defense to the jury.

Lead counsel on the appeal was former Attorney General Ramsey Clark.

Ronald Thomas Spann, a former chair of the American Bar Associations Human Rights Committee, filed an *amicus curiae* brief urging the Supreme Court to accept the petition of Lyndon LaRouche and his six co-defendents. Spann stated that his interest in this case stems from his "abiding interest in the principles of equity and justice" and that "the procedure followed by the District Court and endorsed by the Court of Appeals . . . sets a dangerous precedent in violation of the basic tenets established by our Constitution for the protection of all accused."

At the heart of Spann's presentation to the high Court is the fact that the Court granted a motion *in limine* which denied the defendants the right to present their case to the jury. It was this fact, coupled with the fact that the Court also denied the defendants access to "information in the possession of the government" which would have refuted the charges against them, that created the conditions whereby they were denied the "right to use the process of the Court to obtain (exculpatory) evidence . . . (and) to confront and cross-examine the evidence against them." Supporting the issue of the denial of a continuance developed in the LaRouche petition, the *amicus* brief points out another consequence of lack of a continuance: "They were also denied their right to prepare and call their own witnesses (including some of the defendants themselves) by the rush to trial. . . ." Each of these acts by the Court were "in violation of their constitutional right to defense," Spann wrote.

On June 11, 1990, the Supreme Court issued a one-line decision refusing even to hear the case. By this, all legal remedies against the unjust conviction by the Federal Court in Alexandria have been exhausted. LaRouche, Wertz, and Spannaus remain incarcerated up to this day.

2. The Virginia trials—the case of Rochelle Ascher

On Feb. 17, 1987, a Loudoun County, Va. grand jury in Leesburg, which by law kept no written minutes, indicted 16 individuals and five corporations on charges of securities fraud. The state of Virginia charged that political loans by individual supporters to the movement's political corporations were "securities," and that the indicted persons and corporations 1) had sold unregistered securities; 2) had acted as unregistered securities broker/dealers; and 3) had sold unregistered securities to certain named individuals, all with the intent to commit fraud.

The determination that political loans were "securities" was not made by Virginia's State Corporation Commission

until two weeks after the LaRouche associates were indicted. This finding has never been applied to any political organization or individual other than the LaRouche associates, although newspapers across the state reported political loans raised during the 1989 state election campaign virtually daily.

During all "Virginia LaRouche cases" tried so far, it was clear that the prosecution never intended the jury to make a rational decision about so novel and complex an issue as "securities law." The very idea that loans to a controversial political movement could be considered securities investments is absurd. The prosecution's strategy was instead to inflame the jury by putting on testimony from or about elderly people trying to show that they were "defrauded."

The facts are quite different: a) Most of the people who gave money as loans to the LaRouche movement were not elderly. b) Many of those who gave loans in 1984-1986 did not know that the U.S. government later made repayment impossible by filing for an involuntary bankruptcy order against the corporations to which the loans were made. c) In the wake of that bankruptcy, initiated by the same U.S. Attorney who initiated the criminal action, every supporter who gave major loans was visited by the FBI, the Virginia State Police, or both, and pressured to complain. Many of the prosecution's own witnesses admitted that their motive for making loans was their political or philosophical agreement with the movement, that they were told of the risk of lending to a controversial political movement, and had continued to financially support it after their loans were overdue—all of which could never characterize an investment.

Rochelle Ascher was the first of the 16 individuals to be tried in the Court of Judge Carleton Penn of Leesburg, Loudoun County. In April 1989 she was sentenced to 86 years in prison; two months later, Judge Penn reduced her sentence to 20 years with 10 suspended.

Among the many egregious features of Mrs. Ascher's trial were: a) the fact that most of the loans she was accused of having fraudulently obtained were accruing only after the government-initiated bankruptcy; b) that she should have been granted a change of venue in light of the massive negative publicity about the conviction of LaRouche and six colleagues in nearby Alexandria and the negative propaganda against the LaRouche organization in Leesburg in general, where most of the LaRouche-related companies and organizations were based; c) that she had a biased jury, because of inadequate *voir dire* for prejudice; d) that the Court allowed testimony from an incompetent witness; e) that the Court allowed a letter by a dead man to be admitted as evidence; f) that the Court erroneously instructed the jury that "any" note was a security; g) the Judge's instruction to the Jury, that in order to come to a guilty verdict, the Jury did not have to find that Mrs. Ascher personally intended to violate the law but merely that there had been "concert of action."

Last year, when the prosecution, in collaboration with Mira Boland of the Anti-Defamation League and a carefully crafted campaign in the media, tried to revoke Ascher's bond pending appeal (see above), the bias on the part of Judge Penn was demonstrated again: At the bail hearing on August 31, 1990, Ascher's attorney had to ask the Judge to disqualify himself, because he had had *ex parte* communications with principal witnesses and *ex parte* involvement with the prosecution which led to the attempt to send Ascher to jail. The defense had obtained documents revealing that the Judge had received a letter from Helen Overington on April 16, 1990, and from Mrs. Overington's daughter, Mary Rotz, asking him to take action to put Rochelle Ascher in jail. On April 30, 1990, he wrote a letter back to Rotz saying he "called on the Attorney General who prosecuted the case" and forwarded the letters to him, which facilitated the extortion demand made by Overington on Ascher. These *ex parte* communications with John Russell were never disclosed to the defense. Penn denied the motion.

The Virginia Court of Appeals, which was then asked to prohibit Judge Penn from presiding over Ascher's bail revocation hearing for reasons of judicial misconduct, ruled that Penn did not abuse his discretion in not disqualifying himself.

In July 1990, the Virginia Court of Appeals agreed to hear the appeal against Ascher's conviction only on six appellate issues out of twelve points she had brought. (Defendants in Virginia do not have an automatic right to appeal, but have to petition the Appeals Court first, which then decides on which appellate issues it is willing to accept an appeal brief.) Oral arguments were heard on Feb. 13, 1991.

3. The case of Michael Billington

After the conviction of Rochelle Ascher in Loudoun County, the remaining Virginia cases were transferred 200 miles south to Judge Clifford Weckstein in the small town of Salem, Roanoke County. Here Michael Billington was convicted of securities fraud charges on Oct. 24, 1989, and the jury imposed a sentence of 77 years. Judge Weckstein refused to reduce the sentence, citing the prevailing custom in southern Virginia, where the sentence by the jury is viewed as a statement of "community values." In January 1991, when Billington's attorney moved for modification or suspension of the barbaric sentence, Weckstein even refused to schedule a hearing.

