

What has been revealed so far about COINTELPRO is but the...

NOVEMBER 1980

TIP OF THE ICEBERG

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Committee for the Suit Against Government Misconduct

FBI ON TRIAL? COINTELPRO 1980

On September 15, 1980, in federal court in Washington, D.C., the criminal trial of former top FBI officials W. Mark Felt and Edward S. Miller began in an atmosphere comparable to the worst of the McCarthy era. The trial comes after two and a half years of secret negotiations and agreements concerning massive numbers of government files which document the long and frightening history of the u.s. government's disregard for its own laws and for the human rights and lives of people in the u.s.

The Committee for the Suit Against Government Misconduct represents the people whose homes were broken into, whose phones were tapped, whose mail was stolen: these are the crimes the government has admitted to. In addition, our jobs and homes have been lost because of FBI intimidation and harassment, our homes have been burned down and our political activities have been surveilled and sabotaged. We are plaintiffs in a \$100 million law suit against Richard Nixon, John Mitchell, L. Patrick Gray, Felt, Miller and other former and present officials of the FBI and the Justice Department. We have brought this suit because it is clear that what the government admitted to in the indictments of Gray, Felt and Miller is but the tip of the iceberg of the illegal activities conducted against us and others.

Felt, former number-two man in the FBI, and Miller, one-time head of the Intelligence Division, are charged with authorizing illegal break-ins ("black bag jobs") at the homes of friends, relatives and supporters of the Weather Underground Organization as part of the counterintelligence program, COINTELPRO. These acts and others form the basis of our law suit, Clark v. USA.

It is important to remember that while the Department of Justice is prosecuting these

actions in Washington, it is defending them in our civil suit in New York, and in other similar actions around the country.

This trial is a critical moment in history --not because it reveals the wheels of justice turning, but because it reveals the serious and qualitative nature of the u.s. strategy to consolidate counter-insurgency, repressive measures for the 1980's.

The CSAGM has attended the Washington trial and we urge others to do so. We have learned a great deal at the trial about the FBI, its illegal operations, the rewriting of history that is taking place, and the use of this trial as part of the government strategy to legalize and expand this type of program.

The basic position of all sides in this case is that there was a grave threat to national security posed by foreign-dominated terrorists in the early 1970's. The FBI used minor illegal means, such as wiretaps and break-ins, to combat them. These measures have always been used by the FBI and are a necessary part of their arsenal. This argument is made through a thorough rewriting of history, the cover-up of the true crimes of the FBI; and through fascist, anti-communist and racist rhetoric that passes for fact.

Thus, the government has narrowly defined the issues of the case. No history or explanation of COINTELPRO has been introduced. No discussion has happened of the revelations in Congress and the media over the last ten years of FBI involvement in murders and attacks on the Black movement and other Third World struggles. At the same time, the defense puts forward a history of the FBI's fight against communist subversion that includes every sordid spy case and anti-communist witchhunt from the 50's to the present prosecution of David Truong.

(cont. on p. 2)

From the opening statements, the stage was set for the government to carry out their strategy. While the defense urged the jury not to "bow down to the Bill of Rights," since terrorism was involved, the government agreed, and made scant mention of the constitutional safeguards against illegal searches and entries. Government attorneys rarely object to anything and every time documents are mentioned that contain information regarding illegal acts, they run to the judge's bench to make sure that they will not be read to the jury.

The government has hardly engaged in a vigorous prosecution of this action. Daily, it agrees with the defense to the reading of lengthy stipulations which present a false and distorted history of the political movements of the 60's and 70's, knowing that no one else in court will dispute their so-called facts.

When Roy Cohn, notorious witch-hunter and right-hand man to Senator Joe McCarthy, took the stand, there was no mention of the fact that his law firm represents J. Wallace LaPrade, the former head of the New York FBI office who was in charge of the activities of Squad 47. It was Squad 47 that carried out the break-ins, wiretaps, mail thefts and microphone surveillances in New York. No one protested, either, when Cohn boasted of being a professional anti-communist.

