

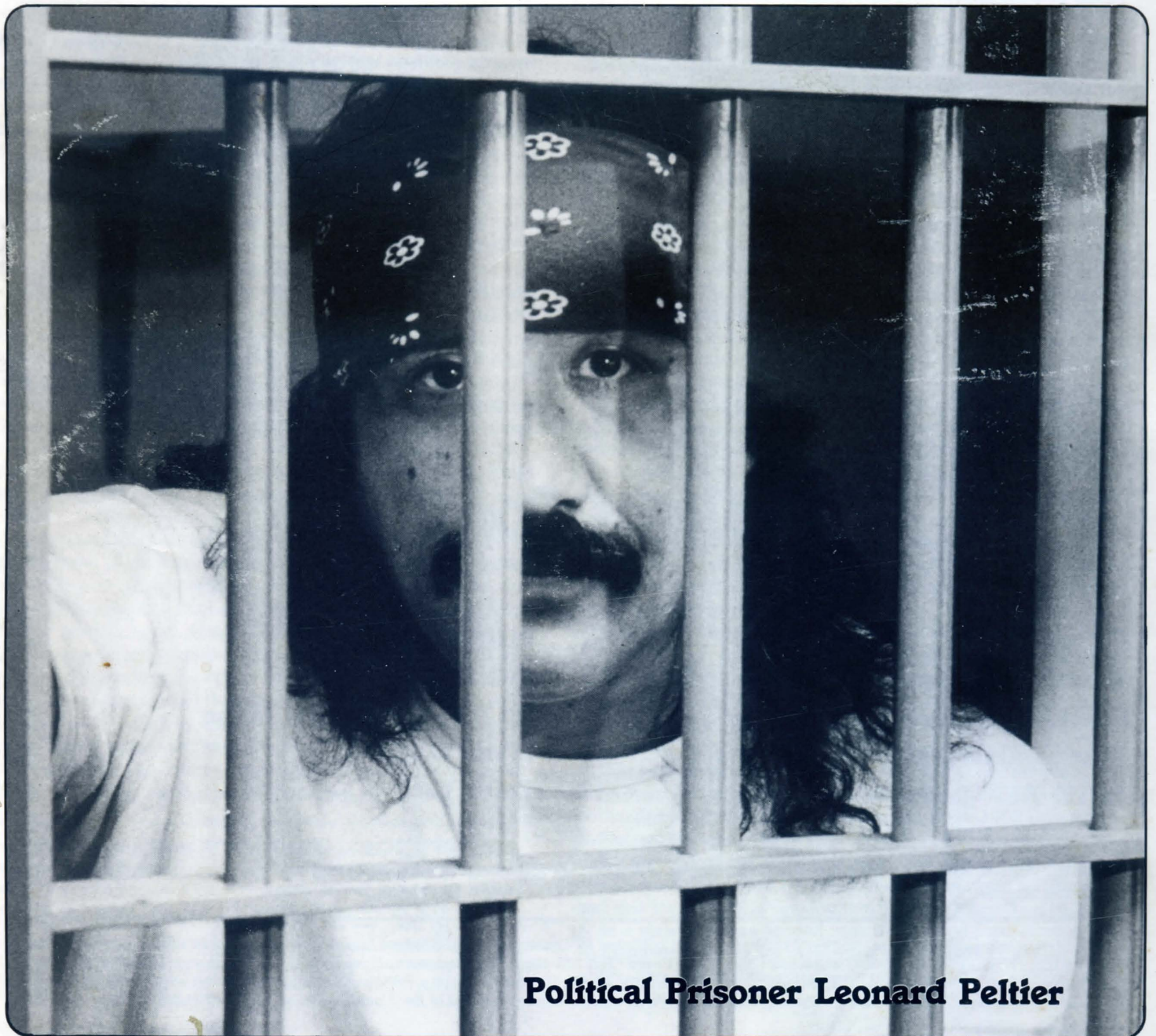
# **Covert Action**

## **INFORMATION BULLETIN**

**Number 24**

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**Inside: Spies in the Movement**



**Political Prisoner Leonard Peltier**



# Editorial

## In This Issue

This issue of *CAIB* examines government infiltrators and provocateurs who target progressive groups in the United States. The theme is something of a departure from our usual international focus, but in many ways it complements our previous work. For, in fact, the government's covert operations at home are often mounted against domestic groups which have demonstrated a global consciousness—which see their work inextricably linked with movements for change throughout the world.

Indeed, when President Reagan signed Executive Order 12333 in December 1981, he expressly gave the CIA the authority to infiltrate—and to disrupt—domestic organizations concerned with international issues. Now both the CIA and the FBI insist that citizens groups opposing U.S. foreign policy are fair game—even if no wrongdoing is suspected. Constitutional requirements of warrants and of probable cause have been arrogantly waved aside when the government intones the magic words, “foreign intelligence.”

Another reason this study of infiltration and provocation is timely and appropriate is the apparent naiveté of many progressive people today, especially those too young to have been active during the heyday of COINTELPRO and Operation CHAOS, when the civil rights and antiwar movements were attacked by the FBI and the CIA in the 1960s and early 1970s. Too many people, it seems, think that the activities described in this issue of *CAIB* do not occur—or in any event are no longer prevalent.

History does not bear out such optimism. We hope this issue will help—not to foster paranoia, but to engender a healthy

realism. We investigate the problems of infiltration and provocation theoretically and historically, and look at a number of examples, past and present, including the genocidal attacks on the Native American movement a decade ago (though Leonard Peltier remains in jail to this day), the infiltration of the NASSCO steelworkers strike, and the current infiltration of the sanctuary movement.

## A Note on the Hostage Crisis

Whether or not the latest hostage crisis is over when this magazine is on the stands, a few comments are in order. In spite of the nation's zeal to retaliate, it is important to understand that the two most sanctimonious parties, Israel and the United States, have been guilty of equally blatant violations of international law, and on a far greater scale. Israel, in violation of the Geneva Convention, has been forcibly relocating innocent citizens of the lands it has occupied, and has been shown to have engaged in indiscriminate aerial bombardment throughout Lebanon. The United States, through the CIA, has trained, equipped, and unleashed terrorist bands in Beirut. Yet only one side is labeled terrorist.

As Marines are shot in El Salvador, “humanitarian” aid is given to the *contras*, in Nicaragua, and the “humiliation” of the hijacking festers, the rhetoric of the administration is adopted unquestioningly by the mass media and the Congress. We fear that the same knee-jerk frustration which sanctioned the invasion of Grenada in the wake of the Beirut Marine barracks bombing could lead to a full-scale war. We can only hope that everyone with a sense of conscience will resist such a move by the White House. ●

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**Cover:** Native American political prisoner, Leonard Peltier. Credit: Jerry Lower; reprinted with permission of Center for Constitutional Rights.

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# The New State Repression

By Ken Lawrence \*

## Introduction

Political repression manifests itself in three discernible forms: police brutality, which is widespread, generally random violence committed by armed agents of the state usually against members of oppressed communities, nationalities, and classes; vigilantism, which is violence committed by ostensibly private (non-government) individuals and organizations, sometimes random but more typically aimed at specific, oppressed communities; and secret police activity, nearly always directed by elite government agencies against carefully chosen enemies considered political threats to established authority.

There is a definite relationship among these three forms of repression, and they are often employed in concert. Illegal acts of terror by Ku Klux Klan or Nazi paramilitary groups, for example, are frequently planned and directed by the very law enforcement personnel who should prevent them and are executed by the same people and organizations deemed "subversive" by the authorities. It would therefore be futile to struggle against one form of repression while ignoring the others.

All three types of repression have undergone important changes in recent years. Police forces are not what they used to be. On the one hand they have been militarized to a degree previously unknown in the United States; on the other hand they are engaging in public relations campaigns to project the opposite image: the police as surrogate social workers and protectors of children. These developments, along with the introduction of "beat representatives," whose tasks range from lubricating relations between police and local businesses to low-level intelligence gathering, have necessarily changed the face of police brutality.

Racist vigilantes can no longer be safely relied on to serve as an extension of the state bringing "law and order" to areas that are difficult to govern, because they are increasingly under the sway of ideological fascists whose organizations—Ku Klux Klans, Nazis, Aryan Nations, Posse Comitatus, and many others—are in opposition to the government for their own reasons. Under these conditions there are greater risks attached to the use of these forces than in past years when such terrorists proclaimed themselves the most loyal Americans. (On the other hand, some individual vigilantes like Bernhard Goetz have appeared, generating latent organizational backing but seemingly acting for reasons of their own.)

Striking advances have emerged in the functioning of the secret police. The resulting changes are most fundamental: the way they view society and their role in it. It is these new secret police activities and strategies that we examine first.

## The Strategy of Permanent Repression

State repression is as old as what people generally call civilization. Ancient Egypt had armies and police to put down the Pharaoh's subjects who threatened the established order. Planter (and General) Wade Hampton led his militia against the largest slave insurrection in U.S. history, in 1811 in Louisiana. Repression on such a scale is not new, in this country or anywhere else.

Yet there are ways in which today's political repression differs fundamentally from the repression of the past. The most basic difference is on the level of *strategy*—not just technology, though that too is important—but the general approach of the state, the outlook of the ruling class.

In the past rulers and their security forces believed that the normal condition of society was stability and calm, while insurgency was thought to be a quirk, an oddity, a pathology. Certainly they knew that rebellions would break out from time to time, and they would then have to put them down forcibly, in order to return to "normal."

The difference today is the rulers' belief that insurgency is not an occasional, erratic idiosyncrasy of people who are exploited and oppressed, but a constant occurrence—*permanent insurgency*, which calls for a strategy that does not simply rely on a police force and a national guard and an army that can be called out in an emergency, but rather a strategy of *permanent repression* as the full-time task of the security forces. This difference has been theoretically elaborated largely as a consequence of the Indochina War, which gave the strategy its name: *counterinsurgency*.

When the Black freedom movement erupted in the 1950s and 1960s, the state's traditional tool of repression, military violence, proved not to be as effective as in the past. The actions of Police Chief Eugene "Bull" Connor in Birmingham and Sheriff Jim Clark in Selma not only failed to stop the movement, they actually fanned the flames of insurgency. But as that movement spread to other sectors of the population, the main state response was more of the same, culminating in the police riot in Chicago against protesters at the 1968 Democratic National Convention.

By the end of the sixties, it was clear to the establishment that its traditional methods of social control were weakening, and that its repressive apparatus was insufficient as a backup. A new approach was needed, one that started from scratch and challenged some of its own most sacred beliefs about social order. The person who responded to the need was a British military commander, Brigadier Frank Kitson.

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Kitson's 1971 book, *Low Intensity Operations*, the basic manual of counterinsurgency method in Western Europe and North America, describes insurgency as developing through three stages. The first he calls The Preparatory Period; the second, The Non-Violent Phase; the third, Insurgency.

In elaborating The Preparatory Period, Kitson describes what earlier establishment theoreticians would have called normality: Nothing is happening, all is calm. But according to Kitson, just because you cannot see rebellion does not mean it is not there. It really is happening. The state's enemies are gathering their forces; they are knocking on doors, they are plotting. Sooner or later they will be out in the streets, and the police have to be ready for them. Right then, during The Preparatory Period when nothing seems to be happening, is the time when the police must prepare themselves and start penetrating the opposition, because something is bound to develop.

Earlier theory, particularly as practiced by J. Edgar Hoover, was more reactive. Somebody would do something and Hoover would add them to the list.<sup>1</sup> Kitson's model is different; though we do not know exactly who our enemies are, they are out there, and the police must go out and find them, infiltrate, and plant provocateurs.

Some classical descriptions of secret police methods are still relevant. One of the best, and most pertinent today, is Victor Serge's *What Everyone Should Know About State Repression*, based on documents of the Tsar's secret police, the *Okhrana*, which were captured by the Bolsheviks during the Russian Revolution. The most revealing was a manual on provocation—how the police should manage *agents provocateurs*. Nowhere has the method of employing provocateurs ever been elaborated as well as in this Tsarist police manual, quoted extensively in Serge's book.

Despite the promise of high technology, principally computers and electronic surveillance equipment of great sophistication, human agents remain the essential vehicle of political repression. In order not only to know what political groups are thinking and doing, but also to prevent momentum from developing that would make repression much more costly, the police put people inside, not simply spying, but playing an *active* role—disrupting, discrediting, misdirecting, and neutralizing the state's opponents.<sup>2</sup>

The application of any method of state repression is determined politically. The old assumption of the U.S. rulers was that the population was essentially loyal to the state, that the task was simply to identify insurgents and to expose them as disloyal. That was the method of the House Un-American Activities Committee, the Senate Internal Security Committee, Senator Joseph McCarthy, and the FBI under J. Edgar Hoover. Hoover's best seller *Masters of Deceit* is a classic of the genre.

But these methods failed miserably in the 1960s. The more the government tried to "expose" the Black movement as disloyal, the larger that movement grew and the more others adopted its methods and its vision. Belatedly, the repressive agencies shifted to a different tack, mainly covert action designed to weaken the movements from within and to wage psy-

chological warfare against them from without. The best known examples are the FBI's Counterintelligence Program (COINTELPRO), and the CIA's domestic disruptions, Operation CHAOS and Project RESISTANCE.

For these, surveillance was not enough, no matter how sophisticated the technology. Only the presence of provocateurs within the movement could create factions and sow dissension, plant false evidence that could then be used to confuse and alienate supporters or create the basis for criminal frameups, and make certain that targeted leaders met their appointments with assassins' bullets. But these methods also contained risks. The type of people who can be hired to carry out these tasks are usually psychologically unstable, often drawn from the criminal element. Sometimes they "defect" to the groups they are supposed to disrupt. Sometimes they feed their employers false information in order to keep their jobs.

Kitson's approach answered some of these problems, if only because, by institutionalizing repression as a permanent feature of capitalist society, his system furnished more opportunities for the state to recruit, place, and test their agents long before they were called upon to perform the most extreme kinds of provocations.

### Frank Kitson in Theory and Practice

Frank Kitson was the commander of the British counterinsurgency force in the North of Ireland for many years, and before that he was an officer in many of Britain's lost colonial wars: Kenya, Aden, Cyprus. Most of his examples in the book *Low Intensity Operations* are drawn from Britain's war in Ireland and the U.S. war in Indochina.

Kitson says the police and the army have to take advantage of the first stage of popular struggle, The Preparatory Period, to deploy themselves, to infiltrate the enemy. That is when people are not on their guard, when the police can get their spies and provocateurs "in place" so that when open rebellion develops, as he says it must, agents are already there. Later it might be difficult or impossible to get them in.

Certain critical decisions must be made during The Preparatory Period, Kitson says:

An excellent example concerns the way the Law should work. Broadly speaking there are two possible alternatives, the first one being that the Law should be used as just another weapon in the government's arsenal, and in this case it becomes little more than a propaganda cover for the disposal of unwanted members of the public. For this to happen efficiently, the activities of the legal services have to be tied into the war effort in as discreet a way as possible which, in effect, means that the member of the government responsible for the law either sits on the supreme council or takes his orders from the head of the administration. The other alternative is that the Law should remain impartial and administer the laws of the country without any direction from the government. . . . As a rule the second alternative is not only morally right but also expedient because it is more compatible with the government's aim of maintaining the allegiance of the population.<sup>3</sup>

Despite the disclaimer, Kitson's critics have repeatedly shown that in the counterinsurgency campaigns he himself commanded, it was always the first option that was chosen.

3. Kitson, *Low Intensity Operations: Subversion, Insurgency, Peace-keeping*, p. 69.

1. Hoover's methods are discussed in J. Edgar Hoover's *Detention Plan: The Politics of Repression in the United States 1939-1976*. (Full citations for all works mentioned in the text and footnotes may be found in the Bibliography which follows the article.)

2. Naturally the police do apply the new technologies. *The Technology of Political Control* is a useful sourcebook on modern repression gadgetry; another is the collection of documents, pamphlets, and articles supplied in the United Methodist Voluntary Service packet *Repression and Resistance*.



If the counterinsurgency war is to succeed, Kitson says the police must have a grasp of the insurgents' politics; they must sort out the different categories of enemies in order to divide and weaken them. Here is what he says to do in The Non-Violent Phase, the second stage of struggle when people are leafleting and marching, but before The Insurgency begins:

For the purposes of this study no account will be taken of the simplest method of all, which is to surprise the movement by the ruthless application of naked force, because although non-violent campaigns are particularly susceptible to this sort of action, it is most unlikely that the British government, or indeed any Western government, would be politically able to operate on these lines even if it wanted to do so. In practice the most promising line of approach lies in separating the mass of those engaged in the campaign from the leadership by the judicious promise of concessions, at the same time imposing a period of calm by the use of government forces backed up by statements to the effect that most of the concessions can only be implemented once the life of the country returns to normal. Although with an eye to world opinion and to the need to retain the allegiance of the people, no more force than is necessary for containing the situation should be used, conditions can be made reasonably uncomfortable for the population as a whole, in order to provide an incentive for a return to normal life and to act as a deterrent towards a resumption of the campaign.<sup>4</sup>

The police raids in the early 1980s in the Black community, ostensibly searching for Assata Shakur, a member of the Black Liberation Army who had escaped from prison, were exactly this kind of harassment. This is an element of strategy; it is not a quirk, not an accident, and not something to be deferred until The Insurgency begins.

The third is to associate as many prominent members of the population, especially those who have engaged in non-violent action, with the government. This last technique is known in America as co-optation.<sup>5</sup>

Kitson's final stage is The Insurgency. Here he says intelligence is the critical element. If it is accepted that the problem

of defeating the enemy consists very largely of finding him, it is easy to recognize the paramount importance of good information.<sup>6</sup>

Kitson's recipe requires a technique he calls *pseudo gangs* or *counter gangs*, which he claims to have invented in Kenya during the British war against the Mau Mau. The term itself is an excellent example of the way repressive forces attempt to criminalize their political opponents. Kitson would call any liberation movement a "gang." Hence its false counterpart under police control is a "pseudo gang."<sup>7</sup>

He says it is important for these phony opposition movements to develop credibility so that they can effectively confuse, divide, and undermine the authentic organizations, and

so that they can eventually serve as paramilitary auxiliaries to the security forces. He adds:

There is some evidence to the effect that pseudo gangs of ultra-militant black nationalists are operating now in the United States.<sup>8</sup>

One such FBI provocateur based in Tampa, Florida, named Joe Burton, created organizations all over the United States and Canada between 1972 and 1975. His home base group in Tampa was called Red Star Cadre. Most of its far-flung affiliates, but not all, presented themselves as Maoist; some were ostensibly pro-Soviet or pro-Cuban. The FBI used these front groups sometimes to disrupt legitimate progressive movements in the U.S., other times to unify with and spy on them.

One of the things Burton's career exemplifies is the political sophistication of the FBI. An FBI control agent would fly down to Tampa from Chicago to help him compose his political literature so its political line would closely match the line of the targeted organization, in order to achieve the credibility Kitson considers so important.

That was when the purpose was to spy. Disruption operations were handled differently. When Burton's assignment was, for example, to interfere with the attempt of the progressive United Electrical, Radio, and Machine Workers of America (UE) to organize a union at the Westinghouse plant in Tampa, he attacked everyone; they were all denounced as "revisionists" no matter what their political lines. This versatility and familiarity with the minutiae of Marxist doctrine exhibits a degree of political sophistication that we do not often associate with the security forces.

FBI documents released under the Freedom of Information Act indicate that, in the 1960s, a bogus Black liberation organization in St. Louis was used to misdirect other Black organizations in the U.S. and, interestingly, to spy on Vietnamese revolutionaries.

One irony of Kitson's nomenclature is that during the 1960s the United States government used actual street gangs, funded by the Office of Economic Opportunity, to perform some of the repressive functions assigned by Kitson to "pseudo gangs." Edward A. Lee's article, "The Lumpenproletariat and Repression: A Case Study," provides extensive documentation of the way this was accomplished using the Blackstone Rangers in Chicago.

More recently other organizations have played comparable roles. In the 1970s the National Caucus of Labor Committees (NCLC), led by Lyndon LaRouche, emerged as an ostensibly Marxist organization, then began a crusade to disrupt the left with physical violence. Only later did it shed its "Marxist" garb to reveal its actual neo-Nazi politics. Another vigilante organization, the Guardian Angels, still manages to confuse some leftists as a Kitsonian "pseudo gang," even though its corporate ties and reactionary aims are known. Their recent vigorous support for subway vigilante Bernhard Goetz in New York has helped to expose their true nature.

#### Louis Giuffrida: Ronald Reagan's Kitson

The application of Kitson's strategy of repression to the United States has been modified to conform to the specific requirements of capitalist rule rooted in white supremacy. The degree to which this policy is class conscious and deliberately

8. Kitson, *op. cit.*, p. 100.

4. *Ibid.*, p. 87.

5. *Ibid.*

6. *Ibid.*, p. 95.

7. In West Germany, journalists were required, at the risk of losing their jobs, to refer to the revolutionary organization which called itself the Red Army Fraction as the "Baader-Meinhof gang." One television newscaster was fired for using the slightly less pejorative term "Baader-Meinhof group."



racist can be documented in the work of the man Ronald Reagan chose long ago to modernize his repressive apparatus: Louis Giuffrida.

Shown here is a map of a town called "Santa Luisa," a place which does not exist. Santa Luisa was created by the California Specialized Training Institute (CSTI) in order to provide counterinsurgency training to police forces from all across the U.S. and from many other countries.

This map makes clear exactly what information CSTI considers important for its repression plans. Trainees are given hypothetical insurgency scenarios as problems; they are then asked how they would deploy their forces in each instance. This is how counterinsurgency is actually taught and conducted.

