

Marxist Group Charges Conspiracy As \$40 Million Suit Goes to Trial

By ARNOLD H. LUBASCH

A lawyer accused the Federal Government of waging a 40-year "campaign of disruption and defamation" against the Socialist Workers Party as the trial of the party's lawsuit seeking \$40 million in damages opened yesterday in Manhattan.

The lawyer, Margaret Winter, said in her opening statement in Federal District Court that the campaign was an investigation that amounted to a conspiracy to curtail the party's political activities and to stigmatize its members as "subversives."

She accused the Government of conducting an "extraordinary investigation," using informers, burglaries, wiretaps and mail monitoring, without uncovering any crimes.

Replying for the defense, Peter C. Salerno, an Assistant United States Attorney, argued that the Government had conducted a long and legitimate investigation, which included authorized "intelligence gathering" by the Federal Bureau of Investigation.

He said that the Government had conducted an investigation, not a conspiracy, and that the Justice Department had closed the case in 1976, without filing charges. He asserted that the Government had a right to exercise its "discretion" to conduct investigations.

Judge Thomas P. Griesa is presiding at the nonjury trial, which is expected to continue for more than a month. Several years of pretrial proceedings have disclosed that the F.B.I. used 1,300 informers to spy on the party and also broke into its headquarters here more than 90 times.

After the opening statements in the crowded courtroom, Farrell Dobbs, a plaintiff and former national secretary of the Socialist Workers Party, took the stand as the first witness in the trial. He said that the party originated in a Trotskyite movement that opposed Stalinism.

Mr. Dobbs, who was the Presidential candidate of the Socialist Workers in four elections, testified that the party was based on "the fundamental doctrines of Marxism" and that it advocated socialism through a peaceful political process.

Other witnesses will include leaders of the party and members who allege that they were harassed. The party also plans

to seek the testimony of Attorney General William French Smith and former members of the F.B.I.

The lawsuit was filed in 1973 by the party, which was founded in 1938 and says that it now has 2,000 members. The plaintiffs include the party's youth affiliate, the Young Socialist Alliance, and several individual members.

The F.B.I. and several other Federal agencies are the defendants. The plaintiffs recently agreed to a Government move to drop former President Richard M. Nixon and two former aides as individual defendants.

Shortly before the trial, Miss Winter unexpectedly replaced Leonard B. Boudin as the leader of six attorneys for the plaintiffs. A party spokesman explained that there had been "disagreements about how to present certain aspects of the case."

The plaintiffs are seeking damages from the Government and injunctions to prohibit similar investigations in the future.

The Government contends that it ended the "domestic security investigation" of the party; that the investigation was proper at the time and that legal limitations bar claims for damages now, even for improper actions.

In a defense document, the Government said it would not dispute many facts presented by the plaintiffs. But it said, "The Government may legally investigate individuals or organizations regardless of their nature."

"The issue in this case," it said, "is not whether the Socialist Workers Party, the Young Socialist Alliance or any of their members can be proved guilty of a crime beyond a reasonable doubt.

"The issue is whether the Government has a right to keep itself informed of the activities of groups that openly advocate revolutionary change in the structure and leadership of the Government of the United States, even if such advocacy might be within the letter of the law."

Jack Barnes, the party's national secretary, said in a statement yesterday, "We are bringing to trial the F.B.I., the C.I.A. and other Government agencies that have violated the rights of millions of working people."

Witch-hunt victims support SWP lawsuit

'Our parents framed here'

"This court house holds special meaning for us. Here our parents [Ethel and Julius Rosenberg] were framed in a caricature of a trial for 'stealing' the non-existent secret of the atom bomb. Here they were sentenced to death.

"Here the last appeal, six hours after the Supreme Court overturned Mr. Justice Douglas's last stay, was denied by the trial judge minutes before our parents were killed. "Here the myth that domestic radicals were dangerous agents of a foreign power and thus not entitled to the protection of the Bill of Rights received a significant boost. The false conviction of our parents was the best evidence yet for the view that these radicals should be denied the rights of other Americans.

