

IPO refutes U.S. misrepresentation of LaRouche case to U.N. commission

On the evening of Feb. 17, the International Progress Organization (IPO) again presented the case of U.S. political prisoner Lyndon LaRouche to the ongoing 49th plenary session of the United Nations Human Rights Commission in Geneva.

After the Special Rapporteur on Elimination of All Forms of Discrimination Based on Religion or Belief had included the LaRouche case in his report last year—as the only case which was not a question of religious discrimination, but of discrimination based on belief—the United States government sent a reply to the Special Rapporteur on March 24, 1992 (see EIR, Feb. 21, 1992, p. 58). As a matter of usual procedure, the reply was included in this year's report of the Special Rapporteur to the Commission, together with a reprint of the original allegations from the Rapporteur.

The IPO intervened with corrections and comments to the U.S. government's reply, the text of which we print below, followed by the U.S. government reply. Ortrun Cramer spoke on behalf of the IPO.

The presentation took place around 8 o'clock in the evening—the Commission sits for about 10 hours a day—but there were still a significant number of people in the room. After Cramer's presentation, many national delegations from the Commission came to pick up copies of the speech, including from the Third World, Europe, and, the United States, as well as representatives from non-governmental organizations. In addition, facsimiles of a half-page appeal to President Clinton to free LaRouche signed by nearly 1,000 people that appeared in the Washington Post on Inauguration Day were distributed.

Commission on Human Rights, 49th session

Agenda Item 22: Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

Mr. Chairman,

On 8 November 1991 the Special Rapporteur monitoring violations of Intolerance and Discrimination Based on Religion or Belief formally transferred allegations of major human rights violations against Lyndon LaRouche and his associates to the United States Government. The Special Rapporteur's allegations against the United States were published in United Nations Document E/CN.4/1992/52, para. 74, dated 18 December 1991.

On 24 March 1992, the Government of the United States sent a reply to the Special Rapporteur containing numerous explicit misrepresentations of fact, distortions and obfuscations. The U.S. Government Reply is published in the February, 1993 Report of the Special Rapporteur to the Human Rights Commission (Document E/CN.4/1993/62).

The following specific examples illustrate the pattern:

1. The U.S. Government reply states that Mr. LaRouche "has been given due process under the laws of the United States," without making any mention of the fact that over two months before it submitted its reply, on January 22, 1992, the internationally known human rights advocate and former U.S. Attorney General Ramsey Clark, and other attorneys filed before a federal court six volumes of evidence newly discovered after trial that LaRouche was not afforded due process. The evidence was part of a more than 100-page *habeas corpus* motion, unprecedented in scope, which sought to vacate Mr. LaRouche's sentence because his conviction and detention were unlawful, based upon outrageous government misconduct. Massive evidence was presented by Ramsey Clark, et al. of at least nine provable major violations of due process. Mr. LaRouche was not present at any legal event where his *habeas* petition was being determined. The principal ground for LaRouche's demand for immediate release was that massive amounts of newly obtained evidence proved 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." This motion is currently on appeal before the Fourth Circuit Court of Appeals.

2. The U.S. Government reply is incorrect when it states that the Alexandria [Virginia] convictions resulted from fraudulent fund-raising activities conducted by Mr. LaRouche and his supporters to finance his presidential campaigns. This is not true. None of the specific counts in the indictment against LaRouche or his associates involved funds to finance his presidential campaigns. Furthermore, at the sentencing hearing after trial the Court found that the total value of all transactions at issue was less than \$300,000 and this money did not involve financing presidential campaigns.

3. The U.S. Government reply is incorrect when it states that some lenders lost their life savings. At the trial the U.S. Government presented perjured testimony from one lender witness, Elizabeth Sexton, whom they argued had lost her

last dime to the LaRouche association. Subsequent to trial Mr. LaRouche's defense team obtained concrete documentation including bank and real estate records which showed that this woman had considerable financial means at the time and after the trial.

4. The U.S. Government reply asserts that a number of state authorities have investigated or prosecuted him and his associates for income tax crimes. There has not been a single state indictment or prosecution for income tax crimes.