The map shows not only the exceptional degree to which this is the concept of an imperialist power rooted in white supremacy, but also that the people who are in charge of state repression are fully aware of the basest implications of their own social order. There is no pretense here that the racial and class aspects are incidental; they are the determining factors. It is also clear from the map and the accompanying text that CSTI took for granted that people of color are to be permanently oppressed and, the corollary assumption, that the Black and Latin communities will be the usual source of insurgency. The largest share of counterinsurgency planning is directed against them.

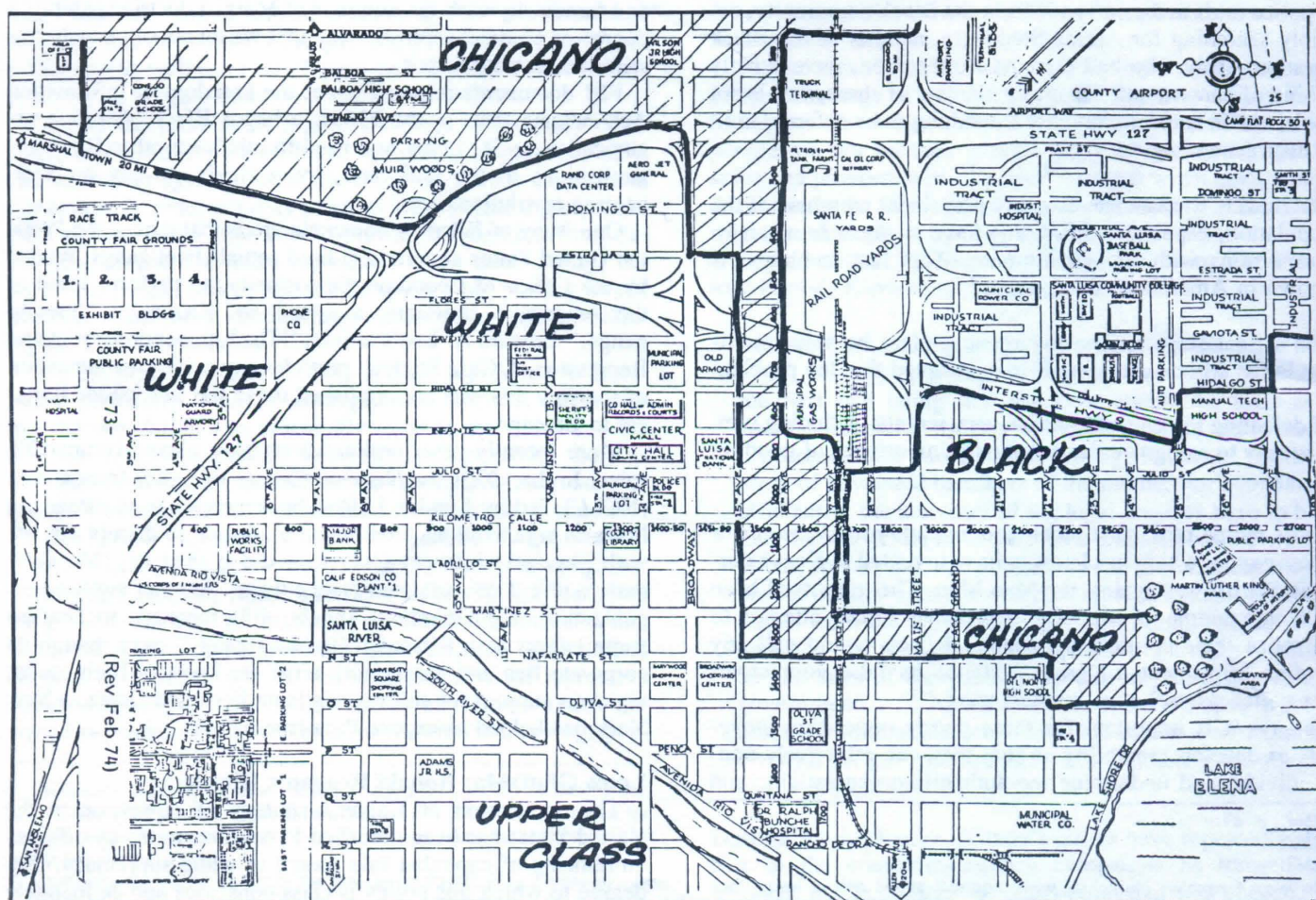
CSTI was created when Ronald Reagan was the governor of

California to carry out tasks that could not, at that time, be conducted at FBI Headquarters or the CIA-created International Police Academy, or other federal police training institutions. But since the right wing of the security establishment felt the need was urgent, it was accomplished in California under Reagan, organized by Edwin Meese (now the Attorney General of the United States). The head of CSTI then was Louis Giuffrida, whom President Ronald Reagan has since appointed to head the Federal Emergency Management Agency (FEMA).

The text that Giuffrida approved for CSTI's course in "Civilian Violence and Terrorism; Officer Survival and Internal Security" is one of the most revealing documents to appear since Victor Serge published the *Okhrana's* manual on the use of provocateurs. Here are excerpts:

[I]t is a fact that the most powerful weapon of a revolution is the silent, accumulating contempt and hatred of a people directed at the government or another segment of the class structure. This thesis is magnified considerably when the chosen form of government is capitalistic and class ridden and allows for the ready labeling of all: white, black, red, brown, rich, poor, middle class, Protestant, Catholic, Jew, et al.

Students in America have contributed a long history of violence. This is not an unusual phenomenon as they, representative of each generation, are more morally and politically serious than their parents and many of their leaders.



CSTI's map of mythical town of "Santa Luisa," showing clearly the racist underpinnings of the Institute's training.



The racially separated segments of our society, as they have done repeatedly in the past, have emerged with periods of sporadic violence. A white man cannot ever be black, red, or brown, and so long as the white man remains superior in numbers he will be the represser and the constant target of the mad dog.

It is the interaction between these desperately separate segments of society—between protesters and responding authorities—which has resulted in violence. For these minority elements, any steps to prevent violence which do not address the issues of fundamental social and political change are destined to be irrelevant and fated to failure.

The single most violent force in American history, inside and outside of war, has been a small group of militant whites; . . . ethnic minorities within the system become the target.

What we have discussed so far depicts the classic struggle for social reform.<sup>9</sup>

CSTI borrows from Kitson:

Most students of the revolution would agree that “peaceful dissent” is the first step toward revolution and that this new trend signals the opening phases of the “new revolution.” These issues, be they social, cultural, political, or economic, snowball and often appear to the casual observer as being full of truth and at least justified.

In short—it is fashionable to direct sneers, threats, and even open hostility toward the policeman. He is, symbolically at least, everything that is wrong with our society.

WHEN THE NECESSARY RESPECT AND REVERENCE ARE DESTROYED, VIOLENCE, AS WE KNOW IT, WILL BE HEROISM.

[T]he remainder of our exploration on this subject will be limited to “illegal violence” directed at us, officials of responsible government agencies.

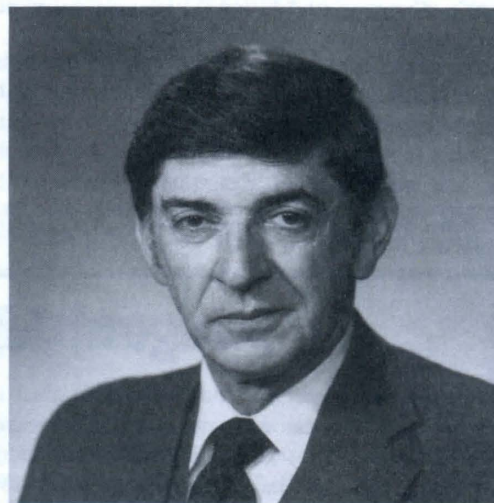
The truth is that expansionist whites in a quest for power and wealth, largely in the name of the government, systematically annihilated thousands of Indians and claimed their heritage, the land, in the name of national progress. . . . the winners incarcerated the losers and have kept them incarcerated for more than 100 years.

With the exception of the mentally deranged or the intoxicated person, all acts of illegal and criminal violence have roots somewhere in our present social, economic, or political environment.

[Our] mission can be accomplished only if we fully understand that . . . legitimate violence is integral to our form of government for it is from this source that we can continue to purge our weaknesses . . . illegal violence has roots which are attached to emotional situations of political, economic, or social inequality.

It is necessary for the police executive to treat his occupation like all other executives. He must do it well but not so well that he puts himself out of a job. He must reduce crime but not stop it.

He faces an impossible task of being required by law (actually or by his own interpretation) to preserve a free and democratic society and at the same time he must eliminate crime and violence. These tasks are totally incompatible.<sup>10</sup>



**Louis O. Giuffrida.**

It is not an accident that the man who took charge of indoctrinating police with these concepts more than 15 years ago under Governor Reagan has been brought to Washington by President Reagan to carry on his work. Yet, aside from charges of misusing funds that led to a small scandal, Giuffrida has received scant scrutiny from the media.

#### **Robin Eveleigh's Alternative Strategy**

Despite the widespread and continuing application of Kitson's strategy on both sides of the Atlantic, it has failed to stem the tide of insurgency in the place where it has been applied most diligently and for the longest time, Ireland, and has suffered setbacks elsewhere. It is fitting that the person who entered the debate with the most persuasive critique and proposals to modify Kitson's basic strategy got his start on the same Belfast battlefield.

Robin Eveleigh has written a book which is the basis of the revised British strategy in Ireland. His approach, together with Kitson's, has become one of the standard choices available to secret police in the United States, and the issues he has raised are a matter of concern in the ongoing ruling class debate over the various methods of repression.

In *Peace-Keeping in a Democratic Society: The Lessons of Northern Ireland*, Eveleigh disagrees with Kitson that the government has a choice on how to use the legal system. If the security forces are so cynical about the law that they use it purely as a device to manipulate people, they will inevitably disgrace and discredit it, and if people lose respect for the law, all is lost, he says.

Kitson wants nearly every police activity to be conducted secretly, but Eveleigh argues for openness as much as possible, so that what the police really do need to do in secret they can. There is no need to skulk around in the shadows to obtain information the police can force people to provide, he reasons.

A community that does not support the Police can be policed effectively, but it is markedly different from policing a community that helps its Police. The case is therefore made for the two fundamental measures necessary to achieve detection in a population affected by terrorism. These are: to provide for the compulsory registration and identification of the population so that the Security forces can know who is who, what they look like and where they live; and to make the active development of informers inside the terrorist ranks by

9. CSTI, “Civilian Violence and Terrorism; Officer Survival and Internal Security,” pp. 1-2.

10. *Ibid.*, pp. 3-8.



the Security Forces not only lawful but as easy as possible.<sup>11</sup>

Although Parliament has given the security forces draconian powers, Eveleigh wants a different emphasis, one that is often echoed in our country.

What it has not approved are measures that really would

11. Eveleigh, *Peace-Keeping in a Democratic Society: The Lessons of Northern Ireland*, pp. 4-5.

make the Security Forces more effective, but which carry a much lower political price, such as introducing identity cards or giving the soldier the right to demand the production of driving licenses and vehicle documents.<sup>12</sup>

Methods currently in use in the U.S. have reduced the "political price" even further than Eveleigh envisioned. Media campaigns to frighten parents about the possibility that their chil-

12. *Ibid.*, p. 5.

## Reagan, Meese, and Guiffrida:

### The Governor

While Ronald Reagan was governor, a series of secret exercises in repression (called "civil disorder management") were held in California. Initially in 1968 they brought together law enforcement officers from all over the state. In 1969 and 1970 they added generals from the Pentagon, the Sixth Army, and the National Guard; police chiefs, sheriffs, and lesser officers from many parts of the United States; Military Intelligence officers, telephone company executives, and defense contractors.

The code name of these exercises was *Cable Splicer*.

In his classified orientation address for Cable Splicer II on February 10, 1969, Governor Reagan started out by saying, "You know, there are some people in the State who, if they could see this gathering right now, and my presence here, would decide their worst fears and convictions had been realized—I was planning a military takeover."

He went on to discuss the events of the previous week when he had answered anti-war protests by declaring a state of emergency on the campus of the University of California at Berkeley: "By calling this State of Emergency we were able, with the use of the Highway Patrol, to put the forces on the campus *in advance of the trouble* to prevent the trouble from starting. . . . The presence of law enforcement there in advance of the problem has evidently brought the order that we have been seeking for a long time. Therefore, as harsh as it may sound, I will tell you that wherever, from now on, a situation arises similar to the one at Berkeley that prompted this action, there will be no delay in declaring a State of Emergency on that campus wherever it may be to bring about the same results." [Emphasis added.]

Thus Reagan the Governor anticipated by 15 years the "preventive" repression policies of Reagan the President announced by his Secretary of State last year.

### The Executive Secretary

In those days Edwin Meese III was Governor Reagan's executive secretary. He, too, was given to secret speechmaking and some of his remarks at the evaluation conference for Cable Splicer III on May 27, 1970 provided the impetus for the development of the new repression strategy. He told the assembled generals, law enforcement personnel, and businessmen:

We can not, as public officials and law enforcement officers or military personnel, afford to be using the tactics of the 60s in the era of the 70s. This is why we must have exercises such as we are engaged in or conferences such as this to continually reevaluate what we are doing and to

keep ourselves from getting in a rut so that our response or our preventive activities are not adequate to those on the other side who are continually picking up new ways and new methods to disrupt society. . . .

[A] concept that was derived in the 40s and 50s for the single isolated incidents, in which the police departments of a particular locale found itself in a situation it couldn't handle by itself and called upon its neighbors to immediately respond, is not the same situation that we have for the 1970s where we have the prolonged conflict which day after day is requiring large numbers of police officers frequently to be present as an available reserve force and on occasion to be actually utilized in the controlling of these confrontations. . . .

So we are committed in California at the present time to a thorough, in-depth study along with local law enforcement representatives and the various state departments that are here with us today to looking at the whole mutual aid concept in regards to funding, in regards to equipment and in regards to the training and organizational strategies so that we can come up with the continuation of mutual aid, because, make no mistake about it, the ability to prevent and control riots and disorders depends upon the full utilization of local law enforcement. But perhaps we can do a better job of supporting and assisting that in terms of financing and in terms of other auxiliary activities that will make mutual aid a continuing resource we can count on no matter what the revolutionaries may decide to throw at us.

Another area is intelligence. This also was talked about a great deal this morning but there is no question that we need to improve our ability to coordinate and to obtain a thorough information gathering system. We have to improve our dissemination so that we have shared information on a much wider range and we have to improve our early warning ability to know what the dissidents are planning. . . . [W]e have felt that the information gathering and coordinating process is so important that the departments involved in emergency planning have devoted one staff member each to work together on a regular basis to share information and to coordinate our information gathering efforts. . . .

In other words, the things that I have talked about here and which will be talked about during this conference are matters where we have to develop new techniques or improve old techniques to keep pace with what's going on around us, but most of all it requires a commitment of top policy making officials at all levels of government.

As it turned out, the new repression strategy outlined by



dren might be kidnapped are followed quickly by a concerted police/school/corporation (usually McDonald's) offer to help protect the kids by fingerprinting and photographing them; thus they are registered with the police long before they have any idea of the possible consequences. And Selective Service has purchased lists of young men who signed up long ago at an ice cream store to receive free treats on their birthdays; the government uses the lists to find 18-year-olds who have not registered for the draft.

The United States has managed to pursue a "two track" strategy, employing both Eveleigh's and Kitson's proposals simultaneously. At the same time as apparently benign Eveleigh-type policies are being implemented, such as requiring every child on welfare to have a Social Security number, the more draconian Kitson methods are also advancing, mostly under the banner of counterterrorism.

One can only marvel at the skill with which this campaign was orchestrated, from the very first days of the Reagan ad-

## A Team With Experience

Meese and elaborated by Frank Kitson in *Low Intensity Operations* did prove more successful than the earlier methods that Meese had criticized as inadequate. But in the early and middle 70s it was not possible for the new strategy to be centralized on the federal level because the very agencies that would have had to coordinate it were under fire, and a wave of reform was sweeping the Congress. In 1971 the Senate's Ervin Committee investigated and exposed the role of Military Intelligence in domestic spying and received a promise (not kept) that those activities would cease. Later the Senate's Church Committee and the House's Pike Committee investigated the FBI and the CIA, and called upon them to curtail their dirty tricks, especially those conducted domestically.

### The Commandant

Governor Reagan felt no such constraints, however, so in May 1971 the California Specialized Training Institute was established, funded with a seed grant of \$425,000 from the federal Law Enforcement Assistance Administration. Colonel Louis O. Giuffrida was named its commandant.

In "Bringing the War Home" (*New Times*, November 28, 1975), writers Ron Ridenhour and Arthur Lubow wrote:

The Civil Emergency Management Course Manual at the San Luis Obispo school is a virtual handbook for the counterrevolution. Examining the motives behind "revolutionary activity," the manual author finds the causes legitimate, the frustration often well-justified, the "revolutionaries" basically sincere. That is exactly why the threat is so dangerous. The manual and the course describe how that threat should be met. The methods? Press manipulation, computerized radical spotting, logistical support from other agencies, martial rule. Three days of preparation lead up to a day-long game, Cable Splicer-style, based on a hypothetical riot in the mythical town of Santa Luisa. After seven hours of war, there is a critique and another work session. A last day is highlighted by discussions of "reduced lethality weapons" and student movement infiltration.

Between September 1971 and May 1975, 4,063 officials of the National Guard, the Army, local police forces, fire services, city governments, courts, legislatures, utilities, prisons and private corporations attended this course in San Luis Obispo. They are the "nucleus of officers . . . at every level of government" called for in the Cable Splicer II and the Cable Splicer III After Action Reports. They came from nearly every state west of the Mississippi and some east. . . .

The San Luis Obispo school teaches soldiers as well as commanders. The most well-known alumni of this and similar programs are the law officers who systematically slaughtered the Symbionese Liberation Army cohorts of Patricia Hearst. That televised massacre occurred only six months after the November 1973 graduation of the first 40 students at the San Luis Obispo special weapons and tactics (SWAT) program. SWAT teams are the Green Berets of the ghettos. . . .

They are taught not only how to act on the streets but how to defend their actions in a courtroom. For instance, trainees are read two examples of testimony by a police officer who has choked a prisoner. The first explanation makes the act defensible, the other leaves the officer culpable.

In 1978 United Press International reported that CSTI "has graduated over 14,000 students from every state in the union, as well as from overseas."

Perhaps the only program of its kind in the country, it offers five-day courses on international terrorism and nuclear site security, civil emergency management, contingency planning for transportation of hazardous materials, investigation of violent crime and officer survival. . . .

The institute's director, Louis Giuffrida, in a brief telephone interview, said creation of the institute was "an inevitable idea" during the campus turmoil of the late 1960s and early 1970s but its scope has been expanded to include a variety of natural and manmade disasters. . . . Dep. Atty. Gen. Michael Franchetti called Giuffrida, whose background includes a stint at the Army War College, "one of the world's experts" on international terrorism.

"I understand he keeps in constant contact with heads of the Israeli, Italian and German secret services and I know those are people who are in and out of there quite often to teach classes," Franchetti said. (*Los Angeles Times*, December 12, 1978.)

### Tomorrow the World

Today the governor is President of the United States, the executive secretary is his Attorney General, and the commandant heads the Federal Emergency Management Agency. They have firmly installed in Washington, and thereby in the whole western world, their version of new state repression. ●





**General Sir Frank Kitson, commander of British land forces, receives briefing, Beirut, October 1983.**

ministration when Secretary of State designate Alexander Haig announced the policy. Since FBI figures showed a steady decline in the number of domestic terrorist incidents, the pretext was initially international terrorism. Reports of a Libyan hit team planning to assassinate the President were widely circulated; proof that this story was an intelligence agency hoax received little attention. As Congress obediently furnished the money to establish the new super-secret counterterrorist units in various branches of the military, Haig's successor, George Shultz, announced the government's new policy—modeled on the Israelis—of preemptive strikes against suspected terrorists.<sup>13</sup> Gradually since then, the rhetoric of government officials has obliterated any distinction between domestic and international terrorism, and strange military forces have begun making their appearance every time a militant anti-war protest is held anywhere in the United States.

Ironically, the stoutest resistance to these developments has come from the upper echelons of the U.S. military who cling to their traditional view of their mission. They want to fight wars, not "low intensity operations." They do not want to become police. But they grudgingly obey; officers from all over the world, not just U.S. military brass, receive training in "low intensity conflict" at Fort Leavenworth's Command and General Staff College. Meanwhile, every police force worthy of the name has been thoroughly militarized with SWAT teams, tactical squads, helicopter patrols, infrared night vision paraphernalia, and the like.

One important difference between Kitson and Eveleigh concerns the quality and importance of intelligence. As noted above<sup>14</sup>, Kitson considers good intelligence of "paramount importance." In a lengthy chapter, he provides a long list of suggested ways to gather intelligence. One example has the policeman or soldier in charge

appoint one local inhabitant to be responsible for each street who would be instructed to appoint an individual to be responsible for each block and so on down to one individual responsible for each family.<sup>15</sup>

The "beat rep" programs mentioned above bear a striking

similarity to this suggestion. The most significant point is so subtle that it could easily be missed, so Kitson emphasizes the point in his conclusion: *Quality* of intelligence is unimportant; *quantity* is what counts:

It has already been mentioned that peace-time intelligence organizations prefer using a few high grade sources to a large number of lower grade ones. But it is evident from the scenario that the system for developing background information works if there is a lot of it to develop. It is not important that it should be immensely reliable because all that is necessary is something on which to build.<sup>16</sup>

Eveleigh's view is a pole apart. For him *quality* is paramount:

It is difficult for those who have not been concerned personally with countering terrorism to understand the complete difference in quality and value between general information from the public and inside information from within the terrorist movement. . . . Once their intentions are known to the Security Forces, the terrorists have lost the initiative; the Security Forces can then arrange reception committees for the perpetrators of acts of terrorism. It is only through inside informers that a terrorist organization can be exposed to this extent, and once so exposed it is helpless until it has discovered and removed the informers.<sup>17</sup>

He then gives a detailed prescription for recruiting informers:

What is needed is the ability within the law to induce a terrorist to defect to the Government's side without his former colleagues knowing that he has done so, in return for indemnity for his crimes. We should consider briefly the effect on a terrorist organization of widespread publicity being given to official encouragement of defection in return for an indemnity. Any arrested terrorist will have this "easy way out" at the back of his mind if the pressures on him seem too strong. Whenever a terrorist is arrested, his colleagues will fear that he will defect and must take steps to protect themselves from the consequences of this with all the disruption that such hurried and unforeseen changes must cause. . . .<sup>18</sup>

He goes on:

Inside informers seldom appear of their own volition. They have to be consciously created, usually from among members of the terrorist organization who have been arrested. . . .

