

U.N. gets LaRouche rights case

The extraordinary case of the unjustified political prosecutions of Lyndon LaRouche and associates is now before the United Nations. Part I of a series.

The Paris-based Commission to Investigate Human Rights Violations and Helga Zepp-LaRouche, wife of political prisoner Lyndon LaRouche, filed a second petition to the Commission on Human Rights of the United Nations in Geneva, Switzerland on Feb. 2, 1990, seeking U.N. action against human rights abuses committed against LaRouche and his political movement by federal, state, and court authorities in the United States. A first petition had been submitted at the end of May 1989, but has yet to be deliberated upon.

The United States has never ratified any of the human rights conventions, and the United Nations can only involve itself against human rights violations committed within the United States under Resolution 1503 of the United Nations Economic and Social Council. This requires proof of a "consistent, widespread pattern of human rights violations" in the country. Multiple complaints blaming the United States for such violations thereby increase the chances that the human rights bodies might intervene.

For this reason, the petition references a pattern of "unjustified criminal prosecutions against individuals and organizations, that are politically motivated and aim at the elimination of social, political, cultural, or religious minorities," which goes beyond the LaRouche movement per se. The petition cites the attacks upon "dissident" political representatives, holders of public office, independent trade unions, the anti-abortion movement, and the targeting of victims by the Office of Special Investigations in the U.S. Department of Justice.

Supporters of the commission are expected to begin soliciting endorsements both for the LaRouche complaint, and the filing of complaints with the U.N. by persecuted individuals and organizations themselves.

In this series, we publish the slightly edited text of the petition.

The following communication is a formal request addressed to the Commission on Human Rights of the United Nations. According to the provisions of Resolution 1503 of the United Nations Economic and Social Council, the United Nations are asked to appropriately intervene into a present situation

of widespread violations of human rights.

The undersigned had addressed the Commission on Human Rights of the United Nations with an earlier communication dated May 29, 1989. The situation described in that earlier document has deteriorated in a dramatic way. Therefore, we herewith renew our urgent request for appropriate intervention. The following detailed argument for our request consists of two parts: First, a description of the developments that occurred after our first request was filed, and second, the wording of our first communication. The numerous exhibits to the latter submitted in five copies each are *not* included again to spare duplication of reading work.

I. COUNTRY RESPONSIBLE FOR HUMAN RIGHTS VIOLATIONS

The responsibility for the widespread violations of Human Rights as addressed by this communication lies with the United States of America.

II. VICTIMS

As described in our request of May last year, we are concerned with a consistent pattern of unjustified criminal prosecutions against individuals and organizations, that are politically motivated and aim at the elimination of social, political, cultural, or religious minorities.

These involve, *inter alia*, arbitrarily construed criminal charges, unprecedented interpretations of U.S. law-provisions, selective and/or vindictive targeting as well as deliberate frameups. There are many cases of judicial abuse against "dissident" political representatives, often holders of public offices, independent trade unions, the anti-abortion movement or those victims of the questionable activities of the "Office of Special Investigations" (OSI) within the U.S. Department of Justice.

Legal opinions issued by the Department of Justice, executive directives of various agencies, and, above all, the clear trend in recent U.S. Supreme Court decisions, are paving the way for the "legalization" of such infringements on human rights: The same Supreme Court, that decided to extend the death penalty to minors and the

mentally retarded, ruled that it is admissible to apply the famous RICO [Racketeer Influenced and Corrupt Organizations] statutes, originally conceived to fight the mafia, on political and social organizations in cases, where there is no profit-making element. Especially anti-abortion activists and trade unions have already been convicted under RICO. The Department of Justice promotes assaults on the right of defendants to legal counsel—defense lawyers may be forced to testify against their clients; prosecutors are authorized to ignore ethical rules governing contact between prosecutors and defendants who have retained counsel, etc. The government may seize the property of criminal suspects, long before they are convicted of any crime, including monies necessary to pay defense lawyers. Mr. Neal Sher, head of the OSI, explicitly defends the use of evidence in Western courts that is supplied from Communist countries. And so on. In a recent report to the Commission to Investigate Human Rights Violations, American civil rights lawyer Edwin Vieira, Jr. described the prevailing legal philosophy of the Bush administration including the open defiance of international law:

