

Judge denies motion to free LaRouche

On May 18, Federal Judge Albert V. Bryan, Jr. issued an arrogant decision denying the motion filed on behalf of political prisoner Lyndon H. LaRouche, Jr. and two of his co-defendants, Edward Spannaus and William Wertz.

The motion, a type of *habeas corpus* motion filed under United States Code 2255, was originally filed on Jan. 22 by LaRouche's attorneys, including former U.S. Attorney General Ramsey Clark and Odin P. Anderson. It sought either to vacate LaRouche's sentence and release him from prison, or to at least grant him a new trial under Rule 33, based upon volumes of newly discovered evidence of his innocence (see *EIR*, Jan. 31, p.24 for excerpts from the motion).

The defense had also sought to have Judge Bryan recused from hearing the appeal, on the grounds of personal bias and prejudice. Judge Bryan refused, and the Fourth Circuit U.S. Court of Appeals upheld his decision.

LaRouche issued the following statement upon hearing of the decision:

"An appropriate comment in response to the denial of the 2255 motion in my case by federal District Judge Albert V. Bryan is to cite Harvard professor Alan Dershowitz in [the German weekly magazine] *Der Spiegel*, where he compares the U.S. Supreme Court under William Rehnquist to Nazi judges of the Third Reich.

"From the standpoint of the relevant respect for law, the conduct of Judge Bryan compares unfavorably with Nazi Judge Roland Freisler. This tendency is consistent with the practice that a colorable claim of innocence is no reason to halt an execution. Bryan's decision, its apparent hatred of truth and of respect for law, is an exhibition of such perversity, that it must fairly be described as satanic."

Rising international concern

Judge Bryan's decision comes despite international concern about the LaRouche case. Over 500 attorneys and others signed a resolution condemning LaRouche's unfair trial. But "rocket docket" Judge Bryan, in his 18-page decision, ignored the arguments that LaRouche's conviction and detention were unlawful.

According to LaRouche's motion, massive amounts of newly obtained evidence prove that "the prosecution conducted and participated in a conspiracy and concerted action with others to illegally and wrongfully convict him and his associates by engaging in outrageous misconduct, including financial warfare."

Among this was evidence showing the denial of due process, particularly the bad-faith filing in April 1987 by the U.S. government of an illegal and fraudulent involuntary bankruptcy petition, later overturned, that prevented the repayment of the loans whose non-payment provided the basis for LaRouche's indictment. Evidence was suppressed of illegal activity by the Federal Election Commission, the Internal Revenue Service, the Anti-Defamation League, and others, to destroy the ability to borrow money and repay loans; and the government was granted a motion *in limine* that excluded evidence and inquiry into its action to destroy the ability to repay loans. In addition, there was an unconstitutionally selected and biased jury.

In a rebuttal to the government's reply to the 2255 motion submitted in March, LaRouche's attorneys argued that there were "nine grounds of unlawful detention, which are subdivided into 15 claims and supported by 85 pieces of newly discovered evidence. The Government fails to refute, or even meaningfully address, any of the grounds in the original motion.

"Aside from a landslide of *ad hominem* abuse, the Government Response is also inaccurate, misleading, and obfuscatory. It seeks to whitewash or distort such issues as it addresses, and totally omits many others without explanation. Most grievously, it perpetuates the very abuses which underlie the instant motion.

"The Government has failed to disprove or explain away a single claim or piece of new evidence and its efforts to avoid issues or raise alternative explanations are superficial and do not withstand scrutiny. It wholly fails to address the claims and new evidence which, by themselves, require reversal. In short, the Government has defaulted on its obligation to the petitioners, the court, and justice," the rebuttal argued.

Judge adopts government stance

Judge Bryan's May 18 decision says in part: "Unable to prevail on this argument at trial, the defendants claim that new evidence developed since trial reveals a massive coverup by the government and others. . . . As a consequence of this conspiracy, the defendants say they were convicted. . . .

"If everything that the defendants now say should have been revealed at or before trial had been revealed, there is not the slightest possibility, much less the probability, that the result would have been different. . . .

"Nor will the court permit further discovery or an evidentiary hearing. After three years in which the defendants have had access to transcripts of numerous intervening state court hearings, had numerous investigators pursuing the histories of jurors and witnesses, and interrogated everyone remotely connected with the case, they have come up short. Further proceedings in this court are unnecessary."

Attorneys for LaRouche are planning to appeal the decision to the Fourth Circuit Court of Appeals.