

Congressional report: FBI sting operations threaten Constitution

by Don Baier

On May 1 the House Judiciary Subcommittee on Civil and Constitutional Rights released the findings of its four-year investigation of Federal Bureau of Investigations undercover operations, including the notorious Abscam and related entrapment operations in which the FBI "created crime" to secure the convictions of Sen. Harrison Williams and several members of the U.S. Congress. The FBI's modus operandi was to set up criminal activity, then contrive the appearance that the victim was involved in it. The 100-page subcommittee report blasted the FBI's conduct in Abscam-style sting operations, charging that the Bureau has taken actions that have seriously undermined the nation's "political, judicial and financial institutions."

The House Judiciary Subcommittee, chaired by chairman Don Edwards (D-Calif.), himself a former FBI agent, documented instances in which the FBI had fixed elections, bankrupted businesses and defrauded innocent people of large sums of money, ruined the reputations of the innocent and protected the criminal activities of the guilty, and altered "political power structures, careers of politicians, and thus, history itself," ostensibly in the interest of fighting corruption.

"Yet in many of these operations," the subcommittee report concluded, "the evidence, when finally presented, failed to support the conclusion that corruption had been ongoing or even that the fictitious criminal proposals created by the government had been accepted."

None of this was exactly new. These charges were aired repeatedly during the Abscam trials initiated under the Carter administration, particularly in the case of Harrison Williams, a New Jersey Democrat and 24-year member of the Senate. During 1981-82, the Williams case became a cause celebre and subject of a nationwide political mobilization led by EIR founder Lyndon LaRouche and the National Democratic Policy Committee to stop Williams's impeachment by the U.S. Senate.

The Harrison Williams case

Williams, the target of an outrageous FBI criminal enterprise, was eventually forced to resign and was railroaded to prison on charges that he accepted a bribe from an FBI agent posing as an Arab sheik. Last month, millions of Americans saw the evidence that Williams had done no wrong—that he had in fact *refused* the phony sheik's bribe—when LaRouche, now campaigning as a presidential candidate, in-

cluded a videotape of the FBI's bribe attempt in his April 27, 1984 national television broadcast, which showed the senator responding, "No, no, no, no!" Some people in Washington, D.C. thought it was not exactly coincidental that it was only four days after the LaRouche broadcast that the House subcommittee report, reportedly "sat on" for nine months previously, was suddenly released.

Since then, the FBI has come in for sharp criticism from presidential candidates Jesse Jackson and Gary Hart. Hart has criticized the FBI "entrapment" methods used during Abscam, and vowed to replace FBI Director William Webster for his role in the sting operations against Congress. Jesse Jackson, campaigning in Memphis, Tenn. April 30 at the site of civil rights leader Martin Luther King's assassination, went further: He hinted that the FBI had taken part in a conspiracy to murder King.

It was Williams himself, however, who delivered the single most explosive bombshell in the new round of attacks on the Bureau. On May 4, the Senator's attorneys filed court papers citing tape-recorded evidence that the FBI ran a sex-with-children blackmail ring to set up U.S. Senators and other elected officials in "sting" operations. Among the names mentioned in this shocking document: Anthony Amoroso, the FBI special agent who had played the role of the phony sheik with Williams and other Abscam victims.

The Williams court papers summarized the Bureau's activity: ". . . the claim made of gross *outrageous conduct* has reached the point where the . . . FBI and Justice Department have become dictatorial in nature and placed themselves above the law. The vile, degenerate and illegal actions engaged in by the agents and informers . . . when coupled with all the other acts of outrageous conduct . . . prove . . . that the government has not only engaged in [such] conduct, but has been party to and condoned actions that are abominations and have violated numerous laws . . . to the point where they must stand accused of . . . crimes of a most degenerate nature."

The FBI's flagrant violation of everything that is decent—let alone legal—was brought up repeatedly by witnesses during Williams' trial. The new court documents also point to how this testimony was undermined by Thomas Puccio, Assistant U.S. Attorney, in charge of the Organized Strike Force in Brooklyn, in order to convict Williams.

