

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SOCIALIST WORKERS PARTY, YOUNG SOCIALIST :
ALLIANCE, LINDA JENNESS, ANDREW PULLEY, :
CHRISTY WALLACE, DEBORAH P. BUSTIN, :
MACEO DIXON, DAN FEIN, CRAIG HONTS, :
NORMAN OLIVER, ROBERTA L. SCHERR, JANE :
VAN DEUSEN, CHARLES BOLDOC, JAMES P. :
CANNON, DUNCAN GORDON, ALICE P. WOZNACK, :
and ELLARD M. YOW, JR., on behalf of :
themselves and all others similarly :
situated, :

Plaintiffs,

-against-

ATTORNEY GENERAL OF THE UNITED STATES, :
SECRETARY OF THE TREASURY, SECRETARY OF :
DEFENSE, POSTMASTER GENERAL, SECRETARY :
OF THE ARMY, DIRECTOR OF THE FEDERAL :
BUREAU OF INVESTIGATION, DIRECTOR OF :
CENTRAL INTELLIGENCE, DIRECTOR OF SECRET :
SERVICE, DIRECTOR OF DEFENSE INTELLIGENCE :
AGENCY, DIRECTOR OF NATIONAL SECURITY :
AGENCY, DIRECTOR OF ALCOHOL, TOBACCO AND :
FIREARMS DIVISION (U.S. TREASURY), :
DIRECTOR OF SELECTIVE SERVICE SYSTEM, :
CIVIL SERVICE COMMISSIONERS, MEMBERS OF :
THE UNITED STATES BOARD OF PAROLE, :
RICHARD M. NIXON, ROBERT C. MARDIAN, :
JOHN MITCHELL, JOHN W. DEAN, III, H. :
ROBERT HALDEMAN, JOHN D. EHRlichman, :
TOM CHARLES HUSTON, JACOB NOGI, and :
UNKNOWN AGENTS OF THE UNITED STATES :
GOVERNMENT, :

Defendants

COMPLAINT -

CLASS ACTION

-----X
Plaintiffs, by their attorneys, allege:

1. This case arises under the Constitution, Article 1, Section 2, and Amendments I, IV and V, under 18 U.S.C. § 2520 and under 42 U.S.C. § 1985(3). Jurisdiction is conferred by 28 U.S.C. § 1331(a) and § 1343(1), (2) and (4).

2. The amount in controversy exceeds \$10,000 exclusive of interest and costs.

3. Class Action Allegations:

(a) This is a class action under Fed. R. Civ. P.23(b) (2) and (3). The plaintiff class contains approximately 100,000 members consisting of all post-1948 members and supporters of the Socialist Workers Party, and all post-1948 members and supporters of the Socialist Workers Party for elective public office and their supporters, including as supporters all post-1960 members of the Young Socialist Alliance;

(b) The named plaintiffs include the Socialist Workers Party and the Young Socialist Alliance, as well as members and candidates of the Socialist Workers Party and members of the Young Socialist Alliance. With respect to the subject matter of this action, the interests of the named plaintiffs are typical of and coextensive with those of all class members;

(c) Questions of law and fact common to the class include: whether defendants conspired to deprive all class members of their constitutional rights under Article 1, § 2 and the First and Fifth Amendments to participate in the electoral process as candidates and supporters on an equal basis with members, candidates and supporters of other political parties; and whether, independently of such conspiracy, some or all defendants have engaged in illegal acts of blacklisting, harassment, electronic surveillance, burglary, mail tampering and terrorism in violation of the said rights of all class members;

(d) There are no questions affecting only individual class members except the extent of their damages;

(e) Except for a class action, the only alternative for adjudication of the controversy is piecemeal litigation in hundreds of geographically scattered lawsuits with consequent cost, delay and inconvenience to the parties, witnesses and courts, as well as a risk of conflicting adjudication of similar issues. Individual actions by class members would present the same legal issues and would require the same proof (except as to damages) as will the class action. On information and belief, no litigation concerning this controversy is pending by or against members of the class.

