

Trial of LaRouche associate Ascher evokes images of Nazi, Soviet justice

by EIR Staff

A mistrial motion due to prosecutorial misconduct was heard March 2, in the sixth week of the trial of Rochelle Ascher in Leesburg, Virginia. Mrs. Ascher, a political co-worker of Lyndon LaRouche, has been charged by the State of Virginia along with 15 other individuals, with violations of the state's securities laws, and is the first to stand trial in this ongoing political witchhunt against the LaRouche movement.

The motion was viewed by many observers as an effort to stop a railroad which has many of the same features of the fall 1988 LaRouche federal trial in Alexandria. The Ascher case is a show-trial, where the jury has been clearly rigged, the crime, "securities fraud," was created after the arrest took place, and new charges are being added to the alleged "conspiracy" by the day.

Judge Carleton Penn III, of the Loudoun County Circuit Court, after hearing the argument from defense counsel John Flannery concerning the mistrial, angrily stated in the courtroom: "To rehash things . . . abuses the court's role as a tryer of fact" and furthermore, the court finds "the motion to be without merit and denies it." Penn also said that he did not want these matters of misconduct discussed again.

Prosecution's abuses

This outburst from the judge came after defense counsel Flannery eloquently recounted in detail the abuses by the prosecution since the trial began. Virginia prosecutor George Chabalewski continued that abuse on March 2 when he reiterated in the boldest terms yet, his statement that the "conspiracy" in the Ascher trial was being run by Lyndon LaRouche, despite the court's insistence that no such evidence on the involvement of LaRouche would be allowed in this case where LaRouche is not named in the indictment. In this argument, however, Chabalewski stated that the jury "would be dense" if they did not understand the relationship between LaRouche and the organization he headed.

Flannery indicated how the prosecution was "trying LaRouche" and was using various methods to play on the known prejudice of the jury. It was the government, Flannery said, that insisted on trying the case in Leesburg—where many of LaRouche's associates live and work—a center for media slander and government operations against associates of LaRouche. This existing prejudice and the jury's knowledge of the Alexandria federal proceedings, testified to during the questioning of the prospective jurors, was being used

to turn them against the defendant, Flannery said. This was the reason, for example, they put a federal postal inspector on the witness stand, where he stated that he investigates mail fraud—a clear reference to the Alexandria trial in which LaRouche himself and six associates were convicted of "conspiracy to commit mail fraud," and not the offense charged in this case.

Other prosecutorial actions cited by Flannery included:

- During the *voir dire* (questioning) of the jury, the prosecution stated repeatedly to the court, that the trial was "not about Lyndon LaRouche." In opening arguments, it was said that LaRouche's name would only be mentioned once. Despite this representation, prosecutors John Russell and Chabalewski have repeatedly asked witnesses about their understanding of the connection of various publications to LaRouche. Other testimony has been elicited by the government to show that LaRouche was head of the "conspiracy."

- New co-conspirators have been added throughout the trial, making it impossible for the defendant to exercise her right to confront the charges against her as the alleged conspiracy grows in size.

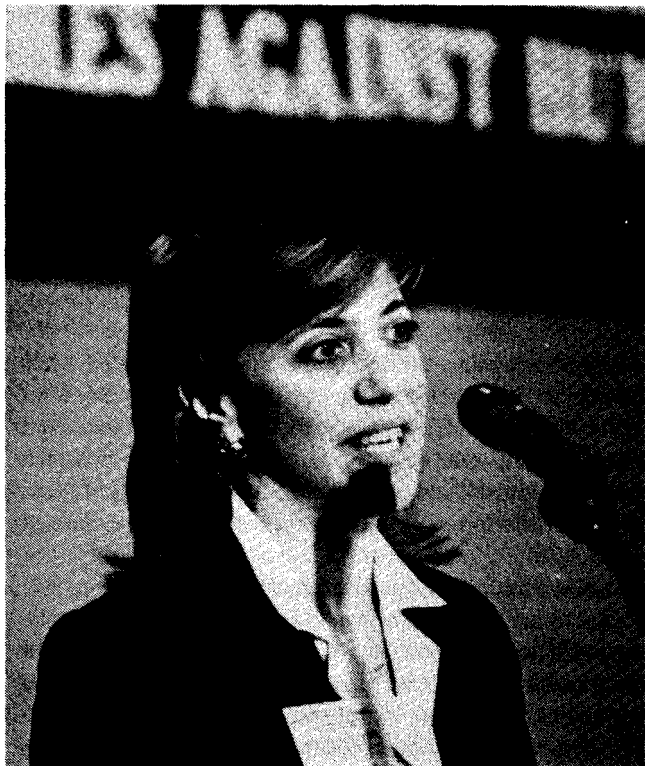
- Government witness Chris Curtis's lying testimony, where he mentioned LaRouche as being behind fundraising instructions, and fabricated stories about "many discussions" on the topic of how elderly ladies are the best for loans because they are "near the end of their lives."

