
Book Review

U.S.A. v. Lyndon LaRouche: anatomy of a political frameup

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The U.S.A. vs. Lyndon LaRouche, et al.: Railroad!

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suggested contribution.

This book, issued in early July, is unprecedented in the history of jurisprudence. Titled *Railroad!* it documents the shocking travesty of justice in the trial against Lyndon LaRouche and his associates Edward Spannaus, William Wertz, Michael Billington, Dennis Small, Paul Greenberg, and Joyce Rubinstein, presided over by Judge Albert V. Bryan in federal court Alexandria, Virginia. Following LaRouche's conviction, Judge Bryan openly boasted about his successful effort to put the accused behind bars in record time, saying, "At least I should get a cigar."

Judge Bryan was assigned the inglorious task of "finally accomplish[ing] what a federal government 'Get LaRouche' Strike Force had been attempting to do since 1983," according to the brief description on the book's back cover. "That task force swung into motion using the resources of the FBI, CIA, IRS, and private agencies, at the instigation of Henry Kissinger, who bragged in the summer of 1984 that 'we'll take care of LaRouche after the elections.'" The first federal case against LaRouche and his associates, held in Boston before Federal Judge Robert Keeton, backfired on the government. A mistrial was declared, and the jury said they would have acquitted everyone on *all* charges. But in Alexandria federal court, the 'rocket docket' did the job. Judge Bryan hand-picked the jury in less than two hours, excluded all evidence of government harassment, and rushed the defense so ruthlessly that convictions were brought in on all counts in less than two months from the indictment. LaRouche was sent to jail for 15 years, on Jan. 27, 1989, a

political prisoner. The conviction and imprisonment have provoked protests of outrage from around the world. In this book, you'll see why," the blurb says.

The German professor of constitutional law Friedrich August von der Heydte has compared the LaRouche case to the Dreyfus Affair—the case of the French military officer of Jewish origin who, at the end of the 19th century, was unjustly accused and sentenced for acting as a German spy, in a trial which trampled justice and law underfoot. Only 10 years later, was a new trial held which led to Dreyfus's full exoneration. And just as during that time, it was Emile Zola's polemical dissertation *J'accuse!* which drew the public's attention to the Dreyfus case in order to help the cause of justice, so today, *Railroad!* put out by the Paris-based Commission to Investigate Human Rights Violations, aims to open the eyes of the American and international public about how the constitutional state was dragged through the mud at the courthouse in Alexandria. With 50,000 copies already printed and more to come, it is already getting wide circulation among members of the legal profession and public representatives on all levels.

"The proceedings at Judge Bryan's court are a national disgrace," said one Baltimore lawyer. Trade union representatives and black politicians related the book's recounting of gross violations of civil rights to their own situations, with the typical reaction, "The government is giving us the same treatment as you're getting."

Even those readers who are already somewhat familiar with the LaRouche case, will be shocked anew by the systematically documented compilation of the most blatant violations of the U.S. Constitution, of fundamental principles of international law, and of the rules of due process.

A major part of the book is taken up by the appeal brief which LaRouche and his six associates filed on May 25, 1989, along with eight supporting *amici curiae* (friends of the court) briefs, which were submitted at the same time by highly respected legal professionals in the United States and Western Europe. In his own appeal, LaRouche is represented

by his long-time attorney Odin Anderson, and by former U.S. Attorney General Ramsey Clark.

Clark summarized his main arguments recently in a statement to the press: "The U.S. government has engaged in flagrant constitutional violations to convict and confine Lyndon H. LaRouche Jr. whom they perceive as a political enemy." The fundamental constitutional rights of LaRouche and his associates to a fair trial and to an effective defense, Clark stated, were violated: 1) by the court's rush to trial; 2) by "prohibiting them from introducing admittedly relevant evidence concerning the role of the government and others in waging financial warfare against LaRouche and his political organizations"; 3) "by denying the defense the ability to conduct a meaningfully probing selection of jury (*voir dire*)"; 4) by a preceding smear campaign by the news media; 5) by the imposition on LaRouche of an "impermissibly harsh" 15-year sentence; and 6) by the fact that the case itself is "an outgrowth of a many-year program of a national multi-agency to 'get LaRouche.'"

