The Judge Who Inculpated Himself

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This is the tragic story of the last years of The Honorable Albert V. Bryan, Jr., Chief Judge of the United States' District Court for the Eastern District of Virginia. It is the unhappy tale of a malevolent spider, so blinded by hatred against her intended victim, that she did not see that the trap she spun was best designed to destroy herself.

These events unfolded during a mere few months, near the close of Bryan's incumbency in the Virginia backwater of our nation's capital. His undoing was his shameful part in the world-famous LaRouche case. If it had been worldwide attention Bryan sought, he came soon to be compared, even in distant nations, with such historic figures as England's Sir George Jeffreys,[1] Germany's Judge Roland Freisler,[2] and the celebrated jurists in the 1894 trial of France's Captain Alfred Dreyfus.[3]

Bryan sat on many cases after that famous one, during the brief, but busy remaining period of his term; but, in the strictest sense, it was the LaRouche trial which brought Bryan's career to its wretched end.

Pick up the story on the morning of Jan. 27, 1989, in that packed Alexandria courtroom where Bryan handed out his draconian sentences against those seven innocent defendants. Even had the LaRouche case been only about money, as the prosecutors and Bryan had

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[1] Sir George Jeffreys (1648–89) of Britain, the infamous "hanging judge" who presided over the "bloody assizes."

[2] Roland Freisler, chief judge of the People's Court of Berlin in Nazi Germany, presided over the execution of those involved in the aborted July 20, 1944 coup against Adolf Hitler.

[3] Alfred Dreyfus, a French army captain of Jewish origin, was sentenced to life imprisonment on Devil's Island after being accused of treason in a political show-trial based on forged documents. Friedrich-August von der Heydte, a well-known West German professor of constitutional and international law, has drawn remarkable parallels between the Dreyfus and LaRouche cases, in a paid advertisement appearing in the *Washington Times* on March 1, 1989. "Just as LaRouche was," von der Heydte stated, "Dreyfus was deprived by the structure of the trial procedures, of any opportunity to prove his innocence, and facts critical for his defense were excluded from the trial.... In both political trials, the prosecution consistently denied the political background of the accusations."

insisted throughout the trial,[4] then the legal record showed beyond doubt, that the guilty parties in the morning's courtroom were United States Attorney Henry Hudson and Bryan himself.[5]

The single legal document which nails Hudson's and Bryan's hides to the barn door, is an order issued by Bryan on July 10, 1987. It states in relevant part, "The court concluding that if the bankruptcy court makes a determination of constitutional issues which require for their validity a right to a *de novo* review by the United States District Court, such review, if necessary, can be conducted when appeals are taken...."

The charge against the defendants in the Alexandria trial had been, that the defendants had conspired to promote the solicitation of loans with the intent those loans would never be repaid. The bulk of the loans in question were to three publishing firms. Those loans would have been repaid had U.S. Attorney Henry Hudson not seized those three firms, padlocked their doors, shut down their operations, and halted all payments to creditors. That shutdown occurred on April 20–21, 1987. That shutdown was given Judge Bryan's stamp of approval with his order of July 10, 1987.

By that means, and that means alone, Hudson and Bryan suppressed a semi-weekly national political newspaper opposed to Henry A. Kissinger, with over 100,000 circulation per issue. They also suppressed a scientific monthly with over 100,000 circulation, and deprived lenders of ten millions dollars in repayment of personal loans.

What Bryan did on July 10, 1987 was wrong morally, politically motivated, deliberately malicious, and probably downright evil. By itself, it did not make Bryan guilty of the specific charge in the LaRouche case. It was when Bryan compounded his immoral actions of July 10, 1987 with a series of rulings beginning November 10, 1988 through the morning of January 27, 1989, that Bryan's enormous guilt is established beyond quibbling.[6]

Thus a corrupt federal judge inculpated himself, as the guilty party in the matter of a charge levelled against the innocent defendants before him. What did in Judge Bryan was a succession of improper rulings each and all engendered by his malice against the defendants. Such is the stuff of Iago's guilt; such is the essence of Bryan's inevitable downfall.

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[4] The prosecution repeatedly stated that the case was not about politics, just about money. In fact the first words out of the prosecution's mouth upon their first address to the jury was, "Members of the jury, this case is about money. It's about how the defendant got money, and to a lesser extent, what they did with that money when they got it." (Trial Transcript, Vol. I, p. 4; Vol. XIV, p. 48.)

[5] Prosecutors made reference to the nonpayment of loans—actually caused by the bankruptcy—in their opening and closing arguments, as well as in examination of lender/witnesses. (Trial Transcript, Vol. I, pp. 4–5, 20; Vol. XV-A, p. 40; Vol. XIV, p. 83.) See also the soon-to-be-released book, *Railroad!*

[6] November 10, 1988 Order. See also soon-to-be-released book, *Railroad!*

It Began in New York

The kernel of the charges against the defendants in the Alexandria LaRouche case is, as we have just observed, the United States government's sustained, and ultimately successful effort to bankrupt three publishing firms whose principal offense was to be highly critical of former U.S. Secretary of State Henry A. Kissinger.

These three firms were, first, Campaigner Publications, Inc., incorporated in the State of New York on April 25, 1974. This was a publishing firm, which at the time of its shutdown, published, among other titles, a semi-weekly national newspaper of more than 100,000 circulation, and conducted an established international news service.