Persuading a terrorist to defect is akin to the wooing of a woman—with persuasive and even glib arguments on one side and, on the other initial resistance and vacillation between the urge to consent and the urge to refuse, and if all goes well, the development of confidence. Indeed, the interrogator is seeking to achieve a seduction rather than a rape or a rebuff. . . .

There seem to be five reasons why suspects are induced to think that it is in their own interests to inform and defect: because they are tortured, because they are induced to do so by cash, because they are blackmailed into it as the lesser of

13. See Ray and Schaap, "Pentagon Moves on 'Terrorism,'" *CAIB* Number 22 (Fall 1984), pp. 4-9.

14. *Supra*, n. 6.

15. Kitson, *op. cit.*, p. 129.

16. *Ibid.*, p. 131.

17. Eveleigh, *op. cit.*, p. 68.

18. *Ibid.*, p. 72.



two evils, because they lose their nerve, and because they are genuinely converted from their terrorist beliefs to supporting the Government cause.<sup>19</sup>

Then he tells precisely how to use each of these five methods—torture, bribery, blackmail, induced cowardice, and conversion. He says that they all work. Evelegh's appeal was obviously heard in Westminster, judging by the trials conducted in Belfast and Derry for the past few years based upon the evidence provided solely by paid perjurers induced to testify in these very ways, the so-called "supergrasses." ("Grass" is British slang for informer.)

But that strategy has begun to unravel in the Irish context; even British judges have refused to accept as credible some of the most important "supergrass" trial evidence, and have released the defendants. In Italy, however, the induced testimony of the so-called *penitenti* has had a devastating effect on the armed revolutionary movement in that country. It is still too early to know whether its application in the United States will prove to be significant.<sup>20</sup>

One important weakness in this aspect of Evelegh's strategy is that once activists are induced or coerced to betray their cause, they must be given permanent lifetime protection by the state, not an easy task at best, and especially complicated when the informer has become a recognized personality in the media. A chronic problem for the U.S. Witness Security Program is that, because so many of the informers are criminals, the effect of the program is to put the Justice Department in the position of indemnifying felons, even murderers, in exchange for testimony against others whose alleged "crimes" are minor by comparison, even to a public which supports the government and believes the witness.

Evelegh's strategy of repression, like Kitson's earlier, is being internationalized. A 1978 FBI document is especially interesting in this regard. It says:

Those who made presentations at the FBI International Symposium on Terrorism request that you do not duplicate this document in any way. Moreover, they request that information contained in their presentations not be disseminated outside your agency.<sup>21</sup>

This admonition was taken so seriously that the FBI violated federal laws and its own regulations in a futile attempt to keep the document secret. When an FOIA request was filed for this document, the FBI replied that no such thing existed; fortunately, a copy was already in outsiders' hands by the time of the request.

The contents are not surprising; what is significant is the list of those in attendance. Not only did this symposium convene high level security officers from West Germany, the Netherlands, Italy, Spain, Portugal, Great Britain, Japan, and Israel,

19. *Ibid.*, pp. 133-136.

20. The U.S. Congress recently passed Senator Denton's "Act for Rewards for Information Concerning Terrorist Acts" (as part of the security appropriations bill submitted in the wake of the Beirut Marine barracks bombing). It provides up to a half a million dollars reward for "information . . . leading to the arrest or conviction, in any country, of any individual or individuals for the commission of an act of terrorism against a United States person or United States property. . . ." An "act of terrorism" is defined extremely broadly, including "a violent act . . . that is a violation of the criminal laws . . . and . . . appears to be intended . . . to influence the policy of a government by intimidation or coercion. . . ."

21. FBI, *Proceedings of FBI International Symposium on Terrorism July 6-8, 1978*, p. 2.

but also it reached down into every significant urban area in the United States. Nearly every FBI field office, state police department, and the chiefs or assistant chiefs from the hundred largest cities and towns in the U.S. were represented. A similar symposium was held in Puerto Rico.

That was new. Never before had the political duties of police on every level been so explicitly articulated, so broadly connected, so well organized. It is not just high technology that has made this possible; it is also the new strategies of permanent repression as articulated by Kitson and Evelegh.

## Conclusion

It is important in waging the struggle against repression that we adapt to the new realities with our own new strategies. We must discard some of the left's traditional wisdom, particularly the assumption that the state's relatively tolerant attitude toward protest is permanent and the corollary proposition that the defense of constitutional legality is sufficient to protect the political space necessary for the mass protests of the future. Assumptions about the potential of the progressive movement must be at least as radical as those of the state, that there does exist an objective basis for resistance, and that it can and must emerge. We must take the offensive against the new forms of repression; we must remain innovative. Though the problems are difficult, we have achieved the first step in solving them when we have identified the essential problem. Thwarting the political police must be as important to us as permanent oppression is to the ruling class. ●

## Bibliographic References

### *Repression Strategies:*

California Specialized Training Institute, "Civilian Violence and Terrorism; Officer Survival and Internal Strategy" (lecture/syllabus), CSTI: Camp San Luis Obispo, California, revised August 1974.

Evelegh, Robin, *Peace-Keeping in a Democratic Society: The Lessons of Northern Ireland*, C. Hurst & Co: London, 1978.

Federal Bureau of Investigation, *Proceedings of FBI International Symposium on Terrorism July 6-8, 1978*, FBI: Washington, 1978.

Kitson, Frank, *Low Intensity Operations: Subversion, Insurgency, Peace-Keeping*, Faber & Faber: London, 1971.

Kitson, Frank, *Bunch of Five*, Faber & Faber: London, 1977.

### *Anti-Repression Information and Analysis:*

Ackroyd, Carol, Karen Margolis, Jonathan Rosenhead, and Tim Shallice, *The Technology of Political Control*, Pluto Press: London, rev. ed. 1980.

Lee, Edward A., "The Lumpenproletariat and Repression: A Case Study," in *Political Discussion*, Number 3, Freedom Information Service: Tougaloo, Mississippi, November 1976.

Ross, Caroline, and Ken Lawrence, *J. Edgar Hoover's Detention Plan: The Politics of Repression in the United States 1939-1976*, American Friends Service Committee: Jackson, Mississippi, 1978.

Serge, Victor, *What Everyone Should Know About State Repression*, New Park Publications: London, 1979.

United Methodist Voluntary Service, *Repression and Resistance: The System vs. the People, An Information Manual* (a materials packet), UMVS: New York, 1982. ●



## Operation Sojourner:

# Targeting the Sanctuary Movement

By Rachel Ovryn\*

*"When the church has to break the law in order to provide refuge for homeless people, the struggle for justice has reached a new stage. Now the pastoral has merged with the political, service is prophetic, and love is a subversive activity."* (Reverend Sid Mohn, Wellington United Church of Christ, quoted in *National Catholic Reporter*, September 14, 1984.)

On January 14 of this year a federal grand jury in Phoenix, Arizona indicted fourteen North American and two Mexican nationals including three nuns and three clergymen, all members of the sanctuary movement, on 71 counts of conspiracy, and transporting and smuggling of undocumented ("illegal") aliens. All sixteen indictees pleaded not guilty to the charges. Fifty-eight Central Americans, all of whom were associated with the refugee network, were arrested, forty-three in Phoenix, Arizona, seven in Seattle, Washington, three each in Tucson, Arizona and Philadelphia, Pennsylvania, and two in Rochester, New York. In addition, the government has named twenty-seven refugees and twenty-six North Americans as "unindicted co-conspirators" and indicated that it plans to subpoena each of these persons to the trial.

The information which led to these indictments and arrests was obtained by the Immigration and Naturalization Service's (INS) infiltration into the sanctuary and refugee community network during the course of a ten-month undercover operation known as "Operation Sojourner." The indictments and arrests were based on 4,000 pages of transcripts, documents and personal papers, and 100 tape recordings, all of which were covertly procured by two federal agents and two civilian informants. According to Verne Jervis, a spokesperson for the INS, the indictments were approved in Washington by Alan C. Nelson, head of the INS, and Associate Attorney General D. Lowell Jensen.

### The Sanctuary Movement

The sanctuary movement is a national church-based movement which emerged in March 1982 when several congregations around the country publicly declared their churches as "sanctuaries" for people seeking refuge from persecution, torture, and the violence of civil wars in El Salvador and Guatemala. Previous to their public declaration of support for undocumented Salvadoran and Guatemalan refugees, many of these churches were involved in providing food, bond money, and legal advice to the refugees who had been apprehended by the INS and were being held in jails and camps while being processed for deportation.

As a coordinated whole, the sanctuary movement now involves over 190 congregations with more than 60,000 members from many denominations who have developed an elaborate underground railroad that functions to assist undocumented Salvadoran and Guatemalan refugees in crossing the border into the United States. In Mexico and the United States many people provide the refugees with temporary shelter until they can be moved to a place where a congregation has agreed to offer them permanent refuge. There they are provided with a base from which to speak to the North American community. Public testimony is an integral part of the sanctuary movement, in order to inform North Americans about the desperate situation of Salvadoreans and Guatemalans in their homelands and in the United States.

Since its emergence in 1982, the sanctuary movement has been plagued by a series of actions taken by the federal government, particularly the INS, designed to harass and intimidate the sanctuary community. Clearly, Operation Sojourner represents the largest and most organized effort launched by the government against the movement, but it also signals an alarming change in tactics. Prior to this indictment and discovery of the infiltration and use of informants, the government had limited itself to isolated arrests and harassment activity. Among previous instances of harassing and targeting of the sanctuary movement are:

- The FBI has repeatedly questioned sanctuary workers in Milwaukee, Chicago, and South Texas about their involvement in the underground railroad.

- Sanctuary workers in South Texas have reported an increase in border area roadblocks and INS surveillance begin-

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ning in 1983, although Border Patrol agents maintain there has been no change in policy.

- A family living in sanctuary in Davenport, Iowa was forced to move to Iowa City after church members learned that the INS was watching them. Shortly afterwards the INS raided Iowa City for "illegals," a tactic most sanctuary activists felt was an effort designed to further intimidate the family and their new congregation.

- On February 17, 1983, a Catholic sister, a Christian layworker, a reporter with the *Dallas Times Herald*, and three Salvadoran refugees were stopped between 4:00 and 5:00 a.m. by the INS on a back farm road near San Benito, Texas and subsequently arrested. The two adult Salvadoreans were charged with illegal entry into the U.S. The nun, layworker, and reporter were charged with three felony counts: transporting illegal aliens, conspiracy, and aiding and abetting a crime. The arresting officials carried no warrant for their arrest. The nun and layworker contested the charges, claiming they had a legal right and a moral duty to provide sanctuary to refugees from El Salvador and Guatemala.

On March 13, 1983, a federal grand jury indicted the nun and layworker, dropping charges against the reporter, Jack Fisher, who became a witness against the layworker, Stacey Merkt, choosing not to exercise his First Amendment freedom of the press privileges. The two Salvadoreans had their charge of entry without inspection dismissed, a tactic designed to manipulate them into also testifying against Merkt. When both refused to testify, they were charged with contempt of court and incarcerated over the weekend. Later, when they agreed to testify in Merkt's defense, that testimony purged their contempt and both were freed. Deportation proceedings were commenced against one of them. On June 27, 1984 Merkt was given a suspended 90-day sentence with two years' probation. (In June 1985 this conviction was reversed by the Court of Appeals.)

- On March 7, 1984, the U.S. Border Patrol detained two more North American sanctuary workers, Phillip Willis-Conger and Kathryn Flaherty, and four Salvadoran refugees, driving on the Patagonia road east of Nogales, Arizona. The refugees were detained and the two adult Salvadoreans were charged with entry without inspection. Copies were made of personal papers and items found in the knapsacks, bags, and car. No charges were pressed against Flaherty and charges against Willis-Conger were later dropped when the judge determined that the Border Patrol agents had no probable cause for stopping the car. It was recently discovered that information found among the personal belongings of Willis-Conger and Flaherty was used to form the basis of Operation Sojourner.

- In March 1984, a third arrest occurred in Texas. This time Jack Elder, the director of Casa Oscar Romero, a shelter sponsored by the Roman Catholic Church in San Benito, Texas, was indicted and charged with transportation of illegal aliens. At the pre-trial hearing the judge denied 50 of 53 defense motions and limited the trial to the narrow issue of whether Elder actually transported the Salvadoreans in furtherance of a violation of the law. On January 24, 1985, Elder was acquitted by a jury, even though the court did not allow him to raise as a defense either freedom of religion under the First Amendment or the principle of international law which prohibits the deportation of persons to a country where their lives or freedom would be threatened on account of race, religion, nationality, political opinion, or membership in a particular social group.

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On December 4, 1984 both Jack Elder and Stacey Merkt were newly indicted on charges of smuggling, transporting, and conspiracy. On March 27, 1985 Elder, found guilty of conspiracy and transporting, was sentenced initially to one year on each of the three charges to be served concurrently, or two years' probation with three conditions attached: that he leave Casa Oscar Romero, that he stop working with Central American refugees, and that he cease speaking about the sanctuary movement to the press or the public. The defense lawyers called the post-trial gag order unprecedented.

Elder refused the probation conditions and was sentenced to 150 days in a half-way house. At present he is still prohibited from working with refugees and must obtain federal approval to talk with reporters. Merkt received an 18-month sentence, 179 days to be served in jail and three years' probation, subject to the same conditions. According to Jim Corbett, one of the leaders of the sanctuary movement, the case against Elder involved far more than one person helping others around roadblocks: "The indictment is definitely a targeting of refugee services."

### Operation Sojourner

With the institution of Operation Sojourner, the government intensified its actions against the sanctuary movement, targeting a large group of sanctuary workers and using electronic surveillance and informers. Operation Sojourner is described as a government "smuggling investigation" which claims to be focused primarily on the "Central American Refugee Underground Railroad." It involves four informants who were authorized to tape private conversations by recorders concealed on their persons, to tap telephones, to photocopy documents and other materials, to record addresses, to gather personal information, and to report regularly to the U.S. government information on the activities and people observed. According to government documents, Melvin McDonald, the U.S. Attorney for Arizona, and Donald Reno, his special assistant, were "appraised daily, and concurred with the proposed plan."

Over a period of at least six months—July through December 1984—at least two of the government's paid infor-



"Felipe," a Mayan Indian refugee from Guatemala, with his wife and five children, all masked, at the Wellington Avenue United Church of Christ, Chicago.

Credit: Allan Koss



mants, Jesús Cruz and José Morales, entered churches and homes wearing these bodybugs, lied about their government affiliation, and gathered information about the activities of the North and Central Americans indicted on January 14. Informant Cruz, for example, participated in weekly meetings at the Southside Presbyterian Church in Tucson, a Bible study group at Alzona Lutheran Church in Phoenix, and a worship service at Camelback Presbyterian Church, spent many nights in the home of one of the inditees, and attended the wedding of another.

There are numerous examples of intrusion and eavesdropping by the informants and the federal government into the lives of people in the sanctuary and refugee communities, undertaken clandestinely and without a warrant. Government documents released to date indicate that the government sent informants into churches, eavesdropping and tape recording religious activities. Operation Sojourner has produced extensive tapes and transcripts of church and refugee community meetings, personal conversations between North and Central Americans, and phone calls from offices and homes. This information, obtained clandestinely, is the essential evidence the government will use in its million-dollar prosecution against people who provide refuge to those who fear persecution and death in their homelands.

James Rayburn, lead investigator for Operation Sojourner, has testified that the informant operation was initiated *prior* to seeking approval for it from the Attorney General. On March 19, 1984, the government issued regulations which required authorization to infiltrate "sensitive areas," including activities of religious organizations. Rayburn applied for such authorization on April 24, 1984. His application made no mention that informants were to enter church buildings or tape-record worship services. The application indicated that the informant operation did not involve an "invasion of privacy." Finally, the application appeared to seek approval retroactive to March 27, the date on which the informant operation had actually commenced. Contrary to regulations, Rayburn never discussed the guidelines with informants Cruz or Solomon

Graham, gave few instructions to them, and never reviewed their undercover program in the required detail.

After hearing testimony on the activities of the informants in the case in May 1985, U.S. District Judge Earl H. Carroll strongly criticized the government tactics, commenting that the use of informants "sullied" the legal process. He concluded that there were other options for obtaining information available to the government, especially since the sanctuary movement held many public meetings. "There should be little occasion or need for the government to send people, paid to do it and wired to do it, into places of religious activity . . . the whole process has been sullied in a sense." This is the first time that government infiltration and intrusion will be tested in the First Amendment context of religious freedom.

Clearly, Operation Sojourner signals a new level of harassment by the government against the sanctuary movement and demonstrates the degree to which the administration finds the sanctuary movement threatening. According to the U.S. government this "illegal, massive civil disobedience movement of churches is making a statement of protest against our Government's position in Central America."

Sanctuary activists have always understood that their ability to link social concerns with social action would have an important impact on public opinion and thus represent an increasing threat to the Reagan administration. Many realized that the likelihood of confrontation with the federal and local authorities was high and that harassment and covert action by the FBI and the CIA were likely possibilities. They were not surprised when the government intensified its crackdown on the movement, but all have expressed shock and disgust at the government's tactics and the depth of the infiltration.

### The Effects of Infiltration

The effects of the infiltration have been profound, radiating beyond the sanctuary movement itself and into the religious community generally. At the pretrial hearings held before Judge Carroll in May, two Phoenix ministers testified that their church gatherings had been undermined by the infiltration. In one case, a Bible studies class was discontinued after parishioners learned that informant Jesús Cruz had covertly attended the church. James Oines, Pastor of Alzona Lutheran Church, testified that Bible study classes are no longer held at his church because some members of the congregation "do not feel they can come to the church."

Reverend Gene Lefebvre, Pastor of Sunrise Presbyterian Church in the Phoenix area, spoke of being "chilled" and "shocked" at learning of Cruz's surreptitious presence during an ecumenical service at Camelback Presbyterian Church in Phoenix. Members of his congregation expressed "fear" and "outrage" at the threat to their confidentiality. A school teacher not involved in the sanctuary movement became very upset according to Lefebvre, because she feared the FBI had a file on her and her chances for new jobs would be hurt.

Sanctuary activists maintain that they have consistently been open about their activities. The basic principle of the movement is that it is their moral responsibility to provide sanctuary to refugees and, although this is in violation of U.S. immigration laws as currently interpreted, their activities are legitimated by other international and domestic laws. They cite the Geneva Convention of 1939, the Nuremberg principles, the 1968 United Nations protocol on refugees, and the United States' adoption of that protocol in the 1980 Refugee Act. Under these laws the U.S. is obliged to provide safe haven to



Credit: Steve Dalber

"Felipe" with sanctuary workers at a send-off service for the caravan which took him and his family from Chicago to New England.



those who have a well-founded fear of persecution or who flee generalized conditions of war in their homelands.

## Portrait of an Informant

According to prosecution documents, Jesús Cruz, along with three other government informants, infiltrated the sanctuary and refugee community network beginning in late April or early May of 1984. Cruz, who has been described as "looking like a loving grandfather," gained entry into these communities when one warm day in May he appeared at the door of an old Catholic church in Nogales, Sonora, with a truckload of oranges, grapefruits, and tangerines to give to the needy. Cruz told sanctuary workers that he lived in Phoenix, Arizona. Those who call his house now are told that he has moved and left no forwarding address.

Around October or November, Cruz began regularly attending a Sunday night Bible studies group at Alzona Lutheran Church in Phoenix. Altogether he must have attended about twelve or thirteen meetings. Reverend James Oines said people thought of Cruz as a "good-hearted guy." He kept saying, "*Soy voluntario con el movimiento santuario*," "I am a volunteer with the sanctuary movement."

On January 14 it became clear that Jesús and three others had worked as paid government informants for at least ten months. One sanctuary activist described meeting Jesús when he first infiltrated the sanctuary movement. "The day I met Jesús down at Sacred Heart I didn't have any bad feelings about him. I don't like to have bad feelings about people. There are always people you like more than others or care to associate with more than others. He was one that I could have met and really not cared if I'd ever see him again. But I didn't have any really bad feelings. Other people were very emphatic about not liking him. You know he'd come to my house and visit quite a lot. When people come to my house I always try to treat them cordially; with him it was no different. I've still got his damn oranges sitting on the porch. I keep forgetting to throw them out. I hate to look at them, it annoys me so. . . oranges and grapefruits, just sitting there on the porch. Maybe I keep them there to remind myself of his treachery."

Phil Willis-Conger, one of the indictees and director of the Tucson Ecumenical Council, described Cruz "like a nice bubbling kind of guy who mainly wanted to help." A few days after he was indicted Willis-Conger told reporters that he was a bit suspicious of Cruz at first but that the suspicion decreased when Cruz participated in several activities without any problem. Later that year, Cruz, posing as part of the sanctuary community, attended Willis-Conger's wedding, although he had not been invited.

