

# Court puts LaRouche Dem on Texas ballot

by Patricia Salisbury

On Jan. 25 a Texas state appeals court panel overruled the local chairman of the Dallas, Texas Democratic Party and upheld the right of LaRouche Democrat Greg Witherspoon to appear on the primary ballot as a candidate for Democratic Party chairman for Dallas County. The three-judge panel heard 40 minutes of arguments from American Civil Liberties Union Attorney Eliot Shavin, who argued that the role of political parties is to encourage political participation, not exclude it. John Pouland, chairman of the Dallas party, was asserting an arbitrary right to exclude anyone he considered a LaRouche supporter.

A great deal was at stake in this case. Pouland had started the controversy when he informed Witherspoon that he would not be permitted on the ballot, despite having fulfilled every requirement, solely because of his association with LaRouche. Had Pouland's outrageous decision been allowed to stand, it would have denied the right to run for office to anyone not approved by the party bureaucracy. Pouland had argued that because in Pouland's opinion Lyndon LaRouche does not uphold the U.S. Constitution, a LaRouche Democrat such as Witherspoon could not take an oath to uphold the Constitution.

Witherspoon, a black activist, denounced this as a travesty. In an appearance before the County Democratic Committee on Jan. 22, Witherspoon demanded the right to speak, and told the committee, "My grandfather spilled his blood for the right to vote. You will not keep me off the ballot." Pointing to his two young children who were present at the meeting he said, "This is what it's about. It is their freedom which is at stake. I will not let you take away their freedom. And you better beware that when they grow up, they won't treat you as nicely as I have."

Witherspoon also pulled no punches in exposing the political forces behind the attempt to exclude him from the ballot. Denouncing the Anti-Defamation League, which is notorious for using charges of anti-Semitism and racism to protect the drug lobby and smear anyone who attacks it, Witherspoon charged, "This is an operation being run by the ADL; Mr. Pouland is the front-man."

Witherspoon's charges were borne out in the court proceedings when Pouland entered a series of quotes from a book-length slander of Lyndon LaRouche penned by the ADL-financed Dennis King. When one of the judges on the panel asked Pouland to substantiate his charge that Witherspoon would not make good on his oath to uphold the U.S. Constitution, Pouland offered the slanders in the King book as alleged proof. When the incredulous judge then asked Pouland if he really meant that the King book represented a proof on the public record, Pouland hemmed and hawed, finally admitting that this was the main basis for his argument. ACLU Attorney Shavin denounced the book as "hearsay upon hearsay," and said that its admission into the courtroom was an outrage to the panel. The judges appeared to have agreed as they issued the writ of mandamus ordering Pouland to place Witherspoon's name on the ballot. They added the proviso, "no motion for a further hearing on this matter will be entertained."

While a victory against fascism was won in Texas, a related battle is still raging in Illinois, where courts are acceding to the campaign of state Attorney General Neil Hartigan to disqualify a slate of LaRouche associated Democrats for state office. The effort has reached a fever pitch, since two of the candidates, Mark Fairchild and Janice Hart, won the Democratic Party nominations for the state-wide offices of lieutenant governor and secretary of state in 1986. The efforts of the Democratic Party bureaucracy in Illinois are even more flagrant violations of the electoral process than in Texas, in that Hartigan, himself a candidate for governor, has used the power and personnel of his office to terrorize both campaign workers and citizens who signed the nominating petitions for the LaRouche slate. Hartigan was forced to admit that members of the Attorney General's staff called petition signers in an attempt to invalidate signatures and prove "a pattern of fraud, and misrepresentation." Hartigan is attempting to explain this malfeasance away by arguing that the staff did it on their own time, or as volunteers.

## Illinois fight even more vicious

Despite these admissions to the media, the State Board of Elections voted 7-1 on Jan. 24 to uphold a decision by an Election Board hearing officer to disqualify the slate. The hearing officer, while ignoring arguments that the Attorney General was deploying the powers of his office against a political opponent, disqualified the slate on the basis that several petition circulators worked for the same literature distribution company, and that circulators were campaign volunteers who had an interest in the outcome of the court case. Observers of this decision wonder what candidate could ever qualify for public office, if the activities of campaign volunteers were automatically ruled fraudulent.

The full State Board of Elections, apparently wanting to avoid some of the pitfalls of the hearing officer, threw out the findings of fraud, but maintained that the slate had not collected sufficient valid signatures, since it refused to reinstate the signatures which the hearing officer had ruled "fraudulent." This absurd illogic and injustice is being contested in court by the LaRouche slate, which is also bringing an independent case charging Hartigan with misuse of his office.