

TIP OF THE ICEBERG

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(formerly UPDATE) 35¢

Committee for the Suit Against Government Misconduct

Government Moves to Consolidate COINTELPRO Cover-Up: Nixon Granted Stay—FBI Trial Postponed

On May 28th, over 50 supporters of the Committee for the Suit Against Government Misconduct picketed the Federal courthouse at Foley Square while *Clark v. USA* had a court date before the U.S. Court of Appeals for the Second Circuit. Demonstrators demanded that Nixon be brought to trial for COINTELPRO crimes and that all Afrikan Prisoners of War imprisoned as a result of COINTELPRO's domestic counter-insurgency war against the Black liberation movement be immediately freed. Chanters yelled: "Nixon is the criminal, COINTELPRO is the crime, so why is Geronimo [Dhoruba, the RNA 11, Sha Sha, Sundiata] the one who's doing time?" and "Assata is Free--Smash COINTELPRO!"

Plaintiffs in *Clark v. USA* were appearing in court to fight to hold Nixon, in particular, accountable for COINTELPRO crimes committed by the various U.S. intelligence agencies under his presidential orders. Nixon is central to *Clark v. USA*, as witnessed by the fact that the other defendants base their defense on the fact that they were following Nixon's orders when they engaged in counter-intelligence activities. As commander-in-chief, he actively led the waging of this domestic counter-insurgency war--planning strategies to destroy political movements and organizations, ordering the assassination attempts and frame-ups of numerous revolutionary Black leaders and attacks upon all progressive movements challenging U.S. imperialist power and hegemony.

In defending Nixon and fighting for a stay in the proceedings, the Assistant U.S. Attorney, William Hibsher, asserted the baseless claim of "absolute immunity" from prosecution or liability, even though no law exists which grants such a "right" to a government official--particularly not to a former president forced out of office under articles of impeachment. Nixon couched his argument in the fact that only days before the Supreme Court had agreed to hear argument (granted *certiorari*) on the

question of executive privilege and absolute immunity in the case of *Halperin v. Kissinger*. Nixon argues that a president must have license to commit *any* act--whether legal or illegal--if he perceives it to be in the protection of national security. He wants no judgment as to his perceptions nor as to constitutionality. In fact, the Justice Department has likened the issues in *Clark* and *Halperin* to tying the president's hands in situations like the current "crisis" in Iran. Though the two cases are substantively very different, the Supreme Court's ruling in *Halperin* (scheduled for argument in the Fall) will have a profound impact upon *Clark v. USA* as well as upon other cases attempting to expose the accountability of the highest government officials.

On June 24th, the Court of Appeals ruled in Nixon's favor, granting him a stay pending the Supreme Court decision, thus opening the door to endless stalling and delays in continuing discovery and litigation. Also this week, the Washington D.C. criminal trial against former FBI officials Felt and Miller (charged with the criminal acts committed against *Clark* plaintiffs) was postponed for the eighth time. Gray, Felt, and Miller have been using the cloak of their criminal indictments to freeze all discovery against them. It has become apparent that the government has

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Clark v. USA supporters demonstrate prior to argument in Federal Court of Appeals, 5/28.

Take a Stand Against Fascism—Support Clark v. USA

As we move further along into the 1980s, we can already see the consolidation of forces on both sides in the battle around U.S. domestic counter-intelligence programs. On the one hand, the government is moving to write into law the illegal actions of former FBI officials, to pass laws stripping the rights of the accused, to pass FBI and CIA charters which shield agents from criminal liability, and to elevate war criminals like Richard Nixon to the status of international diplomat and "elder statesman." On the other side, the movement to expose the true breadth of COINTELPRO as a domestic counter-insurgency war strategy of the U.S. government against all Third World and progressive movements, in particular the Black liberation movement is growing and strengthening, moving toward total exposure of illegal activities and the defeat of COINTELPRO. The victories in Geronimo's ongoing battle for his freedom and in Dhoruba's fight to win FBI files recording their conspiracy against the Black Panther Party 21 in New York City, along with Assata Shakur's escape in November, have built a massive groundswell in Black communities which actively supports Assata's continued freedom and which demands her exoneration.