4. Plaintiff Socialist Workers Party (hereinafter "SWP") is an unincorporated political party with members throughout the United States. The National Office of SWP is in New York City. SWP seeks to replace capitalism in the United States with socialism. To further its objective, SWP nominates candidates for public office and otherwise participates in the electoral process at all levels of federal, state and

local government. SWP candidates have competed in every presidential election since 1948 and in hundreds of elections for other federal, state and local offices. SWP's 1972 presidential and vice presidential candidates appeared on ballots in 23 states. Thousands of SWP members have worked and are working as campaigners for SWP candidates. SWP sues on behalf of itself, its members and its past and present candidates for elective public office.

5. Plaintiff Young Socialist Alliance (hereinafter "YSA") is an unincorporated, nationwide organization of people aged 29 and under. YSA's National Office is in New York City. YSA shares SWP's objective of replacing American capitalism with socialism. YSA has endorsed SWP candidates in every election since 1960, and thousands of YSA members have worked and are working on behalf of SWP candidates. YSA sues on behalf of itself and its members in their capacity as supporters, campaign workers and voters for SWP and its past and present candidates.

6. Plaintiff Linda Jenness is a member of SWP. She was SWP's candidate for President of the United States in 1972. She resides in New York City.

7. Plaintiff Andrew Pulley is a member and National Secretary of YSA. He was SWP's candidate for Vice President of the United States in 1972. He resides in New York City.

8. Plaintiff Christy Wallace is a member of SWP. She was SWP's 1972 candidate for U.S. House of Representatives in the 17th District of Michigan. She resides in Detroit.

9. Plaintiff Deborah P. Bustin is a member of SWP. She is SWP's candidate for Mayor of Atlanta, Georgia, in the election to be held in November 1973. She resides in Atlanta.

10. Plaintiff Maceo Dixon is a member of SWP. He is SWP's candidate for Mayor of Detroit, Michigan, in the election to be held in November 1973. He resides in Detroit.

11. Plaintiff Dan Fein is a member of SWP. He is SWP's candidate for Mayor of Houston, Texas, in the election to be held in November 1973. He resides in Houston.

12. Plaintiff Craig Honts is a member of SWP. He is SWP's candidate for Mayor of Seattle, Washington, in the election to be held in November 1973. He resides in Seattle.

13. Plaintiff Norman Oliver is a member of SWP. He is SWP's candidate for Mayor of New York City in the election to be held in November 1973. He resides in New York City.

14. Plaintiff Roberta L. Scherr is a member of SWP. She is SWP's candidate for Mayor of Cleveland, Ohio, in the

election to be held in November 1973. She resides in Cleveland.

15. Plaintiff Jane Van Deusen is a member of SWP. She is SWP's candidate for Mayor of Minneapolis, Minnesota, in the election to be held in November 1973. She resides in Minneapolis.

16. Plaintiff James P. Cannon is a member of SWP and was National Chairman of SWP until May 1972. He resides in Los Angeles, California.

17. Plaintiff Charles Bolduc is a member of SWP. He was Michigan organizer for SWP during the 1972 election campaign. He resides in Los Angeles, California.

18. Plaintiff Duncan Gordon is a member of SWP. He resides in San Mateo, California.

19. Plaintiff Alice P. Woznack is a member of SWP. She is employed by the United States Government at the National Institutes of Health in Bethesda, Md. She resides in Washington, D.C.

20. Plaintiff Ellard M. Yow, Jr. is a member of SWP. He resides in Houston, Texas.

21. The above-named individual plaintiffs sue on behalf of themselves and all other post-1948 members, candidates, and supporters of SWP including all post-1960 members of YSA.