Within the last few months, a new theory of international law—or perhaps more accurately put, international lawlessness—has emerged from the fertile minds of Attorney General Richard Thornburgh of the United States Department of Justice and Director of Central Intelligence William Webster of the Central Intelligence Agency. According to this “Thornburgh Doctrine,” the United States enjoys an exclusive privilege and power, within its spheres of influence throughout the world,

- to assassinate leaders of foreign countries in the course of instigating or aiding coups d'états in those countries;
- to kidnap alleged fugitives from United States justice from foreign countries, without the permission of the governments of those countries;
- to invade with United States military forces any country in which such fugitives may be found; and
- to offer immense bounties—not unlike the reward the late Ayatollah Khomeini promised for Salman Rushdie—for the apprehension of such fugitives, apparently “alive or dead.”

The world has just witnessed the first major implementation of the Thornburgh Doctrine in the recent invasion of Panama, the installation of a new regime subservient to the Bush administration and the seizure of General Manuel Noriega for trial in the United States on charges of criminally trafficking in narcotics.

Many legal scholars, experts in international law and others, have rightly condemned the U.S. invasion of Panama as an act of international piracy. They consider the “Thorn-

burgh Doctrine” as one further piece of unmistakable evidence for the evisceration of law by the U.S. government—inside and outside U.S. borders.

The judicial targeting of Mr. Lyndon LaRouche and a growing number of his political collaborators and associates is merely one of many examples for the abuse of judicial/executive means at the disposal of United States authorities for the purpose of silencing “dissident” voices.

The following is an updated and expanded list of those persons who so far have been most immediately affected by the judicial measures directed against the “LaRouche movement”:

Lyndon Hermyle LaRouche, Jr., American Citizen, born Sept. 8, 1922 in Rochester, New Hampshire, economist.

William Wertz, American Citizen, born July 28, 1945, in Summit, New Jersey.

Edward Spannaus, American Citizen, born April 3, 1943 in Seattle, Washington, staff director of the Constitutional Defense Fund.

Michael Billington, American Citizen, born July 8, 1945, in Jacksonville, Florida.

Dennis Small, American Citizen, born December 16, 1950, in Miami Beach, Florida.

Paul Greenberg, American Citizen, born December 19, 1949, in Levittown, New York.

Joyce Rubinstein, American Citizen, born April 18, 1952, in Philadelphia, Pennsylvania.

Rochelle Ascher, American Citizen, born April 23, 1951, in Cleveland, Ohio.

Robert Primack, American Citizen, born May 1945 in Boston, Massachusetts.

Lynne Speed and Marielle Kronberg, both American Citizens.

All correspondence in the matter addressed by this communication should be directed to the Commission internationale d'enquête sur les atteintes aux droits de l'homme, 10 rue Juliette Lambert, 75017 Paris, France.

III. AUTHORS OF THIS COMMUNICATION

This communication is submitted by Mrs. Helga Zepp-LaRouche, the wife of Mr. Lyndon LaRouche, and the Commission to Investigate Human Rights Violations. Both have direct and reliable knowledge of the violations described herein.

This petition to the United Nations also enjoys the support and express endorsement of numerous jurists, human rights activists, and others internationally, who regard the persecution of the political movement around Mr. LaRouche as a particularly troubling example of widespread human rights violations in and by the United States.

IV. AREAS OF HUMAN RIGHTS VIOLATIONS

This communication deals with three major areas of human rights violations:

A. Violations of Articles 1, 7, 18 and 20 of the Universal Declaration of Human Rights regarding the equal rights and personal freedom of each individual, equality before the law, the right to freedom of thought and manifestation of political belief and the right to freedom of peaceful assembly and association.