Reverend Oines spoke for members of the sanctuary and refugee community when he referred to Christ's words, telling reporters, "in this case we were as gentle as doves but not as wise as serpents."

## Some Observations

In preparation for this article, several sanctuary activists were asked to reflect on the effect of the government's infiltration into the movement and the presence of informers on the movement generally and on them personally. They spoke of how there has been a conscious decision, influenced by key leaders in the movement, not to allow the government's activities to change the openness which has always characterized the sanctuary movement. They all agree that this openness is fundamental to their firm belief that their actions are right and that they have a moral and a legal obligation to continue this ministry.

On the other hand, one activist said, ". . . because of our background, we don't know how to incorporate these new feelings of distrust and suspicion and fear of informants into the decision making processes. Not just on a formal level but on a day-to-day basis. For instance, when someone comes to our meeting that no one knows, no one in the room is willing or feels comfortable enough to confront that person and ask them who do you know and why are you here. To ask for a recommendation. So for a long time there were a lot of things we simply didn't discuss at the meetings. We'd deal with them privately after the meetings were over, with people we felt we could trust. It took months until we finally decided to restructure the meetings. Now the meetings are closed and anyone who does not have a specific role to play at the meeting is simply not invited."

Another added, "We don't feel good about this; though it's more efficient to work with small groups of people, we want very much to make room for new volunteers. I feel I've changed a lot since we learned of the infiltration. I always liked the fact that I am an open, trusting spontaneous person. Those are the qualities that make me realize my moral responsibilities to others, in this case the refugees. But now I find myself much less willing to be open."

"That's so true," said one woman who is currently involved in crossing refugees. "Things have changed because of the infiltration; there's no question about it, relationships are more tense. We try to subdue our fears and repulsion concerning spies and continue to act openly, but now when we leave meetings we ask ourselves who was it this time?"

"Most of us have accepted the reality of getting arrested. You know I think our fear is almost more of spies than of being arrested. It's that awful feeling of betrayal. There's always fear if you're crossing because the risk of arrest is more immediate. But it's a different kind of fear than the feeling that someone is going to betray you. The idea that someone like Jesús Cruz, who worked with us, knew why we were in this, heard the testimonies of the refugees, took them to Christmas dinner, could actually be gathering evidence against us is really sickening. This I don't understand and it's impossible to know where it comes from."

The power of the government to use informers, including those wired for sound, has been approved in other contexts by numerous judicial decisions. However, the courts have never addressed the use of this type of intrusive investigation in areas where religious freedoms are concerned. While government infiltration has been approved in the political context, this is the first time it has been addressed in the religious context. One might argue that there should not be any difference between the two, but because of the U.S. Constitution and the special place that religion holds in our society, there may be a principle developed in this case that says the government cannot do it. ●



# The Covert War Against Native Americans

By Ward Churchill\*

There is a little considered aspect of the covert means through which the United States maintains its perpetual drive to exert control over the territory and resources of others. It concerns, however, matters internal rather than external to the geographical corpus of the U.S. itself. It seems appropriate to quote a man deeply involved in the struggle for African liberation, Kwame Touré (formerly known as Stokely Carmichael). In a speech delivered at the Yellow Thunder demonstrations in Rapid City, South Dakota, on October 1, 1982, he said:

We are engaged in a struggle for the liberation of ourselves as people. In this, there can be neither success nor even meaning unless the struggle is directed toward the liberation of our land, for a people without land cannot be liberated. We must reclaim the land, and our struggle is for the land—first, foremost, and always. We are people of the land. So in Africa, when you speak of “freeing the land,” you are at the same time speaking of the liberation of the African people. Conversely, when you speak of liberating the people, you are *necessarily* calling for the freeing of the land.

But, in America, when we speak of liberation, what can it mean? We must ask ourselves, in America, who are the people of the land? And the answer is—and can *only* be—the first Americans, the Native Americans, the American Indian. In the United States of America, when you speak of liberation, or when you speak of freeing the land, you are *automatically* speaking of the American Indians, whether you realize this or not. Of this, there can be no doubt.

Those in power in the United States understand these principles very well. They know that even under their own laws aboriginal title precedes and preempts other claims, unless transfer of title to the land was or is agreed to by the original inhabitants. They know that the only such agreements to which they can make even a pretense are those deriving from some 371 treaties entered into by the U.S. with various Indian nations indigenous to North America.

Those in power in America also know very well that, in consolidating its own national landbase, the United States has not only violated every single one of those treaties, but that it remains in a state of perpetual violation to this day. Thus, they know they have no legal title—whether legality be taken to

imply U.S. law, international law, Indian law, natural law, or all of these combined—to much of what they now wish to view as the territoriality of the United States proper.

Finally, they are aware that to acquire even a semblance of legal title, title which stands a chance of passing the informed scrutiny of both the international community and much of its own citizenry, the U.S. must honor its internal treaty commitments, at the very least. Herein lies the dilemma: In order to do this, the U.S. would have to return much of its present geography to the various indigenous nations holding treaty-defined and reserved title to it (and sovereignty over it). The only alternative is to continue the violation of the most fundamental rights of Native Americans while pretending the issues do not exist. Of course, this is the option selected—both historically and currently—by U.S. policy-makers.

## The Native American Movement

It is precisely from the dynamics of this situation that overt liberation organizations such as the American Indian Movement (AIM), the International Indian Treaty Council, and Women of All Red Nations were born. Insofar as their struggles are based in the reaffirmation of the treaty rights of North America's indigenous nations, theirs is a struggle for the land. In essence, their positions imply nothing less than the literal dismantlement of the modern American empire from the inside out.

The stakes involved are tremendous. The “Great Sioux” or Lakota Nation alone holds clear treaty rights over some 5% of the area within the present 48 contiguous states. The Anishinabe (Chippewa) are entitled to at least another 4%. The Diné (Navajo) already hold between 3% and 4%. Most of California has been demonstrated to have been taken illegally from nations such as the Pomo and Luisano. Peoples such as the Wampanoag, Narragansett, and Pasamaquoddi—long believed to have been exterminated—have suddenly re-materialized to press treaty-based and aboriginal claims to much of New England. The list is well over 300 names long. It affects every quarter of the contemporary United States.

## Vast Natural Resources At Stake

Today, more than 60% of all known U.S. uranium reserves are under reservation lands, and another 10-15% lies under contested treaty areas. Similarly, approximately one-third of all minable low-sulphur coal lies under reservations, while the figure easily exceeds 50% when treaty areas are lumped in. With natural gas, the data are about 15% under reservations, 15% under contested lands. The same holds true for oil. Al-

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most all American deposits of minable zeolites are under reservation land. Very significant strategic reserves of bauxite, copper, iron, and other crucial minerals are also at issue.

Giving all this up—or even losing a modicum of control over it—is an obviously unacceptable proposition to U.S. policy makers and corporate leaders. In order to remain a superpower (in both the military and economic senses of the term), the U.S. must tighten rather than relax its grip upon its “assets.” Hence, given its priorities, America has had little choice but to conduct what amounts to a clandestine war against American Indians, especially of the AIM variety.

### The Propaganda War

In pursuing such a policy the U.S. power elite has replicated the tactics and conditions more typically imposed on its colonies abroad. First, there is the matter of “grey and black propaganda” through which U.S. covert agencies, working hand in glove with the mainstream media, distort or fabricate information concerning the groups they have targeted. The function of such a campaign is always to deny with plausibility public sympathy or support to the groups in question, to isolate them and render them vulnerable to physical repression or liquidation.

As concerns AIM, grey propaganda efforts have often centered upon contentions (utterly unsubstantiated) that the “Indian agenda” is to dispossess non-Indians of the home-owner, small farmer or rancher type living within the various treaty areas.<sup>1</sup> In terms of black propaganda, there have been a number of highly publicized allegations of violence which, once disproven, were allowed to die without further fanfare. This has been coupled to “leaks” from official government sources that AIM is a “terrorist” organization.<sup>2</sup>

The propaganda efforts have, in large part, yielded the desired effect, souring not only the average American citizen’s perception of AIM, but—remarkably—that of the broader U.S. internal opposition as well. The latter have been so taken in upon occasion as to parrot the government/corporate line that Indian land claims are “unrealistic,” “not feasible,” and ultimately a “gross unfairness to everyone else.”

### Repression and Liquidation

With the isolation of Native American freedom fighters effectively in hand, the government’s clandestine organizations have been free to pursue programs of physical repression within America’s internal colonies of exactly the same sort practiced abroad. At one level, this has meant the wholesale jailing of the movement’s leadership. Virtually every known AIM leader in the United States has been incarcerated in either state or federal prisons since (or even before) the organization’s formal emergence in 1968, some repeatedly. This, in combination with accompanying time spent in local jails awaiting trial, the high costs of bail and legal defense, and the time spent undergoing a seemingly endless succession of trials, is calculated both to drain the movement’s limited resources and to cripple



Credit: Kevin McKiernan

**Anna Mae Pictou Aquash, killed execution-style on Pine Ridge during the winter of 1975. A victim of a whisper campaign initiated by the FBI infiltrator Durham, designed to isolate her from other AIM people, she had been warned by Special Agent David Price that she would not live out the year unless she cooperated with the Bureau.**

its cadre strength.<sup>3</sup>

Even more directly parallel to the performance of U.S. covert agencies abroad is physical repression conducted at another level, that of outright cadre liquidation. For example, in the post-Wounded Knee context of South Dakota’s Pine Ridge Lakota Reservation, independent researcher Candy Hamilton established that at least 342 AIM members and supporters were killed by roving death squads aligned with and supported by the FBI. (The death squads called themselves GOONs, “Guardians of the Oglala Nation.”) This was between 1973 and 1976 alone.

In proportion to the population of the reservation, this is a rate of violent death some 12 to 14 times greater than that pre-

1. This flies directly in the face of the formal positions advanced by AIM and associated groups working on treaty land issues. AIM has consistently held that it seeks lands held by the U.S. and various state governments (such as National and State Parks, National Forests and Grasslands, Bureau of Land Management areas, etc.) as well as major corporate holdings within the treaty areas. Small landholders would be allowed to remain and retain their property under “landed immigrant provisions” or, in some cases, naturalization.

2. This is based on testimony of a single informer at a hearing at which the AIM leadership was denied the right to cross-examine or to testify.

3. To cite but one example of this principle at work: Despite a ceasefire agreement assuring non-prosecution of AIM and traditional Indian people relative to the 1973 Wounded Knee occupation, the FBI proceeded to amass more than 300,000 separate file entries for judicial use against the people in question. Russell Means, an occupation leader, was charged with more than 140 separate offenses as a result; his trials encumbered the next three years of his life, before he went to prison for a year. There are many such cases.



vailing in Detroit, the so-called "murder capital of America." In a more political sense, it is greater than the violent death rate experienced in Uruguay during the anti-Tupamaro repression there, in Argentina under the worst of its succession of juntas, or in El Salvador today. The statistics are entirely comparable to what happened in Chile in the immediate aftermath of Pinochet's coup.

As is currently the case in El Salvador, where the Reagan administration contends that the police are too understaffed and underequipped to identify and apprehend death squad members, the FBI—which is charged with investigating major crimes in reservation areas—pleaded "lack of manpower" in solving the long list of murders involving AIM people. (The FBI saturation of the Pine Ridge area was greater on a per

## Profile of an Informer

### The Death of Jancita Eagle Deer

On April 4, 1975 a 23-year-old Indian woman died in a hit-and-run "accident" on a lonely back road in Nebraska. The following information is compiled from AIM investigations which eventually broke the Nebraska officials' cover-up, which had initially convinced us that neither Douglass Durham nor William Janklow was involved in the death of the woman, Jancita Eagle Deer. As it turned out, the apparent cover-up was for other reasons, related to wealth and power, but there is good reason to believe Durham was involved.

Around 1:00 p.m. on April 4, 1975 Jancita was picked up at the home of her brother, Alfred Eagle Deer, near Valentine, Nebraska (just south of the Rosebud Reservation). Eagle Deer said the car was a late '60s blue Chevrolet, driven by a dark-haired man he didn't know or get a good look at. At about 9:15 p.m. that day, Jancita's body was examined by a coroner's physician, Dr. Donald J. Larson. No autopsy was performed. "Massive injuries," as a result of being hit by a car, was the reason given for death. In a later interview, Dr. Larson told me he thought it possible she had been beaten, hit over the head or injured when she fell or jumped out of a moving car.

Jancita had been hit and killed by a local teenager from a well-off family. Terry L. Scott, 17, was the driver of the car that killed her and sped on. The initial cover-up was to protect him and a 16-year-old passenger. In later interviews, I established that she had been standing in the east-bound lane of a deserted road six miles east of Aurora [Nebraska], facing the oncoming car, weaving and looking disheveled, apparently trying to flag down the boys' car. They struck her and sped on.

At a nearby farmhouse, they called for help—help for themselves. Young Scott's influential father arranged for the boys to be checked into a local hospital. Dr. Larson went there first, to treat them for "shock and hysteria," and to give them a blood alcohol test. Apparently, he neglected to record blood alcohol percentage readings, only the fact that they "were not intoxicated or on drugs." After taking care of "the boys" (for whom he expressed great sympathy), he examined Jancita's body "grossly," as he explained it to me, at the Higbee Mortuary, where Hamilton County Sheriff W. G. Schultz had had her body taken.

When AIM investigators were finally able to learn some details, Yankton AIM coordinator Gregg Zephier went to the spot, along with Alfred Eagle Deer. They found that the sheriff and his deputies had not bothered with much investigating. One of Jancita's shoes and some items from her purse had been flung to the roadside when her body had been hurled 145 feet by the impact. They remained where they had fallen.

There were no skid marks indicating an attempt to stop or swerve to avoid hitting Jancita. There were also no charges lodged against "the boys," a fact which embittered Eagle Deer, who had once served a *prison* sentence [in Nebraska] for running a stop light.

In mid-July I received a call at the AIM office. The voice sounded like a lawman, but the person wouldn't identify himself. "I understand you are interested in Doug Durham and are investigating the death of a young Indian girl, Jancita Eagle Deer. You might like to know that the license of the car that picked her up the afternoon of April 4 was checked. The car belongs to Durham's father." The caller would give no further information and hung up.

In October of 1975 I accidentally learned a few more facts. Missing from Jancita's things, and not found in AIM's very careful roadside search, was Jancita's small black address book. She always carried it and was very careful with it. The FBI contacted her in-laws several times looking for it. Since she had it with her when she left her brother's house, it may be assumed the dark-haired driver of the blue Chevy has it, or has turned it over to his *real* masters, who seem perhaps to be the CIA rather than the FBI.

Second, there was a break-in at Jancita's in-laws' house a week after her death. Nothing of value was taken, but Jancita's papers appeared to have been gone through. Missing from these papers is a letter of introduction Durham originally brought with him in 1974, ostensibly from Jancita's foster father, saying "trust this man, do as he tells you." In retrospect, the in-laws believe that Douglass Durham, an accomplished burglar, performed the break-in. But, as one of them later put it, "What can we do? These people have so much power."

### Doug Durham Was No Ordinary Undercover Cop

After high school, from 1956 to 1959, Douglass Durham served in a "special" Special Forces team under CIA direction. He was trained in demolitions, sabotage, burglary, and other skills useful in clandestine warfare. From 1959 to 1961 Durham was "sheepdipped"—apparently stationed at the CIA base in Guatemala as just another adventurous civilian. He worked with the CIA's secret army of *gusanos*

\*These are edited excerpts from "Secret Agent Douglass Durham and the Death of Jancita Eagle Deer," a pamphlet by Paula Giese published by the *North Country Anvil*, Minneapolis, Minnesota; copyright © 1976 by Paula Giese; reprinted with permission.



capita basis than anywhere else in the country during this period.<sup>4</sup>)

4. To date, of the murders documented by Hamilton, *none* has been solved. On the other hand, the FBI experienced no such personnel problems in identifying and "bringing to justice" AIM people accused of murder. The most famous example is that of Leonard Peltier, accused of killing two FBI agents on Pine Ridge in 1975; pursued in what the Bureau itself termed "the biggest manhunt

More to the point than this transparent rationale for inaction is the case of Anna Mae Pictou Aquash. A young Micmac woman working with AIM on Pine Ridge, Aquash was told

in history," and convicted in what turned out to be a sham trial, Peltier is currently serving a double life sentence. (See, "The Ordeal of Leonard Peltier," by William M. Kunstler, in this issue.)

Credit: North Country Anvil



**With hair grown long and died black, FBI infiltrator Durham became known as one of the more "militant (violence-prone) members" of the American Indian Movement in 1974.**

(Cuban counterrevolutionaries), at gun-running, sabotage, and helping with air support for the Bay of Pigs invasion of 1961.

After the Bay of Pigs fiasco, Durham became a Des Moines, Iowa, patrolman and immediately got involved in burglary, prostitution, and taking bribes—for which he was investigated several times. Apparently he was using various "ethical short circuits" which he had been trained in; one of his former police supervisors told AIM investigators that he reprimanded Durham by telling him "Des Moines isn't Cuba." What is practiced in the provinces of the empire is (supposed to be) a no-no among citizens of the mother country.

Durham's involvement in prostitution—"running" a string of "girls" from a café called *Why Not?*—led to bitter quarrels with his wife. In July 1964 he beat her brutally; she died on July 5. Durham was investigated for second-degree manslaughter and, in the course of the investigation, was examined by a police psychiatrist. What immediately led to the examination was that three weeks after his wife's death, he married one of the *Why Not?* girls. The psychiatrist pronounced Durham a violent schizoid, "unfit for office involving public trust," and recommended commitment and treatment at a mental institution.

The police were not anxious for another scandal. (A few years previously there had been a large shakeup in Des Moines.) So Durham was allowed to make a deal—he was not prosecuted or committed, but he was supposed to commit himself for treatment. He was fired, with this understanding, in October of 1964. From then on, until he be-

came involved in "political work," he moved rapidly up in the Midwest hierarchy of organized crime.

He operated several restaurants fronting for Mafia interests. These were centers for gambling, large drug deals, and burglary rings. Durham also ran a sort of safecrackers and alarm foilers school, using his CIA-gained skills. He had several medium sized aircraft of his own (one a twin-engine Cessna) and access to jets belonging to the Iowa National Guard, which operates a large airbase in Des Moines. He was investigated for large-scale heroin smuggling, pandering, receiving stolen goods, and convicted in an odd Mafia/political case in 1971.

"I was considered (by local law enforcement officials) to be head of the largest criminal organization in the state of Iowa," he boasted to AIM attorneys in tape-recorded, witnessed interviews conducted March 9-12 [1975] in Chicago.

AIM exposed Douglass Durham as an FBI informer (he called himself an "operative") at a nationally covered press conference on March 13, 1975. Durham appeared at the press conference and confirmed his role, giving the names of agents Ray Williams and Robert Taubert (Minneapolis) and David Hedgecock (Des Moines) as his supervisors. He presented the public image of a staunch law enforcement official who had been won over during the period he had been with AIM, starting March 20, 1973, when he entered Wounded Knee with phony press credentials, and then infiltrated Iowa AIM back home in Des Moines. ●

Credit: North Country Anvil



**A transformed Durham, as he appeared before the House Internal Security Committee in 1975, the only "movement" witness allowed to testify on AIM.**



outright during the fall of 1975 by federal agent David Price (who was involved in the assassinations of Mark Clark and Fred Hampton in Chicago in 1969, and who has been involved more recently in paramilitary operations against the Republic of New Afrika) that, "You'll be dead within a year." Aquash's body was found less than six months later, dumped in a ravine in the northeast quadrant of the reservation. A pathologist hired by the government determined her death as being due to "exposure." An independent pathologist readily discovered she had died as a result of a .38 calibre slug entering the back of her head at pointblank range.

Nor is Pine Ridge the only locale in which this clandestine war has been conducted. Richard Oaks, leader of the 1970 occupation of Alcatraz Island by "Indians of All Tribes," was gunned down in California the following year. Shortly thereafter, Hank Adams, a fishing rights leader in Washington state, was shot in the stomach. Larry Casuse, a Navajo AIM leader,

Douglass Durham's use of Jancita Eagle Deer was quite obviously part of a much broader strategy to maim and discredit the American Indian Movement. He told both Jancita and her mother-in-law that he planned to have her charge William Janklow with rape in the South Dakota State Capitol at Pierre, despite jurisdictional and other statutory proscriptions to such a move. His stated rationale was that this would be a bargaining counter by which AIM might ease legal pressure Janklow was bringing on Sarah Bad Heart Bull, Bob High Eagle, Kenneth Dahl, and others charged in the 1973 "Custer Courthouse Riot" which followed the murder of Sarah's son Wesley by white thugs in Custer, South Dakota.

In actuality, Durham's move—which was ultimately blocked by AIM leader Dennis Banks—would have occurred at precisely the time when Janklow was accruing considerable public sympathy as a result of AIM's "smear campaign" against him. An action such as that proposed by Durham would thus have greatly strengthened Janklow's hand in dispensing vigilante "justice" to AIM members.

Balked in this undertaking, Durham promptly flew to the West Coast where he spent several days attempting to recruit AIM personnel to come to South Dakota to kidnap Janklow in order that he be tried by a "people's court" and/or offered as an exchange for incarcerated AIM members. This plan, too, was blocked, this time by Los Angeles AIM coordinator, Kenny Loudhawk.

The score Durham felt he had to settle with California AIM for having thwarted his Janklow scheme was apparently accommodated on October 17, 1974 when the FBI arrested Paul Skyhorse and Richard Mohawk (both Los Angeles AIM members) at an Indian education conference in Phoenix. The two were charged with the trumped-up murder of a cab driver near Beverly Hills. The fine hand of the infiltrator was clearly brought to bear when he showed up on the scene to investigate the situation on behalf of the AIM National Office, in order to recommend the extent and type of support the national organization should extend. (Movement legal resources were extremely limited at the time, as the "Wounded Knee Trials" of hundreds of AIM members—trials Durham was merrily pushing along from his position on the inside—were in full swing.)

