

Truth suppressed; Phau convicted

The politically motivated “securities fraud” trial against Don Phau, a longtime collaborator of Lyndon LaRouche, ended on Feb. 1 in Roanoke, Virginia with a conviction on all four counts of “conspiracy to defraud” and violation of the state’s securities law. The jury (which in Virginia not only brings in the verdict, but also sentences) recommended that Phau be sentenced to an outrageous 35 years in prison.

Immediately, Judge Clifford Weckstein revoked Phau’s bond and set a new bond at \$115,000, placing Phau in custody until the new bond is posted and citing the severity of the sentence as the reason. It is anticipated that bond will be posted Feb. 3. On March 14, Weckstein will pronounce final sentence—the same Judge Weckstein who in December sentenced LaRouche associate Michael Billington to 77 years in prison for similar charges of “securities fraud.”

Don Phau is the author of a published study showing that the story of Beethoven’s opera of freedom, *Fidelio*, was based on the political imprisonment of Lafayette, the hero of the American and French Revolutions, and of a recent series of newspaper articles exposing the satanic origins of rock music.

He is the third of 17 LaRouche associates indicted on these spurious charges, to be convicted in Virginia. Last April, Rochelle Asher was sentenced to 10 years in jail and 10 years probation. Last December, Billington received from Weckstein the obscene 77-year sentence. In addition, in the past year, three associates of LaRouche have been convicted of “scheme to defraud” in New York—and, of course, in December 1988, LaRouche and six others were railroaded into prison in an analogous federal frame-up in Alexandria, Virginia.

The Phau case is part of the political prosecution of the LaRouche movement on behalf of powerful U.S. Establishment circles including George Bush himself. To construct the charges of “securities violations” in Virginia, the state government declared, *a posteriori* (after the fact), that a political loan constitutes a “security,” and a political fundraiser—at least, a fundraiser for causes associated with LaRouche—is thus engaging in “unregistered security sales”!

And, to construct the charge of “conspiracy to defraud,” the federal government and state governments went a long way to create—by means of a vicious harassment and slander campaign, topped off with the government-enforced bank-

ruptcies of three LaRouche-affiliated companies—a situation in which political loans couldn’t be repaid on schedule.

In a written statement, Phau quoted LaRouche on that issue: “Were loans taken? . . . Yes. Were loans not repaid? . . . Yes. Why? If we were left alone, without government interference, those loans would have been repaid. If you want someone to blame, look to the prosecution desk and the government task force, whose bidding they are doing.”

LaRouche’s testimony blocked

Phau wanted Lyndon LaRouche (who has now been in federal prison for over a year, since his Alexandria sentencing), to testify on his behalf at the trial in Roanoke. LaRouche agreed; Phau’s lawyers agreed, too, but at the last minute—most likely due to government intervention—refused to call LaRouche as a defense witness.

Phau commented: “In my case the most efficient means to bring the truth before the jury was the testimony of Lyndon LaRouche. There is no doubt in my mind, that if he were allowed to testify, and the defense were minimally prepared to deal with the prosecution attempts to discredit his testimony, the case would have ended in either a mistrial or acquittal.

“The prosecution never had a case against me. Their key witness, the one person I had any real dealings with, said those dealing were without ‘ill-will or rancor.’ The prosecution’s other key witness, Wayne Hintz, was totally discredited when the defense produced evidence which proved beyond a shadow of a doubt that he was either an incompetent or a liar. Once the prosecution rested, it was simply a matter of the defense bringing out the full truth to the jury. This, however, never happened.”

Why not? Because, as Phau wrote, “The defense attorneys, themselves determining that the government had no case, decided to succumb to pragmatism: ‘The appearance exists that you are innocent, and that is all that is necessary.’ And, what about the truth? ‘Truth, you see, doesn’t enter into it. The truth, after all, doesn’t exist.’ ”

The truth is . . .

The truth is, the prosecution of the LaRouche movement is political—but the defense lawyers in Roanoke fell for the perception created by prosecutor Russell and Judge Weckstein, that it was not a political case but a case of financial fraud, for which the prosecution seemed unable to present sufficient evidence. Therefore, the defense lawyers mistakenly thought they had already won, when the prosecution rested, and considered the presentation of the truth and LaRouche’s testimony as superfluous. The result: LaRouche couldn’t testify, and Phau was convicted. The fundamental cause? The U.S. justice system has degenerated into a political instrument to suppress political enemies, and the LaRouche movement has become a primary target.

In the statement he wrote after his conviction, Phau concluded: “The truth has yet to come out.”