

EIR Feature

Reverse vengeful ADL jailing of LaRouche associates

by Warren A.J. Hamerman

Roanoke, Virginia Circuit Court Judge Clifford Weckstein on Nov. 4 sent four political associates of Lyndon LaRouche to prison for decades, for securities law violations that normally result in minor or suspended sentences. Weckstein, who makes no secret of his close association with the Anti-Defamation League of B'nai B'rith (ADL), acted in a particularly vengeful manner during a three-hour sentence-reduction hearing and then ordered Anita and Paul Gallagher, Laurence Hecht, and Donald Phau to state prison with sentences of 39, 34, 33, and 25 years, respectively. With all their appeals exhausted, the four political prisoners were led from the hearing to prison.

The extraordinary sentences came in the context of an international counterattack by the ADL against prominent individuals who signed advertisements in the *Washington Post* and *New York Times* calling for freedom for LaRouche, and a last-ditch gubernatorial campaign effort by former Attorney General Mary Sue Terry, responding to the relentless exposé by her opponent Nancy Spannaus, an independent candidate and longtime associate of LaRouche, of Terry's politically motivated judicial misconduct. Signers of the Free LaRouche ad from Denmark, Sweden, and Germany, to Argentina and the United States, had been contacted by ADL representatives or their allies—including Murray Janus, the very same Virginia ADL official who had earlier offered a bribe to Judge Weckstein. The ADL contacts were part of a global unsuccessful effort to get the signers to back away from their public support for LaRouche's immediate freedom. Terry's appeal for electoral support on the grounds that LaRouche headed her "enemies' list" was so crude as to include staging a campaign rally on Weckstein's courthouse steps one hour before the previously scheduled sentence reduction hearing of the LaRouche associates. This tactic failed dramatically on Election Day.

The four political organizers had been tried and sentenced in Judge Weckstein's court in 1991 on charges of "securities fraud," after the state of Virginia determined *retroactively* that political loans were "securities," making it



A demonstration at the Municipal Building in Roanoke, Virginia, in December 1990, during the trial of Paul and Anita Gallagher and Laurence Hecht. The three, and codefendant Donald Phau, began serving sentences ranging from 25 to 39 years on Nov. 4, 1993.

a felony to solicit such loans without a broker's license. At the heart of these Virginia cases is the scandal of how the ADL induced a prosecution and a judge into action on the basis that they desired the LaRouche movement to be considered illegal, and therefore that any fundraising for it is a crime. They argue that it is a money-making machine, not a political movement, as a way of trying to stop the very ideas that so threaten them. At the sentence-reduction hearing, defense attorney Gerald Zerkin presented the reality that the multi-decade sentences prove that the defendants are being "persecuted, not prosecuted."

As various Virginia press have noted, Judge Weckstein acted in defiance of public policy, as expressed by 13 members of the Virginia General Assembly who had written to the judge to advise him that these sentences were excessive, when compared to the sentences of the notorious white-collar criminals Michael Milken, Ivan Boesky, and Charles Keating.

The latest judicial atrocities of Weckstein come on top of his engineering the incredible 77-year sentence of their codefendant, political prisoner Michael Billington, who in September 1992 began serving his unheard-of seven-decade-plus sentence, which has shocked even Russian human rights activists familiar with the worst abuses of totalitarian regimes.

The ADL and the judge

Weckstein's personal vindictive bias is based upon his documented intimate relationship to the ADL—a private hate group with longstanding political animus against the

LaRouche movement. The ADL is currently under criminal investigation in San Francisco for illegal spying and obtaining confidential police records against its own enemies' list.

Judge Weckstein ran the hearing in the most contemptuous manner possible, and did not address a single witness or legal argument before him when he denied the motion to reduce the sentences. (Virginia, unlike most states, has the jury determine sentences—a system which puts a premium on subjective passions, rather than rational standards and fairness. The judge can, however, overturn the jury's recommendation if he wishes.) Adopting a genteel veneer, Weckstein let the hearing proceed at as leisurely a pace as possible, allowing everything in for the record ("For such weight as I will choose to deem it. . .") and encouraging the lawyers to speak on at length about whatever they wished. At the end, he announced that since it was 6:50 at night, and everyone had been there so long, he didn't want to give a speech. He remarked that he had had weeks to consider his decision, on top of the 10 weeks of trial, which he "vividly" recalled.