Durham reported to the AIM leadership that the situation in Los Angeles had "deteriorated seriously," that Skyhorse

was shot to death in Arizona in 1972. In 1979, AIM leader John Trudell was preparing to make a speech in Washington, DC. He was told by FBI personnel that, if he gave his talk, there would be "consequences." Trudell not only made his speech, calling for the U.S. to get out of North America and detailing the nature of federal repression in Indian country, he burned a U.S. flag as well. That night, his wife, mother-in-law, and three children were "mysteriously" burned to death at their home on the Duck Valley Reservation in Nevada.

### Conclusion

What has been related here is but a tiny fraction of the full range of events—facts intended only to illustrate the much broader pattern of covert activities directed against the American Indian Movement for well over a decade. It is hoped that the reader will attain a greater appreciation for the similarities between the nature of U.S. clandestine operations abroad and

and Mohawk were "scum, not AIM," probably guilty as charged, and suggested that the national organization "totally disassociate itself from their crime." His advice was followed.

It was not until after Durham was exposed as an FBI infiltrator that AIM reexamined its position on Skyhorse and Mohawk who, by that time, had already spent a year in jail with neither bail nor tangible legal support. Eventually, lawyers Leonard Weinglass, Wendy Eaton, Skip Glenn, Diane Orr, and Jack Schwartz took up the case, filed a civil rights suit against the prosecution and the FBI, and won acquittal for the two AIM members. However, by then each had spent four years in a cell and neither ever returned to effective movement work.

Durham's last act of subversion directed against AIM may actually have occurred some time *after* his cover was blown, after he had testified before the House Internal Security Committee on "AIM terrorism," and after he had gone on the stump for the John Birch Society. In May 1976 a memo on FBI letterhead was released from Bureau Headquarters in Washington. Called "The Dog Soldier Memo," it read in part:

AIM members who will kill for the advancement of AIM objectives have been training since the Wounded Knee incident in 1973. . . . These Dog Soldiers, approximately 2,000 in number, . . . are undergoing guerrilla warfare training experiences. . . ."

It then went on to note that AIM was planning to blow up the South Dakota State Capitol building, snipe at tourists traveling to the Black Hills, assault the South Dakota State Penitentiary in Sioux Falls, and engage in an array of other guerrilla attacks.

Although then FBI Director Clarence Kelley later admitted under oath that the Bureau lacked a shred of evidence to back the accusations contained in this memo, it had been distributed to all FBI field offices and a number of police departments around the country. As Bruce Ellison, a Rapid City AIM lawyer, notes, "That memo had Doug Durham's signature all over it. These were the sorts of activities he'd always unsuccessfully promoted while he was inside AIM, the same things he testified to as being facts before the Internal Security Committee and it's all said in exactly the same fashion that he always said it."



those conducted here at home; the parallels are not always as figurative as is commonly supposed.

Further, it is hoped that the reader might become more attuned to the "why" of such seemingly aberrant circumstances: that the liberation struggle of Native Americans fits well within the more global anti-imperialist struggles waged elsewhere, as the quotation from Kwame Touré indicates. AIM presents the



Although Douglass Durham was certainly the most effective and notorious of the FBI's infiltrators and provocateurs used against AIM, he was by no means the only one. For example, in Washington in 1972, the individual above, calling himself "John G. Arellano," joined the AIM-initiated "Trail of Broken Treaties" effort which led to the occupation of the Bureau of Indian Affairs building.

According to Peggy Simpson of the Associated Press, "When the Indians were inside the BIA, Arellano was among the more vocal and visible protesters. He stood in front of the building and jeered at his fellow police officers. He menaced bystanders with a table leg and other weapons he had fashioned from broken furnishings." As AIM leader Russell Means recalls it, Arellano was "one of those 'right on' type guys, always pushing for a confrontation and urging people to fight to the death."

Later, he successfully infiltrated the residual negotiating team left behind when AIM departed Washington and was instrumental in bringing about the false arrest of movement negotiator Hank Adams on a charge of possessing stolen government documents (which Arellano had loaded into Adams's car).

According to Donald Baker of the *Washington Post*, Arellano's regular employment was as a narcotics detective for the Metropolitan Police when not engaged by the FBI as an ultra-radical stand-in.



Credit: Rarihokwas

**John Trudell, the last president of AIM. On February 12, 1979 his wife Tina, three children, and mother-in-law were burned to death in their sleep, an apparent reprisal for an anti-FBI speech made by Trudell a few hours earlier.**

same sort of threat to the U.S. status quo as do land-based movements in Asia, Latin America, Africa, and the Middle East. Hence, the governmental/corporate response to it has been the same—and for the same reasons—as that employed against the Third World.

This situation, so little known in America, has been recognized in locations as diverse as Nicaragua, Vietnam, Libya, Iran, Cuba, Mozambique, Ireland, Palestine, and Switzerland, through the work of the International Indian Treaty Council. It is high time that it was fully realized by those among the broad progressive opposition within the United States itself.<sup>5</sup>

5. For those who desire further and more detailed information, the following are recommended as excellent additional readings:

Brandt, Johanna, "The Life and Death of Anna Mae Aquash," James Lorimer and Co., Toronto: 1978.

Johanssen, Bruce, and Roberto Maestas, "Wasi'chu: The Continuing Indian Wars," Monthly Review Press, New York: 1979.

Matthiessen, Peter, "In the Spirit of Crazy Horse," Viking Press, New York: 1983.

Messerschmidt, Jim, "The Trial of Leonard Peltier," South End Press, Boston: 1983.

Wyler, Rex, "Blood of the Land: The U.S. Government and Corporate War Against the American Indian Movement," Everest House Publishers, New York: 1983.



# The Strange Case of "Wild Bill" Janklow

By Ward Churchill

*... joining the marine corps,  
he learned the tricks of his trade.  
to walk around quietly,  
and carry a hand grenade.  
to all you tourists who are  
south dakota bound, remember  
wild bill janklow just might  
turn you right around.  
—Jim Page, 1979.*

William "Wild Bill" Janklow is the current governor of South Dakota. In 1955, at the age of 16, he was convicted of the sexual assault of a 17-year-old woman. As a juvenile offense, this conviction carried little weight under U.S. law.

However, in 1966, while working as the tribal attorney for the Rosebud Sioux, Janklow—aged 27—was accused of raping his children's 15-year-old babysitter, Jancita Eagle Deer. Adult sexual offenses being more grave than this earlier recorded exploit, Janklow used his capacity as head of reservation legal services to stave off the filing of formal, federal charges. He then resigned his position and left tribal jurisdiction.

Having progressed through the "mainstream" South Dakota legal system during the intervening seven years, Janklow had achieved status as the state's Deputy Attorney General by the time of the 1973 American Indian Movement (AIM) occupation of Wounded Knee. Opting to run for Attorney General the following year, he undertook a campaign of hardline prosecutorial assault upon AIM members designed to win him the advantage of local headlines and support of South Dakota's virulently anti-Indian white citizenry.

AIM countered this offensive when organization member Douglass Durham discovered the old Rosebud rape files. AIM leader Dennis Banks secured the filing of charges and brought the case before tribal judge Mario Gonzales. Durham, meanwhile, had located Jancita Eagle Deer in Iowa, where she had resided since dropping out of high school shortly after the 1966 incident.

Durham was able to persuade Eagle Deer to return to the Rosebud in order to testify at the upcoming trial; Janklow refused to enter tribal jurisdiction either to stand trial or even to answer questions concerning the charges. Gonzales then issued a warrant for the arrest of the South Dakota Deputy Attorney General on charges of rape and obstruction of justice. Durham and Eagle Deer apparently became lovers; in any event she became his traveling companion. And, South Dakota being South Dakota, Janklow won his election bid by a landslide.

## Janklow's Justice

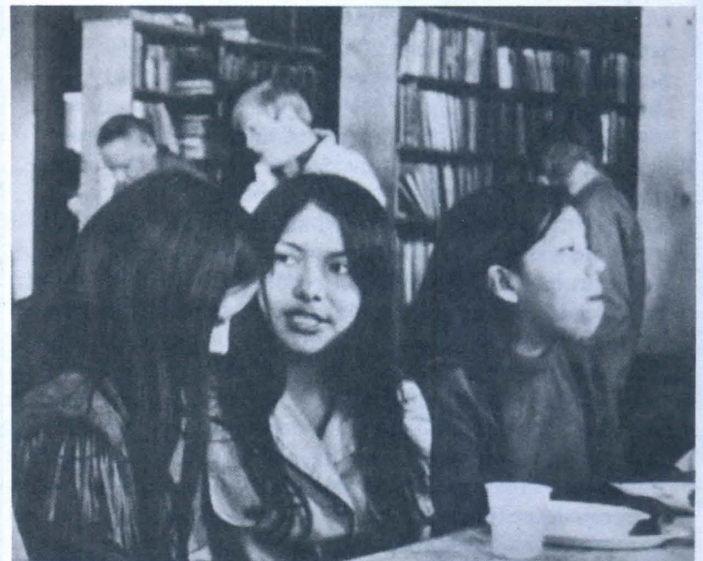
In his new capacity as Attorney General, Janklow intensified his anti-AIM campaign, winning a good deal of federal ap-

proval for his efforts, and focusing his most lethal attentions on Dennis Banks (who had showcased the rape charges), rather than on Douglass Durham (who had discovered and pushed them). Said Janklow, "The way to deal with Dennis Banks is with a bullet between the eyes."

Regardless of his political stance, Janklow was and is a trained attorney, possessed of the usual legalistic logic accompanying the profession of law. His omission of Durham from his personal "hit list," particularly given Durham's close relationship with the only witness who could categorically link him to the act of rape, seemed odd at the time. It was soon to be less so.

During the January 1975 AIM takeover of the Alexian Brothers Abbey in Wisconsin, it came out that Durham was a paid (\$1,000 a month, cash) FBI informant. Since 1973, based largely on his superior performance in sniffing out the information about Janklow and in locating Eagle Deer, he had been selected to serve as head of AIM security. In this capacity, he had been privy to many of the private defense team meetings during the so-called "Wounded Knee Trials" of Russell Means and Dennis Banks.

Although the AIM leadership was acquitted in the trials, it remains true that no effort has ever been made to bring the prosecutors or responsible FBI officials to court on what amounted to flagrant perjury and contempt of court, as well as obvious at-



Jancita Eagle Deer (center), reputedly raped by William Janklow when a teenager, was killed in 1975 under mysterious circumstances after becoming the traveling companion of FBI undercover agent Douglass Durham.



tempts at miscarriages of justice. Both the government's lawyers and the FBI denied under oath to the trial judge that they had infiltrated the defense team.

Meanwhile, Durham dropped out of sight, with Eagle Deer in tow. Her body turned up in a roadside ditch in Nebraska in March 1975. While the official Nebraska State Police account lists cause of death merely as "hit-and-run," even their autopsy report indicates she had been beaten sometime shortly before being run over. Douglass Durham was never questioned in the matter of his companion's death. Rather, he was called as the sole witness before the House of Representatives' Internal Security Committee's "investigation" of AIM during the summer of 1975 to provide evidence that "the American Indian Movement is a terrorist organization." From there, he went on a national speaking tour arranged by the John Birch Society and endorsed by William Janklow, who had decided to run for governor.

Freed of the spectre of Eagle Deer's possible testimony against him in court, Janklow proceeded to secure a conviction against Dennis Banks—before an all-white jury—on charges of "rioting" in the face of a police assault upon AIM in Custer, South Dakota in 1973. Faced with a prison sentence under Janklow, Banks went underground. When he surfaced again, it was in California where the circumstances surrounding his case were deemed enough to warrant Governor Jerry Brown's granting of sanctuary from extradition to South Dakota. (See sidebar.)

In the meantime, Janklow was possibly repaying certain debts to his clandestine benefactors by utilizing a federal plot

to dispose of other AIM thorns in the government's flesh. Notably, this centered upon the utilization of one of the FBI's "all purpose witnesses," a clinically unbalanced Lakota woman named Myrtle Poor Bear.

The major gambit was to bring AIM leaders Richard Marshall and Russell Means to trial for the 1974 slaying of a Lakota named Robert Montileaux in a bar in Scenic, South Dakota. The feds provided Poor Bear to "identify" the assailants as Marshall and Means while Janklow's prosecutors duly built a case around her "eyewitness" testimony. When it came out in court that Montileaux himself had stated, shortly before dying, that his killers did not include Russell Means, Means was acquitted. Marshall, on the other hand, is now serving a life sentence in a South Dakota state prison.

### The "Eyewitness"

Poor Bear was also used as an "eyewitness" in the federal cases brought against Bob Robideau, Dino Butler, and Leonard Peltier, the AIM members accused of killing two FBI agents on South Dakota's Pine Ridge Reservation in June of 1975. Robideau and Butler were tried first, in Cedar Rapids, Iowa. They were acquitted, based upon general FBI misconduct in their case, including the fabrication of virtually all of Poor Bear's testimony (she turned out to have been 50 miles away at the time of the shootings, and never to have seen either of the slain FBI agents or any of the defendants).

Nonetheless, the FBI was able to utilize affidavits signed by Poor Bear (as an eyewitness to the deaths of its agents) in securing extradition of Leonard Peltier from Canada. Thecredibil-



Harry Belafonte, Dennis Banks, and Douglass Durham (left to right) outside the Federal Building during a break in the "Wounded Knee Trial" of Banks and Russell Means in 1975. In his capacity as head of AIM security, while in the employ of the FBI, Durham infiltrated the defense strategy meetings of the defendants.



ity of these affidavits was directly reinforced by the earlier showing of Poor Bear as a witness against Richard Marshall in South Dakota. Later it was revealed that the FBI held another affidavit signed by Poor Bear, not submitted to the Canadians, contradicting everything she said in the affidavits which were.

Poor Bear eventually went on record recanting *everything* she had ever said regarding AIM's "criminal activities," including not only her testimony about Means, Robideau, Butler, and Peltier, but about Marshall as well. In her later version of what happened, she asserted that she was held incommunicado for an extended period of time in a motel room near the Pine Ridge Reservation by a pair of FBI agents named Price and Wood. The agents explained to her that she would "end up like Annie Mae" (Anna Mae Aquash, the Micmac woman assassinated on Pine Ridge in 1975, reputedly at the behest of agent Price) unless she testified to certain things in court. The agents then informed her of the details about which she was to testify, including those involved in the testimony she was to provide in the non-federal Marshall/Means trial.

First as Attorney General, and then as Governor of South Dakota, William Janklow has been successful in blocking a retrial of Richard Marshall, and forestalling inquiries into the nature of his office's relationship to FBI misconduct during the critical period. (For recent developments in the Peltier case, see "The Ordeal of Leonard Peltier," by William M. Kuntsler, in this issue.)

Over the years, the purposes of the secret war waged by the FBI and the Attorney General of the state of South Dakota against AIM have become clearer. For example, during 1975-76, the head of the federally imposed puppet government at Pine Ridge, Richard Wilson (head of the local death squads, known as "GOONS"), signed over approximately one-eighth of the reservation—without tribal consent—to the U.S. Park

Service. The ceded area is believed to be rich in uranium and is suspected of being used to accommodate a high-level nuclear waste dump. The AIM people would have resisted such a land transfer. It was therefore necessary to tie them up in other matters or simply liquidate them.

Similarly, as governor of South Dakota, William Janklow has proved most accommodating to the sort of corporate penetration of the state which its inhabitants—red and white alike—have historically resisted. Only in appearing as the whites' savior from the "red menace" has Janklow been able to achieve a status which allows him to convert the area into what has been termed a "national sacrifice area." Under his handling, it has been estimated that a combination of energy extraction and the demands placed upon South Dakota's feeble ground water resources by industry will have rendered the western half of the state uninhabitable by the turn of the century.

### Conclusion

William Janklow is the only known sex offender (and accused rapist) now occupying a U.S. governor's office. Had it not been for the intervention of the FBI in the form of its undercover agent, Douglass Durham, it seems possible that Janklow would have gone to the state prison rather than to the state capitol. Conversely, had it not been for the unabashed cooperation of Attorney General William Janklow, the reign of terror perpetrated by the FBI against the American Indian Movement would have been much more difficult to pull off.

On the basis of such symbiosis does the success of covert action depend. Not only the Indians, but the citizens of the entire state of South Dakota are now paying the price of this situation. Increasingly, however, we must all pay unless something is done, and done quickly, to prevent a recurrence. ●

## Dennis Banks

Janklow's vendetta against Dennis Banks did not end in the mid-1970s. His attempts to force extradition from California continued through the decade. By 1980, Janklow's frustration over Jerry Brown's refusal to honor what he considered to be little more than legally sanctioned murder resulted in the South Dakota governor's taking an unprecedented step: In retaliation he began "deporting" South Dakota's felons to California, saying, "If Brown wants our criminals, he can have them all."

Brown's successor, George Deukmejian, proved more accommodating to Janklow. Forced underground again, Banks moved to the Onondaga Reservation in New York State where he lived under the protection of the tribal elders for about two years. Then, on September 13, 1984, in order to expand his political activities beyond the confines of the Onondaga Reservation, Banks surrendered to South Dakota authorities at Rapid City.

On October 8, in the Custer County courthouse, after a day-long presentation in which some two dozen witnesses testified about Banks's value to both the Indian and the white communities, he was sentenced to three years' imprisonment. Banks has recently been transferred to a minimum security installation, and his full release is expected by early 1986. ●



South Dakota Governor William "Wild Bill" Janklow

Number 24 (Summer 1985)



# The Ordeal of Leonard Peltier

By William M. Kunstler \*

On June 26, 1975, FBI Special Agents Jack R. Coler and Ronald A. Williams were shot to death during a fire fight with members of the American Indian Movement (AIM) on South Dakota's Pine Ridge Indian Reservation. At the same time, Joseph Stuntz Killright, a young Native American, was also



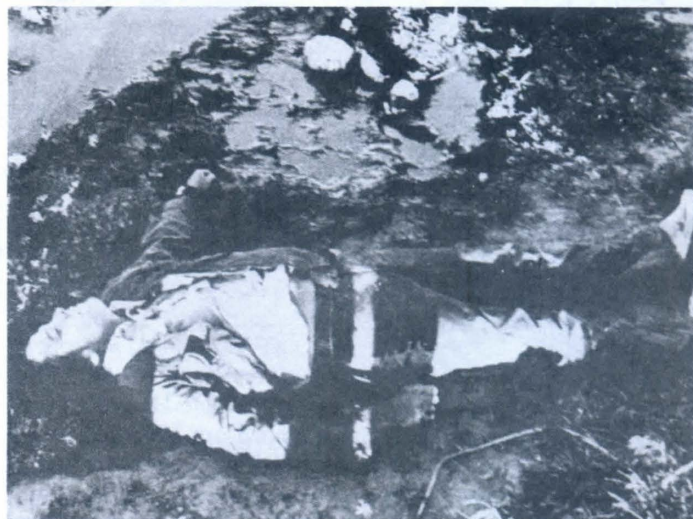
Joe Stuntz Killright, 18, the third fatality of the Oglala, South Dakota fire fight on June 26, 1975, in which FBI agents Williams and Coler died. Killright was targeted by Durham as a particularly committed AIM member, and his death was never even investigated by the Bureau, leaving open the question whether he was summarily executed by federal agents.

killed. Subsequently, the four oldest Indian males said by the Bureau to have been present at the scene—Robert E. Robideau, Darelle Dean Butler, James T. Eagle, and Leonard Peltier—were indicted jointly for the murder of the agents. No one was ever charged with Killright's death.

In July of 1976, after a lengthy trial, Robideau and Butler, who had pleaded self-defense, were acquitted by an all-white jury in Cedar Rapids, Iowa, where their case, as well as that of

Peltier, had been transferred because of local anti-Indian prejudice in South Dakota. The Justice Department then decided to dismiss the charges against Eagle, the youngest of the four, who had not been present at the shootout, "so that the full prosecutive weight of the Federal Government could be directed against Leonard Peltier." The latter, who, following his indictment, had fled to Canada, was shortly to be extradited from that country on the basis of three affidavits obtained by the FBI from one Myrtle Poor Bear who swore that she had seen him shooting the agents. The Government was later forced to admit publicly that all of these documents were false, a concession that led one federal appellate court to characterize their use as "a clear abuse of the investigative process by the FBI."

On April 18, 1977, Peltier was convicted of the murders of the agents by a jury in Fargo, North Dakota, where, much to the surprise of the Cedar Rapids judge, his case had been mysteriously shifted. Peltier was eventually sentenced to two consecutive terms of life imprisonment. Upon appeal, his convictions were affirmed with the reviewing court finding that, although "[T]he evidence against [him] was primarily circumstantial," the "critical evidence" was the testimony of one Evan Hodge, a Washington-based FBI firearms identification specialist. Agent Hodge told the jury that Government Exhibit 34-B, a .223 caliber shell casing found in the open trunk of Coler's car, just a few feet from his body, was extracted from 34-A, an AR-15 rifle attributable to Peltier, but



The body of Killright lies in the mud at the scene of the Oglala fire fight; the circumstances of his death have never been clarified. He is photographed wearing an FBI field jacket apparently donned after he was last seen alive by other AIM people.

\*William M. Kunstler is Vice-President of the Center for Constitutional Rights in New York City and, along with Bruce Ellison, John J. Privitera, and Vine DeLoria, counsel for Leonard Peltier.



that he could reach no conclusion as to whether the gun had actually fired the bullet from that casing because of damage to its firing pin and breech face surfaces. Since the pathologists who had conducted the autopsies of the victims opined that the agents had each been killed by a high velocity, small caliber weapon, such as an AR-15, fired at close and point-blank range, Hodge's testimony was extremely damaging to Peltier and was characterized by the prosecutor in his summation as "the most important piece of evidence in this case."