One of the *amici curiae* briefs in support of the appeal was originally signed by 144 U.S. attorneys and public officials, and we hear that since the book's publication and the brief's acceptance by the Appeals Court, that list has been growing longer with each passing week. The *Washington Post* reported on July 17 that William P. Robinson, a delegate in the Virginia House of Representatives, has attached his signature to another *amicus* brief, because he is convinced that Judge Bryan denied LaRouche his right to an impartial jury and an adequate defense. Virginia Delegate Roland D. Ealey has also stated his intention to sign the brief. "I've been in civil rights all my life," Ealey told the *Post*, "and you mess with the jury system and I'm concerned."

A series of highly interesting and readable *amici curiae* briefs were filed from Europe by Prof.-Dr. Dr. Albert Bleckmann, director of the Institute for Civil Law and Political Science at the University of Münster, West Germany; Dr. Hans Richard Klecatsky, lecturer on constitutional law and policy at Innsbruck University and former justice minister of Austria; the Swedish human rights lawyer Lennart Hane; and both attorneys at the Paris (France) Court of Appeals, Jacques Stul and Jean-Marc Varaut.

A clear-cut scandal

The second chapter deals with the involuntary bankruptcy proceedings against three LaRouche-associated organizations, which led to the shutting down of the weekly newspaper *New Solidarity* in 1987. This was the take-off point for the political frame-up trial in Alexandria. The government carried out investigations of the organizations' finances, orchestrated a multimillion-dollar contempt fine against them for supposedly refusing to hand over documents (which had already in fact been handed over!), and then used the organizations' inability to pay those fines as an excuse to drive them into involuntary bankruptcy. According to law, an in-

voluntary bankruptcy proceeding must be begun at the instigation of at least three creditors; but here, the government was the *sole* creditor, and had become so exclusively by means of imposing the contempt fines!

But it doesn't end there. The judge who on July 15, 1987 upheld the involuntary bankruptcy order of April 20, 1987, was the same Judge Bryan, who later, in an *in limine* pretrial proceeding in the Alexandria case, forbade the defendants from bringing this government-imposed involuntary bankruptcy into evidence in the trial—even though this was the prime reason why in 1987 and 1988 the bankrupted firms were no longer able to repay loans which were the substance of the charges against the LaRouche Seven!

Judge Bryan's outrageous infringement of the defendants' rights during the pretrial proceedings is the subject of the third chapter. He rejected all 20 of the defendants' motions to bring material into the trial which was exculpatory for the defendants and which would incriminate the prosecution, including information on government dirty tricks, infiltration attempts, financial warfare, etc. Bryan accepted the U.S. Attorney's request to exclude from the trial any mention of government operations against the accused.

These rulings, on top of the way in which the jury was selected in less than two hours without the defense being given any opportunity to individually interview the potential jurors, excluded any possibility of a fair trial from the very outset. The jury itself was packed with government employees, and only afterwards was it discovered that the jury foreman, one Buster Horton, is not only a high-ranking official in the U.S. Department of Agriculture, but that he is that body's liaison to the FBI and the intelligence services, and that he, along with Oliver North and the FBI's Oliver "Buck" Revell, belonged to a 100-man elite task force whose assignment was to take over the operations of the U.S. government in the event of a national emergency. North and Revell were also members of the "Get LaRouche" strike force.

Chapters four through six document the most important testimony of the prosecution and the defendants in the trial proceedings, the sentencing, and the subsequent bond negotiations, in which all defendants were denied bond pending appeal on the grounds that their political activities on behalf of the War on Drugs and other issues of strategic urgency, make them a continuing "threat to the community."

One of the appendices makes an additional revelation about John Markham, who was the government's prosecuting attorney in the first trial against LaRouche and his associates in Boston, and who joined as a co-prosecutor in Alexandria after a mistrial was declared in Boston. It so happens that from 1974 to 1980, Markham was a lay member of a Satanic sect called the Process Church of the Final Judgment, and had been their legal counsel. The mass murderers Charles Manson and the "Son of Sam" killer in New York City, David Berkowitz, both were members of the Process Church network around the time they committed the murders.