smokestack scrubbers, is that: Pollution is rampant, there are hazardous chemicals, deadly radon, deadlier alar, stalking us everywhere.

But where are the bodies of all the people who should have died, according to all the dire predictions? The fact is that U.S. cancer death rates have decreased dramatically. The major exception is cancers produced by cigarette smoking and the use of "recreational drugs" such as marijuana and cocaine, which contain massive amounts of carcinogenic substances. A 1988 report from the National Cancer Institute indicates that "the age-adjusted mortality rate for all cancers combined, except lung cancer, has been declining since 1950 for all individuals and age groups except 85 and above." There is a 13% decrease overall, with 44,000 fewer deaths than expected. The EPA cannot explain these figures; cancer rates should have soared, according to their calculations.

The real tragedy, however, is the cost in human lives and suffering that these environmental costs have caused. Funds that would have been used to build, maintain, and repair basic infrastructure, such as bridges and roads, sewer lines and water lines, hospitals and schools, have been diverted to "protection of the environment." Funding for technologies that would deal effectively with pollution, such as plasma torches, nuclear and fusion energy, has been decimated. Had even a fraction of the $2 trillion-plus that has been wasted on "environmental protection," been channeled into a technological driver, such as the space program, all kinds of technologies would have been created that do not pollute.

The same funds would have saved the lives of hundreds of thousands of sick, indigent, and elderly people who have suffered and died from lack of financial resources to obtain medical care. Had the state of California used a small part of the hundreds of billions of dollars that have been wasted in useless environmental regulations, to instead upgrade the highway system to earthquake standards, all those motorists killed on Interstate 880 on Oct. 17 would still be alive today.

Judge dismisses U.S. against associates

In a 106-page opinion issued in Alexandria, Virginia on Oct. 25, federal bankruptcy Judge Martin Van Buren Bostetter, Jr. threw out an unprecedented involuntary bankruptcy action which had been brought by the federal government in April 1987, and had been used by the Feds to padlock the doors of three publishing and distribution companies associated with Lyndon LaRouche. Bostetter's ruling is the first serious blow the U.S. Justice Department's "Get LaRouche" task force has gotten from any court in this country.

Judge Bostetter found the government had filed the action in "bad faith," that the government's actions were a "constructive fraud on the court," and that the action constituted "improper use" of the bankruptcy law—especially against debtors who were primarily dedicated to disseminating a political viewpoint, rather than "private monetary gain."

The three companies bankrupted by the Feds—Caucus Distributors, Inc., Campaigner Publications, and the Fusion Energy Foundation—had published and distributed, to hundreds of thousands of subscribers, periodicals on issues in which the LaRouche movement was involved.

First the Justice Department used the 1987 bankruptcy to wipe out those three companies, and to close down their publications. Next, the DoJ, along with state prosecutors in Virginia and New York, proceeded to try LaRouche and a number of his associates on "fraud" charges, for failure to repay loans which the companies could not repay, precisely because they had been closed.

Thus, in October 1988 Henry Hudson, U.S. Attorney in Alexandria, Va., brought a sham indictment against La-Rouche and six associates on fraud and conspiracy charges arising from the companies' inability to repay loans. In a three-week railroad trial before Judge Albert V. Bryan, La-Rouche and the others were convicted on all counts, having been barred by Judge Bryan from telling the jury that it was the government that had forced the companies into bankruptcy. LaRouche, 67, is now serving 15 years in federal prison for that frameup; all six of his co-defendants are also in prison.

According to *Railroad!* a book on the LaRouche trial: "To understand the Alexandria case, it is first necessary to understand the government's unprecedented . . . involuntary bankruptcy against the LaRouche political movement. . . . First the Alexandria U.S. Attorney shut down three publish-

bankruptcy action of LaRouche

ing companies, operated by associates of LaRouche, throwing over a hundred employees out of work. . . . This action was upheld by Judge Bryan"—the same judge who later banned the full bankruptcy story from the criminal trial of LaRouche. "Then," the book continues, "the very same U.S. Attorney"—Henry Hudson—"indicted LaRouche and six associates for not repaying the companies' debts—the same debts which the companies were legally prohibited from paying!"