22. The following defendants are public officers of the United States, sued in their official capacities (hereinafter "Public Officers"): Attorney General, Secretary of the Treasury, Secretary of Defense, Post-Master General, Secretary of the Army, Director of the Federal Bureau of Investigation, Director of Central Intelligence, Director of Secret Service, Director of Defense Intelligence Agency, Director of National Security Agency, Director of Alcohol, Tobacco and Firearms Division (U.S. Treasury), Director of Selective Service System, Civil Service Commissioners and Members of the of the U.S. Board of Parole.

23. Defendant Richard M. Nixon is President of the United States. He is sued in his official capacity and as an individual.

24. Defendant Robert C. Mardian resides in Phoenix, Arizona. He was Assistant Attorney General of the United States and Chief of the Internal Security Division of the Department of Justice from November 7, 1970, until March, 1972.

25. Defendant John Mitchell resides in New York City.

He was Attorney General of the United States from 1969 until 1972.

26. Defendant John W. Dean, III resides in Alexandria, Virginia. He was Counsel to the President from 1970 to April 30, 1973.

27. Defendant H. Robert Haldeman resides in Washington, D.C. He was employed by the U.S. Government as White House Chief of Staff from January 1969 to April 30, 1973.

28. Defendant John D. Ehrlichman resides in Great Falls, Virginia. He was employed by the United States Government as assistant to the President for domestic affairs from January 1969 to April 30, 1973.

29. Defendant Tom Charles Huston resides in Indianapolis, Indiana. He was employed by the White House as researcher, writer and coordinator of domestic security affairs from 1969 until May 1971.

30. Defendant Jacob Nogi was, as of May 1970, Special Agent in the San Francisco Field Office, Region I, 115th Military Intelligence Group, 100 McAllister Street, San Francisco, California. His present whereabouts are unknown.

31. The defendant Unknown Agents are employees and former employees and agents of the United States Government. Their number and their names are presently unknown to plaintiffs.

32. In preparation for both the 1972 and the 1973 elections (and many prior elections) the plaintiff and other SWP candidates, the SWP, its members and supporters campaigned and are campaigning for office by means of speaking to individuals and assembled groups, distributing literature and organizing supporters and other workers to assist in the solicitation of support and votes.

33. During or about the year 1948 and continuously thereafter, the defendant Public Officers and their predecessors agreed, expressly and by adherence to a common design, to cause agents of the U.S. government to engage in a systematic campaign of excessive interrogation, employment discrimination and other harassment against SWP, its members, candidates and supporters (including members of YSA), and to spy upon them systematically by means of warrantless electronic surveillance, unauthorized opening and monitoring of mail, burglary, and by other illegal means.

34. Prior to and during the months of July through November, 1970, defendants Nixon, Ehrlichman, Haldeman, Mitchell, Dean, Huston, and Mardian, together with others presently unknown, agreed to implement and expand the above

described agreement and to cause government agents to intensify their interrogation and harassment of SWP, its candidates, members and supporters (including members of YSA) and to intensify the use of warrantless electronic surveillance, unauthorized opening and monitoring of mail, burglaries, and other illegal tactics against plaintiffs.

35. The purpose of both of the above-described agreements or plans was and is to deny the SWP, its members, candidates and supporters the equal protection of the laws and equal privileges and immunities under the law by preventing them from running for and obtaining office (including the offices of President, Vice-President and Members of Congress), from supporting candidates and platforms for such offices, and from otherwise participating in the electoral process and exercising their freedoms of speech and association on an equal basis with the Republican, Democratic, American, Conservative, and most other political parties and their members.

36. Pursuant to the above-described agreements or plans, the defendant Public Officers and their predecessors, and the defendants Nixon, Ehrlichman, Haldeman, Mitchell, Dean, Huston and Mardian, together with their agents and others, caused the events described in paragraphs 37 through 74 below.

37. On or about March 21, 1948, the then Attorney General of the United States prepared and publicized a list of organizations including SWP, which he described as "fascist, communist or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means" (hereinafter "Attorney General's List").

