

elect Carter's victory in New York will provide him with the margin of victory in the Electoral College, which meets on December 13, 1976, to complete the nation's quadrennial task of choosing a President. If New York's electors are disqualified from casting their ballots, and a new election in New York is necessary, possibly no candidate would receive sufficient votes in the Electoral College to be elected President. The delay attendant in holding a new election in New York might disrupt the governing process and leave the nation without a legitimate leader for an unpredictable length of time.

"The point, however," Judge Mishler continued, "is not that ordering a new Presidential election in New York State is beyond the equity jurisdiction of the federal courts. Protecting the integrity of elections — particularly Presidential contests — is essential to a free and democratic society. It is difficult to imagine a more damaging blow to public confidence in the electoral process than the election of a President whose margin of victory was provided by fraudulent registration or voting, ballot-stuffing or other illegal means... The fact that a national election might require judicial intervention, concomitantly implicating the interests of the entire nation, if anything, militates in favor of interpreting the equity jurisdiction of the federal courts to include challenges to Presidential elections.

"But before a federal court can responsibly order new elections," Judge Mishler stated, "the claimants seeking this extraordinary relief must come forward with the most clear and convincing evidence that state officials or persons acting under color of state law, by intentionally depriving qualified voters of the right to vote, altered the outcome of the election. A party contesting a Presidential election carries a heavy burden. Not to put too fine a point on it, this standard implies conduct of a most egregious nature, approximating criminal activity..."

Ohio Federal Judge Sets Final Evidentiary Hearing In Fraud Cases; Denies Temporary Restraining Order

NEW YORK, Dec. 9 (NSIPS) — Judge Joseph Kinneary of the Federal Southern District Court of Ohio today rendered a decision to hold a final evidentiary hearing on a Federal suit to set aside the outcome of the 1976 general election in Ohio. While Kinneary denied the plaintiffs in the suit — electors representing the U.S. Labor Party, the American Party and the Republican Party — their requested emergency relief of a Temporary Restraining Order, he has set the date for a final hearing: Saturday, Dec. 11 at 9:00 a.m. This will permit the opportunity to complete judicial relief prior to the meeting of the Electoral College Dec. 13.

In setting forth his denial of the Restraining Order, Judge Kinneary held that "The Court finds that certain irregularities did occur (in the general election) that cannot be condoned." However, Judge Kinneary raised doubts as to the conclusive nature of the evidence thus far presented, and therefore declined to grant emergency injunctive relief.

The plaintiffs are now making final preparations for the Dec. 11 hearing. On that occasion, Dr. George

Bardwell is scheduled to present the scientific basis for statistical evidence which challenges the election results. Dr. Bardwell has just completed testimony in a similar court challenge in New York.

In the event that an appeal of the Dec. 11 decision is necessary, the plaintiffs will continue to pursue relief in the Sixth Circuit in Cincinnati. A precedent established in a 1960 case in Hawaii allows for electors to be disqualified or changed even after the meeting of the Electoral College.

Ohio Secretary Of State Brown Announces Statewide Fraud Probe

COLUMBUS, Ohio, Dec. 8 (NSIPS) — In a statement released to the national press from his office here this morning, Ohio Secretary of State Ted Brown has announced that he will undertake a full investigation into possible fraud in Ohio's Nov. 2 presidential elections. The investigation could take up to two years and will include criminal indictments, sources at the state capital report. Brown has also announced that he will not certify Ohio's presidential and vice-presidential electors in the Nov. 2 contest pending a decision on the U.S. Labor Party's court request for a re-balloting of the Ohio election due to fraud, which was heard yesterday before Judge Kinneary of Ohio's Federal District Court.

Brown has appointed George Ferris, a former Ohio undersecretary of state to lead a team of investigators in the statewide probe, and will request 500,000 dollars in funding for the investigation from the State Board of Control. Anticipating possible stalling from this Democratic Party-controlled joint legislative body, Brown is also drafting a bill for the appropriation of 695,000 dollars in funding by the state legislature, which he estimates will be the full cost of the investigation.

Brown's decision follows his receipt of a letter urging action on the vote fraud signed by Republican Party State Representatives John Galbraith and Linda Carmel of Lucas County. The open letter to Brown, which attacked a Dec. 1 Lucas County Board of Elections meeting during which massive evidence of fraud documented by the U.S. Labor Party was summarily dismissed, was published today on the front page of the *Toledo Blade*.

The *Associated Press* and *United Press International* news services have placed Brown's announcement on their national news wires.

Pennsylvania Filing

Also today in Pennsylvania, U.S. Labor Party lawyer John Bradley filed an appeal with the State Supreme Court to overturn a Dec. 3 low court decision requiring the USLP to file a 50,000 dollar bond to cover "possible investigative expenses" in party allegations that fraud was carried out under Pennsylvania's post-card voter registration law. The Labor Party's constitutional challenge of the post-card law was dismissed by the Court when the party failed to meet the bond requirement.