

EIR Feature

Senate proposes human sacrifice to quell unrest

by Leo F. Scanlon

The Omnibus Crime Bill (S. 1970) just passed by the U.S. Senate is a piece of legislation of hideous immorality which, if it becomes law, will send the United States plunging into an era of barbarism reminiscent of the last days of the Roman Empire. The bill expands the death penalty—a barbarous ritual by any standard—to include not only capital crimes, but also an array of “crimes of intent,” under which any political figure, targeted by a corrupt judiciary, could be sent to the electric chair. Indeed, it is no exaggeration to state that if the measures now proposed had been in effect the 1960s, most leaders of the civil rights movement could have been found guilty of capital crimes and executed; and that, more recently, former presidential candidate Lyndon LaRouche could have been charged with a capital crime of “intending” to defend himself against a paramilitary strike force poised to create a bloody incident in an effort to shut down his political campaign.

The Omnibus Crime Bill incorporates major elements of the work of the the Office of Legal Policy of the Department of Justice—an outfit which is part of a broader movement to eliminate the very constitutional protections which the Founding Fathers wisely devised, in the event that the nation’s leaders go temporarily insane.

The conceptual authors of the Omnibus Crime Bill claim that its leading purpose is to finally crack down on drug pushing and drug-related crime, and they are hoping that there are enough Americans blinded with rage over that issue, that they won’t object to legalized lynchings. But that is only the pretext for their actual intent: to extinguish or decapitate the political turmoil which will inevitably come as the economic depression heads toward rock-bottom, by having a police-state apparatus in place which can eliminate the political leadership of those in revolt—no matter whether those leaders have black, white, or any other skin color.

Ninety-four of the Senate’s 100 members voted on July 11 for the bill. The six senators opposed were: William Armstrong (R-Colo.), David Durenberger (R-Minn.), Mark Hatfield (R-Ore.), Edward Kennedy (D-Mass.), Howard Metzenbaum (D-Oh.), and Charles Robb (D-Va.). Although the final wording of the version passed is not yet available to the public, information released so far



Chris Lewis

PRAGUE, July 20, 1990: Citizens recently freed from the Communist dictatorship in Czechoslovakia—where the President is a former political prisoner—are dismayed to read posters about police-state justice against political figures in the United States.

indicates that in addition to adding many new categories of capital crime, the legal mechanisms which are currently used to correct judicial errors in state death penalty convictions, are to be virtually eliminated. The most common means of correcting such errors is through the use of *habeas corpus* proceedings in the federal courts to review the trial which produced the conviction and incarceration in the lower courts. This is not simply a procedural matter, since over half of the cases reviewed in this manner are overturned on appeal.

Judicial experts estimate that the changes in the *habeas corpus* procedures which S. 1970 introduces will result in 200 to 250 executions a year—based on the *present* list of crimes which are punished in this manner. One senator commented that with S. 1970, “it seems we have applied the death penalty to everything except school truancy.” By thus cheapening the value of life, the legal system comes to resemble more and more the very criminals it seeks to constrain.

No proof of killing required

Under the law’s provisions, the list of federal crimes which carry the death penalty is expanded by more than a dozen, to total at least 34, and incorporates an effort to define *crimes of attempt* and *property crimes*, such as bank robbery, as capital crimes (see box). Sen. Alfonse D’Amato (R-N.Y.), a leading architect of this scheme, told the Senate that “opponents of the death penalty will say that only crimes involving a killing can be punished by the death penalty, but no Supreme Court decision made so far is definitive on this issue.” His amendments to the bill create two new categories

of offense, providing the death penalty for major drug dealers “even without proof of a specific killing.”

The first category of offenders who would be executed under the D’Amato provisions, are drug traffickers who distribute 65 pounds of heroin, 330 pounds of cocaine, or who earn \$10 million in one year, and who are categorized as an “organizer, supervisor, or manager” of a “continuing criminal enterprise (CCE).” Such offenders now receive mandatory life in prison, thus identifying this amendment as little more than a gruesome type of prison population control. The second new category, according to D’Amato’s submission in the July 11 *Congressional Record*, “consists of a somewhat more broadly defined class of drug kingpins who attempt to obstruct the investigation or prosecution of their activities by *attempting* to kill persons involved in the criminal justice process, or knowingly directing, advising, authorizing, or assisting another to attempt to kill such a person” (emphasis added). The defendant in this case would have to be an organizer of a CCE, but would *not* have to be a trafficker as defined above. Similarly, transporting explosives with *intent* to kill, is another capital crime of attempt which does not require an actual death under S. 1970.

