
'LaRouche' Cases

Companies ask return of stolen property

Attorneys for companies associated with Lyndon LaRouche filed motions in Roanoke, Virginia on June 16, seeking the return of property illegally seized by agents of the Commonwealth of Virginia, at court proceedings in Roanoke Circuit Court before Judge Clifford Weckstein.

In announcing his intention to file the motions June 15, attorney John Flannery, representing *Executive Intelligence Review*, told Judge Weckstein, "We want back what was stolen from us by Don Moore and his gang of thugs."

The motions seek 1) the return of property seized during the Oct. 6, 1986 raid on LaRouche companies' offices in Leesburg that was not used in Virginia trials against LaRouche associates; and 2) property illegally seized by then-Loudoun Deputy Sheriff Don Moore. Moore was revealed to be part of a kidnapers-for-hire ring during last winter's trial for the conspiracy to kidnap Du Pont heir Lewis du Pont Smith, a LaRouche associate. Although that trial ended in acquittal, much evidence of illegal activities against LaRouche by Moore came into the court record during the trial through recorded surveillance audiotapes made of conversations Moore had; and one of Moore's fellow defendants, Galen Kelly, has subsequently been convicted for another kidnapping.

The filing of the two motions coincided with the trials of the last remaining Virginia LaRouche-associated defendants, Kathy Wolfe and Stu Rosenblatt. They were convicted in separate bench trials before Judge Weckstein of securities misdemeanors. They were sentenced to \$1,000 fines each, and one-year suspended sentences.

The motions incorporate the entirety of an Omnibus Motion filed before Judge Weckstein in April by attorneys for LaRouche-associated companies EIR, CDI, PGM, CPI, and the Fusion Energy Foundation (FEF). That motion detailed the "warrantless searches" of then-Deputy Moore, as he illegally gained entry to the companies' offices and took documents, including a notebook off an employee's desk.

Deputy Moore also admitted to illegally obtaining Social Security numbers of LaRouche associates through the Loudoun County, Virginia Board of Elections, which information he then had entered into computer files of a computer donated by millionaire Pennsylvania socialite E. Newbold Smith, the father of would-be kidnap victim Lewis du Pont Smith. The elder Smith had been a co-defendant with Moore in the Smith kidnap trial.

In an affidavit submitted with the Omnibus Motion, former Deputy Sheriff Doug Poppa had also stated that Moore illegally possessed FBI witness reports, called "302s," which he kept in what Moore called his "black book." Other illegally obtained evidence was kept by Moore in what he called his "magic box."

While the Commonwealth has claimed it does not have defendants' property in its possession, the motions would compel the Commonwealth to account for the whereabouts of the property.

The motion cites the Virginia state Code, to the effect that "the prosecution, by its agents, seized this property . . . in violation of Defendants' rights . . . the detention of this evidence by the prosecution is unlawful . . . the prosecution has conceded, by its principal counsel, Asst. Attorney General John Russell, that it has *no* intention of using either the property seized or the communications intercepted, as further described herein, as evidence. . . ."

Last trials

On the same day that Mr. Flannery filed the two motions, two LaRouche-associated corporations, EIR News Service and PGM, were also convicted of securities misdemeanors and sentenced to \$1,000 and \$2,000 fines, respectively, in separate bench trials before Judge Weckstein.

The conviction of PGM is particularly outrageous, as the two alleged "securities" for which they were found guilty were acknowledged by the prosecution, defense, and judge to be zero-interest loans.

Using the "Ascher precedent," prosecutor John Russell argued that based on the conviction of LaRouche associate Rochelle Ascher, any notes are securities, even zero-interest loans. Judge Weckstein agreed with the prosecution's argument.

The Commonwealth of Virginia also dismissed outright the indictments against three corporations, CPI, CDI, and FEF, shut down in the federal government's infamous 1987 involuntary bankruptcy.

Political prisoners

Defendants tried earlier in the Virginia "securities" cases against LaRouche associates, Rochelle Ascher and Michael Billington, remain in state prisons where they are serving lengthy sentences for crimes they never committed. Billington, who is serving a 77-year term, has become an international *cause célèbre* due to the particularly outrageous nature of his trial and sentence. Mrs. Ascher is serving a ten-year sentence.

In addition, LaRouche associates Laurence Hecht, Paul Gallagher, Anita Gallagher, and Donald Phau are currently going through an appeals process to contest the onerous sentences to which each of them was condemned following trials in Judge Weckstein's court. Hecht faces a 33-year sentence, Paul Gallagher 34 years, Anita Gallagher 39 years, and Donald Phau 25 years.