

ginia, demonstrated in many ways, including his failure to empanel an unbiased jury.

The total character of this miscarriage of justice cannot be better expressed than by the words of U.S. Federal Judge Martin V. Bostetter, who ruled in the related bankruptcy case [*In re Caucus Distributors, Inc.* (E.D.Va. 1989), 106 B.R. 890] that “an evaluation of the government’s filing [of a bankruptcy petition against companies run by associates of LaRouche] on an objective level leads this Court to conclude that the alleged debtors have established that the government filed the petition in bad faith,” and that “the government’s actions could be likened to a constructive fraud on the Court, wherein the Court may infer the fraudulent nature of the government’s verdict.” These findings were previously expressed by Judge Robert Keeton of the U.S. District Court during the government’s first unsuccessful criminal prosecution, wherein he described the “institutional and systemic prosecutorial misconduct that occurred during the first trial” [*U.S. v. LaRouche et al.* (Memorandum and Order “Emerson Hearing” August 10, 1988, at p. 56)].

The conclusions expressed here were reached by the undersigned as a result of due deliberation. We were invited to assemble in an independent capacity by the Commission to Investigate Human Rights Violations and the Schiller Institute. We assembled in order to review new evidence never considered on its merits by any competent court of jurisdiction, even though it was submitted to both the courts and the Department of Justice. Invited to present their arguments before us were lawyers for the defendants as well as the main prosecutors of the case; the latter, unfortunately, did not appear. This procedure was adopted in order to enable the participants to form their own legal opinions about the evidence. Together we had the opportunity to study documents directly, to hear the commentaries of defense lawyers Ramsey Clark and Odin Anderson, and to discuss among ourselves and evaluate the documents and their relative convincing evidentiary value. We agree

with the assessment by former United States Attorney General Ramsey Clark that this case viewed in context “represented a broader range of deliberate cunning and systematic misconduct over a longer period of time utilizing the power of the Federal government than any other prosecution by the U.S. Government in my time or to my knowledge.”

We are mindful of the unlawful persecution and prosecution of dissenters the world over and the threat it poses to the rule of law, freedom, and democracy. We therefore beseech the President, Congress, and all others to investigate, redress, and reform the injustices committed here so that they may never occur again.

Signed (affiliations for purposes of identification only):

Curtis Clark, Esq., trial attorney, San Luis Obispo, California;

The Hon. James Mann, Esq., former member, U.S. House of Representatives, South Carolina

The Hon. Theo W. Mitchell, Esq., State Senator, South Carolina

J.L. Chestnut, Esq., Selma, Alabama; author, *Black in Selma*

James Wilson, Esq., Vice President, Alabama New South Coalition

The Hon. Rufino Saucedo, member (PRI), Congress of Mexico; member, Human Rights Committee of the Mexican Congress

Patricio Ricketts Rey de Castro, Esq., former Minister of Education, Peru; journalist

Chor-Bishop Elias El-Hayek, Collegial Judge, Montreal Regional Tribunal; former professor of Philosophy of Law, Notre Dame School of Law

Professor Kurt Ebert, member, Center of European Law, University of Innsbruck; director, Institute of Austrian and German Legal History, Austria

Viktor Kuzin, chairman, Bureau for Human Rights Defense Without Borders, Moscow; former member of the Moscow City Council

Godfrey Lukongwa Binaisa, Esq., former President, Republic of Uganda; former Attorney General, Republic of Uganda

Appended to the statement was an annotated review of the key findings of the evidence examined. Arrangements to review this addendum, or the full materials considered by the legal panel, can be made by contacting the Schiller Institute at P.O. Box 20244, Washington, D.C. 20041, (202) 544-7018.

Michael Gelber Memorial Fund Established

A resolution creating the Michael Gelber Memorial Fund was passed at the September 1994 annual meeting of the Schiller Institute Board of Directors, in commemoration of long-time Schiller Institute member and activist Michael Gelber. Michael’s premature and tragic passing in late 1993 has left a void in Schiller Institute activities that is still felt to this day.

The purpose of the Fund, according to the resolution, is to “give American organizers of the Schiller Institute the opportunity to go to Europe, in order to relive the 600-year war between the Renaissance and the Oligarchy.”

It is the desire of Debra Gelber,

Michael’s wife, “that the American organizers who participate in this program are able to come back with those qualities that Michael Gelber embodied: to profoundly communicate these ideas to their fellow Americans who have been sadly cheated out of the Golden Renaissance.”

The first recipients of this “traveling fellowship,” Peter Bowen and Jeffrey Orr, left for Europe in early September.

Those wishing to contribute to the Fund, should make their checks payable to the Schiller Institute Michael Gelber Memorial Fund, and mail them to P.O. Box 20244, Washington D.C. 20041.