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SPECIAL REPORT

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SUPREME COURT DECISIONS PAVE WAY FOR U.S. POLICE STATE; LABOR PARTY MOUNTS LEGAL COUNTEROFFENSIVE

Jan. 30 (IPS)--Two Supreme Court decisions in the past two weeks have handed government agencies the weapons to enforce a police state in the USA. The U.S. Labor Party this week called for a complete Congressional investigation of this "backdoor" passage of Senate Bill 1, the fascist revision of the criminal code now before Congress. A spokesman for the party announced that it would immediately submit a proposed Social Justice Act to Congress to overturn the decisions and put an end to the Supreme Court's rampage against the Constitution.

The campaign will add momentum to the Labor Party's drive to dismantle the bankers' "invisible government" police terror machine. The Labor Organizer's Defense Fund's current docket of legal cases strikes directly at the machine's heart: four separate federal suits aimed at the FBI, its Justice Department controller Attorney General Levi, and its purported legal basis, the witch-hunting Smith Act and McCarran Act; Larouche v. Rockefeller, which threatens to open up the entire sordid history of Rocky's New York model police state; eight suits against state and local police appendages of the CREEP apparatus; major suits challenging election fraud in Boston, Seattle and San Francisco and a pending suit against anti-communist immigration statutes; and scores of First Amendment cases in defense of workers' right to organize.

MOVE TO THROW OUT CONSPIRACY SUITS

On Jan. 19 the Court threw a huge roadblock in the way of bringing CREEP criminals to justice and opened the doors to increased police harassment of the Labor Party. According to the Court's decision in Rizzo vs. Goode, conspiracy suits against the police agencies and their controllers attempting to impose Gestapo rule in this country are now limited to hauling in the individual at the lowest level of the conspiracy.

Under the Rizzo ruling, it is possible that only individual police officers or agents may be held responsible for damage claims on illegal arrests ordered by their superiors in the CIA and FBI. If pushed to its furthest limits, the Rizzo decision could mean a virtual guarantee of immunity to FBI Director Clarence Kelley, at a time when the Justice Department is known to be desperate to protect Kelley from the consequences of the Labor Party's Detroit FBI suit.

In addition, the Supreme Court in the Rizzo case has severely curtailed the power of the courts to order investigation of police agencies' crimes by other branches of government. The Supreme Court

ruled that a lower court had acted beyond its powers in setting up the Philadelphia Police Civilian Review Board to deal with police abuses of justice. The decision is clearly intended to inhibit both federal courts and Congress from investigating and punishing police agencies' crimes.

The decisions taken as a whole amounts to a long step toward a court-legislated Official Secrets Act protecting the CIA and FBI against further exposure of their crimes. Such laws are now being prepared by Senator Frank Church's Intelligence Committee and its counterpart in the House, the Pike Committee.S-1, which the Senate Judiciary Committee plans to defend, contains similar provisions.

Yesterday the Supreme Court followed up its decision to protect the police agencies with a direct frontal assault on civil liberties. In U.S. vs. Watson, the Court handed down a 6-2 decision that felony arrests no longer require a warrant from a court as a matter of preferred procedure. All that is now required for any arrest is the judgement of the individual police officer, acting on orders from his superiors, that there is probable cause that a crime is being committed. Even more appalling, the Court ruled that the arrested individual could be searched immediately without his consent. In a decision worthy of a Nazi court, the majority asserted that the arrested person, by reason of his arrest, had implicitly consented to a search.

Since Richard Nixon appointed Justice Warren Burger to succeed Earl Warren in 1970, the Supreme Court has mounted a consistent attack on the Bill of Rights; the latest decisions are the most savage aspect of this onslaught.

To disguise the directly proportional relationship between increasing economic collapse and social dislocation during this period, a great hue and cry has been raised in both the media and by spokesman for the Republican and Democratic Parties about Warren Court decisions which supposedly "coddled criminals" and "handcuffed the police." The law and order campaign reached its zenith last month when FBI Director Kelley, in public speech in St. Louis, Mo., declared that "...abrogation of individual rights is unavoidable if we are to maintain national security." An aide to Kelley in an interview in the Washington Post termed the constitution a "suicide pact" that protected terrorists and other criminals.

Now the Supreme Court is seeking to push the repressive S-1 Bill which has so far failed for three years running to win Congressional approval, through the back door into law. The Burger Court's previous rulings have already had a major impact on the Labor Party in the area of First Amendment (free speech and organizing) cases. For example, the Court has ruled that shopping centers--held by the Warren Court to be a quasi-public space subject to First Amendment guarantees--private property which can be declared off limits for many types of organizing. The ruling has forced the Labor Party to fight hundreds of shopping center "lock-outs" on a time and money-draining case-by-case basis.

The Court's rulings on criminal law have facilitated the continuing harassment and arrest of organizers. In New Jersey, for example, over 70 arrests of USLP members on such charges as

"soliciting" have resulted in only four convictions, yet the police are free to continue such arrests. In its continuing attack on the Miranda decision, one of the Warren Court's landmark cases, the Burger court recently held that arrested persons facing limited misdemeanor sentences were not entitled to counsel as a matter of right. This decision has already been applied against the Labor Party.

At the present time the Labor Party and the Labor Organizer's Defense Fund are the principal agencies standing between the American people and a "legalized" police state which would arouse the envy of Hitler's Gestapo.

CRITICAL CASES

Among the critical Federal court cases on the LODF docket: LaRouche v. Kelley and Levi--a suit filed under the Freedom of Information Act to force disclosure of FBI files on 14 individuals and the USLP and the Labor Committees as organizations. The action directly challenges the FBI contention that they are exempt from compliance on the basis of "ongoing criminal investigations" of the Labor Party by asking that the courts rule the Smith Act and other McCarthy era witchhunt laws--much of it already declared unconstitutional--totally void.

USLP v. City of Reading, Pa., the Treasury Department Bureau of Alcohol, Tobacco and Firearms, the FBI and individually named agents of these agencies--a suit for injunctive relief and damages which the USLP is prepared to lay out documented evidence of gun and-drug running operations carried out under the direction of the National Security Council (NSC) through the police agencies named. The operations were blown on CBS network television through revelations from former intelligence agent Roy Frankhauser

Ghandi et al. v. Detroit Police Department and the FBI--FBI Director Clarence Kelley is subject to deposition and must appear in court to answer Labor Party suit for damages and injunctive relief stemming from the FBI's infiltration of the USLP by Bay of Pigs soldier and explosives expert Vernon Higgins. Following the discovery and exposure of Higgins in June, 1974 Detroit Police and the FBI staged an armed raid on USLP Detroit offices during which they stole documents and addresses of Labor Party sympathizers.

NCLC v. Anthony Banks, the FBI and various special agents of that agency--civil rights suit stemming from FBI's attempted infiltration of informer Anthony Banks into the Newark Labor Party chapter. Banks admitted in previous court testimony that he was acting on FBI orders when he stole telephone lists of Labor Party supporters.