38. Because SWP is listed on the Attorney General's List, the defendant Public Officers, their agents and others systematically singled out and continue to single out SWP, its members, candidates and supporters (including members of YSA) and systematically subject them to a variety of handicaps.

39. Prior to and during the 1972 and 1973 election campaigns, the defendant FBI Director and his agents systematically singled out for interrogation and surveillance the SWP and hundreds of its members, supporters and candidates for elective public office in New York City, Detroit, Seattle, Los Angeles, Denver, Houston and other cities in the United States.

40. The candidates, members and supporters were singled out solely on the basis of their affiliation with SWP or YSA and/or their support of SWP candidates for elective office including the plaintiff candidates.

41. On hundreds of occasions during the 1972 and 1973 campaigns, the said agents contacted and interrogated these members and supporters, their landlords, employers, parents and friends, by telephone, personal interviews, mail and message.

42. During typical interrogations FBI agents characterized the SWP as "subversive" and "violent," and used pressure, threats, bribery and other enticements in attempts to induce SWP members and supporters to withdraw their support from SWP and its candidates.

43. On many occasions FBI agents threatened to and did disclose members' and supporters' SWP or YSA affiliation to their families, employers, prospective employers, landlords and others with the purpose and effect of provoking hostility and discrimination against SWP members and supporters because of their SWP or YSA affiliation.

44. On many occasions FBI agents attempted to induce members and did induce supporters of SWP to become government agents for the purpose of spying upon other members and supporters and of interfering with lawful campaigning and organizing.

45. The interrogation and other acts described above were and are unrelated to detecting crime or to any other legitimate FBI activity.

46. Prior to and during the 1972 and 1973 election campaigns agents of the defendant Civil Service Commissioners systematically singled out many federal employees, including Emily Rose Homonoff and plaintiff Alice P. Woznick, on the basis of their affiliation with SWP or YSA and support of SWP and its candidates for elective public office.

47. After singling out SWP members and supporters among federal employees Commission agents questioned them in detail regarding their party affiliations, party activities and lawful support of candidates for public office, and Commission agents further required the members and supporters to answer the questions as a condition of continued federal employment.

48. Prior to and during the 1972 and 1973 campaigns, the U.S. Army systematically singled out servicemen and prospective servicemen on the basis of their affiliation with SWP or YSA and support of SWP candidates for elective public office.

49. As a condition of joining or remaining in the Army, the Army then required these servicemen and prospective servicemen to initiate proceedings, present evidence and prove

that their party affiliations and support of candidates were not illegal.

50. Prior to and during the 1972 and 1973 campaigns, agents of the Selective Service System systematically singled out selective service registrants on the basis of their affiliation with SWP or YSA or support of SWP candidates for elective public office.

51. Selective Service agents then classified the said registrants "Not qualified for Military Service" ("4-F") and entered the said classification on the registrants permanent records.

52. The Civil Service Commission, the Army and the Selective Service System singled out SWP members and supporters (including YSA members), as described in Paragraphs 46-51 above, because SWP is listed on the Attorney General's list.

53. The purpose and aggregate effect of the above-described interrogation and other acts is to harass and intimidate SWP, its members, candidates and supporters (including members of YSA) and to impair their ability to attract other supporters and to participate effectively in the federal, state and local electoral process.

54. On November 2, 1970, Plaintiff Ellard M. Yow, Jr. was paroled from federal custody in Houston, Texas by order of the U.S. Board of Parole.

55. During preparations for the 1972 campaign in the spring of 1971, plaintiff Yow lived in Houston, Texas, and was then an active member and supporter of SWP.

56. On or about June 15, 1971, U.S. Parole Officer Jesse Clark threatened plaintiff Yow with re-incarceration or prolonged parole restrictions because of his political affiliation with and activities on behalf of SWP and its candidates.

57. As a result of these threats plaintiff Yow resigned from the SWP on June 25, 1971, and thereafter ceased openly to support and work for the party and its candidates and prospective candidates until after his final release from parole in March 1973.