The Court should have dismissed the case in the first place on double jeopardy grounds, as Billington had already been tried and convicted on the same charges in Federal Court.

The trial began to turn into a travesty when Billington's attorney on the eve of trial turned on his client and the Court refused to allow Billington to change counsel. Moreover, the jury *voir dire* was grossly inadequate to assure an impartial verdict; Billington was prevented from calling witnesses in his own defense, the Court erred on evidentiary and venue

matters allowing prejudicial hearsay into evidence; the trial Court refused to instruct the jury that it is necessary for a guilty finding to have knowledge that one is selling a "security"; the jury charge concerning definition of "securities" was wrong.

In March of this year, the Virginia Court of Appeals granted Billington's petition for appeal filed in June last year on only 10 out of 14 grounds requested. Among the grounds not accepted was Weckstein's refusal to adjourn the trial or allow Billington to fire his lawyer after attorney Gettings had turned against him.

Since Billington had completed his federal sentence on March 1, he was released on bond pending the outcome of his appeal.

4. The case of Don Phau

On February 1, 1990, the Roanoke County jury found LaRouche associate Don Phau guilty on all four counts for taking political loans that were declared "securities" only after indictment, and sentenced him to 35 years in prison. This verdict was issued in clear neglect even of the limited defense Phau had been allowed to present in the course of the trial: The prosecution's key witness, the only person Phau had had any real dealings with, testified that those dealings were without "ill-will or rancour." The testimony of the prosecution's other key witness, Wayne Hintz, was impeached. But several decisions by Judge Clifford Weckstein had made sure the jury would come to a guilty verdict:

- Weckstein allowed the inflammatory letters of a dead man, Mims McGhee Brantley, to be entered into evidence, despite the fact that the defense possessed evidence showing the letters were untrue as to Brantley's financial condition, and despite the fact that Brantley is dead and therefore cannot be cross-examined.
- Weckstein allowed the memoranda of Wayne Hintz into evidence, despite the fact that Hintz testified that the memoranda were quadruplicate hearsay and Hintz was demonstrated to be fabricating information on the witness stand.
- Weckstein wrongly instructed the jury that promissory notes were securities, and that Phau did not have to know the notes were securities in order to be found guilty.
- The Court's exclusion of the decision by federal bankruptcy judge Bostetter out of the trial deprived Phau of the ability to mount his defense.
- Weckstein allowed the prosecution to amend the indictment twice and thereby change the fundamental character of the crimes charged, after the close of the Commonwealth's case and after the close of the defense case. The first amendment substantially expanded what Phau was indicted for—two issuances of promissory notes, to cover an entire time period *between* the issuance of the two notes. This was after the witness on these counts had testified that Phau *was not involved* in the counts at issue in the indictment other than to sign promissory notes. The second amendment added a co-conspirator—another political collaborator of Lyndon LaRouche—prior to the case going to the jury and after the defense rested.

On March 14, Judge Weckstein denied all post-trial defense motions and only slightly reduced the sentence to 25 years plus 10 years probation. Over the objections of prosecutor John Russell, Phau was released on bail. The prosecution had tried to prove that Phau might flee by introducing a document which he had received by fax from the Anti-Defamation League's Washington, D.C. office! Bail was granted under an order prohibiting Phau from soliciting contributions but not from selling literature.

Because Phau was denied a fair trial, his attorneys in September 1990 filed a petition with the Virginia Court of Appeals to grant an appeal. On April 16, 1991, the Appeals Court decided to hear the Appeal on some of the ten separate issues of law the petition had cited.

5. The case of Richard Welsh

As reported above, during the trial of Richard Welsh in the Court of Judge Clifford Weckstein at Roanoke, extensive evidence on the political background of the protracted judicial persecution of the LaRouche movement was entered into the record. In the course of this trial many facts about the personal background of the Judge, his close connection to political enemies of Mr. LaRouche and his associates came to light. The following chronological account of the trial demonstrates, how Weckstein tried to prevent these facts from surfacing. The many incidents document Weckstein's bias, how he broke the law but nevertheless refused to recuse himself. After the Welsh trial he sentenced another three associates of Lyndon LaRouche to barbaric jail terms and will continue to preside over more "LaRouche trials."

On April 10, 1990 the attorney for Richard Welsh filed a motion with Judge Weckstein demanding he disclose all extra-judicial sources of information and/or recuse himself on the basis of bias. The detailed motion specifically asked him to disclose contacts between the Judge and Murray Janus (of the law firm Bremner, Baber & Janus in Richmond, Va., National Comissioner of the ADL), or any officer or publication of the ADL and any reporter or agent of the *Roanoke Times and World News*. In addition the motion asks for "any other information . . . gained from any extra-judicial source which would cause a reasonable person to doubt the Court's impartiality toward Welsh, LaRouche, or the NCLC." The motion was accompanied by 100 pages of exhibits documenting the ADL's role in the prosecution of LaRouche and his associates. Included were ADL internal documents demonstrating that the ADL planted negative news stories about the LaRouche movement in local and national news outlets, documents demonstrating that the ADL had maintained close contact with the FBI, the National Security Council and various local and state law-enforcement officials, first to bring about indictments of LaRouche and his associates and then

to bring about convictions.

In response to this motion Weckstein revealed in a hearing on April 12, 1990, the famous letter dated April 7, 1990, which he received from the ADL's Virginia regional director Ira Gissen, sent to him at the request of ADL national commissioner Murray Janus. The Gissen letter was accompanied by libelous reports about LaRouche and his political movement that had been produced and distributed by the ADL. After receiving the letter, Judge Weckstein then wrote Gissen back on April 16, a letter he released only later.

Only a week later, on April 19, 1990, Judge Weckstein revealed that with the letter he received from Ira Gissen was a copy of an ADL resolution calling for the appointment of a Jewish lawyer to the Virginia Supreme Court and Court of Appeals, which, as the accompanying letter stated, would be of "special interest" to the judge.

