Governor Davis to go after the financial forces behind deregulation, and indicated that Davis has his complete support in the battle against the recall, pointed to the Aug. 14 historic blackout as driving home the deadly incompetence of the neo-conservative agenda. "California," LaRouche said, "is now in a crisis. It has to do with the looting of California by swindles, such as Enron. It has to do with the effect of deregulation. So, the [recall and the blackout] are connected, because the question that's asked . . . is going to be: What caused the 50 million-person blackout? It was caused by deregulation. What caused the crisis in California, which was used, and exploited, to take this dumb Mr. Universe . . . to run for Governor of the state? Deregulation!"

Davis' Aug. 19 speech, and several other recent statements by the Governor, indicate that he understands the problem he faces. By drawing a line against the neo-cons, on deregulation and their plans to use the crisis to tear down the role of government, and by identifying Dick Cheney as a key figure in this process, Davis is now free to promote the economic alternative hated by the neo-cons: the revival of the American System Economics, using the anti-Depression powers of government, as FDR did in the 1930s, and as LaRouche has proposed with his "Super TVA" national infrastructure plan.

Only such an approach can rally the voters to defeat the "Machine" behind the would-be-Governator.

Ashcroft Hits the Road To Save Patriot Act

by Edward Spannaus

With the USA/Patriot "anti-terrorist" Act under growing attack from all sides, Attorney General John Ashcroft has begun a nationwide speaking tour to selected audiences ("no questions, please"), as part of a frantic mobilization to save this gestapo-like law, and to lobby for still more police-state powers. Ashcroft is reported to have recently held a conference call and e-mail discussions with all the nation's 94 United States Attorneys, to prod them to rally support for the Patriot Act, by holding town meetings and writing letters and op-eds to local media.

Moreover, Ashcroft has directed U.S. Attorneys to contact members of Congress who voted against a key provision of the Patriot Act, for the purpose of discussing with them "the potentially deleterious effects" (on their careers?) of such a vote. The targetted Congressmen are the 309 who voted in July in favor of an amendment offered by Rep. "Butch" Otter, a Republican from Idaho, to cut off funding for "sneak and peek" search warrants (in which the target is not notified of such a search until after a period of delay).

Rep. John Conyers (D-Mich.), the senior Democrat on the House Judiciary Committee, sent a letter to Ashcroft on Aug. 21, protesting both the speaking tour, and the contacts with members of Congress. Conyers told Ashcroft that he should either "desist from further speaking engagements," or else explain why they do not violate "prohibitions on propaganda efforts by the Executive Branch." Conyers noted that Ashcroft's speaking tour, and contacts between U.S. Attorneys and members of Congress, appear to conflict with Congressional restrictions preventing the use of Justice Department (DOJ) money for "publicity or propaganda purposes not authorized by Congress."

Bipartisan Desire To Cut His Powers

Ashcroft personally is going to at least 18 cities (including major cities in the key electoral "battleground" states of Pennsylvania, Ohio, and Michigan), giving speeches to audiences largely composed of law-enforcement personnel, and providing interviews to selected press outlets for the purpose of touting the Justice Department's "successes" derived from the Patriot Act. Ashcroft kicked off the drive with a speech at the neo-conservative shrine, the American Enterprise Institute in Washington, on Aug. 19. In that speech, the Confederate-sympathizing Attorney General tried to wrap himself in

the mantle of Abraham Lincoln, frequently quoting from the Gettysburg Address.

Ashcroft, of course, said nothing about his wholesale roundups and detentions of immigrants, especially Arabs and Muslims, or his holding of many, including American citizens, incommunicado without the ability to exercise basic rights guaranteed by the Constitution and the Bill of Rights.

All that Ashcroft's tour and his desperate defense of the Patriot Act seems to have accomplished so far, is that it has focussed much more media attention on the expanding opposition to that notorious anti-terrorism law, which was rammed through Congress in the aftermath of the Sept. 11, 2001 attacks. It is widely reported that both Democrats and Republicans in Congress are moving to cut back some of Ashcroft's powers, and the vote on the Otter Amendment is drawing much more coverage than it otherwise would have.

"This is the first of a whole group of assaults that we're going to make on the Patriot Act," Representative Otter told the Associated Press. "It was built in one day, but we're going to have to tear it down piece by piece."

Although the Patriot Act has a 2005 "sunset" date on many of its provisions, many in Congress want it sooner. "When the Patriot Act was passed, smoke was still coming out of the rubble of the Pentagon and the Twin Towers," Otter said. "We rushed in order to provide some comfort to the people of the United States. It was a big mistake."

Ashcroft will be appearing in Otter's home district, in Boise, Idaho on Aug. 25, but as usual, the audience is expected to be largely law-enforcement officials. The head of the Idaho American Civil Liberties Union (ACLU) has called on Ashcroft to instead hold a forum on the Patriot Act, and to invite Otter to participate, saying, "Clearly, Congressman Otter has shown more interest in the Patriot Act than anyone else in our Federal delegation."

Among those in Congress who have filed bills to roll back portions of the Patriot Act are Sens. Russ Feingold (D-Wisc.) (the only Senator to vote against it) and Lisa Murkowski (R-Alaska); and Reps. Bernie Sanders (I-Vt.), Jerrold Nadler (D-N.Y.), and Joseph Hoeffel (D-Pa.). Sen. Larry Craig (R-Id.), normally a staunch supporter of Administration policies, said last week that Congress must monitor how the Patriot Act is being used, "and there may come a time, and it may be next year, that we need to pull it back."

The 'Victory Act'

Not content with with the police-state powers he already wields, Ashcroft is pursuing his demand for more gestapo-type powers, and for more draconian punishments, in a couple of ways.

