

Virginia prepares to jail four more LaRouche associates

Four associates of Lyndon H. LaRouche, having lost all judicial appeals, will soon begin serving decades-long prison sentences in Virginia. Donald Phau, Anita Gallagher, her husband Paul Gallagher, and Laurence Hecht are facing sentences of between 25 and 39 years after being convicted for alleged violations of a Virginia securities statute, used in their cases for the first time to prosecute political activists. Two of their co-defendants are already serving outrageous sentences on similar charges. Michael Billington is in Nottoway Prison on a 77-year sentence and Rochelle Ascher is serving a 10-year sentence at Goochland Women's Prison.

The barbarity of the sentences is clear. All four are non-violent offenders with no prior criminal record, yet their sentences are longer than those handed out to violent repeat offenders. Junk bond swindlers convicted of stealing billions of dollars received far shorter sentences. Michael Milken, who pleaded guilty to federal charges of securities fraud involving billions, received a sentence of 10 years, which was subsequently reduced to approximately three years by Judge Kimba Wood. Ivan Boesky was sentenced to three years, and served fewer than two.

In addition to these outrageous sentences, the trials of these defendants were tainted by biased judges, a politically motivated prosecutor, and juries that had been inflamed by reams of hostile media coverage of the cases.

The political nature of these cases was so blatant that the *Richmond Times-Dispatch*, the leading daily in the state capital, in an extraordinary series of editorials in December 1991, accused then-Virginia Attorney General Mary Sue Terry of a "political power grab" in the LaRouche cases. When Terry countered by bragging about the harsh sentences meted out to "LaRouche" defendants, the *Times-Dispatch* editorialized, "At one point she brags about Virginia juries having handed down sentences like 86 years and 77 years to LaRouche associates for securities fraud, an offense that could be pursued against a political organization only after a special ruling from the State Corporation Commission. Meanwhile, Ivan Boesky of Wall Street infamy was sentenced to three years and served two for massive securities fraud. We don't doubt that prosecution was in order for fraud-

ulent practices associated with LaRouche fund-raising. But there is a question of proportionality here. And also a question of prosecutorial bias."

Biased judge

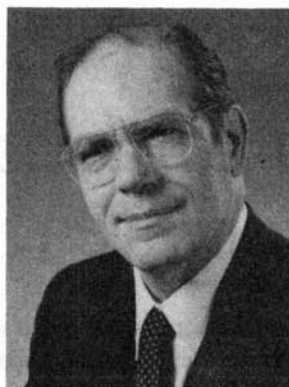
Defendants Donald Phau, Anita Gallagher, Paul Gallagher, and Laurence Hecht are expected to ask Judge Clifford R. Weckstein to reduce the sentences at hearings scheduled for Oct. 25. They were tried in the Roanoke Circuit Court before Weckstein, because their cases were transferred there from Loudoun County, where the charges were originally brought, because of enormous pre-trial publicity. Weckstein, however, was no impartial jurist, and Roanoke was not a neutral venue. Weckstein is associated with the Anti-Defamation League of B'nai B'rith (ADL), a long-time political adversary of LaRouche and a partner in the prosecution. The ADL is currently under investigation by the San Francisco District Attorney for running an illegal spy network and being in illegal possession of confidential law enforcement information. The ADL's role in the prosecution of the LaRouche associates was well known to Weckstein. He had previously ruled that no juror could sit on a "LaRouche" case if that juror was affiliated with the ADL.

But Weckstein did not apply the same standard to himself. Instead, Weckstein concealed his ties to the ADL until lawyers for Richard Welsh, another defendant, pressed for Weckstein's recusal because of his obvious bias. It was only under this pressure that Weckstein finally disclosed that he was in regular contact with ADL officials Murray Janus, a high-priced Richmond lawyer, and Ira Gissen, the director of the Virginia ADL. After persistent pressure from Welsh's attorneys, Weckstein revealed a series of letters between himself and Janus and between Janus and Gissen concerning the "LaRouche" cases, while they were pending before him. The ADL even tried to bribe Weckstein by promising him their support to make him the first Jewish judge on the Virginia Supreme Court.

Furthermore, Weckstein's brother-in-law, Bob Eure, is the political editor of the *Roanoke Times and News World*, the daily newspaper in the area. The *Times and News World*

American political prisoners

In Jail



Lyndon LaRouche: age 71, has served 1,700 days of a 15-year federal sentence.



Rochelle Ascher: age 42, has served 470 days of a 10-year sentence in Virginia state prison.



Michael Billington: age 48, has served 1,140 days of a 3-year federal sentence and a 77-year Virginia state sentence.

Facing Imminent Jailing



Anita Gallagher: age 46, sentenced to 39 years in Virginia prison. All appeals denied.



Paul Gallagher: age 49, sentenced to 34 years in Virginia prison. All appeals denied.



Laurence Hecht: age 47, sentenced to 33 years in Virginia prison. All appeals denied.



Donald Phau: age 43, sentenced to 25 years in Virginia prison. All appeals denied.

has published more libelous articles against LaRouche and the defendants than almost any newspaper in the country. This libelous onslaught helped create a highly prejudiced jury pool.

