

CovertAction

Q U A R T E R L Y

Anniversary Issue



Happy 15th
CovertAction
Quarterly

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Russia in the Winter of Democracy • Fred Weir

Rocky Flats: The Jury That Wouldn't Shut up • Brian Abas

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Fifteen Years of *CovertAction*

Ellen Ray and Bill Schaap

It has been fifteen years since the first issue of *CovertAction* appeared—and more since political activists worldwide began directly confronting the U.S. espionage complex. Probably no one is more surprised than Louis Wolf and ourselves over the survival and growth of this confrontation and of the magazine. It is unusual, to say the least, for a progressive publication to have lasted so long. So many of our contemporaries have, sadly, folded. But on the other hand, the foe we set ourselves against has not exactly “withered away.” In the first issue of *CovertAction*, we described the magazine as a “permanent weapon in the fight against the CIA, the FBI, military intelligence, and all the other instruments of U.S. imperialist oppression throughout the world.” It has never wavered from that mission.

CovertAction did not arise in a vacuum, of course. We were both working with *CounterSpy* magazine after moving to Washington in 1976. But *CounterSpy* was in its death throes, having been falsely blamed by President Gerald Ford—remember him?—for the assassination of CIA Station Chief Richard Welch in Athens in December 1975.

In the last months of its existence, *CounterSpy* sent Ellen Ray to Jamaica to meet Philip Agee and to investigate the extent to which the CIA was interfering in Michael Manley's reelection campaign. That was the beginning of several long and enduring friendships.

“I Have a Friend I Want You to Meet”

Among other information Phil passed on, he told Ellen he had a friend in London, Louis Wolf, who had been spending months in the British Museum researching a book that would be a major exposure of the CIA. He asked if we would meet with Wolf, who was coming to the States, to see if we could help edit and find a publisher for this book.

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Well, Lou came to Washington; we thought the manuscript (which was to become *Dirty Work: The CIA in Western Europe*) was great, and we set to work helping him gather up the articles he and Phil had tentatively selected, getting reprint permissions, and hunting for someone who would be willing to print this book like none other before it.

Using public sources, Lou had prepared an appendix to *Dirty Work* that exposed hundreds of undercover CIA officers, with complete biographies indicating when they had joined the CIA, where they had been posted undercover in the past, and where they were now. We tried a few mainstream agents who were, at first, enthusiastic—if a bit paranoid. One of them kept the manuscript locked in his safe each night. However, he, like the others, came back and assured us this book could never be published in the U.S. Ultimately, we showed it to Lyle Stuart, who had a backlist of books at least as controversial as this—especially *The Anarchist Cookbook*, a lighthearted tome which had various recipes for Molotov cocktails and bombs and various efficient household hints, like how to derail a train.

Lyle was more than into it. He not only opted to do *Dirty Work*, he came up with the title and the idea of printing the appendix on yellow pages, like a classified telephone directory. As the manuscript was being painstakingly converted into a book, Lou labored at the National Archives over the minutiae of the appendix; Bill hunted down the articles and permissions; and Ellen, who was hospitalized during this period fighting a difficult, but successful, battle with cancer, revived to help edit from her bed.

In the meantime, *CounterSpy* had folded. By the time *Dirty Work* was ready to go to press, there had been no magazine devoted to exposing the crimes of the CIA and other intelligence agencies for more than a year. This was a situation we all determined should not continue.

A Modest Beginning

Phil agreed, and we gathered forces to get a magazine out again. We were joined in our efforts by Jim and Elsie Wilcott, two former CIA employees who had contacted and shared war stories with Phil after his 1975 book *Inside the Company* had burst the myth of CIA impermeability. We enlisted the typesetters and printers who had produced *CounterSpy*, and the distributors who had carried it; we had the remnants of a small mailing list; and we had a tiny spare bedroom in our apartment, which became the first *CovertAction* office.

The only way to become well-known, we decided, was to make the first issue a free one and to distribute it as widely as possible, hoping to generate enough subscribers to keep it afloat. None of us was to take a salary from the magazine; we would continue to do other, paying, work.

Dirty Work was published just as the first issue of *CovertAction* was going to the printer. Coincidentally, that summer, the World Youth Festival was held in Havana. To promote both the magazine and the book, we took several thousand copies and leaflets for the delegates and journalists from around the world.

We discovered there that the youth from other countries knew far more about the CIA and its destabilization programs

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CovertAction

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The FBI Targets Judi Bari



Ward Churchill

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Over the years we have been warned about the danger of subversive organizations, organizations that would threaten our liberties, subvert our system, would encourage its members to take further illegal action to advance their views, organizations that would incite and promote violence, pitting one American group against another... [T]here is an organization that does fit those descriptions, and it is the organization, the leadership of which has been most constant in its warning to us to be on guard against such harm. The [FBI] did all of those things.

—Sen. Philip A. Hart, Select Committee on Intelligence Activities and the Rights of Americans, 1975

The FBI Targets Judi Bari

A Case Study in Domestic Counterinsurgency

Ward Churchill

Shortly before noon on May 24, 1990, a white Subaru station wagon blew up as it moved along Park Boulevard in Oakland, California. With its two occupants disabled by the blast, the vehicle drifted left and slammed into a guard-rail. The police assignment desk received an emergency radio call at 11:55 a.m. from Patrolman Alner Brewer, the first officer on the scene, that “a vehicle just exploded and he needed assistance.” The Oakland Fire Department (OFD) unit E16 and an ambulance crew arrived five minutes later and removed the passenger. To extract the driver, reported Michele Gribi, a civilian evidence technician with the Oakland Police Department (OPD), “the OFD had to use the Jaws of Life to cut the L/front door off along with the metal crosswalk pedestrian guard the vehicle was wedged up against when it came to rest.”¹

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1. All quotes from Gribi come from Michele Gribi, Oakland Police Incident Report, RD No. 90-57171, May 24, 1990, pp. 6-7.



Before her car was bombed, this photo of Bari was placed on her door. Cross-haired photos are a standard FBI counterintelligence intimidation technique. The original was confiscated by the FBI.

After ambulances had left, but before the Alameda sheriff's bomb squad arrived at approximately 1:05 p.m., Gribi began her investigation. Because of “a strong odor of what was consistent with gunpowder,” she was certain a bomb had exploded. “Once I was inside the veh[icle] the smell was even stronger. ...[I] laid on the ground right side of the veh and took photos under the veh showing the damage *under* the driver's seat. ...[T]he driver's seat was pushed forward for me to take photos *under* the seat showing the damage and the nails stuck in the seat [emphasis added].” Both the nails and “very small black fragments all over the inside of the veh” suggested that the bomb which had exploded di-

rectly under the driver was a fragmentation device designed as an antipersonnel weapon. The possibility of an attempt on the lives of the car's occupants was thus implicit in Gribi's findings.

En route to the hospital, both victims reached the same conclusion. Paramedic Sal Taormina later recounted that the driver, in shock, said several times that she didn't know what

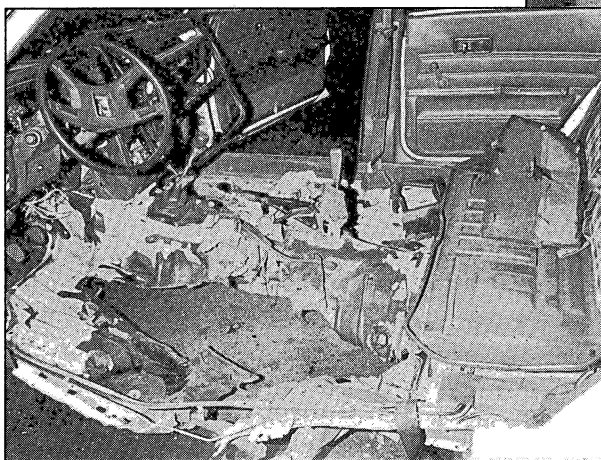
had happened, but it seemed “like a bomb had gone off in the car.” Brian Buckman, a paramedic attending the passenger, reported that the man, who was dazed but lucid and less badly injured than the driver, said “he was a political activist and that what had happened was an assassination attempt” by people opposed to their political activities.² Both paramedics reported their conversations to the police.

Enter the FBI

Meanwhile, a team of FBI agents headed by Special Agent (SA) Frank Doyle, Jr., a specialist assigned to the San Francisco Field Office’s International/Domestic Terrorism Squad, arrived to “assist.”³ Doyle concurred on the type of bomb after he “observed the components of a pipe bomb including a battery, a mechanical watch, electrical wires, pieces of a pipe nipple measuring approximately 2 inches by 12 inches having been capped at both ends and filled with a low explosive filler [and] numerous nails bound together by silver duct tape for shrapnel effect.” But he disagreed on the location, placing it “immediately *behind* the driver’s seat [emphasis added].”⁴ Thus, by the

time the Alameda County bomb squad completed its preliminary investigation at around 2:30 p.m., the situation had become confused. “It appeared that the device was underneath and possibly just to the rear of the drivers seat,” Deputy T.J. Rounph hedged.⁵

The victims were identified as “Judi Bari, white female, 40 years-of-age,” and her passenger, “Darryl Cherney, white male, 33 years-of-age.” OPD Lt. Clyde “Mike” Sims assigned Sgt. Michael Sitterud to lead the investigation. After meeting with FBI agents Doyle and John Reikes, at about 7 p.m. on the night of the bombing, Sitterud described the two as “radical activists...Earth First! leaders suspected of Santa Cruz power pole sabotage, linked to a federal case of attempted destruction of nuclear power plant lines in Arizona.”⁶ Using this unsubstantiated FBI disinformation,



David Cross



David Cross

Bari and Cherney’s car after bomb explosion.

Sitterud and his partner, Sgt. Robert Chenault, decided that Bari and Cherney were so “dangerous” that they should be immediately arrested.⁷

Facts Buried in FBI Disinformation

From that point, the reports by Gribi and the county sheriff’s technicians were discarded in favor of the FBI’s “bomb in the back” scenario.⁸ Since the bomb was visible, the FBI alleged, Bari and Cherney must have known they were carrying it when it accidentally exploded. On May 25, barely 27 hours after he’d narrowly escaped death at the hands of “party or parties unknown,” Darryl Cherney was arrested while checking out of the hospital. His companion, her pelvis shattered, her legs, face, and abdomen perforated by shrapnel—she would be permanently disabled—was still listed in critical condition, and was too sedated to be aware that she had been placed under round-the-clock police guard. They were charged with “illegal possession of explosives.”⁹

2. Sgt. Robert Chenault, Affidavit for Search Warrant, Municipal Court of the Oakland-Piedmont Judicial District, County of Alameda, CA, May 24, 1990, p. 3.

3. At p. 7, Gribi’s report lists Doyle’s team as agents Buck, Conradt, Webb, Maxwell, Perez, Lewis and Coughenour.

4. Chenault affidavit, *op. cit.*, pp. 3-4.

5. Deputy T.J. Rounph, Alameda County Sheriff’s Department Incident Form, Case No. 90-7181, 25, May 4, 1990, p. 1. The technicians assigned to assist in this case were Sgt. John Ratcliffe and Sgt. Clyde Archer (now retired).

6. Sgt. Michael Sitterud, Oakland Police Follow-Up Investigation Report (1), RD No. 90-57171, May 2, 1990, pp. 1, 3.

7. Since local police records on Bari and Cherney list only an arrest for participating nonviolently in an “illegal demonstration” at the Golden Gate Bridge, their “terrorist profile” presumably came from FBI input.

8. Neither Gribi’s nor the county sheriff’s determinations are mentioned in either Sitterud’s or Chenault’s paperwork. However, in his affidavit for a search warrant (*op. cit.*, p. 7), Chenault makes clear that he is relying, not on his own estimation of where the bomb had been situated, but on Doyle’s.

9. Robert J. Lopez, “Bomb victims jailed,” *Oakland Tribune*, May 26, 1990; and Dean Congbalay, “Police Say Car Bomb in the Back Seat: How Earth First! victims became suspects,” *San Francisco Chronicle*, May 28, 1990.



David Cross

Lt. "Mike" Sims, lead police investigator who worked closely with the FBI, was involved in several politically hot cases.

When supporters showed up to post Cherney's \$3,000 bond, they discovered it had been raised to \$12,000. Having gathered that sum, they found that since Cherney and Bari—who would be in traction for another six to eight weeks—represented such a "threat to the community," the bond was set at \$100,000. With the two thus "secured," Lt. Sims convened a press conference to announce the case was solved and his investigators were "no longer considering other suspects."¹⁰

The Stench of an FBI Set-Up

Across the Bay, in San Francisco, FBI Public Information Specialist Duke Diedrich held his own media event. He denounced as "irresponsible and moronic" those who, as Earth First! cofounder Mike Roselle put it earlier that day, whiffed the "stench of an FBI set-up." "We categorically deny that," Diedrich heatedly proclaimed. "I don't think there's any evidence of FBI involvement" in the matter. Even as he spoke, however, agents Doyle and Reikes were busily attempting to convince authorities in Sonoma County of a "link" between the

Bari/Cherney car bomb and a device discovered and disarmed some weeks previously at a Louisiana-Pacific Corporation saw-mill in Cloverdale.¹¹

Having succeeded in quickly labeling the victims "terrorist," Sims' detectives needed proof. It wasn't easy to come by. The search of Cherney's house and van—which he allowed without warrant—yielded nothing.¹² Execution of a search warrant on Bari's Mendocino County residence, obtained on an emergency basis at 2 a.m. on May 25, produced similar results. The examination of the premises of Bari's and Cherney's "known associates" also came up empty. According to Sitterud's investigative report, computer activist David Kemnitzer cooperated to the point of twice waiving his Fourth Amendment rights and allowing searches of his home, and separately, of his computer files and papers "for evidence of conspiracy." None of the OPD, FBI, or Alcohol, Tobacco, and Firearms (ATF) agents who took part found anything incriminating.¹³

Others, like the pacifist Seeds for Peace Collective in Berkeley, with whom Bari and Cherney had met the night before the explosion, were never given the opportunity to waive their rights. A team of police, guns drawn, simply forced entry to their residence, "tossed" the place in a warrantless search, and then whisked eight members away for hours of intensive interrogation.¹⁴ The only incriminating evidence found was that of police violation of citizens' rights.

By Tuesday, May 29, the scheduled arraignment date, these draconian tactics had yielded virtually no evidence tying either Bari or Cherney to the bomb. The combined efforts of the FBI and police had produced a few household items that were readily accounted for by Bari's work as a carpenter/repairperson: a roll of duct tape, some electrical wire of the same general variety as that employed by the bomb-makers, and a bag of nails of the same type—among the most common in the country. Prosecutor Chris Carpenter had no alternative but to ask for a continuance to "review the evidence" before deciding how to proceed.

Granting the continuance, Municipal Judge Judith Ford refused a defense motion to allow Sheila O'Donnell, a private investigator retained by Greenpeace on behalf of Earth First!, to examine evidence along with the prosecutorial staff. If the police/prosecution theory were wrong, defense attorney Susan Jordan argued, her clients' lives could be in danger. Ford's

10. Mark A. Stein, "Police Hold Earth First! Pair in Blast," *Los Angeles Times*, May 26, 1990. Sims has an interesting history of involvement in politically sensitive Oakland cases, especially with regard to disinformation. He repeatedly told the press that police had "no suspects, no clues" in the August 22, 1989 murder of Black Panther Party founder Huey P. Newton. When the *San Francisco Examiner* reported on August 24 that police had been videotaped arresting three men near the scene within minutes of the killing, Sims convened a press conference to criticize the paper because "there were only two" and they'd "not—repeat not—been linked to Newton's death." On August 25, however, the department "corrected" Sims' statement, stating that the two men had been suspects all along, and that one of them, Tyrone Robinson, had by then been charged with Newton's murder. The name of the second man arrested has never been disclosed, while even the existence of the mysterious third man has never been officially admitted.

11. See generally, Robert Digitale, "Activists aghast at police 'story,'" *Press Democrat* (Santa Rosa, Calif.), May 26, 1990; and "FBI searching for link to L-P pipe bomb," *Press Democrat* (Santa Rosa, Calif.), May 26, 1990. At the time this information was leaked to the press, the FBI had not—according to Sonoma County Sheriff's Lt. Chuck Smith—even bothered to pick up the department's evidence on the Cloverdale bombing.

12. "I actually signed a waiver of my Fifth Amendment rights [against unwarranted search]," said Cherney, "to give the FBI permission to search my van. Because if they bombed Judi's car then hell, they might have bombed mine, too, and I wanted the police to go and look through that vehicle with a fine-tooth comb because I'm afraid to get in it"; interview by Robert Bendheim, Radio Station KMUD, Garberville, Calif., June 2, 1990.

13. Sitterud report, *op. cit.*, p. 2. Kemnitzer was charged with no crime and no contraband was found in the vehicle. Nonetheless, his car was impounded and he was forced to pay \$173.58 to get it back.

14. Alvaro Delgado, "Peace group angered by gun-point search: Non-violence credo of activist group," *Press Democrat* (Santa Rosa, Calif.), May 26, 1990.



Left: Eddie Crespo; center and right: David Cross

Richard Held holds seized handgun and Uzi during stint in Puerto Rico (l); Judi Bari at first appearance after release from hospital, May 1990 (c); Irv Sutley, reputed FBI informer and *provocateur*, takes aim.

response was a Catch-22: The defense would be given access to evidence necessary to disprove the government's allegations only if those allegations were shown to be essentially correct.¹⁵ The idea that the real bomber might still be at large seemed to have no bearing on the court. Ford set a new arraignment date for June 18, and ordered Cherney's release on bail.¹⁶

The DA Bows Out

"Judi Bari and I had absolutely nothing to do with the bomb," said Cherney in a press conference held upon his release. "Personally, I'm scared to death of explosives. I've never even lit a firecracker in my life. ... We've said all along that we were victims of an assassination attempt, but the police have absolutely ignored even the possibility that we're telling the truth while devoting all their time and energy to trying to prove the absurd idea that we blew ourselves up... I don't appreciate the fact that we are being persecuted rather than protected [by the police]." As Susan Jordan put it, "We feel that Judi and Darryl are subjects of attempted murder, and we're afraid the tracks [of the real culprit] may be getting cold" while the police "thrash around trying to pin the rap on the victims."¹⁷

They were proven correct when, after obtaining a second continuance until July 17, DA Carpenter quietly notified the court that he had no basis for proceeding. "There was just

nothing to support those charges," said a former staff member of the Oakland District Attorney's Office.

In fact, by mid-June it had become apparent to many of us that the evidence pointed to an opposite conclusion. But none of the police agencies involved were willing to move things in the direction of an attempted-murder [of Bari and Cherney] investigation. Some of the law enforcement people we were dealing with were so insistent that the Earth First! people had to be guilty, regardless of the known facts, that some of us began to feel they were trying to manipulate us into pursuing the case for reasons other than legitimate criminal prosecution. You never want to believe that things like that can happen, but they do. And they can get really ugly, so the DA finally decided we should cut our losses by bowing out of the whole thing as rapidly and gracefully as possible.¹⁸

The Return of Bari and Cherney

An angry Judi Bari emerged from the hospital in August. She initially suspected that she and Cherney had been targeted by contract killers hired by major timber corporations operating in the area.¹⁹ The two had, in fact, received numerous death threats because of their central roles in organizing the incipient and

15. Andy Furillo, "Charges still unfilled in car bombing: Evidence barred to defense until there's a case," *San Francisco Examiner*, May 29, 1990.

16. Grabowitz and Lopez, *op. cit.*

17. Partially quoted in Sharon McCormick, "Earth First! Prosecutor Asks Delay..." *San Francisco Chronicle*, May 30, 1990.

18. Telephone interview, August 1993.

19. For information on big business suppression of political opposition in California, see Woodrow C. Whitten, *Criminal Syndicalism and the Law in California, 1919-1927* (Philadelphia: American Philosophical Society, 1969).

potentially massive northern California "Redwood Summer" anti-logging campaign. Or the bomber might simply have been "some nut" associated with virulently anti-environmentalist groups like the Sahara Club or the Death to Earth First! wing of Americans for Common Sense, both of which had been issuing threats of physical violence against Bari and others for several months.²⁰

Organizers had been sent *The Sahara Club Newsletter*, which made extremely violent suggestions for dealing with Earth First! in general and Bari and Cherney in particular. One cartoon entitled "Stompers," warns "low lifes" Darryl Cherney, Greg King, and Judi Bari: "If you want to become

The official response to the bombing had nothing at all to do with finding the guilty parties. It was a ploy to isolate and intimidate key organizers...

a martyr," it offers, "we will be happy to oblige." Another cartoon says simply "Humbolt and Mendicino [*sic*] counties [*sic*] welcome's [*sic*] Dirt First to Mississippi Summer." Also in April, Bari found a photograph of herself tacked to the door of the Mendocino Environmental Center. A yellow ribbon—symbol of solidarity with the timber industry—was stapled to it, crosshairs of a rifle were drawn over her face, and feces had been thrown at the picture.²¹

Activists reported all the threats to the local police and FBI with no results. "If you turn up dead, we'll investigate," a Mendocino County deputy informed Bari at one point. According to Cherney, "The Humbolt sheriffs...were sure one of us was going to get killed. They did consider the threats to be serious, but they didn't want to spend their time on it because they don't like us any more than the timber industry does."²² "Our first impulse," Bari added, "was not really to suspect that someone working for the police or FBI had actually tried to kill us, but that the cops were more-or-less aware of who might have committed the crime, that they were politically and ideologically sympathetic to them, and

were therefore covering up for them by refusing to investigate the question of who had really planted the bomb in our car. This was all so blatant that there was no way I was going to allow it to go unchallenged."²³

Bari was infuriated that both local and federal law enforcement agencies had

made these absolutely bogus charges against Darryl and me, and then refused to drop them for almost two months after it had to have become obvious to investigators that there was nothing to support them. [The police] just used the whole thing to garner a tremendous propaganda coup...eight solid weeks of sensational press coverage about us—and, by extension, environmental activism as a whole—as being 'eco-terrorists'...deliberately creating a public misimpression meant to discredit us both individually and organizationally because the government finds us politically objectionable. ...The official response to the bombing had nothing at all to do with finding the guilty parties. It was a ploy to isolate and intimidate key organizers of Redwood Summer in such a way as to undermine or completely destroy the anti-logging offensive we were planning.²⁴

Others felt there might be even more official malfeasance involved than Bari believed. They looked to the case of Earth First! founder David Foreman, who—along with activists Margaret "Peg" Millet, Mark Davis, Ilse Aspund, and Marc Baker—had been arrested in May 1989 for conspiracy to sabotage power generating facilities in Arizona. Most striking about the case was the revelation that the entire scheme had been proposed and the materials to carry it out supplied by Michael Fain (a.k.a. "Mike Tate"), an FBI agent provocateur who had infiltrated the group two years before.²⁵ Foreman was one of the first to warn that "FBI provocateurs" should not be ruled out in the Bari-Cherney case.²⁶

Partly because of deep philosophical and tactical differences with Foreman and his wing of Earth First!, and partly because they were not yet prepared to accept the implications of the government itself having made an attempt on their lives, both Cherney and Bari were skeptical.²⁷ Still, as Sheila

20. "All volunteers should weigh at least 200 pounds and have a bad attitude...Clubbers will be issued personalized walking sticks about the size of baseball bats...in the event that some Earth First scum resist [us] it may be necessary to 'subdue' them," *Sahara Club Newsletter* #2, produced by organization founders Louis McKay and Rick Sieman in Granada Hills, Calif., April 1990.

21. Untitled circular prepared by Friends of Judi Bari, June 1990, p. 16. "Mississippi Summer" refers to the 1964 murders of three civil rights workers—James Chaney, Michael Schwerner and Andrew Goodman—by the Ku Klux Klan. For other instances of use of crosshair photos by the FBI, see Ward Churchill and Jim Vander Wall, *The COINTELPRO Papers: Documents from the FBI's Secret Wars Against Dissent in the United States* (Boston: South End Press, 1990), p. 227.

22. Quoted in Friends of Judi Bari, *op. cit.*, p. 17.

23. Telephone interview with Judi Bari, April 1993.

24. *Ibid.*; letter from Judi Bari to the author, March 14, 1992; and Bari interview, *op. cit.* She was particularly concerned with obvious scare stories such as that by Eric Brazil, "Bombing first salvo in summer battle?" (*San Francisco Examiner*, May 27, 1990), and editorials such as that run under the title "Worst fears come true in timber wars," (*Press Democrat* [Santa Rosa, Calif.], May 25, 1990).

25. See "Earth Last!", *The Nation*, July 17, 1989; "Trying to Take Back the Planet," *Newsweek*, February 5, 1990; and Judi Bari, "The Return of COINTELPRO," *Lies Of Our Times*, September 1993. During the ensuing trials in 1990-91, several more infiltrators were exposed, and it was revealed that the Bureau had flown surveillance missions over Foreman's house and recorded his private conversations with high-powered directional microphones.

26. Mike Geniella, "Earth First! founder warns of plot," *Press Democrat* (Santa Rosa, Calif.), May 27, 1990.

27. Bari, whose background is East Coast leftist labor organizing, advocates mass nonviolent protest and civil disobedience; Foreman, a Southwestern Goldwater Republican, stresses a clandestine "cell" approach to direct action. In some ways, their dispute crystallized in a debate over whether to use "tree-spiking" during Redwood Summer. Ultimately, Bari's perspective won out and was adopted by northern California organizers.

O'Donnell continued her investigation, Bari in particular began to change her mind. "I kept trying to write everything off as coincidences," she recounts, "but after a while, there was just too much indication of direct FBI involvement for it to be explained away like that."²⁸

The Lord's Avenger

Bari's views shifted further after reading a letter sent to the Santa Rosa *Press Democrat* on May 30, 1990. Calling himself the "Lord's Avenger," the writer claimed credit for planting not only the bomb in Bari's car, but also the Cloverdale sawmill bomb which the police had early on tried to link to Bari and Cherney.²⁹ He wanted to kill Bari because of her pro-abortion views rather than her environmentalism—and to bring "infamy down on" (i.e., discredit) her by attacking Louisiana-Pacific. The details he provided on the construction of both devices were quickly validated as "very accurate" by SA John Reikes, who was by then leading the FBI investigation.³⁰

The Lord's Avenger letter seemed to fit a pattern of notes sent to northern California organizers over the previous three months. They described women as "Earth First lesbians whose favorite pastime is to eat box lunches in pajamas" and labeled the men as "Earth First! fellatio experts [who] suck dicks in outhouses."³¹

We'd always attributed the letters to a private individual," Bari said, "thinking it was just some right-wing, fundamentalist, homophobic, sexually repressed sicko—and of course the description still fits *whoever* sent these things, regardless of whether they were a private party or someone more official—so my first reaction was simply to be furious because the police were showing no signs of going after the guy once it became apparent he was homicidal, and had attempted to murder us."³²

Bari's suspicions were aroused, however, when it turned out that the "Lord's Avenger" letter replicated errors which were in the confidential FBI report. While press accounts of the Cloverdale bomb and the Sonoma County Sheriff's report on which they were based mentioned a 2-inch pipe, he described 1.5-inch pipe.³³ Only the FBI lab report—which had not been made public—mentioned the 1.5-inch pipe. In addition, the Avenger letter listed bomb components in precisely the same order in which they appear in FBI internal documents.³⁴ This "coincidence" led Bari to conclude that

28. Bari interview, *op. cit.*

29. Robert Lopez, "Pipe bomb claim sent to paper: Letter to newspaper claims responsibility," *Oakland Tribune*, May 31, 1990.

30. " 'Avenger' Note in Earth First! Case Reported," *San Francisco Chronicle*, May 31, 1990.

31. The "women's version" of these letters was received by M. Chelle Miller, Pam Davis, and Betty Ball; the men's by Bill Duvall, Larry Evans, Greg King, and Daniel Barron.

32. Bari interview, *op. cit.*

33. Report by Sonoma County Sheriff's Deputy Roger Harsh, May 1990 (caption material deleted) of the Cloverdale bomb: "I observed a section of 2" galvanized pipe approx. 9" long." The police photos of the Cloverdale bomb plainly show a 2x9" pipe.

34. FBI Laboratory Report 00601001, p. 24.

after it failed to frame her and Cherney, the FBI itself might have concocted the note to create a diversion by "providing a plausible lone assassin not connected to timber or the FBI."³⁵ "And the only reason they would do that," she surmised, "would be if they were themselves somehow directly involved in planting the bombs."³⁶

Irv Sutley, Unsubtle Provocateur

Nor was this all. A month before her car was bombed, Bari had received a death threat on a plain white card mailed from the North Bay Postal Station in Sausalito.³⁷ Analysis later revealed that it was typed on the same typewriter as an anonymous and unsolicited "informant report" sent to Ukiah, California Police Chief Fred Keplinger on January 6, 1990.³⁸ The report, supposedly from disenchanted Earth First! member "Argus," charged that "Earth First recently began automatic weapons training" and that "Bari sells marijuana to finance Earth First activities." As "proof" of the first assertion, the writer enclosed a photograph of Bari holding an Uzi "submachine gun." After the car

Bari's suspicions were aroused when it turned out that the "Lord's Avenger" letter replicated errors which were in the confidential FBI report.

bombing, Ukiah police released this photo to support official contentions that Bari was a "terrorist."³⁹

Suspicions quickly centered on a rather mysterious "peace activist" named Irv Sutley who had ensconced himself in the Santa Rosa Peace and Justice Center (PJC) about a year-and-a-half earlier. Aside from repeatedly (and unsuccessfully) attempting to buy marijuana from Bari, Sutley owned the weapon and had staged the gag photo of "Bari and her Uzi" shortly after arriving on the scene.⁴⁰ An examination of the

(continued on p. 54)

35. Briefing sheet provided to Representative Don Edwards (D-Cal.), May 1993.

36. Bari interview, *op. cit.*

37. Again, the form of this card duplicates standard FBI counterintelligence practice; see Churchill and Vander Wall, *op. cit.*

38. Typeface comparison of the death threat card to a photocopy of the informant letter was performed by the Willits, California Police Department in 1991. The original of the informant letter is now in the possession of the FBI, which has refused to make it available for final forensic comparison.

39. Ukiah police never questioned Bari about the photo and/or her alleged possession of "automatic weapons" (actually a semiautomatic look-alike, not an Uzi) before releasing the photo. Nor is there evidence the department conducted any other *bona fide* investigation.

40. Sutley "just sort of materialized on the scene," according to Earth First! activist Pam Davis, who befriended him. A "hyper-militant," his main interest at the PJC seemed to be in the Pledge of Resistance organization and, secondarily, CISPES. He admitted sending a "Bari-Uzi picture" to the *Anderson Valley Advertiser*, in which it ultimately appeared. In retrospect, Bari concedes that posing for the photos was "one of the stupider things I've done in my life...but, at the time, we all thought—he took pictures like that of a whole bunch of us—it was just a big joke." (Bari interview, *op. cit.*)

Russia in the Winter of Democracy



Fred Weir

Boris Yeltsin, Janus of the Urals, strides across the Russian landscape presenting two faces to the world. One is the heroic image of the good democrat, the fairly elected president who gradually lost patience with an illegitimate, communist-dominated parliament dedicated to undermining popular reforms. The other is the visage of a man who has committed violations that would normally provoke outrage and indignation from democratically-minded people and their leaders: He dissolved a legally-elected parliament — crushed it in blood and fire — amassed all power into his own hands, re-wrote the constitution of the land to his own liking, and harassed, banned, or suppressed large sections of his opposition.

Part One: The Power Struggle

On a late October visit to Moscow, U.S. Secretary of State Warren Christopher spoke to a group of young Russian business students and embraced the image of Yeltsin the democrat. He told them that the October violence, which left the parliament in flames and Yeltsin in supreme control of all levers of power, was actually “the last gasp of the old order in Russia. The political crisis was a struggle of the sort well known to students of Russian history — a battle between reform and reaction. And as the crisis unfolded, we in America knew what we had to do: we stood firmly behind reform.”¹ He continued:

Fred Weir, Moscow correspondent of the *Hindustan Times*, is a frequent contributor to publications including *In These Times*, *Canadian Dimension*, *Monthly Review*, and *The Nation*. He has traveled widely in Europe, the Middle East, and the former USSR and has lived for the past seven years in Moscow. Photo: Muscovites watch the parliament burn. Gleb Kosorukov/Impact Visuals. 1. U.S. Department of State, Office of the Spokesman, Moscow, Russia, Address by Secretary of State Warren Christopher: “A New Generation of Russian Democrats,” Academy of the National Economy, Moscow, Russia, October 23, 1993.

Let me be clear about our decision to support your president during this crisis. The United States does not easily support the suspension of parliaments. But these are extraordinary times. The steps taken by President Yeltsin responded to exceptional circumstances. The parliament and constitution were vestiges of the Soviet communist past, blocking movement to democratic reform. By calling elections, President Yeltsin was once again taking matters to the Russian people, to secure their participation in the transformation of Russia.²

This “ends justifies the means” policy, argued with conviction, has apparently persuaded most Western intellectuals,

2. Christopher, *op. cit.* Neither Christopher nor his speechwriters could be very thoughtful students of Russian history. All of Russia’s chief “modernizers” have been brutal despots and some — Ivan the Terrible, Peter the Great, Catherine, Stalin — employed methods that still mystify and horrify most observers.

policymakers and journalists to accept the benign president as the real Yeltsin. Unfortunately, the image belies the facts. First, the Russian parliament and constitutional order that Yeltsin overthrew — granting its imperfections — were actually the vestige of a four-year-old experiment in democracy, the first functioning democratic system in a thousand years of Russian history.

Second, far from clearing the ground for genuine democratic reform, Yeltsin has made the fateful, albeit traditional, choice of ambitious Russian westernizers: To gain victory over his opponents, he embraced Russia's enduring bureaucratic-military-security establishment. With their support he won, and through them he presently reigns supreme. But, as the past has taught, once these forces are out of their cage, they tend to have a life and agenda of their own and to form a potent barrier to any attempt at redistributing power.³

And lastly, it's true that Yeltsin said the magic word: elections. But what did he mean? Within weeks he tried to renege on a promise to hold a new presidential poll in the spring, and by reshaping the constitution he turned the new parliament into a shrivelled and virtually powerless institution.

Shifting Power Base

The Russian Congress of Peoples' Deputies, now deceased, was founded in the spring of 1990. All its members were elected through multi-candidate contests in demographically equal constituencies. (Those who charge otherwise are often confusing it with the USSR parliament, elected in 1989 with a one-third component of deputies chosen by social organizations, including the Communist Party.) Since background conditions favored the well-connected, educated elite, the majority of those elected were communists. For the most part, however, they were definitely not "hard-line" communists, or so-called *apparatchiks*. Rather, most were Party members, like Yeltsin himself, already in the process of breaking with communism and adopting liberal ideas and free-market principles.

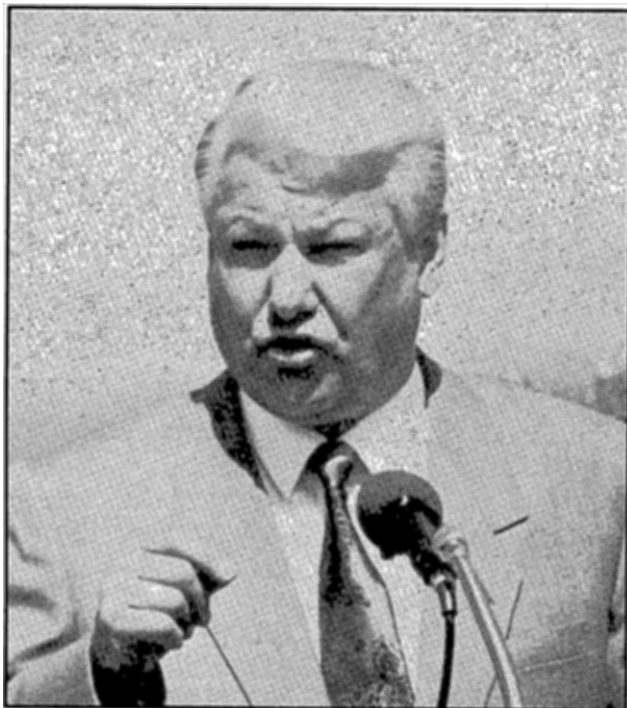
Indeed, in its first two years of existence, that same parliament was Yeltsin's chief power base and elected him its

first chair. The next year, it overwhelmingly passed the constitutional amendments that launched Yeltsin into the presidency. During the abortive hard-line *coup* in August 1991, it was this same "hero parliament" which stood staunchly by Yeltsin throughout the three-day ordeal. After the *coup* was defeated, it supported the final moves to checkmate Gorbachev and dissolve the USSR, and in November 1991, it overwhelmingly voted the president emergency decree-making powers to introduce radical economic reforms — powers Yeltsin kept until March 1993.

