

The Case Against Mr. Kissinger

The U.S. Labor Party's complaint charges treason and subversion

A formal complaint against Henry Kissinger is being delivered to U.S. Attorney General Griffin Bell this week, citing the legal precedents and public-record evidence for an investigation into the former Secretary of State's past and present activities against the U.S. national interest. The complaint was made by the U.S. Labor Party's Chief of Staff, Konstantinos Kalimtgis, who authored the Campaigner Publications pamphlet Expel Britain's Kissinger for Treason.

A close study of the pattern of Henry Kissinger's activities from the time he left office as Secretary of State on Jan. 20, 1977 to the present can lead to no other conclusion than that Mr. Kissinger has been acting, in concert with certain other individuals, to undermine the constitutional authority of the executive branch of the United States government, minimally in the instances cited below, by attempting to conduct foreign policy, determine military strategy and carry out certain economic policies as a private individual.

In addition, the effect of Mr. Kissinger's activities has been to draw the United States closer to potential war confrontations, and to infringe on the lawful sovereignty of a number of foreign nations.

We stress that it is the *pattern* of activities reflected in the documentation below which provides probable cause for the charges of treasonous undermining of U.S. sovereignty and of the executive branch of government, as well as for the charges of violations of the sovereignty of foreign nations. We do not charge merely the existence of a "naked conspiracy" — merely policy differences reflected in the sphere of intellectual debate. Rather, even the public source material cited in this complaint indicates a series of overt acts in furtherance of an intent, in concert with others, to undermine U.S. sovereignty. The conspiracy itself is defined around a set of policies which are antithetical to the very existence of this nation as a constitutional republic — policies which would, at best, return the United States to its former status as a colony of Great Britain. Militarily, British and allied policy interests seek to use the United States as a battering ram against the Soviet Union in furtherance of a global neocolonial policy of zero growth, labor-intensive economies, and monetarist looting opportunities unimpeded by any "old-fashioned" notion of national sovereignties. The pattern of Kissinger's activities defines him as a principal, engaged in clearly illegal overt acts, in furtherance of the policies of that unlawful conspiracy.

Therefore, we urgently request that the Attorney General of the United States and the Department of Justice begin a full investigation into that pattern of activities and the probability that Henry Kissinger is in violation of the following laws of the United States:

18 USC 2381 and 2382 (treason); 18 USC 371 and 960 (conspiracy against a foreign power); 18 USC 951 and 22 USC 611 et seq. (foreign agents registration act); 18 USC 793 (a) and (d) and 18 USC 794 (a) and (b) (espionage); and 18 USC 1621 and 118 USC 1510 (obstruction of justice and perjury).

There should be no technical difficulties in pursuing such an investigation. Both probable cause and a clear and present danger to the sovereignty of the U.S. are established in publicly available documentation.

I. THE COURTS HAVE RULED ON SIMILAR CHARGES

These are serious charges, made against an individual who enjoys a certain public reputation and respectability, due in part to his former position as Secretary of State. However, they are not unprecedented in the history of the United States. In fact, at certain crucial periods in our history — immediately following the ratification of the Constitution, or just prior to the Civil War, for example — certain individuals with standing and public position have taken it upon themselves to act, for private interests, outside the political process in a manner which threatened the sovereignty of the nation and the authority of the executive (for example, Aaron Burr or Citizen Genet).

The debates of the Federal Convention and the *Federalist Papers* themselves, as well as later Supreme Court decisions, indicate that it was the intention of the framers of the Constitution to base the sovereignty of the United States on a policy of creating a republican government to make possible the most rapid economic growth and development of the nation as a whole.* To that end, policies in the area of foreign affairs are to be formulated and executed by the executive with, where appropriate, the advice and consent of the U.S. Senate. This conforms with the most elemental requirement of international law: that a republic speak as a whole on the questions of foreign policy.

