

William H. Wynn, the president of the United Food and Commercial Workers Union, which has 1.3 million members, pointed out that “the Department of Labor reviews a union’s election procedures. For the government to now seek what it calls ‘free’ elections is a denial of the freedom of Teamster members to run their union. . . . If one government agency can seek new elections under new rules just because it doesn’t like the outcome of elections held under procedures another government agency previously approved, then what is the point of having elections?”

Back in December, some 250 members of the House of Representatives led by Reps. William Clay (D-Mo.) James Jeffords (R-Vt.)

protest Justice Department plans to impose federal trusteeships not just on the IBT, but also on the Laborers’ International Union of North America, the Hotel and Restaurant Employees International Union, and the International Longshoremen’s Association. The congressmen described trusteeship as “inherently destructive of the ability of workers to represent and speak for themselves through their unions. The exercise of such authority by the government to essentially remove one of the major participants in the democratic process, establishes a precedent which strikes at the very foundation of our democracy.”

These congressmen were joined in a separate letter by Rep. Jack Kemp (R-N.Y.), date, who said he was “firmly opposed to a government takeover of the Teamsters or any private institution.” Kemp went on to say that “the United States government is not meant to be in the business of taking things over—not newspapers, not schools, not corporations, and not unions. The Teamsters are entitled to what every American has a right to by birth—due process.”

These warnings are being seconded by the Americans Against Government Control of Unions, which is sponsored by the AFL-CIO Building Trades, the Retail, Wholesale and Department Store Union, the United Mine Workers, and the United Food and Commercial Workers. “What,” asks the AAGCU, “would be the difference between an American union under government trusteeship and the ‘official’ state-sanctioned unions of the Eastern bloc?” The AAGCU has announced paid political advertisements in the major daily newspapers for the July Fourth weekend, with quotes from politicians and unionists protesting the Giuliani lawsuit.

Even the Department of Labor was decidedly lukewarm toward the Giuliani suit. Labor Secretary Ann Dore McLaughlin said that her department has “deferred to the Justice Department on the legal issues.” She also said that her department is “very concerned about the effect of this action on the overwhelming majority of Teamster locals and rank-and-file members who have had no part in corrupt activities. This will be a difficult time for them.” Finally, even the FBI’s own dissident groups within the IBT have condemned trusteeship, providing some measure of the unpopularity of the measure among the union rank and file.

LaRouche attorneys seek total dismissal of Boston case

Charging government prosecutors with deliberate lying and other misconduct, defense attorneys have moved to have the Boston indictments against Lyndon H. LaRouche, Jr. and other defendants completely dismissed. It was lengthy hearings on that misconduct which caused the criminal trial in the *U.S. v. The LaRouche Campaign, et al.* case to end in a mistrial on May 3.

On June 27, defense attorneys filed legal memoranda summarizing the evidence presented in the recent hearings and asking that the entire case be dismissed. They charge that lead prosecutor John Markham and others on his team engaged in intentional withholding of evidence, lying to the court and to defense attorneys, and then continued the cover-up even weeks after the hearings got under way. The hearings focused on the role of Ryan Quade Emerson, who was revealed to have been a long-standing, paid FBI informant who was feeding information to the defendants. Emerson’s FBI relationship was not even disclosed until 55 days into the trial.

“The government knowingly and intentionally withheld this information until well into the trial and even withheld some of the most significant information until the Emerson hearing was well under way,” says the defense memo. “John Markham himself consciously withheld evidence about his personal involvement in Emerson’s escapades. The most egregious example of this is John Markham’s role as creator of the cover story which [FBI agent] Klund gave to Emerson and which was then fed into the defendants’ notebooks on September 29, 1986.”

Also emphasized in the newly-filed defense memo is the fact that Markham used, in his opening statement to the jury, a quote from Emerson found in a notebook of defendant Jeffrey Steinberg. Because Markham had suppressed the fact that Emerson was an FBI informant, “the government prevented the defendants from explaining the background for this quote from Mr. Emerson.” In fact, the memo argues, several defense lawyers made “misguided strategic decisions” about their trial strategy because of the government’s withholding of the evidence about Emerson.