5. The U.S. Government reply reports that Mr. LaRouche's Boston trial ended in a mistrial. They fail to report that the day after the mistrial a member of the jury stated publicly that the jury would have voted for acquittals because they believed that it was government targetting and misconduct which had caused the situation. Furthermore, they fail to inform the Special Rapporteur that the federal judge on the case, Robert E. Keeton, formally cited the government's "systemic and institutional prosecutorial misconduct." The government's prosecutorial team had steadfastly denied any and all entanglements which they had with private citizens and intelligence community "secret government" political enemies of LaRouche; they also denied the existence of any and all exculpatory evidence in this regard.

6. The U.S. Government feels obliged to state that Mr. LaRouche, though incarcerated, is continuing his political activities. This appears rather to be a line of defense against the growing wave of international protests the incarceration of Mr. LaRouche has prompted. The above-mentioned *habeas corpus* motion by Ramsey Clark and other attorneys concludes its extensive documentation: "This entire prosecution, and those actions preceding and succeeding it, were so corrupted by politically motivated misconduct and bad faith as to have overwhelmed any pretext of due process and fairness in the trial. . . . Relevant and exculpatory materials were intentionally and routinely withheld by the Government in an effort to preclude defenses, prevent discovery of the truth, and cover up the conspiracy and concerted action in which the Government was engaged."

The International Progress Organization also wants to draw the attention of the Commission to the testimony of Lyndon LaRouche's wife, Helga Zepp-LaRouche, to the Subcommittee on the Prevention of Discrimination and Protection of Minorities of 19 August 1992, a summary of which is included in document E/CN.4/Sub.2/1992 SR.22. Mrs. LaRouche then stated: "One leading obstacle to a fair trial for my husband is the refusal on the part of President Bush and the prosecution, to release any exculpatory material, under the pretext of 'national security reasons.' "

Recently, well above 1,000 prominent personalities from around the world have appealed to incoming U.S. President Bill Clinton to break with the policies of his predecessor and free political prisoner Lyndon LaRouche. Among those who signed the appeal were a former head of state, parliamentarians, senators and former government officials from 16 coun-

tries; human rights activists and well-known representatives of civil rights movements, both from eastern Europe and from the United States; representatives from churches from around the world, artists, scientists, and newspaper publishers. The president of the International Progress Organization has endorsed this call to President Clinton.

Finally, the U.S. Government reply argues that LaRouche and his associates had ample opportunity to defend their rights in court up through the level of the U.S. Supreme Court. The International Progress Organization has in several presentations to this body and to the subcommittee expressed its deep concern, shared by many in the field of international law, over the general collapse of judicial standards in the United States. Most egregiously, the U.S. Supreme Court in the *Herrera* case (S. Ct. 1993 WL 10369 U.S.) decided that "actual innocence" is not a bar to the death sentence. In his dissenting opinion a member of the Supreme Court, Justice Blackmun, describing the Supreme Court majority's decision as "perverse," wrote: "The execution of a person who can show that he is innocent comes perilously close to simple murder."

The arrogant misrepresentations of the U.S. Government in its reply to the Special Rapporteur on the LaRouche case bespeaks a power which would substitute its own expediency for the principles of international law. We appeal to the Human Rights Commission to see to it that the United States Government, no matter how supreme its own self-conception as the sole remaining super-power on earth, must be held accountable to the same universal principles of international justice, human rights, and natural law as other civilized nations.

U.S. government's March 24, 1992 reply to the Special Rapporteur

United States of America

Par. 66. (Reprint of the letter by the Special Rapporteur to the U.S. government—as in last year's report.)

Par. 67. On 24 March 1992, the Government of the United States of America sent its comments to the Special Rapporteur regarding the above-mentioned communication:

The Government of the United States refers to paragraph 74 of the report entitled "Implementation of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief" (E/CN.4/1992/52, dated 18 December 1991) and offers the following response regarding the case of Lyndon LaRouche, who is alleged in the above paragraphs to have been subjected to violation of his human rights because of his beliefs.

The paragraph noted that a complaint had been received by the Special Rapporteur on religious intolerance that Mr. LaRouche had been subjected to harassment, investigation, and prosecution solely because of his beliefs. The paragraph further noted that the Special Rapporteur was not able to establish beyond doubt whether Mr. LaRouche's case could

be considered as falling under the terms of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion and Belief. The Government of the United States believes that the following information will make it clear to the Special Rapporteur that Mr. LaRouche has not been subjected to any form of intolerance or discrimination based on religion or belief but has, instead, been given due process under the laws of the United States for criminal violations to those laws.