Weckstein then said that he found the letters sent to him on behalf of the defendants "eloquent" and even "extraordinarily moving." However, he said, since he remembered the testimony of the witnesses at trial better than the lawyers did, he was denying the motion to reduce their sentences, without commenting on the issues discussed.

The hearing had opened with state prosecutor John Rus-

"There has never been a Jewish member of the Virginia Supreme Court..."

Copies of the following resolution have been sent to officials of the Commonwealth government and to bar associations throughout Virginia.

RESOLUTION

WHEREAS, during the history of over 200 years of the judicial system in the Commonwealth of Virginia, many Jewish lawyers endowed with exceptional legal skill, a keen sense of fairness and impeccable integrity have been members of the Bar practicing before the Courts of the Commonwealth; and
 WHEREAS, only a very few of the said Jewish lawyers have been appointed to the trial benches of the Commonwealth; and
 WHEREAS, despite the large number of highly qualified and widely respected Jewish lawyers who have either practiced law in this Commonwealth, or in addition, served at the trial level of the Virginia Judiciary, the General Assembly and Governor have never deemed it appropriate for more than two centuries to name a Jewish lawyer to the position of Justice of the Supreme Court of Virginia or to the position of Judge of the recently created Court of Appeals of Virginia; and
 WHEREAS, Virginia claims among her most revered native sons the third President of the United States, Thomas Jefferson, who, it is said, considered his authorship of the Virginia Statute of Religious Freedom one of his greatest achievements; and
 WHEREAS, religious freedom encompasses the right not to be discriminated against on account of the free practice of his or her faith, and freedom of opportunity regardless of one's religious background; and
 WHEREAS, vacancies which exist from time to time on the Supreme Court of Virginia and the Court of Appeals afford an opportunity to the General Assembly and Governor to demonstrate that over two centuries of oversight or exclusion will not be permitted to continue and that the Religious Freedom Act is still more than ever, a viable statute in the Commonwealth today.
 NOW, THEREFORE, be it resolved that the Virginia Regional Advisory Board of the Anti-Defamation League of B'nai B'rith calls upon the General Assembly and the Governor of the Commonwealth to consider and appoint a highly qualified lawyer of the Jewish faith to the position of Justice of the Supreme Court of Virginia or Judge of the Court of Appeals as future vacancies occur.

Anti-Defamation League of B'nai B'rith
 By *Paul M. Lipkin*
 Paul M. Lipkin, Chairman
 Virginia Regional Advisory Board

New York Regional Office
 August 7, 1986
 RECEIVED
 AUG 14 1986
 DEPARTMENT OF LAW
 NEW YORK CITY OFFICE
 Ms. Katherine Law
 New York State Department of Law
 9 World Trade Center, No. 48-03
 New York, NY 10047
 Dear Ms. Law:
 As per your request, enclosed are 10 copies of ADL's new LaRouche report entitled *The LaRouche Political Cult: Political Extremism*. I hope the information contained in the report is helpful to your investigation of Caucus Distributors, Inc. Considering our own interest in this matter, we would appreciate it if you would keep us posted on the developments of the investigation. If you have any questions, please feel free to call me at (212) 490-2525.
 Sincerely,
Bert J. Marsh
 Bert J. Marsh
 Assistant Director
 C/vice

Anti-Defamation League of B'nai B'rith
 Washington, D.C. Office
 February 24, 1987
 Judge William H. Webster
 Director
 Federal Bureau of Investigation
 J. Edgar Hoover Building
 Washington, D.C. 20535
 Dear Bill:
 I thought you'd like to see the enclosed New release concerning the resolution which our National Executive Committee recently adopted commending the FBI for its efforts in bringing to justice extremists who engage in criminal activities.
 Sincerely,
 [Redacted]
 67-118203-18
 MAY 26 1987
 NEWS
 FOR IMMEDIATE RELEASE