In arguing that the entire case must be dismissed at this point, the defendants argue as follows:

“The mistrial does not cure the prejudice. This is not an

ordinary case. Defendants have already been put to the time and expense of a 93-day trial. Moreover, Mr. Markham, based in part on mis-statements regarding the nature of the supposedly inculpatory notebooks, succeeded in obtaining pre-trial detention, some of which lasted 100 days before Mr. Markham agreed to conditions of release. A fair inference can be drawn . . . that his efforts to obtain detention were primarily motivated by the search for a co-operative defendant. . . . The October 6 search alone, unique in its massive scope and unprecedented use of manpower and weaponry, gave rise to multiple motions, which resulted in several days of colloquy [and] hearings. . . . These issues and others were made all the more complicated and difficult by the government's initiation of bankruptcy proceedings while the indictments were pending. . . . Aside from these multiple skirmishes, the trial itself consumed five months of ten defense lawyers' time, involved literally hundreds of documents and scores of witnesses.

"We are talking at base about a massive, multiple count indictment against political organizations and people whose primary objectives relate to the political process and the expression of political ideas. In that context, these defendants' efforts have been irreparably impaired since October 6, 1986, nearly two years, by pre-trial detention, enormous investigative and legal expense, and untold manhours both in and out of court. The individual defendants continued throughout under express conditions of release, limiting their right to travel and their right of association and expression.

"The enormous harm—in money, manpower, detention, impairment of travel, expression and association—is irreparable. It has been accomplished first by the government's failure to provide timely discovery, in violation of the Constitution, the rules of the court and the agreements of counsel, and second, by that misconduct necessitating a lengthy and costly evidentiary hearing. . . . The result is the most serious prejudice of all: defendants have lost the benefit of a verdict by that particular jury which has now been discharged. . . .

"To satisfy the institutional values undergirding this Court's supervisory powers—to deter future government misconduct, insure judicial integrity and fashion an appropriate remedy for violation of rights—this Court should order dismissal of these indictments with prejudice."

'Secret files'

Following are excerpts from a June 29 article in the Boston Globe by investigative reporter Ross Gelbspan, under the headline, "Note Suggests That FBI Keeps Secret Files."

A recently released FBI document has raised suspicions that the bureau created secret files as late as 1985, despite sworn statements by FBI officials that the practice was discontinued before 1980.

During the 1960s and 1970s, the FBI maintained a set of secret records known as "do not file" files that were used to

conceal controversial FBI activities such as political burglaries and wiretaps.

That practice was supposedly stopped in the 1970s following revelations of FBI excesses by congressional investigations. . . .

An FBI spokesman on Friday denied that the FBI maintains "do not file" files.

But a Feb. 15, 1985 FBI document, provided to the Globe by a source who asked not to be identified, is marked by a typewritten "do not file" heading across the top of the document. A handwritten notation reads "Do not destroy w/o my permission." The signature is blacked out.

The 1985 document is a communication from Oliver Revell, the FBI's executive assistant director, to William Webster, former FBI director, citing a request from an aide to Henry Kissinger for a personal meeting with Webster about alleged harassment of Kissinger by the Lyndon LaRouche group.

FBI spokeswoman Sue Schnitzer said that the document was marked "do not file" because it contained no information or policy deliberations that were not already recorded in other FBI files. Schnitzer stressed there is no current FBI category of records with "do not file" designations.

"This document was strictly an informational status report from Revell to Webster, summarizing things in the file. There's nothing in here that isn't in other files, so there's no sense in filing it, since the material is already filed," she added.

But some congressional observers and attorneys for the LaRouche organization said they did not find that explanation persuasive.

Rep. Don Edwards (D-Calif.)
existence of the document.

"Our committee will strongly object to this sort of practice by the FBI," said Edwards, who chairs the House subcommittee on civil and constitutional rights.

"Reconstituting 'do not file' files would emasculate the oversight process. It would take us back to the bad old days when J. Edgar Hoover had a desk full of 'do not file' material which no one knew about until after he died," he added. . . .

The "do not file" files were used by the FBI, especially during its investigation of black and antiwar activists in the 1960s and 1970s, to conceal activities of questionable legality by FBI agents, according to several sources all of whom expressed surprise that the FBI was still engaging in the practice. . . .

The recently released 1985 document refers to a request by a Kissinger aide for a meeting that day with Webster about the LaRouche organization.

The document notes that at a press conference the previous day, LaRouche released earlier correspondence between Webster and Kissinger, including a directive from Kissinger to Revell to determine whether the FBI had a basis for investigating the LaRouche group "under the guidelines or otherwise. . . ."