58. On or about February 23, 1972, a repairman for the Pacific Bell Telephone Company discovered a wiretap on the line of plaintiff James P. Cannon at his home in Los Angeles, California.

59. On information and belief, defendant Unknown Agents installed the wiretap and used it to intercept campaign related and other communications of plaintiff Cannon

and other plaintiffs.

60. On information and belief, prior to and throughout the 1972 and 1973 election campaigns, Unknown Agents of the defendant Public Officers have, without valid warrants or other valid authority, used wiretaps and other electronic listening devices to intercept confidential campaign-related and other conversations to which members, supporters and candidates of SWP were parties in New York, Detroit, Seattle, Los Angeles, Houston and other United States cities.

61. On information and belief the said Unknown Agents, other Unknown Agents, the defendant Public Officers and the named individual defendants knew that plaintiffs' communications were intercepted as described in Paragraphs 58-60 above, and they nevertheless disclosed the contents of such intercepted communications to one another and to others, and used the contents for various purposes.

62. On or about May 1, 1970, defendant Special Agent Jacob Nogi opened and entered the United States mailbox of plaintiff Duncan Gordon at 3866 18th Street in San Francisco, California, without authorization, and removed and examined letters addressed to plaintiff Gordon.

63. On information and belief, defendant Nogi committed the above-described act because plaintiff Gordon was a member of SWP and a supporter of SWP candidates for elective public office.

64. On information and belief, prior to and throughout the 1972 and 1973 election campaigns, agents of defendant Postmaster General and other defendant Public Officers in New York, Seattle, Los Angeles, Houston and other cities opened, perused, copied and resealed first-class and other mail addressed to the SWP, its officers, members, candidates and supporters.

65. On information and belief, prior to and throughout the 1972 and 1973 election campaigns, agents of defendant Postmaster General and other defendant Public Officers in the said cities have systematically recorded senders' names and return addresses on mail addressed to the SWP, its officers, members, candidates and supporters.

66. On or about October 31, 1971, unidentified persons broke into SWP campaign headquarters located at 3737 Woodward in Detroit, Michigan, and removed lists of campaign supporters, campaign contributors and subscribers to The Militant, a newspaper then supporting SWP candidates.

67. On or about February 1, 1972, unidentified persons broke into the apartment of plaintiff Charles Bolduc

located at 4825 Commonwealth Avenue in Detroit and removed a membership list and other internal party records.

68. On or about May 24, 1973, unidentified persons broke into the apartment of plaintiff Norman Oliver located in Brooklyn, New York at 95 Eastern Parkway, #6E, and rifled files containing correspondence, records and other documents relating to the mayoralty campaign and other SWP business.

69. On information and belief, the persons who planned and participated in the burglaries described in paragraphs 66-68 above, were agents of the F.B.I., the Treasury Department, the CIA, the Department of Defense, the National Security Agency, or agents of all of them.

70. On information and belief, defendants and their agents have used and will continue to use the information obtained by burglary to intensify their harassment of plaintiffs.

71. At midday on May 27, 1970, approximately twelve men, including Mario Palaez, Reynaldo Castro and Reynaldo Gonzalez, entered SWP's Southern California campaign headquarters at 1702 E. 4th Street, Los Angeles, California, terrorized four campaign workers with machine guns and other weapons and used gasoline to set the premises and their contents afire.

72. On information and belief the twelve men described above were agents of the CIA or of other defendant Public Officers.

73. A bomb exploded on March 12, 1971, in the Houston, Texas, campaign headquarters of the SWP, terrorizing campaign workers, destroying valuable papers and otherwise disrupting campaign activities.

74. On information and belief, agents of the FBI, CIA, Treasury Department or all of them had foreknowledge of the above described bombing attack, and participated in its planning and execution.

75. On information and belief, defendants Nixon, Ehrlichman, Haldeman, Dean, Mitchell and Mardian knew that some or all of the events described in paragraphs 38-74 above were about to occur.

