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COINTELPRO- DOMESTIC SUBVERSIVE WARFARE

The Case Of
Clark, *et al.*

Versus

The United States



...This suit challenges the basis of the whole counter-intelligence system. It can help build a movement that exposes and fights against COINTELPRO...

THE COMMITTEE FOR THE SUIT
AGAINST GOVERNMENT MISCONDUCT
BOX 254
PETER STUYVESANT STATION
NEW YORK, NY 10009

COVER-UP: SQUAD 47—N.Y. FBI

On May 16, 1978, a \$100 million law suit was filed against Richard Nixon, the United States of America, former and present officials of the FBI and Justice Department, the FBI itself, as well as the US Postal Service and the N.Y. Telephone Company. We plaintiffs were all targets of illegal activities conducted by these individuals and agencies. We are suing for damages resulting from over ten years of illegal surveillance and deliberately disruptive harassment, and we are demanding full disclosure of the government's activities and an end to all counter-intelligence programs (COINTELPRO). Among the defendants are top FBI officials who have been charged by the Justice Department for criminal activities. The federal indictments of former FBI Director L. Patrick Gray, former number two man, Mark Felt, former chief of counterintelligence, Edward Miller, and ex-head of the infamous Squad 47 of the N.Y. FBI, John Kearney, reveal that we were targets of illegal wiretapping, break-ins, and mail tampering. As indicated in these indictments, the government falsely assumed that surveilling and harassing us would lead them to members of the Weather Underground Organization.

These actions against us were part of a Nixon/FBI plan in the late 60's to relax legal restrictions on surveillance and initiate a program for the purpose of "dismantling" the new left threat." (All quotes are taken from "Book Three" of the final report of the *Senate Select Committee on Intelligence Activities, 1976*.) What was this "new left threat"? All those people who demonstrated against the war in Vietnam, who refused to pay phone taxes because it supported the war; who refused the draft; protested racist policies of their universities and work places; exposed police brutality; participated in the Poor People's Campaign; those who signed petitions, went to teach-ins, walked picket lines, sent telegrams to Congress. We are speaking of millions of people, all of whom were potential targets of this FBI program; all of whom could now be the subject of a file in the computers of the FBI.



A mass anti-war demonstration — N.Y. 1972

At the same time that the government has been forced to indict its own former officials, it continues to be engaged in a massive conspiracy to cover up the full extent of their illegal activities. They have learned the lessons of Watergate, and so this cover-up is more sophisticated and dangerous. Four Justice Department lawyers originally in charge of this case were forced to resign because they were prevented from pursuing indictments against those they knew were responsible. William Gardner, the chief of the Civil Rights Division's criminal section, and head of the task force assigned to this case, testified before Congress, that the Justice Department had sabotaged his efforts to hold top officials in the FBI responsible for their blatantly illegal actions. Moreover, the Justice Department refused to investigate and prosecute officials who had lied about the investigation during Senate hearings on intelligence. The indictment of John Kearney, former head of N.Y. FBI Squad 47, was supposed to be only the first of a series, but the other indictments were squashed and his prosecution undermined. Finally, when Gray, Miller and Felt were indicted, Kearney's case was dropped, allegedly because he had been "just following orders." But the overt acts named in his indictment don't even appear in the Gray in-

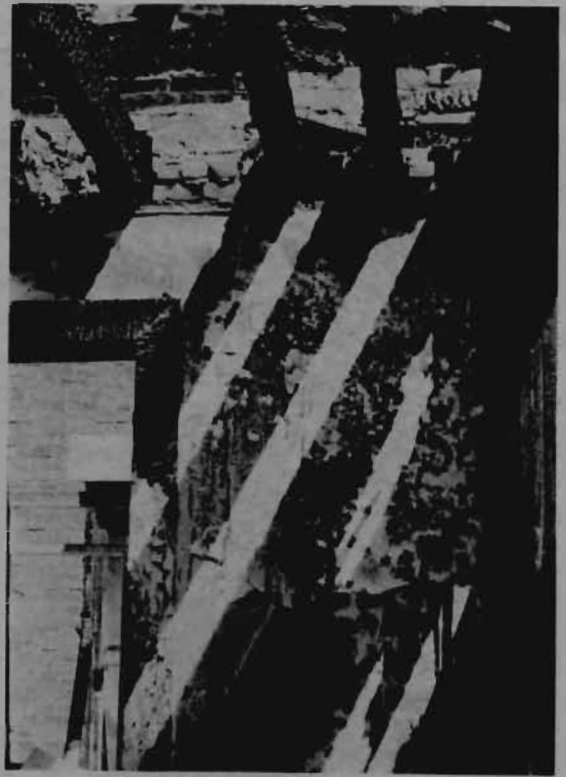
dictment, so that no one from the NY office is being held accountable. Further questions are raised by the reports that the evidence in this case is now being burned. These actions by the government leave us no choice but to pursue this suit as the only means to expose the full extent of their crimes.