"The trial that opens today should be watched carefully by all of our fellow citizens. It will reveal that once you give government agencies the right to determine who is and who is not worthy of Bill of Rights protections, then they will use that power to protect themselves from public scrutiny and criticism, and seek to rig the political process so that minority views do not get a fair hearing.

"If the nation permits what is revealed at this trial to continue then not only radical groups will suffer and our entire democratic system will be in danger."

Robert and Michael Meeropol, sons of Ethel and Julius Rosenberg



ETHEL AND JULIUS ROSENBERG

Statement from entertainment industry blacklists

People who collided with McCarthyism thirty years ago have a special interest in the trial of federal agencies for their criminal assaults on the Socialist Workers Party and the Young Socialist Alliance. Only a few years ago we had the illusion that we were finally getting somewhere in a long struggle against government repression. Some of us were able to work again in fields where we had been blacklisted, and there didn't seem to be any repeat performances of the kind we had been through. Then came the revelations about how the FBI, CIA and the rest had been operating against movements for social change right through the 1960s and 1970s, making it clear that nothing had changed except tactics. The emphasis in the first dozen years after World War II had been on what could roughly be called legal methods: putting some dissenters in prison and publicly exposing others in order to make them unemployable. The emphasis since that time, we now know, has been on clandestine, flagrantly illegal acts calculated to discredit, disrupt and destroy the organizations that displeased our semisecret police.

A successful prosecution of the guilty agencies and individuals is the only way to protect law-abiding Americans from a lawless government.

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Val Burton
Jean R. Butler
Lester Cole
Jeff Corey
Sarah Cunningham
Ossie Davis
Ruby Dee
Howard Dimsdale
Edward Eliscu
John Henry Faulk
Jack Gifford
Madeline Lee Gifford

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April 1981

Dear Friend,

On April 2, the trial of the Socialist Workers Party v. Attorney General lawsuit began in New York.

This case, begun in 1973, has turned up evidence that the FBI, the CIA, and other agencies disrupted, spied on, harassed, and blacklisted the Socialist Workers Party and Young Socialist Alliance and their members for more than 40 years. The two organizations are demanding an injunction against such activities, and \$40 million in compensation.

This trial comes at a crucial time for civil liberties in this country.

-The Reagan administration has announced plans "to gather information on Americans in this country and abroad, using such techniques as searches, physical surveillance, and the infiltration of domestic organizations." (New York Times, March 10, 1981)

-The Justice Department, in the SWP case, has asserted the right to "legally investigate individuals or organizations regardless of their nature." (Justice Department document, Dec. 31, 1980)

-In the same document, government attorneys contend that the mere "advocacy of views such as those held by the SWP" -- admittedly legal views -- is "grounds for exclusion, deportation, and denial of naturalization" to noncitizens.

This trial -- the culmination of an eight-year legal battle -- will challenge the government's right to spy on, infiltrate, and harass legal political organizations. It will also take on the whole web of McCarthyite legislation -- the Smith Act, the McCarran Act, the Voorhis Act -- used by the FBI to justify their illegal investigations.

The significance of this suit was stated clearly by presiding Judge Thomas P. Griesa:

(over)

"The issues in this case relate to the most fundamental constitutional rights, which lie at the very foundation of our system of government -- the right to engage in political organization and to speak freely on political subjects without interference and harassment from government organs."

At the trial the socialists' attorneys are calling victims of illegal acts to testify about how their lives were harmed by this government harassment.

The government agents responsible for these crimes will be called to answer for their actions and to testify on the 40-year investigation of the SWP and YSA, which has never turned up any evidence of illegal activity -- except that of the investigators.

This trial will be the first test of the Reagan administration's attempts to curtail civil liberties. Attorney General William French Smith will be called to testify about the scope of the new plans for domestic surveillance, break-ins and informers.

WE NEED YOUR HELP TO WIN A VICTORY IN THIS IMPORTANT LEGAL BATTLE.

The government has spent millions of dollars and employed dozens of lawyers and personnel in order to delay the proceedings and put a brake on the wheels of justice.