The two men now in Lefortovo Prison for leading the October "mutiny" against Yeltsin — Vice President Alexander Rutskoi and Parliamentary Speaker Ruslan Khasbulatov — had been Yeltsin's closest political allies. They stood beside him during his famous top-of-the-tank speech when he announced the defeat of the August *coup*. Khasbulatov actually wrote that speech, while Rutskoi, a decorated military officer, had organized the defense of the parliament building. Yet, barely two years later, they were transformed by domestic and international pro-Yeltsin forces and media into "hard-line communists."

Like virtually all leading politicians on both sides of the barricades, Yeltsin emerged from the bosom of the Communist Party. His political style, including his famous populism, is very much that of a regional Party secretary — hardly surprising, since that's what he was for much of his career. His original support, the old anti-communist elite coalition, has come under terrible strains during almost two years of relentless economic shock therapy. The intelligentsia, the most vocal and socially respectable Yeltsin supporters, have been devastated by the reforms, though many of them continue to support him even now.

His current base reflects the massive political, economic, and cultural shifts which have rocked Russia. For now, Yeltsin associates himself politically with the radical free-market "democrats" who brought him to power, gave him his ideological agenda, and are still his most uncompromising supporters. With roots too shallow and numbers too small to constitute a reliable social base, those who have been doing well under the new conditions form a thin stratum of support. Its members are mostly from the political class, that is, bureaucrats enriched by corruption, and "entrepreneurs" spawned by the marriage of former black marketeers with the more vigorous and youthful sections of the old *nomenklatura*.



Jeffrey Scott/Impact Visuals

"I wrote the decree by hand to dissolve parliament. No one knew about it. Then I put it in my safe and waited until the time was right." — Czar-in-Waiting Boris Yeltsin

3. There may be one last, savagely ironic, laugh on Western leaders who have countenanced Yeltsin's smashing of democracy in order to save his radical free-market project. Having embraced the bureaucrats and security commanders, Yeltsin will now be required to reward them with traditional perks and privileges. Only a state-owned, or at least state-managed, economy can assure that.

Although Yeltsin claims widespread support from "the people," most Russians have seen their living standards plummet over the past two years; about 20 percent have plunged below the subsistence line.⁴

This decline is political dynamite.

In fact, Yeltsin's much-vaunted popular support rests on his fading hero-status as the man who slew communism and pointed the way to the chimeric promise of Western-style prosperity at the end of the tunnel. As the political ground shifted beneath him, though, Yeltsin has increasingly positioned himself to appeal to the population's yearning for order and social stability at any price. And so, he has turned to the traditional guarantors of control, the bureaucrats and military-security establishment.

Oleg Rummyantsev, a former Yeltsin ally and author of the crushed parliament's now-dead constitutional draft, put it very bitterly in a November discussion about Yeltsin's new charter:

Thus was Russia's fragile democratic system pushed into a deadly spiral of confrontation between two legally elected branches of power.

Boris Yeltsin has lost his self-control. His personal ambition for power has been exposed. ...Yeltsin's draft of the constitution has two main objectives: to legalize the authoritarian regime that has come to power and to preserve the vision of the state and society held by the radical liberals.⁵

Rummyantsev, a social democrat, once described as the "James Madison of Russia," is possibly the sharpest legal

mind in the country. It was his misfortune to fall out with Yeltsin last April, when the president suddenly denounced Rummyantsev's constitutional draft — which would have given Russia a British-style parliamentary system — and produced his own text defining a strong "presidential" order. Rummyantsev went on:

Lenin argued that any constitution is a mirror of the balance of class forces. In this case we see a triumphant minority imposing a radical liberal project that will impoverish and dispossess the majority. They are a marginal force in Russian society, which has temporarily triumphed in political struggle. ...We must now prepare for the next stage, when the authoritarian regime will become exhausted and its existence will no longer be tenable.⁶

Rummyantsev is running for the new parliament on the centrist Civic Union ticket. His optimism about future prospects is heartening, but he himself admits that after the destruction of Russia's fledgling democratic institutions, power is flowing rapidly

back to the old administrative and security structures. Under such conditions, history students know, the Russian winter can last almost forever.

The Bear in Winter

The crisis that came to a head as the winter of 1993 fell on Moscow was precipitated by a power struggle between the parliament and Yeltsin. It was driven by two main motors of dissension. First, the radical shock therapy economic project had shattered elite consensus and built up real social opposition

to the government. Second, Yeltsin had moved to enfeeble parliament and accumulate most of the power in his own hands. This action brought an increasingly sharp response from legislators and the Constitutional Court.

Two years earlier, in November 1991, the Congress had voted Yeltsin emergency powers to expire one year later. The authority granted was sweeping: Among other things, he was empowered to set foreign, domestic, and economic policy by decree, and he could appoint the prime minister and government without consulting parliament. At the time, Yeltsin insisted one year would be all he needed and grandiosely promised economic stabilization by autumn 1992. He appointed Yegor Gaidar prime minister

4. Vitaly Golovachev, "Poverty is no sin, but it's better to be rich than poor," *Trud* (Moscow), May 12, 1993.

5. Press conference, International Press Club, Moscow, November 12, 1993.



6. *Ibid.* Russian socialist and social-democratic critics of the Yeltsin-Gaidar project refer to it as "liberal" in the classical 19th-century sense, meaning free-market economics with government's role limited to domestic law-and-order functions and military security. In the U.S. context, the same general approach is dubbed "neo-conservative."

along with an ardently Westernizing, pro-free-market cabinet that included Andrei Kozyrev as foreign minister, Gennady Burbulis as state secretary and Mikhail Poltoranin as minister of information.

The economic reforms launched in January 1992 included a sudden price liberalization, draconian cuts in state expenditure, and, later in the year, a scheme for full-scale privatization of the Russian economy—all by presidential decree.

Soon, elite consensus in support of Yeltsin's course, virtually universal at the time of the abortive August *coup*, began to unravel. Factory directors, collective farm directors, military officers, members of the technical and creative intelligentsia saw their living standards and social status plummet. Although many in the parliament concluded that the reforms were too hasty, ill-conceived, and would benefit only a narrow segment of Russian society, they were at first willing to negotiate in a democratic spirit.

Over 40 percent of parliamentary deputies registering for the watershed Seventh Congress of Peoples' Deputies in December 1992 — where the rift between president and parliament exploded into the open — identified themselves as "centrists," or supporters of a more gradual transition to market economics. About 30 percent were affiliated with communist or authoritarian nationalist factions. Another 20 percent or so identified themselves as radical democrats, strong Yeltsin supporters.⁷

Challenging Yeltsin's Powers

The key issue at the Seventh Congress was that with Yeltsin's emergency powers due to expire on December 1, there was no sign of the promised economic stabilization. Centrist leaders wanted Yeltsin to fire his radical cabinet and appoint a more moderate government to carry through evolutionary market reforms with strong social protection. Most experts believed Yeltsin would strike a deal with the centrists, tone down the shock therapy, and thereby gain enough votes in parliament to conduct the constitutional changes and other reforms he claimed were high on his agenda. The big surprise in the Congress was that Yeltsin offered no compromises whatsoever. When it met, Congress moved to take back Yeltsin's emergency powers and fire the prime minister, Yegor Gaidar. Yeltsin responded by storming into parliament on the morning of December 10, 1992,



Stig Stasig/Impact Visuals

Demonstrators block inner Ring Road near the Foreign Affairs Ministry, October 2, 1993.

and angrily accusing deputies of plotting a "creeping *coup*" against him.

"It is no longer possible to work with such a Congress," he said and proposed a referendum to ask the people to choose "whom they trusted, president or parliament."⁸

In the end, a deal was struck: Yeltsin gave up Gaidar and was allowed to keep decree-making powers temporarily. By the time the Congress met again in March, with the economy still in a nose-dive, the deputies moved to rescind those powers.

"The events were planned in such a way as to provoke the occupants of the White House into taking the first violent step, and they fell into this trap." — KGB "dirty tricks" specialist

Thus was Russia's fragile democratic system pushed into a deadly spiral of confrontation between two legally elected branches of power. I go over this history primarily to make the point that alternatives existed; the tragedy that soon followed could have been avoided. The majority in parliament was more than willing to work with Yeltsin — indeed, they were people whose political careers were built by supporting him — had he been willing to compromise on economic policy and to share power.

Even as late as March 1993, when the rift had grown almost beyond healing, hardliners in parliament could not muster a majority to impeach President Yeltsin.

7. "The Key Players: Who's Who in the Congress," *Moscow Times*, December 1, 1992.

8. *Itar-Tass*, "Yeltsin's Appeal to the Citizens of Russia."

Dissolving Parliament By Decree

By November 1992, however, Yeltsin was already considering dissolving parliament. The first indication came during a speech before the British parliament when he ruminated about declaring a state of emergency. A few months later, on March 20, 1993, he precipitated a major political crisis by announcing on television that he had signed a decree "establishing a special order of rule" in Russia. He backed down after that, we now know, because the power ministers — defense, interior, and security — were reluctant to accept responsibility for the dirty work, *i.e.*, the forcible removal of deputies from the parliament.

In a November 12, 1993 interview with German ARD television, Yeltsin confirmed that he had actually prepared the decree abolishing the legislature long in advance and was only waiting for a propitious moment to strike.

"I wrote the decree by hand to dissolve Parliament," he said. "No one knew about it. Then I put it in my safe and waited until the time was right."

That is probably the simple truth. It is odd he should brag about it, though, given the strenuous efforts of his propagandists to claim that, in disbanding parliament and imposing a heavily-armed blockade around the White House, he was reacting to the threat of an insurrection by Rutskoi-Khasbulatov forces that only became known in September.

It seems clear that for a very long time, probably more than a year, Yeltsin had been planning to consolidate power and the main restraint on him was insufficient support from wavering military-security commanders rather than his oft-stated desire to explore all possible peaceful and democratic avenues of exit from the power crisis.

Somewhere along the line, then, Yeltsin must have reached acceptable terms with the military and security apparatus.⁹ By September 21, he was ready to move. In a dramatic announcement, he abolished the parliament and concentrated all power in the hands of the president and government until new legislative elections on December 12. Decree 1400 also called upon the Constitutional Court not to meet during this period. When the Court defied the president, convened and then judged Decree 1400 unconstitutional, Yeltsin issued a new decree suspending the Court.

Doubtful loyalties among the security leaders seem to have remained a problem until the very last moment. Yeltsin made another interesting confession in the interview with ARD. He admitted for the first time, that even on the night of October 3, after crowds had broken the siege of the White

House and Rutskoi had ordered armed units to seize the television broadcasting headquarters, the army was slow to come to Yeltsin's side.

"My Defense Minister couldn't make up his mind," he said. "There was a time of uncertainty when the troops didn't arrive. I took the view that the Defense Minister should have acted by himself, but he didn't. That's why I had to give the order." That Defense Minister, General Pavel Grachev, had earned his high office because in August 1991 he defected with his troops to Yeltsin's side, providing a credible military defense for the White House in Yeltsin's darkest hour.

Yet on October 3, 1993, he appeared to vacillate.

"Apparently he had been given too much responsibility," Yeltsin told ARD. "He doubted whether the soldiers would follow his orders."

Grachev will almost certainly be punished for hesitating on that day. But it was probably out of fear for the conse-

quences of dragging the army into what was essentially a struggle between inept and overweening politicians, rather than lack of loyalty to the boss.

***The middle ground was scorched out
of Russian politics, at least partly
through the dire mistake
parliamentary leaders made by
accepting Yeltsin's terms:
a fight to the death.***

The Confrontation

On October 3 and 4, the complex political struggle reached crisis and turned bloody. There is considerable speculation that Yeltsin engineered the supposed emergency to create a pretext to forcibly remove

a parliament that refused to go away. Although I was an eyewitness to much that happened on those two days, I still do not have a firm opinion about that.

Certainly, events played out to Yeltsin's benefit in the end. Yet to see it all as a conspiracy assumes that Yeltsin was ready to take vast and largely incalculable risks and ignores the fact that parliament misplayed its hand badly. If the legislative body hadn't lunged for total power in a mirror image of Yeltsin's tactics, it might well have won the political struggle. But on September 21 it rushed to impeach Yeltsin, appoint Rutskoi in his place, and establish its own government, including power ministers. That may have been legally impeccable—the Constitutional Court had ruled in strong terms against Yeltsin's effective abolition of the constitutional order—but it was politically adventurous. It solidified the dual power situation and had the practical consequence of driving the real power ministers firmly into Yeltsin's camp. The middle ground was scorched out of Russian politics at least partly through the dire mistake parliamentary leaders made by accepting Yeltsin's terms: a fight to the death.

White House leaders also erred atrociously by inviting armed fighters to defend them. Of course, they had good reason to fear Yeltsin would use force, but they ought to have realized they were playing into his hands. By taking the focus off the political and constitutional issues, parliament handed Yeltsin the opportunity to present the crisis, both domesti-

9. Personnel changes at the top do not appear to have been that great. The powerful head of Yeltsin's Security Council, his old friend Yuri Skokov, who had failed to support him in the March attempt, was removed. The chief of the Ministry of Security (former KGB), Viktor Barannikov, was fired in July and replaced with a loyal careerist.

cally and internationally, as a "threat to public order." In fact, parliament didn't need these "volunteers" — some of them quite weird people from extremist groups. The White House had its own official armed Guard force of several hundred men, sufficient to stage a symbolic defense.¹⁰

Although it is clear that the parliament played into Yeltsin's hands, it is also possible that the president stacked the deck. During the 12-day standoff between the promulgation of Decree 1400 and the bloody climax on October 3-4, Yeltsin was not winning his political gamble and may have been desperately seeking a pretext for violent action to finish the game against parliament. A great many regional leaders were lining up against him. Even some members of his own camp and supporters among the intelligentsia were calling for simultaneous elections to both the parliament and presidency. (That, in fact, was the position of parliamentary leaders, and was utterly unacceptable to Yeltsin.)¹¹ Demonstrations on behalf of the beleaguered parliament were growing daily. A vigil at the White House was maintained around the clock from the night of September 21, drawing hundreds and often thousands of people.

Meanwhile, an effort by Democratic Russia (the umbrella anti-communist movement that originally brought Yeltsin to power) to mobilize popular support for Yeltsin fizzled. On September 26, about 10,000 people rallied near the Kremlin, chanting pro-Yeltsin slogans. The crowd was a tenth the number organizers had promised and a far cry from the quarter-million Muscovites Democratic Russia was able to summon as recently as three years ago.

Toward the end of the standoff, the Russian Orthodox Church intervened in the dispute and sponsored talks aimed at compromise. Yeltsin had everything to lose and nothing to gain by compromising with an institution he had abolished, yet he could not afford to publicly rebuff the Church. As long as the process remained on a political track, it can be argued, the dynamics worked against him.

10. There are rich ironies here: President Yeltsin himself established the Guard force in 1991 by decree after the attempted *coup* had shown that parliament needed independent means of protection. A year later, he vigorously tried but failed to disband the force, having clearly decided its existence was inconvenient.

11. On September 23, he promised to hold new presidential elections six months after a parliamentary vote, but refused to negotiate the timing any further. One is now entitled to see that pledge as propaganda designed to placate Western public opinion and soothe domestic waverers in the crucial moment of battle.



Gleb Kosorukov/Impact Visuals

Riot police confront demonstrators on the way to the parliament building, October 3, 1993.

Part 2: The Battle Begins

On October 3, at least 15,000 parliament supporters assembled near October Square with the stated intention as one leaflet put it, of holding a peaceful meeting in defense of the "legal parliament and constitution of the Russian Federation."

They found their way to the square blocked by riot police, carrying shields and rubber batons. As the crowd swelled, they pressed against the ranks of troopers. Suddenly, the police fell back, leaving the crowd with a curious opening. The square was still filled with helmeted riot troops carrying shields, and the entrance to Dimitrova Street — which leads to the Kremlin — was firmly blocked by a triple rank of police. But the entrance to the Sadovoe Koltso, the eight-lane wide Ring Road which passes near the White House, was wide open.

This inviting gap is the first in a chain of facts which supports the charge that events were a set-up. There is much more. As the demonstration surged into the Ring Road, police had more than adequate time to block the Crimea Bridge, some 500 yards distant. That bridge was the only conceivable way for the crowd to cross the Moscow River and reach the White House. Indeed, the police had lined up buses and heavy trucks on the other side of the bridge for, one assumes, precisely that purpose. But they never used them. A thin line of riot police attempted to stop the crowd on the bridge, then fell back again. I recall at that moment a colleague walking with me remarked: "Any small town police force in North America could have stopped this demonstration right here."

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The Jury That Wouldn't Stay Quiet

The Pollution That Wouldn't Go Away

Bryan Abas

When Colorado rancher Wes McKinley strode to the microphone for a press conference outside the federal courthouse in downtown Denver on November 18, 1992, he etched a new chapter in the annals of secrecy-busting. McKinley wasn't supposed to mention a word publicly about his work as foreman of a federal grand jury, much less call a press conference to discuss it. But he and the other jury members were angry and frustrated. For four decades, the Rocky Flats Nuclear Munitions Plant 16 miles northwest of Denver had been spewing toxic waste into the land, water, and atmosphere — emissions that ruined the environment and threatened the health of everyone living in the Denver area. The grand jury assigned to investigate criminal violations had spent two-and-a-half years hearing evidence implicating plant and Department of Energy (DoE) officials. Despite the jury's recommendations, those responsible for the pollution, and those who failed to enforce legally mandated standards, received only slaps on the wrist.

The penalty faced by McKinley and his fellow jurors was potentially more serious. During the investigation, prosecutors and the presiding judge had repeatedly reminded them that they risked being thrown in jail if they broke their vows of secrecy. But the members of this special grand jury had something to say, and no threats or warnings from prosecutors or judges were going to dissuade them. "When you're upholding your duty, I don't think anyone should be afraid of going to jail," McKinley told the crowd of reporters and onlookers when they finally went public.¹

Besides, by this time the jurors were used to breaking the judicial mold. They'd been presented with evidence that environmental laws had been routinely broken for years at the Rocky Flats plant by both federal Energy Department employees, and workers of Rockwell International, which operated the plant under contract to DoE. And they were determined to issue indictments naming all the people criminally culpable.

So when U.S. Attorney Michael Norton told them he would not draft an indictment naming Rockwell or DoE employees, they drafted one themselves with the help of a lawyer on the jury, and adopted it unanimously.

When Norton asked them to approve a watered down indictment, they refused. It was a whitewash, they said. They wanted no part of it.

When Norton discouraged them from drafting a "presentment," a legal document outlining charges of criminal conduct that doesn't carry the force of law, they drafted one and adopted it unanimously.

When Norton told them it would be "inappropriate" for them to prepare a report of their investigation, they prepared one anyway and adopted it unanimously.

This epic constitutional confrontation — pitting 22 ordinary citizens, most of whom had never before taken on the government over so much as a traffic ticket — continued after the jury's term concluded and prosecutor Norton reached a settlement with Rockwell. Ten of the jurors agreed to discuss their work with this reporter after he called them. Following publication of an article based in part on those interviews,² presiding Judge Sherman Finesilver called on the Department of Justice (DoJ) to investigate the jurors and determine which of them had broken their legal constraint to remain silent. The FBI was assigned to the case. The jurors hired a lawyer, and braced themselves for the prospect of going to jail for doing their duty as they saw it, and then having the temerity to discuss their work publicly when they'd been told to keep their mouths shut and to go home quietly. At his press conference, McKinley even asked then President-elect Clinton to appoint a special prosecutor to investigate the Justice Department's handling of the case.³

Bryan Abas is a reporter for the *Aspen Daily News*. He broke the story of the Rocky Flats grand jury in *Westword*, a Denver weekly.

1. Sue Lindsey, "Flats jury seeks special prosecutor," *Rocky Mountain News*, November 19, 1992, p. 8.

2. Bryan Abas, "The Secret Story of the Rocky Flats Grand Jury," *Westword*, September 30, 1992.

3. Lindsey, *op. cit.*; see also Matthew Wald, "Bomb Plant Grand Jury Seeks Inquiry Into Handling Of Case," *New York Times*, November 19, 1992; and Mark Obmascik, "Flats jurors ask for probe," *Denver Post*, November 19, 1992.

These unprecedented and unexpected developments not only threatened the federal government's ability to continue its shoddy and illegal administration of the country's nuclear weapons complex, they challenged the federal grand jury system itself. Are jurors mere appendages of federal prosecutors, to be used to suit the interests of justice only as defined by the Justice Department, or are they independent arbiters entitled to exercise their own judgment?

Cold War Legacy

The Rocky Flats plant provides a compelling backdrop for this legal drama. As the only source of plutonium triggers used to detonate nuclear bombs, it was the most important U.S. nuclear weapons plant throughout the Cold War, and potentially the most dangerous. Any release of plutonium — say from fires or improper storage of waste treatment — imperiled anyone downwind.⁴ The potential for disaster increased as Denver grew from a community of a few hundred thousand when the plant was built in 1951 to a metropolitan complex of nearly two million today. And although those who selected the site checked wind patterns, they used information for a site several miles away, where the air flows northeast, away from Denver.⁵ At Rocky Flats, which nestles up against the foothills of the Rocky Mountains, winds flow generally southeast, directly toward downtown Denver. Locals could have told the site surveyors that. But secrecy was paramount. The public wasn't told anything until it was too late.

Creating a National Sacrifice Zone

Although invoked in the name of national security, the secrecy also protected the negligent and criminal acts of plant operators and bureaucrats. During its first two decades of operation, the plant had an average of ten fires per year, including two large plutonium fires, one of which (in 1957) sent a plutonium-contaminated plume over Denver suburbs. Workers were routinely contaminated in accidents and had a higher cancer rate than that

of the general public.⁶ Plutonium-contaminated waste was stored improperly. Over time, the land, air, and water on, around, and below the plant became polluted with a variety of contaminants, including plutonium. In 1989, the General Accounting Office listed groundwater contamination at Rocky Flats as the most serious environmental hazard at any of the country's nuclear weapons facilities.⁷

Environmentalists howled. Peace demonstrators protested. Neighbors filed lawsuits. Health experts issued warnings. Congressmembers held hearings and convened panels of experts. And the plant went about the business of stocking the country's nuclear arsenal — environmental and health concerns be damned.

The FBI Moves

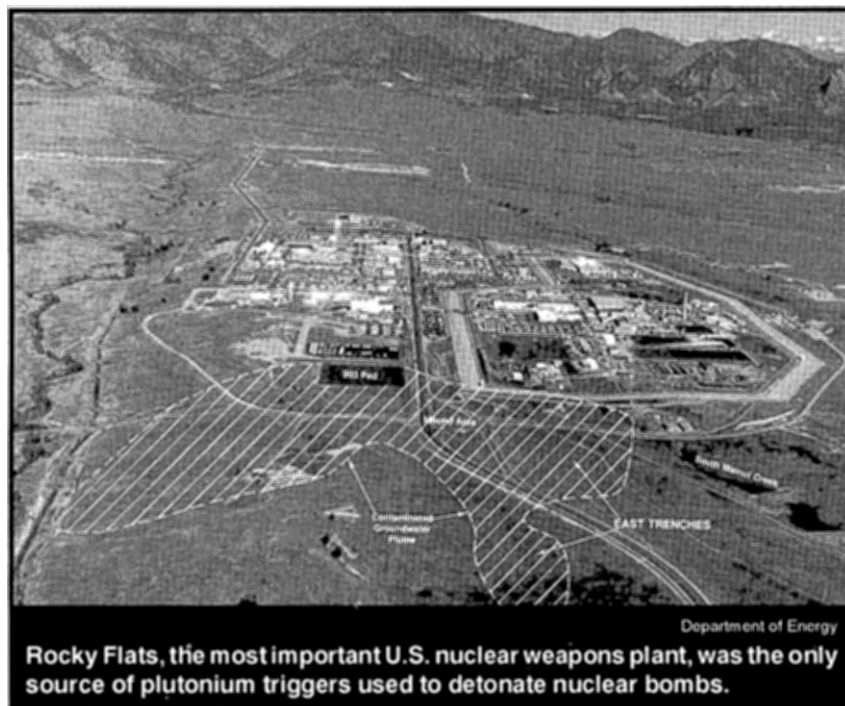
The poisonous routine wasn't seriously threatened until June 6, 1989, when plant managers found themselves face-to-face with an armada of 75 FBI agents. After a two-year undercover probe, the plant was being raided.

FBI agent Jon Lipsky, who specialized in criminal cases against federal environmental lawbreakers, had accumulated evidence that Rocky Flats managers were thumbing their noses at federal laws governing the storage, treatment, and disposal of hazardous wastes.

Colorado health administrators and Environmental Protection

Agency (EPA) regulators had for years confronted plant managers with evidence of violations. Usually the managers confessed, promised to clean up their act, and continued their illegal practices while violations piled up.

Lipsky saw the infractions not as civil matters subject to fines, but as an ongoing pattern of crimes.⁸ He reached this conclusion, in part, because of a DoE memo which a former plant employee showed him. It indicated that, at the highest levels, department officials knew about the environmental crimes and did little to bring the plant into compliance with the



Rocky Flats, the most important U.S. nuclear weapons plant, was the only source of plutonium triggers used to detonate nuclear bombs.

6. Gregg Wilkinson, *et al.*, "Mortality among plutonium and other radiation workers at a plutonium weapons facility," *American Journal of Epidemiology*, Vol. 125, No. 2, February 1987.

7. General Accounting Office, "Nuclear Health and Safety: Summary of Major Problems at DOE's Rocky Flats Plant," RCED-89-53-BR, October 1988, p. 15.

8. See affidavits attached to a search warrant in case number 89-730M in U.S. District Court for the District of Colorado, signed June 6, 1989, by Magistrate Hilbert Schauer.

4. Plutonium is one of the most toxic substances on earth. The half-life of the plutonium-239 isotope is 24,110 years.

5. The Austin Company, "Engineering and Survey Report," March 27, 1951, pp. 4-6.



Wes McKinley, foreman of the grand jury that balked at letting DoE and Rockwell officials get away with their crimes.

law.⁹ The probe Lipsky and an investigator from the criminal enforcement division of the EPA eventually launched marked the first time one branch of the federal government conducted a secret inquiry into suspected environmental crimes committed by another.

Middle American Jury

In the wake of the FBI raid, it was clear the investigation would be massive. Just making sense of all the documents would require extensive resources. Rather than add Rocky Flats to an existing grand jury's agenda, U.S. Attorney Norton asked, and Judge Finesilver agreed, to impanel a grand jury just for that case. Special Grand Jury 89-2 started hearing evidence in August 1989 in a windowless room in the Denver federal courthouse one week every month. Selected like all federal jurors at random from voter registration and driver's license records, it was a cross-section of Americana. Foreman Wes McKinley was a rancher. There was a retired service station operator, a retired deputy sheriff, a college student, two hairdressers, a bartender, a maintenance technician, a college swimming coach, a lawyer, a bus driver,

9. "Briefing Paper for DoE Assistant Secretary for Environment, Safety and Health Mary L. Walker," attached to July 14, 1986 memorandum from Walker to Assistant Secretary of Defense S.R. Foley, Jr.

an elementary school teacher. "You've met them before," the only lawyer on the jury, Ken Peck, says of his colleagues. "You've seen them at Disneyland, you've seen them in their pick-ups."¹⁰

You hadn't seen them protesting Rocky Flats. With the exception of Peck, none of them had given more than a passing thought to the plant over the years, and Peck's role was as a bit player on the periphery of activism against the plant.

Nevertheless, by the time the weight of the evidence began to sink in, all the jurors were activists of a sort. They had evidence of crimes. They wanted to issue indictments.

Indistinguishable Co-conspirators

By the summer of 1991, prosecutors had decided they didn't, at least not against DoE. Assistant U.S. Attorney Kim Fimberg, the lead prosecutor on the case, acknowledged to jurors that there was sufficient evidence to indict about ten Rockwell employees. But indictments against Energy Department employees weren't called for, he contended, because their illegal conduct had been endorsed by the department as a whole. In 1988, for example, DoE officials had directed Rockwell to use an incinerator that lacked the requisite permit. The Energy Department "as an institution was so extensively involved in and approved of this practice, that criminal prosecution [of individual employees]...in our view is not appropriate," Fimberg told the jury.¹¹

Jurors thought that if DoE supervisors had approved the illegal conduct, then they should be indicted, too. Eventually

the jury recommended that charges be brought against three supervisors in DoE's Albuquerque office who had authority over Rocky Flats. "We wanted to indict everyone who committed a crime," one juror said. "We didn't care who they were or how high up the chain of command they were."¹²

What particularly irked jurors was that Rockwell and DoE employees were "indistinguishable co-conspirators," with each group protecting the

"We wanted to indict everyone who committed a crime. We didn't care who they were or how high up the chain of command they were." — a juror

10. Barry Siegel, "Showdown at Rocky Flats," *Los Angeles Times Magazine*, August 8, 1993, p. 18.

11. Untitled and undated transcript of grand jury proceedings.

12. All jurors are quoted anonymously because identifying them as speaking publicly about events in the grand jury room would expose them to criminal charges for breaking their secrecy vow. Foreman McKinley and other jurors who spoke publicly after the author broke the story of their work have only talked about their jury service in general terms. The members of the jury, identified publicly for the first time in the author's original article, were Jim Bain, Gary Boettcher, Debbie Chesonis, Scott Cless, Judith Edwards, Tina Hall, Paul Herzfeldt, Jerry Joyner, Ernest Konnerup, Shirley Kyle, Howard McCracken, McKinley, Connie Modecker, Peck, Audrey Poppe, Lori Reider, Jerry Sandoval, Tom Stegall, Joyce Smith, Jim Vaughn, Rebecca Walker, and Carol Widener.

other from the consequences of their crimes. The jurors found that Rockwell employees sometimes kept evidence of illegal activity from their superiors at DoE and sometimes they reported violations to officials who agreed to tolerate the activity, believing that as federal employees they were immune from criminal charges.¹³

The jury rejected that reasoning. "Criminal conduct should never be a part of a government employee's work," they wrote. "If the government's employees do not obey the law, we cease to be one nation under the law."¹⁴

Trying to Pull the Plug on the Jury

With jurors demanding accountability and prosecutors hiding crimes behind a blur of buckpassing, a confrontation loomed. In late 1991, U.S. Attorney Norton brusquely told the jurors he had no intention of signing any indictment he hadn't drafted, and wouldn't draft any indictment naming DoE or Rockwell employees. Norton also told jurors it would be "inadvisable" for them to meet again or write a report.¹⁵ "He wasn't real happy with us," one juror remembers. "He felt we were trying to run the show, and he was telling us we weren't the ones in charge of the investigation."

Jurors say Norton's only explanation was: "That's the way it's done."

"He said he'd never heard of it being any other way," one juror recalls. "Well, we hadn't heard of any investigation like this, either, so it didn't bother us."

Soon after Norton told the jurors to back off, Fimberg announced that the government had concluded presenting evidence to the jury. "The prosecutors just got up and walked out," one juror recalls. "No instructions, no advice, no nothing. I was stunned."

Some jurors argue that Norton should be investigated for obstructing their work. They charge that in addition to refusing to help jurors draft an indictment, Norton or members of his staff declined to allow jurors to subpoena a witness they wanted to question again, directed a witness not to answer questions posed by jurors, tried to intimidate jurors by telling them it would be "inadvisable" for them to meet again, and lied. Norton told the jurors, for example, that it would be improper for them to write a report when, in fact, federal law (as Judge Finesilver noted in his instructions) explicitly gives them that right. Norton warned that if they went ahead, any report had to be signed by all members, when federal law requires only a simple majority.

Several jurors say they suspected that Norton's refusal to indict DoE and Rockwell employees had little to do with justice



Norton tried to contain the grand jury's investigation when it became clear it was determined to indict those guilty of decades of pollution in violation of the law.

Several jurors say they suspected that Norton's refusal to indict DoE and Rockwell employees had little to do with justice and everything to do with politics.

and everything to do with politics. "When Norton told us he was acting on his own and that his higher-ups in the Justice

Department had nothing to do with his decision, I knew that was a bald-faced lie," one juror said. "Why would they have changed their minds about indicting individual Rockwell employees if they hadn't all of a sudden gotten orders from above?"

Department of Justice records subsequently turned over to a congressional panel confirm that's exactly what happened.¹⁶ In early 1991, senior DoJ officials in Washington — led by Deputy Assistant Attorney General for Environment Barry Hartman — had already decided the Rocky Flats case should be settled.

Norton soon entered into talks with Rockwell without telling the jurors (thereby prematurely ending their ability to take additional testimony from Rockwell employees and get straight answers). None of the violations for which jurors wanted to indict Rockwell — including operating an incin-

13. Colorado Federal District Court, Report of the Special Grand Jury 89-2 (preliminary draft), January 24, 1992, p. 40.

14. *Ibid.*, p. 16.

15. *Ibid.*, January 23, 1992 draft of jurors' report, p. 7.

16. The Justice Department's handling of the Rocky Flats case is detailed in "The Prosecution of Environmental Crimes at the Department of Energy's Rocky Flats Facility," January 4, 1993, Subcommittee on Investigations and Oversight, House Committee on Science, Space, and Technology, Rep. Howard Wolpe (D-Mich.), chair.

Chronology: The Rocky Flats Horror Show

Jason Saltzman

▼ **March 23, 1951** The *Denver Post* announces plans for construction: "There's Good News Today, U.S. to Build \$45 Million A-Plant Near Denver."

▼ **1952** Rocky Flats opens under the management of Dow Chemical.

▼ **1957** A fire erupts in a plutonium processing facility, burns for 13 hours and destroys filters designed to prevent plutonium from escaping. Plant officials do not know how much plutonium was released because monitoring devices are also burned. Activists calculate as much as 100 pounds of plutonium could have gone up the stacks. (A dust-sized speck of plutonium, if ingested, can cause cancer.)

▼ **1958** More than 3,000 barrels of plutonium-contaminated oil stored in the open on the windswept mesa surrounding Rocky Flats. Even though managers knew for a decade that they were leaking plutonium, the barrels were not removed until 1969, by which time radiation had migrated east of the plant.

▼ **1969** After a series of small fires, a major blaze breaks out in a plutonium processing plant, spewing plutonium into the environment and causing over \$45 million in damages to the facility. The "event" was the most costly industrial fire on record at the time.

▼ **1972** Nuclear chemists S.E. Poet and Edward Martell of the National Center for Atmospheric Research in Boulder report that soil samples collected two miles east of Rocky Flats contain concentrations of plutonium 250 times higher than background levels. In Westminster, a large Denver suburb eight miles from the plant, plutonium in the soil is ten times higher than background levels.

▼ **1975** Rockwell International replaces Dow Chemical as the primary operating contractor.

▼ **1981** Former Director of the Jefferson County Health Department Carl Johnson reports a significantly higher incidence of cancer among Denver area residents overall and a 10 percent higher incidence of cancer among residents of neighborhoods near Rocky Flats than those living farther downwind.

▼ **1984** The widow of a former Rocky Flats worker wins a lawsuit proving that her former husband, LeRoy Krumback, died of cancer as a result of his work at Rocky Flats, entitling her to death benefits. Of 13 such cases, three were settled out of court, three were decided in favor of Rocky Flats, three in favor of the widows, and several more are pending.

▼ **1985** Landowners, whose property near Rocky Flats was contaminated, settle a lawsuit against the Energy Department for \$9 million. The settlement is sealed.

