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FBI In Contempt Of Court For Slander Of LaRouche

Oct. 8 (NSIPS) |— In Federal District Court for the Southern District of New York on Oct. 5, FBI Director Clarence Kelley was ordered to show cause why he should not be held in contempt of court for libelous statements made against the LaRouche-Evans Presidential campaign, broadcast by ABC on national television Oct. 2.

The show cause order means that the Justice Department must prove at a court hearing that Kelley has not violated a judicial consent order — that is, openly defied a judge and broken the law.

Meanwhile, a new round of Cointelpro operations against the U.S. Labor Party and the National Caucus of Labor Committees over the past two days has been aimed at the current Midwest tour of NCLC National Executive Committee member Carol White. These actions included two automobile sabotage operations on the radiator of the automobile used to drive Mrs. White to the Detroit Airport on Oct. 4, which could have caused serious injury to her.

The USLP will demand that Kelley be jailed for contempt of court at a hearing on the show cause order Oct. 12.

Judge Duffy signed the show cause order after Assistant U.S. Attorney Nathaniel Gerber, representing Kelley and his boss Attorney General Levi in the Labor Party's civil rights case against the two, admitted he had agreed before another judge Sept. 28 that Kelley and Levi would stop illegal Justice Department Cointelpro operations against the U.S. Labor Party and obey the so-called "Levi guidelines" for FBI investigations. Only four days later, Labor Party attorney David Heller told the judge, ABC reported in its show "Battle for the White House" that "FBI Director Clarence Kelley says LaRouche's party is oriented to violence and brainwashing" |— as a picture of LaRouche was flashed on the screen. LaRouche was the **only one** of a dozen Presidential candidates mentioned on the program to receive such "special commentary" from Kelley.

Heller pointed out to Judge Duffy that this was exactly the type of Cointelpro "smear tactic" which the USLP went to court originally in **LaRouche v. Kelley and Levi** to stop. In reply Justice Department flunkey Gerber could only mutter that the "Levi guidelines say nothing about speech" |— effectively arguing that Rockefeller's Attorney General can authorize slander and lying at will under the protection of his own "reform" of the FBI.

In a further advertisement of the Justice Department's weakness, Gerber argues in court papers submitted after the consent order went into effect last week that the court should throw out the USLP suit against Levi and Kelley altogether because it is "frivolous." Gerber's evidence for this is that two other USLP legal actions, **LaRouche v. CIA** and the Reading gun and drug running case, were previously ruled out of court. Other USLP cases have set a yard-long list of legal precedents |— including the **Salera v. Tucker** case decided before the U.S. Supreme Court in the USLP's favor.

Gerber's incompetent performance was merely an extension of his arguments at the Sept. 28 hearing, which resulted in the judicial consent decree against his clients. The defense counsel for Levi essentially admitted illegal Justice Department interference against the U.S. Labor Party's electoral campaigns |— and then proceeded to claim that this documented eight-year, multi-million dollar harassment operation should not be legally considered "harassment." In court to argue against a USLP motion for a summary judgement of the facts and a preliminary injunction to stop Levi's interference in the USLP's LaRouche Presidential Campaign, counsel Nathaniel Gerber asserted that "even if what the plaintiffs say in their affidavits (containing evidence of attempted assassination, political firings, illegal arrests and Cointelpro-type "dirty tricks" |—ed.) is true, the government's position is that this does not constitute harassment," merely "subjective chill."

Asked by Judge Richard Owen to "please define subjective chill," Gerber entered in the court record his response that FBI pressure on landlords and employers to take punitive action against members of the National Caucus of Labor Committees and the U.S. Labor Party could be considered "objective chill." "Subjective chill," on the other hand, is the use of intimidation to place the victim in such a mental state that he does not take advantage of his First Amendment rights.

Judge Owen found that the USLP had presented enough evidence of "objective chill" to warrant him to ask Gerber to consent, on behalf of the government, to "not use Cointelpro tactics."

The FBI's flagrant contempt of that order is their answer to the months-long **LaRouche v. Levi** suit, a civil rights case which the USLP has filed in order to determine the full of scope of |— and then neutralize |— Justice Department illegal covert operations against the party. Although Judge Owen deferred for the moment a decision on the USLP's motion for an injunction, his request for an end to "Cointelpro tacticts" sets the legal basis for throwing Levi and his co-conspirator FBI Director Clarence Kelley in jail.

David Heller, counsel for the USLP-NCLC, has told the court, "I want to make one thing clear and enter into the court record that the Levi guidelines singling out the Labor Committees for a full and ongoing investigation is by no stretch of American Constitutional law a legal investigation, but the illegal use of federal law to destroy a duly constituted political party, as well as the U.S. Constitution. The infiltration of the Labor Party by FBI provocateurs Vernon Higgins and Anthony Banks themselves go beyond the Lebi guidelines of legitimate investigation. The files on the USLP-NCLC, released under Freedom of Information Act provisions, are wholly manufactured and sel-congratulatory. And if you take the statements of various Attorneys General and FBI Directors, the FBI's Cointelpro tactics have been terminated in 1969, 70, 71, 72, 73, 74, and 75.