### **The Discrepancies Come to Light**

Long years after the trial, Peltier obtained, through the Freedom of Information Act (FOIA), a number of documents relating to the FBI's ballistics examination. One, an October 2, 1975, teletype from Hodge to the FBI resident agency at Rapid City, South Dakota, the field office in charge of the overall investigation, stated that a comparison between the .223 casings

found at the shootout scene, referred to in FBIese as RESMURS, and Peltier's AR-15 had revealed that the weapon in question contained "a different firing pin than that in [the] rifle used at [the] RESMURS scene." On the strength of this report, an appellate court last April ordered Judge Paul Benson, who had presided at the Fargo trial, to conduct an appropriate evidentiary hearing as to "the meaning of the October 2, 1975, teletype and its relation to the ballistics evidence introduced at Peltier's trial."

The hearing took place in Bismarck, North Dakota, on October 1-3, 1984. Hodge, the only witness produced by the government, testified that, by the time of the October 2nd teletype, he had only been able to examine seven of the 136 or so .223 RESMURS casings submitted to him for comparison. In fact, he hadn't gotten around to looking at 34-B, which he had received on July 24, 1975, until late December of 1975 or early January of 1976, more than a half-year after the Pine Ridge

## **The FBI at Pine Ridge: 1973-1976**

Special Agent Richard Held was in charge of the FBI field office at Rapid City, South Dakota, the office covering Pine Ridge, during the period of the Bureau's reign of terror there. For such an operation, he was a man of unmistakable talent and substantial experience.

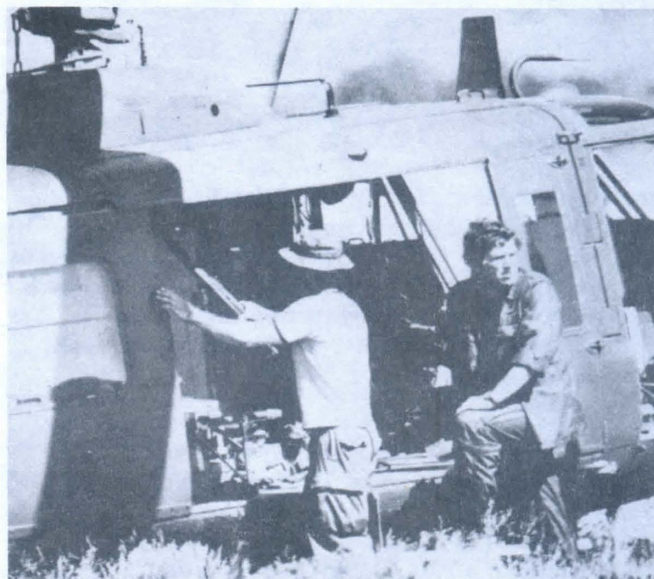
In 1968 and 1969, Held was in charge of the Chicago, Illinois field office. While there, he displayed a special interest and flair for developing projects geared to penetrating and destabilizing the city's chapter of the Black Panther Party. On December 4, 1969, the primary leaders of the Illinois Panthers, Fred Hampton and Mark Clark, were assassinated in their sleep by law enforcement personnel.

Ostensibly, the "arms raid" which resulted in the execution of Clark and Hampton (and led to the subsequent rapid disintegration of the Illinois Panthers) was conducted by a special squad working directly for then State's Attorney Edward Hanrahan. However, tactical control of the unit which did the killing was held by a mysterious individual named "Daniel Groth," who could not be accounted for through State's Attorney police rosters.

Groth disappeared in the immediate wake of the lethal raid and was never heard from again. It has always been speculated that the name was a cover for an FBI agent on special assignment from Held to coordinate Hanrahan's hit team. For his part, Held also dropped out of sight—being reassigned according to the FBI's "normal rotation schedule"—when it was established in early 1970 that both Clark and Hampton had been drugged by an infiltrator earlier in the evening of the deaths. They had thus presented unconscious and totally immobilized targets to the firing squad.

Little is known of Held's activities from the point he departed Chicago until he emerged again in Rapid City some

three years later. Once there, however, he quickly built up his cadre from its customary level of three Special Agents to more than fifty, including a special eleven-man SWAT team assigned full time to the tiny village of Pine Ridge (nominal "capital" of the Reservation). He also developed a rapid deployment system whereby additional agents could



**One of the UH-1B helicopters used by the FBI to conduct Vietnam-style operations against AIM on Pine Ridge during 1974-75, the height of Durham's activities as a provocateur.**

Credit: Kevin McKiernan



confrontation and some three months following his receipt of the AR-15. However, he freely admitted that he was constantly being importuned by Rapid City to test every .223 casing forwarded to him against any AR-15 associated with the June 26th incident, and that any such casings found near the bodies of the agents should have been examined on a priority basis, given the pathologists' opinion that Coler and Williams had been shot at close range. His failure to do so promptly, he explained, was due to a number of factors: the large volume of work associated with the RESMURS investigation, his necessary absences from Washington in connection with other FBI business, and the fact that only he and one assistant were available for firearms identification purposes.

While Hodge was on the stand, Peltier's attorneys were given an opportunity, for the first time, to look at the handwritten notes of his RESMURS work. In doing so, they noticed that his key report—the one stating that the extractor marks on

34-B matched Peltier's AR-15—contained what looked like different handwriting than that of either Hodge or his assistant. Accordingly, just before the hearing's end, he was asked whether a third person had worked on the RESMURS ballistics, and replied that he was "sure" that none had. He also stated that he was "positive" that the writing on the report in question was indeed that of his assistant, because "I know he was the only other person making notes on this case."

The defense then asked Judge Benson for permission to have all of Hodge's notes examined by a handwriting expert. After listening to strenuous objections by government counsel, who claimed that this request was a complete waste of time and money, the court, with obvious reluctance, granted Peltier's motion. The original notes were to be examined by an expert selected by the defendant's attorneys at the FBI laboratory in Washington, D.C., in the presence of a representative of the government, and the results, if positive, to be made part of the

be immediately incorporated into his force from area offices in Minneapolis and Denver.

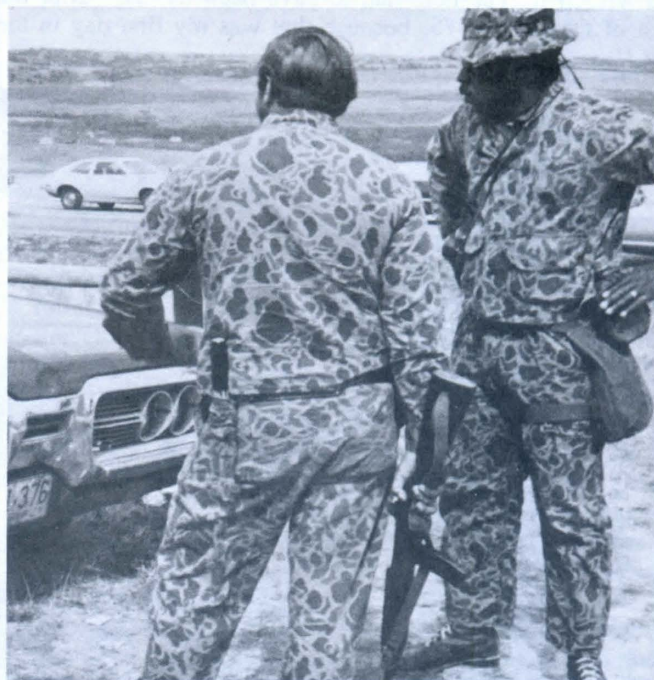
This gave Held the greatest concentration of agents to population ever assembled over an extended period. All indications are that the full weight of this concentration was directed at the American Indian Movement personnel functioning on and around Pine Ridge in the wake of the Wounded Knee occupation of 1973. In the three years which followed, more than 300 AIM members and supporters were shot (some on more than one occasion); of these, approximately 70 are known to have died.

Of course, Held required a tactical commander for his ambitious and far-flung field force (which included, at various times, not only the FBI, but also U.S. Marshals, Bureau of Indian Affairs Police, South Dakota State Police, National Guard, an Indian GOON squad, a white vigilante organization headed by then South Dakota Attorney General William Janklow, and elements of the U.S. Army). This task apparently fell to a previously unknown agent named David Price who arrived in Rapid City shortly after Held.

Coincidentally, Price bore a rather striking physical resemblance to the mysterious Mr. Groth from Chicago. Working with a junior partner named William Wood, whom he seems to have been training in the peculiar methods of political repression, Price coordinated the on-line FBI presence on Pine Ridge during the critical period, appears to have served as the coordinating liaison under which Dickie Wilson's GOONS carried out their campaign of outright terror, and personally conducted the extorting of perjured testimony against Richard Marshall and Leonard Peltier from people such as Myrtle Poor Bear. He is also the individual who threatened Anna Mae Aquash with death prior to her execution-style slaying in 1975.

By 1976, with the AIM leadership in exile or facing interminable trials, and with the organization's ranks thoroughly decimated, the FBI dismantled much of its Rapid City effort. Held was "rotated" again, only to appear once more in 1981 in charge of the Detroit area office, where he is still busily conducting operations against the Republic of New Afrika. The whereabouts and activities of David Price are at present unknown (as are those of other major federal actors in the Pine Ridge horror such as Douglass Durham, who is covered by the Witness Protection Act).

William Wood, Price's trainee, was assigned to the Rapid City field office once again in 1982, during the height of the AIM confrontation with federal authorities concerning the occupation of Yellow Thunder Camp in the Black Hills. While there are at present no signs of the FBI's repeating anything on the scale of its 1973-1976 South Dakota performance, Wood's presence can only be taken as a sign that the possibility is there—and waiting. ●



Credit: Akwesasne Notes

**Federal marshals operating on Pine Ridge in mid-1973. Aside from resident GOONS, BIA police, and the marshals, direct assistance accrued to the FBI's campaign of repression from the South Dakota State Police and National Guard, as well as advisers from the U.S. Army's 82nd Airborne Division. According to Rex Weyler in his book *Blood of the Land* (Everest House, 1982, p. 80), the latter were commanded by General Alexander Haig.**



hearing record.

After taking care of some housekeeping details, the judge then closed the hearing. An hour later, all counsel were suddenly asked to return to the courtroom. At that time, the government, claiming that it had "stubbed its toe," recalled Agent Hodge who testified that, after leaving the stand, he had shown the report in question to his assistant who, unknown to the defense, had been brought to Bismarck, and had been informed by him that the handwriting was not his. Hodge further said that he did not know the identity of the person who had written the document.

Judge Benson, visibly affected by these disclosures, then ordered the government to turn over to defense counsel copies of all of the RESMURS ballistics notes. He also directed that it attempt to determine just who had written the report at issue. Finally, he adjourned the hearing, pending whatever additional evidence developed from the new turn of events. The Bureau later forwarded copies of the ballistics notes to Peltier's attorneys, as well as the name of one William Albrecht, Jr., who it claims was the laboratory trainee who wrote the key report about the matching of the crucial .223 casing and the AR-15 attributed to Peltier.

Albrecht's deposition was taken in Washington, D.C., on January 7, 1985. Albrecht, now an FBI special agent, said that Hodge, his unit chief, had told him, shortly after returning from the Bismarck hearing, that "it was important to determine who had prepared" the note in question. Hodge had been "ecstatic" and "even hugged me" when Albrecht said that he had written it. The note had to have been written "after the 29th of October, 1975, because that was my first day in the unit."

RESMURS had been the first case he had worked on after being assigned to the laboratory as "an agent examiner trainee." He recalled that he had worked on this case with Hodge and one Joseph Tardowski "who, at that time, was Mr. Hodge's technician." There were four such trainees in 1974, and one of them, a Special Agent Reedman, had also been involved in the RESMURS investigation.

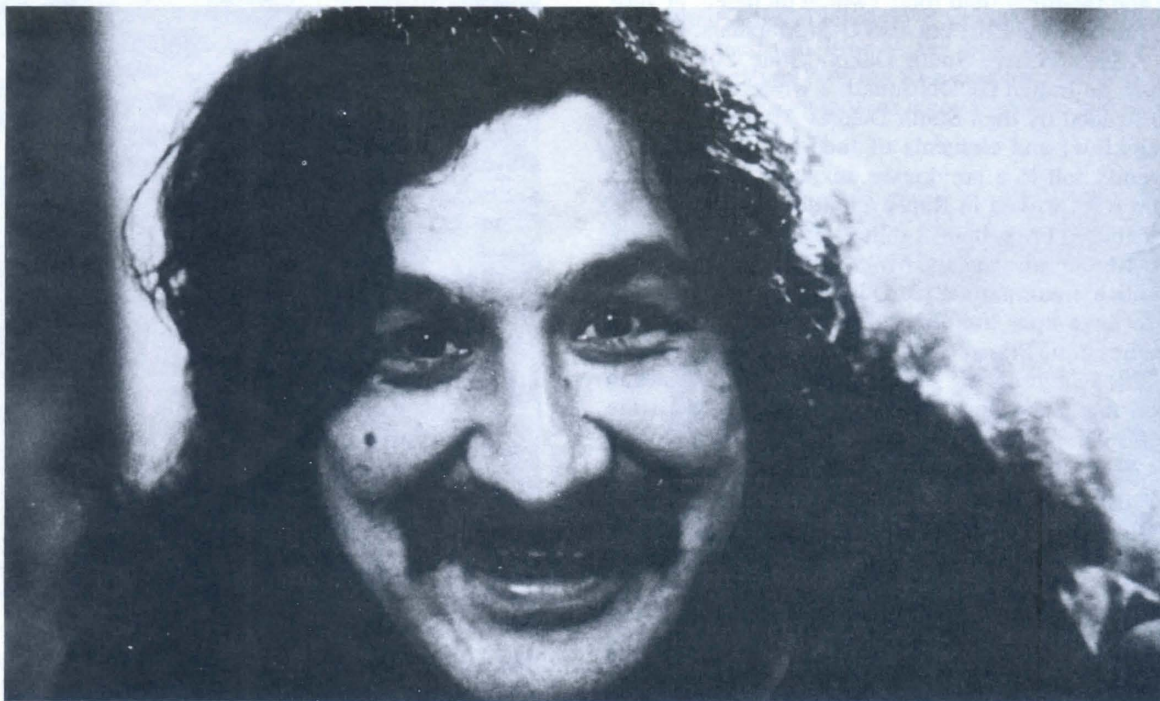
He admitted that the deaths of two FBI agents would have had "a high priority" in the firearms unit and would have been "of personal interest since it is a fellow agent." Such a case would have created "a very strong interest on the part of the office of origin" as well. However, a decision was made on the part of the laboratory not to compare ejector marks on the .223 RESMURS casings and the test firings from the Wichita AR-15, even though they could have had "some value . . . in the lab."

In February 1985, a brief asking for the granting of a new trial was submitted by Peltier's attorneys to Judge Benson. On May 24, in an outrageous decision, the Judge decided that the new evidence would not have influenced a jury in any way and denied Peltier's motion for a new trial. His attorneys noted that they would again appeal to the Eighth Circuit.

### The Frameup

From the moment that Hodge testified at his trial, Peltier has strenuously contended that the ballistics evidence against him was fabricated to ensure a conviction. Knowing that the Myrtle Poor Bear extradition affidavits had been falsified and that the 1979 nine-month federal prosecution of Dennis Banks and Russell Means, co-leaders of the AIM occupation of Wounded Knee a year earlier, had been dismissed because of massive

Credit: Kevin McKiernan



Leonard Peltier, currently serving a double life sentence for the 1975 murders of two FBI agents on Pine Ridge. He was convicted largely on the basis of ballistics evidence which FBI internal memos reveal the Bureau knew to be false, even at the time, and the "eyewitness" identification of Special Agent Fred Coward, supposedly made at 800 yards through a 7x rifle scope and amid severe heat shimmers by an individual who had never seen Peltier before. FBI memos, obtained under the Freedom of Information Act, indicate that the Bureau's experts knew such an identification was impossible before the testimony was given. Peltier had been targeted as "an important AIM leader" by infiltrator Douglass Durham.



FBI misconduct, he was understandably suspicious of Hodge's damning testimony. This was particularly so in light of the latter's laboratory report of October 31, 1975, which stated that "none of the ammo components at RESMURS" could be associated with Peltier's weapon.

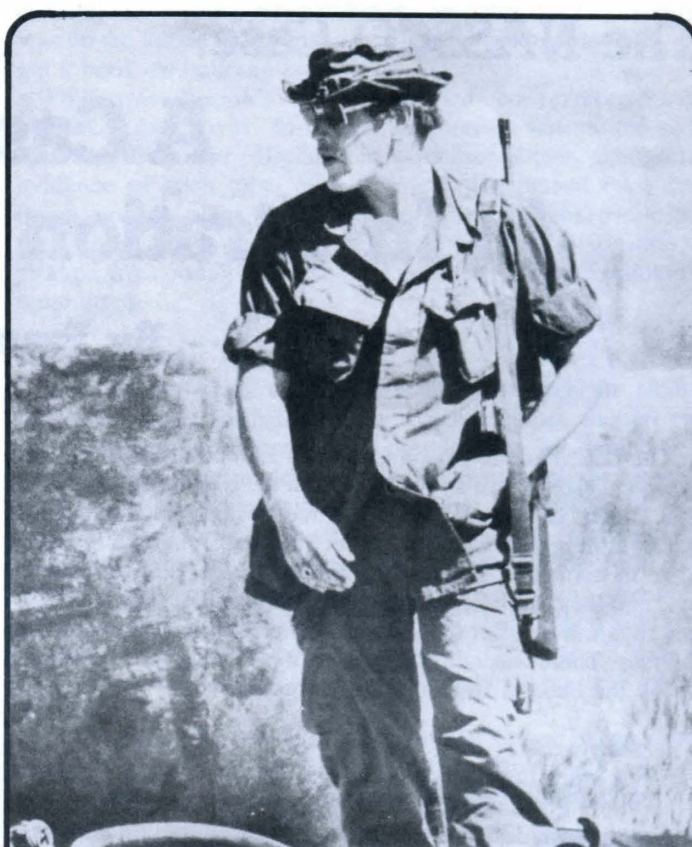
The intensity of the FBI's determination to hold someone accountable for the loss of its two agents can best be seen in the Bureau's agonized frustration after the acquittals of Butler and Robideau. On July 19, 1976, three days after the end of the Butler-Robideau trial, Director Clarence M. Kelley called Rapid City and requested the field office's analysis "as to possible reasons why the jury found defendants . . . not guilty." The reply broadly hinted that the Iowa trial judge had, in a number of his significant rulings, been partial to the defense.

Three weeks later, the first of a spate of top- and middle-level conferences took place at Bureau headquarters. The purpose of this and future such meetings was "to . . . discuss what can be done by the FBI to assist the government in [the] presentation of [the Peltier] case at trial." Between August 6, 1976, and the beginning of the defendant's trial in Fargo in late March of 1977, at least six similar conferences were held.

While it is patently impossible, given the small percentage of existent documentation reluctantly released by the FBI in response to Peltier's FOIA suit, to know everything discussed or decided at these meetings, it is not difficult to make some reasoned guesses as to some items on their agendas. For example, one of the reasons advanced by Rapid City for the Butler-Robideau acquittals was the statement of the jury's foreperson, as reported in the *Cedar Rapids Gazette* the day following the verdicts, that "the Government did not produce sufficient evidence of guilt . . . [it] did not show that either of the defendants did it." Based on this interview, the Bureau came to the conclusion that "[T]he jury apparently wanted the Government to show that Robideau and Butler actually pulled the trigger at close range."

What better way to supply the missing link in Peltier's case than to connect his weapon with a shell casing found near Coler's body, the bullet from which could have been responsible for his death? In this case, a little fabrication could go a long way to obtain the conviction the FBI so desperately sought, and an agency that had stooped to the withholding and doctoring of its files as well as the subornation of perjury in the Means-Banks prosecution was certainly not above suspicion in this respect. In fact, in ordering the Bismarck evidentiary hearing, the appellate court emphasized that what it referred to as the "discrepancy" in the October 2nd teletype, particularly as it related to "a different firing pin," raised questions about "the truth and accuracy of Hodge's testimony regarding his inability to reach a 'conclusion' on the firing pin analysis and his positive conclusion regarding the extractor markings."

On June 25, 1984, three months before the Bismarck hearing, four Soviet Nobel Prize winners, physicists Pavel A. Cherenkov, Nikolai G. Basov, and Aleksandr M. Prokhorov, and mathematical economist Leonid V. Kantorovich, signed an appeal to President Reagan on Peltier's behalf. In it, they cited his case as "a typical example of politically motivated persecution of Americans who are fighting for human rights . . ." Putting aside their rhetoric, the laureates, on the face of the record in Peltier's prosecution, shared the appellate court's expressed concern with "the truth and accuracy of Hodge's testimony." If anything, the hearing, with its startling conclusion, raised the spectre of another tragic miscarriage of American justice. ●



Credit: Kevin McKiernan

#### **FBI agent operating on Pine Ridge during the summer of 1975.**

During the period of FBI military-type saturation of the reservation, Bruce Johansen and Roberto Maestas, authors of *Wasi' chu* (Monthly Review Press, 1979) have observed: "The political murder rate at Pine Ridge between March 1, 1973 and March 1, 1976 was almost equivalent to that in Chile during the three years after a military coup supported by the United States deposed President Salvador Allende." Johansen and Maestas also note, "Using only documented political deaths, the yearly murder rate at Pine Ridge Reservation . . . was 170 per 100,000. By comparison, Detroit, the reputed 'murder capital of the United States,' had a rate of 20.2 per 100,000 in 1974. . . . In a nation of 200 million persons, a murder rate comparable with that of Pine Ridge between 1973 and 1976 would have left 340,000 persons dead for political reasons in one year, 1.32 million in three."

