

## Virginia court tries to end appeals of LaRouche associates

Despite the spectacular revelations every few months for the past two years, of wrongdoing and conspiracy by the “Get LaRouche” prosecutorial task force, Virginia’s Court of Appeals is attempting to keep the lid firmly closed on the political trials of LaRouche fundraisers by Attorney General Mary Sue Terry.

FBI documents have surfaced describing Terry as “politically motivated” to get independent presidential candidate Lyndon LaRouche and his associates; other documents have shown that the LaRouche documents seized by Virginia State Police in raids on offices of LaRouche associates were turned over to the Joint Chiefs of Staff; some members of the “Get LaRouche” task force have been exposed collecting surplus military vehicles and weapons and false “U.S. Marshal” credentials for use in raids against LaRouche associates’ offices; other agents of the task force have now been indicted for conspiracy to kidnap members of the very movement they were prosecuting.

Yet, the courts of the Commonwealth of Virginia continue to rubberstamp Terry’s 1986-87 power play, which suddenly redefined the movement’s political loans as “securities” in order to prosecute the fundraisers as “unregistered brokers.”

In final arguments in Roanoke, Virginia on the appeal of Anita Gallagher, Paul Gallagher, and Laurence Hecht, a three-judge panel of the Virginia Court of Appeals appeared to be trying to declare the present and potential future appeals of “LaRouche defendants” to be closed and denied in advance. Justices Bray, Koontz, and Moon all had already served on panels which denied the appeals of other LaRouche associates—Rochelle Ascher, Richard Welsh, Michael Billington, and Donald Phau. The judges, outrageously, are claiming that decisions written by the Appeals Court in the cases of Ascher and Welsh can be automatically applied to deny the appeals of other defendants—without either considering the new revelations of prosecutorial misconduct or the circumstances of the trials of the current defendants!

### Legal opinion ignored

Appeals Court Judge Koontz interrupted the Gallagher-Hecht appeals attorney, Gerald Zerkin, almost before he started, to ask whether “all these issues hadn’t already been disposed of by this court in other cases.” Judge Bray immedi-

ately followed up in the same vein, claiming that the LaRouche activists had been given “notice” that the loans they raised for political non-profit and even tax-exempt publishing companies were “securities,” by a single 1986 letter from the Virginia State Corporation Commission (SCC) to an attorney for one of the companies.

Zerkin informed Bray that the letter (which did not claim that the loans were securities) was sent *after* all of the loans at issue in the case had already been raised. He also pointed out that, months later, the SCC was still unable to decide that the loans were securities, until Attorney General Terry demanded in writing that they do so, to facilitate her desire to prosecute. The *Richmond Times-Dispatch* and other media have accused the Virginia Supreme Court of being a political tool of Terry; apparently other state agencies and courts also are compliant with her demands.

In the arrogant attempt to tell attorney Zerkin not to argue the appeal, the panel was also trying to ignore 65 other attorneys, including eight legal professors of ethics, who had submitted a brief to the court supporting the defendants’ charge that the trial judge, Clifford Weckstein, should have removed himself from their trial. Weckstein had initiated and carried on a correspondence about the defendants with the Anti-Defamation League of B’nai B’rith (ADL), the open enemy of the defendants, while the judge knew that the ADL was involved in the prosecution. Appeals Court Judges Moon and Bray claimed in their questions that Weckstein’s bias had already been “disposed of” in the case of Richard Welsh (which case did not even go to trial). But it was precisely the Welsh case record which had convinced the outside attorneys to file their brief on behalf of the Gallaghers and Hecht.

### Judges ought to get the facts

Zerkin fought the attempted suppression of the appeal, telling the judges that their fellow Appeals Court judges had applied unconstitutional arguments of law, had misinterpreted the record in the Ascher and Welsh decisions, and that the factual evidence of political activity by fundraisers and supporters alike was far more extensive in the Gallagher and Hecht case. No one in the Virginia legal community can remember any other *criminal* prosecutions for alleged violations of securities regulations, and Zerkin ticked off federal cases which established that agencies cannot make a *civil* ruling (i.e., that certain loans are securities) by launching a *criminal* prosecution.

Hammering away at the “securities” issue, Zerkin brought out the judges’ unfamiliarity with the record of the case which they were hearing. He showed their unawareness of the fact that there were such things as loans at zero percent interest called “securities” in this case, and also loans described in writing by the lenders themselves as “repayable contributions.” This caused some discomfiture on the part of one judge, who finally said, “We’re going to have to read the record on this.”