The rising anger of Black and Third World people has been expressed through militant demonstrations against police terror and killer cops in NYC, through the outrage that exploded in the streets of Miami, and through mobilizations against the rise of the Ku Klux Klan across the country. In response, the FBI and NYC police have organized "a special 20-member task force to investigate terrorist activities in NYC" (from the New York Times, May 15, 1980). This "anti-terrorist" squad is clearly aimed at attacking and harassing these strengthening movements for human rights: movements which organize in support of the right of Third World peoples to utilize any means necessary to defeat the terror and genocide of U.S. imperialism.

And while FBI crimes are continually being exposed--most recently reported in the New York Times on July 3rd--Ronald Reagan has announced his plans for the FBI of the 1980s. We should take note of his proposals:

- 1) mandate the bureau to investigate any person or group threatening to violate the law or whose actions have the potential for violating the law, whether facts indicate a crime is imminent or not;
- 2) mandate the bureau to maintain surveillance of any person who advocates violating the law, even if it is nonviolent civil disobedience;
- 3) mandate the bureau to gather intelligence on any public demonstration with a potential for violence;
- 4) allow the bureau to distribute criminal records to private employers;
- 5) shield agents from prosecution for breaking the law if they were following orders.

Though these proposals clearly point to a higher level of domestic counter-insurgency, they actually represent a verbal articulation of past and current FBI practices. Carter fights for nothing different. Articles in this issue of Tip of the Iceberg reveal that struggles against these FBI practices are already going on--against the FBI's "Chesapeake" program (p. 3), to gain access to FOIA (p. 6), to demand the criminal prosecution of FBI agents (p. 1), etc. The Committee for the Suit Against Government Misconduct supports Clark v. USA as pivotal in this heightening struggle against COINTELPRO. The legal strategy that we pursue is inseparable from our political strategy--to expose the responsibility of the highest officials in directing, maintaining and covering up a massive domestic counter-insurgency war which has led to the murder, imprisonment and/or harassment of hundreds and thousands of political activists.

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Who We Are

The CSAGM works under the leadership of the National Task Force for COINTELPRO Litigation and Research as part of the growing movement against government counter-intelligence. Members of the Committee are plaintiffs in *Clark v. USA*, a major civil lawsuit against the FBI, Justice Department, Richard Nixon, John Mitchell and others. The plaintiffs had been named as the targets of illegal activities for which ex-FBI officials were indicted on criminal charges.

Movement to Exonerate Assata Grows as COINTELPRO Attacks Continue

Chescape is the program of FBI terror being executed nationwide in the face of Assata Shakur's (s.n. Joanne Chesimard) liberation last Nov. 2 from Clinton Prison. This hunt for Assata is taking the form of midnight attacks on the Black community, the specific targetting of Black community organizations, and the harassment of other Black political prisoners and Prisoners of War. Currently Dhoruba Moore and all the alleged Black Liberation Army prisoners still in jail are undergoing violations of their right to legal visits and mail. Regular physical activities and outdoor roof-time are being prohibited. This is part of the government's response to the greatest defeat yet suffered by its program of counter-insurgency -- the escape of Assata Shakur.

Unable to convict Assata for any of the robberies for which she supposedly was originally hunted down, the government convicted Assata for *being at the scene* of the attack by New Jersey State Troopers in May of 1973. The '73 attack was the result of shoot-to-kill orders against Assata and did result in the government assassination of Zayd Malik Shakur and the illegal incarceration of Sundiata Acoli. The government failed to convict Assata of any of the six robberies for which she was framed and instead sentenced her and Sundiata to life plus 30 years for being attacked by the FBI!

With her liberation over 8 months ago, the Black Liberation Movement made a very strong statement about its intention to free its leaders and significantly advanced its struggle to expose and defeat COINTELPRO. Now, because she was clearly a target of COINTELPRO and never should have been arrested at all, the Black Liberation Movement is raising the demand and building a movement to exonerate Assata. This demand strikes at the heart of COINTELPRO plans to isolate, criminalize, and defeat the struggle of all Black people for self-determination and human rights. It is the leading demand of the movement which has gone on the offensive to expose and defeat the breadth of COINTELPRO's attacks on the Black community and the specific targetting of Revolutionary Black Nationalists.

