



The Mark Calney bail case: profile of a political witchhunt

by K.D. Sharma

We publish here excerpts of a report by Dr. K.D. Sharma, a member of the Commission to Investigate Human Rights Violations in the United States, formed in October 1986 to chronicle the extraordinary persecution of Lyndon LaRouche and his political associates. Dr. Sharma is executive director of the Center for Economic Research in New Delhi, India, and is presently visiting in the United States.

Keshav Dev Sharma, Ph.D., studied sociology, English literature, history, law, and Sanskrit at the Universities of Lucknow and Chicago. He has taught at the Universities of Chicago, Wisconsin, and Michigan. He has undertaken special lecture tours at scores of universities and academic institutions in India, the United States, and Europe.

As a member of the Commission, Dr. Sharma witnessed the identification hearing, on March 27, 1987, in the case of Mark Calney, a political associate of declared presidential candidate LaRouche, in Los Angeles Municipal Court. (See *EIR*, March 27, 1987, for background.)

We present his report here, as part of the ongoing series to commemorate the bicentennial of the United States Constitution. The report makes clear beyond reasonable doubt, the degree of judicial corruption which stands behind the political witchhunt against LaRouche and associates.

Place: Outside Room 5-307 of the Municipal Court Division 30 on the 7th floor of court building in Los Angeles, California. **Date:** 27th March 1987. **Time:** 8:15 a.m.

About 20 depressed and dejected persons, some nervous and shaky, are waiting. We join the waiters. A sign outside the courtroom reads, "No food or drinks allowed inside."

The courtroom is supposed to open at 8:30 a.m. sharp. But nothing moves. The door is finally unlocked by a Sheriff's deputy at about 9:45. The waiting people want to get inside but the deputy hits anybody trying to do so. He makes a short announcement concerning those who are supposed to appear before the court today.

Inside the courtroom Mark Calney's attorney, Robert Levy, inspects the court file on Mark's case. He informs us,

"You can't believe what I just saw." He reports that on the court file there is a yellow sticker that reads "This is a Lyndon LaRouche supporter." As soon as he has seen the note, Levy tells the court clerk that a certified copy of the note must be officially given to him. Instead, a deputy of the Sheriff comes forward hastily and wants to remove the note to destroy it. Bob Levy holds him and tells him that removing the note would amount to a felony and that he will initiate a case against the deputy for destruction of evidence if he attempted to take the note out. The deputy then retreats. He nervously hurries back to the ante chamber and reports to the judge that Bob Levy has seen the yellow note and wants a certified copy of the same officially. A great commotion fills the entire courtroom. Court officials, including prosecutor Irvine Cohen, strut back and forth. You can actually hear the groans turning into mumbles and numerous "oh, no's" coming out of that chamber. They finally refuse to give a copy of the note to Bob Levy. Reason: The court's copying machine is not working. . . .

The judge, Glenette Blackwell, finally walks out of her chamber into her seat in the court room at 10:05. She is a medium-built woman, with a very heavy voice, and heavier eyes, and appears to have overslept. Some people in the back benches remark, "There are reports that by afternoon she is drunk so heavily that she does not know what she is doing." The cases begin. In about ten cases involving drugs, people are released on their own recognizance and the bail previously granted stays. At 10:40 the judge takes her first break.

At 10:50 the judge comes back. . . . More cases are taken up. The judge takes another break just 5 minutes after resuming.

Bob Levy asks the court that Mark Calney's case be taken up. He is informed that since this is an ID hearing, the witnesses concerned have not yet arrived and that the court would wait for them before taking up the case. Levy asks for the case to be adjourned until 1:30 p.m. as he has to attend another case in San Bernardino. The judge refuses. Normally, when the witnesses do not show up at the fixed time, it is

sufficient grounds to strike down the prosecution's case. Not here. Levy makes another request for postponement until 1:30. "O.K. Come back at 1.30," pronounces the judge.

We are back at 1:30, but the door of the courtroom is closed. At 2:05 a deputy comes to unlock the door. The judge moves into her chair at 2:10. Handles one case. Takes a break at 2:15. Court reporter also leaves. Two policemen bring a black man in handcuffs. Court work stops. The judge leaves her chair and moves around with a glass in hand . . . goes out again. Absolutely every court official is moving about, joking, eating, chewing gum. . . . The judge returns to her chair with her glass and while she handles the cases, she keeps on sipping from the glass.