Jason Saltzman works at Greenpeace in Boulder, Colorado.

▼ **June 6, 1989** Seventy-five FBI agents stage a pre-dawn raid of Rocky Flats, searching for evidence of environmental crimes.

▼ **August 1, 1989** The Rocky Flats Grand Jury (Special Grand Jury 89-2) is impaneled and, for over two years, the jurors spend hundreds of hours sifting through evidence. Federal prosecutors and Judge Sherman Finesilver refuse to assist the jury in writing a report on their findings.

▼ **November 1989** Citing management and safety lapses, the Energy Department "temporarily" shuts down plutonium operations at Rocky Flats.

▼ **January 1990** EG&G takes over Rocky Flats operations from Rockwell.

▼ **April 1990** A DoE report reveals that enough plutonium has accumulated in the ventilation duct work at Rocky Flats to produce seven nuclear bombs. Nonetheless, EG&G hopes to restart plutonium operations by the summer.

▼ **January 29, 1992** The Bush administration halts plans to produce more nuclear warheads, eliminating the need to re-start plutonium trigger manufacturing at Rocky Flats.

▼ **March 24, 1992** The Rocky Flats Grand Jury is discharged.

▼ **March 26, 1992** Rockwell and the U.S. Department of Justice enter into a plea agreement in which Rockwell pleads guilty to ten criminal charges involving violations of federal environmental laws at Rocky Flats. Rockwell International, which formerly operated Rocky Flats, is fined \$18.5 million. No individuals are prosecuted.

▼ **September 30, 1992** Rocky Flats grand jurors charge that justice had been thwarted.

▼ **October 16, 1992** District Judge Sherman Finesilver calls for an investigation of the grand jurors, citing the possibility of a "serious breach" of their oath to keep details of the case secret.

▼ **January 4, 1993** Rep. Howard Wolpe (D-Mich.), then chair of the Subcommittee on Investigations and Oversight for the House Committee on Science, Space, and Technology, issues a report. The Bush administration, it charges, "forced the prosecutors to refrain from assisting the jurors in their work," and thus places the jurors "in the moral quandary of choosing between adherence to their oath of secrecy or surreptitiously releasing their work to the press to carry out what they saw as their charge to serve the public good."

▼ **September 15, 1993** Rocky Flats is officially declared an Energy Department cleanup site, with no present or future mission to produce plutonium triggers or other warhead parts. "Cleanup," still being defined, is estimated at \$3 billion. It could take 20 years or more, if in fact it can be fully accomplished at all.

erator without a federal permit and making false statements to regulators — was part of the settlement he reached with the corporation. DoJ and Norton justified the agreement by claiming that some of the evidence the FBI had developed prior to the raid had been misinterpreted, was too difficult to interpret, or did not support criminal charges. In a motion filed in support of the settlement, Norton reiterated one of the same excuses he gave the jurors: No one was indicted for the illegal use of the incinerator because DoE officials knew of and directed its use and it wasn't fair to prosecute people for carrying out DoE policies and directives — even illegal ones. Again, Norton failed to explain why he didn't hold those officials accountable for authorizing illegal conduct. There was "a paucity" of evidence, he added, about what was burned and a disagreement among regulators about whether federal hazardous waste disposal laws applied. "We simply didn't think we had a criminal case we could prove beyond a reasonable doubt against anybody at the Department or Rockwell," he said.¹⁷

Any "paucity" of evidence, however, was at least in part due to his own precipitous shutdown of the investigation — well before lead prosecutor Fimberg had reached the most critical phase of his probe. In April 1991, Fimberg had mailed target letters to several Rockwell employees threatening them with indictment if they didn't testify before the jury. Several did offer to testify but never got a chance because DoJ superiors had already decided that no one would be indicted.

With the legal rug pulled out from under him, Fimberg's only option was to urge a bigger fine than his Justice Department superiors recommended.

The Fix Is In

At the time, jurors couldn't prove that a fix was in; they only knew what was happening in the grand jury room and they didn't like it. People were getting away with murder, they feared, and they were unsure how to proceed, or even if they could proceed. Federal prosecutors are supposed to assist and advise grand juries, bring witnesses in to testify, and draft indictments for jurors to consider. Abandoned by their advisors, the grand jurors



Rocky Flats fed the Cold War machine, which used this Nevada land for underground nuclear testing.

turned to Judge Finesilver with a list of questions that go to the heart of the grand jury system: Could a valid indictment be issued without the signature of the U.S. Attorney? Could jurors compel the U.S. Attorney to sign an indictment they drew up? Could they proceed without the help of the U.S. Attorney? Could they issue a report? Would it be made public? Just what is the difference between an indictment and a presentment, a document mentioned in Article 5 of the U.S. Constitution? Would a presentment be made public?

Jurors have different views on whether Finesilver was helpful. All of those interviewed agree the judge didn't say much. He told jurors an indictment needed the signature of the U.S. Attorney, but beyond that he simply referred jurors to the 21 pages of instructions he had given them in 1989. Those instructions say that jurors may issue a presentment accusing people of criminal conduct, and they may issue it over the objection of the U.S. Attorney. They may also issue a report describing non-criminal

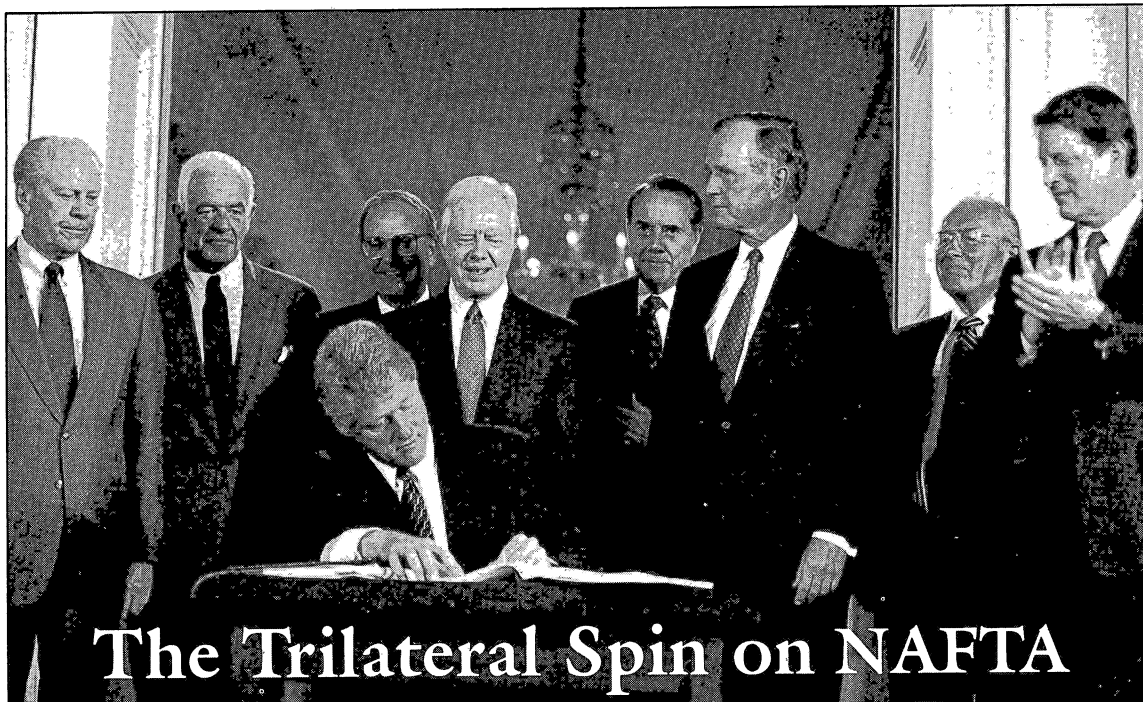
misconduct, malfeasance, or misfeasance by public employees. "Through this vehicle," Finesilver's instructions say, "the public may be assisted in learning of the facts as they relate to Rocky Flats."¹⁸

(continued on p. 59)

***Rockwell's fine was about
\$3.8 million less than
the government bonuses
it had been awarded
during the time it was
knowingly breaking
federal environmental laws.
Environmental crime paid,
and paid well.***

17. Abas, *op. cit.*, p. 20.

18. U.S. District Court, District of Colorado, "Information to Special Grand Jury 89-2," August 1, 1989, p. 8.



The Trilateral Spin on NAFTA

A powerful network of corporate interests and their hired PR spin-doctors engineered NAFTA's passage.¹ So far, however, the most significant organization pushing behind the scenes for this hemispheric trade deal has escaped public scrutiny.

Joyce Nelson

The Trilateral Commission (TC) has been vigorously promoting the free trade deal since its inception. Indeed, given that the Trilateral Commission is the most powerful and elite organization for world-planning known to exist, it would be surprising if it were not involved in NAFTA. Founded in 1973 by David Rockefeller and Zbigniew Brzezinski, the TC's 300-plus members (primarily presidents and CEOs of global corporations, bankers, politicians, and a few academics) are drawn exclusively from North America (the U.S., and as a junior partner, Canada), Europe, and Japan. Collectively, they constitute a kind of First World "UN" for global business. The organization publishes numerous reports, meets annually in various world capitals, and maintains regional headquarters in New York, Tokyo, and Paris.

The founding of the TC in the early 1970s arose out of a perceived need by multinational corporations to, in the words of their guru economist Peter Drucker, "defang the nationalist monster."² Desiring a borderless world in which the multinationals would be free of "interference from nation-states," the global

business community's *ad hoc* leader, David Rockefeller (of Exxon and Chase Manhattan Bank) began calling for "a massive public relations campaign," a "crusade for understanding," to explain the necessity for the withering of the nation-state.³

But Rockefeller's efforts went further than PR when he founded the Trilateral Commission. In their classic 1974 text *Global Reach*, authors Barnet and Muller describe the TC as "designed to minimize the friction and competition that divide the [corporate] giants and make them vulnerable to the organizing efforts of the poor."⁴ "Trilateralism," wrote scholar Holly Sklar, "a form of 'collective management' under U.S. tutelage, is the necessary response if corporate capitalism is to endure and prosper."⁵

In the U.S., the administration of Gerald Ford (not himself a member) is considered to have been "the transition administration" for the advancement of the TC's global goals.⁶ Ford's appointment of Trilateralists William Coleman and Elliot Richardson to key administrative posts,⁷ and his selec-

Joyce Nelson's article, "Burson-Marsteller, Pax Trilateral, and the Brundtland Gang vs. the Environment" appeared in the Spring 1993 edition of *CovertAction Quarterly*. She is a Canadian writer and author of six books. Photo: White House.

1. Charles Lewis and Margaret Ebrahim, "Can Mexico and Big Business USA Buy NAFTA?" *The Nation*, June 14, 1993, pp. 826-39.

2. Quoted in Richard J. Barnet and Ronald E. Muller, *Global Reach: The Power*

of Multinational Corporations (New York: Simon & Schuster, 1974), p. 55.

3. Quoted in *ibid.*, pp. 20-21.

4. Quoted in *ibid.*

5. Holly Sklar and Roz Everdell, "Who's Who on the Trilateral Commission," in Holly Sklar, ed., *Trilateralism: The Trilateral Commission & Elite Planning for World Management* (Boston: South End Press, 1980), p. 92.

6. Barnet and Muller, *op. cit.*, p. 209.

7. Sklar and Everdell, *op. cit.*, pp. 8-9.

tion of Nelson Rockefeller (David's brother) as his vice president, sent a strong signal to the TC that its "needs" were being given higher priority.

The advancement of TC goals was greatly enhanced by the election of Trilateralist Jimmy Carter, whose administration included 26 Trilateralists in key posts, including Brzezinski as National Security Advisor, Cyrus Vance as Secretary of State, Walter Mondale as vice president, and Andrew Young as Ambassador to the UN.⁸

As Holly Sklar wrote in 1980:

The Commission's overriding concern is that Trilateral nations "remain the vital center" of management, finance and technology (*i.e.*, power and control) for the world economy—a world economy which (in Brzezinski's words) would "embrace" and "co-opt" the Third World and gradually reintegrate the Soviet Union, Eastern Europe, and China (known as the "dropouts" in Trilateral lingo). Trilateralism is the creed of an international ruling class whose locus of power is the global corporation.⁹

With Carter's defeat, many leftists mistakenly concluded that the TC had lost its clout. But as recent world events suggest, TC goals are rapidly reaching fruition. As Sklar recently noted: "In fits and starts, Trilateralism has advanced far down the paths laid out in the 1970s. ...The hegemonic order for the foreseeable future will likely be a two-headed one: Pax Americana militarily, Pax Trilateral economically."¹⁰

Economic Pax Trilateral

One of the most important steps toward the realization of a Trilateralist economy was Ronald Reagan's 1981 appointment of Trilateralist Bill Brock (a TC member since 1976) as his U.S. Trade Representative. As USTR, Brock played a crucial role in getting the free-trade ball rolling in Canada in 1982.¹¹ Along with a phalanx of multinational corporate

CEOs, especially TC-connected American Express,¹² Brock orchestrated growing interest on the part of Canada's business elite in a U.S.-Canada Free Trade Agreement (FTA). That same year, he also initiated official talks with Mexico on a bilateral FTA.¹³ As a result, Brock is now being lauded in Washington as the "father" of NAFTA.

By spring 1985, Brock was telling the U.S. Chamber of Commerce:

The failure of the [world trading] system to move has put the U.S. in the position where we have to contemplate defending our own vital interests. One of the ways we can do that is to

take one or more countries and setting [sic] up a complete process by which we can remove all trade barriers between us as an example of how good the world can be. The U.S. has to operate in its own self-interest and that means the priority has to be building up a global system.¹⁴

Israel, the first country so selected, quickly began to doubt Brock's words; by mid-1985, Israel's communications minister Amnon Rubinstein was saying that the Israeli economy was now totally dependent on U.S. goodwill, that "we have very little maneuvering room nor the power to say no to specific requests from the United States."¹⁵

Apparently without heeding the free-trade fate of Israel, a Canadian Royal Commission on the Economy in 1985, the Macdonald Commission, took a pro-free trade stance. While admitting that "[i]f Canada and the U.S. were to move toward

12. Four directors of American Express appear on the 1979 TC membership list. See Sklar and Everdell, *op. cit.*, pp. 91-131.

13. Lewis and Ebrahim, *op. cit.*, p. 830.

14. Quoted in Joyce Nelson, "Losing It in the Lobby," *Sign Crimes/Road Kill: From Mediascape To Landscape* (Toronto: Between The Lines, 1992), p. 87.

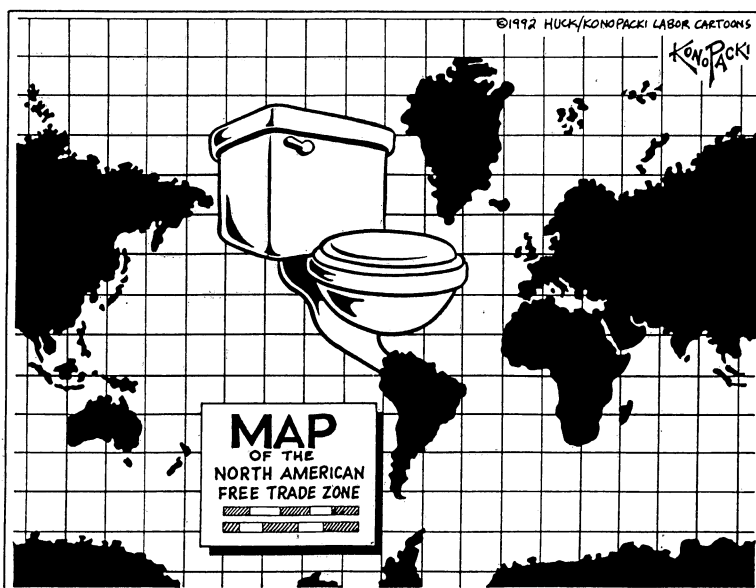
15. Quoted in *ibid.*, p. 74.

8. *Ibid.* It is a convention within TC that when members are appointed to high-profile government positions, they no longer attend meetings and are temporarily dropped from the membership list. Some former members now in the administration are: Bill Clinton, president; Bruce Babbitt, secretary of the interior; Warren Christopher, secretary of state; David Gergen, assistant to the president for communications; Alan Greenspan, chair, board of governors U.S. federal reserve system; Richard Holbrooke, ambassador to Germany; James R. Jones, ambassador to Mexico; Walter F. Mondale, ambassador to Japan; Joseph S. Nye, chair of National Intelligence Council, CIA; Strobe Talbott, ambassador at large and special advisor to the secretary of state on the Newly Independent States and Russia; Peter Tarnoff, undersecretary of state for political affairs; Clifton R. Wharton, Jr., former deputy secretary of state; and Graham Allison, assistant secretary of defense for plans and policy. (Trilateral Commission Membership List, September 1993.)

9. *Ibid.*, p. 9.

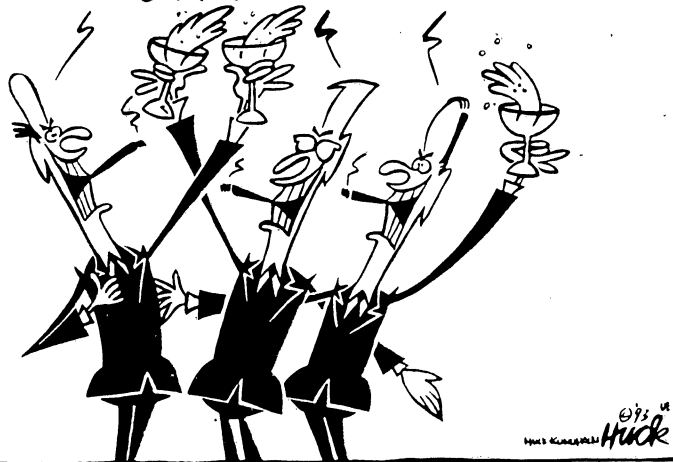
10. Holly Sklar, "Brave New World Order," in Cynthia Peters, ed., *Collateral Damage* (Boston: South End Press, 1992), pp. 24, 28.

11. Linda McQuaig, *The Quick and the Dead: Brian Mulroney, Big Business and the Seduction of Canada* (Toronto: Penguin Books Canada, 1991), pp. 143-81.



LOW WAGES, DOCILE WORKERS, LESS ENVIRONMENTAL RESTRAINTS
AND MORE PROFITS...

... FREE AT LAST, FREE AT LAST,
THANK NAFTA ALMIGHTY
WE ARE FREE AT LAST!!



freer trade, large American-owned multinationals would benefit," the Commission recommended "a leap of faith."¹⁶ At the time, no one bothered to inform the Canadian public that the chair of the Macdonald Commission, Donald S. Macdonald, had joined the Trilateral Commission in 1978.¹⁷

During the two-year period following the Macdonald Commission's "leap of faith," and leading up to the 1988 Canadian federal election, an estimated \$56 million was spent by pro-FTA forces (both business and government) lauding the so-called "benefits" of the deal.¹⁸

Meanwhile in the U.S., one of the first decisions made by the new president, Trilateralist George Bush, was to appoint TC member Carla Hills (also on the boards of directors of IBM, American Airlines, and Standard Oil) as his U.S. Trade Representative, replacing Brock.¹⁹ The USTR is advised by an official panel which is supposed to represent the U.S. public but which in fact is comprised almost entirely of Fortune 500 firms, including Dow, IBM, AT&T, Procter & Gamble, GE, Boeing, and General Motors.²⁰ All of these global companies have been represented on the TC since at least 1979.²¹ Having Trilateralists serve as USTR during the period 1981-1992 greatly helped the trade goals of the TC worldwide.

A Trilateralist Servicing Hub

Around the time that the FTA was implemented in Canada (January 1989), Canada's former ambassador to the U.S., Allan E. Gottlieb, joined the Trilateral Commission and was also appointed senior advisor on international trade for the huge PR/lobbying firm, Burson-Marsteller.²² By 1991, he had be-

come both Canadian chair of Burson-Marsteller and a member of the TC's Executive Committee.²³ The following year, Gottlieb rose to North American deputy chair of the Trilateral Commission.²⁴

The TC had followed up Brock's early initiatives in Mexico with its own Task Force on Latin American Trade in April of 1989.²⁵ Its April 1990 report gave approval for a continental NAFTA: "Canadian and Mexican officials are already discussing the implications of increasingly close U.S.-Mexican trade arrangements for Canada. This matter should be fully explored with a positive disposition."²⁶

But the TC was also thinking far beyond former President Reagan's desire to extend free trade "from the Yukon to the Yucatan." With a Trilateralist president once again at the U.S. helm, the TC advised "more Mexico-like [trade] arrangements for reform-minded governments" throughout Latin America.²⁷ Bush would later expand this TC recommendation in his "Initiative for the Americas" policy statement in

which he envisioned a free-trade bloc stretching from Alaska to Tierra del Fuego.

Meanwhile, PR giant Burson-Marsteller (B-M) was already taking steps to ensure its own favorable position in hemispheric trade. In 1989, besides hiring Trilateralist Gottlieb and expanding the B-M presence in Canada, the company acquired a 49 percent interest in a leading Mexican PR firm, Omo Delta, which had assisted B-M's corporate clients in their offshore moves to Mexico.²⁸ B-M's executive vice president and regional director for Latin America, Rissig Licha, explained at the time this acquisition was announced:

Our investment in Mexico is indicative not only of our interest in strengthening our Latin American presence, but also of the improved investment climate that Mexico offers as a result of the great inroads it has been able to make in the total revitalization of its economy.²⁹

By 1989 the Mexican government had lowered barriers to foreign investment and foreign ownership, forced seizure of peasant-owned lands, and made major erosions in Mexican workers' incomes.³⁰

Licha added that the new company, Omo-Delta Burson-Marsteller, would also be responsible for business-development efforts throughout Central America. "In effect," said Licha, "the operation will become a servicing hub. We are similarly positioned to service the southern cone of South

16. *Ibid.*

17. Sklar and Everdell, *op. cit.*, p. 110.

18. Nick Fillmore, "The Big Oink: How Business Swallowed Politics," *This Magazine* (Canada), March/April 1989, p. 14.

19. Sklar and Everdell, *op. cit.*, pp. 101, 103.

20. Ralph Nader and Michael Waldman, "Off-Track," *The New Republic*, June 3, 1991, p. 16.

21. Sklar and Everdell, *op. cit.*, pp. 99-131.

22. B-M Press Release, "Allan Gottlieb Joins B-M," Canada Newswire, Aug. 29, 1989.

23. The TC Membership List, April 4, 1991.

24. TC Letterhead, 1992.

25. George W. Landau, Julio Feo, Akin Hosanna, *Latin America At A Crossroads: The Challenge To The Trilateral Countries* (New York: The Trilateral Commission, 1990), p. lx.

26. *Ibid.*, pp. 22-23.

27. *Ibid.*, p. xii.

28. B-M Press Release, "B-M Establishes Mexico Venture," PR Newswire, September 14, 1989.

29. Quoted in *ibid.*

30. Laurell Ritchie, "Told You So: Free Trade Pull-Out," *This Magazine*, September 1991, pp. 6-8.

NAFTA Pork: Free Lunch for Corporations and Congress

"I've been asked in so many ways: What do you need, what will it take?"¹

"[V]otes are for sale and the President is buying."²

"I don't think I've ever seen as much retail politics in a trade agreement. The Mexican Government is truly amazed at the bazaar—that's b-a-z-a-a-r—nature of this."³

To win passage of NAFTA on November 17, 1993, the Clinton administration twisted arms and offered goodies. In a feeding frenzy of favors, Congress glutted itself at the pork trough while corporations chowed down a feast of "inside-the-beltway giveaways."⁴ Some of the rewards:

- Contracts for six C-17 military cargo planes, a problem-plagued McDonnell-Douglas aircraft.
Cost to Taxpayers: \$1.4 billion
Target Vote: Rep. Eddie Bernice Johnson (D-Tex.)⁵
- The J.J. Pickle Center for the Study of Trade in the Western Hemisphere.
Cost to Taxpayers: \$10 million
Target Vote: Rep. J.J. Pickle (D-Tex.)⁶
- A bilateral U.S. and Mexico "Development Bank."
Cost to Taxpayers: \$250 million in paid-in capital and \$1.275 billion in callable capital.
Target Votes: Rep. Esteban Torres (D-Cal.), Rep. Lucille Roybal-Allard (D-Cal.), Javier Becerra (D-Cal.), Rep. Matthew Martinez (D-Cal.), plus eight other members of the Congressional Hispanic Caucus.⁷
- A pledge by U.S. Trade Representative Mickey Kantor to pressure Mexico to speed up tariff cuts and to protect U.S. appliance makers from increased Mexican imports.
Corporate beneficiary: Maytag and Amana
Target Votes: Rep. Fred Grandy (R-Iowa), Rep. Neal Smith (R-Iowa)⁸
- Forgiveness to Honda of America of millions of dollars in taxes for import duty fees on cars shipped to the U.S. from Canada—despite President Clinton's repeated pledges to collect taxes owed by foreign firms.
Cost to Taxpayers: \$16.5 to \$20 million⁹
- Animal grazing fee backdown from proposed \$2.42 per head increase.
Cost to Taxpayers: Millions of dollars in lost revenues.
Target Votes: Rep. Bob Smith (R-Ore.), Rep. Joe Hefley (R-Colo.), Rep. Wayne Allard (R-Colo.), and seven other Republicans in western states.¹⁰
- East Houston bridge over a rail yard promised by Transportation Secretary Federico Peña.
Cost to Taxpayers: \$10 million
Target Vote: Rep. Gene Green (D-Tex.)¹¹

- A tobacco tax scaleback on cigarette taxes (from the \$.75 a pack originally proposed to \$.40) to help pay for expanded health care.
Cost to Taxpayers: \$4 billion
Target Vote: Rep. Charlie Rose (D-N.C.), and other legislators in tobacco states.¹²
- A vegetable deal: to fund construction of a Florida agricultural research center; to allow Florida vegetable growers to continue using methyl bromide (an ozone-depleting pesticide scheduled for phase-out), and to shield growers during GATT negotiations.
Cost to Taxpayers: \$16 million; increased skin cancers
Target Votes: Florida Republican Housemembers Porter Goss, Dan Miller, Tom Lewis, and Harry Johnston.¹³
- A citrus deal to protect Florida producers from Mexican imports if orange juice concentrate prices fall below certain levels.
Target Votes: Florida Representatives¹⁴
- A sugar deal to protect U.S. firms producing sugar in Mexico.
Target Votes: Representatives from cane and beet sugar-producing states in the Midwest and West.¹⁵
- Pledges to protect Texas and Oklahoma peanut and wheat farmers against Canadian imports.
Target Votes: Rep. Larry Combest (R-Tex.) Rep. Bill Sarpalus (R-Tex.), and Rep. Glenn English (D-Okla.)¹⁶
- Pledge to protect Michigan asparagus growers against imports.
Target Vote: Rep. Peter Hockstra (R-Mich.)¹⁷
- Pledge to protect cut flower growers against imports.
Target Vote: Rep. Norman Mineta (D-Calif.)¹⁸
- Concessions to flat glass makers.
Target Vote: Rep. Martin Frost (D-Tex.)¹⁹
- Airline routes to London from Raleigh-Durham, North Carolina and Nashville, Tennessee awarded to American Airlines.
Target Votes: N.C. and Tenn. congressmembers.²⁰

Unconfirmed deals that were either cut or offered by the White House in exchange for pro-NAFTA votes, include:

An aircraft carrier construction contract; Ambassadorships offered to Representatives and others; unspecified judicial appointments; a waiver on the planned clean-up of Boston Harbor; an environmental deal in Amarillo, Texas; an urban jobs pilot program; university grants; research centers; and concessions to broomcom producers.

Ah! The price of free trade.

—from information compiled by Public Citizen and Citizens Trade Campaign

1. Rep. Thomas H. Andrews (D-Maine), press conference, Washington, D.C., November 15, 1993.

2. George Will, *Washington Post*, November 11, 1993.

3. An anonymous businessperson quoted, *New York Times*, November 11, 1993.

4. Public Citizen press release, November 16, 1993.

5. John Magos, "Planes-for-Vote Swap Illustrates Rising NAFTA Price Tag," *Journal of Commerce*, November 8, 1993.

6. Section 219 of the NAFTA implementing legislation.

7. *National Journal's Congress Daily*, October 15, 1993.

8. Kenneth Pins and William Nyberg, "Grassley Backs NAFTA; Maytag provision added," *Des Moines Register*, November 4, 1993.

9. Katherine Rizzo, "NAFTA Rules Help Honda For Tax Break on Canadian-Assembled Civics," Associated Press, November 18, 1993.

10. Timothy Noah and Jackie Calmes, "White House Is Negotiating Changes in Grazing-Fee Plan to Win Nafta Votes," *Wall Street Journal*, November 10, 1993.

11. *Houston Post*, November 12, 1993.

12. *The Washington Times*, November 11, 1993.

13. David Dahl, "Farm deal wins NAFTA a Floridian," *St. Petersburg Times*, November 10, 1993.

14. Peter Behr, "Mexico Yields on NAFTA to Gain Votes," *Washington Post*, November 4, 1993.

15. Tim Golden, "Trade Pact Approval May Hinge on Mexican Sugar," *New York Times*, October 29, 1993.

16. Deborah Orin, "Foes: Prez's Deals Will Cause NAFTA Shock," *New York Post*, November 17, 1993.

17. *Ibid.*

18. *Ibid.*

19. *Ibid.*

20. Noah and Calmes, *op. cit.*

America from our Brazil hub and Colombia, Venezuela and the Caribbean region out of San Juan."³¹

Thus, by the end of 1989, Burson-Marsteller was in fact positioned to do business from Alaska to Tierra del Fuego—neatly anticipating both the TC's final Task Force report on Latin American trade and Trilateralist Bush's own trade vision. B-M's 1989 client list included the following Trilaterally-represented corporations: AT&T, Bank of America, Boeing, Coca-Cola, DuPont, GE, Owens-Corning Fiberglass, Procter & Gamble, Shell Oil, Black & Decker, General Foods, and Westinghouse.³²

While the TC Task Force data was being gathered, U.S. and Mexican officials held a secret meeting at the end of February 1989 and agreed to negotiate a free-trade pact between the two countries.³³ In attendance were Trilateralists Carla Hills and Brent Scowcroft (Bush's USTR and National Security Advisor, respectively), as well as Commerce Secretary Robert Mosbacher, Council of Economic Advisors Chair Michael Boskin, Secretary of State James Baker, Mexican Commerce Secretary Jaime Serra, and President Salinas' economic advisor, José Córdoba.³⁴

When news of this secret meeting was eventually leaked to the *Wall Street Journal*,³⁵ the newspaper focused only on the bilateral agreements—U.S.-Canada FTA, U.S.-Mexico FTA—without considering a continental NAFTA. Given that by 1990 the Trilateralist powers-that-be were already well on their way to a *hemispheric* trading arrangement, it is sobering to realize just how far behind the press remained.

Mexico Pays \$5.4 Million to B-M for Pro-NAFTA PR

In 1990, the Mexican government hired Burson-Marsteller to handle PR on two challenging issue-missions: the country's image on drugs, and the pro-fast track lobby for NAFTA.³⁶

In terms of the first PR mission, the TC's April 1980 Task Force Report had advised that attention be paid to "the drug question" in Latin America as one of "the regional security issues" undermining prospective trade.³⁷ The office of the president of Mexico paid B-M \$1.5 million in fees and expenses to create TV and newspaper ads promoting Mexico's supposedly tough efforts to combat drug trafficking.³⁸

Through its Ministry of Commerce and Industrial Development (SECOFI), Mexico has paid B-M almost \$5.4 million in fees and expenses on its NAFTA account since October 1990.³⁹ B-M's lobbying subsidiary, Gold & Liebengood, has also been funneled monthly retainer fees on the same account.⁴⁰ While these fees are only a portion of the estimated

\$26 million spent by Mexico on PR and lobbying for NAFTA,⁴¹ B-M—the top PR firm in the world by 1991—has played the primary role in pushing the agreement through to completion.

Perhaps much of B-M's success on this issue can be traced to the role of the mainstream press. Media executives who are on TC membership lists and attend its meetings are restricted in what they write about the organization. The working press dismisses the power of the body. They reason, correctly, that the TC is not a conspiracy to rule the world, but then conclude, incorrectly, that it is an unimportant institution which does not need to be investigated.

The results of that media silence and dismissal stance can be seen in the reportage on Allen E. Gottlieb's speech about NAFTA given in late November of 1991—months after B-M had achieved its goal of fast-track negotiation on the agreement. In the press, Gottlieb, who is Canadian B-M Chair and a Trilateralist, was identified by neither of these roles—a key omission given his topic. Gottlieb urged both the U.S. and Canadian federal governments to implement NAFTA by 1992 in order "to compete in the new world order" in which, he said, "the withering of the nation-state...is the dominant feature."⁴²

This selective "withering" of national sovereignty has been the Trilateralists' dream for 20 years. NAFTA's terms neatly accomplish this goal in relation to both Canada and Mexico. The most notable clause is Section 3, which makes the agreement the supreme arbiter of all present and future Canadian, U.S., and Mexican federal law touching on matters covered by NAFTA.⁴³ Section 3 would eliminate the ability of the participating governments to set their own priorities and laws regarding resources, the environment, social programs, etc.⁴⁴ In Canada, at least, this feature may have even more dire consequences than the 600,000 jobs already lost under FTA.⁴⁵

Trilateralists would like to think that Rockefeller's 20-year campaign to rid the world of "interference" from nation-states culminated in the election of Trilateralist Bill Clinton and his flashy Rose Garden photo-op of September 14, 1993. With former presidents Bush, Carter, and Ford looking on, Clinton signed the NAFTA side-agreements on labor and the environment. *The Nation's* David Corn called this Kodak moment "a vivid reminder that the Establishment does exist and that NAFTA is its baby."⁴⁶ More specifically, the presence of these four U.S. presidents makes clear that NAFTA is the Trilateral's baby.

31. B-M Press Release, "B-M Establishes Mexico...," *op. cit.*

32. B-M Client List, *O'Dwyer's Directory of PR Firms*, 1989; Sklar and Everdell, *op. cit.*, pp. 99-131.

33. Peter Truell, "U.S. and Mexico Agree To Seek Free-Trade Pact," *Wall Street Journal*, March 27, 1990, p. A3.

34. *Ibid.*

35. *Wall Street Journal*, *op. cit.*

36. Joan Mower, "Mexico Is This Year's Gravy Train For High-Priced Lobbyists," Associated Press, May 19, 1991.

37. Landau, Feo and Hosanna, *op. cit.*, p. xiv.

38. Lewis and Ebrahim, *op. cit.*, p. 830.

39. *Ibid.*

40. *Ibid.*

41. *Ibid.*, p. 826.

42. Speech to the Americas Society in New York, quoted in Ingrid Abramovitch, "Must Press U.S. On Trade Laws: Gottlieb," *Montreal Gazette*, November 26, 1991, p. B1.

43. "Notes on Canadian Implementing Legislation for NAFTA," Ecumenical Coalition for Economic Justice, Toronto: April 1993, p. 2.

44. *Ibid.*, p. 5.

45. Canadian Action Network, "NAFTA: Not Another Free Trade Agreement!," *Cross-Canada Flyer*, October 12, 1993.

46. David Corn, "Beltway Bandits," *The Nation*, October 4, 1993, p. 344.

FEDERAL BUREAU OF INTIMIDATION

Howard Zinn

I thought it would be good to talk about the FBI because they talk about us.¹ They don't like to be talked about. They don't even like the fact that you're listening to them being talked about. They are very sensitive people. If you look into the history of the FBI and Martin Luther King—which now has become notorious in that totally notorious history of the FBI—the FBI attempted to neutralize, perhaps kill him, perhaps get him to commit suicide, certainly to destroy him as a leader of black people in the United States. And if you follow the progression of that treatment of King, it starts, not even with the Montgomery Bus Boycott; it starts when King begins to criticize the FBI. You see, then suddenly Hoover's ears, all four of them, perk up. And he says, okay, we have to start working on King.²

I was interested in this especially because I was reading the Church Committee report. In 1975, the Senate Select Committee investigated the CIA and the FBI and issued voluminous reports and pointed out at what point the FBI became interested in King. In 1961-62 after the Montgomery Bus Boycott, after the sit-ins, after the Freedom Rides of '61, there was an outbreak of mass demonstrations in a very little, very Southern, almost slave town of southern Georgia called Albany. There had been nothing like this in that town. A quiet, apparently passive town, everybody happy, of course. And then suddenly the black people rose up and a good part of the black population of Albany ended up in jail. There were not enough jails for all who demonstrated.