76. The said defendants had power to prevent or aid in the prevention of the occurrence of the said events, but they neglected or refused to do so, and they further concealed the occurrence of the said events and thereby facilitated their recurrence.

77. As a result of systematic FBI interrogation and

surveillance, the Civil Service and Army policies of affiliation-based interrogation and harassment, the anti-SWP policy of the Board of Parole, the appearance of SWP on the Attorney General's List, and the other government actions described above, plaintiff's ability to participate effectively in the federal, state and local electoral process prior to and during 1971 to 1973 and thereafter was and is seriously impaired in that fear of similar or additional government or government-induced harassment deters members and other potential supporters from openly and freely joining and supporting SWP and its candidates.

78. As a result of being harassed, interrogated and threatened with discharge from employment because of her affiliation with SWP, plaintiff Alice P. Woznack sustained damage to her First Amendment rights of expression and association, in the amount of \$25,000.00.

79. As a result of being coerced into resigning from SWP and withdrawing from participation in the 1972 election campaign, plaintiff Ellard Yow sustained damage to his First Amendment rights of expression and association, in the amount of \$50,000.

80. As a result of the intrusion into his mailbox, and the removal and examination of its contents, plaintiff Duncan Gordon sustained damage to his Fourth Amendment right of privacy in the amount of \$20,000.00.

81. As a result of wiretapping and eavesdropping, plaintiff Cannon, the SWP, its members, candidates and supporters (including YSA members) have suffered and continue to suffer damage to their Fourth Amendment rights of privacy in the amount of \$1,000,000.00.

82. As a result of defendants' opening, reading, copying and otherwise surveilling their mail, plaintiff SWP and its members, candidates and supporters (including YSA members) have suffered loss of Fourth Amendment rights of privacy valued in the aggregate at \$1,000,000.00.

83. As a result of the burglaries in Detroit and New York City, plaintiffs Charles Bolduc and Norman Oliver, and plaintiff SWP and its members, candidates and supporters (including YSA members) sustained a loss of Fourth Amendment rights of privacy valued in the aggregate at \$5,000,000.00, and the loss of documents and information valued at \$10,000.00.

84. As a result of the bombing of SWP Houston headquarters, plaintiff SWP and its members sustained property damage amounting to \$3,000.00.

85. As a result of the burning of SWP Los Angeles headquarters, plaintiff SWP and its members sustained property damage

amounting to \$10,000.00.

86. As a result of all of the above described impairments of their privacy and political freedom, and freedoms of expression and association, plaintiff SWP, its members, candidates and supporters (including YSA members) sustained damages aggregating \$10,000,000.00.

87. In singling out SWP members, candidates and supporters (including YSA members) because of their SWP or YSA affiliation, and in interrogating, surveilling, threatening and harassing them and their families, friends, landlords and employers so as to deter and prevent members, supporters and potential supporters from giving their advocacy, work and financial support to SWP and its candidates, the acts of defendants and their agents were and are unlawful in that:

(a) They impair the freedom of SWP, YSA and their members to associate as and with a minority political party for the purpose of advancing common political beliefs, their freedom to speak freely and their freedom to persuade others to join their cause, all in violation of the First Amendment;

(b) They impair the freedoms of SWP and its candidates to nominate and to be candidates for federal, state and local elective office, in violation of the First Amendment; and

(c) They impair the effectiveness of the votes cast by SWP members and supporters (including YSA members) in behalf of SWP candidates for federal office, in violation of Article I, Sec. 2 of the Constitution.

88. By systematically identifying members of SWP and YSA, and other supporters of SWP candidates, and by disclosing their SWP affiliation or support to families, friends, landlords, employers, and others, defendants and their agents deprive plaintiffs of privacy and anonymity in their association with the minority political party of their choice, in violation of the First Amendment.

89. By singling out members, candidates and supporters of SWP (but not other political parties) and interrogating, surveilling, threatening and harassing them and their families, friends, landlords and employers, defendants and their agents have denied and are denying plaintiffs the equal protection of the laws in violation of the Fifth Amendment.

