

its article on his activities with a cartoon, asking “Why Does the Democratic Party Tolerate This Payne In The. . . ?”

When a Schiller Institute organizer finally reached him on the phone on June 12, to again request he set up a meeting with Dr. Binaisa, Payne repeated his denial that there was a holocaust, complained that Kabila couldn’t be blamed for it, and claimed to have never heard of Dr. Binaisa—a man who had fought for African independence before the independence movements as such had begun. The organizer tried to dislodge Payne from his stance—reminding Payne that, to his credit, he had picked a fight with George Bush lackey Michael Ledeen during hearings called to smear Nation of Islam Minister Louis Farrakhan—but Payne stuck to his public persona, shouting: “I’ve been out in front, defending what’s right, and you people come into my area and attack me. You put my face in an ass! Did you see that cartoon?!” He continued, “You’re trying to tell people what policy should be on Africa. We’re not going to let an old white man [referring to Lyndon LaRouche] dictate policy to us.”

A few days later, Payne asked an African Schiller Institute member, who was organizing outside a post office in his district: “Why are you letting these white people use you?” The organizer retorted: “Why are you letting George Bush use *you* for his mining interests?”

Stop the ‘new Hitlers’

On June 23, the *New Federalist* published the African Civil Rights Movement’s internationally circulated appeal to President Clinton to “end the cover-up portrayal” of Kabila and to “urge you to use the power of your office to investigate the war criminals, particularly the aggressors who started it all, like Museveni, Kagame, and Buyoya. These are the new Hitlers of Africa, who must be stopped before it is too late. Their backers, the big American and British corporations, such as Barrick Gold and Anglo American, must also be exposed and stopped now.”

Signers from the United States included former U.S. Congressmen John Dow (N.Y.), Walter Fauntroy (Washington, D.C.), James Mann (S.C.), Howard Pollock (Alaska). Other U.S. signers represented a broad array of Americans, including sitting and former state legislators (Alabama’s Thomas Jackson and Massachusetts’ Ben Swan, among others, had joined Representative Mann on Schiller Institute fact-finding tours to Sudan); labor leaders, Catholic, Protestant, and Muslim religious leaders; civil rights veterans, including Amelia Boynton Robinson, Rev. James Bevel, Rev. Wade Watts, Rev. Fred Shuttlesworth; and publishers, community organizers, local Democratic Party committeemen, and radio broadcasters.

International signers included many former elected and appointed officials from Africa’s Great Lakes regions, who have been living in exile, as well as other Africans living overseas. Their names are side by side with Australian rabbis, priests, and ministers, former Mexican state legislators and city mayors, several Venezuelan nuns, and a Zairean priest.

FBI used dirty tricks vs. LaRouche movement

by Mary Jane Freeman

In preparation for a June 3, 1997 hearing in the long-standing civil rights case filed against the FBI by Lyndon LaRouche and members of the National Caucus of Labor Committees (NCLC), attorneys for LaRouche and the NCLC filed a legal brief, supplemented by three volumes of documentation. The occasion of the brief was to show the enduring relevance of discovery requests, made back in 1985 by LaRouche and the NCLC. The requested discovery goes to the heart of the case: the FBI’s continuous illegal operations designed to eliminate LaRouche, and discredit and destroy the NCLC as a political organization. The hearing was held before Federal magistrate Sharon E. Grubin in New York, who said she would review the brief and decide by the end of August, whether this discovery is relevant.

The lawsuit, *LaRouche, et al. v. Webster, et al.*, filed in New York in 1975 and amended in 1982, seeks to enjoin the FBI’s illegal acts directed against LaRouche et al., and enjoin the release of thousands of FBI files on LaRouche and the NCLC which contain false and highly inflammatory disinformation. The discovery requests seek to obtain still-secret FBI files, including at least 25,000 pages of informant files, and to take depositions from former FBI Director William Webster, his former assistant Oliver “Buck” Revell, and other FBI officials, supervisors, and case agents.

If discovery is permitted, the areas of inquiry will include the FBI’s collusion with the Communist Party to “eliminate” LaRouche, Henry Kissinger’s successful efforts to instigate an FBI investigation of LaRouche and his associates, FBI defamation of LaRouche, and many instances of unlawful conduct by informants who were deployed into the NCLC by the FBI.

Numerous examples of FBI dirty tricks are detailed in the brief. Although the earliest documented politically motivated FBI “Cointelpro” (counterintelligence program) action against LaRouche et al. dates from 1968-69, the character of the FBI’s dirty operations is apparent in a document from November 1973, showing the FBI’s use of the leadership of the Communist Party U.S.A. (CPUSA) to bring about what the FBI document describes as the “elimination” of LaRouche. Looking to halt the NCLC’s political campaigns, the FBI determined that “if LaRouche was no longer in control of NCLC [it] would fall apart.” The document further notes that the CPUSA is hoping to eliminate LaRouche,

and thus the FBI proposes to “help facilitate” the CPUSA efforts.