First, his allies in Congress are readying the introduction of a new law, labelled the "VICTORY Act" (Vital Interdiction of Criminal Terrorist Organizations Act), which would give Ashcroft still further powers to go after alleged terrorists and narco-terrorists. Sen. Orrin Hatch (R-Utah) is expected to introduce the bill in September; it will face opposition from both Democrats and Republicans. The Justice Department claims that it was not involved in the drafting of the new bill, but observers note that many of its provisions were contained in the secret draft of what was called "Patriot II"—which was met with a loud outcry when it was leaked to the watchdog group, the Center for Public Integrity, last February (see *EIR*, Feb. 28, 2003, p. 66), and then temporarily shelved.

Representative Conyers says the Victory Act "appears to be the same old wine in a new bottle," noting that it "is almost identical to previously discredited ideas floated in the draft 'Patriot II' bill." Conyers added that "this bill has little or nothing to do with anti-terrorism investigations and instead would give Federal agents new and unjustified powers in all criminal law cases."

The VICTORY Act is being presented in some quarters as an anti-drug and anti-money-laundering bill, but many of its provisions would apply much more broadly, to "terrorist" suspects, and in some instances, to anyone targetted by the Justice Department. Leaks of the proposed Victory Act indicate that it includes provisions allowing the DOJ to:

- Obtain financial records without a court order;
- Track wireless communications with a roving search warrant;
- More easily issue "administrative subpoenas" in terrorism investigations, without a court order;
- Increase sentences and fines for drug kingpins;
- More easily seize or freeze assets of people accused of money laundering, even before they are prosecuted or convicted; and,
- Clamp down on *halawa* money transactions, used widely in the Arab world, and based on an honor system rather than formal banking transactions.

Timothy Edgar, the legislative counsel for the ACLU, says that the bill looks like a prosecutor's wish-list. "It's cleverly packaged as an anti-terrorism package, when really it's just a grab-bag of changes the Justice Department wants," Edgar told *Wired News.*

Blacklisting Judges

Second, Ashcroft has launched a major campaign against Federal judges whom he considers to be too "soft" in sentencing. Expanding on the "Feeney Amendment," which was written largely by the Justice Department and passed by Congress in April, Ashcroft has ordered U.S. Attorneys and Federal prosecutors to report on judges who give more lenient sentences than provided in Federal sentencing guidelines, and to appeal almost all "downward departures" from the guidelines.

Ashcroft loves draconian sentences, not only as an end in themselves, but because the threat of a decades-long sentence, or even more so, the death penalty, can be used by prosecutors

as leverage to force defendants to plead guilty to lesser charges and cooperate with prosecutors in targetting others, irrespective of the guilt or innocence of those targetted.

The Feeney Amendment, and Ashcroft's new order, have infuriated Federal judges, including Chief Justice William Rehnquist, who regard this as an attack on the independence of the judiciary. Rehnquist has warned that the Feeney Amendment will "seriously impair the ability of courts to impose just and responsible sentences."

Sen. Edward Kennedy (D-Mass.) accused Ashcroft of carrying out an "ongoing attack on judicial independence," and of requiring prosecutors "to participate in the establishment of a blacklist of judges" who impose lower sentences than recommended by sentencing guidelines.

In June, U.S. District Judge John S. Martin resigned from the bench in New York, in protest against the DOJ-directed Congressional assault on judges' independence, accusing Congress of attempting to "intimidate judges. . . . For a judge to be deprived of the ability to consider all of the factors that go into formulating a just sentence is completely at odds with the sentencing philosophy that has been the hallmark of the American system of justice," Martin wrote.

A further indication of the revolt against Ashcroft and his beloved sentencing schemes adopted by Congress, came when Associate Justice Anthony Kennedy of the U.S. Supreme Court, told the American Bar Association that they should lobby to end mandatory minimum sentencing.

"Our resources are misspent, our punishments too severe, our sentences too long," Kennedy said. "I can accept neither the necessity nor the wisdom of Federal mandatory minimum sentences. In too many cases, mandatory minimum sentences are unwise or unjust." While saying he agrees with the concept of Federal sentencing guidelines, Kennedy urged that the guidelines "should be revised downward."

Kennedy, a Reagan appointee, noted disapprovingly that 2.1 million people are behind bars, a much higher rate than European countries, and that this includes a disproportionate number of young black men.

LaRouche Youth vs. Ashcroft

John Ashcroft received an appropriate welcome by the Detroit forces of the LaRouche Youth Movement (LYM) in that city on Aug. 21. From the large LYM picket line outside's Ashcroft's venue, seen above, LaRouche organizer Robert Lucero went in and joined a crowd made up exclusively of regional law enforcement and press. Realizing that Ashcroft, after his speech promoting the "Patriot" and VICTORY Acts, had no intention of having a question-and-answer period, Lucero got up and interrupted the Attorney General. "Mr Ashcroft: I am with Lyndon LaRouche and we would like to know which terrorists you and Dick Cheney intend to use to carry out this next 9/11 that you're organizing." Ashcroft was staring, the room was virtually frozen with attention, and all the cameras had swung over to cover the interruption. Lucero continued, "Why don't you tell this audience how you are a follower of the philosophy of the fascist Leo Strauss; that you, as a Straussian, believe in lying to the public in order to get tyrannical law?" Lucero then rejoined the demonstration outside.

As the media filed out, they descended on the LYM activists, asking, "What exactly were you saying in there?" "Who are you with?" Other journalists, outraged at the peremptory no-questions appearance by Ashcroft, had also wanted to interrupt, but were "too chicken." Lucero's intervention was broadcast on one of Detroit's top news radio stations within minutes; next morning's Detroit Free Press online (www.freep.com) covered the intervention in a straightforward article on Ashcroft and the threat of fascism.