MASSIVE & WIDESPREAD ILLEGALITIES

The illegal actions against us are massive and widespread and continue to this day. As stated in our Complaint:

“Such actions have included upon information and belief: (a) Threats of physical violence and assault, including plans to kidnap plaintiff Jennifer Dohrn’s child; (b) The establishment of a training school in Quantico, Va. in 1972, to train defendants and others to burglarize and commit other illegal acts against plaintiffs and others; (c) continual break-ins and burglaries, mail openings, mail stealing, electronic and other forms of surveillance; (d) causing plaintiffs to be criminally charged, interfering with attorney-client relationships, illegal use of Grand Juries; (e) causing plaintiffs and others to lose homes and jobs.”

The FBI’s actions have never been limited to information gathering. Information gathering is a part of an offensive strategy to attack, neutralize and undermine any activity they consider a danger to the stability and power of the U.S. In the late 60’s, during a period of intense militant activity, the FBI, and local “Red Squads” broke into our homes, guns drawn, and threatened people. They beat up people and systematically arrested us on petty charges to drain our energies and resources and disrupt our work. More recently, in March, 1977, two plaintiffs who were working on the trial of Assata Shakur (slave name Joanne Chesimard), an imprisoned Black revolutionary woman, were arrested in New Jersey for postering. Because raffle tickets raising money for Assata’s defense were found on one person, the government attempted to charge her with “running a lottery



Four adults and one child in plaintiff Clark’s apartment were left homeless by a fire set by the FBI on June 23, 1978. This occurred as Judy Clark was speaking about the suit at a forum to expose COINTELPRO.

business.” At the same time, stories appeared in the local papers saying that those arrested and other supporters attending the trial were known “terrorists.”

The continuing nature of the government’s actions against us is most clearly demonstrated by what has happened since we filed this suit. On the very day we filed our suit, plaintiff Dana Biberman’s home was broken into and ransacked (but not burglarized of valuables). A month later, while plaintiff Judy Clark was speaking publicly about the suit at a forum to expose COINTELPRO, a major fire burned down her apartment. She and her housemates were left homeless, as were several other families in the building. FBI agents were seen outside the building during the fire. Judy and her roommates, forced to move out of their home, were further harrassed by a dousing of gray paint on the steps, door bell

and doorhandle of their temporary home. Letters between plaintiffs in different cities have been intercepted, phone calls have been re-routed.

We have been persistently sabotaged in our effort to gain access to our FBI files. When plaintiff Natalee Rosenstein first wrote requesting her files, the letter was returned half burned with a note saying the FBI was "unable to process it in such a condition." Then later, when she sent a check to cover the initial costs of her files, it was returned by the post office which said it had mysteriously fallen out of its envelope. All this is in sharp contrast to the fact that John Kearny, when indicted, received 100,000 pages of our FBI files. Recently, defendants Miller, Gray and Felt moved to dismiss their indictment based on FBI destruction of **OVER 1,500 FILES**. These files are the evidence against them!

The pattern of these attacks points to the threat this suit represents to the FBI and other government intelligence agencies, who need to continue covering up the scope of COINTELPRO. U.S. counter-intelligence needs to maintain the secrecy of its illegal actions. The COINTELPRO program was only discovered through the break-in of FBI offices in Media, Pa. by anti-war activists in 1971. The government then claimed to end COINTELPRO, but officials admit its functions are still being carried out. J. Wallace LaPrade, until recently the head of the NY office of the FBI, defended these continued actions as absolutely necessary for a "free society" and emphasized that they are ordered by the President himself.

COINTELPRO— DOMESTIC SUBVERSIVE WARFARE

COINTELPRO, which stands for Counter-Intelligence Program, is a war term used by the FBI to denote a particular program initiated domestically in 1956. But similar programs have been used by the government since the very beginnings of this country. The numerous slave rebellions were never defeated through outright military actions. Rather, they were contained through the combined use of informers, in-

filtrators, and mass terror against the entire slave population. Another example of early subversive warfare was the practice of giving blankets infested with smallpox to Native American people which led to epidemics that wiped out millions.