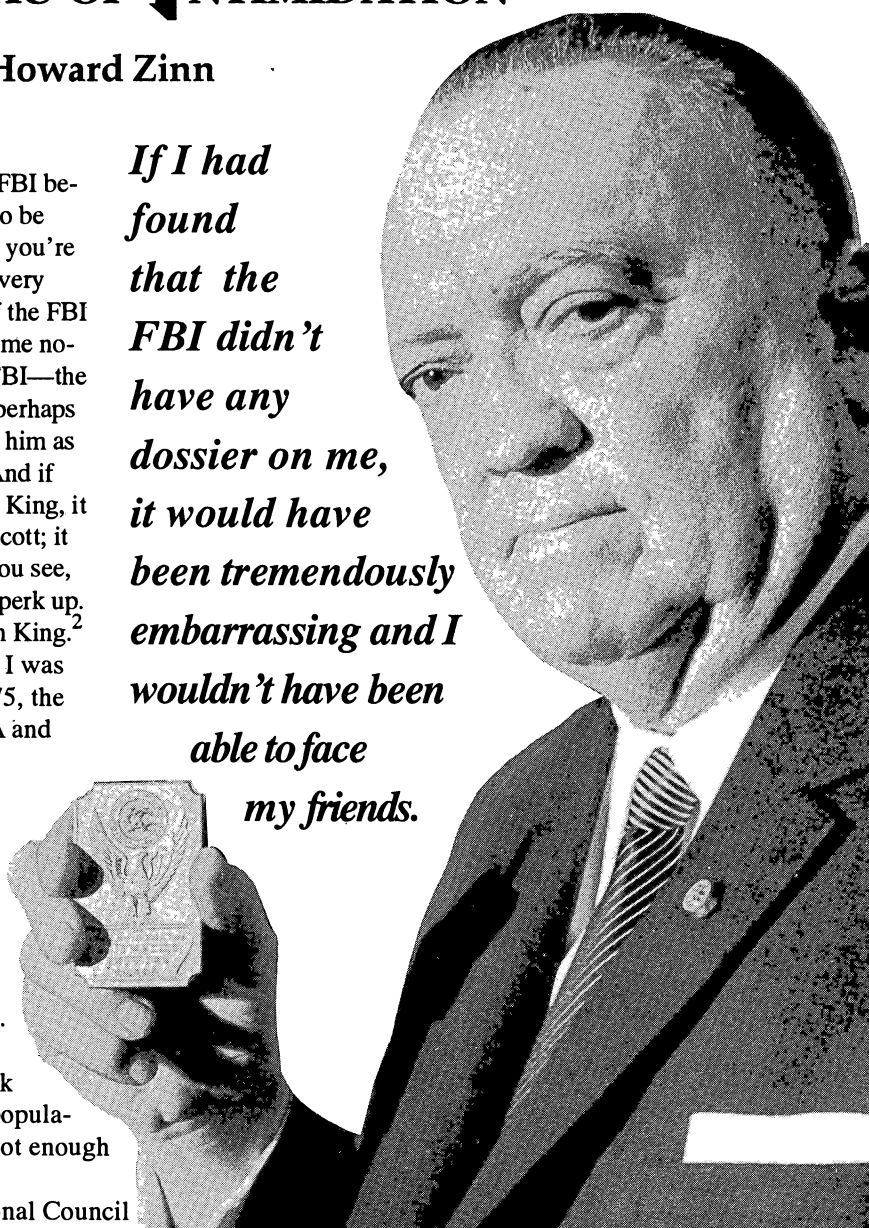
A report was made for the Southern Regional Council of Atlanta on the events in Albany. The report, which was very critical of the FBI, came out in the *New York Times*. And King was asked what he thought of the role of the FBI. He said he agreed with the report that the FBI was not doing its job, that the FBI was racist, *etcetera, etcetera*.

Howard Zinn is the author of *A People's History of the United States* (New York: Harper & Row, 1980). Photo: J. Edgar Hoover gets an award, 1966. Randolph Routh / *Washington Star*.

1. This article is adapted from a speech given by Howard Zinn at the Community Church of Boston.

2. Government spying on the King family actually goes back three generations. During World War I, Army intelligence, citing "Negro unrest," began to gather information on potential troublemakers. Army intelligence opened its file on Martin Luther King, Jr. in 1947 and continued surveillance of him until the day he was assassinated in Memphis. (Stephen G. Tompkins, "Army feared King, secretly watched him," *The Commercial Appeal* [Memphis], March 21, 1993, p. 1.)

If I had found that the FBI didn't have any dossier on me, it would have been tremendously embarrassing and I wouldn't have been able to face my friends.



At that point, the FBI also inquired who the author of that report was, and asked that an investigation begin on the author. Since I had written it, I was interested in the FBI's interest in the author. In fact, I sent away for whatever information the FBI had on me, through the Freedom of Information Act. I became curious, I guess. I wanted to test myself because if I found that the FBI did not have any dossier on me, it would have been tremendously embarrassing and I wouldn't have been able to face my friends. But, fortunately, there were several hundred pages of absolutely inconsequential material. Very consequential for the FBI, I suppose, but inconsequential for any intelligent person.

I'm talking about the FBI and U.S. democracy because here we have this peculiar situation that we live in a democratic country—everybody knows that, everybody says it, it's repeated, it's dinned into our ears a thousand times, you grow up, you pledge allegiance, you salute the flag, you hail democracy, you look at the totalitarian states, you read the history of tyrannies, and here is the beacon light of democracy. And, of course, there's some truth to that. There are things you can do in the United States that you can't do many other places without being put in jail.

But the United States is a very complex system. It's very hard to describe because, yes, there are elements of democracy; there are things that you're grateful for, that you're not in front of the death squads in El Salvador. On the other hand, it's not quite a democracy. And one of the things that makes it not quite a democracy is the existence of outfits like the FBI and the CIA. Democracy is based on openness, and the existence of a secret policy, secret lists of dissident citizens, violates the spirit of democracy.

There are a lot of other things that make the U.S. less than a democracy. For instance, what happens in police stations, and in the encounters between police and citizens on the street. Or what happens in the military, which is a kind of fascist enclave inside this democracy. Or what happens in courtrooms which are supposedly little repositories of democracy, yet the courtroom is presided over by an emperor who decides everything that happens in a courtroom—what evidence is given, what evidence is withheld, what instructions are given to the jury, what sentences are ultimately meted out to the guilty and so on.

So it's a peculiar kind of democracy. Yes, you vote. You have a choice. Clinton, Bush and Perot! It's fantastic. *Time* and *Newsweek*. CBS and NBC. It's called a pluralist society. But in so many of the little places of everyday life in which life is lived out, somehow democracy doesn't exist. And one of the creeping hands of totalitarianism running through the democracy is the Federal Bureau of Investigation.

I think it was seeing the film *Mississippi Burning* that led me to want to talk about the FBI. I had sort of reached a point where I said, "Who wants to hear anymore about the FBI?" But then I saw *Mississippi Burning*. It relates a very, very important incident in the history of the civil rights movement in the U.S. In the summer of 1964, these three young men in the movement, two white, one black, had traveled to investigate the burning of a church in a place called Philadelphia, Mississippi—city of brotherly love. They were arrested, held in jail, released in the night, followed by cars, stalked, taken off and beaten very, very badly with chains and clubs and shot to death—executed—June 21, 1964. The bodies were found in August. It's a great theme for an important film. *Mississippi Burning*, I suppose, does something useful in capturing the terror of Mississippi, the violence, the ugliness.

But after it does that, it does something which I think is very harmful: In the apprehension of the murderers, it por-

trays two FBI operatives and a whole flotilla—if FBI men float—of FBI people as the heroes of this episode. Anybody who knows anything about the history of the civil rights movement, or certainly people who were in the movement at that time in the South, would have to be horrified by that portrayal. I was just one of many people who was involved in the movement. I was teaching in Atlanta, Georgia, in a black college for about seven years from 1956 to 1963, and I became involved in the movement, in Albany, Georgia, and Selma, Alabama, and Hattiesburg, Mississippi, and Greenwood and Greenville and Jackson, Mississippi in the summer of '64. I was involved with SNCC, the Student Nonviolent Coordinating Committee. Anybody who was involved in the Southern movement at that time knew with absolute certainty: The FBI could not be counted on and it was not the friend of the civil rights movement. The FBI stood by with their suits and ties—I'm sorry I'm dressed this way today, but I was just trying to throw them off the track—and took notes while people were being beaten in front of them. This happened again, and again, and again. The Justice Department, to which the FBI is presumably accountable, was called again and again, in times of stress by people of the civil rights movement saying, hey, somebody's in danger here. Somebody's about to be beaten, somebody's about to be arrested, somebody's about to be killed. We need help from the federal government. We do have a Constitution, don't we? We do have rights. We do have the constitutional right to just live, or to walk, or to speak, or to pray, or to demonstrate. We have a Bill of Rights. It's America. It's a democracy. You're the Justice Department, your job is to enforce the Constitution of the United States. That's what you took an oath to do, so where are you? The Justice Department wasn't responding. They wouldn't return phone calls, they wouldn't show up, or when they did show up, they did nothing.

The civil rights movement was very, very clear about the role of the FBI. And it wasn't just the FBI; it goes back to the Justice Department; back to Washington; back to politics; back to Kennedy appointing racist judges in Alabama, Mississippi, and Georgia to do favors for his Southern Democratic political cronies, only becoming concerned about black people when things appeared on television that embarrassed the administration and the nation before the world.

Only then did things happen. Oh, we'll send troops to Little Rock, we'll send troops to Oxford, Mississippi, and so on. Do something big and dramatic and so on. But in all the days and all the hours in between, before and after, if there's no international attention, forget it. Leave these black folk at the mercy of the law enforcement officers down there. Just as after the Civil War, blacks were left at the mercy of Southern power and Southern plantation owners by Northern politicians who made their deal with the white South in 1877.

If you want to read the hour-by-hour description of this, you could read a wonderful book by Mary King, *Freedom*



Ricky Flores/Impact Visuals

Often considered a relic of the past, the Ku Klux Klan is currently active in more than 30 states. Here, over 40 Klan loyalists rally in East Windsor, Connecticut, as part of a campaign to recruit more East Coast members.

Song. She was a SNCC staffperson in the Atlanta office whose job was to get on the phone and call the newspapers, the government, the Justice Department and say: Hey, three young men have not come back from Philadelphia, Mississippi. She called and called and called and it took several days before she got a response. Deaf ears. They were dead. Probably none of those calls would have saved them.

It was too late, but there was something that could have saved them. And it's something I haven't seen reported in the press. If there had been federal agents accompanying the three on their trip, if there had been federal agents in the police station in Philadelphia, Mississippi, that might not have happened. If there had been somebody determined to enforce law, enforce constitutional rights, to protect the rights of people who were just going around, driving, talking, working, then those three murders might have been averted.

In fact, 12 days before the three disappeared, there was a gathering in Washington, D.C., on June 9, 1964. A busload of black Mississippians came all the way up—it was a long bus ride to Washington—to the National Theater.

There was a jury of fairly well known Americans—college presidents, writers, other people—assembled to hear the testimony. The black people's testimony before the

press and an audience was recorded and transcribed. They testified that what was going to happen in Mississippi that summer with all these volunteers coming down was very, very dangerous. They testified about their experiences, about their history of being beaten, about the bodies of black people found floating in the rivers of Mississippi and they said, people are going to get killed; we need the protection of the federal government.

Also appearing at this hearing were specialists in constitutional law who made the proper legal points that the federal government had absolute power to protect people going down into Mississippi. Section 333, Title 10 of the U.S. Code (some numbers burn themselves into you because you have to use them again and again) gives the federal government the power to do anything to enforce constitutional rights when local authorities either refused or failed to protect those rights.

So they take all this testimony at the National Theater and put it into a transcript and deliver it to Attorney General Robert Kennedy, hand deliver it to the White House, and ask the federal government to send marshals down to Mississippi. Not an army, a few hundred marshals, that's all. Plainclothes people for protection. This is 1964; by now you've sent 40,000 soldiers to Vietnam, so you can send 200 plainclothes people to Mississippi. No response

from the Attorney General, none from the President. Twelve days later those three men disappear.

Well, why didn't they put that in the film? Why didn't anybody say anything about that? So the FBI are the heroes of this film.

Well, that's only part, as you know, of the history of the FBI. Going back, the FBI was formed first as the Bureau of Investigation under Theodore Roosevelt—don't worry, I'm not going to take you year by year through this history. It's a very depressing history.

But, it just interested me. In 1908, under Theodore Roosevelt, his Attorney General, a man named Bonaparte, a grand nephew of Napoleon—set up the Bureau of Investigation which later became the FBI.

*That's people who
in the event of
national emergency
will be picked up
without trial and
held. Just like that.
The FBI's been
preparing for a long
time, waiting for
an emergency.*

One of its first acts was to enforce a new federal law—the Mann Act. This law made it illegal to transport women across state lines for immoral purposes. Yes, one of their first acts was to prosecute the black heavyweight champion, Jack Johnson, because he was living with a white woman and they actually crossed a state line. One of the first heroic acts of the FBI.

They go way back. Racism goes way back in the FBI and comes way forward, comes right up to now. By the way—in the film they show a black FBI man. But there was no black person in the FBI in 1964. A chauffeur, maybe. A maid, maybe. No black FBI agents in 1964. But there was this black FBI agent in the film.

Yes, the racism comes right up to yesterday when a black FBI man—in Detroit, I think—is harassed by his fellow white FBI agents who do all sorts of funny things to him to make life miserable for him. You think, where is the solidarity among FBI people? FBI people, black and white together, we shall overcome. Well, apparently the FBI doesn't believe in that.

There's too much to say about the FBI and racism. It's not just J. Edgar Hoover. Everybody says, oh, J. Edgar Hoover, he really hated black people. He hated the civil rights movement, but it's not just him, of course. It's too easy to pin all this on J. Edgar Hoover, to pin it just on the FBI as if they're wildcards. The president says, oh sorry, we didn't know what they were doing.

Well, it's just like Oliver North. A wildcard North was doing these crazy things and his defense was absolutely right: I did it for *them*. He did. He did it for them and now they have turned on him. He doesn't have to worry, they'll take good care of him. They take care of their own.

When people in the CIA and FBI commit crimes, how do they get handled? They don't. They're forgotten about. Do you know how many crimes have been committed by the FBI and the CIA? How many black bag jobs? Breaking and entering? Try breaking and entering. Really. Try breaking and entering in the daytime, or nighttime, and see what happens to you. Different punishments depending on what hour of the day. The FBI broke and entered again and again and again and again, hundreds and hundreds of times.

There were hundreds of FBI men involved in these breaks. Two men were actually prosecuted. This happens every once in a while. When huge public attention finally gets focused, they pick out two from the pack and prosecute them and they find them guilty and they sentence them. To what? To nothing. Fine, \$5,000 for one person. That's FBI petty cash. \$3,500 for the other. And then they say that justice has been done and the system works.

Remember when Richard Helms of the CIA was found guilty of perjury in 1976? Hiss went to jail for four years for perjury, Helms didn't go to jail for two hours. And Helms's perjury, if you examine it, was far, far more serious than Alger Hiss's, if Hiss was indeed guilty. But if you're CIA, if you're FBI, you get off.

But North is right; he did it for them. He did what they expected him, wanted him, to do. They use this phrase, plausible denial, a very neat device. You have to be able to do things that the President wants you to do but that he can deny he wanted you to do, or deny he ordered you to do if push comes to shove.

It's not just the FBI. It's the government. It's part of the system, not just a few people here and there. The FBI has names of millions of people. The FBI has a security index of tens of thousands of people—they won't tell us the exact numbers. Security index. That's people who in the event of national emergency will be picked up without trial and held. Just like that. The FBI's been preparing for a long time, waiting for an emergency. You get horrified at South Africa, or Israel, or Haiti where they detain people without trial, just pick them up and hold them incommunicado. You never hear from them, don't know where they are. The FBI's been preparing to do this for a long time. Just waiting for an emergency. These are all countries in emergency; South Africa's in an emergency, Chile was in an emergency, all emergencies.

James Madison made the point way back. One of the founding fathers. They were not dumb. They may have been rich and white and reactionary and slave holders but they weren't dumb. Madison said the best way to infringe on liberty is to create an external menace.

What can a citizen do in a situation like this? Well, one thing is simply to expose the FBI. They hate to be exposed,



Merideth McGregor/Impact Visuals

A young girl waits for Freedom buses to leave for commemoration of the 1964 murders of three civil rights activists.

they're a secret outfit. Everything they do is secret. Their threat rests on secrecy. Don't know where they are. Not everybody in a trench coat is an FBI agent. We don't know where they are, who they are, or what they're doing. Are they tapping? Right. And what are you going to do about it?

The one thing you shouldn't think will do anything is to pass a law against the FBI. There are always people who come up with that. That's the biggest laugh in the world. These are people who pay absolutely no attention to the law, again and again. They've violated the law thousands of times. Pass another law; that's funny.

No, the only thing you can do with the FBI is expose them to public understanding—education, ridicule. They deserve it. They have "garbologists" ransacking garbage pails. A lot of interesting stuff in garbage pails. They have to be exposed, brought down from that hallowed point where they once were. And, by the way, they have been brought down. That's one of the comforting things about what has happened in the United States in the last 30 years. The FBI at one point was absolutely untouchable. Everybody had great respect for the FBI. In 1965 when they took a poll of Americans; do you have a strong admiration for the FBI? Eight-five percent of people said, "Yes." When they asked again in '75, 35 percent said, "Yes." That's a big comedown. That's education—education by

events, education by exposure. They know they've come down in the public mind and so now they're trying to look kinder and gentler. But they're not likely to merge with the American Civil Liberties Union. They're more likely, whatever their soothing words, to keep doing what they're in the habit of doing, assaulting the rights of citizens.

The most important thing you can do is simply to continue exposing them. Because why does the FBI do all this? To scare the hell out of people. Were they doing this because of a Soviet invasion threat or because they thought the Socialist Workers Party was about to take over the country? Are they going after whoever their current target is because the country is in imminent danger, internal or external? No. They are doing it because they don't like these organizations. They don't like the civil rights organizations, they don't like the women's organizations, they don't like the anti-war organizations, they don't like the Central American organizations. They don't like social movements. They work for the establishment and the corporations and the politicians to keep things as they are. And they want to frighten and chill the people who are trying to change things. So the best defense against them and resistance against them is simply to keep on fighting back, to keep on exposing them. That's all I have to say.



Hope for the Nineties

Dave Dellinger

A lot of people are discouraged because conditions are so bad for so many people and yet there is no mass movement demanding fundamental change in the economic and political system. But there is much more rebellion and experimentation with positive ways of relating to our fellow human beings than meets the casual eye or is made clear in the mass media. Although public discontent has not yet come to a dramatic head, there are more people today than at any time in my life who are seriously angry at the inhuman conditions under which they (or others) are forced to live—many more than in the Great Depression of the '30s, when I cut my political teeth.

Many of these angry, disillusioned people are either inactive or are active in ways not commonly seen as a movement for a new society. But we all live with contradictory impulses within us and which become dominant at any particular time is influenced by external as well as internal factors. In the absence of a unified, contagious movement that offers hope for changing the way things are, most people suppress their better instincts (or express them in small ways) and live most of their lives in accord with established mores. While they do what they think they have to in order to live successfully, *even survive*, their better instincts endure, consciously or subconsciously, waiting for the time when they can come to life on

a larger scale. And sooner or later, because the military-corporate elites and their two political parties are sitting on a whole series of unstable fault lines, a volcano of public discontent is bound to erupt.

Clinton, Bush, *et al.*, in Private Service

Briefly, some people, discouraged by a lack of the mass demonstrations they have associated with an active movement, desperately placed their hopes in some "change" by electing a new administration. By now, however, it is clear that whatever good impulses Clinton (like everyone) has, he is above all a self-serving politician. Even during the period of widespread popular opposition to the Vietnam War, when he knew the war was a tragedy for its GI and Vietnamese victims, his dominating concern was "to maintain my political viability" within the existing system. He will never advocate, let alone fight for, anything fundamental that would repair the underlying problem. And most of the new "progressive" members of Congress are not significantly different. Like Clinton, their personal careers are more important to them than the fundamental changes that would bring justice and grassroots democracy. When Zoë Baird was nominated for Attorney General, newly elected multi-millionaire Dianne Feinstein lectured her for hiring an "illegal alien" rather than for taking over \$500,000 annually from large corporations (first G.E., and then Aetna and Southern New England Telephone Company) to defend their oppression, pollution, and corruption, and in the case of G.E., its fraudulent

Dave Dellinger has been an activist for more than half a century. He lives in Vermont where he still works on issues of peace and justice. He speaks frequently on college campuses and is author of *From Yale to Jail* (New York: Pantheon, 1993). Photo: Protesters demand reproductive rights, 1992. Clark Jones/Impact Visuals.

charges of millions of dollars in arms sales. But the very status of aliens (most of whom are escaping U.S.-trained death squads and inhuman living conditions imposed by U.S. corporations and pro-U.S. dictators) is a denial of the welcome emblazoned on the Statue of Liberty.

Nor was the self-serving opportunism of Baird's replacement, Janet Reno, a subject for editorial comment. "Although she opposes the death penalty," AP reported, "Attorney General Janet Reno is supporting proposals that would reduce delays in executions and expand capital punishment to some 50 federal crimes." Having built her Florida reputation on the high profile but suspect prosecution of daycare owners charged with child abuse, Reno presided over illegal attacks on the cult at Waco, Texas, causing the execution of 86 people, dozens of them children. In defense of the final murders, she said that "after seven weeks of standoff, the [government's] team needed time off."

And how long will the public put up with such events as the bombing of Iraq because of an alleged plan by Saddam Hussein to assassinate ex-President Bush when he was in Kuwait? Even if Clinton were correct in his justification of that bombing, at least 20 countries would be similarly justified in bombing the U.S. because of U.S. attempts (sometimes successful) to assassinate leading members of their governments. No wonder the World Trade Center was bombed. And when U.S. forces in Somalia killed an estimated 100 Somalis (many of them civilians), President Clinton "strenuously argued against" an amendment to halt U.S. operations in Somalia within the next two months saying it "would weaken the presidency and would seem to be a sign of American weakness." He then initiated military action in which "[a]bout 300 Somalis are believed to have been... killed during the street fighting in Mogadishu on October 3, and the wounded included hundreds of women and children who were among the 700 treated in hospitals..." The *New York Times* faithfully reported the government's justification of the slaughter which asserted "the nature and degree of the force used by the U.S. and UN forces was...consistent with the right of self-defense under international law." In fact, the Somali attack against which the U.S. was "defending itself" was *itself* self-defense against a U.S.-led attack on an Aidid stronghold.

Such justification for illegitimate policies is not confined to foreign affairs. Those in power in the U.S. are desperate to legitimate not only their adventures abroad but also the cruelty with which they treat a majority of this country's residents. Rather than blaming a system which benefits only the few, they blame the failures on the victims—people of the wrong country, color or view, the unemployed and underemployed, the homeless, people with AIDS, etc.

Given the glut of scapegoating and the famine of justice, revolts of a more and more serious nature are inevitable. And sooner or later one of them will start a whole series of explosions, as the 1955 refusal of Rosa Parks to go to the back of a segregated bus led (unexpectedly) to the Mont-



Evan Johnson/Impact Visuals

Environmental activism has been one of the most progressive forces of the '80s and '90s and has made ecology a force to be reckoned with. Here Earth First! activists initiate Redwood Summer by blocking logging trucks, 1990.

gomery Bus Boycott, sit-ins, and Freedom Rides in the tumultuous '60s.

More Protests Now Than in the '60s

Until some new spark ignites the country, it is important to remember that the massive protests of the '60s set an artificial standard by which many people judge the present level of activity. Today, no single demand or issue dominates the movement or attracts public attention the way that the struggle for civil rights and then opposition to the Vietnam War did from 1956 to 1975. During the heyday years, even those who were working primarily on other issues, went to the antiwar demonstrations, as they had gone to the August 1963 civil rights demonstration. This unity added to the public consciousness of massive unrest. By contrast, not everyone who is active today goes to the same city on the same weekend to shout the same slogans. Instead, the areas of activity have grown until, like

Heinz, there are 57 different but related varieties and not one of them draws either the crowds or the media attention of its predecessors. But by my estimate, more people protested in Washington in 1992 than in any year of the '60s. The media, however, ignore the greater frequency of protests now and stress the smaller numbers at a particular event, thereby spreading the illusion that the days of social revolt are over. They intoned the same message all through the '70s when a revitalized women's movement was gaining energy, recruits, and momentum, and again in the '80s as a dynamic movement for the rights of lesbians and gays was getting under way.

It is not only the corporate media's sexism and homophobia that causes this distortion, but also their concern for preventing new volcanos from erupting. In the '60s, they learned how dangerous it is to elites when people believe in the power of a nonviolent resistance that goes beyond voting, lobbying, and writing letters to Congress. They also became increasingly sophisticated and effective in damping and coopting dissent.

This propaganda has not only affected the general public, but has led many activists to underestimate the importance of their work. When I went to North Dakota in the late '70s for an anti-nuclear demonstration at a missile site, I was met by Bob Lamb, a former antiwar stalwart and key activist around the 1969-70 Chicago Eight (later, Chicago Seven)

It is impossible to predict what spark will, like Rosa Parks' small rebellion, touch off a new and powerful movement.

conspiracy trial. "I hope you're not too disappointed in me," he said, "for having dropped out of the Movement." "Of course not," I answered. "You put in years of emergency living while fighting for social justice. Everyone who does that needs some kind of periodic breather to catch up with other aspects of their lives. By the way, what are you doing these days?" "Oh," he replied, "I'm working against strip-mining in South Dakota." Since Chicago, Bob has worked with Physicians for Social Responsibility and has talked at high schools in opposition to the draft. These two basic, widespread activities, however, are not generally cited when people are gauging the extent of social revolt today.

There are also many people who sought out new sources of spiritual understanding and growth that would help them leave behind the shrillness, hostilities, and self-righteousness that were part of the most vocal (and media-emphasized) sections of the movement. Such people were labeled "drop-outs," not just by the media but also by some of their more one-dimensional former comrades. The search of younger people for a deeper dynamic in their lives has been similarly criticized. Instead of understanding the contributions such a quest could make to a more comprehensive and comprehend-

ing movement, Christopher Lasch castigated the "Me Generation," as more interested in looking at their navels than in being responsible members of society.

No path is ever faultless and many who took this one succumbed to temptations along the way—unhealthy subservience to a guru or New Age excesses. But on the whole it was a healthier period of exploration, discovery, and growth through personal trial and error than Lasch, the media, or even activists acknowledged. Because of it, many of today's activities are sounder than in the '60s. The spiritually based Liberation Theology movement, for example, is fighting the ravages of imperialism in Latin America, and the U.S. sanctuary movement here at home has helped many of the current victims of 500 years of genocide.

Activism in the '70s and '80s has also increased awareness that responsible politics requires more than demonstrating to ask Washington to change its ways. It calls for reworking relationships within our families, neighborhoods, workplaces, and regions. "The personal is the political." Or, as Charlie Parker once said, "Jazz comes from who you are, where you've been and what you've learned. If you don't live it, it won't come out of your horn." Many positive attempts to develop small-scale, grassroots institutions and activities are models for how everyone will act in a transformed and decent society—sharing burdens, rewards, and decision-making in an egalitarian manner. What is needed, I think, is for more of the individuals who are involved in these groups to extend their horizons beyond the immediate enterprise into the society as a whole.

Cornel West in *Race Matters* also uses the analogy of jazz, calling it

a mode of being in the world. ...To be a jazz freedom fighter is to attempt to galvanize and energize a world-weary people into forms of organization with accountable leadership that promote [from a wider basis] critical exchange and broad reflection. The interplay of individuality and leadership is not one of uniformity and unanimity imposed from above, but rather of conflict among diverse groupings that reach a dynamic consensus subject to questioning and criticism. As with a soloist in a jazz quartet, quintet or band, individuality is promoted in order to sustain and increase the creative tension with the group—a tension that yields higher levels of performance to achieve the aim of the collective project.

That the movement for social change is beginning, if perhaps not quickly enough, to reflect these values is certainly a sign of hope. By contrast, too many groups in the past have reflected the competitiveness of society, as in "my issue is more important than your issue."

Sowing Seeds

It is impossible to predict what spark will, like Rosa Parks' small rebellion, touch off a new and powerful movement. Many before her had defied the system. My first arrest in 1938 was

with a group of whites who went upstairs to the "Negro" section of a Newark, New Jersey movie house. Our little action seemingly accomplished nothing, but it was important for us and for some of the black people we got to know and learn from. Thousands of similar seeds were sown during those seemingly unproductive years, seeds that broke through the surface after Rosa Parks acted.

Today millions are sowing diverse seeds without regard for tribe and boundary and with hardly a word from the mass media. A group of women traveled to Bosnia in recent months to work with rape victims and to set up therapy centers in this country for them to come to until they are ready to return to their native land. A series of nonviolent activists from Europe and the U.S. keep visiting the former Yugoslavia to help develop positive local strategies for resolving the conflicts. This summer, some of my farmer neighbors in Vermont loaded tractor-trailers with hay to replace the crop which lay under Missouri flood waters. A local official noted: "It sort of renews your confidence in the system." But the farmers reject this system for a new one in which acts of human solidarity and sharing are not simply an emergency response but are part of everyday life. They want a system which values human relationships over striving for more money, power and privilege than other people. The political expression of this system could include setting a maximum on private income and guaranteeing everyone the basic necessities of life.

And there is another factor at work fanning the many small sparks. The political system has broken down in a far more serious and permanent way than it did even during the Depression. Then, the New Deal and a series of seemingly drastic measures (drastic only in terms of the society's previous conceptions) appeased people's dissatisfactions a little. In fact, the system did not "recover" its class-based, racially limited "prosperity" until World War II and the arms race which followed it stimulated the economy and allowed military Keynesianism to kick in.

Democracy for the Few

Now the Cold War is over and the power-elite is desperately seeking replacements such as the war on drugs (except those brought in regularly by the CIA) and a series of invasions—in Grenada, Panama, Iraq, and Somalia. But the economy is still failing and fewer and fewer people really believe the propaganda that "our system is triumphant" and should be established all over the world, with the U.S. as Superpower.

In actuality, the Soviet Union and the United States were different flawed experiments. In the Soviet Union, power was centralized in a one-party state, without the safeguards provided by political democracy and civil rights, so it failed even to achieve the economic democracy that had been the announced goal of the early revolutionists. Instead, a "New Class" of elites promoted their own privileges and power. By contrast, the U.S. experiment aspired to political democracy and rejected economic democracy. And now the results are dramatically clear. Who does not now know that our system,



Terry Allen

Act-Up activist Randy Shilts is among the hundreds of thousands who marched on Washington in Spring 1993 to support gay and lesbian rights and AIDS research.

too, has failed by depriving millions of their basic human rights to food, housing, health care, and a safe and healthy environment? Who does not know that it fails to provide the meaningful work and self-esteem that would significantly reduce the number of people who turn to drugs—and the number of inner-city children who turn to drug-running and the catastrophes that follow? Lacking economic democracy, we don't even have political democracy. The financial power of multi-billion-dollar corporations over electoral campaigns and over every branch of government has robbed citizens of meaningful control over the political (as well as economic) decisions that dominate their lives.

The lesson to be drawn from these two failures is that economic democracy and political democracy are inseparable; neither is possible without the other. And our society is filled with victims of our lack of both, some of whom are demeaned, castigated, and blamed for their desperate responses to the intolerable conditions. Our society is also layered with those whose response when the oppressed strike out is to declare self-righteously that "Violence is not the answer."

"But what, as a nation, did we really expect?" the *New Yorker* asked after the April 1992 Los Angeles riots. "The residents of our inner cities have for many years now been unable to lay claim to our sense of common humanity and simple decency. On what basis can we expect to suddenly lay claim to theirs?"

"Society," wrote Judge David Bazelon, "should be as alarmed by the silent misery of those who accept their plight as it is by the violence of those who do not."

The Polarized Society

While the Soviet Union was falling apart, the number of billionaires in the U.S. tripled and the ranks of the homeless doubled. Shall we pretend that the children of billionaires and the children of the homeless are born equal since both groups will be able to vote at age 18 (if the children of the homeless live that long and don't end up in prison)? Some social workers estimate that more

They were terrified by the
potential power of a movement
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acknowledgment: "The evils of
capitalism and militarism are as
great as the evils of racism."

U.S. children die every month because of poverty than the number of U.S. combat deaths in the entire Vietnam War. And the rate of African-American incarceration in this "democracy" is six times that of whites. Shall we conclude that blacks have a proclivity for criminality in their genes or that the U.S. economy, culture and system of "justice" are criminally racist? In Chicago, as one small example, upwards of 80 percent of the defendants in criminal court are black, but only .01 percent, or 27, of the 2,908 law partners are black. (There are also 15 Hispanic and nine Asian-American partners.) Putting a black Uncle Tom on the Supreme Court and a few others in well-paid positions in anti-social corporations does no more to promote justice than the practice, in the days of a more formal slavery, of having a few "house niggers."

I could continue with a carload of grim facts, but most people know the reality of oppression in one form or another: racism, sexism, classism, homophobia, etc. That constant oppression gives rise to anger and a desire for change is not disputable. The real question is *when* will this people's volcano erupt, as it did in the Soviet Union and swallow the elite clutching at its fault lines? And when it does explode, will we have a nonviolent movement that is active, disciplined, and imaginative enough to turn the revolt into positive, life-affirming channels that will have the power of a volcano without its mindless destructiveness?

If we want the explosion to unify the victims of various oppressions, it would help if the movement's more fortunate members learn to work hand-in-hand with those who lack basic human rights. White middle-class members will be more effective if they heed the sentiments of an African woman: "If you have come to help me, you are wasting your time. But if you have come because your liberation is bound up with mine, then let us work together."

For MLK: Capitalism, Militarism—as Evil as Racism

We need both small and large-scale, grassroots and national initiatives that demonstrate the power of nonviolent force to achieve basic change in a way that riots and other forms of violence cannot. To become impatient and indulge in trashing, bombing, and preparing for armed struggle is the surest way to short-circuit the process and lose the prize, even if such a movement succeeds in "seizing power."

In the late '60s, some wonderful but impatient people said that "Martin Luther King was the most nonviolent man in the world and they killed him. Nonviolence doesn't work." But it was the fear of King's new, still developing opposition to *all* the violence of our system that caused some of society's masters to have him killed. They were terrified by the potential power of a movement that was based on King's belated acknowledgment: "The evils of capitalism and militarism are as great as the evils of racism." They also looked with great trepidation on his program "to bring the social change movements through from their early and now inadequate protest phase to a stage of massive, active, nonviolent resistance to the evils of...a system where some people live in superfluous, inordinate wealth while others live in abject, deadening poverty." As he said shortly before his assassination, "[f]or years I labored with the idea of reforming the existing institutions..., a little change here, a little change there. Now I feel quite differently. I think you've got to have a reconstruction of the whole society."

For a struggle of this magnitude to succeed requires a well-organized, broadly based and highly committed movement. To quote King again, "Until you're prepared to die, you can't begin to live." Soldiers risk death fighting for what they have been told is an honorable cause in the service of a community larger than themselves (the supposedly "democratic" country). In many ways, war was a high point of their lives, and the anti-war movement should begin to recognize this reality. But until a significant number of those of us who are fighting nonviolently for a genuinely democratic community, with justice for all, are willing to risk everything a soldier risks, we will not succeed in developing the only kind of movement that has a fighting chance of securing full human rights for everyone.

