

# Newark Trial: FBI Lies, Judge Tampers With Informer-Witness

**NEWARK, May 3** — What might have been a routine hearing on wiretapping turned into one of the most important political courtroom battles in U.S. history here last week. A confessed FBI informer, Anthony Banks, was subpoenaed by the defense to testify about his spying on the U.S. Labor Party for the FBI. First the FBI tried to prevent Banks from appearing at the trial; and then, when he did, he was locked up overnight in the County Jail by the judge and the prosecutor.

When defense attorneys learned of this scandalous action, they immediately moved that a special hearing be convened which would, in effect, put Judge Stanley Bedford and Assistant District Attorney Donald Rinaldi on trial. Under such an unprecedented action, the judge and the prosecutor would then be put on the witness stand subject to cross-examination. The judge's denial of this motion, plus his denial of the Labor Party's right to subpoena FBI agents and his expected denial of the entire wiretapping disclosure motion, will be appealed within the next 12 days to the New Jersey Appellate Court.

The courtroom battle this week pitted the small but intellectually superior forces of the NCLC and the U.S. Labor Party against the most powerful police and security apparatus money can buy. However, the government had obvious problems: not only are its representatives stupid and incompetent, but it is fighting a defensive holding action against the forces of the working class led by the NCLC and the Labor Party. The combination of aggressive, legal offensive strategy, plus calculated psychological warfare against key individuals, put maximum psychological pressure on the government's representatives. Throughout the hearing both the judge and the prosecutor were constantly displaying irrational emotional outbursts and making numerous legal blunders, while the Labor Party remained in psychological control of the courtroom. The significance of these blunders is that there are countless errors on the court record, which will provide an almost certain basis for reversal of the lower court's rulings in Appellate Court.

For example, Judge Bedford, a little man with big doubts about himself, constantly displayed his bias against the defendants, insulted defense attorneys, refused to allow defense lawyers time to prepare legal research, and at one point sealed the courtroom with orders to arrest anyone — including attorneys — who tried to leave while he himself was out of the room.

Meanwhile, a few jokes about homosexuality directed at Assistant District Attorney Rinaldi had so built up the pressure that by the fifth day of the hearing — predictably — he was muttering challenges to USLP members to "come out in the hall with me" and bumping into them like a teenage punk trying to provoke a fight in order to prove his manhood. Unable to concentrate on the proceedings, Rinaldi tried to cover for himself by outbursts at the judge.

Fine specimens, these honorable men who are charged with upholding justice. Even the defense attorneys — five out of six are court-appointed and have had no previous contact with the USLP — were shocked and outraged by the court proceedings, especially the overnight confinement of Banks. One of the lawyers reported that a friend of his commented, "You seem to have hit upon a very sensitive part of the government's operations. And I'll bet you've just seen the tip of the iceberg."

The purpose of the pre-trial hearing is to determine whether or not the court will order the U.S. Attorney General and the Directors of the FBI and CIA to disclose any evidence obtained through electronic surveillance of the defendants or the Labor Party. Over the past four days, the USLP has presented overwhelming evidence that the FBI and CIA were engaged in harassment and electronic surveillance of the USLP, and that information gained from wiretaps was an essential element of the setup of the police riot which occurred in the Newark City Council on September 5, 1973. On that date, the Labor Party was planning to present to the City Council testimony concerning the CIA takeover of the city of Newark, documenting how Prudential Life Insurance Company, the Ford Foundation, CIA zombie Imamu Baraka and Anthony Imperiale all fit into this massive CIA domestic operation.

Instead, the USLP spokesman Dennis Speed was arrested; 80 police in full riot gear then attacked the Labor Party contingent, brutally beating many Labor Party members and at least one innocent bystander. After the police riot, 13 Labor Party members were arrested. Six Labor Party organizers still have charges pending against them of assault and battery on police officers.

During the pretrial wiretap hearings, there then developed a hearing-within-a-hearing to determine whether or not the defense would be allowed to subpoena three FBI agents attached to the Newark FBI office — John DiMarchi, John Robinson, and Steven Rayfield.

