Charge U.S. defaults on LaRouche bid for freedom

by Warren A.J. Hamerman

Attorneys for Lyndon LaRouche filed a rebuttal on May 1 to the U.S. government's "non-response" to his late January motion for freedom based on newly discovered evidence.

Mr. LaRouche's attorneys, Ramsey Clark, the former Attorney General of the United States, and Odin P. Anderson, charge that the United States defaulted on LaRouche's bid for freedom because they failed "to refute, or even meaningfully address" a single one of the 15 claims or 85 pieces of newly discovered evidence which were the basis of LaRouche's motion to set aside his conviction. The rebuttal characterizes the government's answer as a brazen non-response that amounted to a thumbing of the nose at the petitioners and the court.

Concert of action

Even more, since the filing of the 2255 motion, sensational new evidence has surfaced regarding illegal conduct of the Loudoun County Sheriff's Office of Sheriff John Isom and Deputies Don Moore and Terry McCracken. An independent federal investigation against the same central players in the concert of action against Mr. LaRouche has been opened for the same sorts of illegal activities—suppressing exculpatory evidence, illegal wiretaps and investigatory actions, and misuse of a "private task force" of military armored vehicles.

This federal investigation confirms one of the principal foci in LaRouche's 2255 motion: the Loudoun County Sheriff's Office, where the Anti-Defamation League's (ADL) Mira Boland testified she consorted with Moore and Isom as early as 1985.

Even as LaRouche's attorneys are about to file the rebuttal, new evidence on the scandals involving state Attorney General Mary Sue Terry and the Loudoun County Sheriff's Office is exploding.

The new LaRouche rebuttal therefore insists that if Mr. LaRouche's sentence is not immediately set aside outright for outrageous governmental misconduct, then he must be granted expansive evidentiary hearings and discovery into these and all the other unrebutted areas—from Henry Kissinger and the President's Foreign Intelligence Advisory Board to the illegal bankruptcy of LaRouche-associated companies, from the John Train media salon to Executive Order 12333, and from Alexandria jury foreman Buster Horton to the ADL.

Mr. LaRouche's demand for freedom sought to "vacate" his sentence through a variety of a *habeas corpus* motion filed under United States Code 2255, or in the alternative, to at least grant him a new trial under Rule 33, based upon volumes of newly discovered evidence. Mr. LaRouche attempted to recuse Judge Albert V. Bryan, Jr., the trial judge, from hearing the motion because of Bryan's personal bias and prejudice. However, the judge refused to recuse himself, and the Fourth U.S. Circuit Court of Appeals, which was formerly headed by Bryan's father, upheld his decision.

LaRouche's sentence must be set aside for outrageous government misconduct.

Abuses perpetuated

The LaRouche rebuttal, which now sits before Judge Bryan, asserts at the outset that he and his associates ". . . are innocent of the charges filed against them but were convicted at trial as a result of violation of their constitutional rights and government misconduct which included the suppression of significant exculpatory and impeachment evidence.

"In its 2255 motion, petitioners [LaRouche and two associates] present nine grounds of unlawful detention, which are sub-divided 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 motion states.