The problems that immediately arose after the 1783 Treaty of Paris in putting this principle into practice to define our relationships to Great Britain were the basis, in part, for the writing of the Constitution. Shay's Rebellion and British-inspired Indian provocations made it clear that no room could be allowed in which political factions could be permitted to *carry out* foreign policy apart from government. French attempts to create just such a faction after the 1789 Revolution resulted in the

*Alexander Hamilton, *Federalist* No. 15, citing the "insufficiency of the present Confederation to the preservation of the Union," describes the circumstances which led to the drafting of the Constitution: "...what indication is there of national disorder, poverty, and insignificance that could befall a community so peculiarly blessed with natural advantages as we are, which does not form a part of the dark catalogue of our public misfortunes."

Fries treason case, and in legislation dealing with *the usurpation of executive authority* in the field of foreign affairs, which was first passed in 1799. Congress felt that "the offence proposed to be punished by this law is separated by only a shade from treason. . . ." and made it clear that the occasion for its action was the efforts of France to enlist a political faction within this country with whom it could negotiate on terms more satisfactory to the interests of French policy.

Similar conspiracies continued to arise, threatening the peace and security of the United States. The principles of law to deal with such conspiracies are well expressed by U.S. District Court Justice Shipman in 1851 in his charge to a grand jury concerning violation of neutrality laws (*5 Blatchford 556*) (an attempted invasion of Canada): "A government is justly held responsible for the acts of its citizens. And if this government be unable or unwilling to restrain our citizens from acts of hostility against a friendly power, such power may hold this nation answerable and declare war against it . . . History affords no example of a nation or people that uniformly took part in the internal commotions of other governments, which did not bring down ruin on themselves . . . It is indeed lamentable to reflect that such men, under such circumstances, may hazard the peace of the country. If they were to come out in array against their own government, the consequences to it would be far less serious."

Judge Shipman's 1851 charge has been followed most recently by Judge Irving Ben Cooper, in the Second Circuit Court of Appeals, in *United States v Elliot* 266 F. Supp. 318 (1967). Upholding a conviction on a charge of conspiracy to injure the property of a foreign government, Judge Cooper noted: "The Court cannot help being aware of the delicacy of American foreign relations particularly in such areas as Africa. The offense charged, if consummated, clearly would have disrupted the economy of a nation. It is inconceivable that such an act, conceived in America and perpetrated by Americans, would not have seriously affected American relations with Zambia. The prevention of the deed (blowing up a bridge) and the prosecution of the culprits (if only to show the complete lack of any official complicity) makes such proceedings imperative and is well within the legitimate interests of the United States government."

In January 1861, when it was clear to many that a Southern-British secessionist conspiracy threatened the authority of the U.S. government and the integrity of the Union, F.C. Treadwell, a private citizen in New York, petitioned Supreme Court Chief Justice Roger Taney to issue treason indictments against the Southern leaders in the conspiracy. It is in that tradition that we ask the Attorney General and Justice Department to undertake an investigation of Henry Kissinger, and the British-connected conspiracy of which he is a part.

II. THE PATTERN OF ACTIVITIES MERITING INVESTIGATION

The pattern of Henry Kissinger's activities since his well-publicized return to "public life" in June 1977, following the Carter Administration's beginning rapprochement with the Soviet Union, more than

justifies a case for investigation under currently prevailing standards and under the statutes we have cited. In addition, certain of Kissinger's activities during his tenure as Secretary of State should be included, for they reach beyond the discretionary powers of the State Department and National Security Council to preserve the national security of the U.S., and enter into an area of blatant violations of international law.

There are three areas which particularly merit investigation: First, Henry Kissinger's interference with certain foreign policy objectives of this country. Second, his involvement in destabilizations and terrorism, as literally military operations against a foreign sovereignty. Third, his direct interference with the republican political process in this country, through obstruction of justice, perjury, etcetera.