Anti-Defamation League of B'nai B'rith
 212 United Nations Plaza, New York, NY 10036
 (212) 490-2525
 NEWS
 FOR IMMEDIATE RELEASE
 New York, NY, Feb. 20....The Anti-Defamation League of B'nai B'rith has commended the U.S. Justice Department, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms for "their vigorous efforts to bring to justice extremists who have engaged in criminal acts."

sell seeking to strike from the record the letters written by 13 legislators asking Judge Weckstein to reduce the sentences. The letters, written by legislators from both houses and both parties, all said that the sentences were disproportionate and excessive. Russell argued that it was improper for the legislators to "intervene" in ongoing litigation in which they were not a party.

Even Russell's arguments in the courtroom did not capture the full extent of the prosecution's desperation. The week before the hearing, as former Attorney General Mary Sue Terry was in the final throes of her smashing defeat in the governor's race, Russell's boss, lame duck Attorney General Stephen Rosenthal, tried to strongarm the legislators into withdrawing their letters through a round of threatening phone calls. When this ploy failed, Russell went to the media to denounce the letters and try to intimidate the legislators.

Defense counsel John P. Flannery II countered that it was perfectly proper for elected officials to inform the court of the community sentiment about these sentences. "Intervene" is a specific term and is not what the legislators were doing. Virginia Delegate William P. Robinson, Jr., who was representing Donald Phau, defended the right of legislators to express their opinion that these sentences were too harsh. Robinson said the legislators have looked at these cases and they have expressed a community sentiment and prevailing


public policy, that these sentences are simply disproportionate to the charges.

Weckstein ultimately allowed the letters in, over the objections of the prosecution, saying that he would give them whatever consideration he "deemed appropriate."

While the defense presented numerous witnesses as well as the letters, state prosecutor Russell chose to avoid the facts and testimony and instead merely inflamed the judge's ADL sympathies. Weckstein is notorious for his correspondence with the leadership of the ADL during the period that the defendants faced trial in his courtroom (see graphics).

Russell introduced only three items of evidence at the hearing, including the introduction to EIR's book *The Ugly Truth About the ADL*, and a press release by defendant Paul Gallagher, to argue that no mercy should be shown because the four were members of a "cult."

Instead of rejecting Russell's improper, inflammatory tactic, Judge Weckstein solicitously rewarded him with the comment that he was very familiar with the views of the defendants' organization on the ADL, having recently read cover to cover two of their books on the subject—*The Ugly Truth About the ADL* and *Travesty*, the latter concerning the story of the kidnap conspiracy plot against LaRouche associate Lewis du Pont Smith, known as "Kidnappers, Inc.," in which plot the ADL played a role. Russell's perjury



North Carolina/Virginia Regional Office

MURRAY J. JANUS, Director
April 2, 1990

Chairman
PAUL M. LIPKIN
JUDGE LEONARD SACHS
AND JUDITH WEINMAN

Very Chairman
THE HONORABLE CLIFFORD WECKSTEIN
315 Church Avenue, SW
Roanoke, VA 24016

Dear Judge Weckstein:


At the suggestion of our friend Murray J. Janus, I am enclosing several of our publications concerning Lyndon LaRouche, his organizations and their various activities.

I am sharing the Executive Intelligence Review article with our good friend, Judge Bert Sachs, who has been actively involved in our organization for many years.

The publications enclosed are:

1. "The LaRouche Cult's Fantasy World"
2. "Special Edition—The Limits of Propaganda: Lyndon LaRouche Goes to Jail!"
3. "LaRouche on Trial: a 1987 Update"
4. "The 1986 LaRouche Primary Campaign: An Analysis"

With all good wishes for a happy Passover, I am

Sincerely,

Ira Gissen
Regional Director

IC/tah

cc: Paul M. Lipkin, Esq.
Judge Leonard Sachs

P.S. I am also enclosing a copy of our newsletter which contains a resolution (on the fourth page) which you may find of special interest. The resolution has been distributed to the members of the Courts of Justice committees and the Governor, Lieutenant Governor and Attorney General, as well as the presidents of all of the Bar Associations in the Commonwealth.