After World War I, in a period of world wide anti-colonial struggles, a mass movement of millions of Black people led by Marcus Garvey to demand freedom, emerged in the U.S., the Caribbean and parts of Africa. The government infiltrated the steamship line run by Garvey's organization, U.N.I.A. (United Negro Improvement Association), that ran ships from the U.S. to Africa. It set up a paid informer as the bookkeeper of this legitimate company, who deliberately falsified the records. The work of this informer led to Garvey's 5-year imprisonment and subsequent deportation. Part of the conspiracy against the Garvey movement was to wipe out from history any record of this mass movement, so that most white people today don't even know of its existence or have only heard of Garvey as a "dishonest fanatic." At this same time, J. Edgar Hoover was leading the Palmer Raids against early socialist, anarchist and labor movements. As a reward for his work, he was made director of the newly formed Federal Bureau of Investigation, set up from the beginning as a secret political police force.

COINTELPRO itself began amidst the cold war hysteria of 1956. Set up as a measure against the Communist Party USA, it investigated any progressive activity, particularly the growing civil rights movement. In 1967, COINTELPRO was expanded and specifically directed against the growing Black Liberation struggle, as well as the Puerto Rican, Native American and Chicano/Mexicano struggles. In 1968, the New Left, anti-war and women's movements were added as targets.

BRINGING THE WAR HOME

As explained in the Church Committee report, "Under the COINTELPRO programs, the arsenal of techniques used against foreign espionage agents was transferred to domestic enemies." Using techniques

developed in the U.S.'s pacification efforts in Vietnam, the FBI headquarters issued a directive in August, 1967, to 23 field offices, in response to the massifying of civil rights demands in Black and other Third World communities. The purpose of this program was "to expose, disrupt, misdirect, discredit or otherwise neutralize" Black organizations such as the Southern Christian Leadership Conference (SCLC), the Student Nonviolent Coordinating Committee (SNCC), Revolutionary Action Movement (RAM), Deacons for Defense and Justice, Congress of Racial Equality (CORE), and the Nation of Islam (all defined as "Black Nationalist Hate-Type Organizations"). On March 4, 1968, the program expanded to 41 field offices and enlarged its long range goals to include the following:

- "(1) to prevent the 'coalition of militant black nationalist groups', which might be the first step toward a real 'Mau Mau' in America.
- (2) to prevent the rise of a 'messiah' who could 'unify and electrify the movement', naming specifically Martin Luther King, Stokely Carmichael, and Elijah Muhammed;
- (3) prevent violence on the part of black nationalist groups, by pinpointing potential troublemakers and neutralizing them before they exercise their potential for violence;
- (4) to prevent groups and leaders from gaining respectability by discrediting them to the responsible Negro community, to the white community (both the responsible community and the liberals) and to Negro radicals;
- (5) to prevent the long range growth of these organizations, especially among youth, by developing specific tactics to prevent these groups from recruiting young people."

Memo from FBI Headquarters to all Local Offices

On January 30, 1969, the program against the Black Panther Party was expanded.

"Imaginative and hard hitting counter-intelligence programs aimed at crippling the Black Panther Party", including fostering differences with other organizations, inciting violence, and sowing distrust within the organization through informers and forged letters; planned and executed murders, arrests and shoot-outs that led to the deaths of dozens of leaders, members and supporters, and the jailings of literally thousands of activists over the next ten years.

The real impact of what this directive led to is exemplified by the case of Assata Shakur. Assata had been active in the community programs of the Black Panther Party in N.Y. Part of the government's strategy against revolutionary Black nationalists was to criminalize the movement and isolate the leadership. An intense media campaign was waged, painting freedom fighters as "terrorists" and "criminals" to justify their murders and round-ups. The FBI fed stories to the media describing Assata as the "soul of the Black Liberation Army" and accusing her of every so-called crime that a woman was allegedly involved in. Inter-agency memos between the FBI, Secret Service and others created fact out of fiction, and led to a shoot-to-kill order against Assata. This order was carried out on the N.J Turnpike, May 3, 1973, when State Troopers opened fire on a car, killing Zayd Shakur and wounding Assata and capturing her and her comrade, Sundiata Acoli (Clark Squire). In the five years since her arrest, Assata has been proven innocent, or had the case dismissed, on every charge that had initially made her a fugitive. The FBI finally admitted, *after* Assata had been convicted in New Jersey, that they had at least seven volumes of files on her which they had refused to release during the trial. Assata has never been convicted of a violent act, yet both she and Sundiata are serving life plus thirty year sentences. Now that she has begun to fight to expose the COINTELPRO plot against her, she has been transferred to the maxi-maxi prison at Alderson, W.Va. to isolate her and hamper her further.

