

The Audubon Society is not a newspaper, and does not need to be guaranteed “freedom of the press.”

Audubon gets off the hook

With consummate integrity, Judge Kaufman proceeded to rule that it was Arbib rather than Clement, who was to blame for naming us as paid liars. Therefore, the lower court’s decision in this respect was erroneous, and was overturned. Of course, it would not be possible at this point to convict Arbib—the principle of double jeopardy prevented this. So, Kaufman emerges not only as a friend of the *New York Times*, but as a friend of a friend of the *New York Times*. His action on behalf of Audubon showed clearly that he had no sympathy for the plaintiffs, despite his ringing assertion that we had been defamed without “any serious basis”!

Kaufman was so pleased with his decision that he wrote an Op Ed article for the *New York Times* in the fall of 1982 praising it (and himself). This article, “The Media and Juries,” also includes a self-serving explanation of how juries are not qualified to decide the “constitutional imperative of an unrestrained press.” The *Village Voice* commented that “Since the Audubon decision, Kaufman has become a regular at the *New York Times*. . . . He is, to put it mildly, treated as a member of the family.”

Floyd Abrams, the lawyer for the *New York Times* in this case, has benefited from it greatly, and is now regarded as a leading First Amendment lawyer. In the Feb. 3, 1992 obituary, Abrams said Judge Kaufman’s rulings “reflected an abiding belief in the significance of free expression for everybody.” Everybody, that is, except those who object to being called paid liars by the *New York Times*, which has consistently refused to publish any letters from me on the subject of their article and our suit.

Summary

In retrospect, we should not have brought the suit, even though we were successful in a jury trial before a U.S. District Court. Despite this, we could not overcome the judicial and financial resources of the *New York Times*. We attempted to appeal the Kaufman decision to the U.S. Supreme Court, but it refused to hear the case. Perhaps two facts entered into this refusal: First, a retired Supreme Court Justice, Tom Clark, had participated in decision, and second, that he had died a few weeks afterwards.

Judge Kaufman’s seeking divine guidance for his decisions shows he was a formidable opponent. Ironically we seemed to have been penalized for having been defamed. Not only were we told that this was “the price that must be paid for the blessing of a democratic way of life,” but Kaufman’s decision was hailed by the press as giving them freedom to castigate, provided that the derogatory information has been furnished by a “responsible publication organization,” even if the newspaper is aware that “the statements are clearly defamatory and false.”

Bush again refuses to release LaRouche files

On Feb. 12, George Bush was confronted by a supporter of Lyndon LaRouche in Bedford, New Hampshire, who asked Bush when he was going to release the government’s documents on LaRouche. The story of the confrontation has drawn much media coverage, including an Associated Press story, but the coverage has been so distorted as to bear almost no resemblance to the facts, and to cover up President Bush’s refusal to release the government’s secret files on LaRouche, which would prove LaRouche’s innocence of the charges for which he was sentenced to 15 years in federal prison. The interchange between Bush and Roger Ham occurred as Bush was shaking Ham’s hand in the Bedford mall, and went as follows.

Ham: “When are you going to release the documents on Lyndon LaRouche?”

Bush: “LaRouche is in jail where he belongs.”

Ham: “He’s a political prisoner because of you.”

Bush: “He’s in jail where he belongs.”

Ham then showed Bush a bumper sticker that said, “George Bush: Don’t Barf on Me.” Bush took a long look at the bumper sticker and recoiled in horror. At that point, the Secret Service moved in and arrested Ham for disorderly conduct—even though they admitted that Ham had not threatened the President by either words or gestures.

Most press coverage of the incident was based on a grossly inaccurate Associated Press wire story. The AP story tried to convey the impression that Ham was a security threat to the President, claiming that he “refused to release his grip during a handshake with the President until the Secret Service stepped in.” This falsehood was attributed to White House spokesman Fitzwater.

The AP wire quoted Fitzwater saying that Ham asked Bush, “When are you going to let LaRouche out of jail?”—which Ham did not say. The AP wire story wrongly states that “LaRouche and six supporters were convicted in 1988 of fraud and tax evasion in a fund-raising scheme involving \$30 million in defaulted loans.” Other versions say that LaRouche was convicted of campaign fundraising fraud. In fact, a) Neither LaRouche nor his co-defendants were convicted of tax fraud; LaRouche was convicted of the nebulous charge of conspiring to impede the IRS, not tax fraud. b) The amount of money at issue was less than \$300,000 (the \$30 million figure coming from the amount of loans for which the government barred repayment because of its illegal forced bankruptcy of publishing companies identified with LaRouche—an action later ruled to have been improper and fraudulent); c) The 1988 convictions had nothing to do with campaign fundraising.