On April 20, 1990, Richard Welsh filed a criminal complaint against various ADL officials with the Civil Rights division of the U.S. Department of Justice. The complaint requests an immediate criminal investigation for conspiracy to violate civil rights, obstruction of justice, mail fraud, and conspiracy of attorney Murray Janus and Ira Gissen and other ADL officials who were involved in efforts to improperly influence Judge Clifford R. Weckstein.

The same day, Welsh filed a petition with the Virginia Supreme Court asking the Court to issue an order to remove Judge Weckstein from his case. Part of the petition said: "In light of ADL's conspicuous and intensely hostile campaign against Lyndon LaRouche and its cooperation with the prosecution in these cases, Judge Weckstein should have recognized that the communication from the ADL regional director constituted an attempt to exploit their mutual friendship with a prominent Virginia attorney to influence a judge in the performance of his duty, and to thereby obstruct justice. Indeed, the ADL resolution should have been interpreted by Judge Weckstein as an attempted bribe, in light of the fact that Judge Weckstein is Jewish and that Mr. Gissen was clearly attempting to influence his judicial conduct. Under these circumstances, it was incumbent upon Judge Weckstein to promptly and unqualifiedly condemn the action of Mr. Gissen, and to seek an investigation, including a criminal investigation into his actions. In addition, he should have immediately notified the Attorney General and counsel for the defendant of this communication, which he did not do prior to the defendant's request for disclosure. . . . Judge Weckstein's failure to emphatically denounce the ADL's attempt to influence him in his official duties by exploiting his friendship with a prominent attorney, and even Mr. Gissen's attempt to bribe him with the prospect of a Supreme Court judgeship, and his tacit approval of it, when he knew that the ADL was not only engaged in a propaganda war against Lyndon LaRouche and his associates, but was actively assisting the Attorney General's Office in connection with these prosecutions, his failure to disclose this improper communication before being asked for disclosures by the defendant, his treatment of the communication from the ADL as an opportunity for mutual amusement and the sharing of information, and his failure to even comment on the ADL resolution in his response to Mr. Gissen, despite its obvious improprieties and possible illegalities, and despite the ADL's involvement with the prosecution of Lyndon LaRouche and his associates, does not promote public confidence in the integrity and impartiality of the judiciary, creates the appearance of impropriety in Judge Weckstein's continuing to preside over the trial of the petition, Richard E. Welsh, and places his impartiality reasonably in question."

On May 1, 1990, the attorney for Welsh filed three major motions to dismiss the prosecution. One was based on the results of Kastigar hearings which were held on the question of whether the Commonwealth of Virginia used testimony given by Richard Welsh at both the Boston and Alexandria trials of LaRouche and associates under immunity by the Federal government. The exhibits contained almost 1,000 pages of documents which traced Welsh's immunized testimony, showing that much of the evidence against him is tainted.

Judge Weckstein refused to dismiss the charges against Richard Welsh, although John Russell, C.D. Bryant, George Chabalewski and others all had testified to an extensive exchange of information between the prosecution and the ADL's Lansky Boland which included the fruits of Welsh's immunized testimony. Weckstein ruled that derivative use of Welsh's immunized testimony does not constitute taint.

On May 15, 1990, Weckstein disclosed another series of letters exchanged between him, John Lichtenstein, a partner in ADL national commissioner Murray Janus's law firm, and Virginia ADL leader Ira Gissen. The subject of the correspondence was leaflets about Weckstein's connections to the ADL. In one letter Lichtenstein wrote to Weckstein "I stand ready to fight with you whenever called upon." In a letter dated March 26, 1990, Weckstein sent other leaflets to Lichtenstein asking to forward them to Murray Janus. Lichtenstein wrote back assuring Weckstein again of his support: "As always I hope you will not hesitate to call me/us at any time." On March 29, 1990 Lichtenstein wrote to Ira Gissen praising Weckstein and proposing: "If there are any publications that we could forward on to Judge Weckstein, they may be helpful for him in the future."

On May 16, 1990, when Murray Janus was about to testify on where he first got the information that was the subject of his letter of March 6, 1990 to Ira Gissen, Weckstein finally disclosed that he had written another letter to Lichtenstein on February 26, 1990. The wording of this letter, which had started the whole round of correspondence between Weckstein and the ADL, has not been disclosed to this day.

In his testimony, Janus then admitted that he had indeed urged ADL regional director Ira Gissen to send ADL hate

literature to Weckstein.

On May 17, 1990, attorneys for Richard Welsh moved again for the recusal of Judge Weckstein citing the obvious role of the ADL in the prosecution and Judge Weckstein's own statement about the incompatibility of having contact to the ADL and being impartial in a "LaRouche case": "In a prosecution related to this case, Judge Clifford Weckstein took judicial notice that any prospective juror who 'says he's a member of the Anti-Defamation League, I think I can probably take judicial notice that that would be the basis probable for striking for cause.' *Commonwealth v. Billington,* September 27, 1989, p. 221. On April 12, 1990, Judge Weckstein questioned whether 'judicial notice' was the 'appropriate term, but I accepted the statement of Counsel that the ADL and anyone associated with Lyndon LaRouche are not compatible one with the other nor would anyone affiliated with the ADL be able to be perceived as fair to anyone having to do with Mr. LaRouche.' *Commonwealth v. Welsh,* April 12, 1990, p. 15."

Nevertheless, Weckstein denied the motion to recuse himself. On May 25, 1990, Weckstein denied Richard Welsh's "Motion to Dismiss for Selective, Vindictive Prosecution and Outrageous Government Misconduct."

Judge Weckstein's numerous erroneous decisions in this case all served to protect the ADL, which was proven to have played an integral part in assisting the prosecution: He refused to recuse himself despite his close relationship to the ADL and despite a clearly documented case of a bribery attempt; he quashed trial subpoenas to Irwin Suall, David Brody, Ira Gissen of the ADL; he also quashed subpoenas to John Lichtenstein, whom the Court had used as a conduit to Murray Janus, an official of the ADL; he quashed extensive subpoenas for ADL documents from their Norfolk office; he provided that Mira Boland and the ADL did not have to produce relevant documents except for a few token submissions; he struck Murray Janus's testimony from the record over defense objections; he denied defense requests to put prosecutor John Russell on the stand and question him under oath regarding the withholding of Brady and other discovery materials and regarding Russell's collaboration with media campaigns against LaRouche; he erroneously ruled that the Commonwealth had sufficiently proven that it had not used previous testimony given by Welsh under immunity.

