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ness. Republicans introduced a series of memoranda from White House aides which indicated that a portion of contributions from major party donors, such as those solicited by Gore, would be considered "hard money," that is, funds used for Federal election campaigns and subject to Federal election law. Gore has always maintained that the funds he raised from his office constituted so-called "soft money," which is not covered by Federal election financing laws. Gore has also contended that it was not illegal for him to raise such funds on Federal property, because the funds he raised were not subject to Federal campaign laws.

It was this argument of Gore's which was thrown into contention by the Sept. 3 Woodward article.

For many, Clinton is the target

For many of those screaming the loudest about Gore, the real target is of course the President, not the vice president. For example, the *New York Times*'s William Safire suggested that if Attorney General Reno does not soon seek the appointment of a special prosecutor, "she may well be the first cabinet member since William Belknap in 1876 to be impeached." But, Safire laments: "The sad part of all this is that Reno and Gore are paying the price for the political fund-raising strategy set not by them, but by Bill Clinton."

On the evening of the Senate hearings which focussed on Gore, ABC News's "Nightline" program devoted its program to the growing campaign fund-raising scandals around the vice president, which, it suggested, are casting a cloud over Gore's "inside track on the Presidency." Among the more interesting elements of the "Nightline" broadcast was a brief comment by former Clinton White House aide George Stephanopoulos, who said, "Whatever the underlying merits, it's now almost inevitable that an independent counsel will be appointed, if only because the Attorney General will have so many political problems if she doesn't do it, and that can't be good news for Vice President Gore."

The *Wall Street Journal* editorial page, which has been, for the past four and one-half years, among those beating the war drums the loudest against President Clinton, did not disappoint the Clinton-bashers in its lead editorial of Sept. 11:

"Conceivably Ms. Reno is edging toward facing the real issue, which is not the vice president but the President. . . . The issue that needs to be investigated is whether all of these various fund-raising outrages are the result of a conspiracy set in motion by the President of the United States." After serving up its argument that the President is part of a criminal conspiracy, the editorial concluded: "Whatever Al Gore's legal exposure in this affair, he shouldn't be left to take the fall for someone else. We don't for a minute believe all this stuff was born in the office of the vice president. Janet Reno shouldn't be allowed to pursue an independent counsel investigation that ignores the possibility of a conspiracy directed out of the Oval Office."

LaRouche Democrats score Fowler's tactics

by Mary Jane Freeman

Lyndon LaRouche and nine of his supporters, all of whom were excluded from the 1996 Democratic Party National Convention, filed their reply brief in their appeal in the Voting Rights Act case, *LaRouche et al. v. Fowler et al.,* with the Court of Appeals for the District of Columbia on Sept. 12. The LaRouche Democrats sued Donald Fowler, who was then chairman of the Democratic National Committee, the DNC, and state party officials from Louisiana, Virginia, Texas, Arizona, and the District of Columbia, when they refused to count LaRouche's vote and thereby excluded him and his delegates from the Convention.

The suit, filed on the eve of the Convention in August 1996, sought to enjoin Fowler and the DNC from opening the Convention, because they had refused to credential and seat delegates pledged to LaRouche. But the case was dismissed by U.S. District Judge Penfield Jackson, and then appealed by LaRouche et al. The opening appeal brief was filed by LaRouche in July 1997, and Fowler et al. filed their response in August. The latest LaRouche filing is a reply to the Fowler arguments.

LaRouche, who has declared his intention to run for President in 2000, is at the center of the current battles within the Democratic Party. Exclusion of the LaRouche Democrats from the Convention was but one of a number of bad decisions foisted on President Bill Clinton during the 1996 Presidential primary season, which cost the Democrats control of Congress, and which continue to fracture the party. Other decisions included the President's signing of the so-called welfare reform bill, and failure to adopt the economic platform initiative launched by Sens. Edward Kennedy (D-Mass.) and Jeff Bingaman (D-N.M.) and Rep. Richard Gephardt (D-Mo.), to revitalize a labor-industry alliance based on reviving manufacturing and building infrastructure.

What gave rise to the suit

The events that gave rise to the suit are these: LaRouche, who was then seeking the Democratic Party nomination for President, won 597,853 votes in Democratic primaries in the 26 states where his name appeared on the ballot. In Louisiana, where he got 18,150 votes, or 11.7%, LaRouche won over 15% of the vote in the Sixth Congressional District (CD), and

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thus was entitled to a delegate to the National Convention. In Virginia, LaRouche Democrats received 24.58% at the Second CD party caucus, and thus were entitled to elect a national convention delegate pledged to LaRouche. But Fowler, citing national party rule 11K, issued a directive to all state party chairs ordering them to "disregard votes cast" for LaRouche and to refuse to recognize delegate candidates pledged to him. The rule gave him the power to exclude whomever he wanted from the Democratic Party. The Louisiana and Virginia party officials followed Fowler's orders and refused to let the LaRouche supporters—many of whom, including the nine supporters who joined the suit, are minority voters as defined by the Voting Rights Act (VRA)—elect a delegate.