The Political Rights Defense Fund, which raises funds and coordinates publicity for the suit, has had only the truth and supporters of democratic rights like you on its side.

A staff of six attorneys is presenting the case for the plaintiffs. The preparation of evidence and testimony, travel expenses for witnesses, legal fees, photocopying, and transcripts will cost well over \$100,000.

A victory in this legal battle will establish a precedent to safeguard the civil liberties of every person in this country.

Please contribute as generously as you can. Checks should be made payable to the Political Rights Defense Fund.

You are invited to attend the trial; for information, call (212) 691-3270.

Thank you for your help in this important case.

Sincerely,

Roger Rudenstein
Roger Rudenstein
PRDF Staff

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You Can Help

A victory in this suit will be possible only through the support of the many people who have a stake in it.

Join the unionists, civil rights fighters, and civil libertarians who support this important challenge to illegal government spying.

The Political Rights Defense Fund is working to raise funds to meet the enormous costs of this legal action. Your generous financial support can be crucial to its successful outcome.

Add my name to the list of sponsors of the Socialist Workers Party and Young Socialist Alliance lawsuit against government harassment.

Enclosed is \$_____ to help defray legal and publicity costs of the suit.


Send me _____ copies of this brochure to help publicize the case.

Please send me more information.

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Send to Political Rights Defense Fund,
Box 649 Cooper Station, New York, NY 10003

DEFEND YOUR POLITICAL RIGHTS



Political Rights Defense Fund

Defend your political rights

Does the U.S. government have the right to spy on labor unions, on civil rights groups, on socialists—even if they are not accused of any illegal activities?

Can it use wiretaps, electronic surveillance, and informers to spy on them?

Can it get people fired from their jobs for their political views?

Can it deport foreign-born workers whose ideas it doesn't like?

The Reagan administration says yes.

The majority of people in this country say no. These are the issues in the *Socialist Workers Party v. Attorney General* lawsuit, which comes to trial this spring in New York.

The SWP and Young Socialist Alliance suit was filed in 1973 by noted constitutional attorney Leonard B. Boudin. It charges the FBI, CIA, Immigration and Naturalization Service, and other government agencies with violating the rights of the two organizations and their members. The suit demands an injunction against this harassment and \$40 million in damages.

Democratic rights in danger

This lawsuit is more important than ever. According to the March 10 *New York Times*, the Reagan administration is "asking for renewed authority to gather information on Americans in this country and abroad, using such techniques as searches, physical surveillance and the infiltration of domestic organizations."

Who is eligible to be a target of this spy operation? Anyone with ideas the government doesn't like.

In the SWP case, the government claims that the socialists' ideas and statements are possibly illegal, and the basis for an investigation. To justify this charge the FBI invokes the Smith Act.

The Smith Act is part of the notorious witch-hunt legislation used in the 1940s and 1950s to railroad union and political activists to jail. It tries to make advocacy of socialist ideas a crime.

In 1941 leaders of the Socialist Workers Party

Despite the government's 40-year harassment and spying campaign against the SWP and YSA, it has never found one shred of evidence of any illegal activity by the socialists.

and Minneapolis Teamsters Local 544 were prosecuted under the Smith Act. Eighteen were sent to prison, framed up for their socialist, antiwar, and pro-labor views. Later the Smith Act was used to frame up members of the Communist Party.

The Smith Act has never been ruled unconstitutional. The Reagan administration's efforts to revive its use, along with their other threats to increase domestic spying, represent a serious attack on the constitutional rights of all people in this country.

Cointelpro

When the SWP lawsuit was first filed, millions of people were becoming aware of the FBI harassment campaigns against Rev. Martin Luther King,



Jr., Malcolm X, and other civil rights fighters; against opponents of the Vietnam War, and against the union movement.

In 1975, the socialists' suit exposed much of what is known as Cointelpro (Counterintelligence program). This operation, according to FBI documents, was intended to "expose, disrupt, and otherwise neutralize the activities of the various New Left organizations, their leadership, and adherents."