TWENTY-THIRD JUDICIAL CIRCUIT
OF VIRGINIA

CLIFFORD WECKSTEIN, PLAINTIFF
VS.
LYNDON LAROCHE, DEFENDANT

COMMONWEALTH OF VIRGINIA

April 10, 1990

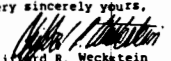
Mr. Ira Gissen
Regional Director
Anti-Defamation League of B'nai B'rith
Suite 326
6630 Newtown Road
Norfolk, Virginia 23502

Dear Mr. Gissen:

Thank you for your letter dated April 2, 1990, which I received on April 9.

I am scheduled to preside over a number of additional trials of associates of Lyndon LaRouche. To this point, I could say, if anyone asked me, that I had not read any ADL literature about Mr. LaRouche. Though I appreciate your sending me the documents enclosed with your April 2 letter, I will avoid reading them in order to continue to be able to make that statement.

I am enclosing, for your information and amusement, an additional publication which discusses both the ADL and me, which was being distributed in this area last week.

Very sincerely yours,

Clifford R. Weckstein

CRW/ddh
Encl-1

During April 1990 hearings in the case of LaRouche associate Richard Welsh, Judge Clifford Weckstein revealed that he had received a letter from the Anti-Defamation League's Virginia regional director Ira Gissen, at the request of ADL national commissioner Murray Janus. The letter was accompanied by ADL hate literature attacking Lyndon LaRouche. Included also was a copy of a resolution being circulated by the Virginia ADL, calling on the governor to appoint a Jewish judge to the Virginia Supreme Court. Weckstein, who is Jewish, would be a candidate for such a position. Despite this enticing and highly improper offer to a judge, Weckstein claimed that he did not read the material and was not biased. He refused to recuse himself from presiding over the "LaRouche" trials, and his refusal was upheld by the state Supreme Court.

on the witness stand in the Kidnappers, Inc. trial of Don Moore, Galen Kelly, and E. Newbold Smith, the father of Lewis du Pont Smith, is documented in the *Travesty* book.

All four defense attorneys objected to Russell's items of "evidence," querying the relevance of such material. Weckstein sarcastically remarked that he had read the books already, because "I will read anything put before me." He then paused and added that his previous comment "is not to be taken as his personal critique of the book."

The abrasive Mr. Russell

From the very beginning of the hearing, prosecutor Russell conducted himself in a particularly crude manner, as if he were aware that Weckstein had long since decided to mete out cruel and unusual punishment.

The first witness for the defense was Joel Sickler, program director of the National Center for Institutions and Alternatives. Sickler is a criminologist who has testified in more than 700 cases in 40 states. He presented an impressive array of credentials, establishing his expertise in matters of sentencing; nevertheless, Russell objected to Sickler being certified as an expert, an objection that the judge overruled.

Sickler then testified that in his professional opinion, these sentences should be reduced, because these are first-time offenders who have led productive lives in the communi-

ty. He documented that the sentences are not in line with other securities fraud cases, and that defendants with such talent could be put to productive use in the community through alternatives to incarceration.

Russell began his cult-baiting tactics with his cross-examination of Sickler. "Do you know that these defendants were convicted because of their ability to fool people?" "Is it possible they fooled you?" "You refer to these people as members of the LaRouche political movement. Are you aware that some people consider this a cult?"

These questions were a prelude for an incredible line of argument that Russell then put forward. He questioned the expert's comparison of the securities fraud charges to the crime of "larceny by false pretenses," which under the state sentencing guidelines would carry little or no jail time. Russell said the cases should be compared, instead, to a *violent* burglary, in which a criminal breaks into and enters a home and then robs and brutalizes the victim! This is not merely a crime against property, said Russell, but a violent crime against individual victims.