And let us not forget that such a movement should not be limited to concern for the most obvious victims of today's selfish competitions. The "winners" in those competitions suffer too. They lack the joys and fulfillments of living as sisters and brothers with their fellow human beings.

CIA Dope Calypso

Allen Ginsberg

In nineteen hundred forty-nine
China was won by Mao Tse-tung
Chiang Kai Shek's army ran away
They were waiting there in Thailand yesterday

Supported by the CIA
Pushing junk down Thailand way

First they stole from the Meo Tribes
Up in the hills they started taking bribes
Then they sent their soldiers up to Shan
Collecting opium to send to The Man

Pushing junk in Bangkok yesterday
Supported by the CIA

Brought their jam on mule trains down
To Chiang Mai that's a railroad town
Sold it next to the police chief's brain
He took it to town on the choochoo train

Trafficking dope to Bangkok all day
Supported by the CIA

The policeman's name was Mr. Phao
He peddled dope grand scale and how
Chief of border customs paid
By Central Intelligence's U.S. aid

The whole operation, Newspapers say
Supported by the CIA

He got so sloppy and peddled so loose
He busted himself and cooked his own goose
Took the reward for the opium load
Seizing his own haul which same he resold

Big time pusher for a decade turned grey
Working for the CIA

Touby Lyfong he worked for the French
A big fat man liked to dine & wench
Prince of the Meos he grew black mud
Till opium flowed through the land like a flood

Communists came and chased the French away
So Touby took a job with the CIA

The whole operation fell in to chaos
Till U.S. intelligence came in to Laos
I'll tell you no lie I'm a true American
Our big pusher there was Phoumi Nosavan

All them Princes in a power play
But Phoumi was the man for the CIA

And his best friend General Vang Pao
Ran the Meo army like a sacred cow
Helicopter smugglers filled Long Cheng's bars
In Xieng Quang province on the Plain of Jars

It started in secret they were fighting yesterday
Clandestine secret army of the CIA

All through the Sixties the dope flew free
Thru Tan Son Nhut Saigon to Marshall Ky
Air America followed through
Transporting comfiture for President Thieu

All these Dealers were decades and yesterday
The Indochinese mob of the U.S. CIA

Operation Haylift Offisir Wm Colby
Saw Marshall Ky fly opium Mr. Mustard told me
Indochina desk he was Chief of Dirty Tricks
"Hitch-hiking" with dope pushers was how he got
his fix

Subsidizing the traffickers to drive the Reds away
Till Colby was the head of the CIA

—January 1972



Cold War Anticommunism

SOME HIGHLIGHTS FROM A HEART-WARMING ERA THAT IS (ALMOST) NO MORE

A CAQuiz to Test Your Brain and Stomach

William Blum



1. "Get plenty of atomic bombs on hand — drop one on Stalin."

a) Nikita Khrushchev b) Harry Truman
c) Winston Churchill

2. "1) The Communists have one goal—world revolution. 2) They assume the revolution will be violent. 3) They are incapable of accepting the idea that peace can endure from now on, and they expect one more catastrophic war..."

a) JFK b) Billy Graham c) House of Representatives Report, 1948

3. "In the quiet little town of Hobe Sound, Florida, toward the end of March 1949...late one night, immediately after a fire siren had sounded, a disheveled man clad in pajamas rushed from a house and ran down the street wildly screaming, 'The Red Army has landed!' " Who was he?

dents Truman and Eisenhower "to bomb the Soviet Union into oblivion before the Soviets could attack the U.S.—to wage what they called a *preventive war*."

a) The game theorists at RAND Corp.
b) Princeton's Institute for Advanced Study c) Mao Tse-tung

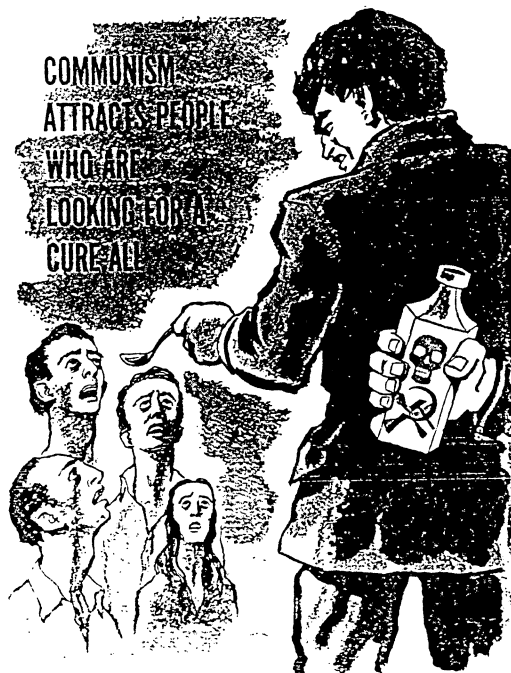
5. Who argued in 1951 for universal military training by saying: "Until recently ...our industries were producing washing machines, vacuum cleaners, and television sets, while the Soviet Union was producing rockets, tanks, and machine guns. While we were producing for the happiness and the peaceful pursuits of life, the Soviet Union was developing the means by which she could engage in an all-out war."

a) Walter Maytag b) Walt Disney c) Rep. Carl Vinson, chair, House Armed Services Committee

6. What newspaper published the following headlines on March 5, 1953, the day Stalin died: Page 7: "Heir to Stalin May Need War to Hold Power." Page 8: "Kremlin's New Rulers Need Peace to Solve Problems."

a) *Izvestia* b) *New York World-Telegram*
c) *Times of London*

7. "When the [Soviet] communists talk among themselves of slaughtering humans, they speak as casually as if they were slaughtering cattle. Their own of-



ficial records show that they laugh while discussing mass liquidation."

a) Pope John Paul b) Herbert Philbrick, FBI counterspy in the 1950s, author of *Led 3 Lives*, c) Ray Kroc, founder of the McDonald's fast food chain

William Blum is the author of *The CIA, A Forgotten History: U.S. Global Interventions Since World War 2* (London: Zed Books, 1986). Graphics: "Know Your Communist Enemy," Department of the Army Pamphlet 21-72, December 8, 1955.

8. "What do we find in the summer of 1951? The writs of Moscow run to...a good 40 percent of all men living...this must be the product of a... great conspiracy, a conspiracy on a scale so immense as to dwarf any previous such venture in the history of man."

a) Sen. Joseph McCarthy b) Oliver Stone c) Adlai Stevenson

9. During the era of McCarthyism, who justified U.S. Customs seizure of huge quantities of printed matter from abroad, much of it solicited by U.S. citizens, by saying: "If ignorant people read it, they might begin to believe it."?

a) William Randolph Hearst, newspaper baron b) Noam Chomsky, noted linguist c) Abe Goff, Post Office solicitor and chief censor

10. A Communist could be spotted by his predisposition to discuss civil rights, racial and religious discrimination, the immigration laws, anti-subversive legislation, curbs on unions, and peace. Good Americans were advised to keep their ears stretched for such give-away terms as "chauvinism," "book-burning," "colonialism," "demagogy," "witch hunt," "reactionary," "progressive," and "exploitation."

a) 1955 U.S. Army pamphlet, *How to Spot a Communist* b) *Growing into Citizenship*, junior high textbook c) George Meany, AFL-CIO president

11. "We know that more heroin is being produced south of the border than ever before and we are beginning to hear stories of financial backing by big shot Communists operating out of Mexico City." (1953)

a) Daniel Sheehan, attorney b) Don Keller, San Diego County District Attorney c) William Burroughs, beat author and junkie

12. "Narcotics of Cuban origin—marijuana, cocaine, opium, and heroin—are now peddled in big cities and tiny hamlets throughout [the U.S.]. Several Cubans arrested by the Los Angeles police have boasted they are Communists." (1965)

a) Fulgencio Batista, ex-dictator of Cuba b) Columnist and broadcaster Fulton Lewis, Jr. c) Desi Arnaz

13. Who wrote the pamphlet *Communism, Hypnotism and the Beatles*.

a) Vladimir Lenin b) John Lennon c) Rev. David A. Noebel, Christian Crusade

14. "When I give food to the poor, they call me a saint. When I ask why the poor have no food, they call me a communist."

a) Julia Child, gourmet cooking expert b) Dom Helder Câmara, Brazilian archbishop c) Donna Shalala, HHS Secretary

15. "Our fear that communism might someday take over most of the world blinds us to the fact that anti-communism already has."

a) Helen Keller b) Michael Parenti c) Eldridge Cleaver

16. In 1966, after the Attorney General designated the W.E.B. DuBois Clubs a Communist-front organization, the Boys Club of America was showered with abuse by people who confused the two names. What Boys Club national chair saw through the whole plot? The DuBois Clubs, he announced, "are not unaware of the confusion." He called it "an almost classic attempt of Communist deception and duplicity."

a) Lord Baden-Powell, Boy Scouts' founder b) Richard Nixon, not a crook c) Mickey Mantle, Yankee slugger

17. "What the United States is doing in Vietnam is the most significant example of philanthropy extended by one people to another that we have witnessed in our time."

a) John D. Rockefeller b) David Lawrence, editor, *U.S. News and World Report* c) Archbishop Fulton J. Sheen

18. "In all my years in the Army I was never taught that communists were human beings. We were there to kill ideology carried by—I don't know—pawns, blobs, pieces of flesh. I was there to destroy communism. We never conceived of old people, men, women, children, babies."

a) Lt. William Calley b) Pvt. Elvis Presley c) Gen. William Westmoreland



From Hoover-era FBI tour route display

19. "And as the battle rages we will continue as best we can to help the good people of South Vietnam enrich the condition of their life, to feed the hungry, and to tend the sick, and teach the young, and shelter the homeless, and help the farmer to increase his crops and the worker to find a job."

a) Pres. Lyndon Baines Johnson b) Pres. John F. Kennedy c) AFL-CIO president Lane Kirkland

20. "Look, if you think any American official is going to tell you the truth then you're stupid. Did you hear that? Stupid."

a) Assistant Secretary of Defense for Public Affairs, Arthur Sylvester b) Alfred E. Newman c) Walter Cronkite

21. Who, in arguing in 1960 in favor of a U.S. nuclear first strike against the USSR, said: "The whole idea is to *kill* the bastards! At the end of the war, if there are two Americans and one Russian, we win!" [The response from his civilian adversary was: "Well, you'd better make sure that they're a man and a woman."]

- a) Gen. Curtis LeMay b) Coach Knute Rockne c) General Thomas S. Power, Commander of the U.S. Strategic Air Command

22. In the wake of the 1962 Cuban Missile Crisis, which publication reminded us: "To equate U.S. and Russian bases is in effect to equate U.S. and Russian purposes. ...The U.S. bases, such as those in Turkey, have helped keep the peace since World War II, while the Russian bases in Cuba threatened to upset the peace. The Russian bases were intended to further conquest and domination, while U.S. bases were erected to preserve freedom. The difference should have been obvious to all."

- a) *Reader's Digest* b) *Time* c) *Mad Magazine*

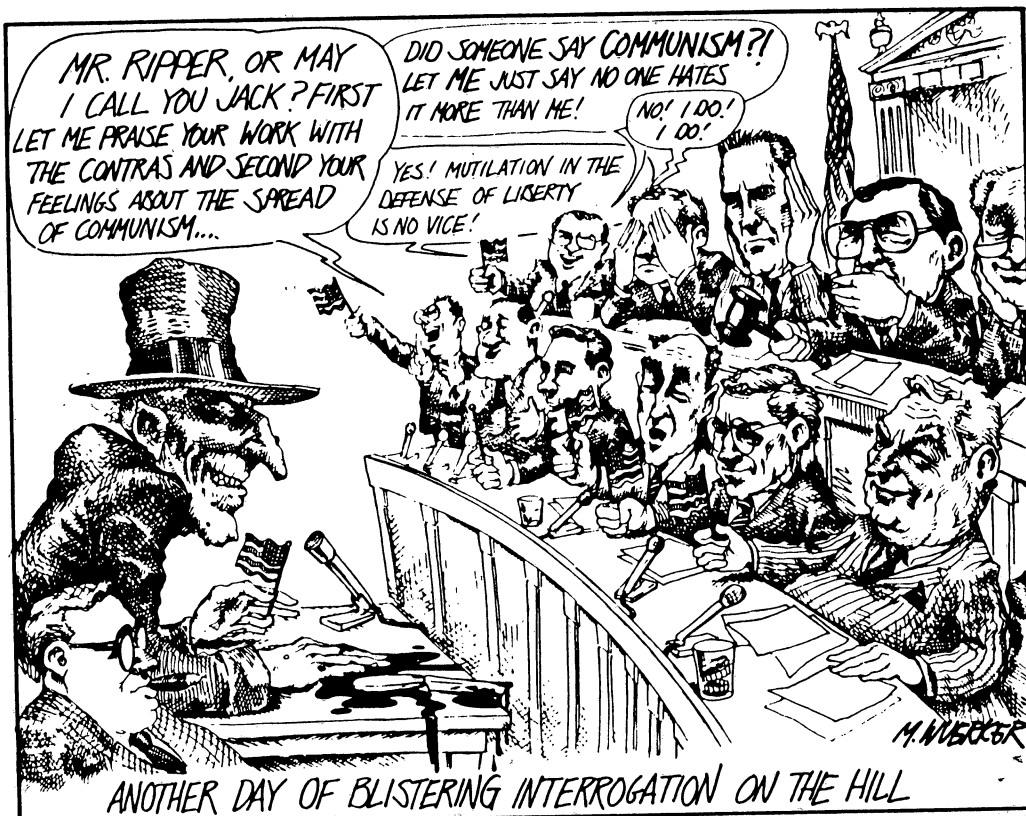
23. "The Soviet Union is dispatching a Russian Mafia to the U.S.—spies and criminals disguised as Jewish immigrants, who may stage terrorist acts at the 1984 Olympics."

- a) LAPD report b) Henry Kissinger c) Anti-Defamation League of the B'nai B'rith

24. Who boiled the Monroe Doctrine down to three simple precepts: 1) Other nations are not allowed to mess around with the internal affairs of nations in this hemisphere. 2) But we are. 3) Ha ha ha.

- a) John Kennedy, president b) Dave Barry, humorist c) Marilyn Monroe, movie star

25. Criticism of chlorofluorocarbons (CFCs) as a cause of ozone depletion is "orchestrated by the Ministry of Disinformation of the KGB."



- a) Earth First! founder Dave Foreman
b) Earth last advocate James Watt c) U.S. aerosol manufacturer.

26. "I have just been alerted that Soviet agents are now fanning out across America planting small hydrogen bombs in selected inland lakes. ...My friends, this would not have been possible had it not been for the destruction of the FBI beginning with the murder of J. Edgar Hoover. God help us all."

- a) Mark Lane, assassination aficionado
b) Peter Beter, former government attorney during the Kennedy administration c) Georgia Landau, owner, Capitol Hill lingerie store.

27. "We will bury you."

- a) No one b) Jack Kevorkian c) Nikita Khrushchev

28. "We will see you buried."

- a) Nikita Khrushchev b) Howard Carter c) Mother Teresa

29. The military must be unified—not divided by racism and sexism—because "the basic purpose of the U.S. Army is to kill Russians."

- a) Gen. Colin Powell b) Jesse Helms c) Gen. John Crosby

30. "My fellow Americans. I am pleased to tell you I have signed legislation to outlaw Russia, forever. We begin bombing in five minutes."

- a) Matt Dillon b) Ronald Reagan c) Bob Hope

31. "War to the hilt, between Communism and Capitalism, is inevitable. Today, of course, we are not strong enough to attack. Our time will come in about 20 or 30 years. To win we shall need the element of surprise. The bourgeoisie will have to be put to sleep. So we shall begin by launching the most spectacular peace movement on record. There will be electrifying overtures and unheard of concessions. The capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down, we shall smash them with our clenched fist!"

- a) Karl Marx b) Groucho Marx c) Disinformation unwittingly propagated by, among others, Eleanor Roosevelt



Harris & Ewing

Yet another blistering day on the Hill. Joseph McCarthy conducts subcommittee hearing. Members left to right: Roy M. Cohn, chief subcommittee counsel; McCarthy; Sen. Karl Mundt (R-S.D.); and Sen. John McClellan (D.-Ark.), 1954.

32. "The Road to America leads through Mexico."

- a) Ex-Canadian Prime Minister Pierre Trudeau
- b) President Reagan, warning of Soviet intentions in Central America, asking his audience to remember the words of Vladimir Lenin
- c) Author Jack Kerouac

33. "The Road to Mexico goes through America."

- a) Vladimir Lenin
- b) American Automobile Association
- c) Carlos Salinas de Gortari

34. "I am not a Communist and have not joined the Communist Party and was never asked to join the Communist Party."

- a) Friedrich Engels
- b) Billy Graham
- c) Boris Yeltsin

35. Which American, on his first trip to the Soviet Union recounted this reaction to hearing Foreign Minister Maxim Litvinov reminisce about growing up in a village nearby, about

the books he had read and his dreams as a small boy of being a librarian: "We suddenly realized, or at least I did, that these people we were dealing with were human beings like ourselves, that they had been born somewhere, that they had their childhood ambitions as we had."

- a) Bill Clinton
- b) Mr. Rogers
- c) George Kennan

- #1. Monte Peon, ed., *Strictly Personal and Confidential: The Letters Harry Truman Never Mailed* (1982), p. 31.
- #2. Foreign Affairs Committee, report on "the strategy and tactics of world communism," *New York Times*, March 1, 1948.
- #3. Albert E. Kahn, *High Treason* (New York: Lear Publishers, 1950), p. 328. Forrestal was subsequently confined to the care of psychiatrists at Bethesda Naval Hospital. On May 22, 1949, he plunged to his death from the 16th floor of the hospital.
- #4. From William Poundstone, *Prisoner's Dilemma*, book review in the *Los Angeles Times*, February 4, 1992.
- #5. *Army-Navy-Air Force Journal*, April 7, 1951.
- #7. *Congressional Record*, July 13, 1967.
- #8 U.S. Senate speech, June 14, 1951.
- #9 Dorothy Kahn, "Abe Goff, Our Chief Censor," *Reporter*, (magazine), May 19, 1955.
- #11. *Los Angeles Daily News*, January 28, 1953.
- #12. From his column January 21, 1965, cited in Morris Kominsky, *The Hoaxers* (Boston: Branden Press, 1970), p. 380.
- #15. Michael Parenti, *The Anti-Communist Impulse* (New York: Random House, 1969), p. 4.
- #16. *New York Times*, March 13, 1966, IV, p. 6.
- #17. *U.S. News & World Report*, February 21, 1966.
- #18. He was charged with overseeing the massacre of more

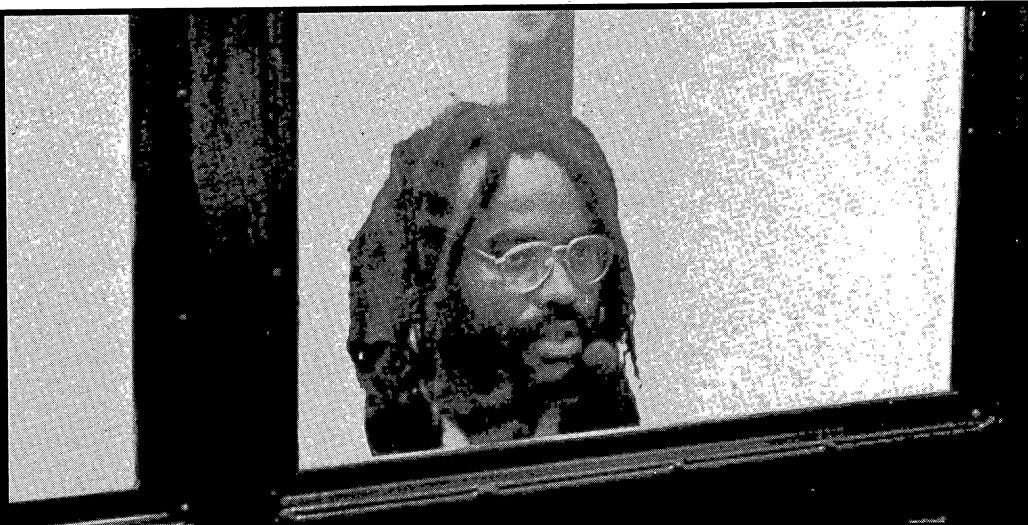
36. "What many cold-war theoreticians fail to do is distinguish between *prediction*, on the one hand, and *intent* and *action*, on the other; thus, classic Marxist-Leninist *predictions* [about world revolution] are treated as statements of *intent* directing all present-day communist *actions*."

- a) Michael Parenti
- b) Nostradamus
- c) Herbert Marcuse

- than 100 Vietnamese civilians in My Lai, 1968.
- #19. *New York Times*, July 29, 1965.
- #20. Speaking to U.S. Correspondents, Saigon, July 1965. *Congressional Record*, May 12, 1966, p. 9978.
- #21. Fred Kaplan, *The Wizards of Armageddon* (New York: Touchstone, 1983), p. 246.
- #22. *Time*, November 2, 1962.
- #23. *San Francisco Chronicle*, January 23, 1982.
- #25. *Los Angeles Times*, July 14, 1988.
- #26. *San Francisco Chronicle*, October 26, 1977.
- #29. *San Francisco Chronicle*, June 7, 1982.
- #30. *The Standard* (London), August 13, 1984.
- #31. From a lecture allegedly given in 1930 by Dimitri Manuilsky, prominent Soviet intellectual and apparatchik. The statement, entirely a figment of U.S. anti-communist imagination, gained wide currency in the U.S. for decades beginning in the early 1950s to counter Soviet peace overtures. For a full account of the history of this myth, see Kominsky, *op. cit.*, Chapter VII.
- #32. *Los Angeles Times*, May 6, 1987, p. 5.
- #33. *Ibid.*
- #36. Michael Parenti, *op. cit.*, p. 35.

(Answers on page 65)

Prisons: Where The *First* Comes Last



"I hold it that a little rebellion, now and then, is a good thing, and as necessary in the political world as storms in the physical." —Thomas Jefferson¹

Mumia Abu-Jamal

Once prison gates slam shut, those alleged "rights" Americans boast of all around the world evaporate. Inside, every fundamental constitutional right can be restricted. By violating the First Amendment and censoring written words, prison administrators attempt to stifle all natural human impulses to freedom within caged breasts.

Not content with cells caging flesh, the state grants itself the machinery to erect bars around the mind. In *Thornburgh v. Abbott*,² the U.S. Supreme Court upheld the right of prison officials to censor any reading material they determined was a threat to "security." Indeed, even before *Abbott*, at least one state was enforcing a directive restrictive enough to censor the "dangerous" words written above by the man who would become the nation's third president to the man who would become the fourth.

Pennsylvania's prison regulation governing publications allows censorship of any:

Writings which advocate violence, insurrection, or guerrilla warfare against the government or any of its institu-

Mumia Abu-Jamal writes from Pennsylvania's Death Row where he is appealing his conviction in the shooting death of a policeman. His counsel has raised numerous constitutional challenges to the conviction and sentencing, including peremptory exclusions of black potential jurors, the use of political views and past affiliation with the Black Panther Party, and prosecutorial assurances to the jury that they weren't being "asked to kill anybody" and Abu-Jamal would have "appeal after appeal after appeal." Abu-Jamal has written widely on legal, political, and social issues for publications including *The Nation* and the *Yale Law Review*. Defense Committee: c/o Quixote Cntr. PO Box 5206, Hyattsville, MD 20782. Photo: Mumia Abu-Jamal on Death Row, Jennifer Beach, 1993.

1. Letter to James Madison, January 30, 1787, *The Writings of Thomas Jefferson* (Washington, D.C.: Thomas Jefferson Memorial Association, 1903), Vol. VI, p. 63.
2. 109 S. Ct. 1874 (1989). This case overruled portions of the previously governing case, *Procunier v. Martinez* (416 U.S. 396 (1974)), a more liberal standard which protected the free press rights of both the reader and the sender of publications.

tions or which create a clear and present danger within the context of the correctional system.³

This rule has been used repeatedly to censor and bar radical and/or revolutionary publications, such as *Revolutionary Worker* (Revolutionary Communist Party, U.S.A.) and *Burning Spear* (African People's Socialist Party).

At the same time, I have seen such radical white supremacist publications as the English translation of *Der Sturmer*, published originally by Nazi publisher Julius Streicher, *NAAWP News* (published by David Duke, ex-director, National Association for Advancement of White People), the neo-Nazi *Spotlight* (Liberty Lobby), and similar publications promoting a profoundly anti-black, anti-Jewish, pro-Hitler message.

"Why Revolution," an article from the white supremacist *National Vanguard/Attack*, which was allowed into prison, declared that:

We do not need to reason with the monster; we need to put a bullet into its brain and hammer a stake through its heart. If that means blood and chaos and battling the alien enemy from house to house in burning cities throughout our land—then by god, it is better that we get on with it now than later.⁴

That same magazine later published an article "...intended solely to arm the patriot with detailed information on urban guerrilla warfare and material." It detailed information on the acquisition and use of weapons:

"The advantage of being able to scavenge ammunition from government forces is substantial. The .30-06 is widely

3. Administrative Regulation 814 Sect. IV A.3.

4. "Why Revolution," *National Vanguard/Attack*, #6, 1971.

used by National Guard and other military units in the U.S. who are still equipped to a large extent with the M1 Garand."⁵

Apparently, such material, directed at white supremacists, neither advocates "violence, insurrection" nor "guerrilla warfare" against the government, nor poses a "clear and present danger" to institutional security sufficient to justify censorship.

The Selective Censors

Since October 1987, however, *Revolutionary Worker* has often been subjected to censorship because, officials claim, the RCP's "three main points" describing its aims constitute an incitement to violence and prison insurrection.

According to Huntingdon, Pennsylvania prison censor Stephen Polte, the November 28, 1988 issue of *RW*, however, was censored for more specific reasons. An ad for a concert sponsored by the group Refuse and Resist, showed a poster drawn by the internationally acclaimed artist, Keith Haring.

In a deposition taken for *Jamal v. Owens, et al.*,⁶ Polte was asked why he "disapproved of the ad." "The power sign," he answered, "with the, it looks like a handcuff on it, the word resist. It goes on to say, 'Resist in Concert,' which was probably a rock show of some sort, and it goes on to explain that we will refuse and resist, which could be interpreted as fermenting [*sic*] a resistance in the prison."⁷

A recurring feature in the *Burning Spear's* 14-point program also proved objectionable to state censors:

Because of the antagonistic and irreversible contradictions African people have with the U.S. imperialism within current U.S. borders, and because of the great size of our population, having resisted all forms of genocide, the U.S.-based African struggle to destroy colonialism, led by conscious Black revolutionary parties such as the African People's Socialist Party, will constitute the critical blow in the struggle for socialism within current U.S. borders.⁸

A deposition revealed the censors' reasoning in banning this paragraph:

Q: Before we go on to another paragraph...it is your opinion, that paragraph, particularly the words "will constitute the critical blow," advocates the violent overthrow of the government?

A: Yes, it does.

Q: Why is that?

A: The terminology "will constitute the critical blow," it's.... the use of the word "blow," means an assaultive act.⁹

In a related context, the prison censor found one word particularly objectionable:

Q: ...are there others that you would consider objectionable with the administrative directive?

A: The last point, point 14, "We believe that the total liberation and the unification of Africa with an all-African socialist

government must be the primary objective of all black revolutionaries throughout the world." That would be it.

Q: In particular about that sentence, what is it about that sentence which you feel advocates the overthrow of the government?

A: Well the term "revolutionary," that would be a, revolutionary would have to bring about the change; in the context of a liberation army and in the context of the previous page...it appears to be a call to arms.¹⁰

Why, in a nation that claims revolutionary origins, would the term "revolutionary" (tantamount to a "call to arms") evoke such alarm?

Is Point 14 objectionable because a disproportionate percentage of American (and Pennsylvania) prisoners are African-American?

I doubt that the censors would have reacted similarly if the same paragraph had been about the Irish, or Palestinians, or Israelis. Would the following statement, for example, have been excluded?: "We believe that the total liberation and the unification of Kurdistan with an all-Kurd socialist government must be the primary objective of all Kurdish revolutionaries throughout the world."

Administrative directive (AD) 814, in practice then, specifically targets and excludes material that supports black liberation and often exempts incendiary material advocating violent white supremacist programs.

If AD 814 were applied across the board, the state would censor its own most revered presidents:

"What country before ever existed a century & a half without a revolution?...The tree of liberty must be refreshed from time to time with the blood of patriots & tyrants. It is its natural manure."¹¹

"If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might, from a moral point of view, justify revolution—certainly would, if such a right were a vital one."¹²

"This country, with its institutions, belongs to the people who inhabit it. Whenever they grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it."¹³

In the context of prison censorship cases, perhaps nothing is too absurd. When AD 814 was appealed in *Jamal v. Owens, et al.*, the court found it constitutional.

Were that ruling to be justly applied, not only in Pennsylvania prisons but throughout the country, even the writings of presidents could be censored.

Who can dare speak of freedom of the press? ●

5. "Revolutionary Notes 7," *Ibid.*, #12, 1972.

6. Civ. Act. #88.1947 (Judgment for defendants, M.D. Pa 1990) Affirmed, 3d Circuit Court of Appeals, #90.5285 (1990).

7. From Brief for Appellant, 3d Circuit, cited in footnote 5, p. 27.

8. Appellant's Brief, p. 29.

9. *Ibid.* Mumia's counsel, John M. Humphrey is asking the questions; Pennsylvania prison censor, Steven Polte is answering.

10. *Ibid.*

11. Letter to William Stephen Smith, in Paul Leicesterford, ed., *The Works of Thomas Jefferson* (New York: G.P. Putnam's Press, 1895), Vol. VI, p. 362.

12. Abraham Lincoln, First Inaugural Address, March 4, 1861.

13. *Ibid.*

IMF/World Bank:

Devastation By Design

Walden Bello, Shea Cunningham, and Bill Rau

"Nothing succeeds like failure, and failure's no success at all." —Bob Dylan

Collapse and Celebration

While the global South is suffering economic collapse, the International Monetary Fund (IMF) and World Bank are celebrating their 50th anniversary. The more than 70 Third World nations they subjected to 566 stabilization and structural adjustment programs in the last 14 years,¹ however, are not rejoicing.

In the early 1980s, these countries had been told that IMF and World Bank-imposed "structural adjustment" programs were essential to sustained growth and economic stability. Faced with a cutoff of external funds needed to service the mounting debts from the western private banks' lending binge in the 1970s, they had no choice but to implement the "reforms."

The results have been spectacular—spectacular success or spectacular failure depending on perspective. For the creditors, the policy is a triumph, effecting an astounding \$178 billion net transfer of financial

resources from the Third World to the commercial banks between 1984 and 1990.² So massive was the decapitalization of the South that a former executive director of the World Bank exclaimed: "Not since the conquistadors plundered Latin America has the world experienced a flow in the direction we see today."³

In the South, however, most countries are still waiting for the market—as Ronald Reagan put it—to work its magic. In fact, structural adjustment has failed—miserably—in accomplishing what the World Bank and IMF technocrats said it would. Instead it has worked to the detriment of its intended beneficiaries and the benefit of its intended benefactors.

Institutionalizing Economic Stagnation

When IMF economist Mohsin Khan compared countries that underwent adjustment with countries that did not, he reached an uncomfortable conclusion: "[T]he growth rate is significantly reduced in program countries relative to the change in non-program countries."⁴ Massachusetts Institute of Technology Professor Rudiger Dornbusch concurred: "[E]ven with major adjustment efforts in place,

Walden Bello is principal analyst and former executive director of the Institute for Food and Development Policy (Food First); Shea Cunningham is a research associate; Bill Rau, an expert on Africa, is on the board of directors of the Africa Policy Information Center. This article, written especially for *CovertAction Quarterly*, is based on the authors' soon-to-be published book, *Dark Victory: The U.S., Structural Adjustment, and Global Poverty*, which can be obtained from Food First, 398 60th St., Oakland, CA 94618; telephone 415-654-4400; fax 415-654-4551. \$12.95, plus \$3.50 mailing. Photo: IMF, Washington, D.C. 1. International Monetary Fund, *Annual Report*, 1980-1991; and World Bank, *Third Report on Structural Adjustment Lending* (Washington, D.C.: World Bank, 1992).



2. Calculated from figures in *World Bank Debt Tables, 1991-92* (Washington, D.C.: World Bank, 1991), Vol. 1, p. 122.
3. Morris Miller, *Debt and the Environment: Convergent Crises* (New York: United Nations, 1991), p. 64.
4. Mohsin Khan, "The Macroeconomic Effects of Fund-Supported Adjustment Programs," *International Monetary Fund Staff Papers*, Vol. 37, No. 2 (June 1990), p. 215.

countries do not fall back on their feet running; they fall into a hole.”⁵ Rather than entering the virtuous circle of growth, rising employment, and increased investment promised in the World Bank theory, economies under adjustment have become trapped in a vicious cycle of stagnation and decline.

Guaranteeing Debt Repayments

The IMF/World Bank money that did flow South tended not to stay around too long. One of the main functions of structural adjustment loans was to help southern nations meet the pressing interest payments they owed northern commercial banks. The Bank and the Fund then applied draconian adjustment policies to assure a steady supply of repayments in the medium and long term.⁶

Not surprisingly, instead of alleviating the Third World debt crisis, structural adjustments worsened it—from \$785 billion at the beginning of the debt crisis to \$1.3 trillion in 1992. Thirty-six of sub-Saharan Africa’s 47 countries have been subjected to structural adjustment by the Fund and the Bank, yet the total external debt of the continent is now *bigger* than its total production.⁷

Intensifying Poverty

If structural adjustment has brought neither growth nor debt relief, it has certainly intensified poverty. In Latin America, according to Inter-American Development Bank president Enrique Iglesias, adjustment programs “largely cancel[ed] out the progress of the 1960s and 1970s.”⁸ The number of people living in poverty rose from 130 million in 1980 to 180 million at the beginning of the 1990s. Structural adjustment also worsened what was already a very skewed distribution of income; today the top 20 percent of the continent’s population earns 20 times that earned by the poorest 20 percent.⁹

Adjustment is a key link in the chain of man-made disaster that has marked off Africa. Civil war, drought, and steep decline in the international price of the region’s agricultural and raw material exports have all been exacerbated by Bank and Fund policies. Now 200 million of the region’s 690 million people stand below the poverty line. If even the least pessimistic projection by the World Bank itself is accurate, by the year 2000, that number will rise by 50 per cent to 300 million.¹⁰



Terry Allen

“We did not think that the human costs of these programs could be so great, and the economic gains so slow in coming.”

So devastated is Africa that economist Lester Thurow commented, with cynical humor tinged by racism: “If God gave [Africa] to you and made you its economic dictator, the only smart move would be to give it back to him.”¹¹ And so evident is the role of structural adjustment programs in the creation of this blighted landscape that the World Bank chief economist for Africa has admitted: “We did not think that the human costs of these programs could be so great, and the economic gains so slow in coming.”¹²

Adjusting the Environment

IMF and Bank-supported adjustment policies have been among the major contributors to environmental destruction in the Third World. By pushing countries to increase foreign exchange to service their foreign debt, these programs have forced them to superexploit their exportable resources. Ghana, the Fund’s and the Bank’s “star pupil” more than doubled timber production between

5. Rudiger Dornbusch, quoted in Jacques Polak, “The Changing Nature of IMF Conditionality,” *Essays in International Finance*, Princeton University, No. 184 (September 1991), p. 47.

