

## U.S. POLITICAL NEWSLETTER

# Federal Courts in N.Y., Ohio, to Weigh Evidence of Fraud



Dec. 3 (NSIPS)—Federal District Court judges in Ohio and New York have scheduled hearings to consider the evidence that the Jimmy Carter forces in those two states committed election fraud sufficient to warrant the issuance of Federal injunctions barring certification of presidential electors from the two states.

In New York, Judge Mishler of the Eastern District Federal Court will hold a hearing on Wednesday, Dec. 8, to consider the vote fraud evidence brought by the U.S. Labor Party, the Conservative Party of Rockland County, and individual Republican and Conservative Party members; a similar hearing into evidence of vote fraud in Ohio contained in a suit by USLP, GOP, and American Party electors will be held before Federal District Court Judge Canary on Tuesday, Dec. 7.

If the court accepts the fraud findings in New York and bars certification of the state's 41 electoral votes, this will be enough to block Carter's selection as President-elect by the Electoral College. A similar ruling in Ohio, which has 25 electoral votes, will by itself fall two votes shy of stopping Carter, but will likely create sufficient political momentum to spur anti-fraud action in numerous other states.

Both judges brushed aside procedural objections to hearing the evidence by attorneys acting on behalf of Carter. Judge Mishler has postponed a decision on a spate of motions to throw out the USLP-Conservative-Republican suit brought by lawyers for New York City and New York State until after the evidentiary hearing. In Ohio, the state Democratic Party has hired Dr. Fink, a constitutional law expert from Ohio State University, who will file a motion to dismiss the Federal suit brought by electors from the U.S. Labor Party, the Republican Party, and the American Party on Monday, Dec. 6. But Judge Canary has indicated that he intends to hold the evidentiary hearing before considering Fink's brief.

Official investigations into vote fraud also moved ahead this week. Over 50 subpoenas have been issued by the Cleveland Board of Elections, and Ohio Secretary of State Ted Brown began open hearings on the vote fraud today in Toledo. In Wisconsin, the U.S. Attorney in Madison on Dec. 1 issued an appeal to the population to turn over evidence of fraud to him, and offered immunity and protection to those who speak up now.

With next week's court actions, the Labor Party-led anti-vote fraud suits in four states—Ohio, New York, Wisconsin, and Pennsylvania—have reached a threshold of forcing a federal investigation of Carter's theft of the presidency and criminal indictments of the individuals responsible. Attorney General Edward Levi, the man most responsible for keeping the lid on the investigation, has been publicly placed on the line. His office is in receipt of formal requests that the Justice Depart-

ment investigate widespread irregularities in the conduct of the Nov. 2 election by USLP Acting Chairman Lyndon H. LaRouche, the party's presidential candidate in the Nov. 2 balloting, former American Party vice presidential candidate William Dyke, and by plaintiffs in the individual suits in New York, Ohio, Pennsylvania, and Wisconsin. LaRouche's telegram has been received by Thomas Henderson of the Public Integrity Section of the Criminal Division of the Justice Department.

### Carter Forces Forced Into Open Countermeasures

The advance of the anti-fraud actions, coupled with the threat of criminal prosecution of leading Democrats and labor union officials, have forced the Carter camp to abandon its efforts to quietly "sidetrack" the anti-fraud motion and make open countermeasures to try to plug up the scandal. In doing so, the Wall Street-Carter forces have not only revealed their own fear of prosecution and the overturning of Carter's rigged elections, by their activation of Rockefeller agents inside the Republican Party to block action on vote fraud, the Carter forces are contributing to a widening schism in the GOP nationally between mainstream constitutionalist forces who want to fight the fraud, and the party's Fabian, Rockefeller wing. That split deepened this week as two leading Ohio Republicans issued public calls denouncing the state GOP leadership for its inaction on the fraud. (see below).