Witnesses Ed Plaza and Robert Weir, both former assis-

tant U.S. attorneys in New Jersey, had testified to the fact that the FBI's tactics in the Abscam operation had been rampant with violations of due process of law. Williams's new affidavit cites a Justice Department memo of Jan. 6, 1981, which claimed that the two witnesses had lied during testimony.

Anathema to constitutional values

When Williams was railroaded and the Senate refused to defend him back in 1981-82, LaRouche warned that the lawmakers' gutlessness had freed the FBI to "manufacture crime" against any and all political targets. The House Judiciary subcommittee's report sketched a picture of expanded FBI "stings" that confirmed that diagnosis:

"Increasingly the FBI is relying on so-called 'stings' in which the criminal activity itself is bogus. In such operations, the agents themselves establish a criminal enterprise, which is supposed to provide criminal opportunities, and thus attract, those 'predisposed' to engage in those opportunities. . . . The FBI budget for undercover work has jumped from \$1 million in 1977 to \$12.5 million for 1984. Undercover operations have climbed from 53 in 1977 to over 300 in 1983."

The House subcommittee termed this activity a serious threat to the American system of government. "The infiltration by government agents, or criminals who are financed by the government, into the private lives of citizens, the spectacle of the U.S. government spending large sums of money to tempt people into committing crimes and the atmosphere of fear, suspicion, and paranoia which develops as the use of the technique expands are all anathema to the values protected and cherished in our Constitution," the report declared.

The subcommittee expressed concern that the agents "hold the power to create the *appearance* of guilt," and reported that "there is some evidence that undercover operations may actually increase criminal activity." Further, the subcommittee found that the Justice Department's ballyhooed "checks" and "safeguards" were useless, because "It is clear that the FBI and Department of Justice are incapable of adequately implementing and enforcing their own safeguards and guidelines."

Whether intended or not, the picture that emerged from the subcommittee's report was of a national secret police which apparently judges itself responsible to no one but those private circles who, unmentioned in the committee's report, are picking the FBI's targets.

The FBI is implicated in sex-with-children ring

Court papers submitted by former U.S. Senator Harrison Williams in U.S. District Court on May 4 show evidence that the FBI ran a sex-with-children blackmail ring to set up U.S. senators and other elected officials in "sting" operations. Williams, himself framed up and convicted in the FBI's notorious Abscam sting, filed the new evidence in papers that seek a reversal of his conviction.

Williams's affidavit specifically cites "a tape-recording made by an FBI agent while involved in the Goldcon and Abscam investigations with avowed and admitted homosexual paid FBI informer James W. Brewer (reported to have been a member of the North American Man-Boy Love Association—Nambla)." Brewer had been a witness against Williams, and testified before the U.S. Senate that he was involved in Abscam, along with another FBI informer, Anthony Cavanaugh. He was accompanied by FBI agent Anthony Amoroso, one of the leading actors in the Abscam scenario.

The Williams court papers report that on the FBI tape recording relating to the activities of FBI homosexual informer Brewer and Cavanaugh, there is evidence of "transporting young children, 12-17 years of age, from Denver, Colorado to Houston, Texas, for purposes of

prostitution; that a 14-year-old girl was to be set up as a 17-year-old to have sex with a 'senator' and the sex act videotaped for blackmail purposes; that Cavanaugh had taken 'the whores' who he described as just 'babies, kids' to Los Angeles; that they would get a 12-year-old boy to have a sex act with a senator by 'licking his [the senator's] ass' and videotaping this action in furtherance of another blackmail scheme; that a sheriff and his entire department would be bribed; and on and on."

The new and extraordinary evidence in the Williams case demonstrates the degree to which the FBI is involved in lawless and immoral activities. The revelations that the FBI is using members of Nambla as "informants" put the Bureau at the center of the most depraved racket in the country, the child kidnapping-and-sex operations which have victimized thousands of families. Members of Nambla, the group formed in 1978 as a defense committee for radical pederasts facing prison in Boston, Massachusetts, have been arrested for kidnapping children and abusing them in sexual perversions. The group advocates lowering the legal "age of consent" for sexual activities to four years old. Such is the moral caliber of these FBI "informants" used against U.S. elected officials.

At the beginning of May, there were news reports that the FBI will now serve as a "clearinghouse" for reports on missing children. Just who will receive that information—more FBI "informants" like reputed Nambla pederast Brewer?