6. The policies promoted a shift to export production in order to ensure the continued supply of foreign exchange.

7. World Bank, *World Debt Tables*, op. cit., pp. 120, 124.

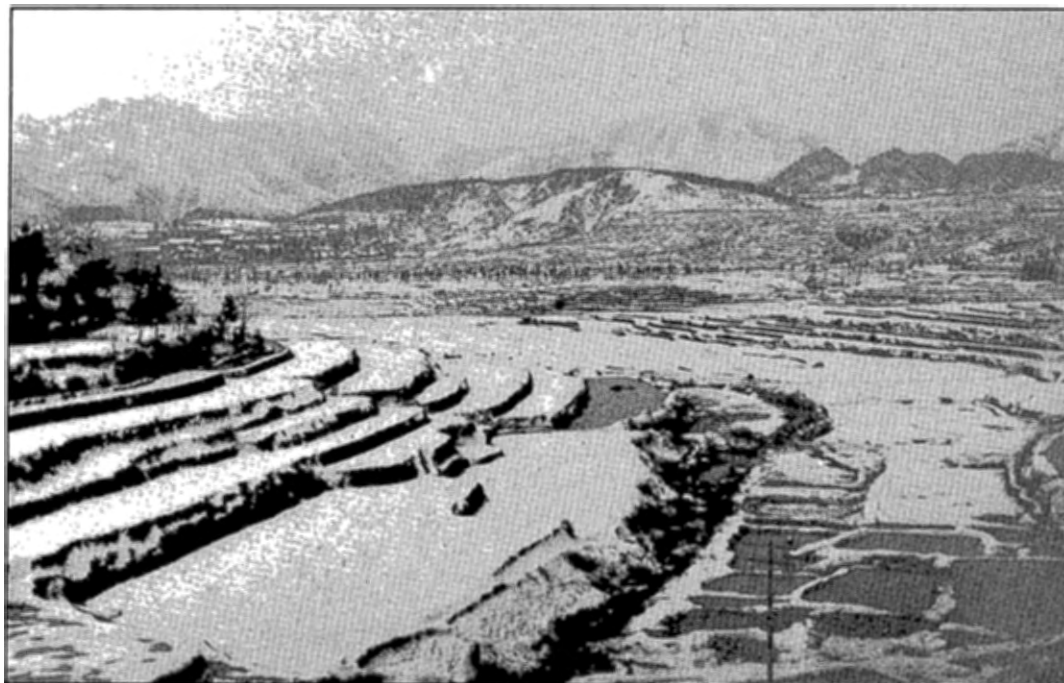
8. Enrique Iglesias, *Reflections on Economic Development: Toward a New Latin American Consensus* (Washington, D.C.: Inter-American Development Bank, 1992), p. 103.

9. Stephen Fidler, “Trouble With the Neighbors,” *Financial Times* (London), February 16, 1993, p. 15.

10. World Bank, *Global Economic Prospects and the Developing Countries* (Washington, D.C.: World Bank, 1993), p. 66.

11. Lester Thurow, *Head to Head: The Coming Struggle Among Japan, Europe, and the United States* (New York: William Morrow, 1992), p. 216.

12. Quoted in Miller, op. cit., p. 70.



Terry Allen

Since 1981, China received 131 World Bank loans totaling almost \$17 billion. Bank agricultural policies, according to the Environmental Defense Fund, "further marginalize rural poor and indigenous people as well as degrade or destroy the environment on which they depend."

1984 and 1987, further reducing forest cover to 25 per cent of its original size.¹³ Soon, the country is expected to go from being a net exporter to a net importer of wood.¹⁴ Indeed, economist Fantu Cheru predicts that by the year 2000, Ghana could well be stripped of trees.¹⁵

Impoverishment, the World Bank claims, is a prime cause of Third World environmental degradation. "Land-hungry farmers," it reports, "resort to cultivating erosion-prone hillsides and moving into tropical forest areas where crop yields on cleared fields usually drop after just a few years."¹⁶ What the Bank fails to acknowledge is that its structural adjustment programs are a prime cause of that impoverishment, and thus a central cause of ecological degradation. In the Philippines, for instance, a World Resources Institute study documents how the sharp economic contraction, triggered by Bank-imposed adjustment in the 1980s, forced poor rural people to move into and superexploit open-access forests, watershed, and artisanal fisheries.¹⁷

The Success of Failure

Given the obviously disastrous consequences of 14 years of structural adjustments, two parallel questions arise. First, why

erful North and eagerly sold their people's birthright for a mess of IMF/World Bank pottage.

The other obvious question is: Why, if structural adjustment programs have had such poor results, do the World Bank and the IMF continue to impose them on much of the South?

This question is valid only if one accepts the premise that Bank and Fund policies are *intended* to assist the development of Third World economies. Then, 15 years of remarkably consistent failure seem to arise from such factors as bad conceptualization and poor implementation. If, however, one assumes that the policies were maintained and recycled, not out of stubborn stupidity, but because they worked, one must ask how they worked and for whom. It is becoming increasingly clear that, whatever the subjective intentions of the technocrats tasked to implement them, structural adjustment programs were never meant to succeed in making the South a player within the world economy.

Instead, they have functioned, quite well, as key instruments to roll back the gains that the South made from the 1950s to the late 1970s. These decades were marked by high rates of economic growth in parts of the Third World as well as triumphant national liberation struggles. Perhaps even more antagonistic to northern interests, was a growing Third World movement to demand a "New International Economic Order" (NIEO) and to produce a more equitable distribution

13. Development GAP, *The Other Side of Adjustment: The Real Impact of the World Bank and IMF Structural Adjustment Programs* (Washington, D.C., 1993), p. 25.

14. Hillary French, "Reconciling Trade and the Environment," in *State of the World* (New York: Norton, 1993), p. 161.

15. Fantu Cheru, "Structural Adjustments, Primary Resource Trade, and Sustainable Development in Sub-Saharan Africa," *World Development*, Vol. 20, No. 4 (1992), p. 507.

16. World Bank, *World Development Report 1992: Development and the Environment* (Washington, D.C.: World Bank, 1992), p. 30.

17. Wilfredo Cruz and Robert Repetto, *The Environmental Effects of Stabilization and*

Structural Adjustment (Washington, D.C.: World Resources Institute, 1992), p. 48.
18. John Sheahan, "Development Dichotomies and Economic Strategy," in Simon Teitel, ed., *Towards a New Development Strategy for Latin America* (Washington, D.C.: Inter-American Development Bank, 1992), p. 33.

IMF/World Bank: The Contradictions

The Policy

- Cutbacks in government expenditures, especially in social spending
- Rollback or containment of wages
- Privatization of state enterprises and deregulation of the economy
- Elimination or reduction of protection for domestic market and fewer restrictions on foreign investors
- Devaluation of the currency
- Elimination of subsidies to the poor

The Stated Goals

- Promoting growth
- Stabilizing external accounts
- Reducing poverty.
- Increasing employment
- Increasing investment

The Results

- Low investment
- Increased unemployment
- Reduced social spending
- Reduced consumption
- Low output
- Cycle of stagnation, decline

of global economic power and wealth. This sense of a rising threat from the South was underlined by the U.S. defeat in Vietnam, the OPEC oil embargoes of 1973 and 1979, restrictions on multinationals' operations in Mexico and Brazil, the inability of the U.S. to completely dominate the UN, and the Iran hostage crisis.

Pulling the Plug on the Activist State

Central to the nominal economic achievements of the South was an activist state or public sector. In some countries, the state sector was the engine of the development process. In others, state support was critical to the success of domestic businesses wishing to compete against foreign capital. It was not surprising, therefore, that when Reaganites came to power, their clear agenda was to discipline the insubordinate Third World; their central mission was the radical reduction of the economic role of the Third World state; and their principal tool was the World Bank and the IMF structural adjustment programs.

As a former U.S. Congress staff expert on debt asserts, under the "Baker Plan" put forward in 1985, access to World Bank and IMF money that Third World countries needed to service their debt was predicated on their adopting "economic policies along Reaganomic lines—privatization of state enterprises, an end to subsidies, opening the economies to foreign investment."¹⁹

By the end of the 12-year Reagan-Bush era in 1993, the South had been transformed: From Argentina to Ghana, state participation in the economy had been drastically curtailed; government enterprises were passing into private hands in the name of efficiency; protectionist barriers to northern

imports were being eliminated wholesale; restrictions on foreign investment were radically reduced; and, through export-first policies, the internal economy was more tightly integrated into the capitalist world market.

At an international level, the erosion of Third World economies translated into the weakening of the formations which the South had traditionally used to attain its collective goal of bringing about a change in the global power equation: the Non-Aligned Movement, the United Nations Conference on Trade and Development (UNCTAD), and the Group of 77. The decomposition of the Third World was felt at the United Nations, where the U.S. was emboldened once again to use

that body to front the North's interests, including providing legitimacy for the U.S.-led invasion of Iraq in 1991 and the intervention in Somalia in 1992.

Rollback's Success

At the time of independence in the 1950s and 1960s, the peoples of the South—the 80 percent of the world's population that colonialism had long

treated as second or third-class world citizens—were optimistic that the future belonged to them. By the 1990s, the illusions were dead. As the Bretton Woods twins celebrate their 50th birthday in 1994, nothing better illustrates their devastating effectiveness as the guardians of the U.S.-dominated capitalist *status quo* than the South Commission's warning to the Third World: "It may not be an exaggeration to say that the establishment of a system of international economic relations in which the South's second-class status would be institutionalized is an immediate danger."²⁰

Whatever the subjective intentions of the technocrats tasked to implement them, structural adjustment programs were never meant to succeed in making the South a player within the world economy.

19. Karin Lissakers, *Banks, Borrowers, and the Establishment: A Revisionist Account of the International Debt Crisis* (New York: Basic Books, 1991), pp. 228-29.

20. South Commission, *The Challenge to the South* (New York: Oxford University Press, 1990), pp. 72-73.

The UN, the CIA, and Evergreen Air

Ian Williams

In early summer 1993, the United Nations became the site of a procurement dispute that provides a glimpse of the power relations between the world body and its most influential member (and largest debtor), the U.S. The dispute also illustrates the extent of political influence wielded by remnants of the CIA's network of proprietary airlines and the Agency's allies in the "national security" community.

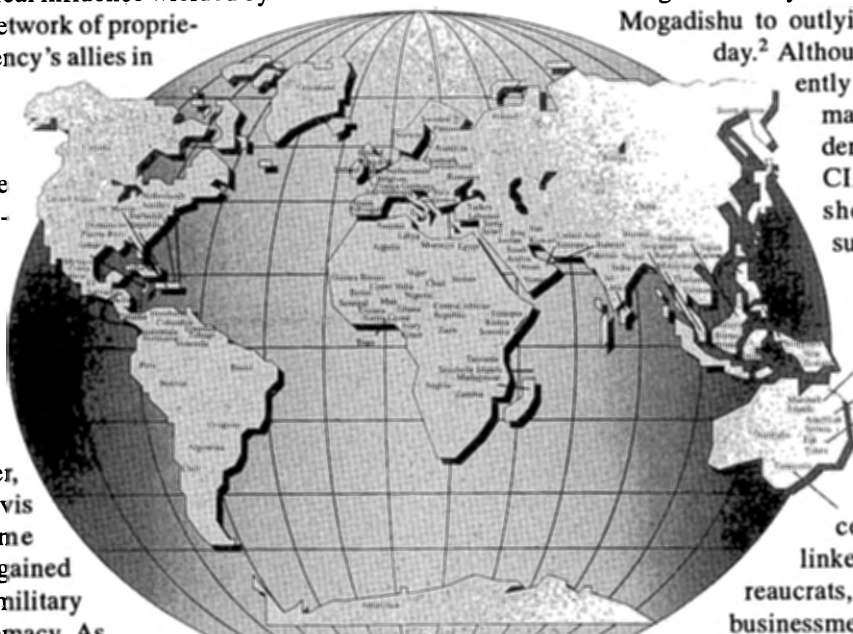
The relationship between the U.S. and the UN has been antagonistic, if not downright hostile, since the '60s when non-aligned nations began asserting their independence from Western domination. With the end of the Cold War, however, the UN's position vis-à-vis the U.S. has become weaker as the U.S. has gained unrivaled political and military (if not economic) supremacy. As a consequence, U.S. policy-makers have tried to treat the organization as just another branch of the national foreign policy apparatus, throwing it a few scraps in the form of back payments when it is properly obeisant and castigating it into submission when it threatens to behave as an independent international forum.¹

Always ready to seize an opportunity, or manufacture one, the CIA is looking to the UN. Recently, air transport companies with long-standing CIA connections have turned up as

contractors for UN peacekeeping missions. Southern Air Transport, which cut its aeronautic teeth in the "secret war" in Southeast Asia, for example, has procured lucrative supply contracts for UNISOM, the UN peacekeeping force in Somalia, including one to fly Israeli mineral water from Mogadishu to outlying towns at \$30,000 a day.² Although Southern Air apparently won the contract legiti-

mately as the lowest bidder, other members of the CIA's air network have shown less concern for such niceties of procurement policy. Evergreen Helicopters, in particular, is embroiled in a scandal complete with an all too familiar cast of

right-wing politicians, covert operators, CIA-linked companies, craven bureaucrats, and sleazy international businessmen.



Ian Williams is UN correspondent for the *New York Observer*. A former speech writer for British Labor Party leader Neil Kinnock, he has written for the *Independent*, the *Telegraph*, the *Guardian* (all in London), *The Nation*, and many other publications around the world. Map of Evergreen Bases of Operations, Evergreen Annual Report, 1992.

1. Conservative foes of the organization, seeing opportunity in a UN held in financial and political thrall to the U.S., have taken advantage of situations in which pragmatic concerns, especially financial ones, outweigh ideology. For example, a longtime Heritage Foundation associate, Pedro Sanjuan, tried to set up an Institute for East-West Dynamics, enlisting John Bolton, Bush's Assistant Secretary of State for International Organizations. Bolton put pressure on the UN Development Program to make funds available. Although the organizers had originally sought money from the U.S. government, going to the UN had the double advantage of avoiding scrutiny from the Democratic Congress, while allowing Bolton to implicitly threaten to hold up payments due the financially strapped world body. (Ian Williams, "Why The Right Loves the UN," *The Nation*, April 13, 1992.)

Flying Evergreen's Friendly Skies

Evergreen Helicopters' record reveals more spooks than a haunted house. It is a subsidiary of Evergreen International Aviation, whose corporate headquarters is at McMinnville, Oregon, while its operational headquarters is an Arizona airfield built and paid for by the CIA in the 1970s. A 1979 General Accounting Office report on the field's sale to Evergreen International remains classified but published reports indicate that the company paid \$3 million for the lease, and had at least 12 planes and helicopters and a computerized inventory of spare parts, ground equipment, etc.³ At the same time, Evergreen International bought Intermountain Aviation, which was openly owned by the CIA and had specialized in clandestine drops inside Cuba.⁴

The company's ties to the CIA are not only institutional, but also personal. The revolving door between the CIA and

2. Mark Fineman, "UN Water Funds go down Drain in Somalia," *Los Angeles Times*, September 27, 1993.

3. James Long and Lauren Cowen, "Missions: The Evergreen Story," *The Oregonian*, August 14, 1988.

4. "In Arizona: A Spymaster Remembered," *Time*, April 7, 1986, pp. 12-13.

its subsidiaries sometimes spins so fast that roles are blurred and the players end up in the same back room. In 1976, George A. Doole, who had managed the entire CIA proprietary fleet until his "retirement" five years earlier, became a director of Evergreen, a post he held until his death in 1985.⁵ As the 1976 Church Committee report said of the former CIA air fleet: "Even though formal and informal agency ties are discontinued, social and interpersonal relationships remain. The impact of such liaisons is difficult to assess." Maybe so, but apparently not impossible. The committee concluded that in some cases, "the transfer of the entity was conditioned as an agreement that the proprietary would continue to provide goods and services to the CIA."⁶

Indeed, Evergreen has shown up at the scene of nearly every U.S. policy crisis for the last quarter century. Ironically for a company now seeking UN peacekeeping business in Indochina, Evergreen flew the last helicopters out of Vietnam in 1975. During the 1980 hostage crisis, when it would have been impolitic for the U.S. government itself to do so, Evergreen flew the Shah of Iran from Panama to Cairo for medical treatment.⁷ In 1984, the company flew weapons to the Contras in Honduras,⁸ and beginning in 1987, the company transported Peruvian troops in anti-drug operations.⁹ In El Salvador, during the civil war, it had contracts with the *junta* and then with Duarte to fly workers in armed air convoys to repair power lines sabotaged by the rebels.¹⁰ The company has also openly admitted that it flew a classified mission for the U.S. during the 1989 Panama invasion.¹¹

While insisting that UN contracts should be up for open bidding, Evergreen was a favorite contractor for "out of channel" trips arranged in haste and sometimes in secret. In

1982, for example, the U.S. Air Force turned to Evergreen to deliver 45 tons of anti-tank ammunition to the Somali government of U.S. ally Siad Barre.¹²

In the past, Evergreen, like other CIA carriers, has won legitimate private business contracts. For example, it has ferried auto parts for Detroit.¹³ But it also clearly has an inside track with U.S. government agencies and has shipped cargoes for the Department of Defense and the U.S. Postal Service.

But even those "legitimate" contracts have raised questions. Postal Service auditors complained that a 1987 contract with Evergreen allowed the company to use planes with the Postal Service logo to fly overseas on "humanitarian missions." The auditors also noted that the \$68 million contract had bloated to \$95 million. The contract had been awarded despite Evergreen's offer being the sixth lowest—\$31.4 million more than the lowest bidder—and even though the company had only 14 days in which to build a mail-handling hub.¹⁴ Under a DoD contract, a 727 ostensibly to be used for the Postal Service was also kept on standby for "special operations"—the emergency transport of U.S. Special Forces to hot-spots. This arrangement netted the company \$4 million a year.¹⁵

Of course, if Evergreen *does* maintain a CIA connection, UN contracts would be a very useful means of gathering intelligence and putting agents into nearly all the world's major trouble spots. It would also be equally advantageous for both the company and

the Company to use funding sources that would avoid the congressional scrutiny direct CIA contracts might attract.

And Evergreen *needs* the money — from whatever source. It raised \$125 million to pay off its more aggressive creditors last October. However, business has been slipping; recently it lost a bid for a billion dollar mail contract to Emery Worldwide Airlines. And last year, Evergreen lost a freight contract with Japan Airlines that accounted for a quarter of its 1992 revenues.¹⁶



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Evergreen President Delford M. Smith

5. James Long and Lauren Cowen, "Buyout From CIA Boosts Evergreen Helicopters," *The Oregonian*, August 15, 1988.

6. United States Senate, Select Committee to Study Governmental Operations With Respect to Intelligence Activities, "Final Report: Foreign and Military Intelligence," Book I, Report No. 94-755, 1976, p. 239.

7. Long and Cowen, "Missions...," *op. cit.*

8. *CBS Evening News*, July 7, 1984.

9. Peter Andreas, "U.S. Drug War in Peru," *The Nation*, August 13-20, 1988.

10. Contrato No. CEL-1344 entre Comision Ejecutiva Hidroelectrica del Rio Lempa, December 1, 1981, and Contrato No. CEL-1377 entre Comision Ejecutiva Hidroelectrica del Rio Lempa y Evergreen Helicopters Incorporated, January 31, 1983.

11. "We're Opportunists," *Forbes*, December 10, 1990.

12. Long and Cowen, "Missions...," *op. cit.*

13. Jerry Landauer, "CIA Has Flown Parts From Auto Makers to Assembly Plants," *Wall Street Journal*, February 16, 1979, pp. 1, 25.

14. Long and Cowen, "Missions...," *op. cit.*

15. *Ibid.*

16. Jeff Manning, *Portland Business Journal*, April 12, 1992; and Jeff Manning, "Evergreen International Hauling Huge Debt," *Portland Business Journal*, January 25, 1993.

Evergreen Goes After the Competition

The Evergreen affair first broke on July 9, 1993, when Evergreen issued charges against eight members of the UN procurement office, which buys goods and services for the peacekeeping operations. Evergreen alleged the UN employees had arranged to deprive the company of its fair share of contracts.¹⁷ The eight, including two Americans and two Canadians, were escorted from their offices and marched past UN security guards, who had instructions to memorize their faces and keep them out. Although not formally charged with anything, the eight were suspended.¹⁸

Evergreen pointed the finger at a Canadian competitor, SkyLink, accusing it of sabotaging the company's ability to comply with a UN contract in Cambodia. According to a \$7 million defamation suit subsequently filed in New Zealand by SkyLink, Evergreen contracted with Pacific Express, a New Zealand air-freight company, to deliver Evergreen's helicopters to Cambodia on May 23. Pacific Express failed to do so. Pacific Express then sent a May 24 fax to Evergreen blaming its failure to deliver the copters on "bribery and corruption" and "commercial sabotage" by "a company located in Canada."¹⁹

Pacific Express, which had subcontracted the actual piloting of the helicopters to yet another firm, ATLANT, claimed that the unnamed company paid ATLANT's pilots \$5,000 to refuse to fly the day before. According to SkyLink's defamation suit, Evergreen then repeated Pacific Express's allegation in a fax to the UN and identified the "company located in Canada" as SkyLink.

No Reputable Operator

A closer look at the companies involved in the allegations lends credence to SkyLink's denial of wrongdoing. ATLANT, the Russian/Ukrainian company whose pilots refused to fly the helicopters, denies Pacific Express's bribery complaint. ATLANT claims that it refused to fly Evergreen's helicopters because Pacific Express owed them over \$500,000 of which they had only been paid \$39,000—and 2 Volvos.²⁰

17. Julia Preston, "UN Aides Suspended in Probe," *Washington Post*, July 22, 1993.

18. Four months after the suspension, the UN finally acted. Despite the suspended officials' "exhaustive rebuttals" of the allegations, three were reprimanded, one was cleared of any wrongdoing, and four have been ordered to face administrative hearings on the charges. Julia Preston, "UN Aides Probed in Contracts," *Washington Post*, November 19, 1993, p. A46.

19. Fax from Pacific Express to Evergreen Helicopters dated May 24, 1993.

20. Interview with the author, September 1993.

ATLANT's credibility appears somewhat better than that of Pacific Express, which was set up by one Shimon Lahav, né Simon Spitz. In 1986, the Czech-born Spitz was convicted in Germany of embezzlement and remains on Bonn's consular wanted list. In 1989, the Israeli navy intercepted Lahav's boat as he tried to flee to Cyprus to escape his creditors. He moved to Switzerland where the courts in Ticino have suspended the assets of Metro Cargo, a separate company in which he was involved, because of claims by yet another Russian company that it was owed \$7 million.²¹ There are also allegations that Lahav's planes had been used for arms trading.²² Last year he turned up in New Zealand where he set up Pacific Express. A New Zealand court has since frozen the company's assets, citing the SkyLink suit and Pacific Express's unpaid debts to ATLANT.²³

In contrast, senior UN officials involved in the operations in Cambodia, Bosnia and Somalia all give high marks to SkyLink, which was founded by Walter Arabib, a Libyan Jew who emigrated to Canada by way of Italy.²⁴ UNPROFOR, the UN peacekeeping force in the Balkans, sent a memo to New York expressing concern that SkyLink might lose the contract. A senior official in Cambodia related only one complaint about Skylink: Its pilots had been wearing shorts.

UN sources said that Skylink had indeed won many contracts, and sometimes lost them—but then had to

be asked back because the lowest bidder was incapable of performing. The company uses low-cost Russian helicopters and pilots, both of which were tested in Afghanistan—good training for operating under fire, as many UN operations must.

Regardless of Skylink's good reputation, on June 8, Under Secretary General Melissa Wells, an American, wrote to SkyLink expressing her concern over *safety* and placed a moratorium on new contracts for the company.²⁵ She did not

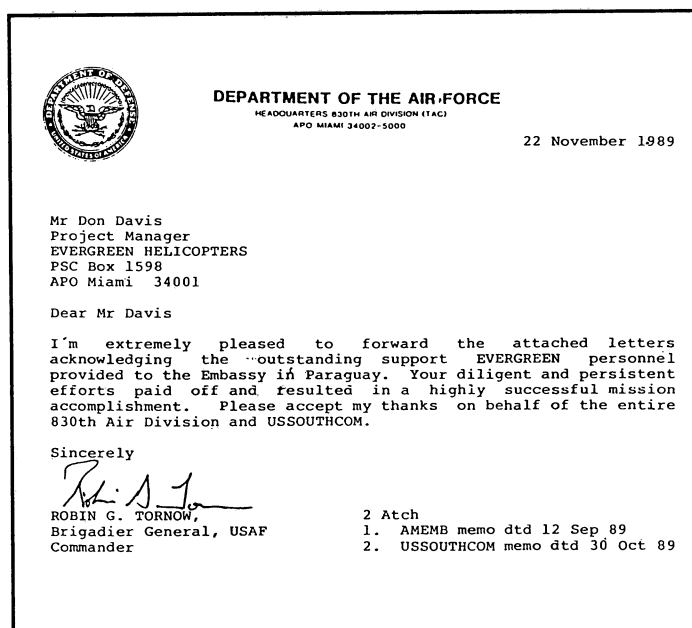
21. Paul Pankhurst, "The Take Off and Crash Landings of Simon Lahav," *The Auckland Independent* (New Zealand), July 30, 1993.

22. *Ibid.*

23. *Ibid.*

24. Interviews with the author, August and September 1993.

25. These charges have a certain irony. In January 1993, the U.S. sought \$243,000 in civil penalties against Evergreen for flying an allegedly unair-worthy 747 on 18 flights in 1990. The same month, a federal judge suspended the award of a smaller Postal Service contract to Evergreen because of its "dangerously low staffing levels," and because its low bid was based upon proposed wages which violate applicable U.S. Department of Labor wage laws. It later regained the contract in an out of court settlement. (*Indianapolis Business Journal*, February 1, 1993, cited in a confidential credit report on Evergreen.)



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mention the bribery allegations that precipitated the New Zealand case. Interestingly, the suspected "unsafe" company was asked to continue flying all its existing contracts. Soon, however, SkyLink discovered that its bills were not being paid. It wrote to the UN pointing out that if the \$20 million outstanding were not forthcoming, it would have to stop operations.

The United Nations blustered that this was a threat—but paid at the end of July. By then the eight procurement office employees had been suspended for two weeks. The UN broke the news of that and the Skylink "threat" simultaneously in an apparent attempt to justify its precipitate actions.

Challenging the UN's Assertions

The Canadian government supports SkyLink's contention that it was set up by its U.S. competitor. It also is deeply disturbed by the treatment of Canadians who were among the suspended UN staffers. Canada is among the few nations to have paid its dues in full — and indeed often in advance to help the UN because countries such as the U.S. are perennially in arrears. The Canadians also contribute troops to almost all UN peacekeeping forces — for which they are owed \$317 million — so one of their companies being muscled out by the UN's biggest debtor does not please them. Expressing her exasperation, then Prime Minister Kim Campbell told a press conference at the UN on September 28th that "[a]n unacceptable cloud" hangs over the suspended Canadian nationals. "I hope it will be resolved very soon," she concluded.²⁶

Colleagues of the eight suspended men also defend the judgement call that Evergreen would not be able to perform.²⁷ They were part of a department which was responsible for everything from toilet paper to tankers, from handkerchiefs to helicopters for the 14 UN peacekeeping operations and their 90,000 personnel. The budget they administer had increased 1,500 percent, while staff levels had barely risen. To keep the peacekeeping operations going, they worked 12 hours a day and weekends. The eight are understandably resentful about the shabby way they have been treated.²⁸

A senior peacekeeping official who requested confidentiality is convinced of the eight's innocence. "If there was [sic] the slightest proof that these people benefited personally," he said, "I'd be in favor of coming down heavily. But the problem is the antiquated system of decision making and the

pressures that mean everything has to be done yesterday. These are the people who tried to bridge the gap, who tried to get the job done. If they had gone by the book, every operation would have been in serious trouble."²⁹

Indeed, UN sources revealed that after repeated attempts to get temporary staff replacing the eight to sign documents which would implicate SkyLink, the only person prepared to substantiate any complaints was a UN employee of less than two months, Michael Timpani. UN sources suggest that Timpani's appointment was the result of intervention by high officials in the General Secretariat who needed someone to advance their agenda in the Evergreen affair.³⁰

With Friends Like These

Timpani's own résumé suggests that he is not particularly qualified for an organization officially dedicated to world peace. As one expert said when he read it, "This guy is bragging of being involved in every failed [covert] operation in the last ten years!"³¹

Timpani boasts of flying missions for the Contras, and of his work with GeoMilitech, the company which reportedly helped arm the Contras in violation of U.S. and international law.³² Indeed, GeoMilitech under Lt. Col. Oliver North's willing point man, John Singlaub, seemed to be trying to offer one-stop arms shopping to the CIA in its work around the world, from Afghanistan, Angola, Cambodia, Ethiopia, and Nicaragua, to the Philippines.³³

In a similar vein, Timpani's résumé also claims a consultancy with the World Anti-Communist League, and work with the military "Security Group" in the Philippines from 1986 to 1987 — just about the time that right-wing death squads there began to wander around with sophisticated American weaponry.³⁴ He also claims to have worked for the BETAC Corporation, which is tied so closely to the Pentagon and allied agencies that 92 percent of its employees have Top Secret clearance and 45 percent have even higher clearance.³⁵ Timpani only boasts a "Secret" classification. With a background like Timpani's, arguments favoring Evergreen should be taken with a grain of salt.

The U.S. Mission to the Rescue

So who was pulling the strings? First, the U.S. Mission intervened at least five separate times for Evergreen Helicopters, which incidentally donated \$85,000 in soft money to the Republicans in 1988.³⁶ Mission officials say they were merely acting to protect the interests of an American company. However,

26. Within days of taking office, the new Canadian Foreign Minister, Andre Ouellet, sent a letter to Boutros Boutros Ghali demanding action to allow SkyLink to bid on the next round of contracts. UN officials refused to reopen SkyLink's bids and, amazingly enough, all the lowest bids were from Evergreen. There has since been a storm of protest from other companies involved.

27. A U.S. military officer assigned to work with UN procurement stated in a confidential memo that he did not "notice any fraud and abuse or impropriety from any individuals involved in these cases," and cited a contested bid for which Evergreen itself admitted that it could not deliver the helicopters at the time and place specified. Confidential UN internal report.

28. Interestingly, UN procurement office head Per Sjogren, who signed many of the documents, received the posting he wanted to a similar position in Geneva, and no action was taken against the senior officials on the contracts committee who approve all deals. A colleague of the suspended men explained to the author that "Sjogren was in the unique hierarchical structure of the UN which leaves all decisions to the underlings. When something works, they take the credit. When it goes wrong, they wash their hands of it."

29. Interview with the author, September 1993.

30. Interviews with the author, September 1993.

31. Interview with the author, September 1993.

32. Adele Oltman and Dennis Bernstein, "Counterinsurgency in the Philippines," *CAIB*, Spring 1988, pp. 18-20.

33. Holly Sklar, *Washington's War on Nicaragua* (Boston: South End Press, 1988), pp. 235-36.

34. Oltman and Bernstein, *op. cit.*

35. Louis Wolf, "Refurbishing Special Operations for the 1990s," *CAIB*, Fall 1992, pp. 20-25.

36. Charles R. Babcock, "Big Donations A Campaign Staple," *Washington Post*, November 17, 1988.

given the unusual personal intervention of U.S. Ambassador Madeleine Albright, the official explanation of "business as usual" rings false. Albright wrote to one U.S. senator to assure him that an investigation into unfair allocation of contracts was under way. UN officials have also been vociferous in their verbal accusations against SkyLink.

Beside official U.S. and UN pressure on Evergreen's behalf, there is at least one member of the U.S. Mission who has unofficial contacts to anti-UN senators, such as Larry Pressler (R-S.D.) and Jesse Helms (R-N.C.), and who has been bypassing official channels and providing slanted material. Such leaks came to the ears of *Sixty Minutes*, which was investigating alleged waste and corruption at the UN. The threat of the investigation terrified senior UN officials, and Under Secretary General Wells issued a memo ordering staff to refuse to talk to the press.

Nonetheless, after three months of intensive investigation, not one substantiated complaint had been made against the eight suspended employees, or against the Canadian firm. Also, Skylink President Walter Arbib told CAQ on October 1 that there had not been a single direct accusation made to the company on this matter by the United Nations.

Dirty Doings at Turtle Bay

If there have been no direct accusations — let alone substantiated charges — why then has the UN hierarchy acted to suspend the eight staff members and place a moratorium on SkyLink? One explanation is that Secretary General Boutros Boutros Ghali's office panicked after it heard that the *Sixty Minutes* investigation was on to the Evergreen allegations, and that the U.S. Congress was threatening to withhold funds if U.S. corporations were not treated fairly.³⁷ Boutros Ghali set a compatriot, Mohamed Niazi, on the SkyLink trail as special auditor and ordered the immediate suspension of the eight to show that he was cleaning house.³⁸ Niazi is the official named by UN sources as the likely sponsor of the spook Timpani's appointment.

37. In June, the Senate Appropriations Committee attached an amendment to the current UN appropriations bill that would require the Secretary of State to certify that U.S. companies had received a fair chance at UN contracts before any of the \$835 million U.S. debt would be paid.

38. UN staffers suggest that Niazi wants the Inspector General's post which the U.S. is urging the UN to create. Washington would doubtless have a large say in the appointment, so catching UN staff members who deprived a U.S. company with influential friends of its rights would not be unhelpful for Niazi's career plans. The UN revealed that Niazi had recently earned over \$100,000 on special contracts while drawing his UN pension. Staff rules require retirees' pensions suspended if they return to work for the organization for more than six months. Fortunately, Niazi's previous two contracts were each for one day under six months. Now, however, he will indeed give up his pension since on August 24 he was appointed Assistant Secretary General for Inspections and Investigations.

At an August 25 UN press conference, CAQ asked Niazi why his report on the eight had inaccurately claimed that Evergreen had the bulk of the UN helicopter contracts before 1989. Abandoning his usual precision, he waffled: "It was just that Evergreen had a certain amount of work, and SkyLink had this amount of work, and subsequently Evergreen got this amount of work and SkyLink got that amount of work."

Insiders now estimate that the United Nations has overpaid around \$10 million for air contracts in the last few months because officials directly responsible to Boutros Ghali—namely Melissa Wells and Mohamed Niazi—determined to exclude SkyLink. In September, the UN promulgated a new policy. Rather than allowing brokers—who are usually quicker and cheaper—to bid for air transport contracts, it would limit contracts to owner-operator companies such as Evergreen. The very first application of the policy cost the UN an extra \$100,000. Ironically, it turned down a bid by New York-based Airline Cargo Services in favor of one by Aeroflot. Unlike Evergreen, Airline Cargo Services has no known links to the CIA. The U.S. Mission failed to intercede on behalf of this firm.

Needless to say, no questions were asked when the same procurement department, under orders from above ignored a \$650,000 bid by a private company to fly Polish peacekeepers to Cambodia, and gave a \$2.5 million contract to the U.S. Department of Defense.³⁹

UN Role in the New World Order

The entire Evergreen affair leaves an unsavory aftertaste. Not only has the UN Secretariat buckled under in the face of U.S. pressure, but the U.S. Mission in New York is apparently working with right-wing congressmembers and old friends of the CIA to ensure a place at the table for covert operators.

U.S. foes of the UN charge that the organization is not accountable to the American taxpayer. It isn't, nor as an international body, should it be. Now, however, it is being micromanaged by precisely those sections of the U.S. government that have themselves proven unaccountable to Congress and taxpayers. The whole Evergreen affair tends to confirm the worst fears about the New World Order. The spectacle of important sections of the UN Secretariat scuttling spinelessly to do the bidding of the intelligence apparatus of one member government is not an edifying one. •

39. Ian Williams, "Sex Harassment Claim Rocks UN Agency," *New York Observer*, September 28, 1992.

America's UN
Mission is
apparently working with right-wing congressmembers and old friends of the CIA to ensure a place at the table for covert operators.

Bag of Dirty Tricks

Louis Wolf

It was halfway around the world and 27 years ago that I first became familiar with the CIA—up close and personal, you might say. I was working in Laos, not with the government, but as a conscientious objector to military service. It was an abrupt introduction in the midst of that “secret war”—secret only from the U.S. people—when a Lao colleague with whom I had worked building wells and latrines died in my arms after a bombing mission the CIA had called in on his village. As he died he implored: “Please remember, I died for my country, not for yours.” I determined at that moment to do battle with the CIA for the remainder of my life. I still see his face while writing this.