In April 1989, three months after LaRouche and his co-defendants were imprisoned, Rochelle Ascher was convicted in Virginia on "securities" fraud charges—again, without being able to defend herself by presenting the details of the bankruptcy. She was sentenced by an insanely inflamed jury to 86 years in state prison. Her sentence was later reduced (to 20 years, still an obscenity), and her case is on appeal.

In New York State, on Aug. 31, Marielle Kronberg, Lynne Speed, and Robert Primack were convicted of fraud, also for nonpayment of loans. On Oct. 24, in Virginia, Michael Billington was convicted in a hideous kangaroo court (p. 63). Fourteen more LaRouche associates are to be tried in Virginia on spurious "securities fraud" charges, as are five companies.

First time in U.S. history

Back in April 1987, it was Judge Bostetter himself who signed off on the government's petition to force the three companies into bankruptcy; at that time, LaRouche cried "foul!" against the government's secret, ex parte action, insisting that it was wildly illegal—in part because it *was* ex parte (one-sided, with no opportunity for the companies to respond). And it was the first time in U.S. history, that the government had acted as a sole creditor in a bankruptcy action. LaRouche charged that such unprecedented and drastic government action was meant to muzzle publications associated with him, in flagrant violation of the First Amendment.

The pretext the government used for its action, was its claim that it was trying to collect on $21 million in fines which had been imposed on the companies by a federal judge in Boston. The government had claimed that the three companies, plus the National Democratic Policy Committee, had failed to provide documents subpoenaed by a grand jury.

The Boston federal trial of LaRouche and others, the first of the criminal cases the government brought in its "Get LaRouche" vendetta, ended in mistrial in May 1988, with jurors telling the Boston press they all would have voted for acquittal on the basis of government misconduct. The case was dismissed after the Feds had succeeded in railroading LaRouche in Alexandria.

Government fraud and bad faith

Now, in his Oct. 25 finding, Bostetter has ruled in favor of the three companies on each of the major issues they raised: 1) that the bankruptcy procedure was illegal because there was only one petitioning creditor (the U.S. government), not three, as required by law; 2) that the petition was brought in bad faith, and for an improper purpose; and 3) that two of the three companies were non-profit organizations (Fusion and Caucus), and therefore not subject to an involuntary bankruptcy.

On the first point Bostetter found that "the government's deliberate actions and omission of . . . the number of . . . creditors" was an "improper use of the statute and invocation of this Court's jurisdiction." In a footnote, the judge stated that he found the "government was less than forthright in revealing its actual knowledge" as to the number of creditors, such that the government action was likened "to a constructive fraud on the Court, wherein the Court may infer the fraudulent nature of the government's conduct."

As to government bad faith, Bostetter found that "The government also contended that it felt an obligation to keep the involuntary filings secret. . . . This argument seems to suggest, however, that the government may file an involuntary petition as a sole creditor in instances where three petitioning creditors are required to avoid publicity of its actions. While the government believed its needs as a creditor to be unique, the treatment of the government cannot be. . . . Accordingly, an evaluation of the government's filing on an objective level leads this Court to conclude that the alleged debtors have established that the government filed the petition in bad faith."

Third, Bostetter decimated the government claim that the companies were operating for benefit of the corporate officers and/or LaRouche, by asserting that "the debtors strived more to expose the world to its political viewpoint than attain private monetary gain."

The judge's condemnation of Henry Hudson's actions could, by extension, clobber other federal and state prosecutors: John Markham and Kent Robinson, the spear-carriers for Hudson's Alexandria case; Virginia prosecutor John Russell, who is running Virginia's legal lynchings; and New York prosecutor Dawn Cardi, who declared in a sentencing memorandum issued Oct. 26 in the "LaRouche" case there, that "this case was in fact part of a multijurisdictional effort with the Department of Justice and the State of Virginia to prosecute Lyndon LaRouche and various members of his organizations."