

RICO's assault on constituency groups

by Leo Scanlon

The use of the RICO statutes (Racketeer Influenced and Corrupt Organizations) by politically motivated litigants and prosecutors, against "Operation Rescue" anti-abortion protesters and others, is the cutting edge of a wider variety of tactics which are being marshaled to silence any social grouping that organizes itself to redress grievances through the political process. We document here how some of these tactics are being used against organizations such as the National Rifle Association (NRA) and lobbyists for the elderly.

The case of the NRA

If there is one issue which evokes as much political emotion as the question of abortion, it is gun control, and the NRA has solidly staked out its territory, in defense of an interpretation of the Second Amendment to the Constitution which guarantees an unrestricted right to the ownership of firearms by every citizen of the republic. The propagandistic attacks against the NRA's interpretation of the Constitution by a variety of nominalist nit-pickers tends to obscure the dangerous and unconstitutional philosophy embedded in the "gun-control" movement.

Much of the modern debate over the issue began with legislation passed in the 1960s—a corollary to the reorganization of the criminal code instituted with the enactment of the RICO and related statutes. If there is one underlying flaw in these laws, it can be summarized thus: The individual is not morally responsible for the commission of a criminal act, but is an agent of some force in society at large, which is causing him to act in a criminal fashion. In this view, the aim of law enforcement and the court system is not to stop crime by holding the criminal to account for his actions, but rather to identify the social formation ("racketeer influenced corrupt organization," "enterprise," or some agency of society at large) which is controlling the individual's actions, and to punish or destroy it. Therefore, the most heinous moral crimes against persons are ignored by the courts, while "institutional" or "white collar" crimes are treated with a draconian severity.

The gun control statutes, enacted and pending in the U.S. Congress, are the poison fruit of this logic, and are similarly

based on the idea that gun owners, as a class, are predisposed to crime, because many crimes are committed with the aid of guns. The advocates of gun control would impose broad restrictions on the citizenry, in the effort to control the criminal. The furor over this issue is not a product of the "American Cowboy" phenomenon, as it is often portrayed to foreign audiences, but rather is a very fundamental fight over a basic constitutional conception.

The NRA has mounted a simple, but effective resistance to this type of legislation. As a result, the association has come under brutal physical and political attack by its opponents, and can expect more of the same. In a recent Maryland election, the NRA mobilized to defeat a gun control statute which was posed as a referendum item. The ferocious attack against their campaign by the state authorities was identified as "police-state tactics" in the NRA magazine, which reported on the incidents involved.

"Police conducted an illegal, warrantless search of our Baltimore headquarters, disrupting and eliminating the critical election eve phone bank, rummaging through desks and file cabinets, grabbing papers from workers, herding them from room to room," wrote Maryland NRA official Neal Knox.

"Armed, uniformed, reportedly on-duty policemen were stationed at many polls passing out sample ballots 'suggesting' how to vote—in open violation of election laws.

"Poll workers were harassed, injured, and even arrested on trumped-up charges," and a host of dirty election tricks conducted by state officials polluted the entire voting process.

Bush's hypocrisy

Where was George Bush while this electoral travesty was occurring in his back yard? He was out campaigning on the promise that he would not tolerate any further restrictions on gun owners—the very first promise he broke after his election. Bush's betrayal of the NRA was the work of "drug czar" William Bennett, who initiated a move to outlaw an entire category of semi-automatic hunting weapons, on the specious premise that they are "related to" military assault weapons.

A principal figure in promoting this hoax has been Los Angeles Chief of Police Daryl Gates, whose sanction of police brutality against a recent anti-abortion protest indicates that the Maryland experience will not be an isolated one. Gates's role deserves more scrutiny, in light of the fact that the flap over automatic weapons was triggered by the slaying of school children in Stockton, California, by a suspected Satanist. Gates and other California officials have hushed up that side of the story, and also covered up the fact that the assailant had been arrested multiple times on felony charges, which had been plea-bargained to misdemeanor violations, by Los Angeles law enforcement officials—thus in effect *protecting* the gunman from being prosecuted under

California's already stringent gun registration laws.

