

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

Alexandria railroad trial, the Supreme Court petition argues that "Discrete [governmental] conduct, reviewed separately, may not violate narrow parameters within which government conduct is permissible, but the mandate of the First Amendment requires the Court to review the totality of government intrusions, even subtle and indirect intrusions. . . ."

"In this case, as set forth . . . petitioners were subjected to continuous government intrusions upon their rights of political expression and association for almost twenty years prior to their prosecution. . . . While the lower courts rejected petitioners' objections to intrusions upon their rights, they limited their review to discrete acts, and ignored the mosaic of intrusive government conduct.

"It would be naive not to recognize that continuous government investigative activity over an extended period into political expression and fundraising is more detrimental in its cumulative effect than when each activity is reviewed separately. . . . Moreover, when this continuous activity against politically active people escalates over time in its disrupting effect, the asserted legitimate governmental interests no longer can be viewed as unrelated to the suppression of free expression." Cited in this connection is the Church Committee Report, which cautioned that "The line between information collection and harassment can be extremely thin."

Violations of international law

In addition to the infringement of First Amendment rights suffered by the LaRouche Seven, the petition argues that their confinement "also violates rights provided to them under international law provisions which this Court should recognize as an independent basis for *habeas corpus* relief," including the United Nations Charter and the Universal Declaration of Human Rights.

"Petitioners' right to the free exercise of political expression without improper governmental interference and imprisonment is also protected by customary international law or the 'law of nations,' a part of the law of the United States, which the Court is bound to ascertain and administer."

In addition to these treaty provisions, the petition points out that the right to free political expression is also set forth in the following international human rights instruments: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the American Convention on Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the African Charter on Human and Peoples' Rights, and the Final Act of the Conference on Security and Cooperation in Europe ("Helsinki Accords").

"The repeated inclusion of provisions setting forth this right in the above-cited instruments demonstrates that it is universally recognized and accepted by states that freedom of political expression and freedom from governmental suppression is a customary principle of international law that no civilized nation may deny its citizens."

Furthermore, "petitioners' Fifth Amendment right to due process is denied by their confinement in violation of customary international law guaranteeing their right of political expression free from undue governmental interference."

The Fifth Amendment, the petition argues, "provides that no person shall 'be deprived of life, liberty, or property, without due process of law.' . . . By its substantive component, this constitutional provision bars certain government actions 'regardless of the fairness of the procedures used to implement them.' . . . It thereby serves to prevent governmental power from being used for purposes of oppression."

The petition also stresses that this constitutional protection "has no fixed technical content. In *Rochin v. California*, this Court noted, 'In dealing not with the machinery of government but with human rights, the absence of formal exactitude, or want of fixity of meaning, is not an unusual or even regrettable attribute of constitutional provisions.'

"The principles of customary international law can provide content to the notion of fairness inherent in the concept of due process. . . . These principles, discussed *supra*, establish that human beings have a right of expression which should be free from undue governmental interference. The government's prosecution and confinement of petitioners, tainted as it was by an interest in suppressing their right to free expression . . . violates this international norm and thereby constitutes a form of oppression. When this oppressive government conduct results in an infringement of liberty, as petitioners' imprisonment has, it violates the constitutional guarantee of due process of the Fifth Amendment. This constitutional violation mandates the granting of the requested writs of *habeas corpus* and the release of petitioners from custody."

LaRouche's attorney

Although perhaps not as well-known as former U.S. Attorney General Ramsey Clark, who represented LaRouche before the Fourth Circuit Court in Virginia and the Supreme Court, Charles W. Bowser is a noted attorney whose area of special expertise is constitutional law as it applies to corporations. Following his decision to represent LaRouche and his associates before the U.S. Supreme Court, Bowser stated that he has departed from his standard corporate clientele, to represent these seven individuals, because the implications for the First Amendment and U.S. Constitution are so immense. He has referred to the actions taken by the government against LaRouche as the "Watergating of the First Amendment."

Bowser has been active on the Philadelphia political scene for well over two decades. He became the city's first black deputy mayor in 1967, and subsequently ran vigorous campaigns to become mayor in 1975 and 1979. More recently, he was the subject of the cover story of the Jan. 15, 1989 *Philadelphia Inquirer* magazine entitled, "Is This the Most Powerful Man in the City?"