

LaRouche Committee, Labor Party, Call For Investigation Of FEC

On Feb. 14 the Committee to Elect LaRouche and the U.S. Labor Party issued a joint call for a congressional investigation into the activities of the Federal Election Commission. The two organizations charged that since approximately Nov. 1, 1976 the FEC has functioned as a "plumbers unit" against Carter opponents in Congress and the Labor Party, instead of carrying out its congressionally mandated job of guaranteeing honest election fundraising and safeguarding the disbursement of federal matching funds to political candidates.

The Labor Party will testify March 22 before the Senate Appropriations Committee, advising Congress to terminate all funding appropriations to the FEC.

In addition the LaRouche Committee and the Labor Party have announced three lawsuits against the FEC: first, to compel the FEC to pay the more than \$100,000 due the LaRouche Committee in matching funds; second to compel payment of damages; third, a mandamus action to force the FEC to enforce the law against the Committee to Elect Jimmy Carter.

The first lawsuit, *Committee to Elect LaRouche and Leroy Jones vs. the Federal Election Commission* was filed Feb. 14 with the D.C. Court of Appeals. It asks the Court to review the FEC's arbitrary denial of more than \$100,000 in matching funds due the LaRouche Committee. The Commission is obliged by law to make payments within ten days of a candidate's establishment of his eligibility to receive the funds.

On Oct. 18, 1976 the LaRouche Committee certified to the Commission that it had raised approximately \$127,000 from 2,300 contributors over the course of a primary campaign period ending Oct. 15. The LaRouche Committee and the Labor Party stressed to the Commission that it would do whatever necessary to facilitate the speedy award of matching funds.

The FEC responded with numerous procedural delays. On Oct. 28 the LaRouche Committee filed suit for the funds in the D.C. District Court. The court ruled that the FEC still had legitimate investigative tasks, including an audit to complete before the award of matching funds. The D.C. Court of Appeals and the U.S. Supreme Court agreed.

The period from Nov. 1, 1976 to Jan. 12, 1977 is described by Committee to Elect LaRouche Chairman Marcia Merry Pepper as a "Kafkaesque nightmare." The FEC submitted request after request to the committee for checks and rechecks, audits and reaudits of the committee's accounts. The committee made every effort to comply with these requests. Finally the FEC initiated dozens of so-called spot checks during which LaRouche

contributors were personally interrogated by Federal authorities on their contributions. The LaRouche Committee's request for matching funds was denied Feb. 10.

The second lawsuit, *Committee to Elect LaRouche, U.S. Labor Party and Six Individual Contributors to the LaRouche Campaign vs. FEC* will be filed March 22 in D.C. District Court coincident with testimony against the funding of the FEC before the Senate Appropriations Committee. This suit seeks multimillion dollar damages against multi-state harassment operations conducted by the FEC in its effort to spot-check LaRouche contributors.

According to the FEC's own "analysis of Contributions Confirmation for the Committee to Elect LaRouche," released Feb. 10, agents attempted to canvas 70 contributors in each of three states — Massachusetts, Wisconsin, and Delaware with 88, 35 and 27 documented contributions respectively. *On the basis of 6 a.m. interrogations and intimidations of LaRouche contributors at their homes and places of business in a three day period, the committee's request for matching funds was denied.*

Sources close to Capitol Hill informed the LaRouche Committee that the spot checks on contributors were designed to intimidate LaRouche supporters and to gather evidence pertinent to the denial of matching funds as well as to a criminal investigation of the Labor Party, the National Caucus of Labor Committees (NCLC), and the LaRouche Committee by a vengeful National Security Council. According to these sources, the Carter election committee asked the Department of Justice and the FEC to open such an investigation on Nov. 2 following an election-eve paid political broadcast by Lyndon H. LaRouche, Jr. on NBC national television. LaRouche asserted that large-scale election-day vote fraud had been planned to place Jimmy Carter in the White House, as the figurehead for a Trilateral Commission takeover of constitutional government in the United States.

The FEC's sudden transformation, into a Cointelpro front for such federal agencies as the Public Integrity Section of the Justice Department and the Treasury Department was, according to Washington sources, effected for the purpose of creating and compiling evidence for criminal frameups of the Labor Party and the NCLC. Information in FEC reports filed by the LaRouche Committee, according to these sources, was also to be utilized in a 60-day plan initiated through the National Security Council for harassment of major U.S. Labor Party contributors by such agencies as the In-

ternal Revenue Service, the Securities and Exchange Commission and the FBI. This entire National Security Council program will be the subject of discovery in the damages suit.