"DESTROY THIS INSIDIOUS MOVEMENT"

Memo from FBI Headquarters to all Local Offices, 10/9/68

Triggered partly by the Columbia campus demonstrations against the university's racist policies and involvement in the war in Vietnam, the New Left COINTELPRO began. "Some of these activists urge revolution in America and call for the defeat of the U.S. in Vietnam," stated an FBI memorandum on 5/9/68.

"As the current school year commences, it can be expected that the New Left with its anti-war and anti-draft entourage will make every effort to confront college authorities, stifle military recruiting, and frustrate the Selective Service System. Each office will be expected therefore, to afford this program continuous effective attention in order that no opportunity will be missed to destroy this insidious movement."

The techniques to be utilized included:

- "(1) preparing leaflets designed to discredit student demonstrators;
- (2) instigating personal conflicts or animosities between new left leaders;
- (3) creating the impression that leaders are informants for the Bureau or other law enforcement agencies;
- (4) sending articles from student newspapers or the underground press which show depravity of the New Left to university officials, donors, legislators, and parents. Articles showing advocacy of the use of narcotics and free sex are ideal;
- (5) having members arrested on marijuana charges;
- (8) using cooperative press contacts to emphasize that the disruptive elements constitute a minority of the students;
- (12) using misinformation to confuse and disrupt New Left activities..."

And when these measures were not effective enough, the government was willing to murder students at Kent State University and Jackson State demonstrations in 1970.

COINTELPRO against the New Left was not separate from the attacks against the Black Movement. A memo from J. Edgar Hoover called attention to the fact that Students for a Democratic Society (SDS) was calling youth the "vanguard" and disregarding the leadership of the Black Movement. He urged that agents use this to come up with phony cartoons, letters, etc. that could break the alliance between SDS and the Panthers. Just as the repression, jailing, and killing of Panthers was intensifying in 1969, the FBI intensified its tactics to disrupt support for the Panthers from the white left. The FBI fed false information to the Black Panther Party that SDS was lying about the extent of its resources, which had credence because of white people's historic failure to make their resources available to Third World movements. Simultaneously, the FBI made phone calls to the SDS office claiming to be Panthers and threatening SDS members with physical violence, again feeding white people's racism.

We, the plaintiffs, were part of the anti-war, student and new left movements and were targets of these FBI tactics. Within the broader mass movements, we struggled to build anti-imperialist consciousness and practice. We fought to draw the connections between the Vietnamese liberation struggle and the movements of Black and other Third World people in this country. After the high tide of mass activity was over, we continued to do political work: in support of political prisoners, in the movement in solidarity with Puerto Rican independence, in the anti-imperialist women's movement; in community struggles for health care, day care and tenant rights.

A period of intense FBI activity against us was from 1971-74. The defeat of U.S. imperialism in Vietnam, Laos and Kampuchea (Cambodia) and successful wars of liberation in Guinea-Bissau, Mozambique and Angola heightened the contradictions within the U.S. While much of the activity of white people waned, national liberation struggles

engaged in heightened levels of struggle, exemplified by the American Indian Movement's reclaiming of Wounded Knee, the emergence of the F.A.L.N. (Fuerzas Armadas de Liberacion Nacional) as an armed, clandestine wing of the Puerto Rican independence movement inside the U.S.; and the particular heightening of resistance and armed self-defense by Black people, represented by the Black Liberation Army. The combination of this level of struggle and the intense repression and counter-insurgency aimed against it, from police murders of young people to round-ups and murders of revolutionaries, moved us to action. We began doing work in defense of political prisoners, such as Assata Shakur and Sundiata Acoli. We were active in the prison movement and in community programs led by Third World people.