Mark Calney's case is finally taken up at 4:10 p.m. The judge starts first with dismissing Levy's application, that she should excuse herself from this case because of heavy prejudice. She denies the application for the technicality of not filing it 10 days ahead of time. Levy had filed it 3 days in advance. Levy says the case itself is not 10 days old, so the 10-day rule does not apply. She says, "You have not stated so in your application." Levy runs out and makes out another application stating the same. Judge reads the application and promptly announces, "Dismissed."

Levy had also applied for a certified copy of the "yellow sticker document." Judge rules, "Denied."

ID hearings begin. Mark is brought behind the glass wall guarded by an armed policeman. Mark beams a sad smile. He has not been allowed to shave since his arrest. The first witness to appear is Dennis R. Meir, Deputy Sheriff of Los Angeles. Upon questioning by prosecutor Cohen, he says he is one of the investigating officers in the case. He has prepared a folder containing 6 photographs. One of them is a mug shot of Mark. He contacted state trooper John Murphy in Alaska who in his affidavit dated March 24, 1987 says he could not positively identify any photograph in that folder.

While the witness is sitting in the box, the judge interrupts and takes up another case in which the bail of the accused is sustained.

Back on Mark's case, Meir answers a few more questions from prosecutor Cohen to say that none of the two persons he contacted could identify Mark Calney as the person required under the New York indictment. So he contacted the Attorney General's office in New York and asked for documents on which Mark's signatures appear. Prosecutor Cohen says he cannot bring any witnesses from New York to identify Mark Calney. He produces a teletype from New York saying that the person arrested in Los Angeles is the same Mark Calney they want in New York. Upon cross examination by Levy, Meir says that the teletype was not instigated by him and was not requisitioned. It came, he says, on its own as a part of the legal process. The booking slug is read from the wrist of Mark Calney and is noted by the judge.

The next witness to come into the box is David Christ from the office of the Deputy Sheriff of Los Angeles. His job is to compare handwriting specimens. He testifies that the

signatures he matched "are probably from the same writer." Upon cross examination by Levy, David says, "It is my qualified opinion, rather than definite one. It is possible someone else may have signed the other signature."

At several points Levy raised objections. But the judge would not even listen to the nature of the objection and ruled "Overruled," "Overruled," "Overruled."

Robert Levy then begins his arguments in the case. He says that no warrant was received for the arrest of his client. No time was specified. All testimony so far is pure hearsay and under the Constitution hearsay cannot be admitted as evidence. The judge keeps on repeating "Go on." Levy says that only a teletype has been received for purposes of identifying his client. It is only a guess that the person arrested in Los Angeles is the same one who is wanted in New York, but this guesswork is being used as an opportunity to send his client to jail and to keep him there as long as possible.

The judge rules. "Based on testimony, court file and complaints, Mark Calney in custody is the one being sought by the state of New York in the aforesaid indictment. April 27, 1987, 8:30 a.m. is fixed for extradition proceedings."

She continues that she has examined the report on whether Mark Calney can be released on his own recognizance. She says that there are "15 reasons to rule that Mark Calney is not a favorable candidate for OR. . . ." Levy points out that . . . the reasons given are not valid reasons for refusing OR. He says that the court has asked for an unprecedented amount of bail at \$500,000. He mentions that the bail amounts for people arrested in Virginia and New Jersey and New York under the same indictment ranged between \$2,500 and \$25,000. He reads out bail amounts in individual cases. He says, "For a person getting \$165 a week, only a reasonable bail is required. Mark has absolutely no criminal record. He surrendered himself when required. The Alaska hearing is a civil matter and not a criminal one. Mark is not accused of violence. Bail has to be reasonable."

Prosecutor Cohen stands up and says, "The New York lawsuit involves \$850,000 out of a nationwide fraud scheme of \$30 million. So the bail should be lower than what it is now."

Levy says, "The total amount for which my client is accused is only \$45,000. In no case should the bail amount be more than \$45,000. This is a clearly political witchhunt. I saw the file in the morning. One note is stuck on file saying, 'This is a LaRouche supporter.' How is that relevant as far as law is concerned? And how does the court know that Calney is a LaRouche supporter?"

The judge replies, "I knew of this from reading newspapers."

She then rules, "Bail is reduced to \$150,000. Next date April 27, 1987, 8:30 a.m."

As we leave the courtroom, Mark Calney is taken away. The sad smile is still on his face. The undignified judge's voice echoes in our ears, "Overruled, overruled, overruled. . . . Dismissed, dismissed . . . denied. . . ."