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.

Judge Walls said that the government had made no effort to produce witnesses, either in public or *in camera,* to support its allegations, and that the FBI's unclassified summaries of evidence were "unreliable," forcing Kaireldeen to fight "anonymous slurs of unseen and unsworn informers." Kaireldeen, on the other hand, had presented documentation and more than a dozen witnesses to counter the FBI charges, including proving that he did not live where the secret evidence said he did, when he supposedly met with one of the World Trade Center bombers, and that he had not had the telephone conversations claimed by the FBI.

"I couldn't believe that such allegations were being pointed at me," Kaireldeen said in a press conference the day after his release. "Such a use of secret evidence really astonished me."

"We need to be skeptical of government claims of national security," said Prof. David Cole of Georgetown University law school, who has been active on behalf of Kaireldeen and others jailed on the basis of secret evidence.

On Oct. 28, a group of Congressmen, Muslim activists, and others, at a press conference in the Capitol Building, called on Congress to pass the "Secret Evidence Repeal Act of 1999," which would end the use of secret evidence in immigration cases. Reps. David Bonior (D-Mich.) and Tom Campbell (R-Calif.) said that they now have more than 50 co-sponsors for the repeal measure.

The alliance that has come together around the repeal bill is an unusual one, ranging from civil libertarians and Muslim activists, to conservative Republicans such as Rep. Bob Barr (R-Ga.).

According to Aly R. Abuzaakouk, director of the American Muslim Council, there are still almost two dozen persons detained under the secret-evidence provisions, almost all of whom are Arab or Muslim. "Hany Kaireldeen's release will be a hollow victory unless we permanently discard this law," Abuzaakouk said, referring to these provisions in the two 1996 acts.

Also on Oct. 28, the same day as the press conference, journalists Intisar Pierce and Nina Ogden interviewed W. Mahdi Bray, outreach director of the All Dulles Area Muslim Society center in Northern Virginia, and executive director of the National Islamic Prison Foundation-Muslim Action Center. In the interview, which appears in the Nov. 22 *New Federalist,* Bray described how the secret-evidence laws work, that the person who is subject to deportation "does not have a right to face his accuser, nor has [he] a right to view the evidence that has been given against him."

Bray said that this "draconian legislation" is being used to stifle speech and for intimidation. "It's almost like the old red scare, where you take a few, and you 'use them as examples,' and then you hold them up to all the rest as an example, if you don't want to have any problems with dissent. And it's to intimidate people, to frighten people, to make people less prone to be active."

'National security' used vs. Constitution

by Jeffrey Steinberg

In 1984, following the U.S. Department of Justice's (DOJ) launching of a bogus Federal grand jury probe into the LaRouche political movement, this author had the opportunity to interview a former senior DOJ official who was intimately familiar with the department's repetoire of prosecutorial dirty tricks. The individual, who shall remain anonymous, provided a "hypothetical road map" of how the government would pursue its "Get LaRouche" vendetta.

His forecast proved to be 100% accurate. In a profile headlined "FBI's 'Clean' Team Follows 'Dirty' Work of Intelligence—Units Pool Facts on Sensitive Foreign Cases but Work Apart," in the Aug. 16, 1999 *Washington Post,* staff writer Roberto Suro revealed that the *modus operandi* described by my DOJ source 15 years earlier, is now the standard procedure employed by the DOJ and the FBI in almost all of their so-called national security and anti-terrorism cases. Suro wrote:

"In FBI slang they are known as 'dirty teams' and 'clean teams,' or as 'dark' and 'light' agents, or even more cryptically as 'fives' and 'sixes.' The two groups are deployed together when terrorists strike or when top-secret information has gone astray, and they often spend months, even years, working in tandem. Yet they rarely talk to each other.

"As the FBI becomes more and more involved in overseas investigations of terrorist threats, using two distinct teams of agents kept apart by an imaginary wall has become a key to separating criminal cases that can be prosecuted in open court from intelligence secrets that must be protected forever."

While Suro's story focussed on how the FBI has learned to skirt the Constitution in its pursuit of genuine terrorists and subversives, such as the World Trade Center and Kenya and Tanzania embassy bombers, the fact is that corrupt elements inside the DOJ permanent bureaucracy and the Bureau have for decades been using bogus claims of "national security" to stomp on the constitutional rights of American citizens, as well as foreign nationals. The LaRouche case represents one of the gravest abuses of that process.

The LaRouche case

In 1984, the former senior DOJ official, whose portfolio focussed on domestic security issues, may not have been aware, at the time of our interview, that for two years, Henry A. Kissinger had been lobbying FBI Director William Webster to shut down the LaRouche movement, and that senior