Attorneys for LaRouche Committee have also announced plans to file a third suit against the FEC in the month of April. This suit, a mandamus action in the D.C. District Court will seek redress for the FEC's non-enforcement of its own laws against the Committee to Elect Jimmy Carter. The U.S. Labor Party and LaRouche Committee documented evidence that Carter campaign expenditures (reported in unitemized, unaudited reports to the FEC as Carter expenditures of federal monies) were utilized for vote fraud in several states. While acknowledging that the Carter campaign has overspent the federal campaign limit, and acknowledging the shoddy nature of its reporting procedures, the FEC has refused to open an investigation of the Carter Committee despite documented evidence presented to it.

Marcia Merry Pepper, Chairman of the Committee to Elect LaRouche has stressed that "The court actions and call for congressional investigation of the 'FEC's LaRouche files' are the appropriate format for opening full investigation of the Carter Administration covert operations directed through the FEC against the Congress of the United States." According to Pepper, "The founders of the FEC, John Gardner and Common Cause, deliberately maneuvered to set in place an agency which could be manipulated by Ralph Nader-type tactics, into conducting vendetta investigations of federal elected officials for political reasons."

Sources inside the Commission report that every single report filed by a political candidate in 1976, is technically in violation of the Federal Election Campaign Act because the laws are "misleading and deliberately confusing to the layman or lawyer." This alone means that the FEC can unleash criminal prosecutions at any time the climate is ripe, says Pepper.

Pepper locates the consolidation of the FEC into a "plumbers unit" in the coordinated actions of James Buckley and Eugene McCarthy, respectively the 'right' and 'left' wings of a Trilateral Commission policy nexus. Buckley and McCarthy jointly filed a suit against the Federal Elections Commission, *Buckley v. Valeo*, the 1976 U.S. Supreme Court decision on the case stripped Congress of its control over the FEC and abrogated control of fair election complaints to the Justice Department. Under its first enabling act, the FEC had held dual jurisdiction with the Justice Department in investigating unfair election practices complaints.

Paralleling its operation against the Labor Party, Carter forces within the commission have launched a watergating operation against FEC Chairman, Vernon Thomson, a Republican from Wisconsin. The central figure in this tactic is former Defense Secretary Melvin Laird, who sought to prevent Wisconsin Republicans from uncovering and prosecuting 1976 vote fraud in that state. Thomson is being accused of leaking information on an FEC investigation of the Sasser Senatorial campaign in Tennessee. In December, John G. Murphy, General Counsel for the FEC resigned his post, repor-

How Tax Dollars Helped Steal The Presidency

This photostat of one page of the Carter campaign's financial records (above) shows \$1100 in payments to Detroit's "Shrine of the Black Madonna" for unspecified "get out the vote" activities, on Oct. 30, three days before the presidential election.

1976 DEMOCRATIC PRESIDENTIAL CAMPAIGN COMMITTEE, INC.

FULL NAME, MAILING ADDRESS AND ZIP CODE	PURPOSE OF EXPENDITURE	DATE - MONTH, DAY, YEAR	AMOUNT OF EACH EXPENDITURE THIS PERIOD
SMONE PAUL P.O. BOX 1973 ATLANTA GA	TRAVEL SUBSISTENCE REIMBURSEMENT	11/30/76	67.25
	TRAVEL SUBSISTENCE REIMBURSEMENT	10/25/76	39.53
SMOGB STEVEN 629 E 51ST ST SAVANNAH GA 31405	STAFF PAYROLL	11/15/76	215.00
SHRINE OF THE BLACK MADONNA 7525 LIVINGOOD DETROIT MI	GET OUT THE VOTE	10/30/76	100.00
	GET OUT THE VOTE	10/30/76	100.00
	GET OUT THE VOTE	10/30/76	100.00
	GET OUT THE VOTE	10/30/76	100.00
	GET OUT THE VOTE	10/30/76	100.00
	GET OUT THE VOTE	10/30/76	100.00
	GET OUT THE VOTE	10/30/76	100.00
	GET OUT THE VOTE	10/30/76	100.00
	GET OUT THE VOTE	10/30/76	100.00
	GET OUT THE VOTE	10/30/76	100.00

tedly disgusted with the arbitrary actions of the commission.