- The outrageous use by the prosecution of former LaRouche financial supporter Cathleen Waddell, who was clearly incompetent to testify because of a stroke which had eliminated much of her memory, and which occurred *after* she loaned the funds in question.

- A question by Virginia prosecutor John Russell to former contributor Curtis Bolton, where he implied that Bolton was only paid back for his loan to the Lafayette-Leesburg Limited Partnership (formed for a real estate deal in Leesburg) because that loan was a specific count in the Virginia indictment. Russell knew that the funds for that deal were under the control of the federal court, and were disbursed by the court, and not by the defendant's organization.

Venue moved for all Virginia cases

On Feb. 21, Judge Penn ruled that the trial scheduled after Mrs. Ascher's, that of Michael Billington, would be moved out of Loudoun County. This decision came as a result



Stuart Lewis

Rochelle Ascher addresses the international Martin Luther King Tribunal on Crimes Against Humanity on Feb. 25, 1989.

of the motion by James C. Clark, attorney for Billington, and it applies to all of the remaining Virginia "securities" cases.

Penn's concession on venue, according to legal experts, highlights the absurdity of the current proceeding. The reasons for the change of venue included the publicity surrounding the conviction and sentencing of LaRouche and six defendants in Alexandria, which occurred the same week of the beginning of the Ascher trial. The jury selection in the Ascher case set a record for Loudoun County, and perhaps for the state, by eliminating all of the prospective jurors available for the entire month. More than 100 people were interviewed, and most were eliminated due to their prejudice against LaRouche and the defendant.

Judge Penn, despite repeated objections from the defense, kept people on the jury panel who had openly displayed their hostility toward LaRouche. In one case, a prospective juror called LaRouche "anti-Semitic, a racist, and a neo-Nazi," and stated that if LaRouche ever got power "he'd be a threat to the nation." Another man, struck from the panel only after a special hearing, said that LaRouche brainwashed people, and that the American people had been fooled too long about LaRouche and his "illegal" fundraising practices.

More insidious than the overt hostility, were the deep impressions formed by most members of this Virginia community as a result of gossip, police raids, and massive doses of sensational slanders in the press. This led one juror to state: "Asking me what I read about LaRouche is like asking

me what I ate for dinner last night. All I know is that I had it." As the defense counsel examined these citizens further, he elicited the prejudices, although most had said they could "put their opinions aside" at the instruction of the judge.

All of the existing jury had heard of the publicity around the Alexandria trial and had read unfavorable articles about LaRouche. In fact, this prejudice erupted on Feb. 21, when juror Brian Seeley reported to the judge that someone connected to the defendant had improperly approached him with a newspaper with the title *EIR* on it. Seeley, it was later demonstrated, was false in his identification, but as Flannery pointed out to the court, this demonstrated the bias that exists in the jury.

Seeley not only accused the defendant of this "tampering," but then told other jurors about the incident. When Flannery attempted to have Seeley removed, and the rest of the jury questioned, Penn ruled that he believed Seeley was not prejudiced, and that no further inquiry would be conducted.

Virginia acts to silence LaRouche movement

As clear as the court's desire to "make the railroad run on time," is the prosecution's openly stated desire to silence anyone associated with LaRouche, including any publications.

John Russell, assistant to Virginia Attorney General Mary Sue Terry, and senior prosecutor in this trial, on several occasions has accused the defendant's organization of deliberately attempting to cause a mistrial. One of the vehicles for this attempt, according to Russell, has been the use of the *EIR News for Loudoun County*, which is critical of the government's railroad, and if a juror reads it, Russell argued, he or she might get disqualified, causing a mistrial.

When juror Seeley falsely claimed contact by a relative of the defendant, Russell accused the defense of this offense, perverting reality. The reality is that the biased environment makes this trial impossible in this county, and that the only impropriety has been the court and prosecution's insistence on trying the case in a venue which is infected by prejudice.

After the six weeks of trial, most of the witnesses have either been a direct repeat of the Alexandria trial, such as Wayne Hintz and Chris Curtis, former associates of the LaRouche political movement, or have been the alleged victims in that prior case.

As Mrs. Ascher pointed out in a recent speech to the Martin Luther King Tribunal on Human Rights Violations (see page 29), she faces 120 years in prison. She stands accused of a crime which was not a crime in law until months after her arrest for that crime, when the State Corporation Commission then decided that political loans were securities. She stands trial in a location known by the public, the government, and Judge Penn alike to be unfair to her. Therefore, what stands on trial in the Ascher case, is not Rochelle Ascher, but the very legal system which now mimics the legal system of Nazi Germany and the Soviet Union.