NSIPS learned this week that Ralph Gerson, the chief counsel of the Democratic National Committee, has asked the Wisconsin law firm of Freibert and Finnerty and the New York firm of Rogers and Wells to monitor the progress of the USLP-initiated anti-fraud cases and develop legal strategies to fight them. In the Wisconsin firm, Freibert is a Democratic National Committee member and his partner Finnerty is Sen. William Proxmire's (D-Wisc) chief fundraiser. Mel Schweitzer of Rogers and Wells—three of whose partners are former special counsels to Nelson Rockefeller and whose senior partner John A. Wells is a member of Rockefeller's inner circle—is chief counsel for the New York State Democratic Party.

Gerson told a caller yesterday that Wisconsin Attorney General Bronson La Follette would be "fighting" the USLP-American Party action in that state.

### New York

The Dec. 8 evidentiary hearing in New York was scheduled after a hearing on Dec. 1, in which a plainly impatient Judge Mishler repeatedly pressed a string of frantically objecting attorneys representing New York City and State to agree to a hearing on "the merits of the case"—a full review of the

evidence. The issues involved are of "historic magnitude," the judge told the court, "each minute of this case is important."

Attorney David Heller of the U.S. Labor Party immediately accepted the judge's suggestion for an evidentiary hearing, but all counsels for the state and city rejected it. "A new election would cost us \$1,800,000," complained the state's attorney.

"That would be a small price to pay if we have to hold a new election," said Judge Mishler.

The lawyer for New York Secretary of State Mario Cuomo then rose to denounce the vote-fraud suit as "frivolous." The Labor Party, the Conservatives and the Republicans are merely saying that people were "too vigorous" in their attempt "to register new voters," he contended.

"There are clear lines of propriety drawn in the election law," commented the judge.

"This case" should be in state court, the state attorney then argued, questioning Judge Mishler's jurisdiction. Heller rose quickly to point out that state law is absolutely clear on the fact that New York State has "no jurisdiction and no procedure" for overturning a general election. Nevertheless, the state's attorney refused to accept an immediate hearing on the merits of the case.

A lawyer for the city then rose to denounce the "Labor Party" at length. "The Labor Party brought this suit your honor. It's frivolous. The Labor Party is always charging fraud; any time, any place, everywhere, you find the Labor Party. They're always..."

Lawyer David Waggoner, representing several plaintiffs in the suit, interjected, "Your honor, may we remind the court that this case is not brought just by the Labor Party. The Republicans, Republican electors and the Conservative Party of Rockland County are represented."

## Wisconsin

The U.S. Labor Party and the American Party are mapping plans to take their fight to overturn Wisconsin's vote fraud to the U.S. Supreme Court after both the State Supreme Court and the State Board of Elections flatly refused to consider action to overturn the fraud. Lawyers representing the two parties had asked the Court for a writ of prohibition to protect the evidence the vote fraud case, and to overturn a lower court decision that refused on procedural grounds to reverse actions by the Milwaukee and Waukesha County Board of Elections barring a vote recount.

The actions by the court and the state elections body, taken under intense pressure from the state's Attorney General Bronson La Follette (who played a key direct role in facilitating the Wisconsin vote fraud by ordering election officials to accept "same day" registrants) as well as other Carter forces and Rockefeller Republicans, were the latest in a series of prejudicial rulings by courts and election officials that have obstructed action on the Wisconsin fraud, despite an atmosphere of mounting scandal and anger among constitutional forces in the Wisconsin Republican Party.

At the same time, the state's Rockefeller Republicans, led by National Committeeman O.D. Fish and State Chairman George Parker, have created a political hornets nest within the state GOP by lying and manipulating to ram a resolution through a reluctant GOP state central committee today withholding the party's support from the USLP-American Party anti-fraud action and at the same time commending the inaction of Milwaukee County Republican attorney Mary Payne, who has sabotaged orders from the GOP national committee to participate in anti-fraud moves in Milwaukee County.

