

## 'Get LaRouche' force suffers setbacks

The national "Get LaRouche" task force suffered two embarrassing setbacks recently in their efforts to crush the political movement associated with Lyndon LaRouche. Criminal charges against LaRouche associate Keith Levit were dropped in Maryland, and an attempt to revoke the bail for Rochelle Ascher in Virginia was stymied amid charges that the judge had engaged in unethical conduct.

Prince George's County, Maryland prosecutors dropped theft charges against Levit Aug. 22 in order to avoid an evidentiary hearing on prosecutorial misconduct scheduled for Aug. 27. Prosecutors admitted they had no evidence of theft, had no witness, and could not rebut Levit's charges of misconduct.

Levit was arrested July 13 in a highly publicized task force effort which included TV crews from the syndicated news show "Inside Edition." On July 14, the *Washington Post* covered the arrest with the inflammatory headline, "LaRouche aide charged with theft: Greenbelt woman, 82, allegedly bilked of her life's savings." The *Post* quoted Mira Lansky Boland, of the Anti-Defamation League's (ADL) Washington, D.C. office, who testified to being part of the task force in a Virginia court last May.

Levit is one of 16 LaRouche associates indicted in Virginia three-and-a-half years ago on "securities fraud" charges as part of the "Get LaRouche" frameup effort. On Aug. 10, Roanoke, Virginia Judge Clifford Weckstein denied a motion brought by Virginia Assistant Attorney General John Russell and based on the Maryland charges against Levit, seeking to revoke Levit's bail. Weckstein denied Russell's motion when prosecutors were unable to present any evidence that Levit had done anything wrong.

The Aug. 22 hearing had been ordered by the chief judge of the General District Court in Prince George's County, after Levit had filed a motion seeking to dismiss the charges on the grounds that Greenbelt, Maryland police detective Carolyn McLean, Loudoun County, Virginia Sheriff's Deputy Lt. Don Moore, Lansky Boland, and reporters for "Inside Edition" acted improperly, by bringing false charges and staging Levit's arrest for the purpose of attacking the political movement associated with LaRouche.

Levit's motion also stated that the charges should be thrown out because the charging document failed even to state a crime. It merely said that Levit had "convinced" Mary Norton, a supporter of the LaRouche political movement, to contribute money and purchase literature. Detective McLean asserted that this constituted theft.

Norton had not filed a complaint, may not even have

known that charges were brought against Levit, and was unavailable to testify. These facts were known to Detective McLean at least three months before she filed the charges against Levit—drawn up in December 1989.

By dropping the charges, Maryland prosecutors avoid the issue of misconduct. Similar "theft" charges in Ogle County, Illinois against LaRouche associates were dropped last June, after it was shown that state prosecutor Dennis Schumacher was involved in an attempt to extort money from LaRouche associates, and had intimidated witnesses. Schumacher and the others are now being sued for \$30 million by LaRouche and two of the former defendants.

### Virginia's Judge Penn accused of bias

On Aug. 31, an attempt to revoke the bond of Rochelle Ascher, out on bail pending appeal of a conviction on bogus "securities fraud" violations, was forestalled when a hearing before Judge Carleton Penn, the original trial judge, was delayed after Ascher's attorney demanded that Penn disqualify himself for bias.

According to documents obtained by the defense, Penn received a letter from Helen Overington on April 16, 1990, and from Overington's daughter, Mary Rotz, asking him to take action to jail Ascher. Overington had contributed to the legal defense and political causes associated with LaRouche associates, but she came under pressure from the ADL, the Cult Awareness Network, and Virginia State Police Agent C.D. Bryant, to extort money from Ascher under threat that Ascher would otherwise be jailed.

On April 30, 1990, Penn wrote a letter of reply to Rotz saying he had "called on the Attorney General who prosecuted the case," John Russell, and forwarded the letters to him. Penn's *ex parte* communications with Russell were not then disclosed to the defense.

Ascher's attorney John Flannery argued that Judge Penn had violated the canons of judicial conduct by engaging in such *ex parte* communications with the prosecution and witnesses Overington and Rotz. Penn became particularly agitated when Flannery recalled that Overington had attempted to extort money from Ascher before she wrote to Penn. This was a transparent effort to influence this court and the court facilitated this very request, Flannery argued.

Penn denied the motion to recuse himself from the hearing because, he said, no official legal proceedings (which he was then in the process of initiating!) were under way. He claimed the court had no bias against Ascher, and that he "merely did a mechanical act." Penn refused to allow Flannery to immediately appeal his decision, and quashed subpoenas by both sides for persons and documents, saying that he would not conduct a full-scale felony trial. He refused to dismiss the bail revocation request, although Flannery pointed out that the requirements for bail revocation required an actual indictment for another crime. Penn adjourned the hearing to Oct. 1.