

Committee for the Suit Against Government Misconduct

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FOR RELEASE: FRIDAY, JULY 6, 1979

PLAINTIFFS CHALLENGE GOVERNMENT'S COVER-UP AT FIRST PUBLIC COURT APPEARANCE

I am a plaintiff in Clark et al v. U.S.A. Our suit against Richard Nixon, the F.B.I., Justice Department, and other agencies and officials of the U.S. government is a response to the government's own admissions that we were targets of the FBI's illegal counterintelligence program (COINTELPRO).

We are here today for our first public court appearance to participate in oral arguments on the defendant's motions to dismiss. Not only will this hearing determine the shape of this lawsuit for years to come, but its issues concern the basic human and consitutional rights of tens of thousands of victims of COINTELPRO.

The main issues are:

- * Is a President immune from prosecution for crimes initiated and directed by him as Commander-in-Chief?
- * Can a federal agency of the U.S. government (such as the FBI) commit daily crimes with absolutely no redress for victims?
- * Will L. Patrick Gray, ex-head of the FBI, get off the hook completely by claiming he was unaware of illegal action in a major FBI investigation? How could this be when the U.S. Attorney General himself has said that over three quarters of a million pages of documents have been accumulated in this case?

We have played by their rules. In the face of their admissions of criminal actions, we pursued the only legal channel open to citizens: we sued for damages. The Justice Department has collaborated with the other defendants to squash the

criminal proceedings in Washington, D.C., against Gray, Felt and Miller, while stalling the civil suit here. Meanwhile, our suit has faced intensifying COINTELPRO operations. This has included more break-ins at our homes. It has involved a series of attacks against the suit's legal team, including the subpoena of our chief counsel, Susan Tipograph. It has meant an arson attack which destroyed one of our homes.

What is being hidden? A few FBI "excesses" from ten years ago? Or the very essence of the FBI's operations which function outside the scope of law and with no regard for constitutional rights.

The continued imprisonment of Black freedom fighters who were jailed as a result of the illegal actions of COINTELPRO exposes the heart of the FBI's ongoing attacks on the Black Liberation Movement. The FBI fostered splits in organizations, used agent provocateurs, fabricated letters, operated a vicious media campaign to hunt down and convict Black revolutionaries, such as Assata Shakur (Joanne Chesimard), Sundiata Acoli (Clark Squire) and Dharuba Moore. These counter-intelligence operations did not stop once people were in jail. In the case of Dharuba Moore, for instance, because he continued to organize in prison and to fight for his freedom, the New York State Department of Corrections, in collusion with the FBI, have labelled him a "Special Monitoring Case" (a designation justifying attacks on political activists) and just last month arbitrarily shipped him from Greenhaven to Clinton Prison.

Likewise, Geronimo Pratt, a former leader of the Black Panther Party, on the West Coast, has spent the last eight years in solitary confinement on completely trumped up charges that grew out of counter-intelligence operations. A suit that he instituted has forced the California Department of Corrections and intelligence agencies to admit some of their false charges and illegal actions against him, and to release him into general population in the prison. Despite this, he was recently denied parole, in their ongoing COINTELPRO actions against Geronimo.

The litigation of our lawsuit is a threat because it catches the government in its own web of crime and potentially cracks open the massive government conspiracy responsible for holding political prisoners captive and continuing the daily attack against their human rights while in prison.

This is why this hearing today has significance far beyond narrow questions of law. In reality, this is a major battle in the fight to stop illegal government activities.

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