

gan to circulate in millions of leaflets.

On Sept. 11-15, at the federal penitentiary in Rochester, Minnesota LaRouche was subjected to treatment for removal of two intestinal polyps, including being put on a full work routine while on a liquid diet for two days prior to the operation, and being recalled to work 10 hours after the operation, which medical experts described as torture, and a likely attempt to kill him.

### Virginia 'LaRouche' cases

Sixteen individuals and five corporations face trial in the Commonwealth of Virginia, on charges that the political loans they raised were "securities." Two went to trial in 1989.

Rochelle Joyce Ascher was indicted on Feb. 17, 1987 on charges that she had failed to register as a "securities broker" when taking loans, and for alleged fraud in sale of securities, even though the Virginia State Corporation Counsel never ruled that corporate IOUs were securities until three months later.

On Jan. 23, her trial began in Loudoun County, Virginia under Circuit Court Judge Carleton Penn III, who denied all

defense motions for a change of venue, despite inflammatory local publicity against LaRouche. On April 5, the jury convicted Ascher on all nine counts and sentenced her to 86 years in prison. On June 5, Judge Penn denied all post-trial motions including motion for a new trial; modified Ascher's sentence to 20 years in prison, with 10 of those years suspended; and required that Ascher pay 10% of her gross salary in "restitution" and for court costs, despite the fact that the loans taken were corporate loans and the federal government had put the corporate lenders into involuntary bankruptcy. Penn denied bail and sent Ascher to jail. On June 8, Virginia Court of Appeals ordered Ascher freed on bond during her appeal, ruling that Penn had "abused his discretion" in denying bail.

Michael Billington's case, tried in Roanoke County, became even more of a Kafkaesque nightmare. On Sept. 14, Roanoke County Circuit Judge Clifford Weckstein denied motion for dismissal on grounds of double jeopardy, that the case is the same as Alexandria federal prosecution. Billington was moved from a lowest-level federal security facility and was placed, without explanation, in Roanoke County prison in solitary confinement.

## U.S. continues plunge to police state

by Edward Spannaus

During 1989, the United States continued its drive for police-state rule, with judges and prosecutors gaining more and more power to interfere with the political process and to trample on the rights of citizens.

The sentencings of former presidential candidate Lyndon LaRouche to 15 years in prison, evangelist Jim Bakker to 45 years, and LaRouche associate Michael Billington to 77 years, are but the most egregious examples of the politically motivated abuse of the law enforcement system. On the broad scale, federal and state prisons overflowed with new prisoners at record rates; with well over 600,000 prisoners, the United States has one of the highest rates of incarceration in the world—with no visible effect on the crime rate.

The trend toward overreaching federal police power is not new, dating as it does from the 1930s (see "Is the Justice Department unconstitutional?"—*EIR* Vol. 16, No. 41, Oct. 13, 1989—for a historical review of the rise of federal police power). But its raw exercise of power—often for political

purposes—has become consolidated in recent years in a frightening fashion.

During 1989, this consolidation was reflected in the following events:

- The Supreme Court stood by and permitted the application of federal racketeering (RICO) laws against all manner of non-racketeers, from legitimate businesses to anti-abortion protesters.

- The impact of the new federal mandatory sentencing laws began to be fully felt, enormously increasing the power of prosecutors to coerce guilty pleas and fill up already-overcrowded prisons.

- The Supreme Court expanded the reach of the death penalty, with respect to minors and mentally handicapped defendants.

- The Justice Department continued to decimate the defense industry with scores of guilty pleas and convictions.

- In the "Irangate" prosecutions, the Independent Counsel obtained a conviction of the wrong guy (Ollie North), but when he threatened to get too close to the right guys (Reagan, Bush, and the intelligence agencies), the Justice Department succeeded in stonewalling another case right out of court.

### RICO runs wild

The year 1989 saw unparalleled expansion of the application of the federal Racketeer Influenced and Corrupt Organization (RICO) Act. A law which many innocently thought was intended to be applied to gangsters taking over legitimate businesses, was applied to all kinds of business activity and even to protest groups. Civil suits against businesses which formerly would have been treated as garden-variety fraud suits frequently included a RICO count, both for the shock

On Sept. 15-16, the sheriff withdrew visitation rights to two paralegals who have worked on the case for two and a half years. Billington was not allowed to call anyone, including his wife, except his lawyer. On Sept. 18, both the prosecutor and Billington's own attorney Brian Gettings tried to get him declared mentally incompetent for Billington's insistence on his right to a trial by jury. The defendant underwent psychiatric examination—and was declared sane—while Gettings's motion to withdraw as his lawyer was denied.