As of this writing, *none* of the homicides at issue here have been "solved" by the FBI even though, "by the end of May 1975 the FBI had sixty agents on or near the reservation" (*ibid.*), the highest per capita ratio of agents to citizens anywhere in the U.S. The Bureau's performance in apprehending the murderers of AIM activists should be contrasted to the speed—barely two weeks—with which it compiled a list of those it held responsible for the deaths of its agents at the Oglala fire fight, and the effort—including an international dragnet—it expended in catching them.

—Ward Churchill



## The NASSCO Case:

# A Case Study in Infiltration and Entrapment

By Frank Holowach \*

The U.S. Federal Prison Camps in Lompoc, California and Safford, Arizona are a long way from the bustling shipyards of San Diego. On August 1, 1983 three young men watched the gates of these facilities swing shut on them. What did the three have in common? They were union activists, shipyard workers, and they were beginning six-month sentences for conspiracy to bomb a power transformer and possession of destructive devices. There was one other similarity—the three had been set up by the Federal Bureau of Investigation.

### The Shipyards

Their story begins in San Diego at the National Steel and Shipbuilding Company—NASSCO to its 7,000 employees. Building naval destroyer tenders and 200,000-ton oil tankers is heavy, dirty, and dangerous work. Welding fumes, rickety scaffolding, falling objects, intense heat, and mind-numbing noise are the constant features of life in a shipyard, and NASSCO was especially hazardous. In 1976 five men died in separate accidents; serious disabling injuries averaged 45 a month; and the company was repeatedly cited and fined by the Occupational Safety and Health Administration. The seven labor unions at NASSCO were weak and ineffective, as evidenced by NASSCO's having the lowest wages of any West Coast shipyard. In short, the situation was ripe for change.

By 1977 a group of young, radical activists within Iron Workers Local 627, the largest union in the yards, had been swept into office in a popular demand for better safety conditions. I was among that new leadership and served as Assistant Chief Shop Steward on the day shift. The revitalized union led a vigorous campaign for safety, one which immediately showed results. The deaths stopped; the serious accident rate nosedived; wages were increased and even layoffs were reversed.

These victories were not easily won, however. Most improvements were gained through work stoppages, grievance procedures, and the vigilant supervision of a dedicated core of activists and shop stewards. Rodney Johnson, Clyde "Mark" Loo, and David Boyd were leaders in those fights.

Rodney Johnson and Mark Loo were members of the Communist Workers Party (CWP). Johnson, a 22-year old shipfitter from the ghetto of Oakland, was a slow-talking but tough organizer of the union's Black Caucus. Loo, a college-educated Chinese-American pipefitter, had been elected shop steward in his union, Machinists Lodge 389. David Boyd was a quiet,

white Vietnam War veteran with no political background, who served as assistant shop steward on the same ship as Loo. The three were friends. Johnson and Loo made no attempt to hide their politics and Boyd, a self-described "redneck from Oklahoma," respected the radicals' dedication and commitment and came to sympathize with their views. As stewards, Boyd and Loo both carried out their union work on Hull 413, the destroyer tender *U.S.S. Cape Cod*, a 14-story seagoing factory being constructed on the inclined building ways. There they fought to rectify ventilation problems and fire hazards, often under dramatic conditions. In June 1980, 26 men were overcome by fumes in the nuclear materials area of the ship. Boyd and Loo entered the area and pushed and shoved the workers out. Three months later the same area would become a death trap.

NASSCO management did not take kindly to the resurgence of union strength and used a variety of tactics to curb the growing militancy. Some shop stewards were offered foreman positions, others were harassed or suspended. Company investigators, aided by detectives from the local police "Red Squad," took more than 400 photographs of the radicals and other union leaders. On at least one occasion, according to a former company official, management personnel considered using thugs to assault me and another union official.

Increasing tensions in the summer of 1980 led to a series of union protests after a shop steward was suspended for allegedly using "insubordinate language." A raucous but non-violent demonstration was held at the launching of the *U.S.S. Cape Cod* on August 1, 1980, where the Undersecretary of the Navy had his speech cut short by an army of 200 hardhats chanting, "Politicians lie while workers die!"

NASSCO struck back swiftly. Seventeen union leaders and activists, including me, were summarily fired. (A total of 32 would eventually be dismissed, including Loo, Johnson, and Boyd.) The workers were furious and demanded a wildcat strike. The Battle of National Steel had begun.

The strike began the next morning and was 90 percent effective. All work in the gigantic complex ground to a halt. The company and the San Diego police were caught off guard and made no attempt to break the strike. Morale was high and the battle cry of "No union, no work" summarized the strikers' determination to win back the jobs of their union leaders. Rodney Johnson, Mark Loo, and David Boyd were picket captains, highly visible on the strike line.

### The Super-Militant

Another figure easily noticed was a burly, long-haired, bearded man in a cowboy hat and denim jacket. Looking like a

\*Frank Holowach was a union organizer and official at the NASSCO shipyards from 1976 to 1980. This article is based on his forthcoming book, "Strongback," which details the struggle of the shipyard workers against company union busting and government entrapment.



cross between a biker and a rodeo fan, this loud, imposing striker could be seen working the picket line bellowing, "Lights out at NASSCO!" He sported a death's head tattoo on his forearm and he eagerly attached himself to the leadership group, acting as a self-appointed bodyguard. Ramon Barton claimed to be from Rhodesia, "or Zimbabwe, depending on your viewpoint." He had been involved in the union protest and had been fired with us. At first impression he was typical of many shipyard workers—coarse, militant, deeply committed to the union.

Barton stuck in people's memories. Reporters remembered him as the loudest and most violent-sounding on the picket line and several workers recalled being approached by him and urged to throw Molotov cocktails at the company offices. On the second day of the strike over a hundred police moved in and attacked the picket lines, beating and arresting several workers. Given the rage many people felt, Barton's militant urgings did not seem out of place. But he was more prepared than most; one striker remembered seeing him with a large can full of rocks to throw at the police.

We called off the strike after the third day when the company agreed to a speedy arbitration. Barton meanwhile escalated his wild talk, suggesting tying propane cylinders to the gas tanks of company executives' cars, stuffing shotgun shells up exhaust pipes, and planting bugs in NASSCO's offices. At every step he was rebuffed. During meetings of the fired workers, he was repeatedly asked to tone down his talk and to help work at building public pressure to force our being rehired. Instead he further attached himself to the union leaders and to the CWP members. Rodney Johnson recalls, "Barton was always talking crazy, but he was actually very intelligent. He'd been to college and was not the crude biker he appeared to be. Besides we didn't want to stereotype him. We kind of felt a responsibility to keep him out of trouble since he'd been fired with us, but he was always pushing for more action."

David Boyd was also feeling frustrated by the legal tactics. When Barton produced a book which described various methods of manufacturing stink bombs, Boyd and the CWP members expressed interest. The book, "The Poor Man's James Bond," had been purchased by Barton months earlier from *Soldier of Fortune* magazine and also contained plans for

constructing bombs. Within hours, we later learned, Barton was on the phone to a company official, warning that "they've got a book on building bombs."

This was Barton's first confirmed conversation with NASSCO executives. In others, he forecast sensational conspiracies to murder officials and vandalize homes, though no evidence of such plots ever emerged. He passed on secret union strategy plans for the upcoming arbitrations. He asked for money, a new job, and relocation, "in case I ever testify," strange talk coming from the only person urging that crimes be committed.

### Company Man

Had Barton been working for the company all along? NASSCO and Barton both deny that allegation, though circumstantial evidence certainly suggests it. The 250-pound welder had been hired under unusual circumstances—he paraded in front of the offices with a sign saying, "I'm tired of welfare—I want to work." Later, he was called to the office because his excessive absenteeism had left him eligible for termination. After a closed-door meeting with a company representative, the matter was dropped and it was shortly thereafter that Barton's interest in the union began. At that time, NASSCO had been using similar techniques to develop sources within the union.

Equally unclear is exactly when Ramon Barton began working for the police and the FBI. One officer from the San Diego Red Squad gave the date August 3, 1980 as the start of their investigation, though he later retracted the date, saying it was "a slip of the tongue." Both the police and the FBI finally asserted that Barton was turned over to them by NASSCO on August 22. The date is significant because August 3 was the day after the ship-launching demonstration, before the book about bombs surfaced.

Whenever he started his work as an informer, Barton carried it out with enthusiasm. He was ideologically well suited to the job. Born in South Africa (not Zimbabwe), Barton had come to the U.S., been dishonorably discharged from the Army, and drifted through an association with the John Birch Society. He later told a reporter that the real basis of his involvement was his hatred of communism.



Union demonstration. Provocateur Ramon Barton holds "Indict NASSCO" sign (left, in cowboy hat); author Frank Holowach holds "Stop Union Busting" sign (center); Rodney Johnson stands immediately behind Hollowach (center, in white tee shirt); David Boyd holds sign (top right); as does Mark Loo (bottom left).



Barton worked to bind himself further to his targets. He joined in a demonstration where company offices were spray-painted, going further than anyone, painting obscenities, and threatening a NASSCO security official. After that, he constantly referred back to how he put his "ass on the line" and proved himself. He kept up his reports to the company.

Meanwhile, NASSCO, the police, and the FBI were not sitting idle. On the morning of August 22, a meeting was held at the shipyard offices. Present were local Red Squad detectives, FBI agents, the president of NASSCO, three company vice-presidents, and lesser officials. The purpose of this meeting was to discuss radical elements in the shipyard, though as of that date no crimes had been committed or discussed except by Barton. (During the eventual trial of "the NASSCO Three," the knowledge of this meeting was suppressed for weeks and even after its disclosure, no one who had been there could produce any notes of what had happened or remember much about it.) Nevertheless, two hours after the meeting San Diego police detectives, with FBI agents looking on, met secretly with Barton in a local restaurant. From that date on, Barton pushed hard.

From August 24 to 30, David Boyd purchased chemicals for making stink bombs. He later testified that Barton mocked him, saying "smoke bombs and stink bombs are like spray-painting, just playing like children. *This* is what we need," pointing to a picture of a pipe bomb in the book he had provided. During this last week of August, Barton urged Boyd to buy pipe and to check on the price of gunpowder.

Then, on September 2, 1980, tragedy again struck the shipyard. Two young machinists, Michael Beebe and Kenneth King, were killed by poison gas leaking from a faulty hose in the nuclear area of the *U.S. Cape Cod*. For David Boyd, it was a crushing blow. The men died in the same area that he and Mark Loo had shut down three months previously because of noxious fumes. Now, with so many union leaders fired, there had been no one to prevent such a recurrence.

### The Provocateur Strikes

Barton moved. He steered the distraught Boyd into a discussion of bombing a shipyard power transformer in retribution for the deaths. Rodney Johnson and Mark Loo, who had earlier rejected such talk, went with Barton and Boyd to inspect the transformer. By now the two leftists were also ready to listen.

More materials were purchased, this time with FBI agents observing and photographing. Barton himself bought the timing device (a pocket watch) and a tank of propane gas. Unbeknownst to the others, on September 8 Barton was outfitted by the FBI with a small transmitter, the microphone taped to his chest and the antenna running down his leg. He drove to Boyd's house; the tapes speak for themselves:

Barton: Well, looks like, you know, we're the ones that are gonna have to do it, Dave.

Boyd: I just don't know. I'm still not into this like I used to be. I just don't have the same drive.

Barton: I know. I'm scared, you know.

Boyd: I don't see any light at the end of the tunnel. . . . So you do blow up something into a big deal, ah . . . those guys are gone. To me that's the end of the problem 'cause they're not going to get any in there to take their place.

Barton: It's going to be all right, man.

Boyd: No, it ain't.

Barton: It's gonna be just fine, you watch, man.

Boyd: Ain't gonna accomplish a damn thing.

Barton: It's a heavy commitment, man . . . that's for sure. But it's going to be all right. . . . You just gotta keep convincing yourself of that.

Later that day they were joined by Johnson and Loo and the first bomb was built. Throughout the process, Barton's voice is heard, instructing, advising, encouraging.

As far as bombs go, it was a complete dud. The next day, with an FBI surveillance plane overhead and a transmitter in Barton's van, the four drove out to the desert to test the device. It would not explode—not by timer, not by electric charge, not by gunshot, not by being burned in gasoline. At one point, the tape picks up their feelings:

Loo: A fine bunch of terrorists we'd make, huh?

Boyd: The thing is, you don't make a terrorist overnight, by reading a book. You've got to experience things.

Loo: Yeah, I guess so.

Boyd: But we're learning what doesn't work.

Johnson: Well, we don't want to be terrorists anyway.

On the 10th and 11th a second bomb was built, this time with the pipe supplied by Barton. By now, though, Johnson and Loo were having second thoughts about their involvement. They approached Boyd, found him equally concerned, and decided jointly either to convince Barton to stop or to tell him they were all quitting.

That attempt occurred on September 12 at a potluck dinner for the fired workers. Barton was furious; he called the three "chickens" and "sellouts" and stomped out.

There remained the problem of what to do with the second bomb. Rodney Johnson visited David's house and disarmed the device, making it impossible to detonate. Still, the components would have to be destroyed. They agreed to get rid of it all in the desert on September 16.

Barton, unable to convince the others on political grounds, used his ultimate weapon, friendship. He bore down on David Boyd, pleading that the plot continue:

Barton: It's going to be all right, man. Just remember that. . . . I convinced myself. It's going to be all right.

Boyd: This is it for me after this. I'll quit. I'll call it quits.

Barton: You gotta make a showing, that's all, man. What do you think the people in the yard are going to react to, huh?

Boyd: This whole thing's a farce anyway.

Barton: It'll bring them right up, though.

Boyd: No it won't. . . . So what? Why bring them up? What the hell for?

Barton: 'Cause if you quit now, man, you can't quit now, man. You know, then we'd just stand to lose too much.

Boyd: We've already lost.

Barton: No.

Barton urged one other thing that day. He pushed David to get Rodney Johnson to bring a gun on the desert trip. Knowing the arrests were planned, one can only speculate why Barton and the FBI wanted their suspects armed, but luckily Johnson did not bring one.

The arrests came on September 16 when SWAT teams halted Barton's van on its way to the desert. The case of the NASSCO Three became a *cause célèbre*, and the defense team began to piece together the elements of entrapment.





San Diego police confront the NASSCO strikers.

### Some Questions

Several interesting facts emerged in the trial. One, Barton never recorded any conversations with Johnson or Loo alone. It was clear that he was best at manipulating Boyd, and the other two were only captured on tape during meetings of all four together. Second, when the three defendants told Barton at the potluck dinner that they wanted out, no tape was made, supposedly because of a malfunction in the recorder. However, a renowned acoustic phonetician testified for the defense that his investigation showed that tape to have been "tampered with, modified, or altered." The government produced no experts to rebut this claim.

Third, this question was never answered: Why, if the crime had been completed as of September 9 when the first bomb was built, with a witness present and the conspiracy on tape, did the FBI wait another full week before making the arrests? The obvious answer was that they hoped Barton could ensnare more people, preferably union leaders, in his plot. Barton did in fact approach me and another union official about the need for more militant tactics, to no avail. And the FBI, in their initial interrogation of David Boyd, offered him leniency in exchange for incriminating evidence against union leaders.

Last, there was one compelling piece of evidence which answered any question whether the defense's version of events was merely self-serving fabrication. On September 16, when he was arrested and before he knew that Barton was an informer or that the conversations had been taped, David Boyd told the FBI the same exact story. The FBI did not bother to record that statement; neither did they deny it.

The three were convicted because, in the words of many jurors, they were morally innocent but technically guilty. Appeals were denied, sentences were served, and Barton was given money and a new identity. But the case of the NASSCO Three can still be both instructive and ominous.

### Some Lessons

Some basic lessons exist as to how three young men came to be pushed into felonies. The most elemental of these for pro-

gressive people to realize is that such things do happen. Police, federal agencies, even private employers do use such methods, with varying degrees of sophistication. The window dressing about respecting the rights of citizens and only investigating crimes in progress is just that—fluff for public consumption. The reality is quite different, and under the second Reagan administration can only get worse.

It is important to note how repressive tactics are introduced and accepted. Wiretapping legislation was first justified by the need to fight organized crime. Most people felt the Mafia was a valid target, yet it was the civil rights and anti-war movements that were subjected to the most wiretapping. Entrapment strategies where crimes are induced by government agents were employed in a big way in Operation Abscam against politicians suspected of bribe taking, and few can sympathize with a crooked politician. But this strategy, as we have seen, is quickly enlarged beyond mere "sting" operations. Indeed, there is potentially a wide opening for similar misconduct in the proposed anti-terrorism laws scheduled for congressional debate this term.

On the other hand, it is useful to put these policies into perspective. The FBI spent hundreds of thousands of dollars, used scores of agents, and wielded an impressive array of technology in the NASSCO case. They used a Bureau aircraft because, according to an FBI report, "the CWP is known to use counter-surveillance techniques." At times, Barton was equipped with two transmitters, one taped to his chest and another inside his cowboy boot. Barton's phone was fitted with a taping device. Multi-vehicle surveillance was commonplace. Yet much of this technology was prone to breakdowns and the sheer overkill bordered on the ridiculous. An example occurred when a group of strikers, including some CWP members, assembled in a restaurant parking lot to picket a company executive's house. The FBI fed the license numbers of every car in the parking lot into their computers and produced a list entitled "32 Suspected CWP Members in San Diego." A more accurate heading would have been "Tourist Families Passing Through Town." True, it was chilling to listen to the 24 hours of tapes made of unsuspecting people, and activists should be careful; things said in jest or to humor a man like Barton sound very different later and look even worse in a transcript. But in general it is still the human element—in this case the company spy turned government informer—on which entrapment cases must be built.

Of course it is easy to say in hindsight that no one should have got involved in the bomb plot, and in fact such participation, even though it lasted only four days, is unjustifiable. But that is to miss the most masterful aspect of the government's entrapment—the use of psychological manipulation. The frustration felt at legal tactics, the tremendous, overpowering grief at the needless deaths of two fellow workers, the pull of friendship on a lonely man, the wounding charges of "selling out"—all these combined to form a certain set of circumstances where rational people got caught in irrational acts. Had a government agent not supplied the idea, the blueprints, the technical expertise, and the needed encouragement, it is doubtful that any of this would have happened.

Four years have passed since the Battle of National Steel. The injustice still confronts us. If communists, or union militants, or minorities of any kind can be led down the road of government entrapment, everyone's freedom is threatened. We must learn from cases like this, and use all our legal and political means to eradicate such perversions of justice.



# Arnaud de Borchgrave

## Boards Moon's Ship

By Louis Wolf and Fred Clarkson \*

On March 20, 1985 the public was informed that Arnaud de Borchgrave was the new editor-in-chief of Reverend Sun Myung Moon's newspaper, the *Washington Times*. Media analysts knew at once that Washington's already shrill rhetoric would be reaching new heights.

Even before Ronald Reagan took office, de Borchgrave had ready access to the President-elect. On December 16, 1980, they met for a "very lengthy conversation" about disinformation, propaganda, and de Borchgrave's recommendations for White House media strategy, nationally and internationally. That strategy must have paid off; de Borchgrave told the *New York Times*, "The *Washington Times* is the first thing Ronald Reagan reads each morning. He called me up and told me so." (May 26, 1985.)

### A Joining of Causes

De Borchgrave, like others who have made it big in Moon's News World Communications, Inc. (which includes the *Wash-*

*ington Times*, the *New York Tribune*, and its Spanish edition, *Noticias del Mundo*), was gradually integrated through a variety of Moon functions and front groups. In 1982 he was a featured speaker at Moon's annual "World Media Conference" in Seoul, South Korea. He also spoke at the 1984 World Media Conference in Tokyo, joining former Interior Secretary James Watt (a member of the *Washington Times* editorial board), *National Review* publisher William Rusher, and Kathryn McDonald (widow of Congressman Larry McDonald), on a panel about "media ethics."

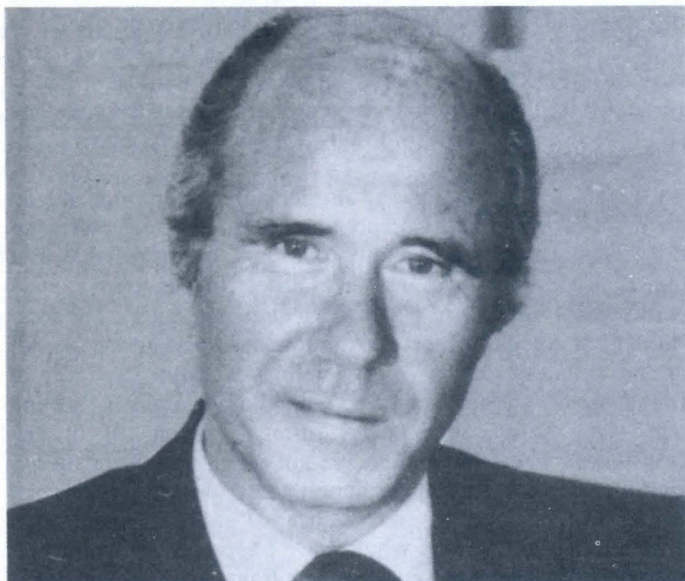
De Borchgrave attended a "special conference" for journalists in Seoul, in November 1984, sponsored by Moon's political arm, the Confederation of the Associations for the Unification of the Societies of the Americas (CAUSA). He was keynote speaker at the CAUSA USA national conference in San Francisco, March 4-8, 1985, where his topic was disinformation.