On August 4, 1990, Richard Welsh was sentenced to 75 days in jail.

6. The case of Paul and Anita Gallagher and Laurence Hecht

Paul and Anita Gallagher and Laurence Hecht, all longtime associates of U.S. politician LaRouche, were also charged with violations of Virginia securities laws and for allegedly soliciting political loans with no intention to pay them back. They were tried in Salem, Roanoke County, again under Judge Clifford Weckstein, from September, 1990 to January, 1991.

Weckstein refused to recuse himself

A defense motion to recuse Weckstein, based on Weckstein's documented involvement with the ADL, was denied without a hearing. The defense had demanded testimony of Weckstein himself, John Lichtenstein, Murray Janus, and Ira Gissen.

The Virginia Court of Appeals, which was then asked to prohibit Weckstein from presiding over trial because of the Judge's friendly relationship with the ADL, his correspondence about the "LaRouche" cases with ADL officials, and his lack of disclosure about the communications, sent the matter up to the State Supreme Court and refused to stay the proceedings. Also the higher Court did not remove Weckstein from the bench.

All pre-trial defense motions denied

On October 12, 1990, Weckstein summarily denied all 15 pre-trial defense motions, without even setting a hearing. The substantial motions had asked *inter alia:*

- to disqualify Virginia Attorney General Mary Sue Terry and her staff on the ground that they have engaged in a persistent pattern of extra-judicial statements to the media and have distributed improper literature. This included a newsletter mailed from the state Democratic Party to the potential jury pool which boosted the Attorney General's vendetta against the LaRouche movement;
- to disqualify prosecutor John Russell because of his outrageous conduct in giving repeatedly media interviews, his involvement in bad faith with Mira Boland and the ADL in the Overington affair;
- to dismiss the indictment for selective prosecution and hold an evidentiary hearing. The motion demonstrated that no other political loans in the history of Virginia have been treated as securities. (The motion cited the case of Marshall Coleman, who took massive loans when he ran for Attorney General in 1977 and for Governor in 1981 and 1989. Coleman is now a partner in the Washington law firm of Arent, Fox, Kinter, Plotkin and Kahn—Mira Boland's and the ADL's law firm.)
- to dismiss the case for failure of due process, because the question of whether the defendants' political loans were securities had not been determined in the civil court before they were criminally prosecuted;
- to dismiss and hold an evidentiary hearing for prosecutorial misconduct, bad faith prosecution and outrageous government misconduct;
- to dismiss the indictment because the relying on a so-called securities law infraction was a gross violation of the First Amendment rights of a political/publishing association and a violation of the 14th Amendment right to equal protection under the law;
- to disclose exculpatory ("Brady") material. (On the

eve of trial, the prosecution claimed that its four-year investigation and interviews of hundreds of people uncovered no statements or facts that would tend to exculpate the defendants. As the trial proceeded, [former NCLC member] Chris Curtis, key witness for the prosecution, said that he had spent 50 hours with prosecutors telling them that there was no criminal intent in the minds of fundraisers in 1985 and 1986. This clearly constituted exculpatory material, which the prosecution should have turned over to the defense well before trial!)

Inadequate jury selection

Jury selection started in November, although the defense had asked Weckstein to postpone the trial because the local newspaper had printed an article about the Spannaus campaign [senatorial campaign of "LaRouche Democrat" Nancy Spannaus—ed.] which included inflammatory statements against the LaRouche movement which originated with the government and the ADL.

The jury was sworn in November 9, 1990, over the objections of the defense, who had moved for a change of venue and dismissal of the entire venire of potential jurors as contaminated, which motions Weckstein denied.

Half the venire had admitted bias or knowledge of bias towards the defendants or the political movement associated with LaRouche. Throughout the selection process, Weckstein allowed jurors with admitted bias to be seated, including one who said he believed LaRouche is a "fascist," his organization a "paramilitary cult" and that members of this organization "would do anything LaRouche said including breaking the law." During that jury selection, Weckstein only once granted a defense motion to excuse a juror for cause of bias where the prosecution had not already conceded it—that one case was the brother of the deputy director of the FBI.

The defense had argued that for the same reason the Virginia cases had been moved out of Loudoun County after the Ascher trial, they should be moved out of the jurisdiction of Roanoke. The defense cited at least 200 articles in the Roanoke press alone about LaRouche, all of them antagonistic.

Defense subpoenae denied

The three defendants gave up their absolute right to individual trials in exchange for an agreement from the prosecution that evidence of financial warfare against the LaRouche movement would be allowed as a relevant defense.

Judge Weckstein violated this agreement by refusing to issue subpoenas for any of the leading figures of the private section of the anti-LaRouche "Task Force." These included Irwin Suall of the national ADL, local ADL officials Murray Janus, John Lichtenstein, Mira Lansky Boland, and New York investment banker John Train. Weckstein also refused to issue a subpoena for Henry Kissinger. It was Kissinger

Carlos de Hoyos

Anita Gallagher participates in a demonstration in Leesburg, Virginia, against the Soviet-style justice of the Virginia prosecutors, February 1987.

who in 1982 wrote to William Webster, then FBI director, asking for action to stop LaRouche and proposing an investigation of the LaRouche movement's finances. Although that single letter from Kissinger to Webster was admitted into evidence, every other act by Kissinger and his lawyers, such as Edward Bennett Williams's targeting the movement's finances, was precluded.

In all, Weckstein quashed 12 defense subpoenae including those for Lt. Col. Oliver North and Gen. Richard Secord, leaders of the illegal "Contra" support apparatus. Attorneys for both stated—out of the jury's presence—that their clients would plead the Fifth Amendment against self-incrimination. Judge Weckstein refused to require them to take the Fifth Amendment before the jury in response to specific questions. (LaRouche had enraged the Project Democracy "secret government," which made "Contra" policy over the heads of elected officials. Weckstein also refused to issue out-of-state subpoenas for Project Democracy operatives Walter Raymond and Roy Godson, formerly of the National Security Council [NSC], although the testimony of Richard Morris, previously executive assistant to former National Security Adviser William Clark, had already identified Raymond and Godson as LaRouche's chief enemies on the NSC.) Weckstein also quashed the defense witness subpoena for

Barbara Newington, a woman also contacted by the North network for financial support to the "Contras."

