

'Secret government' fake-files issue is before Judge Griesa's court

Attorneys for Lyndon LaRouche and his associates blasted Justice Department (DOJ) use of secret evidence and secret judicial procedures, in two sets of court papers filed in early November in the case of *Lyndon LaRouche et al. v. Louis Freeh and Janet Reno*.

In one set of pleadings, filed on Oct. 27, LaRouche moved to set aside the report of a special master appointed by the Court to examine covert FBI informant operations against LaRouche. On Nov. 5, LaRouche also sought a court order requiring the FBI to fully identify and produce all documents concerning four publicly revealed FBI informants—a disclosure which the FBI has obstructed and seeks to block through resort to *ex parte* and *in camera* proceedings.

In both pleadings, LaRouche's attorneys demonstrated that the DOJ had used its ability to invoke secret proceedings based on appeals to national security, as the vehicle for a massive cover-up of crimes committed by the FBI in its 25-year war against LaRouche.

In an interview with WAGE radio in Leesburg, Virginia, LaRouche, who is seeking the Democratic Presidential nomination, described the FBI's dirty use of secret files and proceedings:

"... There's been a big effort, at various points in the Court system, in the Congress and elsewhere, to overturn the conviction of me as a complete fraud. And the answer comes back, and people will often turn back after approaching the Justice Department or others with this evidence and say:

"'Wait a minute, this case was a piece of crap. It's a complete fraud. How can you uphold this conviction?'"

"And the answer comes back from the Justice Department: 'Well, yes. What we did was fraudulent. Yes, the case is a real terrible case. Yeah, we did a lot of swindles in that case. But, you got to know one thing. We did it that way because we had to do it. You don't realize what kind of secret files we have, which show what a bad guy this guy LaRouche is. You don't have any idea. Now we can't show you these secret files. You can't read them. They are highly secret. But, we can tell you. We know. You've got to listen to us. This guy's a bad guy. So, don't pay any attention to the evidence that he was framed up. Yes, he was framed

up. We framed him up. Of course we did. We had to. But, if you want to know why, we can't tell you. We can only tell you we have secret files, which say he's a bad guy.'"

LaRouche first sued FBI in 1975

LaRouche's lawsuit against the very dirty, 25-year-long Justice Department and FBI COINTELPRO operation against him, an operation which featured one disclosed assassination plan and all-out efforts to eradicate the LaRouche political movement, is currently pending before Chief Judge Griesa in New York's Southern District Federal Court.

Judge Griesa took over the lawsuit earlier this year, and sought to cut through various Justice Department obstructions which had driven the case, filed in 1975, into legal limbo for years, and prevented it from moving forward to trial. Unsuccessful in early pleas to the judge not to open the Pandora's box of secret government operations against LaRouche, the DOJ attorneys began demanding secret hearings and proceedings in which only the Court and the DOJ could participate, insisting that national security was at stake.

The first such proceeding occurred in June 1999. Faced with the demand that the FBI turn over files of known, publicly revealed informants, including such leading assets as the Anti-Defamation League of B'nai B'rith, Roy Godson (a Jay Lovestone protégé with a long history of operations against LaRouche), and John and Sheila Rees, Department of Justice attorneys demanded to show the judge a secret file. Following a closed hearing—in which LaRouche's attorneys were not allowed to participate—Judge Griesa blocked the public release of the files, and filed his reasons under seal.

One of the major obstacles facing Judge Griesa when he took over the case was the DOJ claim that 25-year-old informant operations against LaRouche were still so sensitive, that any revelation would imperil the national security. Following legal rules set in the 1970s, when widespread abuses by the FBI and other intelligence agencies were first revealed, Judge Griesa appointed a special master to review FBI informant files, and to make specific findings about what the FBI informants involved in activities against

LaRouche actually did. Under this set of rules, the Justice Department is allowed not to disclose the actual identities of informants. In return, the special master is supposed to provide detailed summaries of the informants' activities to LaRouche, providing as much information about what the informants did, as LaRouche would have learned if he had examined the FBI informant files himself, or had access to the informants' identities.

