

# Defense rests in Roanoke trial of three LaRouche associates

by Warren Hamerman

The defense rested its case in the Roanoke, Virginia trial of Paul Gallagher, Anita Gallagher, and Laurence Hecht on Jan. 2. One of the final defense witnesses was David Kuney a well-respected bankruptcy attorney who testified about how the government illegally bankrupted three companies associated with the political movement of Lyndon LaRouche. The jury also heard testimony from Amelia Boynton Robinson, a civil rights activist who had been a collaborator of the late Dr. Martin Luther King, and several other defense witnesses.

The three defendants are being tried on concocted "securities" violations, charged as a result of a nationwide "Get LaRouche" task force effort encompassing federal, state, and local government entities acting in collaboration with private entities such as the Anti-Defamation League (ADL). The judge in the case, Clifford R. Weckstein, has already presided over the railroading of several LaRouche associates, and has imposed outrageous sentences as high as 77 years.

The defense was not allowed to call all the witnesses it had wanted. Weckstein quashed 12 defense subpoenas for key members of the "Get LaRouche" task force including top officials of the ADL, and participants in the Iran-Contra scandal such as Oliver North and Richard Secord. Defense attorneys wanted to compel the testimony of these witnesses to show the outrageous government actions taken to stop the LaRouche movement, including the ADL's apparently successful efforts to bias Weckstein himself.

## Jury told of illegal bankruptcy

One area of illegal government activity which Weckstein was not able to keep from the jury was the story of the government involuntary bankruptcy action against the Fusion Energy Foundation, Caucus Distributors, Inc., and Campaigner Publications, which was outlined for the jury by the attorney for the three companies, David Kuney.

Kuney told the jury that on April 21, 1987, the U.S. government initiated the unprecedented involuntary bankruptcy proceeding against the three companies affiliated with the philosophical outlook of LaRouche. He explained that in most bankruptcy proceedings, the company enters bankruptcy in order to reorganize and get back on its feet. In this case, the government's only purpose was to liquidate the companies.

Kuney said the government claimed the purpose of the bankruptcy was to collect contempt-of-court fines, but, by

initiating the bankruptcy, the government ensured those would never be paid.

Kuney related how the government initiated the bankruptcy in secret and withheld information from federal bankruptcy Judge Martin Van Buren Bostetter. Once the order was entered, the companies were put in the hands of trustees who considered LaRouche a political extremist. The LaRouche associates who had previously been running the companies were shut out of their offices, prevented from contacting their lenders, prevented from publishing, and denied access to their records, all of which were seized.

He testified that, after a lengthy trial, Bostetter ruled that the government had brought the bankruptcy in bad faith and that Henry Hudson, U.S. Attorney in Alexandria, Virginia (who was simultaneously conducting a criminal prosecution of LaRouche), had perpetrated a "constructive fraud" upon the court.

Bostetter overturned the bankruptcy decision and ruled that any reasonable person would not have done what the U.S. government did; that the government filed knowing it had violated the law; it filed knowing it was violating procedures; it filed in bad faith; and it was provided evidence for its illegal bankruptcy action by the Commonwealth of Virginia.

Kuney also testified that Judge Bostetter made the determination that the Fusion Energy Foundation and Caucus Distributors were not business entities, but rather not-for-profit organizations.

Bostetter's decision was appealed by the U.S. government in U.S. District Court. Federal Judge Claude Hilton endorsed Bostetter's decision and affirmed it. The U.S. government later decided not to appeal further, and there the matter stands, testified Kuney.

## Defendants were political

An important part of the prosecution's case is its contention that loans taken by the defendants were securities, not political loans. On the final day of testimony, the defense called Amelia Boynton Robinson and Lewis du Pont Smith as witnesses to demonstrate that everything they did lived and breathed politics, and that the LaRouche movement was under intense, illegal attack by the government-led task force.

Mrs. Robinson testified about her early life, how she was born in Savannah, Georgia to a political family. One of her

relatives, Robert Smalls, was one of the first black congressmen. In 1921, when her mother went house to house to register voters, Amelia traveled with her in a horse and buggy. She later graduated from Tuskegee Institute in Alabama. She described her 30-year career as a home demonstration agent, along with her husband, teaching scientific farming, registering blacks to vote in the South, and fighting for human dignity to get people out of their plantation existence.