Judge Weckstein also quashed the defendants' subpoena to Paul Kirk, national chairman of the Democratic Party, who after the election victory of LaRouche Democrats in March 1986 appeared on television and urged that Lyndon LaRouche be stopped "by legal or other means."

On November 27, 1990, the defendants argued that by denying subpoenas to four most central individuals—Boland, Suall, Train, and Godson—who had evidence proving that the government, together with the ADL, NBC and private parties conducted financial warfare, the ability to put on a defense had been taken away and that there was no basis for a joint defense as agreed upon before trial. Weckstein denied the motion without accepting more argument.

Prosecution witnesses discredited

Some of the "lender" witnesses called by the prosecution in order to prove fraud, were confronted with evidence that they had forgiven loans. Several lenders, who testified for the defense, told the Court that they gave money though they were aware of the risks involved, because they liked the policies and philosophical outlook of the LaRouche movement.

In order to support their point, the prosecution then decided to call eight "impostor" witnesses to testify for deceased lenders or lenders who would not testify. These surrogate witnesses included hostile family members, bankers, or lawyers who obviously had no understanding of the political motivations behind the loans. One lawyer, who did not have an attorney-client privilege waiver from her client, talked on the witness stand about loans that were made in 1985 and 1986, without knowing that the individual in question had continued to make substantial contributions to the LaRouche movement through October 1990. The individual had given substantial contributions to the very legal defense fund which was backing the defense of the three defendants in this particular case!

The methods applied by the prosecution to obtain witnesses who would pose in Court as "victims," were documented by an audiotape obtained by the defense. That tape revealed how state police investigator C.D. Bryant, who personally called or visited hundreds of people who had given loans, tried to prejudice supporters against the LaRouche movement and turn them into witnesses for the government. However, Weckstein ruled that the tape could not be played to the jury.

Jury issues verdict

On Jan. 7, 1991 the jury returned guilty verdicts against the three defendants and recommmended sentences of 41 years for Paul Gallagher, 46 years for Anita Gallagher and 40 years for Laurence Hecht—in effect life sentences for each. The 12 members of the jury deliberated less than five hours, though the trial had lasted two full months.

Based on an investigation of the jury which showed that the jurors were both biased and confused by their instructions on the issue of "securities," the defense filed a motion to set aside the verdicts. Post-trial investigations also showed that one juror had lied in the jury *voir dire* about his criminal record. The same juror in a post-trial interview clearly indicated that he was prejudiced about the defendants and had made up his mind about their guilt before the end of the case. Another juror said that he was confused by Weckstein's instructions about how to decide whether political loans were securities. He said he did not believe these loans were securities and that no reasonable person would think these loans were securities, but the judge's instructions did not allow him to consider this. He said that if he had been allowed to do so, he would have acquitted the defendants. Other jurors expressed either bias—these should have been struck from the panel for cause—or indicated that they would have acquitted the defendants if they had presented evidence for government subversion, which they were not allowed to do.

But Judge Weckstein on March 7, 1991 denied all post-trial defense motions. On March 28, 1991, Weckstein reduced the sentences for Anita and Paul Gallagher and Laurence Hecht to 39, 34 and 33 years in prison respectively, i.e., by a mere seven years in each case.

7. LaRouche v. FBI*

A longstanding civil rights action filed by LaRouche and some of his political associates in 1975 was supposed to go to trial during 1985. However, throughout the pendency of the criminal proceedings against LaRouche and his co-defendants (November 1984-1989), the case was stayed for no explicit reason. Then in May 1990, after LaRouche and his co-defendants had been jailed, the New York Federal Court suddenly began to move the case again.

The complaint against the FBI and the Attorney General of the United States refers to violations of plaintiffs' First, Fourth, Fifth and Ninth Amendment rights. It charged that the government had engaged and continues to engage in a bad-faith investigation of plaintiffs, utilizing disruptive techniques, harassing and attempting to intimidate NCLC members and supporters, disrupting political campaigns, conducting financial warfare, and disseminating false and defamatory characterizations of LaRouche and his associates to the public, and to U.S. and foreign governments. In March of this year, 1991, New York federal Magistrate Sharon E. Grubin ordered that the government answer some of the questions put to it by the plaintiffs.

During 1989, the plaintiffs filed a series of notices and requests for discovery with the Court based upon new evidence which had surfaced in the criminal proceedings dem-

* Actually captioned *LaRouche v. Webster*—editor's note.

onstrating the existence of continued FBI activities in violation of the plaintiffs' rights. In October 1989, just after LaRouche's appeal was argued in the Fourth Circuit Court of Appeals, the plaintiffs filed a request for discovery based upon an FBI agent's disclosure, in another case, of the fact that the U.S. government had created and maintains a national security, foreign counter-intelligence file on LaRouche, compiled under the authority of Executive Order 12333. This executive order, signed in 1981 by then-President Ronald Reagan, provided for government monitoring of American citizens—something which had been outlawed in the 1970s—if the government deemed them a threat to national security. When this discovery request was filed it caught the government in a bind because in the civil rights case they had asserted that since 1977 there has been no domestic security or foreign counter-intelligence investigation of LaRouche or his associates. Rather than providing the Court with a direct statement that the government was not engaging in non-criminal investigations of the plaintiffs, the government evaded the question.

Not until LaRouche's final appeal to the U.S. Supreme Court had been filed, did the Court call a status conference in the case, in May 1990. At that time the magistrate stated she was prepared to recommend dismissing the case, unless the plaintiffs made a reasonable showing that the defendants were continuing the kinds of bad faith investigations originally complained of, such that discovery was necessary to resolve the case.

Throughout the remainder of 1990 the LaRouche plaintiffs made additional filings providing 1) testimony of FBI agents' collaboration with the ADL against defendants, 2) evidence of FBI agents visiting financial supporters to the LaRouche political movement who had never complained of any problem, and 3) strong circumstantial evidence that a unit in the Justice Department's Criminal Division was conducting investigations against plaintffs pursuant to national security provisions.

In early March 1991, the magistrate made inquiry as to the basis for some of the new evidence presented by the LaRouche plaintiffs, and after receiving the necessary documentation, she ordered the government to provide answers to 24 of the 41 interrogatories posed by the plaintiffs. The order was later modified on May 1, 1991 to give the government until June 10 to respond to the questions. There are four primary areas where the government must identify what actions it has taken against the plaintiffs. These are:

a) foreign counter-intelligence activities, including actions under Executive Order 12333; b) any "Active Measures" Soviet disinformation campaign against the plaintiffs; c) FBI collaboration with a Virginia State Police agent who worked with the ADL to interrogate financial supporters of the plaintiffs; and d) FBI coordination with local law enforcement resulting in visits to LaRouche supporters who had never made a complaint.