The FBI’s Cointelpro domestic program was exposed as a political witch-hunt against American citizens, rivaling the activities of the Soviet KGB or East German Stasi, during Congressional hearings in the 1970s. In it, FBI agents and/or their informants were used to cause maximum disruption within targeted political groups deemed dangerous by the FBI; civil rights and student groups were prime targets.

The activities of six known informants

In an effort to silence LaRouche and the NCLC, the FBI used hundreds of informants to sow dissension, provoke violence, gather personal data, and plant false news stories against LaRouche and the NCLC. The just-filed legal brief details the activities of six known informants. Those acts include: theft of membership and supporter lists; an attempt to implicate NCLC members in espionage; and, running an informant for public office to discredit NCLC policies. While the FBI has adamantly denied any use of “black bag” jobs or electronic surveillance in its investigation of LaRouche et al., the brief indicates otherwise.

The FBI claims, in the lawsuit, that it ended its “domestic security” investigation against LaRouche et al. in the 1970s. But, after Cointelpro was exposed, the FBI reinvigorated its use of surrogates, or, as “Buck” Revell put it, “non-governmental entities,” to do their dirty work such as surveillance, financial interference, and petty harassment. One such non-governmental surrogate utilized by the FBI has been the Anti-Defamation League of B’nai B’rith.

To show the unabated efforts of the FBI against LaRouche—an important claim in the case—the brief details that in the 1980s, after operations to eliminate LaRouche failed, the FBI, at the instigation of former Secretary of State Henry Kissinger, a crony of then-FBI Director William Webster, launched an investigation based on bogus allegations of “foreign funding” of NCLC activities.

The case has been stalled time and again by FBI stonewalling. In 1984, Judge Mary Johnson-Lowe directed that the case be tried by the fall of 1985. Magistrate Grubin ordered all discovery to be completed by May 1985. But the FBI delayed the release of documents, and refused to grant any depositions, until the plaintiffs sought the court’s intervention. This delay put the LaRouche plaintiffs up against the cut-off date for discovery without having obtained necessary evidence from the FBI. The FBI then moved to have the case dismissed, while the plaintiffs sought to extend the cut-off time, in order to complete discovery. There the case sat, from June 1985 until May 1990.

After the plaintiffs made numerous filings in 1989 to resuscitate the case, Grubin was forced to act. She granted limited discovery on the 1989 matters, and then, in 1995, issued a recommendation to Judge Lowe to grant the FBI’s

motion to dismiss the case. But, in July 1996, Judge Lowe found that Grubin had erroneously denied the 1985 discovery requests, and remanded these matters for consideration. Now, Grubin will have to determine relevance, based on Lowe’s directions.

While the brief and the three volumes of accompanying exhibits are filed under seal with the court, there are some aspects of the filing which are already in the public record. The following are excerpts from the filing which fall into that public-record category. Subheads are in the original.

Constitutional violations at issue

The Second Amended Complaint in this action alleges that the FBI was politically opposed to the [NCLC] and anyone associated with it and, beginning in 1968, undertook a systematic course of conduct designed to discredit and destroy the NCLC as a political organization because of its ideas and views.

The FBI engaged in a disruption program against the NCLC which included incitement of violence by political opponents, encouragement and support of lawsuits against the NCLC by opponents, and multiple forms of harassment. The FBI’s disruption program was designed to generate opposition to the NCLC in the general public and to discredit the NCLC among potential supporters. The FBI sought to intimidate and terrorize individuals who were associated with the NCLC by extensive monitoring of their personal affairs, visits designed to promote fear and hysteria, and by providing false and derogatory information to landlords, employers, and families about NCLC activities. The FBI acted to disrupt the individual and organizational finances of the political movement, in addition to disrupting the NCLC’s efforts to disseminate its message to the general public through a campaign of nuisance arrests conducted by local law enforcement.

The FBI also engaged in an extensive public and intra-governmental media campaign, dispensing false and derogatory information in order to disrupt and defeat the exercise of protected rights, among them the right to associate freely, to petition the government, to campaign for political office, and to publish and disseminate political views free from governmental interference. In this campaign, the FBI wished to accomplish something far different from injury to reputation. They wished to demoralize individuals associating with the NCLC, and incite persons and groups outside the NCLC to take actions against the NCLC, or to dissuade individuals from associating with the NCLC.

