

## Courtroom Notebook by EIR Staff

### Virginia judge keeps biased jurors on panel

In Leesburg, Virginia, Judge Carleton Penn continued to seat biased jurors on the panel in the case of *Commonwealth v. Rochelle Ascher*, through Wednesday, Jan. 25. At that point, the two jury pools that had been called were exhausted, with only 15 prospective jurors selected.

Sixty jurors have been interviewed already for the first of the Commonwealth's "LaRouche" cases, in which 16 fundraisers and corporate officers, and 5 organizations, are accused of "securities" fraud and conspiracy to defraud. Twenty-nine have been excused because they admitted their bias, and 16 for hardship.

The jury selection process supports entirely the contention of Ascher's lawyer, John P. Flannery, that it is impossible to get an impartial jury in a case against an associate of LaRouche in Loudoun County. Flannery's motion for a change of venue has been denied by Judge Penn numerous times.

When the jury pools were exhausted, the proceedings were suspended until Monday, Jan. 30.

Of the 15 jurors already seated, many have already declared that they have a negative opinion of LaRouche, as well as having read negative press coverage. Assistant attorneys general John Russell and George Chabalewski have argued that this is not unfair to the defense, because the individuals have also been induced to say that they could be impartial despite their negative views. Seated over defense objections were:

- One juror who called LaRouche "an anti-Semite and a racist." He said

that if LaRouche got power, it would be a "threat to the country."

- Another, who said he had told his wife, "the American people that have been snowballed or taken [by LaRouche], it's not right. You wonder how people can do illegal solicitations for years and years." He even said that, if Ascher supported the matters that he was referring to, he would "probably be unfavorable to her."

- Another juror seated is a Mason and active local Episcopalian, who worked before retirement for the Federal Reserve Board. He said that "in the circles I travel," people are not favorable to LaRouche.

- Another said, "LaRouche is all doom and gloom; he called anyone who disagrees with him a Communist."

After the seating of the first eight jurors, attorney Flannery made an emergency motion Jan. 24 to discharge two of them for cause. Flannery cut through the prosecution and court's assertion that such prejudice was not relevant because "LaRouche isn't on trial here," with the following argument:

"How serious an error it is to seat these jurors will be manifest when, in the government's opening [statement], the government refers to 'the LaRouche organization' again, in contrast to how it underplays the matter now, and then proceeds at trial to adduce testimony from individuals, the 'LaRouche insiders,' who had little or nothing to do with Mrs. Ascher, but who will say they had a lot to do with 'the corrupt LaRouche organization.' Then will Mrs. Ascher suffer these jurors' prejudice."

### States drop charges against LaRouche aides

On Jan. 25, well over three years after California Attorney General John Van

de Kamp began his witchhunt investigation of the AIDS referendum, Proposition 64, with a raid on the initiative's offices, and a year to the day after Andrea Diano-Smith surrendered after being charged, Los Angeles District Attorney Ira Reiner dismissed charges against her. She, along with Bruce Kilber, also an organizer with the Prevent AIDS Now Initiative Committee (PANIC), was accused of the absurd charge of "causing themselves to illegally register to vote."

Both were activists who organized in support of the initiative which had called for having the State Public Health Dept. treat AIDS as it does any other communicable disease. Prop. 64 set off a storm of opposition from both the AIDS lobby and enemies of Lyndon LaRouche. Van de Kamp's office publicly announced that they would move to crush it through a criminal investigation.

Also Jan. 25, New York Assistant Attorney General Dawn Cardi announced that she was dismissing a two-count indictment against LaRouche associate Joyce Rubinstein, on grounds that the prosecution was barred by the New York State double jeopardy statute. After reading motion papers filed by Mrs. Rubinstein's attorney, Cardi agreed that the New York case was identical to the federal prosecution brought in Alexandria.

Mrs. Rubinstein was convicted of conspiracy and mail fraud in December along with Lyndon LaRouche and six other LaRouche associates by a lynch-mob jury in Alexandria. The lawyer for another Alexandria defendant, Edward Spannaus, has requested that his client also be dismissed from the New York case for the same reason.

Justice Stephen Crane, who originally calendared the trial to begin on Jan. 23, has refused to set a new trial date.