C. Violations of Articles 5 and 9 of the Universal Declaration of Human Rights

1. Arbitrary and cruel punishment of Lyndon LaRouche

The 15-year sentence imposed on Lyndon LaRouche on January 27, 1989 is in itself out of proportion in relation to the charge. Since that time, Mr. LaRouche, who is more than 68 years old now, has been subjected to prison conditions including manual labor, which continue to put his life in danger.

On or about June 26, 1990, shortly after the United States Supreme Court rejected LaRouche's appeal, Kent Robinson, prosecutor in the Alexandria case, filed a memorandum with the Federal Parole Commission demanding that Lyndon LaRouche, William Wertz and Edward Spannaus should not be granted parole at all. Robinson's untruthful statements about alleged "additional" losses incurred by lenders to the "LaRouche organization" in the range of millions of dollars, have been refuted several times. This is part of the court record. He used these falsified figures to make the point that even the convictions obtained in Federal Court in Alexandria and in state courts in Leesburg (Rochelle Ascher), Roanoke (Michael Billington, Don Phau, etc.) did not succeed in freezing the financial support for the political movement associated with LaRouche—an objective obviously intended by these prosecutions. "Once they stopped borrowing the LaRouche fundraisers nonetheless worked just as aggressively. And although they stopped making false promises of repayment (or at least stopped putting them on paper), they nonetheless have been making whatever false statements they needed to 'get the money'. . . . These defendants have not stopped; they have simply mutated their program slightly and committed fraud in new forms. That is exactly what will happen if they are released from prison," he said and referred to the infamous Helen Overington affair in his attempt to document continuing "aggressive fundraising" activity.

Moreover Robinson cited the fact that the defendants refer to the political background of their prosecution as evidence for a criminal mind, and demands their continued imprisonment:

"I cannot dispute the absence of prior convictions against these defendants; hence, I cannot contest the salient factor score. But I do believe that the parole potential of these defendants cannot be measured by their prior record. This is not a typical crime and these are not typical defendants.

"None of the defendants have ever admitted to any wrong doing. None have showed contrition or remorse. On the contrary, they have aggressively contended that they are the victims of a political vendetta. . . .

"This case does not present the Commission with the need to do a careful, precise assessment of future potential.

Martin Simon

Will Wertz, campaigning for U.S. Senate from California, addresses a rally in support of Argentina during its Malvinas War with Great Britain, April 1982.

On the contrary, it establishes to a moral certainty that the defendants will break the law again. . . . It is just a question of who, and when, they will rob again.

"It is respectfully submitted that the salient factor scores of these individuals are not reliable predictors of future conduct. Accordingly, this case presents extraordinary circumstances calling for the Commission to arrive at a release date outside the guidelines.

"Whatever the Commission employs, the release date arrived at should be at the highest end of the applicable range. Society has the right to be protected from these defendants. Their sentence has not served its deterrent effect until the defendants and the organization they control stops stealing, and until they acknowledge that they have done wrong. They have not shown themselves entitled to re-enter society."

The language alone used in this document speaks of the vindictive motivation on the part of the prosecution.

When LaRouche's attorney later appealed to the Court to reduce the sentence, this appeal was summarily denied.

2. William Wertz denied parole

One of LaRouche's co-defendants, William Wertz, was denied his request for parole on his sentence. Wertz was sentenced to five years on January 27, 1989 and has been incarcerated since that day. On August 6, 1990 Wertz received notice that he had been denied parole and that the Parole Commission had adopted the belated recommendation of prosecutor Kent Robinson to raise Wertz's offense severity rating to a higher level, thus increasing the minimum number of months he would have to serve in prison from 24-36 to 40-52.

There is a mandatory release date on all pre-guideline sentences of two-thirds which means for Wertz, without parole, that he cannot be released until May 1992, or 40 months. Had the Parole Commission rejected Robinson's recommendation and kept its earlier lower-level offense severity rating, Wertz, even if denied parole, would have had to serve 36 months rather than 40. Ironically, each of the arguments put forward by Robinson in his aforementioned memoranda, to the Parole Commission in June 1990, he had made before Judge Bryan at sentencing, and each was rejected. For instance, the memo argues that LaRouche, Wertz and Spannaus should be held accountable for the government's claim of a "$30 million loan scheme." But at sentencing, Bryan rejected this, stating that the government had "only proved" that $294,000 was "fraudulently" obtained, not $30 million.

Prosecutor Robinson, along with others in his Alexandria office, had brought illegal involuntary bankruptcy proceedings against the three companies that held the loan obligations at issue, thereby ensuring that the political supporters would never be repaid. The Parole Commission, ignoring the new

fact that the Court had found that the bankruptcy action was brought in "bad faith" through a "constructive fraud" upon the Court, gave total credence to Robinson's previously rejected arguments. A standard reason given in denying a prisoner parole is that he is a "danger to the community." In this case, Robinson's memo argued that LaRouche, Wertz and Spannaus are a danger to the community because of "continuing" fraud. Yet, each case cited by Robinson in the "continuing fraud" section is a civil case in which no claim of criminal wrongdoing is even raised. Furthermore, in each of the cases, there was heavy-handed collusion between the ADL (and Mira Boland in particular) and family members of the financial supporter. Thus, Robinson's memo was intended to prejudice the Parole Commission.

In the Wertz case, however, the pre-existing prejudice at the Parole Commission was revealed at his hearing in July 1990. One of the hearing examiners demanded answers from Wertz about his political beliefs and association with LaRouche. Neither of these questions have any relevance as to whether or not parole should be granted to a prisoner. In fact, in the United States prisoners are supposed to maintain their First Amendment rights.

3. Arbitrary and cruel punishment of Michael Billington

After Michael Billington was sentenced to three years imprisonment by the Federal Court of Alexandria, Va., in January 1989 together with Lyndon LaRouche, he stood trial again in September that year as the second of 16 individuals indicted in Virginia on charges of alleged "securities" fraud and conspiracy related to the non-repayment of political loans. In the Court of Roanoke, Va., he received a sentence of 77 years in prison, the sum at issue being just over $56,590!