Despite this obvious actual bias and the clear appearance of bias, Weckstein refused to remove himself from these cases.

Weckstein's bias was visible throughout the trials, beginning with that of Michael Billington, the first LaRouche defendant to appear before him. On the eve of Billington's trial, his lawyer, Brian Gettings, suddenly turned against

Billington and tried to have him declared mentally incompetent for asserting his right to be tried by a jury. Weckstein went along with Gettings, ordering Billington to undergo a psychiatric examination. When Billington then tried to replace Gettings as his attorney, Weckstein would not allow it, forcing Billington to go to trial with a hostile lawyer. After a four-week sham trial, in which Billington was effectively unrepresented, the jury returned a guilty verdict and recommended a 77-year sentence. (Virginia is one of the few states in the country to have a system of jury sentencing.)

Weckstein, showing his bias, then upheld this barbaric

sentence.

In all the trials he has presided over, Weckstein repeatedly let the prosecution introduce highly inflammatory and prejudicial evidence, while prohibiting the defendants from presenting evidence on their behalf.

A political railroad

All the Virginia prosecutions of LaRouche's associates were nothing more than a political vendetta run by Virginia Attorney General Mary Sue Terry, from the beginning. Terry coordinated her prosecution with other politically motivated prosecutions of the federal government and other states. These prosecutions occurred at precisely the time that the political influence of the LaRouche movement was growing most rapidly in the United States. The Reagan administration had adopted LaRouche's proposal for a Strategic Defense Initiative, which brought demands from the Soviet government of Yuri Andropov and then Mikhail Gorbachov for a U.S. government crackdown against LaRouche. Additionally, LaRouche candidates were winning elections in Democratic primaries in many states, notably Illinois, where they won the primary race for lieutenant governor and secretary of state.

On Oct. 6, 1986, the state of Virginia joined over 400 law enforcement officers in a pre-dawn raid on the offices of several companies run by political supporters of LaRouche in the town of Leesburg, Virginia. The raiding party was accompanied by fixed-wing aircraft, armored personnel carriers, helicopters, and SWAT teams. Several truckloads of documents were seized.

On Feb. 17, 1987, sixteen Virginia defendants were charged with failing to register as securities brokers, and selling of unregistered securities with intent to defraud. The so-called securities brokers were political activists raising money for campaigns and publishing activity in support of Lyndon LaRouche and his movement. They had never represented themselves as anything else. Never before had political loans been considered "securities" in Virginia.

It was only after the 16 associates of LaRouche had been indicted and arrested in a nationally televised roundup that the State Corporation Commission determined that political loans were "securities." In hearings held just days after the arrests, the chairman of the commission, Elizabeth Lacy, said that "this is a case of first impression" in Virginia. Terry's prosecutions depended on a favorable ruling from Lacy. After she gave the go-ahead to Terry's railroad, Lacy received an appointment to the Virginia Supreme Court.

Terry made the "LaRouche" cases a major campaign issue, bragging about her prosecutions during her 1989 reelection campaign. Terry's motivations were so transparent that even the FBI, in a September 1986 memo, characterized Terry as "politically motivated."

In 1992, some of the illegal activities of Mary Sue Terry's

International outrage

The "LaRouche" cases have become an international human rights scandal, while the Virginia judicial system in general has drawn harsh criticism from abroad, because of the arbitrary application of the death penalty and the cursory nature of judicial proceedings.

As of Jan. 20, over 270 parliamentarians from around the world had signed a letter to President Clinton protesting the incarceration of LaRouche. The case has also been addressed as a human rights violation with the United Nations Human Rights Commission in Geneva.

On Aug. 16, 1993, the International Progress Organization, an Austrian based non-governmental organization, presented the Virginia case of Michael Billington and his co-defendants as a human rights violation before the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the U.N. Commission on Human Rights.

Gail Billington, the wife of political prisoner Michael Billington, has addressed human rights leaders and legal scholars in Thailand, India, the Czech Republic, Slovakia, Denmark, France, Germany, and Mexico. John Ascher, the husband of political prisoner Rochelle Ascher, has addressed similar groups in Colombia.

prosecutions began to come to light. It was then that former Loudoun County Deputy Sheriff Don Moore, who was a chief investigator for Terry's railroad, came under investigation by the FBI for conspiracy to kidnap Lewis du Pont Smith and his wife Andrea Diano Smith, both financial and political supporters of LaRouche. Moore had teamed up with Galen Kelly, a kidnapper with the Cult Awareness Network, and E. Newbold Smith, Lewis du Pont Smith's father, in the kidnap plot. An FBI undercover informant secretly tape recorded more than 60 hours of conversations among the conspirators.

On those tapes, Moore admitted to committing crimes on behalf of Mary Sue Terry in order to "get" LaRouche and his associates. After reviewing the tapes, attorneys for some of the defendants filed a 40-page "Omnibus" motion, documenting that Moore had engaged in illegal breaking and entering, illegal searches and seizures, illegal wiretaps, tampering with witnesses, and suborning perjury (see *EIR*, May 7, 1993). When this evidence was brought before Weckstein, he wouldn't even grant the defendants a hearing on the matter.