

Thornburgh Senate bid upset by court ruling

by Jeffrey Steinberg

Attorney General Richard Thornburgh's plans to advance his political career by winning the U.S. Senate seat of the late John Heinz (R-Pa.) in a special election in November, suffered a severe setback on June 10, when U.S. District Court Judge Edward Cahn ruled that the 1964 Pennsylvania law establishing the interim election is unconstitutional. The Senate seat was left vacant when Heinz died in an airplane crash on April 4.

Judge Cahn's ruling came as the result of a civil suit filed against the Commonwealth of Pennsylvania by a maverick Republican Party activist, John S. "Jack" Trinsey, Jr. of Montgomery County. Describing himself in *pro se* legal papers as an "American Freedom Fighter," Trinsey charged that the state law allowing the Republican and Democratic Party central committees to select their nominees for the special election was a violation of the Seventeenth Amendment to the U.S. Constitution. The amendment, providing for the direct election of U.S. senators, was ratified on April 8, 1913. It specifies that in the event of vacancies, the state executive would be entitled to "make a temporary appointment until the people fill the vacancies by election."

In court papers filed June 7, Trinsey argued: "The mandate of the Seventeenth Amendment is that the power to elect a Senator of the United States in any type election shall be placed in the hands of the People of Pennsylvania, not a second hand choice after a few party committee members make the actual power of choice for the People of Pennsylvania, limiting that choice to two major party candidates, effectively eliminating all other candidates by tightening the standards for all other parties so as to be denied access to said Ballot and then making conditions so arduous for any other person to access the Ballot as to make it impossible for Trinsey or any other person to access said Ballot."

Under the existing Pennsylvania law, Trinsey would have been required to gather over 40,000 signatures from registered voters to have his name placed on the ballot in November.

It was on the basis of that de facto exclusionary feature of the law that Judge Cahn ruled that the procedure was unconstitutional.

Thornburgh's bind

Judge Cahn's ruling came a week after Attorney General Thornburgh's long-delayed decision to resign from the Bush administration to pursue the Senate post. Thornburgh immediately drew heat from congressional Democrats, who protested his announced plans to stay on at the Justice Department until late August—ostensibly to help pass the administration's new crime bill.

Pennsylvania sources told *EIR* that Thornburgh's real motive for hanging on as attorney general was to put further distance between himself and the continuing drug scandal implicating at least two of his top aides.

Now, the whole issue may be moot.

At the least, barring an emergency effort to have the U.S. Court of Appeals overturn the Cahn ruling, the Pennsylvania legislature will have to draft a new electoral law providing for a primary election process or for an open ballot. That would minimally delay the election of a U.S. senator until spring 1992, giving interim Sen. Harris Wofford, a former aide to President John F. Kennedy, an opportunity to establish his credentials in Washington. If Pennsylvania Democrats, who control the state House of Representatives, decide to block the new legislation, Wofford could, by default, serve out the remaining three years of Heinz's term.

Trinsey says that if Wofford gets the permanent seat by default, he will be back in court demanding that his appointment by Gov. Robert P. Casey be overturned. "Judge Cahn has blocked the party bosses from getting in the front door and depriving the voters of Pennsylvania of their constitutional rights," he said. "I don't want to see the Democrats sneak in the back door by turning what the Seventeenth Amendment specifies as an interim appointment into a permanent seat in the Senate."

Trinsey's campaign

In an interview with *EIR* on June 12, Trinsey stated that he believes he can win against Thornburgh and Wofford, and that he will campaign hard to expose Thornburgh's corruption. "I know some scandals about Thornburgh that have not yet been surfaced publicly," he claimed.

A sample of the kind of "throw the rascals out" campaign that he would run is contained in his court papers. Referring to Thornburgh and Wofford, Trinsey wrote:

"These two candidates are two lawyers, two members of the least respected profession not only in Pennsylvania, but in the entire United States, two lawyers who are 'looking the other way' while the legal profession and the Resolution Trust Corporation are bilking the taxpayers from Pennsylvania to every other State in the Union in one of the biggest shams ever perpetrated on the American public, with no end in sight unless 'New Blood American Freedom Fighter Patriots,' like Jack Trinsey, get to Washington to expose the scheme and pose solutions to arrest said bilking of the taxpayers, and recover thereafter."