

4th Circuit upholds travesty of justice against LaRouche

A three-judge panel from the Fourth Circuit Court of Appeals in Richmond, Virginia ignored the legal arguments and appeals of over 800 lawyers internationally, and upheld the conviction and jailing of U.S. political leader Lyndon LaRouche on Jan. 22. The 48-page opinion, written by Judge Brian Murnaghan, and unanimously adopted, echoes the prosecution's justification of the political prosecution on all counts, against LaRouche and his six co-defendants.

Political prisoner LaRouche, on being informed of the denial, but without having seen the document, said: "I know that the judge and the prosecution in the district court knew that all of the seven defendants are innocent of the crimes that they are alleged to have committed. . . . It is my belief that the circuit court has overwhelming evidence to know or suspect that the defendants are innocent." LaRouche added that he is a "strategic hostage" to the condominium between the Bush administration and Gorbachov, by which Bush is selling out the West to the Russians.

He also noted that President George Bush continues to sit on a secret file containing exculpatory evidence for the defense—evidence which District Court Judge Albert V. Bryan, Jr. refused to release to the defense before trial. Similar lawless behavior by the Justice Department has characterized the Irangate proceedings. LaRouche was sentenced to 15 years in jail by Judge Bryan—an unprecedented sentence for the white-collar crime he was alleged to have committed.

LaRouche was convicted of conspiracy to defraud the Internal Revenue Service and loan fraud conspiracy on Dec. 16, 1988, in a prosecution that took less than two months from arraignment to conviction. The railroading on the Alexandria "rocket docket" was undertaken by the federal government after the prosecution de facto lost its case against LaRouche and several defendants in Boston. The decision to "get LaRouche" was taken by a "Get LaRouche" strike force working hand in glove with the Russians, who consider LaRouche "enemy number one" for his advocacy of U.S. economic and strategic strength. Convicted with LaRouche were Edward Spannaus and William Wertz—both serving 5 years; and Michael Billington, Paul Greenberg, Joyce Rubinstein, and Dennis Small, all serving 3 years.

Over 800 lawyers signed on to *amicus curiae* briefs, telling the Fourth Circuit that, if the LaRouche conviction is allowed to stand, there is no hope for any controversial political figure to get a fair trial.

Justifying the railroad

The Fourth Circuit decision hardly mentions the constitutional issues raised in the LaRouche appeal, which was argued by former U.S. Attorney General Ramsey Clark. Clark concentrated in his oral argument on the denial of due process reflected in the fact that there was no "meaningful voir dire" (questioning) of the jury, and that it was selected in 20 minutes. Without even attempting to counter Clark's assertion, the Fourth Circuit simply rubberstamped Judge Bryan's actions. The judges state that defense lawyers waived any objection by not complaining enough about Bryan's decision. Bryan had denied extensive questions for the potential jurors submitted by the attorneys 11 days earlier.

The judges also totally ignored the major reason given by Clark as to why extra-careful jury screening should occur: the wild and extensive hostile pre-trial publicity given LaRouche in the Alexandria area. The panel also dismissed the defense's contention that due process and Sixth Amendment rights to effective assistance of counsel were violated by the rush to trial. In so doing, it ignored the facts of the record on the lawyers' objections.

In effect, the panel asserts that there was nothing the defense could have done to prove their innocence; that therefore no more time—such as that required to prepare defendants to testify—could have reversed the verdict.

The Fourth Circuit also justified Judge Bryan's imposition of an *in limine* ruling which, it admits, "was granted to prevent the defendants from introducing into the trial claims such as government harassment, vindictive prosecution, and financial warfare." Judge Bryan also ruled out defense argument on the federal government being solely responsible for bankrupting the companies which held the loan obligations involved. Although the court was doubtless aware of the fact, chief federal bankruptcy judge Martin V.B. Bostetter has since ruled that the federal government's action was illegal and taken in "objective bad faith."

Also noteworthy to the hundreds of thousands of persons, including lawyers, who understand that the case was a political prosecution by a "Get LaRouche" taskforce, is the Fourth Circuit panel's adoption of the prosecution argument that politics had nothing to do with the case. It reads: "The defendants also contend that they should have been permitted to establish at trial that the NCLC [the LaRouche-founded National Caucus of Labor Committees] was a *bona fide* political organization. But the government told the jury that the defendants' political activities should not be considered and the court instructed the jury that political association was constitutionally protected. The political nature of the organization was irrelevant to the case."