1. *Henry Kissinger's efforts to force a U.S.-USSR confrontation in Africa, and to force American military intervention in Zaire.* Mr. Kissinger used his considerable prestige to give credibility to his insistence on U.S. military intervention into the Zaire crisis against an alleged Cuban-supported invasion on two national television broadcasts the week of May 14, 1978. Kissinger stated further, "We must hold the Soviet Union responsible . . . in light of what now appears to be occurring in Zaire, I think we ought to review the whole negotiations, all our negotiations with the Soviets." Where did Mr. Kissinger get his information that Cuban-inspired troops were involved in the Katangan invasion of Zaire? There was no such information. In fact, CIA studies of the invasion indicated there was no Cuban involvement. Mr. Kissinger's effort to rush the U.S. into battle are better explained by his April 1, 1978 speech in Richmond, Virginia. There, noting that France could have stopped the Nazis by deploying one army division into the Rhineland in 1939, he stated that a parallel situation exists vis-a-vis the Soviets in Africa today: "In 1975 we could have stopped the Cubans and Russians in Angola without military force . . . To prevent disasters, you must live with uncertainty . . . We must act before all the facts are in."

2. *Henry Kissinger's central role in sabotaging the potential for Middle East peace.* Immediately following the Oct. 1, 1977 joint U.S.-USSR statement endorsing a Geneva conference on the Middle East, Mr. Kissinger began an unprecedented campaign to abort that conference, including meeting with most of the participants in the Middle East negotiations. It is notorious that Kissinger consulted both with Egyptian President Sadat and Israeli Prime Minister Begin, among other foreign dignitaries, when they made official visits to the United States, *before* they met with U.S. government officials. Further, it was reported in the *New York Post* of earlier this year that Mr. Kissinger became a *consultant* to the Israeli government in handling that government's relationship to the U.S. Mr. Kissinger was also serving as foreign policy advisor to the America Israel Public Affairs Committee, the World Jewish Council, and other groups which are themselves quite intimately involved in influencing Israeli policies.

Speaking at the World Jewish Congress, in a closed session, on Nov. 3, 1977, Mr. Kissinger urged the Jewish

community "to understand the real concerns of both sides (i.e., the U.S. and Israel); the U.S. is a superpower — but for Jews and Israelis, the margins of safety are very narrow. The U.S. can afford certain experiments because, if we are wrong, our worst penalty is to re-double our efforts. For Israel, certain experiments cannot be tried because Israeli leaders get only one guess — if they are wrong, it may involve the survival of their people . . . And therefore, it must maintain its faith in itself and its confidence that it is a master of its own destiny, and not just the protectorate of some other country, however well-intentioned that country may be." The Israelis, availing themselves of Kissinger's advice, appear to have been well aware that their refusal to negotiate seriously either in Geneva or in bilateral talks with Egypt would not jeopardize U.S. support. Mr. Kissinger then put the evidence of his intervention into the public domain with a national television interview in which he insisted that nothing could be resolved in the Middle East without a return to his own "step-by-step" style of negotiations.

3. Henry Kissinger's efforts to foment U.S.-USSR tensions. Mr. Kissinger's own intervention in U.S. Middle East policy, as well as his efforts to force a confrontation in Zaire, are hardly surprising in view of his Oct. 20, 1977 keynote speech at the annual meeting of the Trilateral Commission, in which he laid bare the foreign policy he is pursuing, calling for regional confrontations and a return to the Cold War and to "test the will" of the Soviets, as the basis for the West's survival and regeneration: "NATO's weaknesses which are usually swept under the rug urgently need to be faced and corrected if we are to redress the potentially very dangerous state of the regional balance in Western Europe . . . the Soviet Union presents the paradox of a strong military power which is somewhat amorphous politically, its current inability to meet its economic, nationalities, and alliance problems probably explains why it has backed off crises with such rapidity in ways which did not correspond to the correlation of forces." This policy Kissinger elaborated at the April 21-23, 1978, Bilderberg meeting at Princeton, New Jersey, where he advocated NATO confrontations with the USSR in the "peripheral zones," particularly the Horn of Africa and southern Africa, so that the Soviets might be forced to "pay the price" for their involvement in Africa. Both the Zaire affair and the Middle East crisis provided the potential for just such a "test of will" between the U.S. and Soviet Union — provided that joint peaceful solutions to either situation were ruled out. In each instance, the U.S. government's commitment to exactly such peaceful solutions was undermined, with Mr. Kissinger playing a major role.