The second was the Fusion Energy Foundation, Inc., also a New York State corporation, a not-for-profit scientific association which published a scientific journal and also a monthly magazine, *Fusion*, of more than 100,000 circulation.

The third was Caucus Distributors, Inc., a New York not-for-profit corporation, engaged in sales, marketing, public relations, and some special publishing ventures.

During the course of 1984, these three publishing enterprises elected to move their headquarters from New York City to the growing market in Washington, D.C. and its vicinity. The pressing reason for this decision was impending expiration of New York leases, and a prospective doubling of rental costs should those firms not move from that city.

To facilitate both the move and initial settling in the Virginia location, these firms took medium-term loans from political supporters. Such personal loan-balances built up during the course of 1984 and into the middle of 1985.

From the Spring of 1985, there was a drive to halt the growth of the absolute amount of loan-balances. From September 1985 onwards, the policy was to restrict new loans to those amounts needed to roll over loan-balance payments coming due, and to proceed toward retiring the greater part of the balances as a whole, through funds from increased sales and contributions.

Except for temporary disruptions caused by U.S. government financial warfare during several periods of the 1984–85 interval, the three firms' policy was successful through 1985, until March 1986, when sharply escalated U.S. government financial warfare effected a severe, temporary fall in incomes.

The chart of growth of sales and other revenues of these three and related firms was presented during the Alexandria trial itself (see graph).

When all data are taken together, and compared with debt-ratios for typical U.S. corporations, the management practice of the relevant firms was shown to be better than most—given the factor of persisting and unexpectedly escalated financial warfare by United States government strike-force agencies.

Thus, had the U.S. government desisted from its financial warfare against these firms, and but for the July 10, 1987 order issued by Judge Bryan, all of the creditors, including the lenders, would have been repaid by the latest due date of relevant loans, by the end of 1989.

If these and related known facts had been allowed in court, there was no fraud. The accused were innocent; the prosecution and Judge Bryan knew that from the start.

Spider Bryan Draws the Web Around Himself

The defense prepared to meet the prosecution's fraudulent indictment in the obvious way: Bring out the whole truth of the government strike force's financial warfare. Bryan's problem was also a simple one: Prevent the defense from bringing in the truth.

So, step by step, in working to cover up the fraud of the prosecution's case, Bryan drew the web of maximal culpability around himself.

1) The prosecution artfully dated the alleged conspiracy from "Beginning in or around July 1983, and continuing until at least April 19, 1987, within the Eastern District of Virginia and elsewhere." (October 14, 1988 Indictment, p. 10.)

The reference to 1983 was a simple hoax. The firms in the case took no unsecured personal loans for the purpose of the move until some time into 1984. The significance of July 1983 is only that on that date Lyndon LaRouche first took up residence in Virginia. Thus, to make LaRouche the alleged "kingpin" of the alleged plot, and to locate the origin of the plot in the Alexandria jurisdiction, the otherwise irrelevant latter half of 1983 was included in the term of the alleged conspiracy. None of the overt acts which the indictment attributed to LaRouche during 1983 ever occurred; they were invented by the prosecution in order to fabricate the kind of fiction being crafted.

However, the date which is of significance bearing upon Bryan's self-inculpation is the latter date, April 19, 1987, *the day before Henry Hudson stopped the three firms from continuing to pay their creditors.*

Judge Bryan thus inculpated himself in the following degree on this account.

On November 10, 1988, eleven days before the rush to trial on November 21, Bryan adopted a motion *in limine* entered by the prosecution.[7] This motion barred the defense from exposing the cause of the firms' financial difficulties, and specifically prohibited the defense from revealing that it was the prosecution and Judge Bryan who had stopped all repayments of loans by those firms.

This immoral act by Bryan did not yet inculpate him on the main charge in the case; it was a crucial step in that direction.

2) Bryan repeatedly allowed the prosecution to use the fact that certain lenders had never been repaid in full, to create the false impression that it was the defendants, rather than the true culprit, Judge Bryan himself, who had stopped the firms from any future repayments on those loans, on precisely July 10, 1987.

So, by making the ultimate non-repayment of those loans the crucial jury issue, the judge inculpated no one but the prosecution and himself as the true conspirators in the loan case.

The defense might have responded by revealing that it was Henry Hudson's and Bryan's actions which caused the non-payments after April 19, 1987, but the judge's *in limine* motion would not permit the defendants to tell the jury how Hudson and Bryan had committed what the jury believed was the crime in the case. Bryan's November 10 order reads in part, "... that the government was the creditor which initiated the involuntary bankruptcy proceeding will not be admitted...."

3) When Bryan, knowing what has just been reported, refused to set aside the jury verdict on grounds of his own reversible error, and refused to grant bail pending appeal, in face of such reversible error, the judge made himself as guilty as sin itself.

So, the case of the self-inculpated Bryan proceeded toward its obvious tragic consequences.

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[7] The prosecution's motion *in limine* sought to exclude the defense's "intent to defend this case by claiming vindictive prosecution, harassment by the government, and that their inability to repay loans was due to 'financial warfare' brought against them by the government ... [as] irrelevant." (Motion, pp. 1–2.) Most incredibly, the *in limine* motion conceded the one "exception" to the above "irrelevancies" was the issue of the bankruptcy. This, they stated, "should not be retried in the criminal forum." (*Id.*, p. 2.) Of course, this is precisely what Bryan's July 10, 1987 order said might need be done if there were any constitutional issues involved.