B. Violations of Articles 10 and 11 of the Universal Declaration of Human Rights regarding the right to a fair trial by an independent and impartial tribunal, the right to be presumed innocent until proven guilty in a public trial at which the accused has had all the guarantees necessary for his defense, and the protection against conviction for any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed.

C. Violations of Articles 5 and 9 regarding the protection against inhuman or degrading treatment or punishment and against arbitrary arrest and detention.

V. STATEMENT OF THE FACTS—INTRODUCTION

Mr. Lyndon LaRouche is an author and economist, who founded the National Caucus of Labor Committees (NCLC) and the U.S. Labor Party and ran for the office of President of the United States as an independent Democrat in 1980, 1984, and 1988. The NCLC is an unincorporated political and philosophical association which was formed on the basis of a series of classes being taught by Mr. LaRouche in New York City in the late 1960s. The U.S. Labor Party was a political party founded by members of the NCLC which functioned actively throughout the United States by running candidates for public office and promoting its policies during the period from 1973 through 1979. In 1979, many of the leading members of the U.S. Labor Party joined the Democratic Party. The U.S. Labor Party became defunct as an active political organization at that point.

Mr. LaRouche's conceptual contributions inspired various political, scientific, and cultural organizations. As a political action committee, the National Democratic Policy Committee (NDPC) has supported many political candidates who ran for office on a "LaRouche platform." Since the late 1970s, political enemies of Mr. LaRouche have engaged in numerous efforts to damage the political movement associated with him. The political motive behind these efforts derived chiefly from Mr. LaRouche's widely debated concepts for the reorganization of world finances, his proposals for an uncompromising "war on drugs," his acknowledged influence on U.S. defense policy as highlighted by the genesis of the "Strategic Defense Initiative" (SDI), and more recently from his publicized opposition to the disastrous Iran-Contra policy.

In June of last year, Mr. LaRouche, who is still imprisoned, announced his candidacy for the 10th U.S. Congressional District [in Virginia]. In the following months, the "LaRouche for Justice" campaign has become another sub-

ject of continued government harassment and attempts to disrupt legitimate First Amendment activities.

In our appended earlier request, we described the more than twenty-years-long history of efforts by political enemies of Mr. LaRouche to damage the political movement associated with him by causing U.S. authorities and the U.S. judiciary to investigate, prosecute, convict, and jail political associates of Mr. LaRouche and otherwise impede the legitimate activities of the group. We also explained how this interfering activity led to the criminal indictment of Messrs. LaRouche, Wertz, Spannaus, Billington, Small, Greenberg and Mrs. Rubinstein, who were tried and convicted in Alexandria, Virginia.

Under Section A of this communication, we will describe, how more and more associates of Mr. LaRouche are being persecuted all over the United States, how three organizations and publishing companies were illegally forced into bankruptcy, and how a political action committee is being "fined" out of existence.

Section B of our earlier communication was devoted to the unconstitutionality of the trial in Alexandria. Under section B of this document, we describe the unsuccessful attempts to overturn this unjust verdict with the appeal. Although this appeal was supported by the highest authorities in the legal science from all over the world, the Appeals Court decided to uphold the verdict and order Mr. LaRouche and his six co-defendants to remain in jail. We also describe the parallel "LaRouche cases" tried in state courts in Virginia and New York.

Section C describes the unusual and degrading punishment imposed especially on Mr. LaRouche which at one point involved acute risks for his life, and on Mr. Billington, and Mrs. Ascher.

A. Violations of Articles 1, 7, 18 and 20 of the Universal Declaration of Human Rights

1. Twenty years and more of unlawful interference

Our earlier communication referred to the decades-long efforts chiefly by the Federal Bureau of Investigation to interfere with the legitimate political activities of Mr. LaRouche and his collaborators. We went into the history of the efforts undertaken by political enemies of Mr. LaRouche, such as Dr. Henry Kissinger, to involve the FBI, efforts to disrupt electoral campaigns of Mr. LaRouche, and his increasing political influence on high levels of U.S. government.