The same effort by Mr. Kissinger to force a confrontation is responsible for the "linkage" doctrine which has undermined both U.S. efforts to negotiate a peaceful solution in southern Africa and the Strategic Arms Limitation Talks.

4. Henry Kissinger, throughout his public and subsequent private career, has been deeply involved with the deployment of terrorist units. Vito Miceli, member of the Italian fascist, terrorist grouping MSI, met with "Kissinger's people" when he toured the U.S.

this April, according to reports in the Italian journal *Panorama*. Miceli is currently a target of the Italian government's investigation of terrorism. Mr. Kissinger's Jan. 13, 1978 NBC television special "On the Record" is a useful indication of what Kissinger intends to gain from the terrorist deployments with which he is complicit. In that broadcast, he linked the Italian Communist Party to terrorism and urged that the Soviet Union was in fact behind Italy's Red Brigades terrorists. In fact, evidence available from the "Dossier San Marco," published in *Il Settimanale* in 1974 and in English translation in the *Executive Intelligence Review* in April 1978, indicates that Mr. Kissinger, complicit with sections of Israeli intelligence, was not only aware of the origins and deployment of the Red Brigades, but that as early as 1972 he directly interfered with efforts to stop their terrorist activities.

Italy is not the only target of Kissinger-directed destabilizations. Published accounts of Mr. Kissinger's planned destabilization of the Jamaican government immediately prior to the 1977 elections, and then the planned assassination of Jamaican Prime Minister Michael Manley have appeared in *Penthouse* magazine of November 1977. The house arrest of former Guyanan Foreign Minister Fred Wills also bears the stamp of Kissinger intervention. As a result of Wills's leading role in organizing for a new world economic order, he, like Pakistani premier Bhutto, was personally threatened by Mr. Kissinger.

Mr. Kissinger's role in creating terrorist capabilities in North America has also been documented. In 1972, while Secretary of State, Kissinger personally directed the establishment of a unit of Black September in Canada. This information was made available in June 1975 to the Senate Select Committee on Intelligence and to CBS News.

5. None of the above actions could have been carried out, in actual service of the conspiracy which we are charging, without certain violations of law outside the category of treason and associated crimes.

Obstruction of justice and perjury — the Watergate affair: Although much of the attention during the Watergate investigations was directed at a "paranoid" White House staff that tapped phones, arranged a break-in into Daniel Ellsberg's psychiatrist's office, and created the "plumbers' unit," Henry Kissinger's central involvement in insisting on the taps, feeding President Nixon doctored intelligence reports to motivate the Ellsberg break-in on national security grounds, and founding and deploying the plumbers unit has been covered up entirely, with the willing assistance of House Judiciary Committee counsel John Doar.

In fact, in sworn testimony before the Senate Judiciary Committee Kissinger denied under oath his direct knowledge of "plumbers' unit" chief David Young's activities. Mr. Kissinger's perjury before Congress was not limited to his testimony in the Watergate investigation. It is already recognized and in the public record that Mr. Kissinger's testimony on U.S. involvement in Chile at the time of the Allende government, U.S. involvement in Angola during the civil war there, and U.S. involvement in Portugal were replete with criminal omissions, mis-statements of fact, and outright lies.

III. SUMMARY

The pattern of activities developed above, in concert with a conspiracy of British and allied policy interests to undermine the authority of the executive in the area of foreign policy, thereby undermining U.S. sovereignty, obviously goes far beyond any discretion available to a public official. Furthermore, the pattern of proofs, of knowing, overt acts, denies Mr. Kissinger's activities as a private individual any First Amendment protection.