Recently, The East, a long-standing revolutionary Black organization with over a decade's history of struggle, received a tip that their Center was to be targeted in the ongoing search for Assata Shakur. In response The East offensively issued a leaflet warning the community to be vigilant and support its organization. Similarly, tenants at the Morningside project where the FBI and NYC police tore through people's homes and viciously searched them, reacted with several demonstrations and an overall offensive plan to hold the FBI responsible. On the day after this raid, 1000 people marched to Charles Rangel's office, indicating a new stage of organization of the Black community against government terror. Rangel was forced to respond by sending a stinging letter to Attorney General Civiletti denouncing the FBI's attack, thus becoming the *first* public official to challenge the government's frame-up and attack against Assata Shakur.

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National Black Human Rights Coalition mobilization to the U.N., 11/5/79: HUMAN RIGHTS IS THE RIGHT TO SELF-DETERMINATION!

The Pressure Is Mounting to Free Geronimo Pratt

On May 10, 1980, New York City awoke to the news that two men had climbed the Statue of Liberty and unfurled a banner: "Liberty Was Framed! Free Geronimo Pratt!" The following week, the national TV news program "20/20" devoted 20 minutes of prime time TV to a report on the case of Geronimo Pratt and the struggle to defeat COINTELPRO. In the past few months, hundreds of people have signed petitions demanding Geronimo's freedom. With the heightening of the struggle against genocide and for full human rights, more and more progressive people are taking up the demand to FREE GERONIMO PRATT AND ALL AFRIKAN PRISONERS OF WAR, and SMASH COINTELPRO.

Geronimo's case--which clearly exposes the illegal nature of the U.S. government's counter-intelligence program, as well as the aim of that program in trying to destroy the Black liberation struggle--has been a focus of struggle led by the National Task Force for COINTELPRO Litigation and Research and other revolutionary Black nationalists to free Prisoners of War. The struggle to free Geronimo, like every aspect of the struggle to free POWs, was qualitatively advanced by the liberation of Assata Shakur on November 2, 1979, by the fighting forces of the Black liberation movement. While the government has continued COINTELPRO attacks against Geronimo, the struggle to free him has exhibited its growing effectiveness, power and breadth in the past few months--moving Edwin Drummond and Steve Rutherford to climb the Statue of Liberty to bring Geronimo's case to the attention of millions of people, and even forcing California Congressman Paul McCloskey to demand Geronimo's freedom.

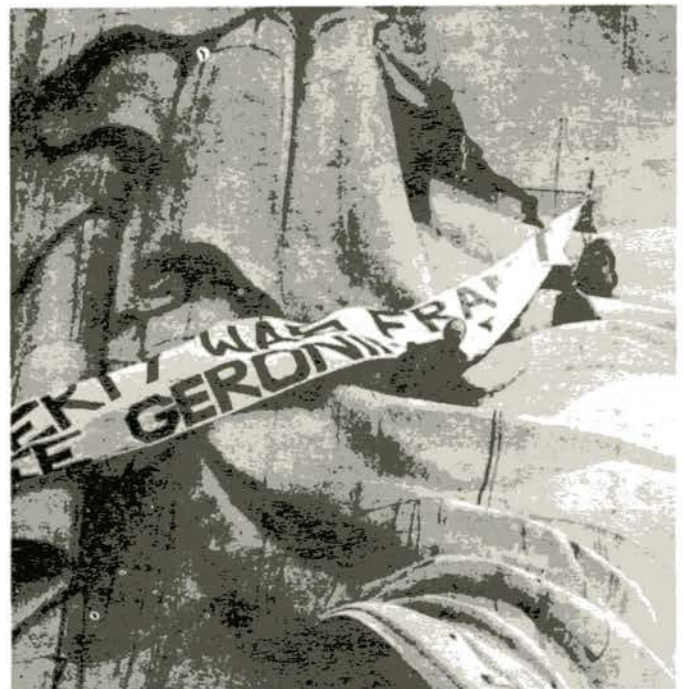
The action at the Statue of Liberty was a blow to the government's constant attempts to cover up COINTELPRO activities, and to isolate Black freedom fighters from mass support. Although the newspapers quickly moved to collaborate with COINTELPRO--Saturday night the stories referred to Geronimo as a "convicted murderer"; by Sunday, his name barely appeared in news stories about the "damage" the climbers had supposedly done to the Statue--the CSAGM found in organizing in NYC the next week that many people wanted to

know about Geronimo: why he was framed, what COINTELPRO is, and who else is being illegally held in jail as a result of this FBI program.