The March 1986 election victory of two individuals associated with Mr. LaRouche in the Democratic primaries in the State of Illinois caused the leadership of the Democratic Party

to press for intensified governmental actions directed against the NCLC, its members, and its supporters.

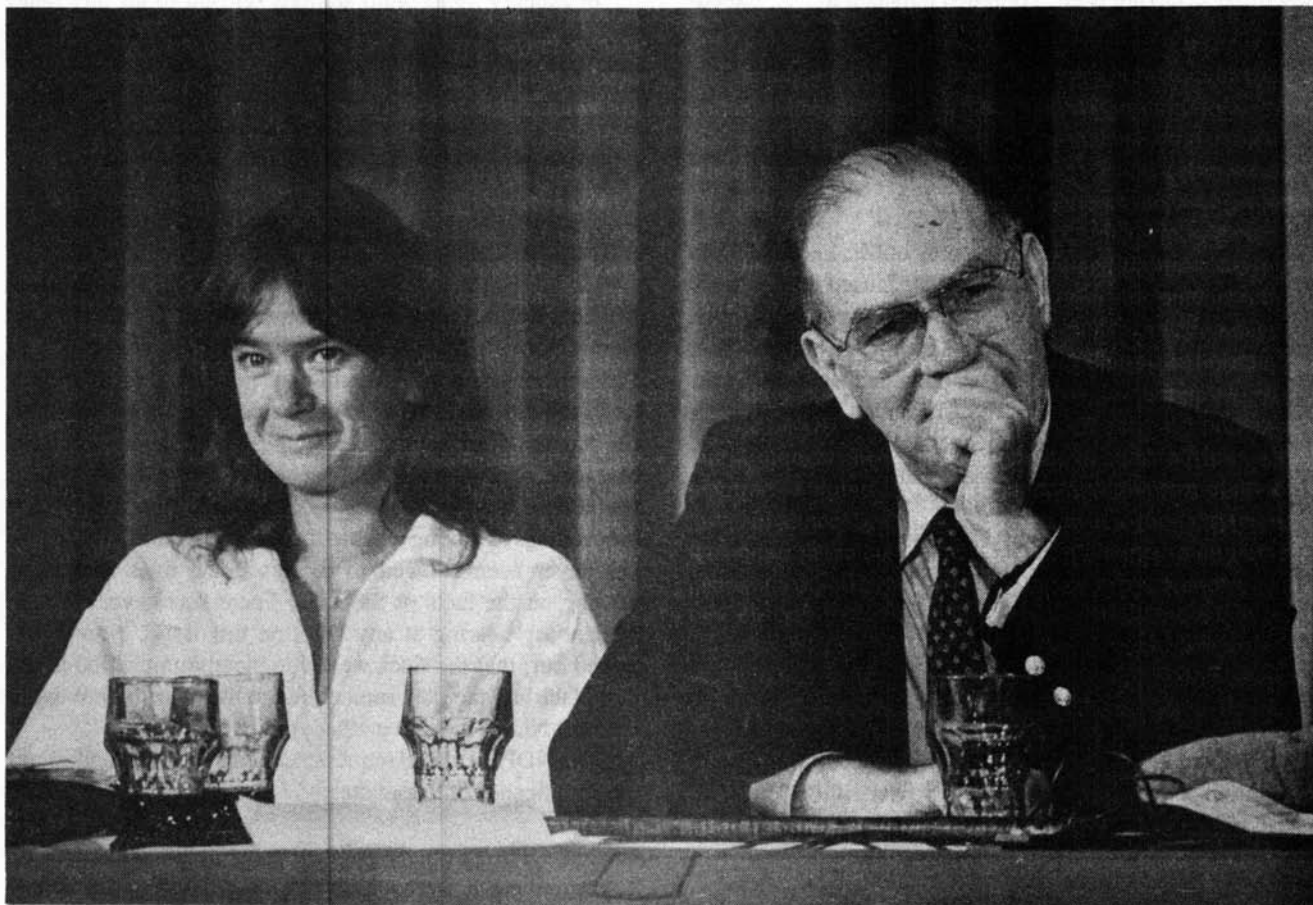
This activity included the targeting of political funds. Since an early date, the FBI was interested in the sources of funding for the NCLC and took actions aimed at both uncovering the funding base for the group and interfering with that base in order to disrupt its political activities. (We herewith enclose Exhibit No. 36 already mentioned in our communication of May 29, 1989. This FBI document dated November 1984 shows the direct involvement of U.S. Attorney William Weld, who started the first grand jury investigation against the LaRouche presidential campaign, in freezing campaign bank accounts at that time.) As documented, from an early time on, the question of political funds for Mr. LaRouche was a subject of discussions between various authorities, the President's Foreign Intelligence Advisory Board, private and official political enemies, government-funded and/or -influenced media outlets and others.