On 16 December 1988, Mr. LaRouche and six of his associates were convicted in Federal District Court in Alexandria, Virginia, on various counts of mail fraud and conspiracy to commit mail fraud in violation of United States Federal Statutes. In addition, Mr. LaRouche was convicted of conspiracy to defraud the United States Internal Revenue Service. The defendants received sentences varying from 3 to 15 years. Mr. LaRouche was sentenced to a term of 5 years on each of 13 counts of conviction, with various counts ordered to run concurrently, so that his total sentence of incarceration was 15 years.

Those convictions, and other proceedings against members of Mr. LaRouche's organization, resulted from fraudulent fund-raising activities conducted by Mr. LaRouche and his supporters to finance his presidential candidacies and other political activities.

On 22 January 1990, the United States Court of Appeals for the Fourth Circuit affirmed the conviction of Mr. LaRouche and the other defendants, specifically rejecting their contentions concerning the lack of an impartial jury and other procedural improprieties that had allegedly denied them a fair trial. (*United States v. LaRouche*, 896 F.2D 814 (4th Cir. 1990)).

The United States Supreme Court declined to review that decision on 11 June 1990. (*LaRouche v. United States*, No. 89-1785, 58 U.S.L.W. 3782 (12 June 1990)).

In each of the proceedings, Mr. LaRouche and his co-defendants were represented by counsel of their own choosing and had ample opportunity to defend their rights in court.

Mr. LaRouche was the founder and chair of the National Caucus of Labor Committees (NCLC) and the now-defunct United States Labor Party. He was also a candidate for President in 1980, 1984 and 1988. The NCLC (also known as the "LaRouche Organization") supported various political candidates and initiatives, had offices throughout the country and carried out many of its activities through commercial corporations and political committees. One of its principal activities was to raise funds from private citizens to support those activities, by obtaining voluntary contributions, selling literature and borrowing from individuals (especially through telephone solicitation, use of the mails, and credit cards). All of the individuals convicted along with Mr. LaRouche were directly involved in these fund-raising activities.

Beginning in 1983, at Mr. LaRouche's personal direc-

tion, the NCLC resorted to increasingly aggressive and illegal fund-raising tactics, including schemes to obtain money by fraudulent pretenses. In particular, it was proved at trial that donors were asked to loan money to the organization with the promise of repayment at specific times and with specific rates of interest, when in fact defendants knew that the loans would not be repaid in the manner promised and had no intention of honoring their promissory notes and letters of indebtedness. Many lenders lost significant amounts of money, some their life savings. Moreover, the organization engaged in credit card fraud. It obtained credit card account numbers from private individuals who offered donations or purchased subscriptions to LaRouche publications, and then made fraudulent billings against those accounts without the individual's knowledge or consent. These activities, together with Mr. LaRouche's failure to file income tax returns and his efforts to mislead and obstruct the United States Internal Revenue Service, were the basis of investigation and prosecution by a number of state and federal authorities.

A federal grand jury initially issued an indictment against the LaRouche Organization in Boston, Massachusetts, on 6 October 1986; a second superseding indictment naming Mr. LaRouche and various of his colleagues, was issued in July 1987. The charges included credit card fraud and obtaining fraudulent loans, as well as conspiracy to obstruct justice. Trial began in Boston in December 1987, and continued for four months but was terminated when the presiding judge declared a "mistrial" due to "severe hardships" that would be suffered by several of the jurors if the trial had continued.

Retrial in Boston was set for January 1989, but in October 1988, Mr. LaRouche and his colleagues were separately indicted by a federal grand jury sitting in the Eastern District of Virginia on similar grounds including mail fraud, conspiracy to commit mail fraud, and conspiracy to obstruct income tax collection. At trial, a number of defrauded investors as well as several of Mr. LaRouche's former associates testified; by their own choice, none of the defendants took the stand. On 16 December 1988, the jury returned verdicts of guilty on all of the counts with which the defendants had been charged. As noted above, that conviction has been affirmed by the Court of Appeals, and the Supreme Court has declined to review it further.

The Government of the United States categorically denies the allegations that have been made to the Special Rapporteur on religious intolerance and notes that the prosecution of those who engage in criminal fraud is a fully legitimate exercise of a Government's authority to enforce its own laws. The United States further notes that, even though he is incarcerated at the federal correctional institution in Rochester, Minnesota, Mr. LaRouche has continued his political activities, publishing his writings and, in 1990, running as a candidate for the House of Representatives in the United States Congress.