The heightening struggle led by the Black liberation movement to free POWs and to expose COINTELPRO as an illegal program of harassment, intimidation, spying, imprisonment and murder, has organized progressive white people to join the struggle to free Geronimo Pratt. Actions like the scaling of the Statue of Liberty, and like the ongoing work of the CSAGM, helping to create mass support for the freeing of POWs and directly attacking the functioning of COINTELPRO, take on an added importance at a time when the government's cover-up is being consolidated, and when the government is moving to fully legalize COINTELPRO activities as part of the FBI's functions.

Write to us for leaflets and petitions demanding the freedom of Geronimo Pratt, to circulate in your community.

FREE GERONIMO PRATT AND ALL AFRIKAN PRISONERS OF WAR!
SMASH COINTELPRO!



May 10, 1980, Statue of Liberty, NYC:
LIBERTY WAS FRAMED; FREE GERONIMO PRATT!

The 11 Puerto Rican Prisoners of War Speak to the People

They Are Not Terrorists; They Are Freedom Fighters

On April 4, 1980, the Evanston, Illinois police department detained 11 Puerto Ricans, accusing them of being members of the FALN (Fuerzas Armadas de Liberacion Nacional). The FALN is the answer of the oppressed Puerto Rican nationality in this country to the colonial violence of the US government. The 11 are Puerto Rican patriots captured in battle. They are not terrorists; they are Freedom Fighters. They are Prisoners of War and have the right to be treated according to the Geneva Conventions. Ten of the patriots are imprisoned in Chicago; one, Maria Haydee Torres, is in New York. We reprint excerpts from several of their statements to build support for the struggle for their freedom and to support the growing People's War for Independence and Socialism for Puerto Rico.

Statements reprinted from Libertad, publication of the National Committee to Free Puerto Rican Prisoners of War,

"I will assert here today, April 28, 1980, in front of my community and in front of the enemy of my people that there is a war of national liberation for the independence of Puerto Rico being waged continuously by broad sections of the Puerto Rican people since our country was first militarily conquered by the armies of the United States in 1898...

Carmen Valentin

"What is a Prisoner of War? Resolution 2621 of the UN Committee on Decolonization declares that continued colonization, in all its forms is a crime. This resolution reaffirms the right of all colonized to fight, using every possible means, against the colonizers, who crush the right of a nation to be free and independent... Since we have been captured while in the line of duty--fighting for the Independence of our Nation--the eleven of us declare ourselves Puerto Rican Prisoners of War...

The real and greatest terrorists in the history of humankind are the yanki imperialists. It is the ruling class of the U.S. with its repressive machine, the State, that has been the worst terrorist known to mankind--far surpassing Hitler's Nazi Germany. Consider only Vietnam, where more bombs were

dropped than during the entire second world war!

We have been labeled fanatics, terrorists; we are not surprised. For in a class society, the ruling class accuses the oppressed and exploited who fight them as subversives, terrorists, and criminals....

In our society, violence is a precondition for maintaining the power of the ruling class--the imperialist capitalists and all their puppets. And this is the way that the Rockefellers, without even killing a cockroach barehandedly, have caused the genocide of nations and have spilled the blood of Latin America.

Lolita Lebron and other independentistas protesting illegal trial of Puerto Rican POW Maria Haydee Torres, NYC.



Yet they call terrorist those revolutionary patriots who were massacred in Ponce, in 1937, by order of the US government. They call revolutionaries terrorists, they who are terrorized by the revolutionary violence of the people, and they do it to save their perfumed hide.

We are the continuation of the armed revolutionary struggle for the liberation of our homeland. We carry this struggle forward according to the dictates of the historical moment. And if we have caused terror, it has been directed against those criminals who exploit and oppress our people, and oppress the workers and super-exploited sectors of their own country. In war there is terror--it is inevitable. We Puerto Ricans have been

Contd. p. 8.