The effects have been, in the instance of the Zaire crisis, for example, to shift the terrain of U.S. foreign policy away from the potential for a near-term SALT agreement and towards confrontation in Africa with the USSR. Such activity clearly creates a clear and present danger, as envisioned in *Brandenburg v. Heyes*, to the security of the United States. Therefore, there can be no impediments to a full immediate investigation of the past and current activities of Mr. Kissinger.

The manipulation of foreign policy and the deployment of terrorists described above meets the criteria of the treason statutes themselves, as well as the requirements for investigation for violation of statutes forbidding

conspiracy against a foreign power. In the course of that manipulation, most particularly in Mr. Kissinger's role as a political consultant to the Israeli government, probable cause exists that the espionage statutes were violated. Finally, the violations of the foreign agents registration act situate—as Congress intended the act to do — the more far-reaching issues of Mr. Kissinger's manipulation of foreign policy.

The charges of perjury and obstruction of justice merely document the course of the illegal activities in question, as does Mr. Kissinger's improper and probably illegal seizure of masses of State Department documents produced during his tenure in office as Secretary of State.

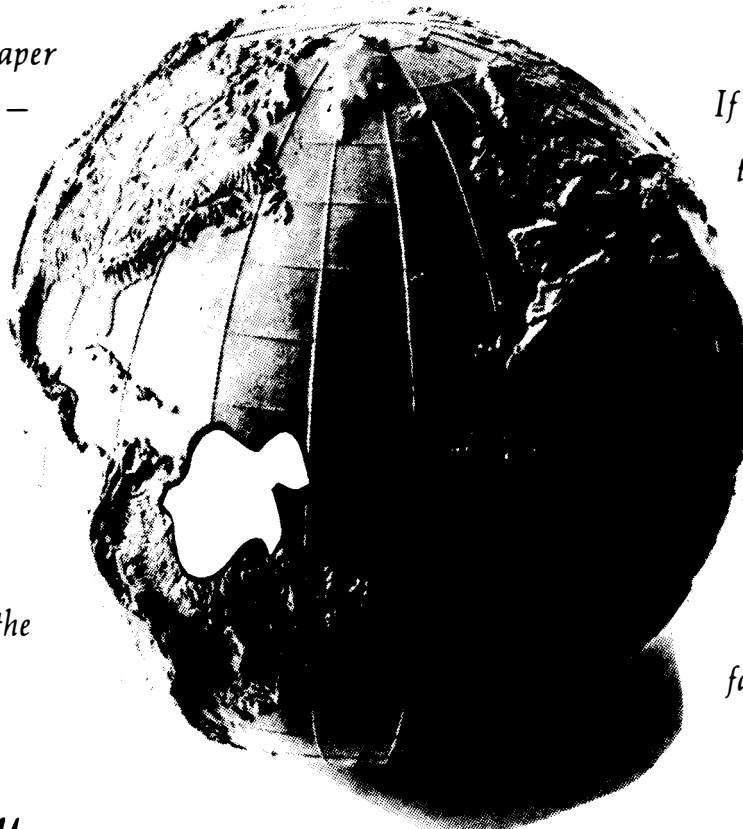
We trust that the material outlined in this complaint will be acted on immediately with the opening of a full national security investigation, and we are willing to meet with you at the first opportunity to discuss how we might further assist you in that effort. It is a crucial undertaking, both for the peace and national security of the U.S. itself, and for our nation's role in developing the world economy.