Nine years later in London while investigating CIA activities in several European countries, I had just finished reading Philip Agee’s blockbuster book, *Inside the Company*, when I ran into him at a party and introduced myself. Phil has related to me many times since that he thought to himself, “The Agency has probably sent this guy to try to get close to me.” And for my part, I thought, “Could this guy be for real?” But as luck would have it, we both quickly lost our mutual misgivings to become close friends and allies in a life’s work.

His friendship and that of many others has sustained *CovertAction* through 47 issues over fifteen years and through many strange times. Remember, for example, the Verona, Italy kidnapping in December 1981 of NATO commander Brig. Gen. James Dozier, purportedly by the under-

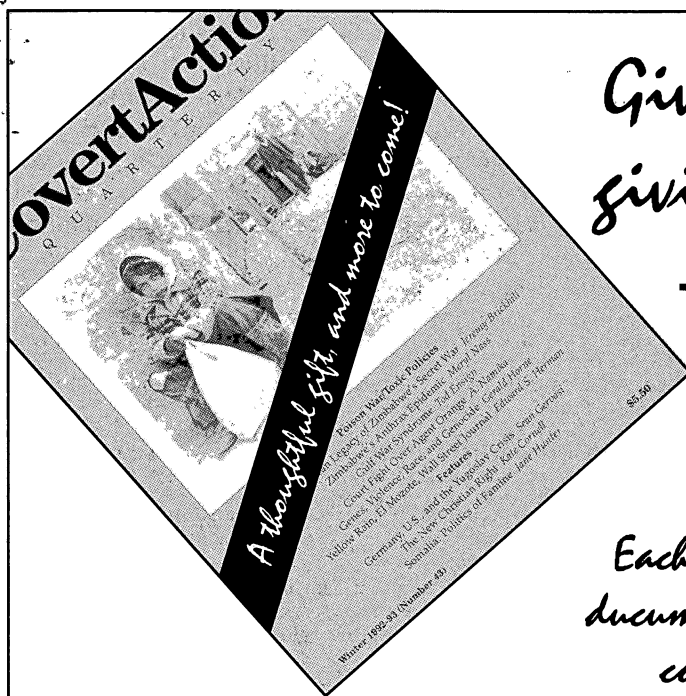
ground Red Brigades organization? Four days after he was seized, as an intense Europe-wide manhunt was mounted by the Pentagon, the CIA, and Italian special forces. As the search for Dozier and his captors continued, the case took a bizarre turn involving this magazine.

The Bonn, West Germany bureau of the Italian news agency ANSA, as well as Reuters and Agence France Presse, received a cryptic telex purporting to come from Gen. Dozier. “...US-EMB BONN W/BEST REGARDS FROM FOR ANOTHER VICTIM C-O WOLF, 2022653904 CAI, JAMES LEE DOZIER. It went on in the original Italian: “*Con ossequi da e per un altre vittima.*” (“With funeral rites from and for another victim.”)

Although the magazine had no contact with the Red Brigades, the telex suggested we could contact and intercede with Dozier’s captors; the ten-digit number was our phone.

As we said in a public statement issued on the same day, “We can only surmise that this represents some form of disinformation campaign, attempting to link this magazine with the kidnapping.” Soon Dozier was found unharmed.

That kind of harassment is small change for the CIA. It is, after all, the organization which brought us covert wars, myriad assassinations, and unutterable damage to democracy around the world. It has organized mayhem on the most grand scale with impunity and dirty tricks at the most trivial level with alacrity. We ask our readers to join us in celebrating 15 years of opposing the Agency and its ilk.



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(continued from p. 9)

PJC offices turned up the offending typewriter, which the staff readily sold to Bari as potential evidence in a lawsuit she was by then considering filing against the FBI and assorted police departments associated with her case.

For his part, Sutley—who, despite no known means of support, frequently and liberally used credit cards⁴¹—quickly left the area and moved to the home of Dr. James Gordon, a wealthy Oakland Republican.⁴² Subsequent investigation revealed that Sutley, who worked (and is still active) with the Peace and Freedom Party, had “a long history of political sabotage and intimidation of other activists.” In 1988-89, he mailed signed and unsigned threats harassing Gene Pepi, a political rival in the party. “[He] also informed on Pepi to the police in order to get him arrested for campaign fraud...assaulted and beat two other Peace and Freedom Party members, and was arrested for one of these assaults in 1975.”⁴³ The possibility that this made-to-order infiltrator/provocateur was employed by the FBI, and that he might be somehow involved in sending the Lord’s Avenger letter and/or planting the bombs, gained credibility for Bari.

Ghosts of COINTELPRO

Her suspicions aroused, Bari began to compare her experiences with what had occurred in the 1960s within the framework of known FBI domestic counterintelligence programs, or COINTELPRO, as they were known in Bureau-speak. What she discovered

After COINTELPRO was officially terminated, said one ex-FBI agent, “We just kept right on using all the same illegal techniques for repressing political dissent we’d used all along. Only we began framing what we were doing in terms of ‘combating terrorism’ rather than neutralizing political extremists.”

was increasingly frightening. The acknowledged purpose of COINTELPRO, secretly advanced by FBI Director J. Edgar Hoover, was “to expose, disrupt, misdirect, discredit, or otherwise neutralize” politically dissident citizens of the United States.⁴⁴

Although the program was allegedly terminated in 1971, several former agents have charged that only the name was

dropped. “Nothing else changed. We just kept right on using all the same illegal techniques for repressing political dissent we’d used all along,” says one. “Only we began framing what we were doing in terms of ‘combating terrorism’ rather than neutralizing political extremists.”⁴⁵

Only after years of investigation culminating in a citizen group’s March 1971 burglary of files from the Bureau’s Resident Agency in Media, Pennsylvania, was the existence of COINTELPRO conclusively documented. Twenty-two years later, Bari was beginning to discover a familiar pattern. She found that Hoover had instructed COINTELPRO operatives to be “alert to opportunities to have [targeted activists] arrested by local authorities on drug charges.” Another recommended tactic was using anonymous letters and other “disinformation...to confuse and disrupt [dissident] activities.”⁴⁶ The methodology dovetailed nicely with the activities of Irv Sutley. Similarly, a strategy used by the Special Agent in Charge (SAC) in Philadelphia to destroy the Revolutionary Action Movement—manipulating local police into making “any excuse” to arrest organizational members and, if necessary, continuing to “re-arrest them...until they could no longer make bail”⁴⁷—bore an uncomfortable resemblance to the treatment she and Cherney had received at the hands of the OPD.

Then there was Hoover’s order to take “extraordinary measures” to abort the “formidable threat” to the *status quo* posed by a “rainbow coalition” in Chicago. The coalition sought to create an alliance that included not only mainstream student and progressive organizations, but also street groups being organized by the local Black Panther Party (BPP) chapter and Students for a Democratic Society (SDS).⁴⁸ The effort, Bari realized, paralleled her as yet embryonic attempt to establish unity among a number of disparate elements of northern California cultural and political geography. By the time the bomb blew up, she had been able to obtain working agreements, not only from Earth First!ers and other, less militant, environmentalists to participate in Redwood Summer, but also from militant anti-war activists, the pacifists of Seeds for Peace, students from such elite institutions as the University of California’s Berkeley and Santa Cruz campuses, and even a few loggers.⁴⁹

While these parallels were chilling, Bari soon made a discovery that was frigid. On December 4, 1969, during a

August 25, 1967. For an overview, see Cathy Perkus, ed., *COINTELPRO: The FBI’s Secret War on Political Freedom* (New York: Monad Press, 1975).

45. Interview with ex-FBI agent M. Wesley Swearingen, Honolulu, Hawaii, 1980.

46. Memo captioned “COUNTERINTELLIGENCE PROGRAM, INTERNAL SECURITY, DISRUPTION OF THE NEW LEFT (COINTELPRO—NEW LEFT),” Director to all SACs, February 5, 1968.

47. Report, SAC Philadelphia to FBI Director, August 30, 1967.

48. Memo dual-captioned COUNTERINTELLIGENCE PROGRAM, BLACK NATIONALIST—HATE GROUPS and COINTELPRO—NEW LEFT, Director to SAC Chicago, May 21, 1969. The Bureau was especially upset that the BPP seemed to be making headway in politicizing the 5,000 member Black P. Stone Nation (a street gang formerly known as the Blackstone Rangers). (Churchill and Vander Wall, *op. cit.*, pp. 135-39, especially the document reproduced on p. 138.)

49. At the time they were bombed, Bari and Cherney had left a planning meeting with Seeds for Peace, and were going to meet with student organizers at U.C. Santa Cruz; see Mike Geniella, “Berkeley group to aid ‘Redwood Summer,’” *Press Democrat* (Santa Rosa, Calif.) May 17, 1990; Steve Perez, “Earth First! pair were on way to Santa Cruz,” *Santa Cruz Sentinel*, May 25, 1990.

41. Sutley claimed for a while to live on “disability checks,” but showed no evidence of physical impairment and declined to answer inquiries into the nature of his infirmity. He also claimed to be “running a credit card scam” in which he would eventually declare bankruptcy to avoid the debts he accumulated. To date, there is no record of his having made any such declaration.

42. Examination of PJC phone records reveal he called Gordon regularly while working there.

43. “Summary of Investigative Report: Irv Sutley (Lawyer-Client Work Product), January 1991,” provided by Judi Bari, p. 4.

44. Memo captioned “COUNTERINTELLIGENCE PROGRAM, BLACK NATIONALIST—HATE GROUPS, INTERNAL SECURITY,” Director to all SACs (Personal Attention),

predawn "arms raid" on an Illinois apartment conducted by Chicago police, but orchestrated by the FBI, Black Panther Party leaders Fred Hampton and Mark Clark were shot dead while they were sleeping. All surviving Panthers living in the apartment were arrested and held under heavy bail.⁵⁰ These arrests were followed by a series of official disinformational press conferences which generated sensational media coverage of the victims' supposed "violent tendencies." Then the charges were quietly dropped.⁵¹ Finally, she came across the story of how Student Nonviolent Coordinating Committee (SNCC) organizers Ralph Featherstone and Che Payne were killed in 1970 by a car bomb believed to have been planted by an FBI operative to "neutralize" their effectiveness.⁵²

In this context, FBI and police impounding of files, mailing lists, and computer disks—while supposedly searching for "bomb components" in the vehicles and residences of Bari and her friends—took on a sinister cast. "It became clear to me that they'd used the opportunity presented by the bombing to really consolidate their political intelligence on us," she recounts. "Some of my friends called me 'paranoid,' but, after a while, I began to respond with the old '60s adage about 'just because I'm paranoid doesn't mean they're not out to get me...or us.'"⁵³

The Richard Held Connection

The clincher for Bari came when she discovered the identity and background of the Special Agent in Charge of the FBI's San Francisco Field Office. Richard Wallace Held had cut his teeth as a young agent during the late 1960s in the Los Angeles office's "Squad 2," the team which handled COINTELPRO operations against the city's BPP chapter. Held oversaw the dissemination of disinformation including a series of defamatory cartoons forged in the name of each group. Targeting "Key Black Extremists," the campaign was designed to exacerbate tensions between the Panthers and a consortium of "violence prone" political rivals calling themselves the United Slaves (US) Organization.⁵⁴

This COINTELPRO operation created the context in which two brothers, George and Joseph Stiner, ostensibly US gunmen, but actually FBI provocateurs, assassinated LA Panther leaders Alprentice "Bunchy" Carter and Jon Huggins on January 17, 1969.⁵⁵ In the wake of these murders, which Held

described in a report to FBI Headquarters as a "success," he escalated his disinformation campaign.⁵⁶ One result was the murder of another Panther, John Savage, on May 23. Again, Held took credit for the killing and increased the pressure. On August 14, Panther Sylvester Bell was shot to death by US members in San Diego. By fall, the "US/Panther War" had spread to the East Coast. According to the Bureau's own documents, the final tally "directly attributable" to Held's operation was at least six dead Panthers.⁵⁷

SA Held's involvement didn't end there. He was a key player in the Bureau's collaboration with LA Red Squad detectives Ray Callahan and Daniel Mahoney. They deliberately framed Elmer "Geronimo" Pratt, Carter's successor as Los Angeles Panther head, for the murder of school teacher Donna Olson.⁵⁸ Pratt was wrongfully convicted in 1972—largely on the basis of perjured testimony supplied by Julius C. Butler, an informant directly supervised by Held—and is still a prisoner.⁵⁹

Held also prepared the sexually malicious disinformation packet intended to discredit actor *cum* "Friend of the Panthers" Jean Seberg which was printed by *Los Angeles Times* gossip columnist Joyce Haber in 1970. The trauma caused by this episode is widely believed to have figured heavily in Seberg's subsequent suicide.⁶⁰ Held topped off his time in Los Angeles by helping coordinate the Secret Army Organization (SAO), an extreme right-wing formation devoted to stockpiling arms, bombing facilities of progressive organizations, and attempting to assassinate those targeted by the Bureau as "Key White Radicals."⁶¹

In 1975, after holding "supervisory duties" for three years in the Intelligence Division at FBI Headquarters, Held put in

long prison terms for their roles in the murders, they "escaped" from high-security San Quentin in 1974 and remain "at large." Swearingen speculates that they have been taken into the Federal Witness Protection Program.

56. Memorandum, SAC San Diego to FBI Director, February 20, 1969.

57. The tally assumes the form of a "Box Score" reading "US—6, Panthers—0" which the Newark Field Office produced and distributed to increase tensions between the groups; Memorandum, Newark SAC to FBI Director, August 25, 1969. The actual body count may have gone as high as nine. An August 20, 1969 report by Held reads in part: "In view of the recent killing of BPP member SYLVESTER BELL, a new cartoon is being considered in hopes that it will assist in the continuance of the rift between BPP and US." (Churchill and Vander Wall, *op. cit.*, pp. 133.)

58. Louis E. Tackwood, a known operative, makes this point and provides considerable background on the activities of Callahan, Mahoney, and the Criminal Conspiracy Section (CCS) of the Los Angeles Police Department during this period; see his collaboration with the Citizens Committee to Investigate the FBI, *The Glass House Tapes: The Story of an Agent Provocateur and the New Police-Intelligence Complex* (New York: Avon Books, 1973). Tackwood has been independently corroborated by another infiltrator of the LA Panthers, Melvin "Cotton" Smith; see "Ex-FBI Agent Exposes Use of Informants to Destroy the BPP," *Freedom Magazine*, January 1985. Swearingen has backed up the substance of such contentions.

59. Overall, see Geronimo ji Jaga Pratt, "A Person Who Struggles for Liberation," in Ward Churchill and J. J. Vander Wall, *Cages of Steel: The Politics of Imprisonment in the United States* (Washington, D.C.: Mazonneuve Press, 1992), pp. 203-23; and Churchill and Vander Wall, "The Case of Geronimo Pratt," *CAIB*, No. 31 (Winter 1989), pp. 35-39.

60. Richard Gid Powers, *Secrecy and Power: The Life of J. Edgar Hoover* (New York: The Free Press, 1987), p. 459; and David Richards, *Played Out: The Jean Seberg Story* (New York: Playboy Press, 1981).

61. Concerning the SAO, and the role played by FBI operative Howard Berry Godfrey, see Nanda Zocchino, "Ex-FBI Informer Describes Terrorist Role," *Los Angeles Times*, January 26, 1976. Also see Richard Popkin, "The Strange Tale of the Secret Army Organization," *Ramparts*, October 1973.

50. See Appeal Brief submitted by the People's Law Office, Chicago, in *Iberia Hampton, et al., Plaintiffs, Appellants v. Edward V. Hanrahan, et al., Defendants-Appellees* (Civ. Nos. 77-1968, 77-1210 and 77-1370, U.S. District Court for Northern Illinois, 1977).

51. Roy Wilkins and Ramsey Clark, *Search and Destroy: A Report by the Commission of Inquiry into the Black Panthers and the Police* (New York: Metropolitan Applied Research Center, 1973).

52. Manning Marable, *Race, Reform and Rebellion: The Second Reconstruction in Black America, 1945-1982* (Jackson: Univ. of Mississippi Press, 1984), p. 125.

53. Bari interview, *op. cit.*

54. Linkage of Held to these operations comes from M. Wesley Swearingen, a former FBI agent and member of Squad 2 during Held's tenure there.

55. Carter and Huggins were shot to death in a classroom in Campbell Hall, on the UCLA campus. In an as yet untitled manuscript, to be published as a book by South End Press in 1994, Swearingen names the Stiners as operatives and points out that, although they were apprehended, convicted, and sentenced to

a brief stint in South Dakota assisting his father, Richard G. Held (an "architect of COINTELPRO") mount a campaign against the American Indian Movement (AIM). Among other consequences, this operation resulted in the fraudulent 1977 double-murder conviction of AIM member Leonard Peltier.⁶² The younger Held coordinated the FBI's informant penetration of AIM, which precipitated the 1976 murders of Anna Mae Aquash and Jancita Eagle Deer.⁶³ After assignments in the Philadelphia and Omaha FBI field offices, and as chief inspector at headquarters in May 1982, he was rewarded for his "exemplary services" with the post of SAC in San Juan.

Held arrived in Puerto Rico just in time to orchestrate a systematic cover-up of the Bureau's involvement in the 1978 execution-style murders, near Cerro Maravilla, of two youthful members of the island's independence movement. A special "anti-terrorist" police unit coordinated by the FBI carried out the killings. In 1985, Held oversaw a massive 300-man island-wide SWAT raid—replete with warrantless searches and arrests, destruction and impoundment of property—intended to crush the struggle for Puerto Rican independence once and for all.⁶⁴

In June 1985, the Bureau once again rewarded its foremost expert on political repression by appointing him SAC in San Francisco. "He was being groomed for something bigger," says his former colleague of Squad 2, M. Wesley Swearingen, "maybe even to eventually end up as FBI Director. But, to get there, he probably needed a couple more really solid counter intelligence coups."⁶⁵

Turning the Tables

Bari had learned more than enough. On May 22, 1991, she and Cherney filed a \$2 million suit in federal court alleging false arrest and other gross violations of their civil rights by the FBI and OPD.⁶⁶ Dennis Cunningham, a veteran of similar—and successful—litigation stemming from the Hampton-Clark assassinations in Chicago, came aboard as lead attorney.⁶⁷

62. See Peter Matthiessen, *In the Spirit of Crazy Horse* (New York: Viking Press, [2nd ed.] 1992). Swearingen maintains that Squad 2 was conducting operations against AIM in Los Angeles from 1973-76. This opens up the distinct possibility that, before going to South Dakota, the younger Held was involved in the notorious Skyhorse/Mohawk affair, which occurred during the period he was still deployed in LA; see Ward Churchill and Jim Vander Wall, *Agents of Repression: The FBI's Secret Wars Against the Black Panther Party and the American Indian Movement* (Boston: South End Press, 1988, pp. 264-68).

63. These murders, and the probable role played in them by FBI provocateur Douglass Durham are covered in Johanna Brand, *The Life and Death of Anna Mae Aquash* (Toronto: James Lorimer Publisher, 1978). For reproduction of documents establishing the nature of the younger Held's involvement in the anti-AIM campaign—formally denied by the FBI in 1985—see Churchill and Vander Wall, *The COINTELPRO Papers*, op. cit., pp. 268-9. In 1975, Held Sr. (who would later be named FBI Associate Director) headed both the Bureau's Internal Security Section and SAC, Chicago. See Ward Churchill, "COINTELPRO as a Family Business: The Case of the Two Richard Helds," *Z Magazine*, March 1989. Also see Sanford J. Ungar, *FBI: An Uncensored Look Behind the Walls* (Boston: Little, Brown Publishers, 1976).

64. Alfredo López, *Doña Licha's Island: Modern Colonialism in Puerto Rico* (Boston: South End Press, 1988), pp. 140-41. The operation bore an uncanny resemblance to one coordinated by Richard G. Held in South Dakota a decade earlier.

65. Interview with M. Wesley Swearingen, Santa Fe, N.M., October 1993.

66. *Judi Bari, et al. v. Richard W. Held, et al.*, Civ. No. C-91-1057 EFL, U.S. District Court for the District of Northern California, 1991.

67. In November 1982, after ten years of stonewalling in court, government attorneys finally stipulated that the FBI had indeed violated the civil rights of

Richard Wallace Held was named as a prime offender.⁶⁸

U.S. justice moves slowly if at all when federal law enforcement officials number among the defendants. In fact, no FBI person has ever served a minute of jail time for even the best documented violations of the rights of dissidents. It took a full year-and-a-half, until November 13, 1992, for U.S. District Judge Eugene F. Lynch to determine there was sufficient merit to Bari's and Cherney's allegations to allow their case to proceed. The FBI, in the meantime, argued that it could not disclose evidence to the plaintiffs "insofar as it pertains to an ongoing investigation and is thus subject to strict confidentiality until such time as the investigation is terminated." It then argued for a dismissal of the suit on the grounds that Bari and Cherney lacked sufficient evidence to move forward.⁶⁹

Although the Justice Department, acting on behalf of the FBI, immediately appealed Lynch's decision, the Oakland police began to release evidence including the initial reports of investigating officers and Michele Gribi's photographs. The latter visually confirmed the former. Plainly, the bomb in Bari's car had been hidden beneath the seat, not on the rear floor, as SA Doyle—and, later, Lt. Sims—insisted.⁷⁰

Indeed, one of the documents makes it clear that Doyle went to some lengths to use his FBI credentials as a bludgeon to intimidate police investigators at the scene into either accepting his version of the bomb's placement or at least remaining quiet about contrary opinions.

[It] was advice by...FBI Agents that the bomb device was on the floor board behind the driver's seat when it detonated. [I then] spoke with FBI Special Agent Frank Doyle Jr. who told [me] that he has been assigned to the International/Domestic Terrorism Squad for the past 20 years, has been trained as a hazardous devices technician, is a police instructor in terrorism and bomb matters, and has processed approximately one hundred and fifty bombing crime scenes in the United States. Agent Doyle has testified in Federal, State and Local courts as an expert concerning bombing matters.⁷¹

"It's kind of incredible that in the face of these photos, [the FBI and Sims' OPD unit] would have floated this lie," attorney Dennis Cunningham told a press conference shortly after the material was released in May 1993. "All available evidence," he concluded, indicated a "very sophisticated plot [by law enforcement agencies]...planned well in advance."⁷²

Fred Hampton, Mark Clark, and the Panther survivors. A settlement of \$1.85 million was paid the survivors and mothers of the deceased; see S. K. Levin, "Black Panthers get bittersweet revenge," *Colorado Daily*, November 10, 1982.

68. Also named from the FBI were SAs Doyle and Reikes. Named from the OPD were Lt. Sims, and Sergeants Sitterud and Chenault.

69. "Defendants' Motion to Dismiss Charges," *Bari v. Held*, Civ. No. C-91-1057, U.S. District Court for the District of Northern California, October 27, 1992, p. 3, 5-7.

70. Paul Avery, "Earth First pair: Photos say FBI lied: Pictures to form part of suit over '90 bomb blast in car," *San Francisco Examiner*, May 25, 1993.

71. Chenault affidavit, op. cit., pp. 3-4.

72. Quoted in Linda Goldston, "Activist says she has proof police framed her," *San Jose Mercury News*, May 25, 1993.

The photos alone confirmed that the "FBI and the [Oakland] police knew exactly where the bomb had been, and they deliberately lied and tried to frame us, tried to make us out as terrorists," observed Bari.⁷³

At about the same time as the OPD disclosures, the FBI admitted that although the statute of limitations had not expired, it had closed its investigation of the bombing several months earlier, without informing anyone, including the court.⁷⁴ Although this action subjected its investigative materials to the same disclosure requirements as the OPD, the Bureau continued to insist on its "right" to withhold evidence at its discretion.⁷⁵ Meanwhile, Cunningham filed a motion with Judge Lynch to prevent destruction of whatever material was in custody of the Bureau.⁷⁶ Queried by reporters on the implications of the Bureau's recalcitrance, Bari replied: "Apparently, the FBI...would rather be caught in an obvious cover-up than reveal whatever it is they are covering up."⁷⁷

One person who seems to have concurred in this assessment was the San Francisco SAC himself. "Not too long after Judge Lynch made his ruling—this is before we got our hands on any of the Oakland police material—Held's personal attorney called Dennis [Cunningham] and offered us a deal," Bari recounts. "He said he could get the Justice Department to drop its appeal of Lynch's ruling, which would put things on a different footing and maybe pave the way for some kind of settlement. In exchange, all he wanted us to do was drop him—just him, mind you—from the list of those named in the suit. We said no way. He seemed genuinely upset by our response. So I guess he could see the writing on a wall somewhere."⁷⁸

What the writing spelled was the end of a career. On May 21, 1993, citing "family reasons," Richard Wallace Held, 52, one of the brightest stars in the FBI's galaxy—suddenly called a press conference to announce his early retirement.⁷⁹ He "brushed aside questions" concerning his involvement in the lethal anti-Panther COINTELPROs of the '60s, dismissing them as "sophomoric." Equally telling, he left the Bari-Cherney matter unmentioned while attempting to take credit for having "solved" the still unfolding Cerro Maravilla murder case in Puerto Rico. He then left to assume a position overseeing fraud control and security at VISA International's headquarters in San Mateo, California.⁸⁰

73. Quoted in Paul Avery, "Earth First! pair..." *op. cit.*

74. Mike Geniella, "FBI finished with Bari-Cherney bomb case," *Press Democrat* (Santa Rosa, Calif.), May 22, 1993.

75. The reason usually advanced for such a withholding concerns "protection of the privacy of those investigated." In this instance, however, it is those investigated who are demanding disclosure.

76. The motion was filed on May 28, 1993, after the FBI informed the court that a key document requested by the plaintiffs had been "lost or destroyed." The motion also asked for sanctions against "agencies and individuals responsible for destruction of the documents."

77. Quoted from press release issued May 24, 1993.

78. Telephone interview with Judi Bari, October 25, 1993.

79. There is an interesting connection here. In early 1970, when the cover for the Hampton-Clark assassinations began to come apart, Marlin Johnson, then SAC Chicago, also opted for a sudden and early retirement. The name of the replacement who stepped in to put the lid back on for more than a decade? Richard G. Held.

80. Jim Doyle, "S. F.'s Top FBI Agent Calls it Quits: Held retiring after 25 years to avoid moving family for 11th time," *San Francisco Chronicle*, May 22, 1993.

Comes Now the Congress

By then, Bari, Cherney and their attorney had gained an ally, Ukiah Rep. Dan Hamburg (D-Calif.). He arranged a meeting for Bari with an aide to Rep. Don Edwards (D-Calif.), chair of the House Subcommittee on Civil and Constitutional Rights (and himself a former FBI agent).⁸¹ "The idea," according to Bari, "was to convince Edwards to convene an investigation of FBI performance in our case. His subcommittee has oversight responsibility for the FBI [and] authority to force disclosure of the evidence the Bureau has been withholding from the court."⁸²

On September 9, 1993, the Edwards subcommittee, after reviewing OPD material provided by the plaintiffs, announced a "probe." A week later, however, John E. Collingwood, inspector in charge of the FBI's Office of Public and

**"Apparently," said Bari,
"the FBI...would rather be caught
in an obvious cover-up
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they are covering up."**

Congressional Affairs, sent a letter to Edwards refusing to cooperate. Upping the ante on Richard Held's earlier offer, Collingwood concluded that the Bureau "would be pleased to comply with your request once the legal issues have been litigated" or withdrawn. Until then, he said, "we are unable to honor your request."⁸³

Obviously irritated by this blatant obstruction of the subcommittee's oversight prerogatives, Edwards fired back a lengthy letter to FBI Director Louis J. Freeh suggesting that he reconsider the Bureau's position:

A question that has always concerned us is how the Bureau and the Oakland police managed so promptly to identify Bari and Cherney with Earth First and to link them with other investigations. This raises questions about the nature of any enterprise-oriented investigations the Bureau may have conducted against environmentalists, and touches upon perennial concerns about investigations of politically active groups.

In 1990, I posed a series of questions on these points, which the Bureau answered in circumscribed fashion because the criminal investigation was ongoing...Now that the criminal case is closed, it is time to revisit those issues and attempt to resolve them. ...[Subcommittee review] should have no impact on any pending civil litigation. Conversely,

81. Robert Digitale, "Bari gets backing for bomb probe," *Press Democrat* (Santa Rosa, Calif.), July 1, 1993.

82. Bari, October 25 interview, *op. cit.*

83. The letter was also sent to Representative Hamburg.

Congressional oversight should not be stymied by the actions of private parties who file lawsuits nor the government attorneys who defend against such litigation...a continued effort by the FBI to delay Congressional inquiry on this matter will only heighten public concern about the FBI's attitude toward environmental activists.⁸⁴

As of late October 1993, the Bureau still refuses to turn over its files to the subcommittee, or even to allow committee investigators to review them under close supervision at FBI headquarters.⁸⁵ The situation dramatically underscores the ineffectual nature of the oversight mechanisms supposedly designed to maintain "civilian" control over the FBI and protect the rights of all citizens from its historic pattern of political repression. As things stand, the Bureau plainly retains its time-honored prerogative to engage in criminal conduct virtually at whim, and to exempt itself from any consequences.

What Is To Be Done?

Edwards' expression of "public concern" about the nature of the FBI's political policing activities is drastically understated. It is true that the performance of the Bureau and collaborating police agencies vis-à-vis the environmental movement is ample cause for alarm. The Bari-Cherney, Foreman, and numerous other cases—notably the recent murder of Navajo activist Leroy Jackson in New Mexico—make this quite obvious.⁸⁶ But the scope of the FBI's role as a national political police extends beyond any one movement. And, as the investigation of the Earth First! bombing demonstrates, COINTELPRO still exists—in policy if not in name.

The litany of abuses—even in the post-COINTELPRO era—is depressingly long. From the mid-1980s campaigns against the Committee in Solidarity with the People of El Salvador (CISPES) and progressive organizations associated—at least in the FBI's eyes—with the Ohio Seven, to the Bureau's involvement with a "private" political intelligence apparatus run by the Anti-Defamation League of B'nai B'rith, the FBI clearly retains its political function. Its work—consistent over decades—includes sustained efforts to disrupt and destabilize political movements and organizations it deems dangerous.

To those ends the FBI has abused not only the individual rights of citizens but the judicial process itself. It has promoted "preventive detention" (denial of bail) for selected political targets—for example Puerto Rican independence leader Filiberto Ojeda Ríos, who was incarcerated on non-capital charges for nearly six years before being acquitted by

a jury of the Bureau's charges. It pushed for disparately harsh sentencing of left activists such as Susan Rosenberg and Tim Blunk. The FBI involves itself not only in sentencing, but in punishment policy as well. It promotes "control unit prisons"—such as the new federal facility at Florence, Colorado, and Pelican Bay prison in northern California—both specifically designed to reduce political prisoners to "psychological jelly."

The limited probe initiated by the Edwards subcommittee in the Bari-Cherney case will hardly touch the surface. Even if forced to disclose its evidence in that case, the Bureau will still hold tight the files that might serve to exonerate such long-standing prisoners as Geronimo Pratt, the New York Three, and Leonard Peltier, who continue to languish in cages decades after they were falsely imprisoned as part of the FBI's earlier counterinsurgency programs. Nor will it make the Bureau stop the flow of FBI-generated disinformation to parole boards.⁸⁷

What is needed is a full-bore congressional review of the FBI's domestic intelligence/counterintelligence operations along the lines of the Senate Select (Church) Committee during the mid-1970s. Only such a comprehensive investigation offers any real prospect of revealing the full dimension of political repression in the United States. Further, at least "within the system," only an undertaking of this magnitude holds any genuine potential to finally begin to bring the national political police to heel.

To succeed, any new congressional review panel will have to learn from the failures of its predecessors. It must, for instance, be able to demand direct access to *all* FBI records, rather than merely those the Bureau itself decides to release. More importantly, it must possess a mandate to refer for prosecution those agents and officials exposed as criminals. Only when people such as Richard Wallace Held are confined at long last to the cells formerly occupied by their victims can it be said that the FBI conduct they represent has been curbed.

It is possible—just barely—that Rep. Don Edwards' investigation of the Bari-Cherney bombing, and the FBI's attempt to thwart it, is the wedge that will open the door to such actions, if his subcommittee does its job. If, as is more likely, it doesn't, two alternatives present themselves. The first is that the political "war at home" will continue to intensify in the months and years ahead, until a *bona fide* U.S. police state reaches its final phase of consolidation. The second is that the citizenry as a whole, or some truly significant part of it, will recognize that "due process" holds no real defense and take such extraordinary measures as are needed not only to abolish the FBI, but the entities which supposedly oversee it. •

84. Letter, Rep. Don Edwards to FBI Director, September 30, 1993.

85. FBI officials can claim some legitimate degree of entitlement to "discretion" in this respect, under provision of Ronald Reagan's Executive Order 12356 (1983), an instrument specifically designed to diminish congressional oversight authority. Bill Clinton has not rescinded this Executive Order.

86. For a summary of some of the worst examples, see Jonathan Franklin, "First they kill your dog: Rise in assaults on environmentalists," *Muckraker*, Fall 1992. Preliminary information on the Jackson case can be found in Brenda Norrell, "Navajo Activist Found Dead," *Indian Country Today*, October 14, 1993.

87. For an introduction to FBI misdeeds in the 1980s and beyond, see Churchill and Vander Wall, *The COINTELPRO Papers*, op. cit.; Ross Gelbspan, *Break-Ins, Death Threats and the FBI: The Covert War Against the Central America Movement* (Boston: South End Press, 1991); and Brian Glick, *War at Home: Covert Action Against U.S. Activists and What You Can Do About It* (Boston: South End Press, 1989).

(Rocky Flats, continued from p. 21)

But then Finesilver seemed to turn against the jury. He sent jurors a note shortly before Christmas that one juror paraphrases as: "Thank you for your work. You can go home now. Have a Merry Christmas."

Jurors Blame DoE and Rockwell Officials

The jurors decided to hang tough. They continued to meet, this time on their own. They were so angered by Norton's failure to help, they toyed with the idea of hiring a lawyer to advise them. They wanted to know if Norton could be prosecuted for refusing to prosecute.

They wrote a report and a presentment, and they approved indictments naming five Rockwell and three DoE employees. The votes on whom to indict were all by wide margins. There was remarkably little disagreement.

The jury also voted to indict Edgerton, Germeshausen & Grier (EG&G), which took over as plant operator in 1990 after Rockwell quit in the wake of the FBI raid. EG&G's alleged crimes included storing, treating, and disposing of hazardous wastes without the requisite federal permits, and failing to install and operate a ground-water monitoring system consistent with the requirements of the federal Clean Water Act. An internal memo reveals that Energy Department supervisors in Washington knew as early as 1986 that the monitoring system was illegally deficient.¹⁹ Even though the water in two Denver suburbs was threatened with contamination, little had been done to improve the system, jurors charged. Transcripts show that prosecutor Fimberg dismissed the ground-water violations as technical disagreements between experts over matters such as where monitoring equipment should be located.²⁰

The jury also decided to issue a report, despite Norton's refusal to help them draft it. In the 42-page document, exasperated as they were by Rockwell's conduct, they reserved the strongest comments for public officials entrusted with monitoring environmental compliance.

- Jurors blamed a pattern of "extensive illegal conduct" on DoE administrators' "attitude of indifference toward environmental laws" and on their "conscious and ongoing effort to evade" those laws.
- They accused Colorado state health department and federal EPA regulators of "lax and ineffective" enforcement.
- They found no significant improvement in the regulation of Rocky Flats since the 1989 FBI raid. DoE administrators continued to "direct and endorse this course of illegal activity in violation of applicable environmental laws and in the name of political expediency."
- They pointed out that federal law provides the Energy Department a way to circumvent its troubles. If Energy Department regulators feel violations can't be corrected

without jeopardizing national security, or can't be corrected at all with available technology, they may apply to the President for an exemption. Jurors suspect that the reason no exception was sought for Rocky Flats was political. It would have looked bad, they reasoned, if President Bush, who'd proclaimed himself the "Environmental President," had granted his Energy Department the authority to violate hazardous waste laws.

