

Committee for the Suit Against Government Misconduct

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TARGETS OF FBI CRIMES CHARGE COLLUSION BETWEEN PROSECUTION AND DEFENSE IN WASHINGTON TRIAL OF FORMER FBI OFFICIALS

Plaintiffs in a \$100 million lawsuit against Richard Nixon, L. Patrick Gray, J. Wallace LaPrade, the FBI, Justice Department, and other government officials and agencies, are challenging the conduct of the criminal proceedings in the trial of former top FBI officials, L. Patrick Gray, Edward Miller and Mark Felt, charged with illegal break-ins against said plaintiffs and others during their investigation of the Weather Underground Organization. Commenting on the recent revelations of the destruction of over 1,500 FBI files containing possible evidence of government misconduct, the plaintiffs stated:

"Destruction of documents and other evidence relevant to criminal and civil proceedings have become common practice of government agencies and officials. In the face of the admission of the destruction of the 1,500 files, both the defense and the prosecution in the criminal case against Gray, Miller and Felt have refused to fully investigate the circumstances behind this massive destruction and ascertain all those responsible, or to pursue the obvious possibility of the defendants' implication in such destruction of evidence. Moreover, the government still has taken no special precautions against further destruction of evidence in this case, which remains in FBI hands. This collusion between the defense and prosecution leads to the further cover-up of the real extent of the FBI's criminal activities against ourselves and others."

The plaintiffs are the people named as the targets of the illegal FBI break-ins, wiretaps, and mail openings in the indictments of Gray, Felt and Miller and of John Kearney. They originally filed suit in Federal District Court in New York in May, 1978, in part because of the failure of the government to reveal the true extent and continuing nature of the illegal actions or to hold liable, all those responsible. Most recently, the plaintiffs have filed a motion asking for accelerated

discovery in their suit, as the only means to protect the evidence from being destroyed. While everyone on all sides in the criminal proceedings have had full access to the plaintiffs' files, the plaintiffs have been denied even minimal access to their own files, in violation of the Freedom of Information Act.

This lawsuit exposes the government in a conflict of interest. On the one hand, the Justice Department is prosecuting Gray, Felt and Miller for criminal activities. At the same time, the Justice Department is defending Nixon, Mitchell and all the government agencies named as defendants in the civil suit brought by the victims of these same illegal actions. Frances Martin, one of the prosecuting attorneys in the criminal case, actually filed an affidavit in the civil case, arguing against the plaintiffs being able to receive basic discovery materials. Furthermore, U.S. Attorney Hibscher, in charge of the government's defense in the civil suit, stated that the plaintiffs are currently under investigation in 56 field offices around the country. He has not admitted that this "investigation" has included a break-in and ransacking of plaintiff Dana Biberman's apartment on the day the suit was filed, or a fire that destroyed plaintiff Judith Clark's apartment while she was making a public speech about the suit.

Most recently, two of the plaintiffs, Judith Clark and Jennifer Dohrn, have become targets of subpoenas issued by the Justice Department ordering them to testify at the Washington trial. For years, no government official was willing to talk to the plaintiffs about their investigation of government crimes. They have shown no interest in investigating the fire, break-ins and continuing attacks. Now that the plaintiffs have taken their own action and filed suit, they find themselves subpoenaed. All the plaintiffs have always been prepared to reveal all that they know of the government's criminal actions. The victims of FBI counter-intelligence terror have fought for years to expose the scope of the attacks in actions such as the suits filed by families and survivors of the Fred Hampton/Mark Clark assassinations, the Kent State murders, the KKK/FBI murder of Viola Liuzzo, and the murder of Malcolm X, as well as suits filed by Geronimo Pratt, Dhoruba Moore, Assata Shakur, the Republic of New Africa ll and many others. But the question remains: Is the government prepared to pursue any of it to a just conclusion?

FBI Director William Webster's recent press conference, announcing that only four out of 68 agents involved in illegal actions will receive any disciplinary action, not only points to the government's refusal to bring any officials to justice, but amounts to an outright justification for current illegal counter-intelligence operations in the name of national security.