

of documents of evidence which were exculpatory, that is, which would have tended to or would have proved the defendants' innocence. In addition to these unlawful means and suppression of evidence, the government resorted to false witness obtained by aid of inducements, and to massive lying by the prosecuting attorneys and others representing the government in the case itself.

Specifically, the defendants in the case, as in an earlier Boston case which the government abandoned, charged that the entire case was brought about by aid of politically motivated actions by the government, including actions taken under Executive Order 12333 and similar methods or auspices.

The government said that there was no E.O. 12333 file, and that there was, in effect, no White House political involvement in this case. It has been subsequently conceded by the government that there is an E.O. 12333 file on LaRouche, and that George Bush personally is sitting upon a file which is known to contain masses of exculpatory evidence.

So to date, the following charges have been brought before the U.N. Human Rights Commission:

"Mr. Lyndon H. LaRouche is reported to have been subjected to harassment, investigation, and prosecution solely

because of his beliefs . . . [which] are centered on the right of all peoples to development and economic justice. . . .

"Mr. LaRouche's trial is said to have been unfair and conducted in disregard for guarantees necessary for the defense. Exclusion of evidence has also been reported in this connection as well as the passing of an excessive sentence for crimes which are usually said to be regarded as minor civil or administrative infractions. . . .

"Fifty persons have so far been indicted because of their links with Mr. LaRouche's association and it has been reported that they, too, have had unfair trials. . . .

"Mr. LaRouche's beliefs have also reportedly resulted in the seizure and closing down of five publishing companies whose publications had disseminated the ideas of his association."

The suppression of beliefs cited in the Special Rapporteur's report has been aided by the circulation of false characterizations of the charges against LaRouche, throughout the international and domestic news media by the State Department and other U.S. government agencies.

To date, the State Department has issued no reply or clarification to evidence of illegal and other wrongful actions by the U.S. government in obtaining this indictment and conviction.

Virginia court rulings will be challenged

The Virginia State Supreme Court in mid-March refused to grant Rochelle Ascher, an associate of Democratic presidential candidate Lyndon LaRouche, an appeal of her conviction on politically motivated "securities fraud" charges. In a related development, the Virginia Court of Appeals, the state's intermediate court, refused to grant an appeal to three of Ascher's co-defendants, Anita Gallagher, Paul Gallagher, and Lawrence Hecht. The two decisions show the willingness of the state's appeals courts to bend the law to uphold Virginia Attorney General Mary Sue Terry's politically motivated prosecutions of LaRouche's associates in Virginia.

The State Supreme Court disregarded any pretense of a fair hearing when they allowed Justice Elizabeth Lacey to sit on the panel that heard Ascher's petition for appeal. Lacey was promoted to the Supreme Court from her post as chairman of the the State Corporation Commission after she made the first ruling ever that political loans were "securities." Her ruling as SCC chairman cleared the way for the criminal prosecution of Ascher and her co-defendants. Never before had loans to a political movement ever been considered "securities." In her SCC ruling, Lacey said, "This is a case of first impression."

Ascher's attorney, John P. Flannery, II, objected to

Lacey sitting on the Supreme Court panel on the grounds that Lacey could not give Ascher a fair hearing because she had already pre-judged the issue. Justice Compton rejected Flannery's argument, arrogantly claiming that the court could do whatever it wanted.

Ascher intends to appeal the ruling to the U.S. Supreme Court.

The Virginia Supreme Court's refusal to hear Ascher's appeal leaves in place, for now, the Virginia Appeals Court decision which upheld Ascher's original frame-up conviction. That decision has since been applied in other cases of LaRouche associates in Virginia.

The most recent application was in the case of Ascher's co-defendants Gallagher, Gallagher, and Hecht. In that case, the Court of Appeals sank to new lows in denying their petition for appeal on all but one issue.

The three-judge panel ruled that Gallagher, Gallagher, and Hecht could be found guilty of securities fraud even though neither they nor anyone else knew that political loans could be considered "securities," because they never before had been so classified. In making their ruling, the Appeals Court cited a different section of the Virginia Securities Code than the one the defendants were convicted under. The Appeals Court also approved of trial Judge Clifford Weckstein's refusal to grant key defense subpoenas.

