

Supreme Court denies LaRouche bond appeal

William H. Rehnquist, Chief Justice of the Supreme Court, has denied a request by attorneys for Lyndon H. LaRouche, Jr. and his six codefendants for release from jail pending appeal. There was no written explanation for the denial, notice of which was received by letter dated May 11. LaRouche attorneys had filed the request on May 5. Their 14-page brief stated that the seven should be freed during their appeal to the U.S. Court of Appeals for the Fourth Circuit, because 1) the case involves non-violent crimes, 2) the applicants do not pose a risk of flight or danger to the community, and 3) the appeal involves substantial issues likely to result in a reversal or a new trial.

The seven defendants were convicted in Alexandria, Virginia federal court on Dec. 16, on trumped-up fraud and conspiracy charges. LaRouche was sentenced by Judge Albert V. Bryan on Jan. 27 to 15 years in prison, and the other defendants were given sentences ranging from three to five years. All were forced to begin serving their sentences immediately, and the six male defendants are currently prisoners in the Alexandria Detention Center.

The appeal to the Supreme Court followed three separate denials of bond by sections of the Fourth Circuit Court of Appeals, none of which have enunciated the reason for the denial. The Supreme Court papers asked that the Fourth Circuit be ordered to articulate the standard for bond, if release is not granted by Chief Justice Rehnquist.

Fascist justice

The denial of the request by Chief Justice Rehnquist means that the highest court in the land has ratified a blatant denial of constitutional rights to a leading political figure in the United States. This constitutes a ratification of political use of the judiciary to the degree that can only be described as "fascist justice."

Filing for Lyndon LaRouche, Dennis Small, and Paul Greenberg were attorneys Ramsey Clark and Odin Anderson. Clark was U.S. Attorney General under the Lyndon Johnson administration. The other attorneys were R. Kenly Webster for Edward Spannaus; Brian P. Gettings for William Wertz;

Edwin Williams for Joyce Rubinstein; and James Clark for Michael Billington.

Arguments

The applicants argued that they have satisfied all statutory requirements for release pending appeal. First, they represent no risk of flight, or danger to the community. Second, the appeal issues raise substantial questions of law and fact. These issues are enumerated as follows:

1) The defense was denied a constitutionally adequate *voir dire* in violation of their Sixth Amendment right to a fair and impartial jury. This was in stark contrast to the actions of Boston federal judge Robert E. Keeton, and represented a refusal by trial judge Albert V. Bryan to take any of the precautions necessarily employed in high-profile cases, which the LaRouche case was.

2) The court deprived the defense of critical defenses, through denying exculpatory material and granting the government's motion *in limine*. This was particularly crucial since the way the government attempted to prove intent to defraud, was by determining that lenders had not been repaid. Yet the defense was prevented from demonstrating the precise history and nature of government interference, including a government-initiated involuntary bankruptcy, which made impossible that repayment.

3) The court erred in denying motions for continuance, and forcing counsel to trial without giving them adequate time to prepare.

The papers make two other arguments. First, there is no question that the appeal for bond is being taken in the interest of delay or will prolong the appellate process. Second, the appellants are being subjected to "continuing injury" by being hampered in the preparation of their appeal, in the same way they were hampered in properly preparing for their defense at trial.

Appeal denied in lower court

The Fourth Circuit Court of Appeals in Richmond, Virginia had earlier denied a motion for bond pending appeal that was submitted on April 5 by defense attorneys. As *EIR* reported (April 14, 1989), the 50-page appeal brief provided extensive documentation of the constitutional abuses and legal errors committed during the trial, which make it likely that the defendants' appeal of their conviction will be upheld.

The brief underlined three broad categories of errors:

- 1) The inadequate *voir dire* process;
- 2) The denial of the defendants' motion for exculpatory material and the fact that they were forbidden to introduce into evidence the pattern of government activity against the defendants, and the involuntary bankruptcies which the government had brought against the defendants' organizations;
- 3) The rush to trial (trial began just 34 days after arraignment), which deprived counsel of the time required to prepare an adequate defense, in a case of enormous complexity.