

for publication in the *Washington Post*.

Judge Cacheris's sly manner of making a ruling nullifying existing law was the first major error of the trial. His refusal to declare a mistrial in face of the clearest evidence of massive contamination of the jury, was the second of the most outstanding errors. There were many other errors in the trial, but these two were of the utmost importance. The trial was rigged by Judge Cacheris's cunning manner of delaying his ruling on the matter of hearsay evidence, and his kindred actions in putting aside massive evidence in open court that the jury had been irreparably prejudiced by the *Washington Post*'s headlined endorsement of the defendant's fabricated lie.

Judge Cacheris's cunning behavior in the matter of the ruling on defendants' hearsay evidence continued *in extremis* a pattern of bias in Judge Cacheris's rulings from early during the pre-trial discovery. It is important to identify a few of

the incidents of the pre-trial period to understand the setting in which the judge's actions during the trial were situated.

Prior to the taking of depositions in pre-trial discovery, Judge Cacheris had ruled that I would be deposed under the protection of licensed security personnel, to include three such persons in the room where I would be deposed.

Beginning approximately ten o'clock on the morning of Thursday, June 7, 1984, defendants Dennis King and "Chip" Berlet staged an incident under the direct supervision of their attorney, Philip Hirschkop.

First, Berlet and King staged attempted provocations against my security force during the period I was entering the premises where that day's deposition was to be held. King, in particular, attempted to crash through the screen of security personnel around me, to come into the immediate vicinity of my person. King has publicly threatened physical attacks against me and my associates, as he did at a rally of the violence-prone "Yippies" and others held outside my New York City offices.

Second, a member of the security detail standing on duty outside the room in which I was to be deposed, overheard attorney Hirschkop giving instructions to Berlet and King to stage an incident inside the room where I was seated awaiting the deposition's commencement that day. Thereupon, King entered the room, and consistent with Hirschkop's instruction just moments earlier, walked up to the coffee table where one of the security detail was preparing a cup of coffee, and nudged the member of the security detail. Some part of King's arm struck against the torso of the security guard, striking the portable two-way radio holstered under the guard's sports coat. Then, King moved to converse in whispers with Hirschkop.

We waited to resume the deposition. The ADL attorneys were not present. For the NBC, only Peter Stackhouse was present; the chief counsel for NBC, Thomas Kavalier, would arrive approximately an hour late. During the hour between ten and eleven, attorney Hirschkop occupied himself with a wild display of gestures and verbal pyrotechnics, walking out of the deposition with his two clients at approximately the end of that hour's interval. At that point, Thomas Kavalier arrived, an hour late, excusing himself with some cock-and-bull story about losing his way to one of the best-known major hotels in the vicinity of the Pentagon.

The next day, Hirschkop presented a wildly perjured statement to Judge Cacheris. The judge not only stripped away two-thirds of the security arrangements he had previously ordered for the taking of my deposition, but excluded the security guard who had been jostled by King from being present in the deposition. The judge's bias was naked.

While Hirschkop was lying his head off in court that morning, the deposition of me by NBC proceeded with attorneys Stackhouse and Kavalier present. Hirschkop, obviously enough, was not there; ADL continued to absent itself. At about noon, we recessed. During that recess, I was informed of the judge's stripping down his earlier orders

## LaRouche's lawsuit against NBC, the ADL

The \$150 million libel suit brought by Lyndon LaRouche against the National Broadcasting Company (NBC) and the Anti-Defamation League of B'nai B'rith (ADL) went to trial on Oct. 22 in Federal District Court in Alexandria, Virginia. LaRouche had charged that NBC and the ADL acted with "actual malice" in two network broadcasts, a five-minute "Nightly News" segment run on Jan. 30 of this year, and a 20-minute "First Camera" feature shown on March 4.

NBC claimed that LaRouche had plotted to assassinate President Carter and other high government officials, that he and his associates are tax evaders, that he is a "cult leader" whose followers would commit violence at his command, that he is an anti-Semite who blames Jews for all the evils of the world, and that he is a "small-time Hitler" (in the words of the ADL's Irwin Suall, who appeared on the "First Camera" program) who draws support from the KKK and other violent right-wing groups.

LaRouche's attorneys had presented a pre-trial motion to eliminate NBC's reliance on "confidential sources," which "First Camera" producer Pat Lynch had cited in her argument about the alleged assassination plot. Judge James Cacheris ruled on Oct. 22 that the NBC defendants would be allowed to cite their reliance on these "sources" for information used in the broadcast, whether the sources appeared on the broadcast or not, without being forced to name or produce the sources.