

Federal Judge Orders FBI To Disclose Harassment Of U.S. Labor Party

Federal Judge Damon J. Keith has ordered the Justice Department to produce by March 28 all documents relating to FBI "investigation" of the U.S. Labor Party and the National Caucus of Labor Committees from 1968-1974. The Judge issued his order during a pre-trial conference here March 8 in *Gandhi v. Detroit Police and FBI*.

In granting the party's request for documents, Keith ignored a 1973 Fifth Circuit Court decision by Judge Griffin Bell, now U.S. Attorney General, cited by the Justice Department against the request. The Justice Department then revealed, in seeking protection for present and past informants within the party during the hearing, that the Carter Administration intends to in-

clude under the heading "human rights", defense of its domestic intelligence operations. Following the ruling, the FBI sought and received a protective order from Keith barring publication of the documents in the "New York Times or New Solidarity" because such publication would be "prejudicial to the defendants in this case."

The Labor Party contends that full and honest production of documents under Judge Keith's order on March 28 will show a four-year Cointelpro program for the destruction of the party under the "legal" rubric of "FBI investigation" by the Trilateral Commission and associated Lower Manhattan banking interests.

Warren Hamerman of the NCLC Executive Committee commented in New York last night that "the

NSC Declares Financial War

Authoritative sources have revealed that the National Security Council has embarked on coordinated action to strangle the U.S. Labor Party by cutting off its financial support. The NSC has clearly been spurred to move at this time by significant opposition to Carter Administration policy both here and abroad. The NSC apparently believes that the continued existence of the Labor Party is vital to the success of this opposition.

Financial warfare was proposed as the only feasible strategy, our sources report. Past experience with overt political attacks on the Labor Party had convinced Carter operatives that such efforts only provoked international mobilizations that rapidly increased the party's influence and credibility. Past experience had also convinced Carter's Labor Party watchers that the Federal Election Commission's denial of \$110,000 in presidential primary matching funds would cause the financial collapse of the organization in January, 1977.

The current financial squeeze is coordinated through the FBI, Federal Election Commission, Securities and Exchange Commission, and Internal Revenue Service, and draws upon portions of the Rockefeller private intelligence networks. Two teams in New York City, one under FBI control, are deployed to monitor party finances and determine the crucial pressure points. In addition, the Rockefeller and Trilateral Commission-connected law firm of Sherman and Sterling has been retained in what is ostensibly a collection case, to seek full dis-

closure of the Labor Party's financial structure through court ordered deposition, and to win a judgment of \$90,000.

The National Security Council has projected a 60-day plan, beginning at the end of February, to "phase out" party activities. Within the first 21 days, they expect to force a cut off of party communications with Europe and Mexico, and shortly thereafter, to reduce the publication of the party's twice weekly newspaper *New Solidarity*, first to once a week, then to once every two weeks. The Carter operatives are counting on creating enough dissension on financial questions inside the Labor Party to force USLP chairman Lyndon H. LaRouche to return prematurely from his European consultations.

The assault is planned to proceed on two fronts. First, to apply pressure to Labor Party creditors to seek full payment on their accounts, and to interdict contributions from supporters. The second, through financial constraint to halt the party's legal initiatives, which are directed at exposing the NSC private intelligence networks planning the financial warfare.

Such financial warfare is, of course, strictly illegal under federal codes. The Labor Party will respond, in part, by filing a million dollar civil rights and damages suit against the Federal Election Commission for its harassment of contributors to the campaign of 1976 Labor Party presidential candidate LaRouche.

revelations about to occur in the *Ghandhi* case create the context for the watergating of Jimmy Carter.”

Judge Keith’s decision brings to an end over two years of joint FBI-Detroit Police Department efforts to thwart discovery and full litigation of the *Ghandhi* case. The suit charges the FBI with violating the civil rights of the U.S. Labor Party and NCLC in its infiltration of explosives expert Vernon M. Higgins into the party and Higgins’ subsequent role as a 1974 USLP candidate in Michigan while still employed by the FBI. The Labor Party and NCLC are seeking a permanent injunction against future FBI infiltration as well as damages.

According to the limited discovery taken in the case, Higgins, who previously worked with the Michigan Ku Klux Klan in the Justice Department-run Pontiac Bus Bombings and as an operative in the Bay of Pigs invasion, was sent into the USLP to provide the FBI with

detailed information on “how explosives could be planted and how assassinations could take place.”