Mrs. Robinson said that this activity to foster the better qualities of man were viewed as a menace by the white power structure and the system turned against her. In 1962, Amelia invited Dr. Martin Luther King to come to Selma, Alabama, and he came in 1965.

In dramatic fashion, Mrs. Robinson described the day on Jan. 2, 1965, when Dr. King came to Selma. The Afro-American citizens were afraid. It was known that Dr. King's house had been bombed. Nobody would open their doors for Dr. King, so she opened her home and gave half of her husband's office for Dr. King and his staff to work out of, and this became the headquarters of the Southern Christian Leadership Conference in Selma.

Mrs. Robinson testified that she felt she had a mission to do this. The last words which her husband had spoken to her before he passed away, were to see that everyone becomes a registered voter. Amelia said she continued this mission, and was jailed because she vouched for other people who wanted to register to vote.

Mrs. Robinson then described the events of Bloody Sunday March 7, 1965, where she and others were marching to the governor's mansion in Montgomery, Alabama, from Selma, to protest the fact that black voters were required to fill out a 10-12 page questionnaire before being allowed to register to vote.

After they crossed the Edmund Pettus Bridge, she testified that they were met by sheriffs, deputies, and the police department, who had billy clubs, nightsticks, cattle prods, tear gas, guns, and horses. Mrs. Robinson was hit several times, and she fell. She later saw photographs taken by the Justice Department while she was lying on the ground, and one of the officers was over her with a nightstick. Others pumped gas all over her. The whole street was bloody. People from the other side of the bridge pointed to her, and said, "There's a dead woman there, send an ambulance." The sheriff refused to send an ambulance at first; but he finally did, out of fear that the situation was getting out of control. She was picked up and taken to a church, but they were not able to revive her. She was then taken to a hospital, where 11 hours later she regained consciousness.

After this incident, Dr. King organized mass protest marches. Mrs. Robinson told the jury she wanted them to know about her background, because she has been in political struggle all her life.

Mrs. Robinson said that after Dr. King was killed, she and others in the SCLC were concerned about what would

happen to the leadership of the movement which they knew had to go on. She told the jury she later found an organization that picked up the broken pieces of Dr. King's movement, and that was the LaRouche movement.

Mrs. Robinson testified about her initial involvement with the LaRouche movement at a Club of Life discussion about the drug problem held at Tuskegee Institute.

Mrs. Robinson testified how she participated in building the 10,000-person march to Washington, D.C. in January 1985, when 5-8 buses were sent from Tuskegee to join the first march celebrating Dr. King's birthday. She addressed the crowd that day and told them that the United States had to turn back to its standards of world leadership.

Over the last few years, Mrs. Robinson said she has traveled around the U.S. and the world, including to Eastern Europe, to speak and give lectures under the banner of the Schiller Institute, founded in 1984.

### **Du Pont heir testifies**

The defense then called Lewis du Pont Smith, who told the jury how the ADL, Mira Lansky Boland, William Weld, and Henry Kissinger, together with his family, worked to deprive him of his constitutional and human rights.

Smith, an heir to the du Pont family fortune, testified that he had first come in contact with the LaRouche movement at an airport in 1985. At the time he was teaching history at a school in Pennsylvania and he was particularly interested in the book *Treason in America*. He realized that LaRouche was controversial when he tried to introduce some of LaRouche's ideas to his students at which point he was asked not to return to school.

Smith testified that in March-April 1985 he contributed, through a series of loans, some \$212,000. These funds were in part meant to finance re-publication of the book *Dope, Inc.*, as well as to generally help the war on drugs effort. He testified that he made the contributions in the form of a loan only because it was easier to explain it that way to his father, although he himself always intended these as political contributions.

He testified that when he attempted to give an additional \$75,000, he was stopped, because his family took him to court and got a temporary restraining order preventing him from giving any money to any organization associated with LaRouche. Later his family went into court to have him declared mentally incompetent and his right to vote, marry, and control his financial affairs were all taken away from him. He was given an allowance to spend any way he wished, as long as none of the money went to any organization affiliated with LaRouche,

Smith testified that his father contacted William Weld (then former U.S. Attorney in Boston, and now governor of Massachusetts, who at the time was conducting a criminal witchhunt against LaRouche), Kissinger, the ADL, and drug lobby scribbler, Dennis King, to attack LaRouche.