The special master

Judge Griesa appointed Guy Miller Struve, a partner at the firm of Davis, Polk & Wardwell and a former deputy to Iran-Contra special prosecutor Lawrence Walsh, as special master. Davis, Polk has historically been the leading law firm for the Morgan interests—that is, the leading law firm for British Empire interests—in the United States. Morgan is at the center of the British-American-Commonwealth (BAC) combine's Wall Street financial empire, controls whole sections of the U.S. intelligence and law enforcement community, and has spawned and sponsored various artificial political movements for its purposes over time, including, as LaRouche has emphasized, the Communist Party U.S.A.

While Struve promised, in an early public hearing, to review the informant files as if he were in the plaintiffs' shoes, his stance shifted after a series of "security" briefings by the FBI. The report he produced on informant activities admits that illegal informant activities appear to have taken place, but provides no detail about these activities, claiming that to provide details would compromise the secret identities of FBI informants.

Struve was not concerned about compromising informant identities, however, when he wrote another portion of the report, justifying the FBI's operations against LaRouche. His report opens with a series of detailed quotes from informants who, in turn, quote alleged speeches by LaRouche or his followers, in order to prove that LaRouche was involved in violent fights with members of the Communist Party U.S.A. in 1973—and therefore, a full national security investigation of LaRouche by the FBI was justified.

In their motions, LaRouche's attorneys showed that in producing informant files for the special master, the Federal Bureau of Investigation did not review major filing systems where information about informants could be found—producing instead a selective and sanitized group of informant files. The most revealing omission in this production is the FBI's failure to produce documents, which the special master ordered produced, concerning a 1973 assassination operation against LaRouche, utilizing assets in the Communist Party U.S.A.

The Constitutional Defense Fund is assisting the plaintiffs in this case. To send contributions or for further information, write CDF, P.O. Box 6022, Leesburg, Virginia 20178.

Fight builds over secret evidence in immigration cases

by Edward Spannaus

In 1996, Congress passed two bills—the Anti-Terrorism and Effective Death Penalty Act of 1996, and the Immigration Reform Act of 1996—containing draconian new provisions for the use of secret evidence in immigration cases. But most members of Congress had no idea what was in the legislation, an aide to Rep. David Bonior (D-Mich.) said recently. "Did we actually do this?" some Congressmen are now said to be asking. "I can't remember us passing a law like this!"

Speaking at a panel discussion on the secret-evidence provisions in Washington on Nov. 12, Bonior's legislative assistant Scott Paul revealed that even President Clinton had later said, "I didn't even know we did that." Clinton has also expressed disbelief about how secret evidence is now being used.

However, other sources dispute this professed ignorance, asserting that both Congress and the White House knew exactly what was in the 1996 anti-terrorism and immigration legislation, which was pushed through Congress by the Justice Department, in the wake of the 1995 Oklahoma City bombing.

What is indisputable, is that the recent release of a 31-year-old Palestinian, who was held for 18 months in a New Jersey jail on the basis of undisclosed classified evidence, has given new life to the fight to repeal those provisions of the 1996 bills.

Hany Kaireldeen was released on Oct. 25, less than a week after a Federal district judge ruled that the use of secret evidence to detain immigrants to the United States violates the due process clause of the U.S. Constitution. U.S. District Judge William Walls also threatened to hold Attorney General Janet Reno and the Immigration and Naturalization Service in contempt of court if they continued to keep Kaireldeen incarcerated.

Judge Walls ruling was the first to invalidate the provision of the 1996 anti-terrorism act which permits the use of classified evidence in immigration proceedings. The provision has been used in about two dozen cases around the country, all of which involved Arab or Muslim immigrants.

The FBI claimed that Kaireldeen had hosted a terrorist meeting at his house in 1993, prior to the World Trade Center bombing, with Nidal Ayyad, one of those convicted for the bombing. The FBI also claimed he had threatened the life of Attorney General Reno.