Judge Keith was singularly unimpressed by the Griffin Bell pedigree on the Fifth Circuit decision which FBI attorney Elizabeth Whittaker used to fight her case. Keith rebutted, “This is not the Fifth Circuit, this is my Circuit.”

The Labor Party will move from the production of documents immediately into a full schedule of depositions of the defendants in the case, the party’s attorney David Wenger informed Keith yesterday. Vernon M. Higgins has been noticed for a deposition March 28 by the party’s attorneys. Judge Keith also took under advisement yesterday a motion for summary judgment filed against the Detroit Police Department. The motion charges that the Detroit police have tailgated the FBI in defending themselves in the case and have yet to respond to a single discovery request.

History Of The Detroit FBI Case

July 3, 1974 — Complaint filed by 14 members of the National Caucus of Labor Committees and the U.S. Labor Party individually and as members of the NCLC-U.S. Labor Party against the Detroit Police Department, Phillip Tannian, Commissioner of the Police, 10 individual Detroit Police Department officers who participated on a police raid on the Detroit USLP offices and Attorney General William Saxbe, FBI Director Clarence Kelley, 8 individual agents of the FBI and Vernon M. Higgins. Complaint includes motion for preliminary injunction and-or temporary restraining order.

July 24, 1974 — Motion for preliminary injunction and TRO denied by Judge Damon Keith.

October 9, 1974-March 11, 1975 — FBI files motion to dismiss, Detroit Police Department files motion to dismiss. Judge Keith grants motion to dismiss for FBI on basis of sovereign immunity, refuses to dismiss all individual Federal defendants including Kelley and Saxbe and refuses to dismiss complaint against Detroit Police Department.

March 11, 1975-October 15, 1975 — FBI files two motions for reconsideration on Keith order and a motion for rehearing — all of which require extensive responses by plaintiffs. Keith denies these attempts to stall the litigation. Clarence Kelley files an affidavit saying that Vernon Higgins has not been served properly. Detroit Police file protective orders against discovery arguing that all information on the NCLC is privileged.

October 15, 1975-March 22, 1976 — Plaintiffs attempt discovery, including interrogatories and request for production of documents to Detroit Police and FBI. FBI answers by refusing to answer any and all substantial questions and by serving separate sets of interrogatories numbering 40 pages each on each of the plaintiffs. FBI files second motion to dismiss when plaintiffs cannot answer on time. Detroit police refuse to answer any questions. Defendant Higgins

shoots at process servers as they attempt to serve him with complaint; Higgins pleads guilty to “reckless discharge of a weapon,” in subsequent court hearing.

March 22, 1976-July 20, 1976 — Depositions taken of FBI Agents Ball, Mercado, Fayette, Robinson. On instructions from Assistant General Richard Thornburgh, FBI agents refuse to answer any questions about the NCLC or U.S. Labor Party, any questions covering a time span beyond April 1974- August 1974, and any questions about the activities of the FBI. Deposition of Detroit Police Agent Tidderington. Tidderington adopts the same tactics as the FBI. FBI files third motion to dismiss the lawsuit. FBI files objection to plaintiffs’ request to produce documents. FBI and Justice Department decide to defend Vernon M. Higgins. Higgins answers original complaint, 2 years after complaint is served.

July 20, 1976-November 9, 1976 — Plaintiffs file extensive motion to compel answers by the FBI to all questions in depositions and discovery and similar motion against Detroit Police Department. FBI takes depositions of 7 individual NCLC plaintiffs in collaboration with Detroit Police Department.

November 9, 1976-December 7, 1976 — Judge Keith grants plaintiffs’ discovery motions in all substantial parts. Judge Keith remonstrates the FBI and Detroit Police at subsequent pretrial conference for “dilatatory tactics” in the case and threatens to call the “Attorney General” when FBI counsel again objects to request on production of documents. Depositions completed by FBI and Detroit Police Department of all NCLC plaintiffs. FBI files another motion to dismiss and a motion for reconsideration of Judge Keith’s November 9, 1976 order. Keith denies both motions.

December 17, 1976-February 1, 1977 — FBI begins responding to first set of discovery interrogatories by plaintiffs. FBI serves motion to compel answers