Government attempts to disrupt the NCLC and cripple its fundraising reached a peak with the investigation which culminated in the Virginia [federal] prosecution and the parallel prosecution in Boston.

New evidence

In the course of a civil litigation initiated in 1975 by Mr. LaRouche against unconstitutional interference by the FBI (*LaRouche v. Webster (FBI)*), it was acknowledged as undisputed fact, that from 1969 through 1977, the FBI conducted an "internal security" investigation (later captioned "domestic security") of the NCLC and its members. The FBI claimed that since 1977 there have been "no domestic security or foreign counter-intelligence investigations" of LaRouche, et al. Yet new evidence has surfaced that the FBI has conducted "a sensitive, national security" type investigation of LaRouche, et al. as recently as 1986.

The judge in the *Webster* case has refused to make any ruling on the discovery issue since 1985. Since that time, it was revealed that the FBI has indeed continued to conduct investigations into the political activities of LaRouche. This new evidence suggests *inter alia* that the FBI maintains so-called "Do Not File" files. Such a file dated February 1985 was already in existence at the time the government filed a motion in the *Webster* case saying "Plaintiffs' purported suspicions regarding . . . maintenance of secret files are completely groundless, and are "idle and unfounded specula-



German political leader Helga Zepp-LaRouche with her husband, American congressional candidate Lyndon LaRouche, the leading political dissident imprisoned in the United States today.

tion that sequestered files, such as . . . 'Do Not File' files, were withheld from them." Other documents released in a civil rights action brought by LaRouche associate Paul Goldstein show that from 1982 to 1986, FBI officials repeatedly raised questions about the financial resources of the LaRouche movement. Moreover, it was revealed that FBI and CIA used informants to gather information and infiltrate the LaRouche organization. Lastly, there are eleven instances which show that from 1981 on, the FBI engaged in deliberate defamatory dissemination to foreign countries in an effort to discredit Mr. LaRouche. (See Section B. 1. d. for further details.)

In a sworn affidavit filed in federal court in the civil rights suit *LaRouche v. Webster* in November 1989, the FBI's acting chief of records, Vernon Thornton, reaffirmed that Lyndon LaRouche has in fact been the subject of a classified file compiled under Executive Order 12333. It was E.O. 12333, dealing with covert foreign intelligence operations, that created the "secret government" apparatus which came to light during the height of the Iran-Contra affair. Thornton's response was provoked by a LaRouche motion that pointed out that there are nineteen documents released in a related Freedom of Information Act case from a much larger file described as having been "compiled pursuant to . . . Executive Order 12333." Knowledge of this file had been obtained independently in the above-mentioned civil rights action.