FOIA Files Reveal Insidious FBI Methods

At the heart of *Clark et.al v. USA* is the fight for discovery. Discovery is the struggle to force the government and all defendants and other involved parties to give up information about the counter-intelligence operations. The government, fearful of exposing its past actions and jeopardizing its present and future illegal operations, is fighting against discovery every inch of the way. Thus, the government has been attacking the efforts of the plaintiffs to begin discovery against defendants.

As a result, the plaintiffs were forced to file a separate FOIA suit just to get the files to which every one is entitled under the Freedom of Information Act. Though the government has been forced to release thousands of pages of documents, they have withheld and deleted many more files to which we are entitled, under the cover of vague references to justifications such as national security and protecting the identity of informers. No exemption is supposed to enable them to withhold files that reveal illegal activities. Yet none of the illegal actions against the plaintiffs that the government has admitted to appears in our FOIA files.

We are involved now in challenging the government's exemptions and deletions. We are also fighting for money for the thousands of dollars of legal fees we have been forced to spend because the government refused to hand over the files we are entitled to.

Lessons from the FOIA files

There is much to be learned from reading and analyzing FOIA files. This article will begin to present some general lessons from the files that are relevant not just to the facts of our case, but to the needs of everyone involved in progressive and anti-imperialist struggles.

Their investigations and activities are massive and extensive. The FBI attempts to spin an ever-widening web of information and potential targets for investigation and attack that means that thousands of people have been and are now directly affected by COINTELPRO (by whatever name). Thus, the files show how people who called us, or whose names are mentioned become subjects of independent, in-depth investigations. There are files showing that every car with an out-of-

state license plate on the block where one of the plaintiffs lived (right near a major university) was investigated. Their files are far more extensive than the FBI admits.

They utilize a battery of tactics, many of them illegal. Our files point to the use of break-ins into our homes, illegal wiretaps that recorded every conversation both over our phones and in our homes. They stole our mail, and used informers to steal people's phone books and the mailing lists of organizations. They rented apartments to surveil our houses and offices. They use informers extensively. The files show a broad number of political, community and cultural meetings and events that were infiltrated and recorded and analyzed.

FOIA Files

SEND FOR YOUR FBI AND CIA FILES UNDER THE
FREEDOM OF INFORMATION ACT. THE INFORMATION
AND DISCREPANCIES THEY DISCLOSE CAN FURTHER
EXPOSE THE BREADTH OF COINTELPRO CRIMES.
THEY ARE TRYING TO REPEAL THE ACT NOW --
REQUEST YOUR FILES BEFORE IT'S TOO LATE.
FOR INSTRUCTIONS, SEND FOR OUR PACKET:
HOW TO FILE FOR YOUR FOIA FILE. 50¢.

They utilize the legal and judicial system at will. Criminal indictments, police harassment and grand juries are tactics regularly relied on. At the same time, our files reflect the fact that the progressive legal community was targeted for investigation and attack.

There is no distinction between investigation and harassment. Under the rubric of investigation, they went to people's jobs, employers, landlords, families, etc. All of which led to people being fired, thrown out of apartments, etc. They use and promote violence and physical and mental attacks. They try to find out information far beyond people's political activities--but about

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Join a Day of Actions to
**FREE ALL
POLITICAL PRISONERS
& PRISONERS OF WAR
SMASH COINTELPRO!**

Sunday, AUGUST 17

**Tompkins Square
Park**

6th St. and Avenue A, NYC

1:00 on ...

Tapes from Malcolm X and
Assata Shakur

Displays in the Struggle to
Free Prisoners of War

Public Enemies Game
Silkscreening

Food
Music

Dramatic Readings from
COINTELPRO Files

Mock Trials
The People vs.

Richard M. Nixon
Jimmy Carter

William Webster, Director FBI

5:00 **Rally and March to Demonstrate at the 9th Pct.**

STOP FBI/POLICE TERROR



KEEP ASSATA FREE!

FREE GERONIMO PRATT AND THE RNA 11!

FREE ALL AFRIKAN PRISONERS OF WAR!

FREE ALL PUERTO RICAN PRISONERS OF WAR!
SMASH COINTELPRO!