Bush's cynical betrayal of the NRA was a signal to gun control forces in Congress. Anti-firearms legislation, under the sponsorship of Sen. Howard Metzenbaum (D-Ohio), and Rep. Courtney Stark (D-Calif.) got a big boost from the President's actions. In response, the NRA mobilized its several million members to oppose the bills and contribute to the NRA. Promptly, Courtney "Pete" Stark demanded that the Postal Service investigate the solicitation, and initiate a prosecution of the NRA on mail fraud charges. Stark, in a letter he sent to the Postal Inspector, argued that the NRA "misrepresented" the nature of the bill. His letter contained the following curious formulation:

"Telling collectors, hunters, or sportsmen that a \$28 contribution can prevent a \$200 tax on currently owned firearms would appear to be a wise investment to any ordinary citizen. Instead, it's actually a new twist on a tested and proven fundraising scheme used to exploit the vulnerable senior citizens of this nation. Current postal regulations . . . were implemented to prohibit schemes and devices of this type that misinform, lie, distort, and incite for the explicit purposes of raising money."

He then implies that the NRA "intended to engage in conducting a scheme or device for obtaining money or property through the mail by means of false representations."

Target: senior citizens

According to the aide who wrote the above letter for Representative Stark, the congressman's office is very sensitive to the issue raised about the political involvement of senior citizens. When asked what he meant by "a tested and proven scheme" to bilk the elderly, he pointed to an organization called the National Committee to Save Social Security and Medicare. This lobbying organization, founded by Jimmy Roosevelt, has effectively mobilized senior citizens to oppose the continuous efforts of Stark, other congressmen, and the euthanasia lobby, to chisel away benefits due the elderly.

The direct mail organizing tactics of Roosevelt's group represented a mainstay of the efforts of, among others, the late Rep. Claude Pepper (D-Fla.), a leading advocate for the elderly. Like the NRA, the group makes use of a simple formula: Letters are sent to millions of potential supporters alerting them to the dangers of a particular piece of legislation, telling them who to call or write to to stop it, and requesting a contribution to support the effort. Since the bulk of the contributions received are used to pay the overhead costs for the mailing and mobilization efforts, Stark and like-minded congressmen have tried to establish that the practice constitutes "mail fraud," and have repeatedly attempted to sanction Roosevelt's group.

What Stark is really upset about, is that this technique effectively short-circuits the controlled national media, and checks the actions of corrupt politicians like himself.

Writ of Habeas Corpus

LaRouche takes case to Supreme Court

Charles W. Bowser, a noted Philadelphia attorney, has filed a petition with the U.S. Supreme Court, on behalf of Lyndon LaRouche and six associates, calling upon that court to order their release from prison, where they have been since Jan. 27, when a federal judge in Alexandria, Virginia vindictively refused to release them on bond pending appeal following their railroad political show-trial.

The "Joint Petition for Writs of Habeas Corpus" was filed on June 2 on behalf of LaRouche, William Wertz, Edward Spannaus, Michael Billington, Dennis Small, Paul Greenberg, and Joyce Rubinstein, and argues that years of government harassment and politically motivated "investigations" of the National Caucus of Labor Committees—the philosophical association founded by LaRouche—completely invalidates the government's criminal prosecution of the defendants, and that the lower court's decision to even deny them freedom pending their appeal is a further extension of that effort to deny them the freedom of political expression, and the right to due process under the law.

Appended to the 30-page petition are 273 pages of supporting documents and exhibits, documenting the government's more than 20-year-old campaign of harassment operations against LaRouche and his associates.

First Amendment violated

"The Government's intrusions upon petitioners' First Amendment rights to political expression and association exceeded the narrow parameters of permissible government activity and invalidate their prosecution and resultant confinement," the petition argues, noting that such intrusions "demonstrate that the governmental interest behind the activity was not unrelated to the suppression of free expression."

Contrary to Judge Albert V. Bryan's refusal to even admit evidence of the government harassment of the NCLC into his