
The Rochelle Ascher Case

Virginia lynch mob convicts LaRouche associate: 86-year sentence!

The national "Get LaRouche" task force succeeded in carrying out its latest atrocity on April 5, as Rochelle Ascher, a fundraiser for causes associated with political prisoner Lyndon LaRouche, was convicted of nine felony securities violations, and sentenced to 86 years in prison by the contaminated jury that convicted her.

The sentence Mrs. Ascher received exceeds that given to Nazi war criminal Albert Speer, who received a 25-year sentence. Joel Steinberg, convicted of murdering his illegally adopted daughter in New York, received a 25-year sentence for manslaughter. Wall Street stock swindler Ivan Boesky received a four-year sentence.

Currently, Mrs. Ascher is free on a \$50,000 bond until a hearing June 1, where post-trial matters will be considered by Judge Carleton Penn. These include motions by defense counsel John Flannery to strike one further count of the indictment for lack of venue. He further asked that the court conduct an inquiry of juror Brian Seeley, and then of the entire jury. Early in the trial, Seeley had violated the judge's order by discussing an incident of alleged "tampering" with other members of the jury.

Substantial appeal issues

Defense counsel Flannery also informed the court immediately after the conviction was announced, that there are substantial appeal issues, including the admitted bias of the jury, and that "we will all be doing this again." Flannery argued both for bond pending a pre-sentencing report, and for bond pending appeal. Assistant Attorney General John Russell argued for the Commonwealth that Mrs. Ascher be placed in jail immediately.

Judge Penn, who had openly aided the prosecution of Mrs. Ascher, praised the jury. Outside the courtroom after the jury was dismissed, he was observed joking and smiling.

After the verdict was read, Penn told the jury—which had exhibited bias against LaRouche from the outset of the trial: "You are the most conscientious, patient, and attentive jury in my experience. I wish to commend you for the court and for the community. You have performed a valuable function for the community."

The most fundamental violation of the defendant's rights was the repeated denial by Judge Penn of the motion to change venue, despite the overwhelming evidence, both in copies of inflammatory media coverage presented to the court, as well as the admitted bias of jurors as they were questioned in the *voir dire* at the opening of the trial. However, Judge Penn granted a change of venue for all subsequent trials of 15 LaRouche associates to Roanoke, in recognition of the prejudice known by him to exist in Loudoun County—due to special anti-LaRouche operations run there, the location of LaRouche's residence.

This prejudice was an issue throughout the trial, and offered numerous opportunities for the judge to stop the travesty—which Penn refused to do at any point. Numerous mistrial motions were denied, even when prosecutors John Russell and George Chabalewski shamelessly inflamed the jury on the "LaRouche" issue, up to and including in their closing arguments.

Not only jury bias was used to assure a conviction in the Ascher case. First, the crime had to be created.

Creating the 'crime'

Mrs. Ascher and 15 other LaRouche associates are the first people ever to be charged with "securities" violations in Virginia, when in fact, they had raised loans for political causes. As was pointed out during pre-trial hearings, the same argument concerning loans would incarcerate thousands of elected officials nationally. Furthermore, it was not until *after* Mrs. Ascher and the other defendants were indicted, that the State Corporation Commission deemed that the loan notes involved were "securities."

In addition, the federal government placed the companies to which the loans were made into involuntary bankruptcy in April 1987, guaranteeing that all repayment of loans would be impossible. The fact of this government-forced non-payment was then made an element of the crime, with Mrs. Ascher being charged with the "intent" to defraud.

The final straw to an assured conviction was Judge Penn's charge to the jury. Penn instructed the jury to consider *all* notes securities, deliberately eliminating certain qualifica-

tions contained in the language of the Virginia Securities Statute. He ruled that the defendant did not have to know the notes were securities to be convicted of the crime.

Show trial tactics

Rochelle Ascher was initially charged with 12 felony counts, which included two counts of failure to register as a broker-dealer, and to register securities with the State Corporation Commission; 9 counts of fraud related to securities sales to 7 different individuals; and one conspiracy count tacked on later. At the end of the trial, Judge Penn dismissed three of the counts related to individuals, for the prosecution's failure to show that the violations were related to Loudoun County in any way, since she is from Baltimore. Mrs. Ascher was convicted of the nine remaining charges.

A total of 23 "lender" witnesses were called by the government, apparently in order to inflame the jury, even though the defendant was only charged specifically in relationship to 7, and later only 4 individuals.

The four individuals remaining included Robert Ware, Dr. Edward Allen, M. Cathleen Waddell, and State Police Investigator Larry Burchette. Robert Ware forgave all of his loans, and stated to the government before trial, and to the jury during the trial, that he had never been misled or defrauded. Rochelle Ascher was sentenced to 9 years for this "crime."

M. Cathleen Waddell was a major issue in the trial, as she had had a stroke after her association with Mrs. Ascher and the LaRouche-affiliated organizations. She could not remember independently a single conversation or fact concerning any transaction, unless a piece of paper was before her. Mrs. Ascher received 30 years based on testimony of a

person with no memory, who according to all legal observers, should never have been allowed on the stand. Judge Penn ruled her "competent" to testify.

In the case of Burchette, Mrs. Ascher was not the individual, according to the police officer's testimony, who negotiated the note. Furthermore, Burchette himself called the loan a favor, and not an investment.

Loans were not due

However, despite all of these circumstances, one stands out above all. Virtually none of the loans named in the indictment was even due before the bankruptcy took place in 1987. Most of the loans were long-term notes, and not due until after the year 1990.

Sources knowledgeable of the appeal issues in this case, describe the eventual appeal brief as potentially 3,000 pages in length. Untold numbers of errors, plus instances of both judicial and prosecutorial misconduct, are all elements expected to be included.

In a final note, Bruce Lillegard, the jury foreman, is employed by the Defense Mapping Agency of the U.S. Defense Department in Reston, Virginia. It is not known if this represents another case of pre-rigging the jury, as occurred in the Alexandria case against Lyndon LaRouche and six associates, in which the jury foreman, Buster Horton, was also a federal government employee, who turned out to be a member of a secret government team created to handle national emergencies in the United States. Horton, of the U.S. Agriculture Department, worked with others who were deployed on the "Get LaRouche" task force, including and FBI's number-two man, Oliver Revell.

LaRouche: 'Both a crooked judge and a crooked jury'

Lyndon LaRouche issued the following statement from the Alexandria, Virginia Detention Center April 5, on hearing of the results of the trial of Rochelle Ascher.

The results of the Shelley Ascher trial so far prove that the federal government is convinced that it cannot convict any person associated with me without having both a crooked judge and a crooked jury. The blatant facts in this case show there is no doubt that the jury was crooked, and the judge, by being fully aware of the fact that he was proceeding with a crooked jury, was acting in a corrupt manner to continue the trial.

It is a fact that a member of the jury was exposed as both lying, and lying in the attempt to set up the defendant during mid-trial. It was also indicated by testimony in court before the judge that the juror's actions had contaminated the entire jury. There was testimony of a second juror indicating to the falseness of the first juror's statements; there was conclusive evidence that the juror had lied.

So we know in this case therefore that the jury was corrupted thoroughly, and we know in this case that the judge allowed the trial to continue with that jury, without allowing a hearing after hearing evidence which showed that the jury was massively corrupted.

That's the lesson. This is dictatorship. This is fascism. Let's see how the American public responds to this kind of 86-year sentence of an innocent person for doing nothing, because the government found out that by using a corrupt and crooked jury, and a corrupt and crooked judge, it could pull off convictions in such cases.