

## GOVERNOR SHAPP RAILROADING LABOR PARTY OFF PENNSYLVANIA BALLOT

PHILADELPHIA, Oct. 27 (IPS)--With elections less than one week away, an eleventh-hour kangaroo court hearing in Harrisburg two days ago capped off a three-month campaign by Pennsylvania Governor Milton Shapp to throw U.S. Labor Party candidate Bernie Salera off the ballot in Philadelphia's First Congressional District and cripple working-class opposition to the Democratic candidate, infirm Congressman William Barrett. Shapp's hand-picked judge Glenn Mencer, by winking at numerous frauds in Barrett's case and in the testimony of the Board of Elections, showed that he intended to throw Salera off the ballot on trumped-up charges against the weight of the law and the evidence. On the same day Shapp personally ordered an illegal arrest of candidate Salera in the Italian Market in South Philadelphia. For the second time in one week Salera was taken by police in the middle of a campaign appearance and held without charges "for his own good."

The frauds in the Shapp-Barrett case begin with the "nominating papers" themselves: The forms on which several thousand working-class South Philadelphia voters signed their names in order to see Bernie Salera on the ballot in November. Valid signatures of 2,379 registered voters were required by the law; U.S. Labor Party campaign workers made two careful counts of the signatures before submitting them and found 3,640 signatures in the first count and 3,646 in the second. Now the Board of Elections claims that only 2,970 signatures were submitted, of which the number of valid signatures falls 130 short of the required total.

### The Missing 600

What happened to the missing 600 signatures? The most probable answer can be found in the testimony of the Election Commission official who had charge of them, who admitted that the nominating papers were repeatedly removed from his office by staff members before ever being counted and that if 600 signatures had been pilfered or mislaid during this period, no record existed by which he could have become aware of their absence. The same official later testified under oath that when he did get around to counting the signatures, his second count was 263 signatures less than his first, double the number by which the U.S. Labor Party is accused of falling short of the required total. He admitted that he could not explain the discrepancy.

The second fraud is the "petitions" or challenges to Salera's signatures filed for the Barrett forces by Democratic Committeeman Sykes. The law requires that such petitions must provide the challenged candidate with an exact and complete list of the accusations against his nomination, before any hearing can take place. Sykes' so-called "petitions" were a pile of unordered pages, many of them illegible, some without page numbers. The Board of Elections official who was assigned to cross-check them characterized them as the

worst he had seen in 36 years of this work, and confirmed that he had had to send to Harrisburg for new copies before being able to cross-check.

#### Penn. Law vs. Barrett-Shapp

In order to allow a candidate time to appeal a decision against him, Pennsylvania law requires that a judicial hearing on any such challenge must take place within about 10 days after the deadline for filing nominating papers, which was August 14. For the same reason, the law requires that a decision be granted within about 15 days after the filing-date, or by last August 29. Yet this initial hearing took place on October 25, 72 days later. Judge Mencer will hand down his decision Tuesday, Oct. 29, five days before the elections, making a normal judicial appeal completely impossible.

Pennsylvania law also requires that a candidate be given enough advance notice to locate his witnesses and prepare his defense before a hearing; yet Salera's lawyers learned of Friday's hearing only by means of a chance phone call to a clerk on Thursday afternoon. After rushing from Philadelphia to Harrisburg, they were treated to an eleven-hour continuous hearing, without any recess in which they might have prepared or brought witnesses from Philadelphia. The tireless Judge Mencer said he was willing to stage a continuous hearing for 24 hours if necessary. (Most judges work a strict ten-to-four schedule at most.)