In January 1991, Judge Clifford Weckstein refused to schedule argument on motions filed by Billington's attorneys that requested modification or suspension of the 77-year sentence he himself had imposed. In a letter to Billington's attorneys dated January 14, 1991 Weckstein wrote that after careful consideration he would "decline to reinstate the case upon the pending docket." In their papers, Billington's attorneys argued that the disproportionality of the 77-year sentence not only contradicts federal and state efforts to end sentencing disparities, but "certainly raises the spectre of vindictiveness in response to the exercise of a fundamental constitutional right," the right to be tried by a jury of one's peers. As a result, Billington received a sentence twice the maximum number of years considered in Virginia's own voluntary sentencing guidelines for the most egregious type of fraud, committed by a 5-time prior felony offender. The average prison term for fraud in Virginia is at most 29 months.

In addition to the clear disproportionality of the sentence, Michael Billington was again, for several months last year, subjected to the most arbitrary and cruel jail conditions:

After release from the Roanoke County Jail, where he had been held in solitary confinement for almost four months during his trial, Billington was initially returned to the federal prison camp where he had been serving his federal sentence. Officials there refused to let him stay because of the 77-year Virginia sentence, and sent him to a local county jail, while the Bureau of Prisons decided what to do. Only after the Bureau of Prisons determined that he was eligible for the level 2 facility in Danbury, Connecticut, was he sent there.

On the night of January 22, 1990, one hour after he learned that his appeal against the Alexandria conviction had been rejected, he was taken in handcuffs from his dormitory, strip-searched and told he was being put in "The Hole"—a segregated area of the prison meant for prisoners who were being punished. When he asked why he was being sent there the guard said "you'll find out." At midnight the same night, Billington was handed a paper saying he was being reclassified. The next morning the Lieutenant of the block told Billington that the Warden had just received Mike's papers, saw that he had a 77-year sentence and did not want him there but in a higher-security prison, although he had been sent to Danbury from Allenwood as a reclassification already, because of his 77-year sentence.

"The Hole" is a three-story cell block with open cells, only bars over the front part, where two prisoners share a space six feet by ten feet, having only two bunks and a toilet. Prisoners in this unit are allowed only one personal phone call every 30 days; calls to lawyers must be approved. They get three showers per week and are led to the shower in handcuffs. They are allowed one hour per day in an "outdoor recreation area," which is nothing but a 10×10 concrete space with barbed wire surrounding it.

For weeks Billington was denied adequate communication with his attorney or para-legal staff, although he was working on the appeal of his Virginia sentence at that time.

On Feb. 22, 1990, Billington was transferred to a new federal facility. In early March, he was moved to the federal penitentiary in Petersburg, Va.. Shortly after his arrival there, he was again placed in "administrative detention" within the high-security area (level 4-5) without any reason been given. On March 26, 1990, Billington was moved to the Federal Correction Institution in Ray Brook, New York.

4. Barbaric prison terms for Donald Phau, Anita and Paul Gallagher and Laurence Hecht

The disproportionality of the prison terms imposed on the abovementioned individuals—25 to 39 years in prison—speaks for itself. On March 28, 1991, Judge Clifford Weckstein of Roanoke denied a motion filed by the attorneys of Paul and Anita Gallagher and Laurence Hecht which explained that the multiple counts against the three defendants were in fact just multiple restatements of the same charge with the same acts used to "prove" each count. The same is true for the way Don Phau's sentence was calculated.

D. Conclusion

The fact that the persecution of LaRouche and his associates is not an "individual case," has been amply demonstrated over almost five years of activities by the Commission to Investigate Human Rights Violations. Civil rights leaders and activists, legal scholars and politicians inside the United States and abroad who have been informed about this case, regard it as an outstanding example for the disregard for human rights in America. The "LaRouche Case" has become the concern of many people in the world who fear that America, the biggest power on earth today, has lost the spirit of the founding fathers, the idea of democracy and individual freedom for everybody.

LaRouche case presented to CSCE delegates

During the CSCE conference on the "Human Dimension," which took place from June 5-29, 1990, in Copenhagen, Denmark, the International Commission to Investigate Human Rights Violations presented the "LaRouche Case" in the framework of the "Parallel Activities" organized by non-governmental organizations. As part of this series of separate forums presented to the governmental delegations, the Commission held a two-day conference in Copenhagen on the theme "Justice for All: Human Rights in America."

The featured speaker at the seminar was former U.S. Attorney General Ramsey Clark, who spoke on June 19, 1990 on "The Future of Democracy in America and the 'LaRouche Case'." Clark described human rights violations in the U.S., citing statistics on the 850,000 homeless, the 2,300 prisoners on death row. He said that 75% of those convicted did not have adequate defense because they did not have enough money and that "the prison population in the U.S. exceeds that of the city of Copenhagen." Clark described the constitutional violations in the LaRouche case and the targeting of his movement as one gruesome example of the erosion of democracy and freedom in America today. The targeting of political figures for prosecution had become a pattern of Justice Department practice, he said.

Among other speakers at the seminar were Odin Anderson, Mr. LaRouche's personal attorney, Mr. LaRouche's wife Helga Zepp-LaRouche, legal scholars from Austria and Sweden, and Mary Cox, lawyer of former Washington Mayor Marion Barry.

The seminar was attended by journalists from many countries of Western and Eastern Europe. The Danish daily *Politiken* reported on the seminar the following day. The event received numerous greetings, notably from former Austrian Justice Minister Prof. Hans R. Klecatsky and Prof. Friedrich von der Heydte, pointing to the significance of the "LaRouche Case" for the future of democracy in the United States. Clark's speech was also reported in the July 16, 1990 issue of *Tiroler Tageszeitung* and serialized in the official organ of the Austrian League for Human Rights.

Human rights conference in Paris

At a conference in Paris November 23-24, 1990, organized by the International Commission to Investigate Human Rights Violations, 150 representatives from 20 countries of the world discussed the LaRouche case. The largest black American movements were represented by Amelia Boynton Robinson, a close collaborator of civil rights leader Dr. Martin Luther King, Dr. Charles Knox, director of the Human Rights Association of Black Minorities (IHRAAM), and Dr. [Abdul Alim] Muhammad, national spokesman of the Nation of Islam. Dr. Knox presented a petition to release LaRouche from prison on humanitarian grounds. The participants, who also came from Panama, Lebanon, China, Vietnam, Poland, Africa, Italy, Germany and France, agreed on the necessity to undo the injustice committed against LaRouche and his political associates.