At a central committee meeting, called at the demand of constitutionalist GOP forces led by Lon Collison of Waukesha to give the Committee's full endorsement to the Committee for a Fair Election, Fish won passage of his substitute, cover-up resolution by lying. Fish lied that on the basis of direct information from Rockefeller agents Richard Rosenbaum and Kent McGough, pro-Rockefeller state chairmen in New York and Ohio respectively, he could assure Wisconsin Republican leaders that the anti-fraud actions in New York and Ohio were dead.

Prior to the meeting, Collison had motivated his demand for action on the fraud by telling a meeting of 4th Congressional District GOPers: "How can the Republican Party maintain a low profile in the vote fraud fight? The Constitution of the United States is at stake."

The cover-up efforts of the Carter-Rockefeller forces are only leaving them more exposed. Reports sweeping both the state capital of Madison and Milwaukee late today, though still unconfirmed, reliably hold that La Follette has embarked on a desperation bid to destroy the evidence of the Nov. 2 fraud by beginning to incorporate the names of the state's nearly 200,000 same-day "registrants" — including a phenomenal 75,000 in Milwaukee alone — into the computerized lists of the state's regular registrants.

Wisconsin press and media are giving heavy coverage to the fraud scandal.

On Dec. 1, the Wisconsin State Journal covered a USLP press conference in Madison the day before by announcing, "Milwaukee UAW Charged With Vote Fraud." The Journal quoted UAW District Leader Raymond Jarris responding to the fraud charges by saying, "Let me quote Shakespeare: This is much ado about nothing. I am glad Jimmy Carter won the election by whatever means it took."

## Other States

Anti-fraud action in Pennsylvania suffered a setback today, when a USLP suit brought by former GOP Congressional candidate John Bradley was dismissed for failure to post a \$50,000 bond to impound voting machines. The Republican National Committee, the only organization which has access to such sums on short notice, bears direct responsibility for the failure to raise the bond money. The USLP still plans Federal Court action in Pennsylvania similar to that underway in New York and Ohio.

The fraud scandal also broadened when Texas Rep. Ron Paul (R), who was defeated by a narrow margin in the Nov. 2 election, announced Nov. 24 that he would file an election contest (see statement below), saying he has enough evidence of vote fraud to ensure his re-election. While Paul has not given indication of his evidence, and only one congressional race is at stake in the challenge, independent Republican sources have indicated to NSIPS that the Paul challenge is likely to incorporate evidence of 100 per cent plus turnout of registered voters in some precincts, heavy voting by Mexican aliens, and evidence implicating Operation Big Vote, the Ford-Foundation-financed La Raza Unida Party, and pro-Carter fascist Rep. Barbara Jordan (D-Tx) in fraud.

The Rockefeller forces of John Connally, who have reportedly fought to discourage Paul from contesting the election, have so far prevented a challenge to the results of the Texas presidential race, but with 26 electoral votes at stake, the growing climate of fight in the GOP nationally could change the picture radically.

## Ohio Republican Leader Challenges McGough To Wage Anti-Fraud Fight

*Dec. 2 — The following open letter to Ohio Republican Party State Chairman Kent McGough was released to the press tonight by Robert Huffman, Republican State Central Committee member from Miami County.*

Mr. Kent B. McGough:

In 1960, the Republican Party "leadership" chose to ignore the blatant theft of the presidential election. That inactivity has apparently fostered the impression that the Democrats have the divine right to steal one election each decade. From recent developments, it appears that this was their year to exercise that right.

The people in the Republican Party elected the State Central Committee to lead this party and that Committee elected you to lead the Committee. If you and the State Central Committee sit idly by and ignore this situation, we fail the people of the party, and frankly the next time our "worthy" opponents steal an election we'll have gotten our just reward.

We are not only failing the people of our party but we are failing in our duty to this state and to this country. The U.S. Constitution is a meaningless document if we don't protect the integrity of the people's right to vote. Regardless of the prospects of reversing this election, I urge you to lead the Republican Party to expose the voter fraud and to take action against those responsible. I suggest that we support the effort of the Committee for a Fair Election or at least urge the people of the party to do so.

