

# State Dept. promises to answer U.N., continues to evade rights charges

Under persistent questioning from *EIR* Washington bureau chief William Jones, the U.S. State Department has been forced to come out with a statement which Lyndon LaRouche called "closer to the truth about the trial" that led to his imprisonment in 1989. But the latest statement still does "not reply to the allegations" contained in an official request filed by a United Nations human rights official based in Geneva.

An official State Department reply posted on March 10 finally promises that the government will respond to the Feb. 7 request of U.N. Special Rapporteur Angelo d'Almeida Ribeiro for information about allegations that the Declaration against Discrimination Based on Religion or Belief had been violated in the case of Lyndon LaRouche. In response to a question on Feb. 26, the State Department answer had ignored the U.N. Special Rapporteur's request (see *EIR*, March 13).

State Department spokesman Richard Boucher was put on the spot again by Jones on March 9. Jones pointed out that the earlier "answer" did not address the Special Rapporteur's report, but talked about an earlier complaint submitted by a private party. Finally, on March 10, another reply was posted:

Q. "Has the United States government repeatedly refused to provide the United Nations Special Rapporteur on Religious Intolerance with information regarding the imprisonment of Lyndon LaRouche?"

A. "On Dec. 16, 1988, Lyndon LaRouche and six of his associates were convicted in Federal District Court in Alexandria, Virginia on various counts of mail fraud and conspiracy to commit mail fraud in violation of U.S. federal laws. In addition, Mr. LaRouche was convicted of conspiracy to defraud the U.S. Internal Revenue Service.

"These convictions and other proceedings against members of Mr. LaRouche's organization resulted from the fraudulent fundraising activities conducted by Mr. LaRouche and his supporters to finance his presidential candidacies and other political activities.

"The U.N. Human Rights Center, which provides logistical support to the Special Rapporteur on Religious Intolerance and other U.N. Human Rights activities, has been provided with detailed information regarding LaRouche's conviction several times in the past. The United States has been forthcoming to the U.N., in keeping with U.N. activities in the field of human rights. We will respond in the same fashion to the most recent request of the Special Rapporteur."

## They're still lying

*Lyndon LaRouche's reply, on March 10, follows:*

The U.S. State Department, so far, has failed to issue a visible reply to the charges contained against the United States government in a recent report by the Human Rights Special Rapporteur of the United Nations.

At the same time that the U.S. State Department in various parts of the world continues to distribute, widely and vigorously, reports contrary to all fact, the State Department has recently issued, in Washington, two statements concerning my trial. While neither is forthright nor responsive to the Special Rapporteur's request for reply, the second of the two comes closer to the truth about the trial than anything I've heard from the U.S. government, State Department-related sources in recent time. However, they do not reply—I emphasize, they do not reply—to the allegations.

The essence of the matter is that my associates and I were convicted in a trial in Alexandria, Virginia in December 1988 on charges growing out of the successful attempt by the U.S. government—that is, the prosecution itself—to bankrupt three firms associated with my political movement.

This had no relationship to any political campaign funding of mine. In point of fact, that separation was strictly emphasized in the course of the trial. Rather, the entire trial involved \$294,000 of alleged debts un-repaid by these three firms, specifically one, Caucus Distributors, Inc.

By means of suppressing the relevant evidence and by means of stacking the jury, the prosecution was able to secure a verdict to the effect that I and my associates had been negligent in failing to terminate the operations of these three companies before the government had succeeded in bankrupting them.

Subsequent to the trial, the federal courts have ruled, finally, that the government actions in causing that harmful bankruptcy, that wrongful bankruptcy, were illegal, were done in bad faith, and were accomplished by aid of a constructive fraud upon the bankruptcy court.

The human rights complaint against the U.S. government in this matter, flows from the fact that the government has used unlawful and other wrongful means to bring about a wrongful verdict and a wrongful detention in violation of the principles of human rights agreed to by members of the United Nations.

In addition to the unlawful bankruptcy, other violations of the law include massive suppression of tens of thousands

of documents of evidence which were exculpatory, that is, which would have tended to or would have proved the defendants' innocence. In addition to these unlawful means and suppression of evidence, the government resorted to false witness obtained by aid of inducements, and to massive lying by the prosecuting attorneys and others representing the government in the case itself.