The most dangerous of these provisions is that which authorizes execution of someone who “is using or *knowingly directing, advising, authorizing, or assisting another* to use a firearm to *threaten, intimidate, assault, or injure* a person in committing the drug offense, or in *furtherance of a continuing criminal enterprise* of which the offense was a part” (emphasis added).

In this case, as in the provisions relating to “drug king-

What the crime bill would make a capital crime

On June 11 the Associated Press released the following list of those offenses for which courts could impose the death penalty under the Omnibus Crime Bill approved by the Senate (some are already capital offenses under current law):

- destruction of aircraft
- destruction of motor vehicle
- murder of family member of federal official
- murder of member of Congress, Cabinet, or Supreme Court
- espionage
- transporting explosives with intent to kill
- arson of federal property
- arson of property in interstate commerce
- murder of nuclear regulatory inspector
- murder in territorial jurisdiction of the United States
- murder of federal official
- mailing of injurious articles
- assassination of the President
- wrecking a train
- bank robbery

- treason
- aircraft hijacking
- murder of Agriculture Department official
- murder of federal witness
- murder of horse inspector
- murder of meat inspector
- murder of poultry inspector
- murder of egg products inspector
- genocide
- murder of foreign official
- kidnaping
- hostage taking
- murder for hire
- murder in aid of racketeering
- major crime by drug kingpin*
- attempted homicide by drug kingpin while seeking to obstruct justice
- unintentional killing by drug felon involving aggravated recklessness
- use of a firearm in violent crime or drug trafficking
- murder by prisoners serving life sentences in federal prisons.

*A drug kingpin is defined as an individual with three prior felony convictions who leads an organization with gross earnings of at least \$10 million a year and has been charged in a crime involving at least 300 times the amount of narcotics seized in a typical crime.

pins," a capital offense is defined by membership in a CCE; i.e., the same act, committed by a person not so stigmatized, is not a capital crime. With this, the tyrannical core of the Racketeering Influenced and Corrupt Organizations (RICO) statutes have now reached out and grabbed the executioner's blade, using the fascist sociological category, "continuing criminal enterprise," to establish eligibility for execution.

Execution for property crimes

S. 1970 also reintroduces one of the most horrific practices of fundamentalist regimes (typified by 19th-century Britain, or the radical Islamic legal codes of today): imposing the death penalty for crimes against property. According to the Associated Press release, the bill includes "bank robbery," "arson," "destruction of aircraft or motor vehicle" (presumably in the furtherance of some broader crime), and "wrecking a train" among capital crimes.

The bill decrees that execution shall result if one is convicted of "use of a firearm in violent crime." Seemingly innocuous, and widely supported by those who wish to prove that tough anti-crime measures do not need gun control, this provision contains a social time bomb. Recent circuit court decisions have determined that *burglary* and *pickpocketing*

constitute "violent crimes," thus placing petty criminals in the executioner's sights. These court decisions in no way respect the right of the individual citizen to defend himself if confronted by an armed intruder or mugger; they merely allow the state to murder large numbers of inadequately represented defendants, who will be overwhelmingly young, poor, and black.

The gun control provisions of the bill are themselves an unconstitutional *Bill of Attainder*, in that they prohibit specific makes and models of weapons and will have no real effect on the number of fully automatic weapons in the hands of criminals. But these provisions served to galvanize support for S. 1970 from senators who up to now have opposed the death penalty, such as Sen. John Chaffee (R-R.I.), who said, "I do not like the death penalty . . . but the assault weapons provision is worth saving."

'Habeas corpus mortuus'

The most controversial feature of S. 1970, and the one with the most immediate and bloody consequence, is the reform of the *habeas corpus* procedure which the bill will undertake. Most death sentences in America are imposed by juries in state courts on defendants who rely on court-

appointed attorneys for their defense. Lacking funds and experience, typically less than three years out of law school, with no prior experience in capital trials, these attorneys frequently commit reversible errors in the defense of their clients. If the condemned person is fortunate, his case will be taken up by an experienced attorney, who will attempt to remedy these errors through *habeas corpus* actions brought in federal courts in order to review errors in the state trial, thus stalling, and usually overturning, the imposition of the death penalty.