DiMarchi, Robinson, and Rayfield were agents mentioned in an affidavit written by Anthony Banks, a 20-year-old youth who attempted to infiltrate the USLP a number of times over the past two years. On April 4, 1975, Banks confessed to being an FBI informer. A tape-recording of a telephone conversation between Banks and Agent DiMarchi was then submitted to the court during this hearing. Judge Bedford refused to admit the tape as evidence, but is keeping it sealed and in his possession at the request of defense attorneys.

## Menticide Victim

When Banks first approached the USLP in the fall of 1973, he was an alert, intelligent youth, President of the student body at Barringer High School in Newark. Through the actions of Anthony Carrino, sometime teacher, sometime Newark City Councilman, and full-time cop, Banks was handed over to the FBI and LEAA to become a brain-washed police informer. After one to two years of "mental health" clinics, a three-month stint at Fort Dix, and much more, Banks today is a stumbling schizophrenic incoherent wreck, a victim of menticide at the hands of the FBI, LEAA, and related criminal agencies.

As walking evidence of the FBI's harassment and surveillance of the Labor Party, Banks and the three FBI agents were subpoenaed by the defense for the hearing. Although Banks was reached by telephone by USLP members on Monday and on Tuesday morning, and promised to come to the court, he sounded extremely frightened and refused to give his address so he could be picked up or formally served with a subpoena.

When Banks failed to show on Monday and Tuesday morning, Rinaldi and Assistant U.S. Attorney Roma W. Theus II accused the Labor Party of kidnapping Banks. But finally, when Banks appeared on Tuesday afternoon, he said that he had been picked up by FBI agent Robinson on

Monday and told not to come to court, even though he had received a letter requesting his appearance. From the witness stand, Banks said that although he was frightened of the FBI, he had spoken to Agent DiMarchi that morning and assured DiMarchi that he would not come to court to testify. In response to a question from defense attorney Jay Carlisle, Banks said that he intended to call DiMarchi again after he left the courthouse.

While on the stand, Banks reaffirmed that he had been an FBI informer since October 1973, and said that he had given to DiMarchi the National Caucus of Labor Committees' New York Regional phone list, containing over 250 names and phone numbers. Banks also said that he had had 21 meetings with the FBI regarding the U.S. Labor Party.

Under cross-examination, Banks said that he had also given to the FBI an affidavit stating that he had been beaten by the USLP and that he had given the earlier affidavit to the Labor Party under duress. However, under further questioning by Carlisle, Banks said that DiMarchi had threatened him with being "put away in jail for five years if you tell a lie."

Banks also said that he was afraid of both the FBI and the Labor Party. Judge Bedford ordered that neither the FBI nor the Labor Party was to have any contact with Banks overnight. When Rinaldi insisted on talking privately to Banks, as defense attorneys had done earlier, Banks said that he did not want to talk to Rinaldi. A shouting match between Bedford and Rinaldi ensued, with Bedford saying that Banks didn't have to talk to Rinaldi if he wasn't willing and Rinaldi shouting, "let me make him willing." Finally the Judge ordered Rinaldi not to speak to Banks until 9:00 on Wednesday morning. Rinaldi defiantly said, "I'll speak to him if I want to."

Bedford then ordered a court attendant to take Banks downstairs to the street, and he was given carfare to go home and come back the next morning. Everyone else was ordered to remain in the courtroom for about five minutes before being allowed to leave; all assumed that Banks was on his way home.

At the end of the court session, everyone agreed that Banks was extremely frightened and terrorized. To some of the attorneys, Banks seemed drugged. To the defendants who had some previous experience with brainwash victims it was clear this accurately characterized Banks.

#### "Protective Custody"

When the defendants and their lawyers arrived at court Wednesday morning, they were shocked and angered to learn that a most incredible thing had occurred: Judge Bedford and D.A. Rinaldi had locked up Banks in the County jail infirmary overnight! Immediately, the defense attorneys moved that both Bedford and Rinaldi disqualify themselves and take the witness stand. Both refused.