90. By retaining the SWP on the Attorney General's List (but not the Republican, Democratic, American, Conservative and most other political parties) and by using the list as a basis for interrogating, blacklisting and otherwise harassing SWP members, candidates and supporters (including YSA members), the acts of the defendants (including the defendant Attorney General) were and are unlawful in that:

(a) they impair plaintiffs freedom to associate and participate in the electoral process, in violation of the First

Amendment; and

(b) they deny plaintiffs the equal protection of the laws in violation of the Fifth Amendment.

91. By wiretapping and otherwise intercepting plaintiffs' oral communications without valid authorization, and by disclosing and using the contents of the intercepted communications, defendants acted and are acting unlawfully in that:

(a) They subject plaintiffs to unreasonable searches and seizures in violation of the Fourth Amendment;

(b) They intercept, disclose and use oral communications in violation of 18 U.S.C. § 2520; and

(c) They deprive plaintiffs of privacy and anonymity in their association with the minority political party of their choice, in violation of the First Amendment.

92. By entering the mailbox of plaintiff Duncan Gordon without authorization, and by removing and examining his mail, defendant Jacob Nogi subjected him to an unreasonable search and seizure in violation of the Fourth Amendment.

93. By opening, reading and copying plaintiffs' mail, defendants and their agents subjected plaintiffs and still subject them to unreasonable searches and seizures of their papers and effects in violation of the Fourth Amendment.

94. By reading and copying plaintiffs' mail, and by systematically recording the names and addresses of plaintiffs' correspondents, defendants and their agents deprive plaintiffs of privacy and anonymity in their political associations, in violation of the First Amendment.

95. By breaking into SWP's Detroit headquarters, the New York apartment of plaintiff Oliver and the Detroit apartment of plaintiff Bolduc, and by perusing and stealing plaintiffs' membership lists and other confidential campaign documents, defendants and their agents acted unlawfully in that:

(a) They subjected plaintiffs to unreasonable searches and seizures in violation of the Fourth Amendment; and

(b) They deprived plaintiffs of privacy and anonymity in their political associations, in violation of the First Amendment.

96. By burning SWP campaign headquarters in Los Angeles and terrorizing the campaign workers, and by bombing SWP campaign headquarters in Houston, as alleged in paragraphs 71-74 defendants through their agents impaired plaintiffs' freedom to associate as a minority political party and to run and campaign for party candidates for elective public office, in violation of the First Amendment.

97. By making the agreements or plans and by causing numerous acts to be done pursuant to the plans whereby plaintiffs were and are injured in their persons and property and

prevented from exercising their rights, defendants Nixon, Ehrlichman, Haldeman, Mitchell, Dean, Caulfield, Mardian and Huston, and the defendant Public Officers and their predecessors, violated 42 U.S.C. § 1985 (3), in that their plans constitute conspiracies:

(a) to deprive plaintiffs of the equal protection of the laws by causing agents of the United States government to conduct intensive interrogation, surveillance, harassment and burglaries against the SWP, its members, supporters and candidates, but not against the Republican, Democratic, American, Independent, Conservative and most other political parties;

(b) to deprive plaintiffs of equal privileges and immunities under the laws by preventing them from participating in the federal, state and local electoral process on the same basis as the members and candidates of other political parties;

(c) to use force, intimidation and threats to prevent plaintiffs from casting their votes effectively and from giving their support and advocacy in a legal manner toward the election of lawfully qualified SWP candidates for President, Vice-President and members of Congress; and

(d) to injure SWP members on account of their advocacy of SWP candidates for federal office by damaging the reputations of the members and by interfering with their relations with landlords and employers.

98. By failing or refusing to prevent the occurrence of the events described in this complaint -- although they knew the said events were about to occur and although they had power to prevent their occurrence -- defendants Nixon, Ehrlichman, Haldeman, Dean, Mitchell and Mardian violated 42 U.S.C. § 1986.