'Every safeguard was violated or ignored'

Excerpts follow from the House Judiciary Subcommittee report, "FBI Undercover Operations." Emphasis is in the original.

Summary

While investigations of public corruption may be intended to restore the public's faith in the integrity of the affected institutions, ill-conceived and poorly managed undercover operations are likely to have precisely the opposite effect. Thus, in Operation Corkscrew, the entire bench of the Cleveland Municipal Court came to be widely viewed with suspicion and disdain, thereby undermining the legitimacy of that court's authority. Similarly in Operation Colcor, a 1980-82 probe of corruption in Columbus County, North Carolina, the Bureau surreptitiously initiated and influenced a local election, with consequent and predictable effects on the public's trust in the electoral process. In these and other public corruption cases, political power structures, careers of politicians, and thus history itself may be altered by the prosecution of leading politicians even where there is no conviction.

Yet in many of these operations, the evidence, when finally presented, failed to support the conclusion that corruption had been ongoing or even that the fictitious criminal proposals created by the government had been accepted.

. . . In Operation Abscam, an informant used his insider's knowledge of the undercover scheme to defraud a number of legitimate business people. Likewise, the informant in Operation Resfix (a 1980 political corruption probe in Jacksonville, Florida) engaged in massive frauds upon the banks, creditors, and the Federal Government itself while supposedly assisting the FBI. The undercover agents in Operation Recoup (a 1981 investigation of stolen car rings) embarked on an undercover plan they knew would result in losses to innocent car buyers and sellers. . . .

Because agents create the crime, rather than merely detect, they hold the power to create the *appearance* of guilt. Repeatedly, the Subcommittee found that the discussions with targets were highly ambiguous, leaving considerable doubt as to whether there had been any meeting of the minds, or that subjects even understood what was being discussed. Moreover, the technology associated with many undercover operations—i.e., video and audio tape recording—can read-

ily be manipulated to create false impressions of guilt.

The public often tends to equate investigation with guilt. . . .

In short, once an undercover operation is unleashed, virtually any individual can be subjected to a full testing of his morality by investigators armed with the full panoply of power exercised by the FBI. . . . the testing may be so obtuse that the individual may not even be aware that a criminal offer has been presented. . . .

Operation Corkscrew

The subcommittee reviewed in detail one major operation conducted under [Justice Department-FBI] safeguards and/or guidelines, code-named Operation Corkscrew. The probe, which extended from 1978-82, sought to obtain evidence of case-fixing in the Cleveland Municipal Court, particularly by judges of that court. The operation ended in failure, however, with the FBI itself being "stung" by its "middleman." The record in this one operation demonstrates that virtually every one of the principal safeguards was either directly violated, ignored, or administratively construed in a manner inconsistent with their stated purposes with profoundly disturbing results. . . .

1) The operation was initiated without any basis for "reasonable suspicion" of judicial case fixing. While an earlier investigation unearthed evidence that low-level court employees, police, and others were improperly interfering in the judicial process, the only evidence remotely suggesting that any judges were involved was nonspecific and generalized rumors and the erroneous assumption which the investigators developed regarding how cases were actually fixed. Nevertheless the undercover operation focused *exclusively* on the judges of that court. After the operation was initiated, the Bureau relied on the assertions of an intermediary to select specific judges for targeting despite the clear evidence of that intermediary's duplicity and the overwhelming incentive for him to continue to falsely implicate those judges. No real effort was made to verify *any* of the intermediary's claims. . . .

2) The recorded transactions between the agent and the targets were so ambiguous that it was obvious the target had no idea that the agent was discussing criminal activity. . . .

The safeguard of requiring that criminal offers be “clear and unambiguous” was not only ignored, but was apparently deliberately violated in order to produce “evidence” of wrongdoing.

3) The fictitious criminal transaction bore no resemblance to the real world. Neither the “quid” nor the “quo” were modeled on what the FBI knew or should have known of actual case-fixing: Vastly inflated bribes were suggested by the agent with nothing in return expected or received.

4) The fact that the probe involved a “sensitive circumstance” (political corruption) did not result in a cautious approach by the Justice Department or FBI Headquarters, but rather nearly complete deference to field agents investigative judgments. . . .