The grand jury report recommended that Rocky Flats be shut down.²¹

Despite the testy relations between Norton and jurors, the U.S. Attorney made one more attempt to win them over. On March 24, 1992, a month after they completed writing their report, he asked them to approve an indictment charging Rockwell with ten violations of federal hazardous waste and clean water laws. Jurors decided it was woefully inadequate. One juror remembers the vote as being almost unanimous. Another says the vote was roughly split among the 16 members present that day. Either way, there were nowhere near the 12 votes required to approve it.

Jurors then submitted their own proposed indictment, presentment, and report to Judge Finesilver, after which they voted to disband.

Rockwell's Wrist Is Slapped

Two days later, Norton held a press conference to announce the settlement with Rockwell. It pled guilty to ten charges of violating hazardous waste and clean water laws and agreed to pay an \$18.5 million fine. Then U.S. Attorney General William Barr proclaimed victory. "By painstakingly developing solid criminal cases such as this," he pontificated, "the Department of Justice is making it quite clear that environmental crimes do not pay."²² Barr also praised the work of the grand jury, although neither he nor Norton made any mention of the bloody legal battle they had waged with jurors. All information about the jury's work was secret, they said, and would remain so.

In court papers filed in support of the settlement, Rockwell claimed vindication. Malicious charges of midnight dumpings had been proved wrong, they noted. They maintained — and Norton conceded — that none of the violations they acknowledged could be tied directly to off-site contamination (a key point because plant neighbors had filed a suit alleging off-site contamination). They shifted blame for those few violations they acknowledged either to DoE's refusal to provide more funds for environmental compliance, or to DoE's knowledge and approval of their actions.

Critics quickly attacked the settlement as laughably inadequate. Rockwell's fine was about \$3.8 million less than the government bonuses it had been awarded during the time it

19. Briefing paper for DoE..., *op. cit.*

20. Undated and untitled transcript of grand jury proceedings, pp. 16, 19.

21. Report of the Special Grand Jury, *op. cit.*, p. 42.

22. Press release, "Rockwell Pleads Guilty to Environmental Crimes at Rocky Flats Nuclear Facility, Agrees to Pay Largest Waste Fine in History," March 26, 1992. Rockwell was also permitted to file for reimbursement from the federal government for \$7.9 million.

was, by its own admission, knowingly breaking federal environmental laws. For Rockwell, environmental crime paid, and paid well.

Norton said the fine was the maximum allowed by law. Not so. Four of the ten convictions were for violations that continued every day for periods of up to nearly two years. Instead of imposing the \$50,000-per-day fine allowed by law for every day of violation, Norton settled for a payment covering a few randomly selected days of violations. Transcripts indicate that Norton assistant Fimberg acknowledged to jurors that in some cases the days selected were "arbitrary."²³ Had Norton demanded the fine for every day of violation, the total would have reached about \$86 million. Critics also pointed out that the DoE was let off scot-free in the settlement. "The lesson is that the government is happy to let the contractor take the fall," Melinda Kassen of the Environmental Defense Fund in Boulder charged.

In response to criticism of the settlement, a congressional panel, the subcommittee on Investigations and Oversight of the House Science, Space and Technology Committee launched a probe of the Justice Department's handling of the case, but DoJ officials stonewalled. They wouldn't allow their employees to answer any but the most superficial questions about the Rocky Flats probe, they decreed.

In June 1992, while the probe was under way, Judge Finesilver approved the settlement. He didn't publicly mention the grand jury's proposed indictments or report, much less release them. Their existence only came to light after the article in *Westword* detailed the jury's work. A week later, the alternative weekly printed excerpts from a preliminary draft of the jury's report.²⁴

That article triggered public demands — echoed by then vice presidential candidate Al Gore — to release the report. Finesilver repeatedly rejected these requests²⁵ before finally relenting in early 1993.²⁶ But even then he allowed Norton to release concurrently comments critiquing the jurors' conclusions. And he redacted some sections of the jury's report, mostly those dealing with the jury's conclusions that the illegal conduct at the plant had continued under EG&G. Apparently, Finesilver wasn't prepared to allow the public to know about that finding. He declined to release the jury's proposed indictments or its presentment, or to appoint a special prosecutor to follow up on the jury's proposed indictments.

The Cover-Up Unravels

The cover-up continued, but it was rapidly unraveling. In early October 1992, emboldened by the newspaper account of what the jurors had done, members of the House panel investigating the case threatened to hold Norton in contempt if he didn't

answer questions.²⁷ To avoid triggering a brouhaha in the final days of the presidential campaign, DoJ officials relented to the extent that they agreed to testify behind closed doors.

In its January 1993 report, the subcommittee didn't mince words. Panel members concluded that despite strong evidence of extensive criminal conduct, DoJ had accepted a weak settlement. No DoE or Rockwell official acknowledged engaging in criminal conduct. Justice officials "bargained away their right to fully and accurately" inform the public of the results of their probe, improperly let DoE off without holding its employees accountable for their conduct, and abdicated responsibility to help jurors write a report. The panel was also critical of Finesilver for abandoning the jury and then refusing to release its report.²⁸

Despite congressional support and almost universally favorable national media reports, the jurors have been left to twist in the wind. Neither Clinton nor Attorney General Janet Reno has responded to the jurors' plea for an inquiry into DoJ's handling of the case. The DoJ didn't call off its probe of the jurors until October 1993, and even then the jurors still faced the possibility that Judge Finesilver would name a special prosecutor to investigate them. Norton, however, had been let off the hook months earlier, when DoJ's internal investigation division called off its inquiry of him without taking any action. The jury's *pro bono* lawyer, Jonathan Turley of the Environmental Crimes Project at George Washington University, spent most of 1993 trying to persuade a congressional panel to immunize the jurors so they could testify about their work without fear of prosecution. As of early fall, he hadn't succeeded. "The problem with the Rocky Flats grand jurors," Turley said, "was not that they misunderstood their oath, but that they took it at face value. ...It wasn't until they uncovered evidence against particular wrongdoers...that they discovered that prosecutors would assist them in their indictment only if they happened to agree to the findings."²⁹

The jurors, meanwhile, are trying to lead normal lives, not easy given the threat of jail which still hangs over them because they went public. Some are angry. "A lot of people gave of their hearts, their lives, and their time, and they were treated rather shabbily by the whole system," one says. "If they had just told us the case was too complex, that they were going to reach an accommodation with the targets and cut their losses. ...But they didn't. They never clued us in on what was going on."

Others take a more cynical view. "I've mellowed a lot," one juror said in the summer of 1992. "Everything stays the same. You can't fight the federal government. You have to be God yourself to get past them, and I don't think that's going to happen anytime soon."

23. Untitled and undated grand jury transcript, p. 59.

24. Bryan Abas, "Everyone Wants To Know," *Westword*, October 7, 1992.

25. See e.g., "Order Regarding Issuance of Grand Jury Report," September 25, 1992, Sherman G. Finesilver, Chief Judge.

26. "Order Regarding Release of Grand Jury Documents," January 26, 1993, Sherman G. Finesilver, Chief Judge.

27. John Brinkley, "Norton Contempt Vote on Flats Due Monday," *Rocky Mountain News*, October 4, 1992.

28. "The Prosecution of Environmental Crimes...," *op. cit.*

29. Jonathan Turley, "Free the Rocky Flats 23," *Washington Post*, August 11, 1993, p. A19.

(Russia, continued from p. 15)

Another half-hearted attempt was made to halt the crowd in Smolenskaya Square when police fired a few rounds of tear gas. But although they certainly had these in sufficient quantities (as they progressed along the Ring, protesters actually captured several water cannon trucks, never used, along with about a dozen military transport trucks), the troops never seriously employed tear gas, water cannon or rubber bullets.

Until they reached Freedom Square, next to the White House, the demonstrators had committed no provocation serious enough to justify a state of emergency. True, they had overwhelmed police ranks, but the protesters were mostly ordinary citizens, completely unarmed and surprisingly disciplined. (For example, there was not a single instance of looting kiosks or shops along their route, nor of attacks on private buildings or vehicles.)

But even if the ease with which protesters broke the siege of the White House evidences a deliberate trap, there is no denying that parliamentary leaders stepped enthusiastically into it.

As the first ranks of demonstrators marched triumphantly into Freedom Square, Vice President Alexander Rutskoi was on the balcony urging them to form ranks for further action. He then rushed out into the crowd with a megaphone, personally supervising the arrangement of two military-style squads. One was sent in captured trucks and buses, together with around 100 armed men from the White House, to seize the television headquarters, Ostankino, on the other side of town. The other much larger group assaulted the Moscow Mayor's office next door.

It seems clear these decisions were taken spontaneously, on the crest of what Rutskoi figured was a popular uprising in favor of parliament. But it was a foolish choice that squandered parliament's political advantages and turned the struggle into an armed confrontation it could never hope to win.

At Ostankino, there was serious violence and dozens died. The political initiative passed completely from parliament's hands, and pro-Yeltsin forces had the pretext they needed for a military assault to extinguish the legislature altogether.

The Smell of a Staged Provocation

A former KGB "dirty tricks" specialist wrote in *Moscow News* that the whole affair smelled of a staged provocation. "The events were planned in such a way as to provoke the occupants of the White House into taking the first violent step, and they fell into this trap," he argued.¹² He provides a wealth of detail to support the charge. Investigative reporters for *MN*, *Nezavisi-*

maya Gazeta, and a handful of other independent newspapers have contributed a lot more inside information and further details about what happened that day, leading to similar conclusions.¹³

And even though Russia is rife with conspiracy theories, it's surprising how many people in the know seem to agree on this one and how much circumstantial evidence there is to support it.

I'm not completely convinced, primarily because I doubt Yeltsin capable of thinking through and taking such a gamble. But it must be admitted that the chief alternative explanation, police incompetence, is even more problematic. In order for the Interior Ministry's OMON (Otryad Militsii Osobovo Naznacheniya — special purpose police) forces to have screwed up as badly as they did on October 3, they had to utterly forget most of what they knew about crowd control.

On May 1, for example, they had isolated, dispersed, and savagely beaten a much larger crowd trying to gather on October Square. In an efficiently coordinated effort, the police closed the two Metro stations leading to the square, surrounded the crowd with blockades of trucks and armored vehicles, and thus closed off any exit from Leninsky Prospekt where it had concentrated. Mounted police charged the crowd — effectively utilizing tear gas and water cannon — and dispersed the demonstration.

If the authorities had made up their minds to break up the peaceful October 3rd rally as "a threat to national order," it is confusing at best that they didn't then employ any of these routine means at their disposal. No wonder there are questions.

Rewarding "Bungling"

An astounding postscript is that the man in charge of Moscow's police, Interior Minister Viktor Yerin, received the country's highest decoration, the Hero of the Russian Federation medal, for his performance that day. Even the pro-Yeltsin *Moscow Times*, which speaks for the foreign business community in Russia, expressed editorial amazement: "It could be argued that this 'hero' is the man most responsible for the degeneration of Sunday's hard-line protest into the orgy of shooting that ensued. ... Plainly put, the defense of Moscow was horribly bungled."¹⁴

13. See, for example, Natalya Gevorkyan and Alexander Zhilin, "A President's Trap? A Trap for the President?" *Moscow News*, October 15, 1993; and Alexander Zhilin, "Who is to Blame?" *Moscow Guardian* [English language], October 15, 1993; also, Andrei Koganov and Alexander Buzgalin's *Bloody October*—an as yet unpublished manuscript—examines the events of October 3rd at great length. It includes an analytical essay, a compilation of eyewitness accounts, translations of documents related to the unrest, and a survey of Russian press coverage of the events. The authors' agents are currently negotiating with several U.S. publishing houses.

14. Editorial, "Viktor Yerin: A Bungler Not a Hero," *Moscow Times*, October 9, 1993.

12. Anonymous ex-KGB specialist, "Parliament Swallowed the President's Bait," *Moscow News*, October 15, 1993.

Meanwhile, the man who ultimately pulled Yeltsin's chestnuts out of the fire by sending troops to assault the White House, Defense Minister Pavel Grachev, received no awards and will quite likely be sacked for his aforementioned hesitations. Such is politics, and such is rich fodder for speculation.

Violence in the Streets

The storming of the White House on October 4 can only be understood as a direct consequence of Decree 1400. It was the outcome of Yeltsin's political plan to abolish parliament, not a necessary or appropriate response to the violence of October 3. In fact, no one needed the horrific spectacle that unfolded in the center of Moscow, no one except a small group of people striving to crush opposing power centers and concentrate all authority in the Kremlin.

I spent much of that day on the streets around the White House, ducking bullets and trying to interview Muscovites. There were some gung-ho pro-Yeltsinites among the onlookers who wanted to see Rutskoi and Khasbulatov hung from the balcony, and some thrill-seekers — a surprising number of them tourists — who apparently just wanted to see blood. But most people I talked to were simply stunned, couldn't understand what was happening or why, and refused to accept the claim that it was all in the best interests of their security.

Official figures say 149 people were killed in the attack on the White House. Because journalists were not allowed in for several days afterwards, the number can't be confirmed, but stories persist that actual figures are much higher.¹⁵

Despite the savage violence in a localized area of Moscow that day, most of the city's residents went about their routines with little sense of emergency. The sweeping crackdown and virtual OMON occupation of Moscow that followed was made to seem necessary by strange events that occurred only after the White House had fallen and parliamentary leaders taken into custody. On the evening of October 4, intense gunfire broke out simultaneously in almost every region of Moscow. At the same time, government TV and radio were warning people to stay in their homes, that armed "terrorists" had gotten out of the White House by secret tunnels and were killing people at random. Perhaps some of the shooting, on Novy Arbat Street and the Sadovoe Koltso near the White House, might have been initiated by armed parliament supporters trying to escape, but most of it cannot be explained

15. On the number killed in the assault on parliament see, for example, "How Many Bodies Were in the White House? About a Thousand and a Half Says An Officer of the Interior Forces," *Nezavisimaya Gazeta*, October 30, 1993.

that way. There are reliable reports from people all over the city, even suburban areas, who heard firing break out between 7 p.m. and midnight in their neighborhoods.

I myself live just across the river from the Kremlin — a very secure area — and around 10 p.m. that night was staggered to hear a minute-long burst of machine gun fire from the street in front of the building. I peeked out a window and saw tracer bullets across the sky. I cannot prove it, but I think the only feasible explanation is that security forces deliberately went around the city that night, firing into the air, to provoke an atmosphere of terror among the inhabitants.

The state of emergency created a specious kind of order. It was used to strike a pseudo-populist blow against "crime": about 10,000 refugees and market traders from the Caucasus and Central Asia were deported from Moscow during those two weeks. It was also used to crush opposition: 18 communist and nationalist organizations were banned, 15 newspapers closed.¹⁶

Some 54,000 people were arrested during the emergency, about 35,000 of them for curfew violations. Hundreds report being beaten and robbed.¹⁷ Many Russians I know, caught after curfew in the street, say they simply gave over whatever was in their pockets to the OMON and were let go. In effect, Yeltsin turned Moscow over to the OMON for two weeks, and they rewarded

themselves for their service. Their chief target was the city's non-Russian inhabitants, but everyone suffered to some extent.

Single Criterion for Censorship

The crackdown that accompanied Yeltsin's violent consolidation of power was by no means random or confined to individuals. With opposition to Yeltsin the only criterion, numerous groups and publications were outlawed. It is true that many of the organizations and newspapers banned by Yeltsin after the October events were of a thoroughly repugnant character. I personally am a firm supporter of tough Hate Laws and would not have criticized Yeltsin on this score if, over the past two years, he had seen fit to enforce perfectly good Soviet-era

16. See, for example, Sergei Shargorodsky, "Eight More Hardliners Arrested; Newspapers Banned," Associated Press, October 14, 1993.

17. See, for example, Julie Poucher, "Curfew Ends," *Moscow Tribune*, October 19, 1993. I have not attempted to discuss the human rights situation in Moscow during the state of emergency in any detail, though it was drastic and will cast a shadow across Russian politics for a long time to come. For those who want information in English, Moscow's two English-language dailies, the *Moscow Times* and the *Moscow Tribune*, are a better source than most of the international press. Also, human rights groups, including Amnesty International and Helsinki Watch, were active in Moscow during this period and have compiled a large amount of data. There is also a new U.S. group, including many left intellectuals, called the "U.S. Committee for Democratic and Human Rights in Russia," which has made an intensive study of human rights abuses and electoral manipulations in post-October Russia.

legislation outlawing racism, pornography and pro-violence propaganda. But he didn't do that then, nor has he done it now. Anti-Semitic Cossack organizations that support Yeltsin, for example, have gone untouched.

Some of the banned newspapers, such as *Dyen*, a vicious ultra-nationalist rag, undoubtedly deserved to be shut down by legal courts enforcing proper legislation. On the other hand, perfectly legitimate opposition newspapers such as *Pravda* and *Sovietskaya Rossiya*, that would never have been touched in a democratic, law-governed state, were also targeted as Yeltsin moved against the full spectrum of his opposition. After *Pravda* was forced to change its editor and soften its line, it was allowed back on the stands. *Sovietskaya Rossiya*, at this writing, has not reappeared.

The most serious legacy of the bannings is its effect on the broader media and political spectrum. Although overt censorship was withdrawn within two days, a more subtle kind has actually grown. The Ministry of Information informed all newspapers they would be held responsible and could be closed down without warning for any "destabilizing" information they published. Yeltsin's new press minister announced to an astonished media corps that the government's job was to define "state ideology" and the press' job was to spread it.¹⁸

"We are living in a situation where censorship can be applied at any time," said Alexei Simonov, head of the Russian Journalist's Union's fund for the defense of *glasnost*, in a recent interview. "Fear is spreading."¹⁹

Clouded Elections

Essentially there is a new regime in Russia today. Yeltsin has moved very fast to consolidate his victory: Thousands of regional and local councils across the country have been closed down and their functions handed over to professional administrators (the old communist executive network) dependent on Moscow for their authority.

Yeltsin is now in the position of any Czar or General Secretary: He can take out his pen at any moment, sign an order, and it will have the force of instant law. There is no process, no parliament to amend, no Constitutional Court to challenge. He has used this authority to issue a stream of decrees, fulfilling the newly reinstated Yegor Gaidar's wish list on monetary policy, land ownership, foreign investment, and many other things.

He has also decreed new elections, and carefully crafted the machinery for holding them. Despite vastly unfair rules and conditions, a surprisingly broad political spectrum has cleared the hurdles and entered the election race for a new

450-member State Duma to be chosen on December 12. There is some hope in that, although even many of the key contenders, such as Rumyantsev, admit the new body will have little power.

Thirty-three electoral blocs attempted to register for the December 12 elections. Twenty-one succeeded in collecting the 100,000 signatures the Central Election Commission deemed necessary for registration, but eight of these were subsequently rejected because they failed to observe the rule that no more than 15 percent of nomination signatures should be from any one region of Russia.

That leaves 13 parties and blocs in the race. There is a broad spectrum that includes the ultra-nationalist Liberal Democratic Party, the pro-Yeltsin Russia's Choice, two slightly critical pro-government blocs, the centrist Civic Union, the powerful Communist Party of the Russian Federation, the Women of Russia movement, and an ecological party.

Virtually all of the contenders have complained that the electoral rules are unfair, the conditions and time for campaigning impossible, and the official Russian media totally biased in favor of Yeltsin's Russia's Choice.

However, only one has charged that direct state harassment has kept it out of the race. The Russian All-Peoples' Union, a nationalist group

that was a major force in the last parliament, says that 27,000 nomination signatures disappeared from its Moscow office during a raid by Interior Ministry forces on November 3, just three days before the deadline for submitting final nomination forms. The Ministry of the Interior admits staging the raid, saying its officers were looking for someone wanted in connection with the October violence, but denies stealing the signature forms. At a November 12 press conference, the party's leader, Sergei Baburin, said the loss of those signatures directly caused the party's rejection by the Central Election Commission, and complained that authorities refused to grant another week to replace them.

A Constitution to Institutionalize Yeltsin

The central fact defining the future is the new constitution which Yeltsin has written and intends to have adopted by public referendum on the same day as the elections. This document will outline the brief of the new parliament, and virtually everything else. It will create a strong authoritarian system, in which the president will be head of state and commander of the armed forces; will determine the main line of domestic and foreign policy; and will appoint the prime minister, head of the Central Bank, supreme justices, and military leaders. Astonishingly, in a system that purports to be democratic, the president will be able to dissolve parliament if it rejects his candidate for prime minister three times or, paradoxically, if it

***The electoral rules are unfair,
the conditions and time
for campaigning impossible,
and the official Russian media
totally biased in favor
of Yeltsin's Russia's Choice.***

18. David Remnick, "The Hangover," *The New Yorker*, November 22, 1993, p. 54.

19. Telephone conversation with the author, October 20, 1993.

passes a vote of non-confidence in the government. It will be virtually impossible to impeach the president, since such action will require several decisions by the Constitutional Court and a two-thirds vote in both upper and lower houses of parliament. Since the upper house, the Federation Council, will be half composed of Yeltsin-appointed regional administrators, a two-thirds majority against the boss is almost beyond imagination.²⁰

The Draft will also take back many of the rights previously granted to Russia's 21 ethnic republics, including control over their own raw materials, tax revenues, and foreign contacts. In the fine print, it cuts the term of the first parliament from four to two years and permits the president to avoid early elections and serve out his full term, until 1996.

Yeltsin has repeatedly promised he won't run for president after that tenure expires in 1996. He told a meeting of editors recently the burden of office lays heavily upon him: "You all know how many blows I have suffered already," he said. Curiously, then, a few days before publication of the Draft, the 62-year-old Yeltsin had a clause removed from it that would have placed an age limit of 65 on presidential aspirants.

Changing the fundamental rules by which an entire society lives is a serious matter. Most countries, therefore, make it difficult to even amend a constitution. Russia's new charter, however, will be considered adopted if, on December 12, 50 percent of the voters turn out and over 50 percent of them vote "Yes" to the following question:

"Are you in favor of the Constitution of the Russian Federation?"

That's it; with barely a month for citizens to read the text, no process of debate or amendment, and certainly no alternative on offer. And even if Russians, in their wisdom, turn it down, that may make no difference. Yeltsin, as the only source of legitimate authority in the country, will have the option to simply decree a "transitional" constitutional order.

In a November 16 interview with *Izvestia*, Yeltsin made no bones about the essentially authoritarian nature of his vision. "I will not deny that the powers of the president in the Draft are indeed considerable," he said. "But what did you

"...[T]he powers of the president in the Draft are indeed considerable. But what did you expect in a country that is used to Czars and strong leaders?"

— President Boris Yeltsin

expect in a country that is used to Czars and strong leaders?"²¹ (Picture the international and domestic reaction if Gorbachev had ever talked like that).

"It is no accident that people who are in favor of reforms support such a model," Yeltsin told *Izvestia*. "It is not a question of Yeltsin, but of people's realization that there needs to be someone in charge."²²

There is the bottom line. "People who support reform," both in Russia and the West, have come to the conclusion that political democracy and continued shock therapy are incompatible in Russia. The former has been cynically sacrificed to keep the latter going. That stand, while understood in Russia, is publicly disavowed in the U.S. "It is one of the unimpeachable lessons of history," said Joseph Duffey, director of the U.S. Information Agency, "that institutionalizing democratic capitalism leads to prosperity. ...Democracy and capitalism can exist apart for short periods of time, but for either to be a long-term success both must be present, so our efforts must address both at the same time."²³

But in Russia, the political reality is served cold. "In short," notes democratic socialist activist Alexander Buzgalin, "we shall now basically have a Pinochet-

type dictatorship, decorated with a few pseudo-democratic ornaments."²⁴

The core agenda of our victorious leadership is clear: It is to concentrate wealth into the hands of an owning elite and merge Russia with the world market. The arrangements being made will ensure that the social cost will not count in the future — or even be heard — in the halls of power. Russians have already been deprived of the social benefits and modest security that communism gave them, and they are now to lose the only tangible gain they won from all those hard years of *perestroika* — a working democracy.²⁵

For me, it is a perplexing irony that Mikhail Gorbachev, who created Russia's first genuine parliament, is regarded by mainstream Western thought as a communist who couldn't rise above his limitations, while Yeltsin, who has snuffed it out, is hailed as a great democrat.

20. Oleg Rummyantsev, press conference, November 12, 1993. Yeltsin's constitutional draft was published in most central newspapers, e.g., *Izvestia* and *Rossiskaya Gazeta*, November 10, 1993. Again, the *Moscow Times* and *Moscow Tribune* are the best English-language sources of commentary and news. Independent Russian newspapers, including the English-language weekly *Moscow News*, and *Nezavisimaya Gazeta* have carried some tough criticism. See, for example, Vladimir Lafitsky, "Chto Sdelat s' Rossi zhestokii politik? Nesvoevremeni voprosi pored referendumom" ("What will ruthless politicians do to Russia? Untimely questions before the referendum"), *Nezavisimaya Gazeta*, November 17, 1993.

21. Boris Yeltsin interview, "Kak president ya bolshe drugix zainteresovan' socialnoi stabilnosti" ("As President I'm more interested than others in social stability"), *Izvestia*, November 16, 1993.

22. *Ibid.*

23. O'Dwyer's *Washington Report*, "Ex-USSR lands are big in USIA plans," November 8, 1993, p. 2.

24. Conversation with Alexander Buzgalin, October 9, 1993.

25. *Ibid.*

(Letters, continued from p. 66)

ADL publication on the ANC and gave the ADL copies of the reports supplied to the South Africans. ADL National Director, Abe Foxman told the *Northern California Jewish Bulletin* (May 7, 1993):

"People are very upset about the files on the ANC. At the time we exposed the ANC, they were communist. They were violent, they were anti-Semitic, they were pro-PLO and they were anti-Israel. You're going to tell me I don't have the legitimacy to find out *who they are consorting with, who their buddies are, who supports them?* (Emphasis added)

In the face of Gurvitz's FBI interviews and Foxman's red-baiting confession, Ms. Wahl's denial that ADL knew Bullock was feeding the South Africans information is pure baloney, to use a euphemism. It also undermines the credibility of other ADL denials, *i.e.*, that it knew Bullock was getting information illegally from Gerard, and that it spied for Israel.

As I predicted when I wrote this article, the ADL continues to stonewall, deny responsibility, and label its critics anti-Semitic and/or anti-Israel. At least as far as the San Francisco authorities' political willingness to press criminal charges, ADL's "admit nothing and never apologize" policy is paying off. But even if the extent to which the iceberg descends below the surface is never fully discovered, the facts we do know, thanks to FBI pique at the ADL-S.A. connection, speak for themselves and they are chilling. *Res ipsa loquitur*.

Editors' Note:

On November 16, the ADL and the San Francisco District Attorney announced an extraordinary settlement. Even as a grand jury was about to call ADL employees to testify, DA Arlo Smith dropped his criminal investigation of ADL's massive spying, infiltration and "fact-finding" activities. (The ADL operations targeted over 950 organizations and almost 10,000 individuals and were at times conducted in collaboration with local, state, and federal law-enforcement agencies.)

The DA will return all the paper and computer files seized from ADL's San Francisco and Los Angeles offices. In an Orwellian twist, ADL will pay "up to" \$75,000 for a San Francisco city program to fight hate crimes. While still facing two pending lawsuits brought by organizations and individuals, ADL national director Abraham Foxman crowed: "We are delighted it is behind us."

On November 21, Mr. Jabara was turned back from the King Hussein Bridge in Jordan by Israeli border authorities and denied entrance to Israel.

"The denial," said Jabara, the former president of the American-Arab Anti-Discrimination Committee, "was based on information gathered in the U.S. ...It violates the spirit of the Middle East peace talks and sends a very ominous message about the prospects for true reconciliation and respect for advocates of Palestinian human rights."

(Schaap & Ray, 15 years, continued from p. 2)

than their U.S. counterparts, and we were accepted as comrades and friends and encouraged to continue. (It would be some time before *CovertAction* was as well-known in the U.S. as it was abroad; indeed it would still be some time before the CIA itself was a household word.)

Don't Look Back

From then on, we have never looked back. It was no way to win friends among the Washington establishment: hooking up with Philip Agee, handing out our magazine in Havana, naming and exposing undercover CIA officers, taking on the most powerful intelligence agencies in history. Did we ever stop to consider what a daunting task we had taken on? As Phil once advised us, if you keep looking over your shoulder, you're sure to trip over your own feet.

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Corrections in *CovertAction Quarterly* Fall #46:

The photo on page 26 should have been credited to Loren Santow/Impact Visuals.

The sentence on page 56 should have read: The CIA's first military *coup d'etat* was in Iran in 1953. It was soon followed by another Agency-sponsored *coup* in Guatemala.

Answers to CAQuiz (pp. 38-41): 1-b, 2-c, 3-a, 4-a&b, 5-c, 6-b, 7-b, 8-a, 9-c, 10-a, 11-b, 12-b, 13-c, 14-b, 15-b, 16-b, 17-b, 18-a, 19-a, 20-a, 21-c, 22-b, 23-c, 24-b, 25-c, 26-b, 27-a, 28-a, 29-c, 30-b, 31-c, 32-b, 33-a, 34-b, 35-c, 36-a.

Letters to the Editor

ADL Denies Wrongdoing

Your Summer 1993 edition of *CovertAction* contained an article by Abdeen Jabara, "The Anti-Defamation League: Civil Rights and Wrongs." The article was riddled with inaccurate quotes, misstatements, innuendo and outright falsehoods concerning the activities of the Anti-Defamation League (ADL) and the San Francisco District Attorney's investigation in which former police inspector Thomas Gerard has been charged. I do not write to you about those myriad errors. As former president and current national vice chair of the American-Arab Anti-Discrimination Committee, Mr. Jabara apparently has a specific anti-ADL view to promote. However, I cannot let stand the egregious misquotes and frankly fabricated statements Mr. Jabara attributes to me.

Mr. Jabara has misquoted a *Los Angeles Times* April 17, 1993 article in which I was correctly quoted in regard to Mr. Bullock's activities with ADL: "He's never been instructed, nor did we condone, his breaking of the law. We don't know if he did. ...We had no knowledge of him going through the trash [of target groups] *and we certainly wouldn't have encouraged him to do that kind of thing.*" Mr. Jabara conveniently left out a critical portion [in italics] of my statement—that ADL does not and has not encouraged any impropriety or violations of law by Mr. Bullock or anyone else.

Mr. Jabara does correctly cite me saying that Mr. Bullock is an independent contractor for ADL. This, as Mr. Jabara should know, is a legal term of art that refers to Mr. Bullock's employment status. The pejorative connotation that Mr. Jabara attempts to wring out of the acknowledgment of Mr. Bullock's legal status is indicative of the slant he brings to the page in writing this article.

Most egregious of all of Mr. Jabara's intentional misstatements, however, is his unsupported—and unsupportable—statement that "Wahl admitted the League had gathered information and passed it on to Israel." Mr. Jabara provides no footnote, no source reference, nothing to validate this statement. The reason he is unable to document this point is that I never said it. What I have said in interviews, to set the record straight and to clear the smoke that people like Mr. Jabara have attempted to generate, is that if it is appropriate to do so, where ADL learns that the personal security of an individual or a group is threatened, it will notify the appropriate Israeli official of the threat, just as ADL would do if it learned of a similar threat involving an individual of any nationality. This does not constitute an "admission" that ADL spies for Israel, as Mr. Jabara would have your readers believe.

Mr. Jabara's statement that I "did not explain why the Los Angeles ADL offices had files on anti-apartheid activities and activists, dating back to the 1950s" is a non-sequitur. There is no need to explain something that isn't true. Mr. Jabara's juxtaposition of that sentence next to "An FBI report confirmed that Gerard and Bullock gave information to the South Africans" creates the totally false impression that ADL had something to do with information given to the government of South Africa by Gerard or Bullock. In fact, as Mr. Jabara should know from reading the material he himself has cited, there is absolutely no statement, assertion or even inference that ADL had anything to do with providing information to the government of South Africa.

Since your publication is committed to the ideal that the truth should be told, I hope that you will publish this letter.

Barbara S. Wahl

Arent Fox Kintner Plotkin & Kahn, Washington, D.C.

Abdeen Jabara Replies

Ms. Wahl states that she does not want to respond to most of the "inaccurate quotes, misstatements, innuendo and outright falsehoods" that "riddle[d]" the article. I find it odd that she does not explain this reluctance to respond when she believes her client's interests are being misrepresented.

But let me turn to the four criticisms she does make.

I omitted the phrase "*and we certainly wouldn't have encouraged him...*" because it essentially duplicated Wahl's previous denial that ADL knew of, condoned, or ordered Bullock's lawbreaking. That denial, however, does not alter the fact that although ADL attempted to insulate itself from any of Bullock's crimes by hiring him as an "independent contractor," he frequently operated out of ADL offices where he maintained a small desk and had regular access to ADL files. ADL paid him a regular salary (which continued for months after his activities became public) and currently picks up the tab for his legal expenses. Bullock publicly represented himself at various law enforcement conferences as working for ADL and was known by law enforcement officials as an ADL investigator. Now that this spy scandal has become public, ADL seeks to avoid the "pejorative connotation" inherent in spying by disingenuously "acknowledging Bullock's legal status" as an "independent contractor."

Generally, employer-independent contractor relations are governed by a standard set of rules regarding nature of payment for services, supervision, and so forth, not one of which Ms. Wahl cited in her defense of the ADL, neither to the media nor in response to my article.

Astonishingly, although Ms. Wahl found the most "egregious" of my "intentional misstatements" the charge that ADL gathered information and passed it on to Israel, she then openly admits that it is true. She goes on to try to put a different gloss on the ADL-Israel relationship, but I can barely fathom how what I said is unlike what she admitted here. Perhaps the subtle difference is that ADL's original *intention* is to use the information internally, and it *only* passes it on to the appropriate Israeli official after somehow determining who constitutes a "threat" or who "appropriate Israeli officials" are. The road to hell..., as they say. And that certainly includes the destination for the seven Palestinians living in southern California on whom the ADL informed to the FBI. Their "threat" was selling magazines that supported a Palestinian guerrilla group and holding dinners to raise funds for schools and hospitals. On another occasion, ADL felt called to inform an Israeli "consular official" in San Francisco after David M. Gurvitz, formerly a Los Angeles-based ADL "fact finder," learned that a DFLP (Democratic Front for the Liberation of Palestine) member was traveling to the West Bank.

In her last paragraph, Ms. Wahl denies that ADL knew Bullock was compiling and selling information to South Africa. Why she would raise this issue when it is the one on which the ADL itself is most vulnerable for out-and-out lying is beyond me. First of all, ADL admits that it kept files on the ANC and anti-apartheid activists in the U.S. Perhaps in this case, too, it *intended* to use them internally. When interviewed by the FBI, David Gurvitz said that Bullock told him on several occasions that he [Bullock] had a clandestine relationship with a representative of the Republic of South Africa to whom he was selling information about anti-apartheid activities in the U.S.

In his original interviews with the FBI, Gurvitz lied about Bullock's receipt of money from the South Africans because he still "felt some loyalty to Bullock and the ADL." He later admitted that the ADL routinely collected information on people engaged in anti-apartheid activity in the U.S. and that he would occasionally send Bullock clippings on the subject from left-wing newspapers. Bullock explained to Gurvitz that thanks to the ADL's thoroughness, he didn't have to do "much extra work."

Gurvitz further recalled that when he started working for the ADL, there was already a great deal of information in ADL files concerning anti-apartheid groups dating back to the late 1970s. I did mistakenly write the 1950s.

When the FBI started investigating the Bullock-S.A. relationship, Irwin Suall, the head of ADL fact-finding, told Bullock to stay in Germany (where he had been attending a conference) until his money ran out. While Bullock denied in his interview with the FBI on January 22, 1993 that anyone in the ADL was aware of his and Gerard's relationship with the South Africans, he may not have known at the time of the FBI's interview with Gurvitz in October 1992. Bullock did admit that he gave "Louie," the South African agent, a copy of an

(continued on p. 65)

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