Sponsored by the Committee for the Suit Against Government Misconduct and the
May 19th Communist Organization

and are at war with the yanki imperialists ever since they invaded our nation with their terror in 1898. And from that day, it is they who have created TERROR. They should not complain, or cry, or tremble now. They should not call us fanatics. Fanatics are those who deviate from reason, or become blind in their enthusiasm. We know our clear objective and who is our enemy. We have an historical reason, the right and duty to fight for our liberty, and we are far from blind."

Statement from the Eleven
April 9, 1980
Cook Country Jail, Chicago

We, the Puerto Rican people, see that laws do exist which clearly say that we Puerto Ricans have the duty and the right to be free. But these laws are not kept. They are daily violated by this country.

Therefore, we the Puerto Rican people, have to make a choice: Either we fight against the violence perpetuated against our people, through armed struggle; or we sit back and accept that the U.S. should continue to violate our rights as human beings.

The Puerto Rican people have decided already that the only way to fight this violence against our people is through the nozzle of a gun....

I say that, with all we have heard about this country, which calls itself the defender of human rights and freedom in the world, the United States has forgotten that here in its own house it is the greatest violator of these rights.

We, the Puerto Rican people, have to show the world the injustices of this country--we have to rise in arms and fight! Fight! Fight! Until victory!"

Maria Haydee Torres

"I am the conscience of my people in arms."
Maria Haydee Torres

"We will never negotiate our principles in the courts of our enemy."
Carmen Valentin

no intention of prosecuting these criminals, exposing the current administration's complicity in conducting and covering up illegal COINTELPRO activities.

But the battle to expose COINTELPRO escalates on both sides. While the FBI and Justice Department move to expand their crimes and cover-up conspiracy, they ultimately expose more. The struggles of Geronimo Pratt and Dhoruba Moore are most clear. Geronimo's fight to win his files under the Freedom of Information Act has brought to light proof of the FBI's conspiracy to frame him and keep him in jail for life. The Assistant State's Attorney for California has been held in contempt of court for lying about documents in their possession; evidence of an FBI infiltrator in Geronimo's defense committee has surfaced. In Dhoruba Moore's fight for FOIA documents, inconsistencies have been exposed between NYC police records and FBI records, leading the judge to order that all FBI files about the NY Panther 21 be turned over to Dhoruba. This is a major victory in the struggle to expose the FBI's conspiracy to kill or imprison Dhoruba after the Panther 21 were acquitted of the fabricated conspiracy charges lodged against them in 1969. It is opening up for the first time the truth about the war that the FBI and NYC red squad waged against the leadership of the Black liberation struggle in NYC and throughout the country.

As stated in our press release of May 28th, before the Court of Appeals argument,

"In our case, the government is trying to create a smoke screen of a constitutional crisis to cover over the glaring reality of Nixon's overt criminal actions. But the facts themselves place Nixon as a lynch pin in the conspiracy to conduct illegal actions against ourselves and others."

The Committee for the Suit Against Government Misconduct is committed to supporting the struggles of all Afrikan Prisoners of War to win their freedom and to expose COINTELPRO. We are committed to continuing the battle to bring Nixon to court--to fight for full discovery and find out exactly what he did. Nixon is pivotal in exposing the true nature of COINTELPRO; his actions implicate all past and future administrations.

people's personal lives and problems. Our files show them noting and attempting to utilize information about fights between friends, personal crises, illness, debts, as well as political splits. They note people who become less active and therefore potentially more vulnerable to their attacks.

Fundamentally, they base their strategies against us on a political analysis of our movements, that tries to zero in on our strengths, weaknesses, and internal contradictions. They rely on white supremacy. Thus, for instance, there is an FBI memo that takes note of a resolution passed by SDS in 1968, attacking the leadership of the revolutionary Black nationalist movement and putting forward students and white workers as the vanguard. The memo suggested that this position opens up great opportunities for counter-intelligence activities and attacks on the Black movement. They also utilize people's individualism, cynicism, carelessness. They rely on our not taking them as seriously as they take us.

Their justifications for their actions are clear and consistent. They take the existence of anti-imperialist struggles as a fundamental threat to their power. It is clear through reading any files, that the heart of their counter-intelligence program is the war waged against Third World peoples' struggles for human rights and liberation. They focused on our activities in support of and in relation to those struggles. Within that, any activity that politically is based in support for armed struggle was attacked.

