

CDF files suit vs. Hubert Humphrey III

The Constitutional Defense Fund filed a multimillion-dollar damage action in Common Pleas Court in Philadelphia Sept. 25 against Minnesota Attorney General Hubert "Skip" Humphrey III, two underlings in his office, and a Philadelphia bank for violations of the state and federal constitutional rights of CDF and its supporters. CDF is the legal defense fund that has assisted presidential candidate Lyndon LaRouche and his associates in their legal battle against a joint government-private agency prosecutorial witchhunt.

The civil rights suit arises out of actions by Humphrey's office in January 1991 to improperly seize the bank accounts of CDF, and gain access to the names of all its contributors by illegally obtaining search and seizure warrants from a Philadelphia court. CDF's complaint argues that "the Defendants, acting in concert, conspired together to interfere with and, therefore, violate Plaintiff's constitutional rights, interfering with its rights of political association and privacy, and those of its political supporters and contributors."

In January, Humphrey, Assistant Minnesota Attorney General James Early, and Richard Munson, an investigator in his office, deceived Philadelphia law enforcement officials, a Philadelphia court, and a Minnesota judge, to have CDF's bank accounts seized and search warrants for bank records issued. They did this by willfully distorting and withholding critical facts in an affidavit of probable cause and in representations to two judges regarding a CDF contributor whose sons had filed a civil suit after learning of her contribution.

That suit had been settled in November 1990 to the full satisfaction of all parties. But neither the suit's existence nor its settlement was disclosed by Humphrey's office in its affidavit to the Minnesota judge or Philadelphia authorities. Nonetheless, Humphrey tried to use the distorted "facts" of these transactions as the basis for his effort to disrupt CDF's fundraising and support for ongoing litigation, and to obtain, in violation of numerous constitutional protections, the identity of CDF's supporters.

After the Minnesota and Pennsylvania courts had both reversed earlier decisions (having been informed by CDF of the true facts), Humphrey's office still moved to get bank records, outside the law and behind the backs of the Philadelphia District Attorney and Philadelphia court. CDF's complaint asks for damages against Provident National Bank in improperly releasing such records to the Minnesota investigator.

The complaint seeks damages under six different claims: violations of various provisions of the Pennsylvania Consti-



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tution; violations under 42 USC 1983 (Federal Civil Rights Act) of the federal Constitution; malicious abuse of process; malicious use of process; wrongful conversion of property; and wrongful attachment under Pennsylvania law.

In January and February, Humphrey's office, with the assistance of such "Get LaRouche" task force principals as Loudoun County, Virginia Sheriff's Deputy Donald Moore, went on a multi-state fishing expedition against CDF and several publishing companies also associated with LaRouche. Moore assisted Humphrey in obtaining search warrants in two Virginia counties for records from several banks for *EIR*, CDF, and three other companies and organizations. Two judges in Fairfax, Virginia quashed the warrants as being unconstitutional and in violation of Virginia law and procedure. Thus, four separate courts rejected these efforts to grab bank accounts and obtain bank records as being illegal, improper, and unconstitutional.

A spokesman for CDF, commenting on the filing of the Pennsylvania lawsuit, said: "Humphrey is a thug for the 'Get LaRouche' task force. He may be able to get away with trampling on the Constitution in Minnesota. But I think that the Pennsylvania courts will not be so accommodating, given that he and his office came into Pennsylvania, lied to the Philadelphia District Attorney's office, and lied to a Philadelphia Common Pleas Court judge, blatantly violating the laws and Constitution of Pennsylvania in an effort to shut down a legal defense fund. They had been told by the courts here that they couldn't do what they were trying to do; their fishing expedition ran into a brick wall. Despite that, they stole documents the court told them they had no legal right to. It will be interesting to see how a Pennsylvania judge views those facts in this litigation."