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EXECUTIVE INTELLIGENCE REVIEW SPECIAL REPORT
 DAILY ENERGY INTELLIGENCE BULLETIN
 THURSDAY, JANUARY 11, 1978

LEADING U.S. BUSINESS DAILY CALLS FOR CUTOFF OF NUCLEAR COOPERATION WITH INDIA

JAN. 11 - THE WALL STREET JOURNAL, A LEADING U.S. BUSINESS DAILY, RAN A MAJOR EDITORIAL TODAY CALLING ON THE CARTER ADMINISTRATION TO DENUNCIATE AND ABOVE ALL HIS COSMETIC CONCESSION THAT HE WOULD AUTHORIZE SUPPLY OF ONE SHIPMENT OF ENRICHED URANIUM TO INDIA, FOR ENDING TARAMPUR, THOUGH WE THINK THERE ARE BETTER ARGUMENTS DID AFTER THE INDIAN EXPLOSION. THE JOURNAL CONCLUDES "IT IS IN ADDITION SO CONFUSED HE THINKS A LETTER WILL KEEP HIS POLICY INTACT DESPITE THE HEAVY WATER SHIPMENT, BUT ON THE OTHER HAND, PERHAPS IT WAS NOT THE INDIANS WHO WERE PROMISED NEVER TO TELL US A LIE WAS USING THE PLOT TO MISLEAD THE AMERICAN PEOPLE."

WHAT IS REALLY GOING ON?

WHILE THE DUST HAS NOT YET SETTLED ON THE CARTER TRIP, BRITISH PRIME MINISTER JAMES CALLAGHAN, WHO ARRIVED IN INDIA TO SUPPOSEDLY EVOLVE THE COMPROMISE FORMULA TO BRING INDIA INTO AN ACCEPTABLE STATUS ON THE NON-PROLIFERATION QUESTION, WHILE THE U.S. STATE DEPARTMENT TODAY ADAMANTLY DENIED ANY TRUTH TO THE STORY THAT CALLAGHAN 'HAS SUCCEEDED WHERE CARTER HAS FAILED' AS PRESENTED BY THE LONDON TIMES, THE CALLAGHAN TRIP HAS OBTAINABLE TWO GOALS. ONE IS TO ARRIVE AT A COMPROMISE AGREEMENT WITHOUT TOTALLY DISCLOSING DETAILS AT THIS TIME. TODAY'S LONDON DAILY TELEGRAPH ADDS THAT CALLAGHAN HOPES TO TAKE DESAI'S SECRET PROMISES AND PLEDGES TO PAKISTAN WHERE HE WOULD USE THESE ASSURANCES TO PRESS THAT COUNTRY TO AGREE TO NEW RESTRICTIONS AND SAFEGUARDS ON ITS CONTRACTED FRENCH NUCLEAR REPROCESSING PLANT. CALLAGHAN ARRIVED IN PAKISTAN JAN. 11, ONE DAY AFTER THE NEW YORK TIMES ANNOUNCED THAT FRANCE HAS REQUESTED THE PAKISTANIS CONSIDER ALTERATIONS IN CURRENT CONTRACTS.

MIDWEST COLD FREEZES ONTO COAL STOCKPILES

JAN. 11 - AS THE NATIONAL STRIKE OF U.S. COAL MINER AND COAL-HANDLING MACHINERY, A SPOKESMAN FOR THE ELECTRIC UTILITY TOLD THIS NEWS SERVICE THAT THE CUSTOMERS HAVE BEEN ASKED TO VOLUNTARILY CUT OFF THAT THEY REBUILT THE SITUATION AS 'CRITICAL'. THE UTILITIES AFFECTED ALL EXPECT TO HAVE TO SHUT DOWN FOR WEEKEND. HOWEVER A SECOND COAL FREEZE IS PREPARED. THE ONGOING PINEMARKERS' STRIKE ALTERNATIVE USED TO REPLACE FROZEN COAL. THE FRESH COAL TO REPLACE FROZEN COAL. THE OHIO STATE ENERGY OFFICE DURING TV COAL DELIVERIES TO RESIDENTIAL USERS

A SPOKESMAN FOR THE U.S. DEPARTMENT WILL DO NOTHING IN THE PRESENT SITUATION. HE ADDED THAT THE U.S. DEPARTMENT WILL MAKE A STATEMENT ON THE ONGOING STRIKE AND UNTIL THEN THE GOVERNMENT CONSERVATIVE BRITISH FIRING OPPOSITION

TOM KING, BRITISH GOVERNMENT, HIS D...

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