Then, from unsworn statements by Bedford and Rinaldi the testimony from the court attendant and Banks, the following story emerged, which may or may not be what actually happened:

As Banks and the attendant went down the elevator, the attendant stopped on the eighth floor "to get my coat." Banks then asked him "who is the guy with the beard?" After he was told that it was the prosecutor, Banks said he wanted to speak to him. (Banks had been on the witness stand the previous afternoon and was questioned by Rinaldi. Certainly he would be expected to know who Rinaldi was.) The attendant then took Banks to Rinaldi's third-floor office, where Rinaldi talked to him for an hour and a half, until approximately 6:00. Rinaldi then claims to have called the judge, who agreed to put Banks in the jail hospital overnight. According to all of the above, Banks "voluntarily" asked to be placed in protective custody overnight.

Banks told the following story: He said that the attendant "was cautious in making conversation with me." He does

not remember going to the third floor. He says he asked to stay there overnight because he was scared. When asked where he stayed Banks said, "I assume I slept in the Essex County Jail." Banks explained: "I have to put myself in bad situations to stay out of bad situations."

Banks said he was first put in a cell. He was visited "by a guy in a suit" who asked him "how do you feel?" This man did not identify himself but was giving instructions to people around him. Then he was taken upstairs to be fingerprinted, "to be sure you're you." He was subjected to a strip search and then given a shower. Banks complains that during this time he was treated "like a prisoner." He didn't tell other prisoners that he was under protective custody, because Rinaldi had told him not to, saying it would be dangerous if other prisoners knew what he was there for.

Later, a doctor came to the window near him and kept pointing at him. Banks says he did not sleep at all because he was scared, but his memory about the rest of the evening is very hazy.

At this point, the reader is advised to reflect on what this means for someone who has already been subjected to one or two years of psychological terror and coercion. Even if nothing more happened to Banks than was described above, the effects of putting a brainwash victim into an environment as aversive as a jail overnight would certainly throw him into a totally terrorized, programmed state. It is even possible, although not very probable, that Banks did ask to see the prosecutor and did ask to be put in protective custody. A brainwash victim, particularly a black youth from the ghetto, is maintained in this state by being kept in a controlled environment, in which he believes, as his tormentors have told him: "we can get you anytime, anywhere. You can't get away from us." One can picture Banks immediately after leaving the court, frantically trying to figure out "What do they want me to do?" The "they" are the figures of official authority, who have broken and so terrorized him that he feels compelled to do whatever they want.

How else does one explain Banks saying on the witness stand, after reporting that he is afraid of the FBI, that he is going to call agent DiMarchi when he leaves?

Both days in court, Banks displayed recognizable characteristics of a victim of brainwashing: high suggestibility, incoherence, paranoia, and often an inability to give a direct answer. The latter took the form of having to "back up" and retell a story in a programmed way, in order to work up to the point in a linear, sequential fashion. This was noticeable, for example, whenever he was asked about the circumstances under which he allegedly contacted the FBI "to complain about the Labor Party." Further light is shed on the reasons for this, since Banks' "recollection" of the events of this period (fall 1973) is at variance with the facts as related by Labor Party members who knew Banks at that time.

This writer was struck by Banks' compulsion constantly to refer to "the truth" the three times I have seen him. Anthony will say, "I'm going to tell you the truth now," or, "You want me to tell the truth, don't you?" The particular significance of this is clear to one who has studied the methods of brainwashing. Psychological terror operates on the principle of destroying one's ego-ideals and one's belief in the rationality and predictability of the environment. In the brainwashing situation or group, "truth" becomes whatever the tormenter says it is. (Readers are referred back to the descriptions of the torture and attempted brainwashing of de Hoyos and Mendez, "It's Patricio in the picture, isn't it? Tell the truth!") One can picture a terrorized Banks being physically and psychologically tormented: "Tell the truth, nigger! Stop lying, nigger!" Thus Banks' compulsion to say the "truth," no matter how contradictory it is from one moment to the next.