Continued harassment

A few more recent examples of government harassment and "financial warfare" included:

After the conviction and sentencing of Mr. LaRouche and six of his collaborators in January 1989 caused international protests and many people turned to the embassy of the United States of America in their respective country to inquire about this, responses from U.S. embassy personnel contained misrepresentations of the facts of the Alexandria trial, misstatements about the charges involved, and even included the continued dissemination of slanders that had appeared in the media about Mr. LaRouche.

Several letters sent out by U.S. embassies repeated for example, the prosecution's demagoguery of a "\$30 million fraud scheme," although less than \$300,000 of loans were at issue in Alexandria. The American Consul General in Hanover, West Germany, told a caller, that he would have wished "LaRouche had gotten 30 years." Similar reactions were reported from U.S. diplomatic personnel in Milan and Rome, Italy. There a U.S. diplomat claimed LaRouche was a communist, a spy, and an agent of the Soviet KGB. The U.S. embassy in London lied that the court had imposed a fine of \$3.25 million on Mr. LaRouche.

In July 1989, it came to our attention that the Minnesota Attorney General's office mailed an article that appeared in

The New Republic and was slanderous about Mr. LaRouche, to a woman who intended to contribute to Mr. LaRouche's campaign. An accompanying letter advised her that LaRouche had "recently been sentenced to Federal Prison."

In October, U.S. Circuit Court Judge George Pratt in a political use of the notorious RICO statute, issued an *ex parte* order freezing the bank accounts of the Constitutional Defense Fund (CDF), LaRouche for Justice (LFJ), and Hamilton System Distributors, Inc. (HSDI). CDF is a legal defense fund, LFJ is the federal campaign committee for Lyndon LaRouche's U.S. Congressional campaign, and HSDI is a company which sells and distributes *New Federalist*, *Executive Intelligence Review*, and other political publications. Judge Pratt signed the order in connection with a frivolous civil RICO suit which was filed against Lyndon LaRouche, CDF, LFJ, HSDI, three banks, two stock brokerage firms, and LaRouche associates Elliot Greenspan, Margaret Greenspan, and Lewis du Pont Smith. The suit makes the wild allegation that the defendants are engaged in a conspiracy to defraud the public by raising money to promote the political and economic views of Lyndon LaRouche!

In January 1990 radio stations refused to air any radio spots of the LaRouche for Justice campaign committee other than those approved by the Department of Justice. The reason given for this unusual procedure was that in cases of "controversial" advertisements the stations have to consult with groups or persons considered to hold "opposing views."

2. Economic death penalty against a political action committee

On July 3, 1989, Supreme Court Justice William Brennan denied without comment an application by the National Democratic Policy Committee (NDPC), to stay the execution of \$2.7 million of fines levied upon the political action committee of the LaRouche wing of the Democratic Party. The fines for "contempt of court" were imposed by Judge A. David Mazzone of Boston in 1986 at the initiative of FBI agent Richard Egan, who has since been exposed in numerous court proceedings as having repeatedly lied under oath. The NDPC has never been allowed to challenge the fines in a court hearing on the facts of the case. There was never a single evidentiary hearing at any level on this issue. Now it has turned out, that the fines were completely unjustified in the first place and the government lied to the court in moving to hold the NDPC and three other entities in contempt.

The NDPC's initial request to Justice Brennan underlines the significance of this matter:

NDPC is a purely political entity, a political action committee. It faces a multimillion-dollar fine that can terminate its political activity; it has no funds and cannot raise funds to pay millions of dollars to the United

States because it is restricted by federal law to fundraising for political purposes. The fine, moreover, is a completely judicial act, arising from the unique law of civil contempt, and thus uniquely represents the judicial extinguishment of a political organization. That extinguishment occurred simply because, of thousands of documents that were produced, certain index cards were

In this context, the First Circuit has held that no hearing need precede a contempt judgment, that financial resources and proportionality need not be considered when the fine is finally calculated, that clear and convincing evidence of contempt need not be shown, and that there is no time limit upon the imposition of a coercive civil contempt fine.

