

# Ramsey Clark argues LaRouche's appeal

by Warren J. Hamerman

Ramsey Clark, the former Attorney General of the United States, argued in federal court in Richmond, Virginia on Oct. 6 for a reversal of the conviction of Lyndon LaRouche and six associates, before a three-judge panel of the Fourth Circuit Court of Appeals. "What was done in this trial," he said, "was the heart of travesty."

The judges—Butzner, Hall, and Murnaghan—were the same three who had denied the bond pending appeal application of the LaRouche Seven. The Seven were convicted of conspiracy to commit loan fraud, and LaRouche himself was additionally convicted of conspiracy to defraud the IRS, in a case appropriately described as a political "railroad." In prison for their political work, along with LaRouche, are Michael Billington, Paul Greenberg, Joyce Rubinstein, Dennis Small, Edward Spannaus, and William Wertz.

Clark said that the reason he and so many others felt so strongly about this case, was that the quickness to trial and the extreme brevity of the jury selection were "startling even in the Eastern District of Virginia."

At the conclusion of the slightly more than hour-long hearing, Clark said: "This case asks whether the American judicial system is capable of giving a fair trial in an extremely controversial situation. That's always the test. The trial here was not fair because of the extra haste and rush to trial. More importantly this occurred in the face of a demonstration of years of highly prejudicial media publicity. Appropriate extra care would have had to be taken. But the judge selected a jury in a matter of minutes. This is unprecedented in a case like this, and unacceptable to those interested in justice."

The signing of amicus briefs supporting the LaRouche appeal by more than 800 U.S. attorneys and 45 Europeans, indicates the level of concern expressed by Clark. This concern was also reflected by the presence of eight international observers at the appeal hearing.

## Prejudice at the start

Shortly into his presentation, Judges Murnaghan and Butzner interrupted Clark to ask questions culled from the prosecution's papers. They implied that the defendants couldn't raise the shortness of time from arraignment to trial as an issue, because the defense had not filed a motion objecting to the trial date the moment that it was announced. Clark held his ground, and turned the discussion to his critique of Judge Albert Bryan's failure to give the LaRouche Seven an unbi-

ased and fair jury.

Clark argued that not only were there only 25 working days from the arraignment to trial, but that there could be no due process or constitutional protection given the incredibly short jury selection (*voir dire*).

He said that he himself had been a political adversary of LaRouche, but that he was so disturbed about the constitutional abuses done to LaRouche, that "when I see what was done to him, I felt compelled to come to his defense. This also explains the tremendous international and national concern with the case."

Clark said that he has been involved in other trials "where I have spent six weeks or five weeks in jury selection. You don't pick a fair jury in a case like this in 20 minutes." He stressed that jury selection is the "heart of fairness" in a trial, and if you don't have a fair and impartial jury, you cannot get a fair trial. He said that he has defended many unpopular causes and defendants against whom there was prejudice, including the Attica seven defendants. "While there was prejudice in the community against them, it in no way compares to the duration and intensity of prejudice in Northern Virginia against Lyndon LaRouche."

Clark drew particular attention to the fact that the trial occurred "in a district saturated with government employees." The jury pool contained CIA and FBI agents, Department of Justice, and other government employees. "I represent many unpopular defendants who have to overcome prejudice. But this is the worst case. There were years of prejudice in the area in the *Washington Post*, *Washington Times*, and other media. You can't really choose a jury in 20 minutes in these circumstances. Eight potential jurors never even had to answer a question. What's the Sixth Amendment really worth if we let this stand?"

In conclusion, Clark asked: "Was it really necessary in this case to deny the due process of law? It was impossible to know whether the jurors in the box were impartial. There was no respect for the Constitution here. What was done in this trial was the heart of travesty."

Following Clark, LaRouche's attorney Odin Anderson made brief remarks in which he drew attention to the extraordinarily broad international interest in the case. He said, "This is because this case has historical roots. The case comes after 20 years of government investigation that began in Cointelpro and continued with national security interests." He charged that the government engaged in "forum shopping" when they brought the LaRouche trial down from Boston to Alexandria. He also attacked Judge Bryan's ruling on the motion *in limine* which prohibited the defense from mentioning government efforts against LaRouche and his associates. Anderson concluded: "Lyndon LaRouche is 67 years old and he was given a 15-year sentence. If you do not reverse the case on appeal, his sentence is a death sentence."

The Fourth Circuit Court of Appeals normally takes three to four months to announce a decision.