The files make clear one of the contentions of the *Clark* suit, that *all* of the counter-intelligence activities are directed from the highest levels of the intelligence apparatus. Names of top officials such as Shakelford, Miller, Sullivan and Brennan appear constantly, while an enormous percentage of the memos either originate with or are directed to the director or acting director of the FBI. The files also reflect cooperation between the FBI and other agencies.

And finally, the files make clear that COINTELPRO continues to this day. This is apparent in two ways. One, that the files do go up to the most recent years. And secondly, that the more current the files, the more extensively the FBI whited out the majority of

what we received. Obviously, this is because they most directly jeopardize ongoing counter-intelligence activities.

The struggle to obtain our files is critical. But it is only the first step. The most crucial struggle is to utilize these files--both to escalate the struggle against ongoing COINTLEPRO, and to learn the lessons from them, about the principles and basis of our political movements, and the necessity to recognize the state and its intelligence apparatus as the deadly enemy of all progressive and anti-imperialist movements.

NEWS FLASH--On July 9 *Clark v. USA* plaintiffs and supporters of the struggle against COINTELPRO demonstrated in front of Richard Nixon's house in NYC. Demonstrators protested Nixon's continued attempts to protect himself from prosecution. The crowd also protested the continuous postponements of the criminal trial against FBI agents Felt and Miller. The former president came home during the demonstration but refused to speak to the press. The CSAGM plans to continue holding demonstrations against Nixon in the future.

Assata, contd. from p. 3.

This response and the support of many of Harlem's community and Black clergymen of all denominations collectively denouncing the FBI's search-and-destroy operations is a result of a strong and consolidating Revolutionary Black leadership and was able to temporarily force the government to suspend these direct attacks. The struggle to free Afrikan Prisoners of War and stop these raids, led by Revolutionary Nationalists, most deeply gets at the heart of the government's fear and terror campaigns as part of the domestic war designed to sabotage and defeat the Black liberation struggle.

Assata and Sundiata were charged with Zayd's murder, but the U.S. government and the police are the guilty ones. Assata's freedom is her right and the vicious national hunt for her must cease. The struggle to exonerate Assata Shakur is a struggle which recognizes the right of the Black nation to fight for human rights and full self-determination. It is the key demand in the escalating struggle to smash COINTELPRO in the 1980s.

UPDATES

Republic of New Afrika-11

(Credit: *The New Afrikan*) Approximately two weeks ago, Brother Tawwab Nkrumah, a member of the Republic of New Afrika 11 was arrested in Highland, Michigan while allegedly attempting to obtain a passport to leave the country. He is the only member of the RNA 11 to have never been tried, opting to go underground because he refused to be tried by the united states government.

The FBI is alleged to have stated that they received a tip that led to the freedom fighter's arrest. Presently they are attempting to extradite Brother Nkrumah to Mississippi to face charges stemming from the 1971 united states government's illegal attack on the Republic of New Afrika government house.

The Committee for the Suit Against Government Misconduct calls for support for the Republic of New Afrika 11--to expose the history of COINTELPRO attacks and to support the struggle for land and independence for the Black nation. FREE BROTHER NKRUMAH! FREE THE RNA 11! FREE THE LAND!

Fred Hampton, murdered by COINTELPRO, 12/4/69: "You can kill a revolutionary, but you can't kill a revolution!"



Hampton v. Hanrahan

In May, the Supreme Court ruled that the families of Fred Hampton and Mark Clark are not entitled to payment of legal fees and court costs for the 18-month civil trial of FBI, Chicago City and Illinois state officials who murdered Fred Hampton and Mark Clark. Fred Hampton, who was Chairman of the Illinois Black Panther Party, and Mark Clark, a BPP member, were murdered in a pre-dawn raid on their apartment in Chicago, December 4, 1969, through a conspiracy carried out by FBI undercover agents, the Chicago police department, and Illinois State's Attorney General Edward V. Hanrahan.

In the course of the trial, the highest level of collaboration between the FBI and Chicago police and politicians to murder these revolutionary Black leaders -- and to cover up the murders -- was exposed. Throughout the proceedings the trial judge, Judge Perry, allied himself with COINTELPRO by consistently ruling in favor of the defendants, issuing numerous contempt citations against the plaintiffs' lawyers, and finally ending the trial by issuing a directed verdict in favor of the defendants -- thereby preventing the jury from deciding the case. The Court of Appeals, however, was forced to overturn Perry's rulings and grant a new trial because the plaintiffs had produced overwhelming evidence of a COINTELPRO conspiracy.