On Aug. 25, 1989, the NDPC filed a new petition to the U.S. Supreme Court requesting to halt the "economic death penalty." The NDPC petition presented the following two fundamental questions to the Supreme Court based upon "the First Amendment protections of political association and Fifth Amendment due process protections":

1. Whether a district court may enter judgment imposing a multimillion-dollar civil contempt fine against a political action committee (a) in the absence of a hearing of any kind, (b) in the absence of clear and convincing evidence of contempt, and (c) without consideration of the good faith nature of the organization's subpoena compliance or the absence of its financial resources to pay the fine?

2. Whether, more than a year after expiration of the grand jury that subpoenaed an organization's records, a district court may enter a "coercive" civil contempt judgment against the organization upon a motion that was filed by the government after the grand jury had expired?

On Oct. 3, 1989, the U.S. Supreme Court decided, that it would not hear the final appeal of the NDPC.

3. Political persecution in Illinois

On Aug. 17, 1989, an Ogle County, Illinois grand jury handed down indictments against three LaRouche Democrats named Patricia Schenk, Ron Fredman and Richard Blomquist, the indictment containing 18 counts for theft, residential burglary, robbery and intimidation. According to state prosecuting attorney Dennis Schumacher, the accused are being charged solely for the "crime" of obtaining a political contribution. Schenk and Fredman are running on a statewide slate with gubernatorial candidate Mark Fairchild, the Illinois Democrat who caused nationwide hysteria when he and his running mate, Janice Hart, won the 1986 Democratic primary for Lieutenant Governor and Secretary of State. Attorney

General Neil F. Hartigan, Schumacher's superior, is currently a candidate against the LaRouche Democrat Mark Fairchild.

According to prosecutor Schumacher's statements to the press, the charges, which even he himself described as "novel," are based on the premise that the three violated the robbery and residential burglary statute by entering a political supporter's home "with the intent to get money from her," and that their alleged use of intimidation was based on the fact "that they did not leave until they got it." In other words, the Illinois prosecutor is defining the solicitation of a political contribution as a criminal act.

The intention of Dennis Schumacher's investigation to target the financial backbone of political associates of Mr. LaRouche in Illinois was again revealed, when Schumacher requested the records and files of all employees, volunteers, related companies, organizations and supporters to Midwest Circulation Corporation, a LaRouche-related publishing company in Illinois. Schumacher also openly tried to badger and terrorize witnesses and moved to hold witnesses in criminal contempt for not appearing before the grand jury on August 31, 1989, although the same grand jury had been dismissed on Aug. 29. Attorneys for the witnesses argued in court, that the subpoenas had not been continued, causing Schumacher to ask that the attorneys be held in contempt as well.

Simultaneous with the state prosecutor's actions, Illinois Congressman Durbin sent out a letter to his constituents, entitled "Consumer Warning to All Illinois Residents." The letter instructs constituents to contact the Illinois commerce department if approached by individuals soliciting subscriptions to *New Federalist*, the LaRouche-affiliated newspaper.

Since the end of December, the campaign of Attorney General Neil Hartigan, who is running for governor against Mark Fairchild, tried to challenge the election petitions filed by the LaRouche slate, which also includes Janice Hart, Pat Schenk, and Ron Fredman. In January of this year Hartigan moved to reject all of the 10,010 signatures for the slate claiming "a pattern of fraud." He attempted to back this charge by affidavits that were obtained by coercion: people employed by the office of the Attorney General flashed their official badges to those being pressured to recant their signature, as well as subpoenaed them to sign "fill-in-the-blank" affidavits, notarized by these hired employees of the Attorney General's office.

4. Conclusion

The executive department, through the instruments of the FBI, intelligence apparatus and various levels of the judiciary is continuously interfering with legitimate political activities of a political movement, whose members are harassed and prosecuted for their political beliefs under the guise of violating certain criminal statutes. Such action contravenes the preemptory norm of free exercise of political expression.