The FBI’s use of informants was central to all aspects of this campaign. Informants engaged in provocations and sought to influence the political actions of the NCLC. Informants gathered all kinds of information, including personal,

private, and political information, about the NCLC and individuals associated with it, and forwarded it to the FBI. Informants engaged in violations of the Fourth Amendment in their information-gathering activities. Informants created false allegations against the NCLC for purposes of continuing the FBI's illegal actions against the NCLC. . . . The FBI was using informants, not to obtain any information necessary for the prosecution of crimes or for the protection of national security, but to obtain private information about political meetings, demonstrations, and other lawful events and their participants.

. . . The FBI files were gathered in contravention of plaintiffs' constitutional rights. The FBI files at issue are the fruits of a course of conduct implicating multiple violations of those rights, primarily their First and Fourth Amendment rights, and their rights to associational and individual privacy. . . .

6. Informant Gregory Rose

FBI Director Clarence Kelley acknowledged in a letter to Gregory Rose dated October 1, 1976, that Rose was an FBI informant, paid by the FBI, from May 17, 1975 "continuing until the first part of October 1975." . . .

Rose was listed in a March 12, 1975 New York FBI report as a member of the NCLC's governing body, the National Executive Committee ("NEC") and had been placed on FBI New York's Administrative Detention Index ("ADEX").

Rose provided information to the FBI concerning NCLC members, its finances, and organizational structure, which the FBI used for purposes of harassment of the NCLC and its members, and interference in its financial affairs.

In September 1975, the Communist Party newspaper the *Daily World* published two articles attacking the NCLC, entitled "Phony 'Labor Party' Exposed as CIA Front," and "A School For Spies Against Labor Unions." The articles were based upon information provided to the CP by Rose, at the time he was an FBI informant; Rose himself testified that he was paid by the FBI from May through September 1975. The *Daily World* articles encouraged its readers to label the NCLC as CIA agents and falsely described alleged plans for violent attacks by the NCLC upon the CPUSA. The FBI was necessarily aware of the inflammatory effect the false information provided by FBI informant Rose would have upon readers of the *Daily World*. . . .

Rose worked with the United Auto Workers (UAW) against the NCLC and was planned to be the UAW's star witness in its trademark lawsuit against the NCLC until the discovery of this fact led to the disqualification of UAW attorneys. In a deposition taken in [another case], Rose testified to the fact that he was to be a witness for the UAW, and that he provided NCLC documents to UAW General Counsel Stephen Schlossberg. In a telephone call with an investigator, Schlossberg admitted he had seen FBI debriefing notes on Rose.

Information provided by Rose was used as a pretext by the FBI to conduct a foreign counterintelligence investigation, code named KWARTERBAK, outside the realm of the ongoing NCLC domestic security investigation. The FBI used Rose's false allegations of espionage activity by NCLC members as a pretext to open a wide-ranging, international espionage investigation of certain NCLC members. The FBI had sufficient reason to doubt the veracity of Rose's allegations since one of the first memos in the KWARTERBAK file refers to the "apparent discrepancies and lack of corroboration" of Rose's story. Even though the FBI could not verify the Rose allegations, they circulated and disseminated material they knew or should have known to be false. When the FBI finally admitted that Rose's allegations were unfounded, the FBI took no steps to retract the false material which had been previously disseminated. In the March 30, 1979 issue of *National Review* magazine, there appeared an article authored by Greg Rose which repeated the false espionage allegations against the NCLC. Editors of the magazine talked to the FBI's NCLC case officer, while the article was in preparation, and the article indicated that the FBI had verified Rose's credibility.

The FBI disseminated the KWARTERBAK allegations to other agencies including the Defense Department, foreign governments, and then to the general public through Rose's *National Review* article.

B. Need for informant files and materials

To the extent informants engaged in disruption and similar activities, such activities were "patently unconstitutional and violated . . . First Amendment rights of free speech and assembly. Moreover there was no statutory or regulatory authority for the FBI to disrupt . . . lawful political activities." (citation omitted) Similarly, [here] the evidence indicates that the FBI was "using informants not to obtain any information necessary for the prosecution of crimes or for the protection of national security, but to obtain private information about political meetings, demonstrations and other lawful events and their participants." This is "wholly incompatible with the . . . First Amendment right to freely assemble and freely speak on political matters." Moreover, "there was no statutory or regulatory authorization for the FBI's informant operations under the circumstances described." (citation omitted)

In the NCLC case, the materials available to date, also indicate that informants frequently reported false information such as acquisition of weapons, which became the pretext for further investigation. Like the physical altercations between the CPUSA and the NCLC, the FBI in such instances was a party to creating the very accusations which it then utilized to justify its investigative and disruption activities, and used in its publicity campaign to discredit LaRouche, the NCLC, and its members.