The FEC now proposes to expand its "plumbers" operations against Congress. The FEC has submitted to Congress regulations which will require congressional and senatorial office contributions and expenditures to be reported in the same fashion as campaign expenditures. Under the warcry of "open government," the actions of a legislator as he carries out his representative functions are to be made available in detail, through FEC report requirements, to the scrutiny of the Foreign Intelligence Advisory Board, the Justice Department, the press, and anyone seeking material on a Congressman who moves to oppose the Carter Administration. Under the regulations, corporations which make significant contributions to congressional office budgets will be equally vulnerable.

According to Pepper, Carter forces are trying to slip these regulations through a Congress which "they are attempting to cow with the KCIA investigations and the entire Pandora's box of phony Congressional ethics reform." Pepper noted that the Washington Post of March 15 reported that Andrew D. Tartaglino, presently head of the Justice Department's Interpol liaison office

had been appointed as chief investigator for the House Ethics Committee now undertaking the investigation of the KCIA scandal. "Interpol is the coordinating arm of the Nazi police network rescued and maintained by the Rockefellers since the end of World War II," Pepper charged. The Post reported that the new Deputy Staff Director for the Ethics Committee would be Michael Hershman, currently chief investigator for the FEC, and, according to Pepper, "the man responsible for the FEC's harassment operations against LaRouche contributors." Hershman's previous government service includes the Senate Watergate Committee and the National Wiretap Commission.

Pepper plans to outline all of these operations before the Senate Appropriations Committee March 22 and to present a full brief on NSC penetration of the FEC in arguing that until it is fully investigated by the Congress, further funding of the FEC would constitute "a knowing subversion of the Constitution." The Senate Committee will also hear from LaRouche supporter Leroy Jones of Delaware who will detail the 7:00 a.m. June 26th visit to his home by purported FEC investigators and a subsequent 4 hours of interrogation, after which agents informed Jones that his contribution to the LaRouche campaign could result in one year in jail and a \$10,000 fine.

Chronology Of FEC Action On LaRouche Matching Funds

- 10-15-76 Letter sent to Federal Elections Commission by LaRouche informing the FEC that the \$100,000 matching fund threshold has been reached.
- 10-16-76 U.S. Labor Party Convention nominated Lyndon H. LaRouche, Jr. as its 1976 candidate for president of the United States.
- 10-19-76 FEC chief auditor Joseph Stoltz reports that audit of the CTEL books could begin by Oct. 26 if approved at that day's Commission meeting; Commission does not place CTEL on agenda at Oct. 19 and thereby begins its months' long stall on CTEL funds.
- 10-28-76 CTEL files case in Washington, D.C. Federal Court charging FEC with violation of statute requiring action by FEC within ten days of a candidate's having established matching funds eligibility. CTEL requests that money be granted before Nov. 2 election.
- 10-29-76 Case denied.
- 11-1-76 CTEL appeals case to Supreme Court Chief Justice Warren Burger. Appeal denied.
- 11-4-76 FEC meeting approves audit of CTEL receipts and expenditures.
- 11-8 to 20-1976 FEC conducts field audit of CTEL expenses but contributions are not checked. Auditor Stoltz promises prompt check of contributors records at FEC headquarters.
- 12-3-76 Stoltz reports that contributor audit by the FEC is completed. The FEC claims that 11 states are under \$5000 qualifying threshold.
- 12-10-76 CTEL submits reverification of documentation showing over \$5,000 in contributions from 11 contested states.
- 1-12-77 CTEL attorneys begin to issue a series of ultimatums to FEC demanding immediate FEC decision on CTEL request for matching funds.
- 1-25 to 28-77 FEC agents conduct surprise visits at odd hours to CTEL contributors and their employers in three states, Wisconsin, Delaware, and Massachusetts. FEC interrogations were conducted to coerce contributors into denying their contributions. The FEC did not notify CTEL that such visits and interrogations would take place.
- 2-10-77 FEC meeting denies CTEL matching funds claim on grounds that CTEL did not qualify in three states, Wisconsin, Delaware, and Massachusetts.
- 2-11-77 CTEL attorneys file petition for review of FEC decision on LaRouche matching funds with D.C. Circuit Court of Appeals, petition seeks immediate award of \$100,000.
- 2-14 to 18-77 CTEL is informed by high Washington sources of 60 day program by National Security Council to bankrupt U.S. Labor Party using FEC investigation and campaign reports as one of its chief means; CTEL and U.S. Labor Party receive 4 separate complaints from the FEC threatening criminal action in particular on the LaRouche NBC Ad.