"Uneasy rests the head that wears the crown" may be true, but think how still lies the corpse without a head.

Robert Huffman

## Ohio Republican Leader Finds State GOP Non Participation "Unbelievable"

*Dec. 3 — The following open letter was released to the press today by Robert E. Netzley, Ohio Republican State Representative and Chairman of the Republican Party of Miami County, Ohio.*

To all County Executive Chairmen and Chairwomen:

Prior to the election on Nov. 2, I received a letter from National Chairman Mary Louise Smith, urging all Republican County Chairmen to be alert for the possibility of vote fraud in the election. I also received a well-prepared booklet which I am sure that you also received outlining in detail the many ways in which vote fraud could occur and urging each Chairman to be on the lookout for such possibilities.

Recent newspaper articles and information from various sources, including Secretary of State Ted Brown's office, seem to indicate that numerous instances of fraud quite likely occurred in Ohio. In view of the warnings which all of us received from the National Committee concerning the possibility of vote fraud, it seems to me that state Republican leaders should show more concern and interest in the vote fraud charges and they should desire to participate in investigating and prosecuting the offenders if the charges are accurate. Had the Republican

National Committee not suspected and spent considerable money and effort to warn of voter fraud possibilities, it would be easier to understand the attitude of Republican State Headquarters.

I would urge that each county chairman institute an investigation through their County Board of Elections as to the possibility of vote fraud in each county. If fraud has been committed in Ohio by organized labor leaders, union bosses, and other political activists, the Republican Party should assume a leadership role in attempting to prevent further spread of the fraudulent registration and voting practices.

Everyone is expecting the majority Democrats in the Ohio General Assembly to pass legislation permitting postcard registration and other liberal voter registration provisions. We are all aware that this will enhance the possibility greatly of fraud of and stealing of elections in Ohio. It is unbelievable to me that the Ohio Republican Party would stand back and not participate in an investigation as to the possibility of fraudulent election practices in several counties in Ohio. No one's vote is safe if such fraudulent voting practices are occurring and permitted to continue without opposition and indignation on the part of Republican state leaders.

I would urge that you contact your state committeemen and committeewomen as well as Chairman McGough at Republican State Headquarters, urging that the Ohio Republican Party participate in investigating voter fraud and if proven true, the prosecution of those responsible for such voter fraud in Ohio. Since our National Committee apparently had advance notice and warned us, we should at least follow through to the point of participating in the investigation in verifying if these national fears were justified.

(Signed) Robert E. Netzley

## Paul Announces Election Contest

*Dec. 2 — Following are excerpts of a statement made Nov. 24 by Rep. Ron Paul (R-Tx) at the opening of a press conference called to announce the Congressman's election contest:*

I have called this press conference to announce that my attorneys will serve notice today on Mr. Bob Gammage that I intend to contest the election for Congressman for the 22nd Congressional District of the state of Texas....

By filing this legal action, we are alleging that there were so many void votes cast for my opponent that under law, the election results must be reversed. We have extensive evidence that several thousand void votes were, in fact, "cast" for Gammage. I am confident that the District Court will set these non-votes aside and the result will be that I am declared the winner of the election contest in the 22nd Congressional District.

Much thought and earnest consideration went into my decision to file the election contest. The decision was based on discussions not only with my campaign staff, my attorneys, and literally hundreds of people who actively participated in my campaign, but also with objective observers who were in a position to weigh the evidence and make judgments unfettered by personal or political interest. My purpose is not to fight out the election by other means but simply to see that the people's will is done in the 22nd congressional District. I believe every citizen is the loser — no matter what his politics — when ineligible or non-existent voters mark a ballot. The purpose of this contest is to vindicate the democratic process in Texas. I am optimistic that we will prevail....