Witness after witness is permitted to testify to irrelevant matters, all to make the point that it has been the policy of the u.s. government to commit break-ins solely for the purpose of "intelligence-gathering," since the evidence taken is not admissible in court because it was obtained without a warrant. Herbert Brownell, Attorney General during the McCarthy era, told of being aware of such acts and of the fact that authority for them came directly from president of the u.s. and from the National Security Council for Intelligence Operations. Numerous witnesses admitted to having taken part in break-ins — anywhere from one to 500. James Vermeersch, from Squad 47, gave a demonstration of how personal papers were photographed during black bag jobs. Agent George Berley, a professional lockpicker, told of traveling all over the country to break into homes, offices and safes after requests for his services were made directly to Hoover. William Preusse, former head of the Weather Underground investigation, explained SPECTAR — Specific Target Informant Program — which paid people who had never given information to the FBI to do so if and when they received any. Many witnesses told

of receiving commendations and cash bonuses for surreptitious entries.

In an attempt to win sympathy for these activities from an almost all-Black jury, two witnesses told of how a black bag job enabled the FBI to break up the Ku Klux Klan in Mississippi and arrest the killers of James Chaney, Andrew Goodman and Michael Schwerner, three civil rights workers. One of those witnesses, Elmer Linberg, led the 1971 raid on the government center of the Republic of New Afrika in Jackson, Mississippi. (Liberberg is also responsible for the murder of five members of the Symbionese Liberation Army in a military assault in 1974.) That fact, and the fact that paid FBI informant Gary Thomas Rowe participated in the murder of civil rights worker Viola Liuzzo, were not considered important for the jury to consider.

Another former FBI official, David Ryan, a "specialist" in left ideology, testified that thousands of dollars were poured in to SDS and Weatherman from Cuba and China, without ever having to produce a shred of evidence. The sum of the evidence regarding "control and domination by a hostile foreign power" consisted of telegrams to and from the Vietnamese regarding anti-war activities in the u.s., and the fact that members of SDS attended international meetings in solidarity with the struggle of the Vietnamese to drive u.s. troops out of their country. None of these acts were done in secret. What emerges is a line of argument which says that the political stand of SDS and of thousands of anti-war activists that fought in support of the right of the Vietnamese people to self-determination is justification for counterintelligence operations.

It was admitted that years of investigation into the Black Panther Party found no evidence of "foreign domination" — but that did not stop the FBI from assassinating its leaders and destroying its effectiveness through COINTELPRO operations. Despite the fact that the government could never establish foreign domination of these and other organizations, witness after witness is permitted to testify regarding spy cases and the activities of foreign intelligence agencies in the u.s. The line of argument that defines all the political movements of the 60's and 70's as foreign-controlled denies the basis and legitimacy of any domestic dissent, and particularly the struggles of Black and other Third World movements for human rights and self-determination. (cont. on p.3)

What is the significance of what is taking place in the courtroom? The defense has turned the tables so that it is not the defendants who are on trial, but rather the victims of their illegal activities. It is our political activities and personal lives which are daily dragged out, replete with lies and innuendoes. It is the political movements of the 60's and 70's that are being distorted while the criminal activities of the defendants are hardly mentioned. Nothing makes this clearer than the fact that at the very time that the Felt/Miller cover-up trial is proceeding, thousands of files revealing FBI involvement in murders of Black revolutionaries and full-scale warfare against the Black Panther Party are emerging from the suit filed by Richard Dhoruba Moore, Afrikan prisoner of war. Yet Dhoruba remains in jail today, a continuing target of COINTELPRO.

This trial is a critical part of the overall strategy to legitimize those acts retroactively, so that when the new FBI and CIA charters are passed by Congress, these very acts will no longer be illegal.

Another significant aspect of the trial is the stance of the media. In the face of daily examples of lies, contradictions and unanswered questions, the media has not undertaken any independent investigation to uncover the facts behind this mockery. Perhaps FBI tactics such as those recently revealed by Black members of the press, designed to thwart any action by the media to expose the truth about COINTELPRO, have had an impact. Legislation now in Congress, the "Naming Names Bill," attacking journalists

and others who fight against counterintelligence activities by exposing the names of secret CIA and FBI agents, and may move the press to act. The docility of the media and its unwillingness to play any role is clearly another sign of the consolidation of the right in the 1980's.

This trial in Washington is not meant to put a stop to illegal counterintelligence activities. It is meant to put a lid on any further revelations, to justify the illegal actions of Felt, Miller and the FBI, and to argue that the only problem was that these actions were not defined as within the law—so clearly the solution is to make them legal!

