

ADL judge flaunts corruption in vengeance sentences

by Warren A.J. Hamerman

Corrupt Roanoke, Virginia Judge Clifford Weckstein sent four associates of Lyndon LaRouche to prison for sentences of between 25 and 39 years on Nov. 4, only two days after Virginia voters had resoundingly rejected former Attorney General Mary Sue Terry's gubernatorial bid, which had run ads identifying a public enemies list headed by LaRouche. The four political organizers had been tried and sentenced in Weckstein's court in 1991 on charges of "securities fraud," after the state of Virginia determined retroactively that political loans were "securities," making it a felony to solicit such loans without a broker's license. The Nov. 4 sentence reduction hearing was held after all appeals in the state had been denied.

Weckstein's decision not to reduce the outrageous sentences in these political cases came at the exact moment that virtually every political and community force in the state, Republican, Democrat, and independent, from the State Legislature, the governor-elect, to the delegate who sponsored Weckstein's judgeship, is on public record opposing the imprisonment of nonviolent first-time offenders, let alone sending them away for decades for securities violations that routinely receive small sentences.

Weckstein ordered Anita and Paul Gallagher, Laurence Hecht, and Donald Phau to jail in Roanoke for sentences of 39, 34, 33 and 25 years, respectively. Thirteen members of the state legislature had written to the judge to advise him that these sentences were excessive when compared to the sentences of notorious white collar criminals Michael Milken, Ivan Boesky, and Charles Keating. Weckstein refused to consider proposals of alternative sentencing programs for each defendant, which were presented to the court by a nationally recognized sentencing expert with experience in more than 800 trials across 40 states.

Thumbing his nose at public policy, the sense of the community, and the facts in the case—not to mention justice and mercy—Weckstein rejected testimony for moderating the sentences. Those who gave testimony included family members of the defendants and Rev. Charles Green, a community leader and president of the Roanoke branch of the National Association for the Advancement of Colored People (NAACP). Green told the court that it was the sense of the community in Roanoke that these sentences were excessive and unjustly vengeful.

Prosecutor plays the ADL card

Weckstein is notorious for his correspondence, during the trial period, with the leadership of Anti-Defamation League of B'nai B'rith (ADL), a hate group now under criminal investigation for running a spy service. Throughout the hearing, Weckstein allowed prosecutor John Russell to play the ADL card in the court room. Russell introduced only three items of evidence at the hearing, including the introduction to *EIR's* book *The Ugly Truth About the ADL* and a press release by defendant Paul Gallagher, to argue that no mercy should be shown because the four were members of a "cult." Instead of rejecting Russell's inflammatory tactic, Weckstein commented that he was familiar with the views of the defendants' organization on the ADL, having read two of their books on the subject, *The Ugly Truth About the ADL* and *Travesty*.

Prosecutor Russell, whose perjury on the witness stand in the Kidnappers, Inc. trial of Don Moore, Galen Kelly, and the father of LaRouche associate Lewis du Pont Smith is documented in the *Travesty* book, tried to exclude from the record letters from 13 members of the State General Assembly urging sentence reduction. Russell claimed that these letters were an unconstitutional "intervention into an ongoing proceeding." Russell's boss, Attorney General Stephen Rosenthal, had the week before called the legislators to strong-arm them into withdrawing their letters. When this tactic failed, Russell went to the media to denounce the letters as a "highly improper participation in ongoing litigation."

William Robinson, attorney for Don Phau, and himself a member of the State Legislature, told the court that Russell's attempt to muzzle legislators from expressing policy views was insulting, unconstitutional, and a diversion from the fact that the sentences were excessive, disproportionate, unnecessarily vengeful, and out of line with public policy. The court has the legal authority to moderate these unjust sentences, and should, he said.

When the letters were allowed into evidence, Russell responded with even more crude lies, brazenly arguing that since the four defendants fundraised over years and have not left the "cult" or renounced their beliefs, they really could not be considered nonviolent first offenders, despite the fact that this was indeed their first offense and the crimes were nonviolent.

Gerald Zerkin, lawyer for Larry Hecht, forcefully demolished prosecutor Russell's cult-baiting: "I've known these people through many trials and they are not a cult. Cults shut themselves off from society, insulated into their own world, and unconcerned about society at large. These people are anything but. They are being persecuted—not prosecuted—because they have committed their lives to their beliefs. They are doing what our society is supposed to value but doesn't. They do serious politics, intervening for the good of our nation and society, in the political policy debate from morning to night. And they live their lives accordingly."