On Sept. 25, Billington filed an emergency *pro se* motion to dismiss Brian Gettings as his attorney; it was denied. On Sept. 28, Judge Weckstein ordered the trial to begin on nine counts of selling unregistered securities, failure to register as a securities broker-dealer, and securities fraud, for \$56,590 in unrepaid loans to political supporters of LaRouche. Gettings was ordered to represent Billington over Billington's repeated and strong objections. On Oct. 24, the guilty verdict was handed down, and the jury recommended 77 years' imprisonment.

On Dec. 1, he was sentenced to 77 years in the Virginia penitentiary by Judge Weckstein, and denied bail. **On Dec.**

**16, Billington spent his 100th day in solitary confinement in a 9 by 12-foot windowless cell. For no apparent reason, he had still not been returned to federal custody.**

### **New York 'LaRouche' case**

On April 10, trial began before New York Supreme Court Justice Stephen G. Crane on charges that defendants had schemed to defraud by raising loans from political supporters for three LaRouche-associated publishing and distribution companies, Campaigner Publications, Caucus Distributors, and New Benjamin Franklin House, loans which the prosecution claimed they never intended to repay. Each of the four defendants was charged with two counts: conspiracy and scheme to defraud. The federal government's petition to force Campaigner and Caucus into bankruptcy made it impossible for those companies to repay *any* loans after April 1987, but the prosecution called that argument merely "another cheap alibi." Although the case yielded the first acquittals (see page 86), three of the four were convicted. They have filed a motion for a new trial, citing the Bostetter bankruptcy ruling.

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value and for the triple damages provided by the RICO act.

In June, the Supreme Court ruled that the "pattern of racketeering activity" proscribed by the RICO statute does not require any connections to organized crime; in this case, the high court upheld the use of RICO by a consumer group suing Northwestern Bell Telephone Company. On Oct. 9, the Supreme Court refused to review a lower court ruling upholding the use of RICO in a civil suit against anti-abortion protesters in Pennsylvania, thus allowing, at least for the time being, the lower court ruling to stand.

The Supreme Court's most dangerous RICO ruling to date came last June, in its decision allowing prosecutors to seize—before trial—a defendant's assets in a RICO case, including monies that are used to pay attorneys' fees. The ruling sent shockwaves through the ranks of defense lawyers, some of whom said they would no longer defend complicated criminal cases involving drugs or potential RICO charges for fear that their bank accounts could be pillaged by federal prosecutors. Some defense attorneys see this as an effort to eliminate the role of private defense attorneys, forcing defendants in such cases to be represented by plea bargaining-prone public defenders.

### **Political prosecutions**

High-publicity, politically motivated cases continued to dominate the scene in 1989. The LaRouche cases and the PTL/evangelist cases—although fundamentally different in character—both targeted independent movements with the capability to raise significant amounts of money from their supporters. The Justice Department's takedown of the defense industry, which was signaled by the June 1988 FBI raids on the Pentagon and defense contractors, elicited doz-

ens of convictions, mostly through guilty pleas by wiretapped defense consultants and officials. The most highly publicized and most expensive were the Irangate prosecutions. The *Wall Street Journal* aptly blasted Special Prosecutor Lawrence Walsh's \$40 million prosecution of Oliver North as a "circus," which "subverts both justice and politics." When President Bush and the CIA refused to allow certain classified information to be used in the trial of CIA official Joseph Fernandez, Walsh was forced to drop the prosecution.

The sheer number of federal prosecutions hit record levels, at about 50,000. And with the new mandatory sentencing guidelines, prosecutors are finding it easier to coerce both guilty pleas and cooperation from defendants. Judges no longer have any discretion in setting sentences for offenses committed after November 1987. The only way a defendant can get a sentence reduced is by cooperating with prosecutors against his co-defendants or other targets. As a result, many defendants will testify to just about anything to get a shorter sentence. Rather than improving the criminal justice system, the new sentencing procedures have further corrupted it.

An additional consequence is that the federal prison population has doubled over the decade of the 1980s, and now stands at about 50,000. It is projected to approach 150,000 by the year 2000.

The LaRouche case is the worst, but by no means the only case of the perversion of the justice system for political purposes. Under conditions of economic collapse and strategic U.S.-Soviet condominium, the ruling establishment is using law enforcement not to control crime, but to control the population, and to silence political and other leaders who could oppose the financial establishment's depression policies.