This trial must serve as a warning to everyone involved in struggles for human rights today. This trial is part of election year campaigning by all sides for the passage of more laws restraining political activities, for more power to the CIA, FBI and the intelligence apparatus to operate unhampered by any governmental or legal restraints, for the destruction of the Freedom of Information Act. If the government is successful, it will consolidate a repressive apparatus and a right-wing political climate that is worse than the days of the McCarthy era—a climate of rising fascism and white supremacy that is responsible for the mass murders of Black people in Buffalo, Atlanta and elsewhere.

We must learn the lessons of Watergate, the revelations of CIA and FBI murders of Black leaders. No one can ever again say we did not know.

TWO PRESS STATEMENTS OF CLARK v USA PLAINTIFFS ON THE WASHINGTON FBI TRIAL

1

October 16, 1980
Washington, D.C.

We are holding this press conference and demonstration today in outrage at the continuing cover-up that this trial of former FBI officials Mark Felt and Edward Miller represents. For four weeks, both the prosecution and the defense have operated in collusion to reach the same goals: to get the defendants off, to exonerate the government of illegal counterintelligence actions, to rewrite the history of political movements, and to make an argument for increased current and future

counterintelligence programs. As the targets of Felt's and Miller's actions, and as plaintiffs in civil litigation against COINTELPRO activities, we take a particular interest in this case; but this trial's impact goes far beyond our own lawsuit and will affect all people who engage in political activities and whose interests are not represented by any party in this trial.

We have followed this trial very closely--watching the prosecution and defense present their cases, listening to testimony. And for four weeks we have heard glaring lies,

distortions, and inconsistencies that have neither been challenged nor objected to by the prosecution. Both the defense and the prosecution have jointly stipulated to an entire rewriting of the history of the Left without having to offer one shred of proof to back up their stories. They put forward domestic intelligence operations as foreign intelligence without the slightest proof of foreign connections. In fact, their own witnesses contradict each other -- some asserting that foreign ties exist and others saying that no such ties were ever discovered through FBI surveillance. For the last few weeks, we have repeatedly heard statements to the effect that the Fourth Amendment does not apply to intelligence gathering operations, while at the same time the FBI attempts to justify its illegal activities by claiming that they were part of a criminal investigation. Major witnesses have taken the stand and told outright lies which the prosecution has never questioned. For example, Larry Grathwohl was exposed as an undercover agent in SDS in April of 1970; yet he claims to have participated in meetings to plan the bombing of the Pentagon in 1972. The prosecution sat mute. Both Grathwohl and former FBI official David Ryan testify that thousands of dollars were given to SDS by Cuba and the People's Republic of China, yet no evidence was presented to back up those statements -- nor did the prosecution demand that proof. Retired FBI official Elmer Linberg testified about FBI activities supposedly aimed at stopping the Ku Klux Klan, but never mentioned the fact that he led an attack by the FBI and Jackson, Mississippi police against the headquarters of the Provisional Government of the Republic of New Afrika, which led to the illegal imprisonment of eleven government workers of the RNA. Assertions have been made that SDS members received military training in Cuba, when the reality is that thousands of Americans went to Cuba in the late 60s and 70s as members of the Venceremos Brigades to help construct the first socialist society in the Americas. It is clear through

this kind of testimony that we are being put on trial, not Felt and Miller. It is obvious why the defense does this -- to rewrite history so as to justify their abuses of power and their violation of the Constitution. But why does the prosecution not prosecute? Anyone would be astonished who sits in this courtroom. Nothing is ever objected to, no proof is ever requested, and no expertise is ever verified.

From the very outset, all levels of government have been involved in this case -- to cover up COINTELPRO and to make the case that these activities have been carried out for over thirty years. Roy Cohn and Herbert Brownell -- major figures in the McCarthy period -- both testified about illegal counterintelligence programs established in the 1950s. The anti-communist fever of McCarthyism is being expanded into "antiterrorist" rhetoric of the 1980s -- developing even more counterinsurgency war programs which will be legalized for the future. This antiterrorism campaign has meant that freedom fighters are being branded as criminals in an effort to attack and destroy the national liberation struggles that they have led. Baseless allegations and attacks against Third World movements around the world have been made in court, with long speeches about the dangers of Palestinian nationalism -- yet no one questions either their relevance in the case or their validity. The government uses this trial as a platform to attack growing national liberation struggles here and throughout the world. The defense and prosecution are trying to create an atmosphere of fear and confusion which will allow for the revocation of the Freedom of Information Act, the passage of a repressive FBI charter, and the exoneration of government officials. The recently released Carter/Brzezinski memo of 1978 exposes government plans to prevent an alliance between liberation movements in southern Africa and the Black liberation movement here -- all part of the current revamping of FBI/CIA plans of the 60s and 70s.