Specifically, the defendants in the case, as in an earlier Boston case which the government abandoned, charged that the entire case was brought about by aid of politically motivated actions by the government, including actions taken under Executive Order 12333 and similar methods or auspices.

The government said that there was no E.O. 12333 file, and that there was, in effect, no White House political involvement in this case. It has been subsequently conceded by the government that there is an E.O. 12333 file on LaRouche, and that George Bush personally is sitting upon a file which is known to contain masses of exculpatory evidence.

So to date, the following charges have been brought before the U.N. Human Rights Commission:

"Mr. Lyndon H. LaRouche is reported to have been subjected to harassment, investigation, and prosecution solely

because of his beliefs . . . [which] are centered on the right of all peoples to development and economic justice. . . .

"Mr. LaRouche's trial is said to have been unfair and conducted in disregard for guarantees necessary for the defense. Exclusion of evidence has also been reported in this connection as well as the passing of an excessive sentence for crimes which are usually said to be regarded as minor civil or administrative infractions. . . .

"Fifty persons have so far been indicted because of their links with Mr. LaRouche's association and it has been reported that they, too, have had unfair trials. . . .

"Mr. LaRouche's beliefs have also reportedly resulted in the seizure and closing down of five publishing companies whose publications had disseminated the ideas of his association."

The suppression of beliefs cited in the Special Rapporteur's report has been aided by the circulation of false characterizations of the charges against LaRouche, throughout the international and domestic news media by the State Department and other U.S. government agencies.

To date, the State Department has issued no reply or clarification to evidence of illegal and other wrongful actions by the U.S. government in obtaining this indictment and conviction.

## Virginia court rulings will be challenged

The Virginia State Supreme Court in mid-March refused to grant Rochelle Ascher, an associate of Democratic presidential candidate Lyndon LaRouche, an appeal of her conviction on politically motivated "securities fraud" charges. In a related development, the Virginia Court of Appeals, the state's intermediate court, refused to grant an appeal to three of Ascher's co-defendants, Anita Gallagher, Paul Gallagher, and Lawrence Hecht. The two decisions show the willingness of the state's appeals courts to bend the law to uphold Virginia Attorney General Mary Sue Terry's politically motivated prosecutions of LaRouche's associates in Virginia.

The State Supreme Court disregarded any pretense of a fair hearing when they allowed Justice Elizabeth Lacey to sit on the panel that heard Ascher's petition for appeal. Lacey was promoted to the Supreme Court from her post as chairman of the the State Corporation Commission after she made the first ruling ever that political loans were "securities." Her ruling as SCC chairman cleared the way for the criminal prosecution of Ascher and her co-defendants. Never before had loans to a political movement ever been considered "securities." In her SCC ruling, Lacey said, "This is a case of first impression."

Ascher's attorney, John P. Flannery, II, objected to

Lacey sitting on the Supreme Court panel on the grounds that Lacey could not give Ascher a fair hearing because she had already pre-judged the issue. Justice Compton rejected Flannery's argument, arrogantly claiming that the court could do whatever it wanted.

Ascher intends to appeal the ruling to the U.S. Supreme Court.

The Virginia Supreme Court's refusal to hear Ascher's appeal leaves in place, for now, the Virginia Appeals Court decision which upheld Ascher's original frame-up conviction. That decision has since been applied in other cases of LaRouche associates in Virginia.

The most recent application was in the case of Ascher's co-defendants Gallagher, Gallagher, and Hecht. In that case, the Court of Appeals sank to new lows in denying their petition for appeal on all but one issue.

The three-judge panel ruled that Gallagher, Gallagher, and Hecht could be found guilty of securities fraud even though neither they nor anyone else knew that political loans could be considered "securities," because they never before had been so classified. In making their ruling, the Appeals Court cited a different section of the Virginia Securities Code than the one the defendants were convicted under. The Appeals Court also approved of trial Judge Clifford Weckstein's refusal to grant key defense subpoenas.

The Appeals Court did agree to hear an appeal on trial Judge Clifford R. Weckstein's refusal to recuse himself from presiding over the trial in the first place. Weckstein had been exposed as having a cozy relationship with the