

U.S. Supreme Court denies motions by LaRouche, NDPC

The same Supreme Court which has just ruled that American flag-burnings and dial-a-porn telephone calls are constitutionally protected free speech, proceeded to ignore the political rights of Lyndon LaRouche and those who support his ideas. In two separate actions, the Court refused to end the six-month-old political frameup jailing of LaRouche and six associates, and, in the person of Justice William Brennan, okayed an economic death penalty leveled against the political action committee of the LaRouche Democrats, the National Democratic Policy Committee (NDPC).

Habeas corpus petition rejected

The Court denied a *habeas corpus* petition filed on June 2 by Philadelphia attorney Charles Bowser, requesting the justices to order the immediate release of LaRouche and six of his associates, on the grounds that the government had unlawfully assaulted the LaRouche movement with multiple political prosecutions over a period of more than a decade. The justices rejected without a word of comment the Bowser petition's arguments that "the acts for which petitioners have been investigated and prosecuted . . . were acts in the exercise of [their] rights of political association and political expression."

Their imprisonment is in violation of the First Amendment to the Constitution, the petition argues, and also of the due process clause of the Fifth Amendment. Furthermore, the imprisonment of the "LaRouche Seven" violates the United Nations Charter, and the principle of freedom of political expression found in international law.

Since, according to experienced Supreme Court watchers, the Court has a policy of rejecting out of hand all *habeas corpus* motions (literally, motions to "produce the body") made directly to the Court without going "up the chain" through the lower courts first, the decision in this case, although offensive in its blatant disregard for the Constitution, was not unusual.

To counter the Court's objection to such motions, the Bowser petition had argued nine different "exceptional circumstances," showing why it would be futile to bring the

petition in front of the U.S. District Court or the Fourth Circuit Court of Appeals. One such circumstance is that Judge Albert Bryan, who tried the case in Alexandria, Virginia, had already prejudged the issues represented in the petition, when he made the comment before the court that it is "arrant nonsense" to claim that the LaRouche case was a "politically motivated prosecution." Further, the petition notes that Bryan, by granting the government's motion *in limine* forbidding the defendants to introduce evidence of government harassment against them, "viewed evidence of the magnitude of government activities directed against the finances and political activities of petitioners . . . to be separate and distinct from the issues raised in the indictment."

Death penalty for NDPC

Far more shocking to legal observers than the *habeas corpus* ruling was Justice William Brennan's denial of an application by the National Democratic Policy Committee to stay the execution of multi-million-dollar fines levied upon the political action committee of the LaRouche wing of the Democratic Party. The fines for "contempt of court" were imposed by Judge A. David Mazzone of Boston in 1986, on the basis of the unsupported affidavit of FBI agent Richard Egan, who has since been exposed in numerous court proceedings as having repeatedly lied under oath. The NDPC has never been allowed to challenge the fines in a court hearing on the facts of the case.

Warren J. Hamerman, the chairman of the NDPC, denounced Justice Brennan's action as "Tiananmen Square Justice. Without even so much as an evidentiary hearing at any level of the judicial process, and despite repeated sworn statements by me that the NDPC was never in contempt and my requests for hearings to every judge who has reviewed this matter, now the Supreme Court is saying that a purely political organization can be given an economic death penalty through the collection of artificially created gargantuan civil contempt fines.

"The NDPC is not in contempt of the law," Hamerman stressed. "Justice Brennan now stands along with the notorious Judge Mazzone and the genocidalist First Circuit Appeals Judge Coffin and the 'Get LaRouche Task Force' in open contempt of the First Amendment of our Constitution, which asserts that *no* law in this nation can abridge the very nature of political action—the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Following Justice Brennan's decision, the U.S. Attorney's office immediately applied to Judge Mazzone to calculate the amount of the fines at \$2.7 million and begin collection proceedings.

Hamerman said the NDPC intends to file motions of its own, challenging the recalculation of the fine, in which it will again attempt to gain an evidentiary hearing on the matter.