But we know that their justifications for their actions are baseless. It has been clear that the FBI knew where members of the Weather Underground Organization were at various times -- yet no one was arrested and we continued to be harassed. It is also clear that the FBI knew we would never cooperate with their search for Weather Underground fugitives, yet they continued to visit us, our families, our employers and our landlords to intimidate us and pressure us into stopping our political activities. We know from information which until yesterday was under protective order and therefore could not be released to the press, that the FBI motivation had nothing to do with the protection of national security, but rather had to do with the fact that in 1972 Nixon was facing a re-election campaign and needed to bolster his law and order platform by being able to claim he had arrested some members of the Weather Underground Organization. And we know from FOIA documents that the FBI admitted that no connections were ever found between SDS and foreign governments, yet the FBI continues to couch their case in assertions of the need to stop foreign espionage.

The FBI claims that we were the terrorists and criminals, yet none of their investigative techniques ever produced information which led to any indictments, let alone convictions. Our files and testimony in this trial indicate that they were at least as concerned about our political activities and our personal lives as about any possible illegal activities.

Clark v. USA, the civil suit which we have filed in New York City, is one key arena in which any of the truth can be brought to light. The struggles for freedom of Geronimo Pratt and Dhoruba Moore -- leaders of the Black liberation movement who have been targeted by COINTELPRO and imprisoned for nearly ten years on totally fabricated charges -- clearly expose the FBI's counterinsurgency program. The public has to be made aware of what the government is attempting to achieve through this trial. We can't allow an acquittal

of Felt and Miller to mean that they have succeeded and enable them to conduct COINTELPRO at an even higher level. We hold this press conference jointly with David Truong and with representatives from the Covert Action Information Bulletin. David Truong is a Vietnamese national who was accused by the CIA of being an agent for his own government and was convicted of providing information to the government of Vietnam; when all he was ever accused of having sent were public documents and newspaper articles. And Covert Action Information Bulletin has recently come under intense attack as Congress attempts to pass new legislation -- the "naming names" bill -- which will make it a crime to reveal the name of a CIA or FBI agent, even if the information leading to their identification is gleaned from publicly available documents. The plaintiffs in Clark v. USA support David Truong and support the members of Covert Action Information Bulletin, as well as other political organizations and movements -- particularly the Black liberation movement -- that have come under COINTELPRO attack.

These attacks are all part of the government's strategy to consolidate and expand its counterintelligence apparatus. We must learn the lessons of the past and not allow McCarthyism and fascism to be resurrected.

This statement was given at a demonstration and press conference held by the CSAGM in Washington, D.C. on October 16, 1980. The press conference was held jointly with David Truong, defendant in post-Vietnam War political trial.

2

September 23, 1980

On September 15, 1980, in Washington, D.C., the trial of former top FBI officials Edward Miller and Mark Felt began after 2-1/2 years of delays and secret negotiations. The defendants are charged with authorizing illegal break-ins into people's homes as part of illegal FBI counter-intelligence operations. The trial is the culmination of a several year Justice

Department investigation that was supposed to lead to numerous indictments and charges. Yet former Justice Department officials have quit the investigation, charging the Justice Department and the government itself with sabotage and undermining of the investigation and any attempts to bring the guilty to justice or the full truth to the public eye.

The Committee for the Suit Against Government Misconduct represents the people whose homes were broken into, whose phones were tapped, whose mail was stolen: those are the crimes the government has admitted to. In addition, our jobs and homes have been lost because of FBI harassment and intimidation, our homes have been burned down and our political activities have been surveilled and sabotaged. We are plaintiffs in a 100 million dollar civil law suit against Richard Nixon, John Mitchell, Edward Miller, L. Patrick Gray, Mark Felt, as well as former and present officials of the FBI and Justice Department. We have brought this suit Clark et al. v. USA, in the Southern District of New York because it is clear that what the government admitted to in these indictments is but the tip of the iceberg of the illegal activities conducted against us and others. It will only be through our independent action that the truth will ever emerge.