His appointment as *Washington Times* editor-in-chief twelve days later came as no surprise, since his new bosses are CAUSA executives. The president of the News World Communications conglomerate (NWC) and Moon's trusted chief executive officer, Bo Hi Pak, is also the President of CAUSA International. Pak visits the *Times* offices regularly, exercising tight control over finances. NWC associate publisher Phillip Sanchez was recently appointed CAUSA USA president, replacing retired Air Force General and special operations warrior E. David Woellner (see *CAIB* Number 22), who was promoted to executive vice-president of CAUSA International and director of CAUSA World Services. Expanding upon an already ambitious worldwide agenda, CAUSA International is seeking to establish regional operations centers in places it sees as "crisis points:" Costa Rica, Thailand, Pakistan, and Kenya. Sanchez (Nixon's Ambassador to Honduras and Ford's Ambassador to Colombia) came into the CAUSA hierarchy through Moon's think tank, the Washington Institute for Values in Public Policy.

The Moon conglomerate has continued to function normally despite the 1984 jailing of Rev. Moon for tax evasion; he is due to be released this August.

### Making His Mark

Since assuming his new post, de Borchgrave has been assiduously making his own mark. Within days of arriving at the plush *Times* offices, he announced a complicated (and highly



Arnaud de Borchgrave.

\*Fred Clarkson is a free-lance journalist based in Washington, DC. He wrote "Pak in the Saddle Again," in *CAIB* Number 20 and "'Privatizing' the War," in *CAIB* Number 22, both of which deal with Moon enterprises and their relation to Reagan administration policies, including Central America.



unlikely) \$1 million reward for information leading to the arrest, trial, and conviction of fugitive Nazi war criminal, Josef Mengele. The catch was that the information had to be given directly to de Borchgrave, not to any law enforcement officials, raising questions about the Moon empire's real intentions. Those questions were reinforced by the *Times's* decidedly cool reaction to initial reports alleging the discovery of Mengele's body in Brazil.

In May, de Borchgrave announced in a full-column front-page editorial the launching of a "worldwide fundraising drive" called the Nicaraguan Freedom Fund to raise \$14 million in "humanitarian aid" for the *contras* in Nicaragua, because the White House had failed to sway Congress in the first vote. Former Treasury Secretary, millionaire William Simon (see *CAIB* Number 21), heads the fund board with former U.N. Ambassador Jeane Kirkpatrick; conservative writer and head of the Committee for a Free World, Midge Decter; and fellow of the rightwing American Enterprise Institute, Michael Novak. In the name of the imprisoned Rev. Moon, Bo Hi Pak kicked in the first \$100,000.

De Borchgrave inherited a paper with deserved credibility problems, not least of them the turnabout of founding editor James Whelan. He had insisted repeatedly during his tenure that the Unification Church did not control the *Times*. But in July of 1984, after he was fired by Bo Hi Pak over a reported salary dispute, he charged that Pak wanted to assume "full control" of the paper. A few days later, Whelan announced that the *Times* was "firmly in the hands of top officials of the . . . Unification Church movement." A senior *Times* executive corroborated Whelan's disclosure about Pak's control: "He can close down the paper tomorrow if he wanted to." (*Washington City Paper*, July 27, 1984.)

The *Times* has consistently lied to its readers and advertisers about its circulation, inflating the numbers in order to make the Moonie paper seem more influential, while avoiding the standard audit to which legitimate papers submit for verification. Under both Whelan and his successor Smith Hempstone, circulation claims ranged up to 125,000 and hovered around 100,000. Then in April 1985, to Bo Hi Pak's consternation, de Borchgrave was forced to disclose independent audit figures in a back-page business section item, before they appeared in another paper. The March Washington-area circulation was just over 75,000 (including many copies given away free),

with an additional 8,608 copies of their spectacularly unsuccessful "national edition," beamed by satellite to four cities, Philadelphia, Chicago, Los Angeles, and San Francisco. While the *Washington Times* budget is kept secret, knowledgeable estimates suggest that upwards of \$150 million has been sunk into Moon's media enterprises.

### Still Proud of Spy Ties

Arnaud de Borchgrave is a driven man, consumed by his mania that disinformation is being foisted on the world by forces ranging from the KGB in Moscow, through the international communist conspiracy, to the myriad of peace, anti-intervention, and anti-nuclear groups and individuals in the United States and Europe. This was the gist of a five-part April *Times* series (since recycled in the *New York Tribune*), "The Network," about some of the national organizations opposed to U.S. policies in Central America.

In 1978, two years before he was fired by *Newsweek* (in part for keeping dossiers on fellow employees), he told a *CAIB* editor that he considered his "key, best sources of information" in the world the heads of "intelligence services in Washington, London, Tel Aviv, and Pretoria, each of which I stay in close contact with." Despite such open reliance on close intelligence ties, de Borchgrave claims coyly nowadays that he spurned two CIA recruitment approaches.

He and some 26 others, including two former CIA directors and three former chairmen of the Joint Chiefs of Staff, are on the board of a secretive body known as the U.S. Global Strategy Council, yet another CAUSA operation, although the Moon links are not known to many of its members. Since 1982 he has also been an active participant in an ad hoc, restricted access "communications net" first called World Strategy Forums, which in late 1983 became the World Strategy Network. This Network includes several dozen conservative specialists in strategic affairs, in and out of government, from military, intelligence, economic, and other sectors, who meet occasionally to "promote the exchange of facts and ideas, and to foster collaboration on behalf of shared goals and objectives." It hopes to "bring facts and solutions to the attention of policymakers in the Executive Branch and Congress."

The driving force behind the group is its coordinator, former CIA Deputy Director Ray S. Cline; the titular co-chairs are Claire Boothe Luce, former Ambassador and longtime patroness of the right, and Morris I. Leibman, former head of the American Bar Association's Committee on Law and National Security—itsself a project first conceived by the Association of Former Intelligence Officers (see *CAIB* Number 11), which sold the idea to the ABA.

During a 1984 radio interview by the USA [United Students of America] Foundation, a rightwing student coalition headquartered at the Heritage Foundation in Washington, de Borchgrave expounded on his zealous concern over disinformation. Speaking of "indirect warfare" by the Soviet Union and other enemies of the "Free World," he said that the danger of nuclear war is not a reality, but something "which Soviet disinformation has been very successful in convincing us is a real danger and that the person really responsible for all of this is Ronald Reagan."

Asked whether the United States engages in disinformation, de Borchgrave said that present and former U.S. officials trying "in a free society . . . to put the best face possible" on what they are doing or did in government is not disinformation. "That is called management of the news." ●



Bo Hi Pak visiting Rev. Moon at Danbury Prison.



# Moscow Rules Moss's Mind

By Fred Landis \*

Eleanor Mondale was angry. "Are you calling my father a KGB agent?" she demanded, waving a magazine at me. Eleanor Mondale is Walter Mondale's daughter; the magazine was *Inquiry*, for which I had written a lengthy book review of *The Spike*, by Robert Moss and Arnaud de Borchgrave. I ar-



Robert Moss.

gued that *The Spike* was one of a series of CIA-inspired books, movies, and TV specials which had artificially created a wave of patriotism which would sweep Ronald Reagan into office.

Eleanor did not give a fig for Robert Moss, the CIA, or the thrust of my article. Her finger pointed to a paragraph where, sure enough, Walter Mondale was made out to be a KGB agent. "That is Robert Moss's line, for chrissake, not mine," I explained. The point of the quote had been to show the absurdity of *The Spike*'s ultra-right message. Daniel Schorr used the article on the Cable News Network; it was read on the Pacifica Radio Network; Andrew Kopkind incorporated it into a piece for *The Nation*.

*The Spike* was the *Mein Kampf* of renegade intelligence agents intent on avenging Jimmy Carter's purge at the CIA under Stansfield Turner. Aiding Moss in this effort was the 3000-member Association of Former Intelligence Officers (AFIO) and two think tanks run by Moss's friends: the Georgetown Center for Strategic and International Studies (CSIS) and the Heritage Foundation. Ronald Reagan read *The Spike* on the campaign trail and when he entered the White House he brought the ideas and personnel of those think tanks with him. Many of the old boy network of spies at AFIO were back at the CIA.

Eventually a common financial source was found behind the network of intelligence-connected think tanks, books, and

movies: the Sarah Mellon Scaife Foundation, controlled by CIA groupie Richard Mellon Scaife. Scaife had met Moss in England where he and the CIA had set up several propaganda operations for which Moss was a chief correspondent. In the period leading up to the 1980 elections, Scaife's foundation had disbursed some \$100 million to scare America back onto the Right track.

## Instant Best Sellers

Robert Moss is back on the best seller list with *Moscow Rules*. It provides a closing to a literary and political circle which began in 1975 with *Chile's Marxist Experiment*, on the KGB plot to take over South America, followed by *The Collapse of Democracy*, on the KGB plot to take over Europe. That was followed by *The Spike*, on the KGB plot to take over the United States, which was in turn followed by *Death Beam*, on the KGB plot to take over the world. Most recently, Moss had authored, again with de Borchgrave, *Monimbo*, on a Cuban plot for Black revolutionaries to take over the United States with Cuban and Soviet aid.

There was a monotonous regularity to these instant best sellers. They came out every two years, uncovered some KGB plot to take over some strategic real estate, and the date was always 1985. They were guaranteed best seller status because everybody from the Conservative Book Club to Accuracy in Media gave out free copies. Retired spooks held press conferences to inform us that Moss's novels were more than just fiction. Dozens of news stories were planted by CIA and Israeli intelligence to support independently the allegations in Moss's books.

Well, here we are in 1985 and the "Free World" has not collapsed—undoubtedly saved by Moss's timely exposés. In fact, in *Moscow Rules* it is the Soviet Union that collapses!

Early in his career Moss complained that there was no conservative International. "[T]here is no unabashedly conservative government in any major Western country. There is a Socialist International and a Communist International, but there is no Conservative International." Since those words were written, "unabashedly conservative governments" have been installed in several of the Western nations where Moss has focused his literary efforts and a conservative international of sorts has been formed in the working relations of the intelligence services of those conservative administrations. Moss is the most visible of the Young Turks around the CIA who helped to provoke these changes.

Moss is the most visible because, in addition to his primary activity as an intelligence agent, he also plays at journalism, rightwing terrorism booster, political intrigue, and character assassination, and is, in general, a spreader of gratuitous malicious mischief.

## Moss's Career

To me, Robert Moss is a combination of Ronald Merrick from "The Jewel in the Crown" and Joseph Goebbels. Like Merrick, Moss began his career by being involved in a particu-

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larly odious crime in a far off country. This crime is important because it illustrates the abuse of power endemic in covert operations and the moral character of individuals attracted to this line of work. Like Goebbels, Moss learned to exploit new means of communications and anticommunism as a cover for helping to install his rightwing allies in power.

In 1971, the CIA's Station Related Mission Directives for Chile specified under priority "B" that friction be created between the socialist regime in Chile and the military dictatorship in Argentina by planting "black propaganda" to the effect that Allende was encouraging the establishment of a communist guerrilla training camp on the border. Instructions were given to the CIA station in Santiago to plant this story in several key media in order to launder it for replay in Chile. One of the most influential was the *Economist* of London.

The correspondent for the *Economist* in Chile was Robert Moss. He found an agronomy student, José Gregorio Liendo, working in a remote area bordering Argentina, elevated him into the Che Guevara of Chile, and bestowed upon him the title of "Commander Pepe." This fabrication was such a success that it led to the arrest and execution of the non-existent "Pepe"—but the real Liendo—at the time of the military coup. Moss took a 20-hour flight from London to Santiago, and continued all the way to the town of Valdivia to interview "Pepe" before he was executed. This interview, replete with sarcasm for the hapless Pepe and his wife, was included by Moss in the last chapter of his CIA-financed book, *Chile's Marxist Experiment*.

Moss learned an intoxicating lesson in Chile, that an intelligence-connected journalist can create political events instead of merely reporting them. When he arrived in Chile he found an upper class that was demoralized and accepted as inevitable the triumph of the left. Moss observed and participated in a situation wherein the vanguard of opposition to the Allende government was led by CIA journalists. They planted false stories calculated to revive the right, alarm the middle class, unite and mobilize the military, and unite all in opposition to the government.

### The KGB Plots

Upon his return to Britain, Moss became a speech writer for Margaret Thatcher and spread the same message to the British upper class that he had in Chile: There is nothing inevitable about the political decline of the wealthy; your will has been undermined not by inevitable historical trends but as the result of a KGB plot. The nature of the True Plot varies: a combination of KGB disinformation spread through the liberal media, KGB penetration of labor unions in order to paralyze production in war, KGB seduction and blackmail of liberal politicians using communist Mata Haris, KGB terrorist collaboration with the Irish Republican Army, KGB planting of moles or deep cover operatives at the top of British Intelligence and the government, and most sinister of all, Soviet peace initiatives which would lead to the disarming of the West.

This is put into book form because it is difficult to cram all these propaganda themes into a newspaper article. Such books, incidentally, smear liberal politicians, which is why new Moss books are often released before major elections in the U.S. or Britain.

### Moscow Rules

The title of his latest work is both a self-flattering allusion to John LeCarré and a statement of its major theme: He who con-

trols Moscow rules the Soviet Union. The first chapters of LeCarré's best work, *Smiley's People*, focus on the strictest security rules, known as "Moscow Rules." In Moss's version, the KGB and Communist Party are overthrown by a Red Army seizure of a few key buildings in Moscow.

According to the dustcover, Moss has interviewed all the top recent defectors from the U.S.S.R. That, presumably, is how he "knows" the layout of every room in KGB and GRU headquarters. The Soviet Union, oddly enough, seems like an open book to Moss. But despite this patina of verisimilitude, the plot to seize Moscow seems rather familiar; it is in fact the same plan used by the Chilean military in *Chile's Marxist Experiment* to overthrow the government there. Now, one coup may be similar to another, but somehow taking over the Soviet Union would seem to require more than surrounding the equivalent of the Presidential Palace, as was done in Santiago. Moss's seizure of the telephone exchange is accomplished by an elevator operator at a Moscow tourist hotel; anxiety in the Kremlin over the lack of phone communication with key Army units is handled by the reassuring presence of a general. Tanks surround the Kremlin, the Party bosses surrender, and oppressed workers pour out into the streets carrying icons. Videotapes are made of "the cars, the lovenests, the caches of black market goods. We'll show all of it on TV. The Secret Lives of Party Bosses."

The curious thing is not that these events actually occurred in Chile, which they did not; it is that every CIA-financed book about the overthrow of Salvador Allende *claims* that they did. In a review of *The Spike* (CAIB Number 10, p. 43), I stated that the communists, "charges Moss, are actually following blueprints for the seizure of power based on the Chilean model, 'blueprints for Communist takeovers that have been issued from Moscow.'" My argument then and now is that exactly the opposite is the case: Moss and his friends in the CIA, MI-6, and Mossad have been using bogus KGB plots as a cover for domestic covert support of the political right, following the blueprint used by Moss in Chile.

### Borrowed Scenes and Sexual Stereotypes

This CIA flack jets around the world in a trenchcoat, smoking Cuban cigars and projecting the aura of a man just back from the front with secret information. On a recent New York radio interview Moss gushed, "I like the smell of cordite," a sentiment expressed by the hero of *Moscow Rules*.

Moss is a moral, intellectual, and physical coward. Most of his information is bogus and spoon-fed. His familiarity with Soviet weapons was not gained at personal risk on the front lines anywhere; it was delivered on a silver platter from CIA Headquarters. His characters are cardboard, and when they possess any life, it is often because Moss has lifted the description from LeCarré. He once had a good explanation of the function of counterintelligence; but it was taken from the memoirs of CIA veteran Joseph B. Smith. He once made a humorless reference to the Chilean military not possibly being a threat to the U.S., unless one considered the possibility that they might want to bomb Teddy Kennedy's home. That was lifted from a *National Review* article by Jeffrey Hart.

Moss has confided to interviewers that the ideas for sex scenes come from asking his and Arnaud de Borchgrave's wives. One wonders which one provided the ridiculous idea for the heroine's suicide in *Moscow Rules*. When Tanya is sent to the Gulag, she avoids a fate worse than death by deliberately falling on a chain saw: "He saw her switch on the saw, set it on



the ground, and lower herself, as if she was about to do pushups. Or make love."

As far as the sexual predilections of Russian intelligence figures are concerned, Moss is equally graphic. A "goon from SMERSH" rapes a girl "seven or eight at most." The former head of the NKVD, is described as "Beria, that twisted sadist, lover of underage girls." In *Death Beam*, the head of the KGB was described as "that geriatric pedophile Krylov." And in *The Spike*, every leftist woman is a nymphomaniac.

There is something heavily negative, if not obscene, about Moss's books. The following are the free associations on a single page following mention of the Communist Party: "hardness," "death and disaster," "weary," "muddy," "panicky," "dead," "alone," "burden," "brood," "resentment," "killed," "grieving," "automaton."

Not that Moss's worldview is entirely negative. At the end of *Moscow Rules*, the hero, having liberated the Soviet Union, states: "I want to believe that our dirty work will permit you to see the sun tomorrow." This is the same hero who is set off on his lonely quest by a mentor who advises him, "The only way to beat them is to know their methods, to lie, to cheat, to make compromises, to be absolutely ruthless."

#### Moss's "Heroes"

What does one say about a "hero" who begins a book with a transparent rationalization for dirty tricks and ends the same way? In previous novels, the central character was Robert Hockney, a composite of Seymour Hersh, David Halberstam,

and other liberal journalists, who gradually sees the light and metamorphosed into a hardened cynic like Robert Moss. In *Death Beam*, Robert Hockney is the leader of a pack of gung ho vigilantes from the CIA, MI-6, and Mossad. The group is often morbid and deeply depressed about their work. But when Moss gets to feeling this way about his sordid profession, he heads for his spiritual retreat in Jamaica, the home of the late Ian Fleming. This is where Fleming wrote most of the James Bond stories. Bond was pure fantasy, never weighted down by some preachy message, which Moss finds all wrong: "The rot had set in, he believed, when Ian Fleming had been persuaded that it was passé to depict Soviet spies as villains, and had sent his unlikely hero, James Bond, to do battle not with the Russians but with a sinister private organization. . . ." In *Doctor No*, Bond can often be found leisurely scanning the reactionary *Jamaica Daily Gleaner* over breakfast, which reflected Fleming's daily routine. Moss also finds this all wrong. The idea, as expressed in *The Spike*, is to plant stories. And, in fact, Moss busied himself planting false stories in the *Gleaner* to discredit the socialist government of Michael Manley. The *Gleaner* plants caused such a scandal that the Jamaican Press Association organized a Commission of Inquiry at which this author and others testified. The *Gleaner* carried a humorous "obituary" for Robert Moss. Around that time Moss switched to fiction, the advantages of which are expressed in *The Spike* by Robert Hockney's wife: "That's what you should be doing. Writing fiction. It's a damn sight more profitable and a hell of a lot safer."



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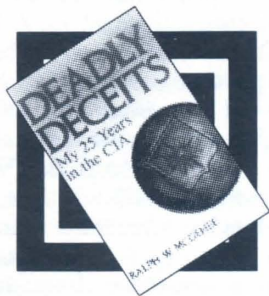
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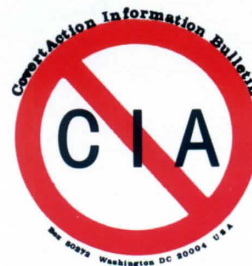
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# Tetra Tech in Foreign Waters

By Jane Franklin \*

A recent *New York Times* article (March 26, 1985) described the CIA connection in Oman, which is reportedly substituting for Iran as a U.S. stronghold on the Persian Gulf. The article began by pointing out that among the foreign advisers to the Sultan of Oman is former senior CIA official James H. Critchfield, who is president of the corporation with the contract for managing the tightly guarded development of the strategic Masandam Peninsula at the entrance to the Gulf. The corporation is Tetra Tech International, a subsidiary of Tetra Tech, Inc., itself a subsidiary of Honeywell Corporation, a major military contractor with headquarters in Minneapolis, Minnesota.

Tetra Tech, Inc., based in Pasadena, California, was also in the news not long ago. It was Tetra Tech that hired the *Seaward Explorer*, which lost an engine off the northeastern coast of Cuba last November, resulting in an extraordinary show of force by the United States. Defense Secretary Caspar Weinberger approved the order that sent the aircraft carrier *U.S.S. Nimitz* toward Cuba from St. Thomas in the U.S. Virgin Islands while the guided missile cruiser *U.S.S. Arkansas* was diverted from maneuvers elsewhere in the Caribbean to join the *Nimitz*.

\*Jane Franklin is co-editor of *Cuba Update*, the journal of the Center for Cuban Studies, and co-author of "Vietnam in America: A Documentary History."

Meanwhile, although Cuba never gave permission for the U.S. Coast Guard cutter *Reliance* to enter its territorial waters, a Cuban naval patrol boat allowed the *Reliance* to take the *Seaward Explorer* under tow only eight miles from shore. The United States called off its warships but speculation about the U.S. reaction continues.

Tetra Tech has the U.S. Navy's contract for mapping Haiti's coastal waters. Its equipment was aboard the *Seaward Explorer*, a 105-foot vessel owned by Seaward Services of Miami. Peter Skipp, captain of the *Seaward Explorer* and a partner in Seaward Services, told reporters that he and his four crew members were on "a non-classified Navy operation" during which they were "mapping the depths of the seas between Haiti and Cuba." He said they were headed for Puerto Rico when the ship lost an engine on the night of November 29, 1984.

Captain Skipp may believe that he was involved in harmless oceanography, but Tetra Tech, among other things, was calibrating the speed of sound in those waters between Cuba and Haiti. As the *New York Times* pointed out (December 5, 1984), the speed of sound, which is determined by temperature, salinity, etc., affects sonar operations by aircraft, surface vessels, and submarines, including submarine communications from whatever source.

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