It is in the light of the brainwash victim's suggestibility, internal terror, and paranoid schizophrenic mental state

that the actions of Judge Bedford and Prosecutor Rinaldi must be evaluated as doubly criminal and inhuman. To put Banks in jail and treat him like a prisoner was to reinforce all of the terrors to which he has been subjected previously.

#### "A Side Issue"?

During the time in which the circumstances of Banks' overnight confinement were being discussed, Judge Bedford constantly interrupted defense counsel by telling them to stop making a big deal out of this, "it is just a side issue." Rinaldi, meanwhile, was trying to cover his tracks by turning the whole hearing into a circus, which Bedford's attitude encouraged.

Defense attorney Carlisle tried to counteract the circus atmosphere by seriously stating what the issues were. Carlisle said that he had called Banks only for the purposes of verifying Banks' affidavit and the tape of the phone conversation with DiMarchi. "I am very concerned with Mr. Banks' state of mind," said Carlisle; and he explained that he would not ask Banks any more questions. "I am afraid that his responses would be programmed to what the prosecutor wants him to say."

Thursday morning, attorney Robert Schmidt introduced a formal motion for the defense. The motion asked:

- That Judge Bedford and Prosecutor Rinaldi be disqualified;
- That a new judge be appointed to hold a special hearing;
- That the purpose of this hearing be to determine all circumstances surrounding the confinement of Banks, including determining whether or not Banks had been tampered with;

That the unnamed man in the suit and the doctor named in Banks' testimony be subpoenaed, along with all records including those of any drugs or medication given to Banks;

- That a panel of three psychiatrists be appointed to examine Banks to determine the effects of the confinement.

Judge Bedford recessed the court for about 45 minutes while he hurriedly sought consultation. When he returned, he not only denied the motion, but went so far as to state that Banks had received "good and satisfactory treatment;" that he had "no complaints" except about the delay of one-half hour in arriving in court Wednesday morning; that Banks was "a credible, lucid, and intelligent witness" (!); and that there had been no tampering, coercion, or undue influence on him. In stating this, Bedford directly contradicted Banks' own testimony in the trial record, so overly eager was Bedford to justify denying the motion.

On Thursday, testimony was taken from Captain Thomas Corcoran, the commander of the Intelligence Division of the Newark Police Department. It was often difficult to tell at times whether Corcoran, obviously a leftover from the old Addonizio machine, was lying or whether he was really as stupid and incompetent as he pretended to be. His files on the Labor Party, obviously hastily assembled earlier in the morning, contained one memorandum, one incident report from Carrino, and a batch of newspaper clippings and Labor Party leaflets. Clearly, this was not the fish the defense was after. Corcoran did, however, admit almost constant contact between the FBI and his office — contacts which of course were never logged or recorded.

#### Bedford's Leaflet Incident:

##### A Violation of First Amendment Rights

During the lunch hour Thursday, a handful of leaflets was distributed by some Newark USLP members in the courthouse cafeteria, accusing Bedford and Rinaldi of complicity in kidnapping and brainwashing Banks. Bedford, showing obvious signs of strain because of Schmidt's motion that morning, went totally berserk. He ordered a goon squad of court clerks and sheriff's deputies to take one USLP member into custody, while they moved everyone else into the courtroom, all the while menacing defendants



Anthony Banks

Photo/IPS

and spectators alike and displaying a bloodthirsty state of mind. Bedford then ordered Carlisle into his chambers, where Carlisle was accused of being responsible for the leaflet.

Meanwhile, Bedford's Gestapo goons continued menacing those inside the courtroom, and at one point they threatened to arrest defense attorney Schmidt if he tried to leave the room. Finally all the lawyers were called in, and then a new judge, deployed because of Bedford's hysteria, ordered that no literature concerning the case could be passed out within two blocks of the courthouse. (Other lawyers contacted later considered this to be a violation of the USLP's First Amendment rights, so Labor Party members returned to the court building the next day and openly sold the new issue of New Solidarity containing an article on the Newark case. No arrests were made.)