Chief Justice William Rehnquist has led a campaign to impose the standards of the infamous speedy-trial "rocket docket" in the Eastern District of Virginia on this process, in order to cut off federal appeals of the state convictions. Rehnquist commissioned a panel of federal judges to study the issue, but found their proposals too lenient. He then took the unusual step of "taking off his robes" and going directly to the floor of the Senate to lobby for his reform proposal.

The amendment, sponsored by Sen. Strom Thurmond (R-S.C.), substantially embodied the Rehnquist scheme, and demands that federal *habeas corpus* claims be filed within 60 days of Supreme Court action on direct review, and that final disposition occur within 90 days in federal appeals court and Supreme Court. This is a direct violation of the principles of sovereignty and federalism, since it demands federal action before state *habeas corpus* proceedings (where most of the facts introduced for review are discovered) are exhausted. The "rocket-docket" timetables imposed on the federal proceedings will guarantee that no effective review occurs.

Ritual sacrifice to control crime?

If a television station in San Francisco prevails in a pending lawsuit, it will gain the right to televise executions, thus bringing back the charming Victorian practice of public hangings of pickpockets, thieves, and starving orphans. The ritual sacrifice approach to crime control is all the more disgusting, in light of the abysmal failure of the U.S. criminal justice system, and its authors in the Congress, to even make a dent in the criminality which has been spawned by the rock-drug-sex counterculture.

The United States currently imprisons 407 out of every 100,000 of its citizens—a number greater by a factor of four than any country of Europe, with the possible exception of the Soviet Union, which was estimated to incarcerate approximately 400 persons per 100,000 during the Brezhnev era. Statistics for federal prisons alone (not state and county jails) indicate that this is a recent phenomena in the United States: In 1950, there were 17,000 prisoners in the United States. In 1981, there were 24,000; in 1990, there are 65,000; and by 1993, the Department of Justice plans to double that, bringing over 100,000 people into the prison system. At that point, the United States will be incarcerating a greater portion of its citizens than the communist tyrants in Moscow did at the height of their powers.

LaRouche: Why do you support the death penalty?

Virginia 10th C.D. candidate for the U.S. Congress Lyndon LaRouche released the following statement on July 30. It is circulating as a campaign leaflet with a large picture of a dog on it.

At a time that civilized nations have turned with disgust against the barbaric practice known as capital punishment, the death penalty, the United States is going full tilt, toward barbarism.

You and I know, that most of the politicians, who are supporting the death penalty, are doing so out of pure political opportunism. They don't care how many lives, even innocent ones, they have to fry on Death Row in order to get a few more votes for themselves, and a few more favors for the cronies they hope to bring into office with them. But, you also know, that the reason that these corrupt politicians do that, is because, in large part, the public is so desperate, over the worsening financial situation, so desperate, over the effects of the continued and growing drug traffic, that they're willing to resort to absolutely desperate measures, to take out their anger on someone. They're even willing to go as far as to lynch people, and have no hesitation, therefore, in supporting the death penalty.

But, when we look at that dog's face, looking up at us, and we can imagine the dog saying to us, asking us (perhaps your own dog), "Why do you support the death penalty? Are you hungry?" you recognize that a beast would kill only for food, or for defense, and so forth. And, even the beasts would be shocked at what we do in the name of the death penalty, in the name of law.

That is bestiality.

As the Reagan-Bush administration's farcical "war on drugs" has demonstrated, the FBI and the Department of Justice are supplanting law enforcement with a "scorched-earth" policy ostensibly aimed at the lowest rung of the drug apparatus. But this cynical policy will never have even its purported effect, so long as the people who run the drug apparatus, and international bankers who manage the drug cartel, and the Oliver North networks which trade and transport the drugs, protected by the same U.S. administration which is pushing the Omnibus Crime Bill.

Crime is not the target of this bill; the target is *you*, and those who might help you reverse the descent into barbarism.