The State's attacks on us in this period were designed to sabotage any solidarity by white people with the heightened struggles of Third World people, particularly the Black movement. Our homes were surreptitiously entered almost weekly. Some of us were subpoenaed to a grand jury which was attempting to set up three BLA prisoners on false escape charges. For weeks some of us were openly followed day after day by five to ten agents with walkie talkies who would leer and harass us. The FBI harassed our families and friends, went to our jobs, our landlords, approached our mailmen. Anyone who came near us was then followed or questioned by the FBI. We lost our homes and our jobs.

* * *

WATERGATE AND BEYOND

Despite the exposures of Watergate, the government has fought tooth and nail to contain any further exposure and maintain the smooth functioning of its intelligence apparatus. This means that Black and other Third World people—Geronimo Pratt, a leader of the Black Panther Party in California, Assata Shakur, 11 government workers of the Republic of New Afrika—are still in jail as a result of COINTELPRO; and that the U.S. intelligence apparatus has been able to re-

consolidate, reorganize and intensify its activities. At this moment, a major campaign is being organized in defense of the indicted officials and the intelligence agencies themselves, aimed at legitimizing the government's past practices and building support for expanding those illegal activities now and in the future.

We are pressing this suit to help expose the government's "war against terrorism" as a modern day McCarthyism aimed at crushing liberation movements both here and abroad. We have seen U.S. government complicity in the assassination of Chilean President Allende, attempts on the life of Fidel Castro, the murders of Malcolm X and Martin Luther King. It is time that this be brought to a halt.

It is necessary for all of us to be involved in the fight against COINTELPRO. This is both a challenge and an opportunity. Just as we were a minority when we first spoke out against the U.S. involvement in Vietnam in the early 1960's, so too must we speak out now against the state's program to crush all forms of dissent. The movement to fight COINTELPRO is led by those Black and Third World people who have been the central targets of counter-intelligence activities. An example of this leadership is the eight year struggle waged by the survivors and the families of those killed in the FBI/local Chicago police attack on Dec. 4, 1969, in which Black Panther Party leaders Fred Hampton and Mark Clark were killed. They instituted a suit, forced the government on trial for its crimes. After all this, the judge mandated an acquittal, not even allowing the jury to decide. Yet this defeat in the courts was a victory in the struggle to expose COINTELPRO because it exposed the blatant government conspiracy to cover up its crimes.

WE WANT TO KNOW

Only the government has all the information about the crimes they have committed and we must fight to get it from them. We want to know the full extent of the "investigation" and counter-intelligence activities directed against us. We want to

know the facts behind the conspiracies to jail and assassinate Black leaders. We want our files and the answers to important questions:

—What information does Wallace LaPrade and any other current employees of the FBI have about continuing COINTELPRO activities?

—What did Associate FBI Director in Charge of Intelligence William Sullivan know? What was he about to reveal to the Senate before he was mysteriously killed in a hunting accident?

—Who was and is involved in the conspiracy to “disrupt, discredit and neutralize” us?

—Who authorized and attended the Weatherman inservice training course where agents were taught how to conduct surreptitious entries? What other training courses have been going on?

—What files are being destroyed by the Justice Department and others?



Fred Hampton, Deputy Chairman, Illinois Chapter of the Black Panther Party.

Born: August 30, 1948.

Murdered by COINTELPRO: December 4, 1969.

Because our suit arises out of the fact that the government has been forced to indict its own people, it exposes an essential contradiction. In the face of the government's attempts to project its legality and democratic nature, what is exposed is that its very survival is based on illegality and secrecy. This suit challenges the basis of the whole counter-intelligence system. In so doing it can help build a movement to expose COINTELPRO and imperialism's war apparatus of which it is a vital part.



WHAT YOU CAN DO

•You can help organize to combat COINTELPRO

•We need your support to bring our suit before the public and your financial help to put the most effective case in the courts. Any money received as a result of this suit will be used to further the fight against COINTELPRO.

•There are a number of other COINTELPRO suits which are key to exposing the depths of the illegal activities and to bring some relief to its major targets. We urge you to support the suits which can free Geronimo Pratt, Assata Shakur and the RNA-11 and to support the appeal of the Fred Hampton/Mark Clark suit.

•The National Task Force for COINTELPRO Litigation and Research is coordinating these efforts and has more information as well as people available to speak about these and other cases. Their address is: National Task Force for COINTELPRO Litigation and Research, Box 65, Bronx, NY 10473,

•Educate yourself about COINTELPRO. You and your friends should ask for your files under the Freedom of Information Act. We can assist people interested in this process.