Sense of the community

Rev. Charles Green, the head of the Roanoke chapter of the National Association for the Advancement of Colored People (NAACP), and a participant and board member in

many community programs, testified that he had followed these cases over the years. It was his opinion that the sense of the community was that these sentences were way too harsh for these defendants. Green called the sentences unjust when compared to violent offenders.

After the Reverend Green testified, Weckstein, in a condescending tone, told the community civil rights leader that he was "long aware of the years long and exemplary work you've done in this community, but I don't remember seeing you at any of the hearings during this trial."

In answer to a followup question from Flannery, Green responded to Weckstein, "I have talked to people in the community in which I live. The sense of the community is that these sentences are very unjustified."

The real crime

The real issue in the drama was none of the above. It was in the way Russell raised the "cult" issue to say that, not only should there be no sentence reduction, but that the judge should mete out the maximum sentence.

Russell even went so far as to argue that while he personally has the capacity for mercy, there should be none in this case, because none of the defendants came to the witness stand to recant their political and philosophical beliefs, all but saying that the issue had become the fact that they refused to break with the LaRouche movement even after their trial and conviction.

Gerald Zerkin, the attorney for Laurence Hecht, countered Russell's inflammatory words with the reasoned observation that he rejected the notion that "all of this is explicable because these are members of a cult, the view which reared its head today to the level of vengeance. Cults are groups which shut themselves off from society. These are not people who are isolated from the world. They are immersed in the world. This is not a monolithic organization with no difference of opinion. These are people with a shared philosophical belief and a serious commitment to those beliefs. But that's not what our society wants. Our society looks askance at people who spend their time working for causes they believe in. Especially when the ideas are not mainstream. That's what's frightening here. These people are being demonized as if they don't have a human side."

Russell, displaying the disregard for truth which he has displayed throughout the prosecutions of LaRouche's associates, responded with the fact-free argument that these are not first-time *offenders*, they are only first-time *convicted*. Since 1984, he said, they set upon a course of conduct in which a lot of people lost money, and have refused to recant their beliefs and conduct.

The ultimate defeat for Weckstein and Russell, and their controllers, is that the four political leaders displayed such extraordinary heroism as they were led out of the courtroom proudly, knowing their role in history, and determined to reverse this injustice.

How could this happen in America?

by Ana M. Mendoza-Phau

The Anti-Defamation League's judge, Clifford Weckstein, managed to make Nov. 4, 1993, one of the worst days in the history of the United States. By denying my husband, Donald Phau, Anita and Paul Gallagher, and Laurence Hecht their petitions for a reduction of their outrageously long sentences, he not only showed his pedigree as a lackey of the ADL, but made it clear just how corrupt the U.S. justice system has become.

"This is like Sodom and Gomorrah," commented a Venezuelan lawyer who was present in the courtroom on Oct. 25, when the hearing was originally supposed to take place. It is the "American Empire," she added. As a lawyer, she could not believe, after reviewing the facts of the case, that this was happening in the United States.

Shock in Ibero-America

This was not the only time I had heard such statements about the cases involving Lyndon H. LaRouche and his associates. During my trip to my native Venezuela in March of this year, I met with many people to discuss the case. As I explained the case to about 50 people at the first conference of the Venezuelan chapter of the Ibero-American Solidarity Movement, the injustice of the case hit me even more starkly than ever before.

People's reactions ranged from fear to total outrage. How could this possibly happen in the United States? As my husband said in a written message to the Venezuelan meeting: You have to fight against this, "not for LaRouche's benefit, nor for me, but for the future of millions of human beings that have yet to be born." The audience understood that if this could happen in the United States, which gave the world people like Abraham Lincoln and Martin Luther King, something was terribly wrong, and nobody was safe anymore.

The same happened at my meetings with three Venezuelan congressmen, including the head of the Commission on the Family, all of whom signed a letter to President Clinton asking him to review LaRouche's case and act to reverse the injustice. At each meeting, the same question was raised over and over again: What is wrong with the United States? Why does the U.S. population tolerate such communist-style methods of eliminating political opposition?

I also visited three newspapers. *Ultimas Noticias*, the largest-circulation daily in Venezuela, ran a prominent article