The Appeals Court did agree to hear an appeal on trial Judge Clifford R. Weckstein's refusal to recuse himself from presiding over the trial in the first place. Weckstein had been exposed as having a cozy relationship with the

ADL-linked law firm nailed in S&L coverup

by Steve Meyer

On March 9, in an agreement between the New York law firm of Kaye, Scholer, Fierman, Hays, and Handler and the Office of Thrift Supervision (OTS), Peter Fishbein was barred from practicing banking law. Fishbein represented Charles Keating's Lincoln Home Savings and Loan when it was called before the Federal Home Loan Bank Board (FHLBB) in 1986 and 1988. (The bank later failed and was seized by federal authorities.)

Fishbein is also an executive of the Anti-Defamation League of B'nai B'rith (ADL). This affair provides fresh

Anti-Defamation League of B'nai B'rith, which has been an integral part of the prosecution team. Despite a clear appearance of bias, Weckstein continues to preside over the "LaRouche" cases. Attorneys for Gallagher, Gallagher, and Hecht have filed a petition for a rehearing.

Terry under fire

These decisions come immediately after increasing public criticism of the Virginia court system and Virginia Attorney General Mary Sue Terry. Earlier this year, the *Richmond Times-Dispatch*, the newspaper of the state's old-line establishment, devoted two lead editorials to attacking Terry for being "politically motivated" in her prosecution of LaRouche's associates in Virginia. The *Richmond Times-Dispatch* cited recently disclosed FBI documents in which FBI agents described Terry's actions as being politically motivated. The editorials also criticized the outrageous sentences meted out against LaRouche supporters, while big-time Wall Street crooks get lenient sentences.

Terry has also come under fire for her bloodthirsty commitment to carrying out executions even when there is clear evidence that the condemned are innocent. Terry and her assistants consistently argue that evidence of innocence should not be considered once a death sentence has been handed down. Virginia is one of the few states in the United States that does not allow courts to hear new evidence in death penalty cases except within 21 days of conviction.—Bruce Director

evidence of the fact that the ADL, a private lobby which has nestled into federal and state law enforcement agencies in an official capacity all over the United States under the guise of being a leading civil rights organization, is really a front for organized crime.

Case for criminal prosecution

The OTS filed an administrative complaint on March 2, charging that Kaye, Scholer had contributed to Lincoln's losses through its representation before the FHLBB. OTS froze the firm's bank account, issued a fine of \$275 million, and was also holding Fishbein personally responsible. In the final settlement, reached in early March, the firm agreed to pay \$41 million in damages.

The unprecedented action by the OTS has sparked a debate inside the legal community over the issue of whether a law firm should be subject to regulatory actions for vigorously defending clients. Indeed, the action by OTS raises real constitutional issues, particularly in the context of the Bush administration's track record of widespread abuse of the authorities of the Executive branch.

While there is little doubt that Fishbein and his team of corporate lawyers at Kaye, Scholer were complicit in the coverup of criminality by Lincoln, many legal experts have argued, correctly, that Fishbein and others should have been criminally prosecuted (as were Lincoln chairman Charles Keating, Drexel Burnham's Michael Milken, and others) for their actions. They would have thus been afforded the full constitutional protections under the Sixth Amendment.

The firm has already been found to have been wittingly involved in the Lincoln debacle. Last year, the firm paid \$21 million in two class-action suits brought by investors who had bought junk bonds issued by Lincoln and who had lost their shirts when the thrift failed.

Peter Fishbein and Dope, Inc.

Fishbein and his law firm have represented some of the most notorious elements of the international dope mafia. According to *The American Lawyer Guide*, his clients include:

- Fishbein has represented Carl Lindner's American Financial Corp. According to several of the recently published books exposing the inner workings of convicted felon Michael Milken's junk bond industry, Lindner and American Financial were at the core of Milken's well-oiled apparatus. Not only was Lindner Drexel Burnham's biggest client, but he was also the closest to Milken personally.

In 1975, just as Milken was getting under way, Lindner took over United Brands after its chairman, Eli Black, took a short walk out his 44th floor office window. Lindner installed as chairman his financial partner Max Fisher, the former member of Detroit's notorious Purple Gang and currently a national commissioner of the ADL. *Dope, Inc.*, *EIR*'s bestselling book on the international drug cartel and its corporate and financial fronts, revealed that, according