In Arizona, state party officials cancelled the primary (the holding of which had been properly precleared pursuant to the VRA) to prevent LaRouche delegates from participating. In Texas, his delegates were barred from voting at different levels of caucus proceedings, and in the District of Columbia, LaRouche-pledged delegates had gathered over 4,000 signatures to secure a place on the primary ballot, but party officials refused to accept them. The denial of the right to vote, to be a candidate, and to support the candidate of your choice, as was done in each of these states, violated these Democrats' First and Fourteenth Amendment rights protected by the Constitution, as well as the VRA, because these events occurred where it applies. It was exactly such arbitrary and capricious abuse of power exercised by party officials to exclude African-American voters which gave rise to the VRA's enactment in 1965. Fowler's actions have gone a long way to both destroy the political base of the party as well as to void the Act. This suit seeks to reverse such discrimination.

Fowler's three key contentions

The LaRouche reply brief summarizes Fowler's three key contentions: 1) the First Amendment gives the party "a form of immunity . . . from compliance with the laws of the land, including constitutional rights"; 2) the party's rules or actions are not covered by the VRA "even if the Rule or action violates" the law; and 3) the case is moot since the Convention is over.

Acknowledging the party's First Amendment rights, the LaRouche Democrats argue that there must be a "balancing of constitutionally protected rights between Party adherents and the Party." While Fowler et al. labelled the LaRouche Democrats as "unaffiliated" "non-Democrats," the reply brief points out, "These Plaintiffs are not interlopers into the Democratic Party. LaRouche has run as a Democrat for nomination for President in the past five presidential elections. A faction within the Democratic Party, identified as the LaRouche Democrats, has emerged, as evidenced by the . . . over half a million votes" he got in the 1996 primaries.

To make the point, the brief describes the nine supporters who joined in the suit: "[They] span the spectrum of Party adherents, e.g.: from Mrs. Littlejohn, a 52-years-long active Democrat, to Mrs. Whitaker, who for 44 years has participated in elections and personally experienced blatant discrimination in voting in the past, to Joel Dejean and Maria Elena Leyva Milton, who have been Democratic candidates for public office, to Eloi Morales, a Vietnam Veteran who became an active Democrat because of LaRouche's candidacy." This section concludes that "the Fowler directive ordered the State Parties to 'disregard any votes cast,' and to refuse to recognize 'delegates pledged to' LaRouche," all in violation of the plaintiffs' First Amendment rights, as well as the VRA.

Fowler's second argument shows the arrogance (and racism) of his personal diktat to "disregard votes cast" for LaRouche. Fowler's attorney, John Keeney, Jr., argues that because the Democratic Party is not named on a list of "covered jurisdictions" in which the VRA is enforceable, the party need not abide by this law. The term "covered jurisdiction" "refers to geographical areas," the LaRouche brief notes. These designated areas are where decades of discrimination was blatantly practiced against African-American voters, in particular. When a political party, or local or state government, acts in a "covered jurisdiction," its actions must, contrary to Fowler's wish, comport with the VRA.

Countering the "mootness" argument, the LaRouche brief throws the language of cases cited by Fowler to support his position, back in his face. The brief argues that the "convention is the proper forum for determining intra-party disputes," such as which delegates should be seated. LaRouche counters that Fowler et al. "did not consider the Convention to be the proper forum for intra-party disputes," but rather, "were out to silence the voice of Plaintiffs in advance of the convention, and usurped the right to vote, the right to be a candidate, and the right to have votes counted," all just to "prevent [their] participation in the selection process and exercise of free speech at the convention."

The ultimate decision in this case will be of crucial importance on two fundamental issues. First, two decades of Supreme Court decisions have granted the Democratic and Republican parties a "First Amendment" right to override state laws when a law conflicts with party rules—the so-called "private club" exemption. In this case, the party's rule had the effect of disenfranchising almost 600,000 Democratic voters, as well as Democrats who are minority voters. The core of this issue is summed up in the LaRouche brief's conclusion, "This Court must find [the Democratic Party and its state affiliates] are subject to the law of the land, and must concern themselves with the rights of their adherents." Second, and inseparable from that determination, will be whether the Democratic Party must abide by the hard-fought-for Voting Rights Act.

Oral argument is scheduled in the case for Oct. 14 before a three-judge panel composed of Lawrence Silberman, David Sentelle, and Merrick Garland.