LaRouche case presented in Geneva

On Feb. 28, 1991, speaking for the International Progress Organization (IPO) from Vienna, a non-governmental organization with consultative status with the United Nations Economic and Social Council, Warren Hamerman presented the LaRouche case to a full plenary session of the United Nations Commission on Human Rights, meeting in Geneva for its forty-seventh session. Hamerman explained how the massive judicial abuses against the political movement associated with Lyndon LaRouche are in violation of both the Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief proclaimed by the General Assembly resolution 36/55 of November 1981 and the Universal Declaration of Human Rights proclaimed in December 1948. He called upon the Special Rapporteur and Commission to "fully investigate these increasing infringements of the rights and freedoms of 'thought, conscience and belief' and the principle of 'equality before the law' as mandated by the Declaration." The U.N. Information Service reported Hamerman's presentation the same day, and the Economic and Social Council covered it extensively in the summary record of the 46th meeting [of the forty-seventh session] issued March 11, 1991.

Human rights conference in Arlington, Va.

The most recent human rights conference sponsored by the Commission to Investigate Human Rights Violations in the United States, which took place March 15-16, 1991, in Arlington, Va., brought together speakers from all over the world who documented human rights violations committed by the U.S. government and pledged to defend human rights and demand the release of Lyndon LaRouche from prison. The speakers included civil rights leader Amelia Boynton Robinson, board member of the Martin Luther King, Jr.

Center, Dr. Abdul Alim Muhammed, national spokesman for the Nation of Islam, former foreign minister of Guyana Dr. Fred Wills, human rights lawyers Maître Alain Stutz of the Paris Bar Association and Edwin Vieira of Virginia, a Peruvian congressman representing the Peruvian APRA party, representatives of the Romanian and Chinese resistance, Dr. Mohammad Mehdi, Director of the National Council on Islamic Affairs, and Nisar Hai of the Islamic Center of San Gabriel Valley and many others. Senator Theo Walker Mitchell of South Carolina told the audience about the targetting of the Afro-American members of the South Carolina legislature, by the FBI and the IRS in particular.

The conference received numerous greetings including one from the president of the International Progress Organization, Prof. [Hans] Koechler, who wrote: "Human rights are indivisible and universally valid. It is unacceptable that the U.S. is propagating human rights and democracy on a worldwide level, but at the same time violates basic human rights principles in the treatment of their own citizens. . . . We wish your conference full success and we may assure you that the IPO will continue to support all initiatives for the liberation of Lyndon LaRouche who and whose associates have become the victims of systematic human rights violations by the U.S. administration." Other greetings came from Pax Christi USA, former Maryland State Senate leader Clarence Mitchell, [musician] Norbert Brainin and the Association of Lithuanian Political Prisoners, who sent a telegram calling for LaRouche to be freed.

The March edition of *ACAT Nieuws,* the newsletter of the Organization of Christians against Torture, carried an article reporting about the call against the death penalty which LaRouche had issued shortly before another execution was to take place in the state of Virginia. The article further said: "Irrespective of protests from various prominent lawyers and international jurists, it has not yet been possible to achieve his (LaRouche's) release from prison. Relatively, there are more citizens in prison in America than in other industrial nations. Absurdly long prison sentences are given. Relatively, more blacks are sentenced than whites." *La Voix des Sans Voix* (The Voice of Those Without Voices), a human rights magazine which is published by the "International Committee for the Respect and the Application of the Human Rights Charta" (CIRAX) located in Geneva and Paris, ran a two-page article in May 1991 reporting about the "LaRouche case" comparing it to the infamous Dreyfus affair in France.

As was already demonstrated by the fact that almost 900 jurists from all over the world joined the appeal of LaRouche and six co-defendants against the verdict of the Federal Court in Alexandria, Va., the "LaRouche Case" has received special attention by legal international scholars because of the fundamental constitutional questions involved. Enclosed are the statements by Professor Kurt Ebert of the University of Innsbruck, Austria and by Professor Ian D. Leigh, of the University of Newcastle, Great Britain and the greetings which Professor Hans R. Klecatsky sent to the Human Rights Conference in Copenhagen in June 1990.

VI. MEANS OF REDRESS ATTEMPTED

As reported above, the Appeal against the Alexandria verdicts has been denied by the Supreme Court of the United States. Appeals against all other convictions reported in this communication are pending—with the specific practice regarding appeals in the State of Virginia to be noted. In the case of the contempt fines imposed on the political action committee NDPC, all legal means have been exhausted.

The widespread pattern of politically-motivated judicial abuse in the United States was launched by public figures, who either belong to the Executive Department or utilized their personal influence to cause the Department of Justice and other U.S. authorities to systematically disrupt the legitimate activities of Mr. LaRouche and the political movement associated with him. The fact that this is conscious policy is demonstrated by the fact that the U.S. Department of Justice as well as the Internal Revenue Service praised in their respective annual reports, the convictions of Lyndon LaRouche and several of his political associates as a significant political success.

VII. PURPOSE OF THIS COMMUNICATION

The purpose of this communication is to cause the Commission on Human Rights of the United Nations to decide on a thorough study of the situation adressed above, either by an ad hoc or an appointed special envoy, to declare that human rights have been violated by the described incidents, to help remedy the situation and to request appropriate compensation for the victims.

VIII. STATEMENT OF CONFIDENTIALITY

The undersigned declare that their names and authorship of this communication may be revealed in the appropriate manner.

IX. SIGNATURE AND DATE

29th May, 1990

Helga Zepp-LaRouche

Ortrun Cramer (for the Commission to Investigate Human Rights Violations)

P.S. All factual statements contained in this communication are well documented. Regarding the trial proceedings referred to, the authors have the court record and other relevant trial documents at their disposal and are ready to make them available on request. In the interest of conclusiveness and clarity of this communication, and in light of the complexity of the various judicial proceedings referred to, it was decided to explain the circumstances of the human rights violations addressed herein in the text of the communication itself with as much detail as necessary. In turn, the paper load of Exhibits was kept as low as possible.