2-19-77 present CTEL attorneys announce plans to sue the FEC for damages on harassment and through discovery to prove the NSC use of the Federal Elections Commission; communications between CTEL, its Washington attorneys and the U.S. Labor Party all

arrive opened; CTEL officials spend two days in Washington addressing Congressmen on the real nature of the FEC; CTEL and U.S. Labor Party schedule testimony before the Senate Appropriations Committee on FEC funding.

'To Restore The Right Of Free Elections In The United States'

The Committee for Fair Elections and the Labor Organizer's Defense Fund have initiated five lawsuits "to restore the right of free elections in the United States" and will present to the Congress Omnibus Election Reform legislation on April 1. According to spokesmen for the two groups, these actions represent the only alternative to so-called election reform legislation currently being drafted by Vice-President Walter Mondale at the request of President Carter for presentation to the Congress in April.

The key features of the Carter-Mondale election reform proposals, as reported by staff in the Vice-president's office, are "universal voter registration" and "abolition of the electoral college" as presently constituted. CFFE and the LODF spokesmen maintain that the electoral college and personal voter registration are critical aspects of "fraud-proofing" elections and that the Carter Administration reforms amount to an "attempt to institutionalize the documented methods by which the Carter for President campaign committed fraud during the Nov. 2, 1976 presidential elections." The following is a report on the Carter-Mondale proposals and pending vote fraud litigation, prepared by the staff of the Labor Organizer's Defense Fund.

The Electoral College was designed by the founding fathers to remove the most critical national election from the passions and uncertainties of everyday politics. Rather than, as the reformers claim, permitting one individual to brush aside the will of the majority, the Electoral College has historically delayed the formal declaration of a victor until the outcome of the election can be accurately determined. In the last presidential election, charges of widespread vote fraud were made in a number of states. The time necessary for the certification of the electors, and the casting and counting of their votes — approximately two months — provided the juridical basis for some fraud investigation to take place, despite unwarranted judicial caution in taking on the fraud issue. The Carter-Mondale proposal to make the Electoral College a rubber stamp would eliminate even that safeguard.

The second Carter proposal will affect all elections, not just the Presidency. The proposal for universal mail or on-site registration threatens to make ballot security impossible. Lawsuits in at least four states (New York, Pennsylvania, Ohio and Wisconsin) challenged the outcome of the Nov. 2 presidential election and six congressional races were similarly challenged. In each instance,

ballot-stuffing based on fraudulent registration and tombstone voting was conclusively documented.

The Carter-Mondale plan is to invite more such lawlessness. The congressional vote challenges are still in court or are being considered by special three-man congressional review teams set up to decide the claims. Of the remaining cases, *Donahue v. New York State Board of Elections* has the most serious implications for the fu-

'We Don't Look For Irregularities'

The following is testimony given by Mrs. Betty Dolen, Directory of New York City Board of Elections under questioning by Lester Fettell, Counsel for the Plaintiffs in the case of Donahue V. New York State Board of Elections, Dec. 8, 1976.

Q: In your capacity with the Board of Elections of the City of New York, do you presume that there is no fraud among voters?

A: Well, I wish we had Utopia—

Mr. Schwartz: Objection, your Honor.

The Court: Well, just because Mr. Fetell volunteered the statement I will allow the witness to answer.

A: I said I wish we had a Utopia of that kind.

Q: Do you recognize that it is a part of your responsibility and the responsibility of the Board of Elections to look for irregularities and report them to the proper authorities, if found?

A: No, we don't look for irregularities; if they are called to our attention we check them out.

Q: Was there anything — when this system was implemented by the Board of Elections, was anything done to spot check for the possibility of registering from tombstones to empty lots to empty buildings?

A: No, there is an affidavit on the application and when it is signed — that affidavit must be signed by the applicant. And when that application comes in with the signature on the affidavit, it is presumed what the person filled out is the truth and also there is a class E felony on the other side which charges in the event it is proven you are not telling the truth, you are subject to a class E felony."