Now the Supreme Court has moved to limit the plaintiffs' ability to mount this new trial by refusing to grant the legal fees and court costs due them. The defendants in Hampton had the full financial support of the government -- they had hundreds of thousands of dollars made available to them by the state. The Supreme Court decision represents one more attempt to prevent COINTELPRO from being exposed and stopped. As such, it will have an impact on other legal actions against COINTELPRO as well -- underlining the importance of our material as well as political support for these cases.

UPDATES

Dhoruba Moore

It is now 5 months since Richard Dhoruba Moore won, in U.S. District Court, files which contain evidence of what his civil rights suit charges: that the FBI and NYC police conspired to "neutralize or destroy" the Black Panther Party. Through either assassination or "criminalization", their strategy aimed at discrediting and isolating leaders of the Black liberation movement and undermining support for them by frame-ups, fabricated evidence, and media slander. It also charges that from 1968 to the present, Dhoruba Moore has been a target of this conspiracy.

In February, Judge Mary Johnson Lowe ordered the federal and city agencies to turn over to her all files on the Black Panther Party and Black Liberation Army for her to evaluate and determine which materials are relevant to Dhoruba's suit. Since that time, the agencies involved have failed to comply with those orders, and, in further open hearings at the end of April, it was demonstrated that the FBI willfully withheld evidence of its counter-intelligence war on the Black liberation movement. As a result of these court hearings, the FBI was forced to surrender all documents that had originally been ordered at the February 25 hearing, but, significantly, not to Judge Lowe but directly to Dhoruba and his attorneys.

These documents should be released over the summer, but Dhoruba and his attorneys do

not underestimate the fight that lies ahead to fully expose the nature and breadth of COINTELPRO attacks on the Black nation. Files have been destroyed; those supplied by the FBI have been heavily redacted.

While analyzing the FBI files, Dhoruba will be waging a second offensive in court in late July to demand that the NYC police and the New York District Attorney's office turn over *their* files on the Panthers and BLA--again, files that were ordered in February.

The strategy to win Dhoruba's freedom and that of other POWs like Sundiata Acoli and Geronimo Pratt is completely tied to fully exposing and destroying COINTELPRO. With this understanding, Dhoruba is also demanding a full-scale investigation of COINTELPRO to be conducted by the Congressional Black Caucus. He is calling for renewed congressional attention to a program that not only has not been dismantled, as the FBI asserts, but has increased the level of its attacks: on individuals like Dhoruba Moore who has been subjected to heightened personal attack and harassment in prison and interference with his legal visits; and on the Black community, and BLA supporters in particular, as in programs like "Chescape" and "Newkill".

For more information, contact the International Committee to Free Dhoruba Moore, P. O. Box 480, Brooklyn, N.Y. 11202.

SUBSCRIBE

The Committee is distributing the following items:

Tape/Speech by Assata Shakur, CSAGM Forum, May 4, 1979, Women and COINTELPRO. 25¢

Speech by Judith Clark, CSAGM Forum, May 4, 1979, Women and COINTELPRO. 25¢

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What the government has been willing to expose with its redacted files and unprosecuted criminal case in Washington, D.C. is but the tip of the iceberg of a conspiracy much greater and more dangerous than Watergate. What we can bring to light can open the door to exposing the full breadth of their war crimes. Because our case has this potential, the FBI and Justice Department are using the full array of political, legal and illegal resources in its attempt to defeat us. This attempt, part and parcel of ongoing COINTELPRO attempts to halt human rights struggles, must not be allowed to succeed. Supporting Clark v. USA is taking a stand against the rise of fascism and for human rights. JOIN US!

ERRATUM--In our last issue of *Tip of the Iceberg* we erroneously said that Sha Sha Malik is in Lewisburg. He is actually being held in the Missouri State Penitentiary, Jefferson City, Missouri.

Liberation Note Cards

These 3-color silk-screened notecards are produced by the Madame Binh Graphics Collective to build consciousness of and participation in the struggle to free Afrikan Prisoners of War.



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