

Illinois 'Get LaRouche' case ends in mistrial

by EIR Staff

On March 12, Ogle County Circuit Court Judge Alan Cargerman declared a mistrial in Oregon, Illinois in the case of *The People of the State of Illinois v. Patricia Noble Schenk, Ron Fredman, and Richard Blomquist*. The issue of mistrial arose after the prosecution's central witness in the case, Harriet Driver, suffered a stroke 45 minutes into State's Attorney Dennis Schumacher's direct examination on March 7.

Cargerman granted the mistrial over the objections of defense attorney Michael Null, who had requested that the judge dismiss the case on the basis of Mrs. Driver's severe medical condition and the circumstances under which the stroke occurred.

Null argued that whether or not Mrs. Driver could or would take the stand at some latter point, he faced an ethical and moral dilemma, which would significantly prejudice his clients. Arguing that if Mrs. Driver could not withstand 45 minutes of relatively simple direct examination, she could not possibly stand up to cross examination, he told the court that he would be put in the position of either conducting a vigorous cross examination, possibly imperiling Mrs. Driver's life, or compromising his obligation to his clients by not doing so. "I will not be the one who kills this woman. If Mr. Schumacher wishes to force her to testify and risk that possibility, he may, but this court should not allow it. It is neither justice for Mrs. Driver nor for my clients," he told Cargerman.

Cargerman refused to dismiss the charges and instead granted the mistrial, setting a status conference in the case for late April. That date will be to determine if Schumacher can retry the case. Under Illinois law, a prosecutor has 160 days after a mistrial to bring the case to trial or the charges must be dismissed.

Whether Mrs. Driver is willing to testify, or is physically capable of doing so, the major issue in the case remains: Dennis Schumacher's reckless and immoral decision to put her on the stand. Schumacher's actions are demonstrative of the mentality of those behind the prosecutions of Lyndon H. LaRouche, Jr. and those who have chosen to commit their lives to organizing others to support his ideas and policies.

In the days following Mrs. Driver's stroke, rallies and vigils were held to protest her barbaric treatment, from Ogle

County to Notre Dame cathedral in Paris, to the Vatican in Rome, to the historic dome in Erfurt, East Germany, and in other nations and cities around the world. In Ogle County, the Fairchild-Jones for Justice slate of candidates, led by LaRouche Democratic candidates for governor and lieutenant governor Mark J. Fairchild and Sheila Anne Jones, sponsored a performance of Friedrich Schiller's play *The Virgin of Orleans* (about Joan of Arc) on March 11 at Maxson's Manor restaurant, the place where Mrs. Driver had once taken two of the defendants to dinner to express the joy they had given her in bringing the LaRouche movement to her attention. Scenes of the play were also performed on March 12 in front of the courthouse, for Schumacher's benefit.

Informed of the vigils, Lyndon LaRouche said he was "happy that that's being done," but that Americans must "defend the rights of everyone—which is, by the way, what a public prosecutor is supposed to do." LaRouche said "a public prosecutor" was needed "to deal with Schumacher and those behind him. Schumacher must be personally held to public account, and held responsible for the welfare and health of Mrs. Driver. This kind of fascist immorality, we have to fight, and fight, and fight, and fight, and fight, until we've uprooted it from our society." "There is no greater crime than the abuse of prosecutorial powers, but a kindred form of abuse of judicial powers, so-called judicial discretion," LaRouche said.

Weak case

What has been clear from the beginning of this "prosecution," and was made even clearer at trial was Schumacher's desire to get a conviction at whatever the cost, even if that was the life of Mrs. Driver, the woman whose rights he so piously purports to defend. What little testimony Mrs. Driver did give made clear how weak a case Schumacher had. As one juror told defense counsel after the jury was dismissed, "I didn't think her testimony proved she was robbed or threatened. She was their [the prosecutor's] best shot, and she didn't make their case. Not so far as I was concerned. The State's Attorney was trying to put one over on us."

The March 12 hearing only further made Schumacher's motives evident, for while he mouthed platitudes about Mrs. Driver's constitutional rights, he admitted that he had spent most of the weekend trying to see if he could get her back on the stand, in an attempt to avoid a mistrial. In "reluctantly" asking for a mistrial, he told the court that Mrs. Driver's health "is something beyond our control. However I think the victim is still entitled to her day in court." He later told the press he was "disappointed" in not being able to proceed with the case. Observers of the proceedings could not recall a single indication of real concern for Mrs. Driver's health. Obviously for Dennis Schumacher, and others in the "Get LaRouche" task force, someone like Harriet Driver's "day in court" is, as defense attorney Michael Null described it "the bait necessary to get a conviction, nothing more."