

Court Rules that Rockefeller Kept "Political Dossiers" on One Million New Yorkers

NEW YORK, Dec. 11 (IPS) — A Federal District Judge made formal findings today which directly contradict the sworn testimony of Vice-President Nelson Rockefeller during his confirmation hearings. The court findings confirm the existence of surveillance files on 1 million New York citizens and organizations, including dissidents and "most members" of the State Legislature.

These findings provide the basis for the U.S. Congress to impeach Nelson Rockefeller for having committed perjury during his confirmation testimony.

The evidence and findings were made during a hearing in Southern District Court in New York by United States District Judge Charles L. Brieant. The hearing was held on the motion of U.S. Labor Party and its presidential candidate Lyndon LaRouche for a preliminary injunction against Rockefeller, Governor Carey, and other state officials to protect the files from destruction.

The Evidence

During the testimony of William Haddad, head of the office of Legislative Oversight and Analysis, it was established that:

- * there exist one million 5x7 index cards on individuals and organizations;
- * these cards reference back-up material stored in manila envelopes containing the results of surveillance, investigations, etc.;
- * these are "non-criminal" files distinct from files compiled during criminal investigations;
- * some of this material was obtained through wiretaps;
- * the State Police "had files on most members of the Legislature;
- * the files contain "political profiles" of individuals;
- * that 160,000 names of individuals who signed nominating petitions of political parties had been in the police files (Haddad later identified these names as from petitions of socialist political groups);
- * that, in violation of State law, no records had been maintained showing who has used or taken material from the files.

According to Haddad, these files were almost entirely during the time when Rockefeller was governor of New York, from 1958 to 1973.

During questioning in his confirmation hearings, Rockefeller denied that he had used the State Police for personal reasons or for investigations other than those pertaining to background checks on potential state employees. Rockefeller, did however state that the State Police were under his personal direction and supervision. Thus a comparison of today's court findings with

Rockefeller's own testimony provides sufficient basis for the impeachment of the Vice-President.

"Snoopers' files"

On Dec. 1, Judge Brieant had issued a temporary restraining order against Rockefeller, Carey, and the other defendants preventing them from tampering with or destroying the police files, which are being sought as evidence by the U.S. Labor Party in a damages suit charging illegal harassment and interference in the U.S. Labor Party electoral campaigns by Rockefeller, Carey, and New York City Police commissioner Michael Codd.

During his testimony, Haddad stated that the State Assembly Committee on Government Operations, headed by Assemblyman Frank Lisa of Manhattan, would ask the Legislature on Dec. 16 for subpoena power. Within ten days, Haddad expects that the Legislature will subpoena the files and launch a full investigation of the surveillance program.

During the hearing, Judge Brieant expressed his own outrage at the existence of the files, which he characterized as "gossip" and "snoopers' files." Haddad testified that in the limited number of files he had seen that there was no information on individuals' sex lives but that the information was on political associations and activities.

Legislature Must Act

At the conclusion of the hearing — Judge Brieant made a formal "finding of fact" that "there do exist non-criminal files on 1 million individuals and organizations," and that "it is more likely than unlikely that such files exists on the plaintiffs" — the U.S. Labor Party and various members and officials. Brieant then ruled that these files are both "fair ground" and "essential" for the litigation of the lawsuit filed by the Labor Party, and that "if any records are destroyed this would give a basis for an inference of adverse intent" and "corrupt motivation," providing grounds for damages.

Brieant extended the TRO for ten more days, on the understanding that by that time the Legislature would have the files under their protection. Brieant denied the Labor Party's motion for a preliminary injunction, on the basis of finding that the files are not in danger of imminent destruction. This was in spite of the fact that Haddad's testimony had shown that there is at present no binding agreement not to destroy files and that there is no single individual responsibility for the files with either the State Police or the Office of General Services.

It is now essential that the State Legislature move quickly to safeguard the files and to conduct a thorough and full investigation of this massive gestapo-type operation conducted under Nelson Rockefeller. It is equally imperative that the U.S. Congress initiate proceedings for the impeachment of Nelson Rockefeller with the evidence now in hand of his perjury concerning his illegal use of the State Police during his tenure as governor of New York State.