5) . . . the Undercover Operations Review Committee, FBI Headquarters, and various segments of the Department of Justice—failed to exercise that responsibility in any meaningful way. . . . The supervisors, as well as the field, in their quest for snaring important public figures in a criminal probe, abandoned objectivity and caution.

As a result of Operation Corkscrew, public confidence in a public institution vital to our democracy was shattered, and the careers and in some cases, the health of wrongfully targeted individuals were irreparably damaged. The failure to abide not only by the letter but also the spirit of the safeguards and guidelines in this instance led to a complete fiasco. Even where, as in other operations discussed in the body of this Report, convictions or recoveries are obtained, and thus produce some measure of accomplishment, it is clear that the FBI and Department of Justice are incapable of adequately implementing and enforcing their own safeguards and guidelines.

. . . We have . . . investigated or been provided with information on a number of other undercover operations. Our review of these operations confirms that the problems revealed in Abscam and Corkscrew are *not* aberrations, but in fact reflect a pattern of recurrent problems which are inherent in the process.

Manipulation of the political process

Undercover operations carry the potential for manipulating the political process and tampering with history. A particularly egregious example of the FBI’s insensitivity to this issue is seen in Operation Colcor, a 1980-82 investigation of corruption in Columbus County, North Carolina. As a part of its efforts to establish that state and local politicians were willing to buy votes, the FBI employed undercover agents to propose and influence the outcome of a referendum to permit sale of liquor by the drink in Bolton, North Carolina, a town of about 400 voters. With promises of opening a new restaurant that would produce major revenues for the poor rural community, and cash payments to the local political organizer, the agents succeeded not only in initiating the referendum, but obtaining a favorable vote.

Although the underlying issue might be characterized as

minor, the point is that the FBI, with the blessing of its attorneys and the Department of Justice, *created* a local political issue, initiated a petition, and obtained a referendum on that issue, and then influenced the outcome of that referendum. When the FBI’s involvement became known, the North Carolina State Board of Elections invalidated the referendum and declared it null and void. . . .

FBI lies, evasions, and stonewalling

In Abscam . . . after prosecutors [Plaza and Weir] from the New Jersey United States Attorney’s office voiced serious doubts about the supervision, control, and tactics of the principal informant, Mel Weinberg, and questioned the sufficiency of the evidence in certain aspects of the probe, instead of investigating these allegations, the Department [of Justice] investigated the prosecutors and, “to dissuade the courts and counsel from further inquiry,” leaked an inaccurate, libelous memorandum concerning them. Indeed, even though the assertions of these internal critics were subsequently validated, the Department has refused to release its own report exonerating them. Similarly in Corkscrew, it appears that the FBI attempted to have a prosecutor removed from the case at a time when that office was less than enthusiastic about the sufficiency of the evidence of case-fixing.

The desire to protect the reputation of the Bureau and individual agents also has created a “stonewalling” attitude. . . . In Corkscrew, the Department of Justice’s response to the Freedom of Information Act request of Judge Clarence Gaines of the Cleveland Municipal Court for “all records *** pertaining to the investigation of me***” consisted of *one* document and three newspaper clippings. This response is difficult to reconcile with the fact that the Headquarters’ files examined by the Subcommittee contained hundreds of records that mentioned Judge Gaines. . . .

Chief among its recommendations, the subcommittee report urged that the FBI be required to obtain a judicial warrant before engaging in Abscam-style undercover operations. In motivating that proposal, the subcommittee compared the FBI’s activities in Abscam and other stings to the illegal “enemies list” activities of the Nixon period, implying, in effect, that such activities were continuing.

The Congress as well as the nation were shocked by the revelations of FBI activities conducted in the name of “national security” under the codeword Cointelpro. In the civil litigation which followed in the wake of these disclosures, law enforcement officers and others professed an unawareness that their conduct was improper. To the extent that the guidelines create an ambiguity as to the propriety of the activities listed therein, that ambiguity should be eliminated. It is as unfair to law enforcement officers who may be asked to engage in such conduct as it is to society, which may be asked to pay the price, to leave these questions unresolved.

The Subcommittee believes that the nation should not have to await the disclosure of another Abscam or Cointelpro to learn what its law enforcement officers are doing.