99. Plaintiffs have no adequate remedy at law and are suffering and will continue to suffer irreparable injury as described above unless defendants are restrained by order of this court.

100. Plaintiffs have made no prior application for relief in this or another court.

WHEREFORE, plaintiffs request judgment in the form of:

- (1) A permanent injunction restraining the defendants, their agents, successors, privies and all persons acting in concert with them or with knowledge of this judgment from
 - (a) interrogating, surveilling, threatening, enticing or affecting the employment of SWP members or supporters because of their affiliation with or support of SWP or its candidates;

- (b) inducing or attempting to induce members or supporters to spy and inform upon SWP or YSA;
 - (c) wiretapping or otherwise intercepting plaintiffs' oral communications;
 - (d) singling out, opening, reading or copying plaintiffs' mail;
 - (e) recording the names of plaintiffs' correspondents or otherwise monitoring plaintiffs' mail;
 - (f) breaking into plaintiffs' premises;
 - (g) implementing any aspect of the plan agreed upon in 1948 and since adhered to by the defendant Public Officers and their predecessors;
 - (h) implementing any aspect of the plan agreed upon prior to and in 1970 by defendants Nixon, Haldeman, Ehrlichman, Dean, Huston, Mitchell and Mardian;
- (2) A mandatory injunction ordering the defendant Attorney General to strike the Socialist Workers Party from the Attorney General's List;
- (3) Damages payable jointly and severally by defendants Nixon, Ehrlichman, Haldeman, Mitchell, Dean, Huston and Mardian and by the defendant Unknown Agents as follows:
- (a) compensatory damages of \$16,700,000.00 and punitive damages of \$10,000,000.00 allocated among SWP and members of the plaintiff class;
 - (b) compensatory damages of \$25,000.00 and punitive damages of \$25,000.00 to plaintiff Alice P. Wozniak;
 - (c) compensatory damages of \$50,000.00 and punitive damages of \$50,000.00 to plaintiff Ellard M. Yow, Jr.;
 - (d) compensatory damages of \$100,000.00 and punitive damages of \$100,000.00 to plaintiff James P. Cannon (but not less than \$100 for each day on which his oral communications were intercepted, disclosed or used);
 - (e) compensatory damages of \$100,000.00 and punitive damages of \$100,000.00 each to plaintiffs Charles Bolduc and Norman Oliver; and
 - (f) compensatory damages of \$23,000.00 to plaintiff Socialist Workers Party;
- (4) Compensatory damages of \$20,000.00 and punitive damages of \$20,000.00 payable by defendant Jacob Nogi to plaintiff Duncan Gordon;
- (5) Costs, disbursements and attorneys' fees, payable jointly and severally by all defendants;

(6) Such other and further relief as may be just and proper.

Dated: New York, N.Y.
July 18, 1973.

RABINOWITZ, BOUDIN & STANDARD

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Leonard B. Boudin
Herbert Jordan

Of Counsel

Support for this legal action is being organized by the Political Rights Defense Fund. The PRDF is an adjunct of the Committee for Democratic Election Laws (CoDEL), a national organization which has engaged in many successful suits against discriminatory election laws and practices.

This fight for political rights has to be taken to the American people and the PRDF will be energetically publicizing the issues in this case. The costs of any such legal action are high, and securing finances for the case will be an important part of PRDF's activities.

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(Committee for Democratic Election Laws)
150 Fifth Avenue, Room 737
New York, New York 10011
(212) 691-3270

- ☐ Enclosed is a contribution of \$ _____
- ☐ Please add my name as a sponsor of the Political Rights Defense Fund. I endorse its efforts to publicize, build support and raise funds for the PRDF law suit against illegal government surveillance, harassment and interference with democratic rights. I understand that sponsorship does not imply agreement with the political views of the plaintiffs.

Name
Address Phone
City State Zip
Organization (for identification only)