We charge the government and both sides in the Felt/Miller trial with collusion in conducting a mockery of justice, whose aim has nothing to do with protecting people's rights and the Constitution. Rather, this trial is part of an ongoing and escalating attempt by the government to cover up the full scope of past illegal, terroristic intelligence activities, and to set the stage for legalizing and escalating those very same tactics today.

Nothing makes this clearer than the fact that the very same government forces that are prosecuting this case in Washington are fighting for Congress to pass legislation which is aimed at jailing journalists

and activists who have dedicated themselves to exposing U.S. counter-intelligence operations--operations that have led to assassinations, destabilization of liberation movements and progressive governments and political activities inside this county and around the world.

Two-faced strategy

The government is in a clear conflict of interest that is revealed by its conduct at this trial. On the one hand, it is prosecuting this criminal trial against Felt and Miller. On the other, it is defending these very same actions against us in our civil suit. While the defendants in this trial have gotten access to tens of thousands of pages of files concerning illegal actions against us, we are the only parties that have not been allowed to see these documents. The 2-1/2 year delay in this trial has served only to stall our ability to proceed in prosecuting these criminals in our civil action. And the Justice Department is paying the bill in defending COINTELPRO actions in our case. None of this speaks to the extra-legal measures we have been subjected to since filing our suit--such as the burning down of one of our homes, the break-ins and ransacking of another, and the break-ins and harassment of our attorneys.

And now we face the culmination of this several year affair--after all the revelations of Watergate, the Senate hearings on COINTELPRO, investigations and court cases on the murders of Black leaders, from Martin Luther King, Jr. to Fred Hampton and the continued illegal incarceration of other Black leaders like Geronimo Pratt. Now we are presented with this trial which is clearly attempting to make the victims the criminals and the criminals the victims. We are being put on trial in this courtroom, not the FBI criminals. The defense argues that their actions were justified by portraying us, in Mr. Gettings' words, as "the greatest international terrorists that have ever been known to the U.S." The prosecution doesn't differ with that portrayal

and only half-heartedly cautions the jury to recall the Bill of Rights. But we have never been tried or convicted of any of the crimes they accuse of us now. We were targetted for attack at a time when white anti-imperialists were building militant support for the Black liberation struggle. The FBI's programs were aimed at destroying that political alliance. We, and the movements against the Vietnam war and for human rights we are part of are put on trial today. In this trial, the word COINTELPRO is rarely mentioned, let alone the cost in people's lives and liberty that COINTELPRO has meant. The assassinations, frame-ups and lies of COINTELPRO are never revealed. Yet these illegal actions are escalating right now: witness the recent events in New York City where Black families in Harlem were subjected to armed terror by the FBI in their alleged hunt for Assata Shakur.

This trial in Washington is not meant to put a stop to these kinds of tactics. It is meant to put a lid on any further revelations, to justify these illegal actions of Gray, Felt and Miller and the FBI, and to argue that the only problem was that those actions were not defined as within the law. So clearly their solution is not to stop these actions but to make them legal!

This trial must serve as a warning to everyone involved in struggles for human rights today. This trial is a part of the election

COINTELPRO 1980: BLUEPRINT FOR FASCISM

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year campaigning by all sides for the passage of more laws restraining political activities, for more power to the FBI, CIA and the intelligence apparatus to operate unhampered by any governmental or legal restraints, for the destruction of the Freedom of Information Act. If the government is successful it will consolidate a repressive apparatus and right wing political climate that is worse than the days of the McCarthy era.

We must learn the lessons of Watergate, the revelations of CIA and FBI murders of Black leaders. No one can ever again say that we did not know.

One concrete step people can take is to politically and materially support the work of the Committee for the Suit Against Government Misconduct. Contact us about speakers for events, campuses and small groups. Tax deductible contributions can be made by making your checks payable to: IFCO, earmarked for the CSAGM.

SMASH COINTELPRO !

FREE ALL PRISONERS OF WAR !

VICTORY TO CLARK V. USA !

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Continuing analysis of the Felt/Miller trial and the government's current COINTELPRO strategy will appear in the upcoming issue of TIP OF THE ICEBERG, due to be published in November. Subscriptions are \$5/year.

URGENT!

The CSAGM is in urgent needs of funds to pursue our work against COINTELPRO. Please send a contribution to: CSAGM, P.O. Box 254, Peter Stuyvesant Station, New York, New York 10009. Contributions are tax deductible; make your check payable to IFCO.

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Enclosed is my contribution of \$ _____