At the end of Thursday's proceeding, Assistant U.S. Attorney Theus presented a motion to quash the subpoenas of the three FBI agents. He also brought in an affidavit from Paul J. Mohr, Special Agent in charge of the Newark FBI office, who stated that there were no wiretaps on the six defendants or on Labor Party offices in Newark during the summer and fall of 1973. He also denied that Banks was an informer during 1973, stating that Banks contacted the FBI on May 9, 1974.

#### A "Precedent-Making Hearing"

When the motion was argued Friday morning, Carlisle noted that this was an "extraordinary, precedent-making hearing," and said that the defense must be allowed to

question the three FBI agents in order to pursue the links between Banks and the FBI. He also warned of "possible infiltration of the defense of this case by the FBI." (Banks had testified that the first time he went to the FBI the issue of the New Solidarity which reported the September 5, 1973 City Council riot was on DiMarchi's desk.)

Attorney Schmidt argued that there is "a strong inference that there is illegal electronic surveillance of the defendants," and that even "national security grounds would not be sufficient for the government to deny disclosure." Schmidt said that the defense will also move for disclosure of wiretaps at the present time on both the defendants and the defense lawyers.


Theus, in response, tried unconvincingly to argue that the defense had presented no evidence, and he described Banks

as "one cooperating individual providing assistance to the FBI." Nonetheless, in spite of the overwhelming amount of evidence of FBI surveillance and harassment submitted by the defense, Bedford denied the defense the right to subpoena the three FBI agents. It is clear that the government is willing to go to any lengths, including obvious lies which are bound to be short-lived, to prevent their agents from taking the stand and submitting to questioning by the USLP.

On Monday, final arguments will be heard and the judge is expected to rule on the overall motion requiring disclosure from the FBI and CIA. It is evident that he will deny the motion, his orders having been clear from the beginning. In

fact, Bedford already set the trial date, forcing defense attorneys to remind him that he was not supposed to know yet if there is going to be a trial. (One almost expects Bedford to also set a date for sentencing.) If Bedford ordered disclosure, the case could be thrown out two ways: (1) if the FBI and CIA refused to disclose evidence obtained from wiretaps, or (2) if the FBI and CIA disclosed evidence from wiretaps which "taints" the government's case.

The Labor Party will continue to keep the desperate FBI on the run through the appeals procedure, which will probably result in a new hearing with a less stupid judge, through the Banks hearing, and through the Labor Party civil suits against the FBI in New Jersey and Detroit.



### Portrait of Rinaldi

About two months ago a New Solidarity article made some rather pointed remarks about Donald Rinaldi. Rinaldi, who has since grown a beard to hide his baby face, is still showing the effects. Rinaldi's playmate, Spivak, a mustachioed macho who hangs around the courtroom, tried to cover his own anxiety:

Spivak: You really think Donald's a 'mod whore'? You really think he was masterbating with the nunchaka sticks, huh?

Spivak, again: I can submit affidavits from 427 women proving I'm not a homosexual.

Question: Did one of the 427 women have a beard?

Spivak: Yes, that's my lover Donald Rinaldi.

Later, a Labor Party member suspects the loud-mouthed Spivak is trying to provoke an incident and plays "hard cop" to him.

USLP: Do you work here? Let me see your identification.

Spivak: No, I don't work here, I'm a friend of Donald's.

USLP: Then why don't you show some identification? Do you get paid to come here and watch this case?

Spivak (nervously): Uh, well...I am employed here by the Prosecutor's office.

Meanwhile, Rinaldi was in a side room with a two-bit court attendant, who was showing off his pistol and boasting, "I wish one of them (the USLP) would make a wrong move. I'd shoot him right in the chest. You have to hit them just in the right place you know, to get them." Rinaldi smiles, his potency temporarily restored, and braces himself to enter the courtroom.

Assistant District Attorney  
Donald Rinaldi