FBI files reveal that the spy operation against the SWP and YSA included:

- monthly break-ins at SWP offices to photograph documents and correspondence;
- conspiring with employers to get workers fired from their jobs;
- wiretaps and electronic surveillance on party offices and members' homes;
- anonymous campaigns to incite violence against socialists.

Informers exposed

This secret police operation depends on the use of informers—to spy on, disrupt, and frame up political activists.

Recent revelations show government informers not only commit burglaries and break-ins, but participate in murders, such as the 1965 killing of civil rights activist Viola Liuzzo.

These dirty operations depend on keeping the informers' identities and activities hidden. So when the socialists demanded the files of 18 informers in 1978, the government fought like a cornered rat.

Attorney General Griffin Bell was even held in contempt of court for defying a court order to turn over the files. This confrontation helped expose and challenge the informer setup and the right of the FBI and its stool pigeons to place themselves above the law.

The spying continues

Massive sentiment against FBI spying forced the attorney general to announce the end of the "investigation" of the SWP and YSA in 1976. But nothing ended. The investigation has continued to this day. In December 1980 and January 1981, fifteen

workers were fired by Lockheed-Georgia Company in Marietta, Ga. These members of International Association of Machinists Local Lodge 709 were victims of a political witch-hunt by the company.

Fourteen of them are members of the Socialist Workers Party and Young Socialist Alliance.

Through sworn testimony and documents, the socialists' attorneys learned of an elaborate spy network aimed at the union and at union activists the company disagreed with.

Lockheed security agents used physical and electronic surveillance against the socialists. They collaborated with the FBI, the Alcohol, Tobacco and Firearms Bureau, and local police "red squads" to come up with their hit list of unionists to be fired.

The victims of this witch-hunt committed no crimes, and all had good work records. They were fired for their support for the union, for their activ-



ity against the Ku Klux Klan and against the brutal murders of Black children in Atlanta, and for voicing socialist ideas.

In legal papers submitted in the SWP suit, the Justice Department asserts the right of the FBI to "pass true information" to employers, like Lockheed, about workers' legal political activity—even if it results in firings.

This operation is on trial in the SWP lawsuit.

Deportation program

Another favorite weapon of the government is the Immigration and Naturalization Service. INS documents and testimony in the SWP lawsuit reveal a political "lockout list" of citizens and noncitizens whose travel is monitored, and a list of more than 600 "subversive" organizations, which is used to deny people entrance to this country.

Justice Department papers assert that "advocacy of views such as those held by the SWP [is] grounds for exclusion, deportation, and denial of naturalization" to noncitizens.

Héctor Marroquin and Marian Bustin, both members of the Socialist Workers Party and Young



Socialist Alliance, are victims of this INS dragnet.

Marroquin has been ordered back to his native Mexico, where he faces the danger of being jailed, tortured, or possibly killed, because of phony charges against him. In his deportation hearing, the government lawyer claimed that an "avowed Marxist" has no right to be admitted to the United States.

Bustin, born in Scotland, is a coal miner in West Virginia and a member of United Mine Workers Local 2095. She has been the target of a six-year investigation by the INS to find grounds to deport her because of her membership in the SWP.

Defend your rights

Despite the FBI, CIA, and INS's 40-year harassment and spying campaign against the SWP and YSA, they have never found one shred of evidence of any illegal activity by the socialists.

The only "crime" of the SWP and YSA is their ideas and political activity.

A victory in this lawsuit will help strengthen the right of all people to think, speak, and organize free from government harassment.

Statements of Support



Since its inception, the civil rights movement has been subjected to illegal surveillance, disruption efforts, and harassment by the FBI.

We must demand an end to FBI interference in legal political activity that is guaranteed by the U.S. Bill of Rights. We have the right to speak out and demonstrate against unemployment, job discrimination, cuts in social services, the attempts to repeal the Voting Rights Act, the rise in Klan violence, and here, in Atlanta, the murders of our children.

... I support the SWP's national suit, which will put questionable operations on trial, as well as their Atlanta efforts to stop these illegal activities at Lockheed.

Rev. Joseph E. Lowery, president
Southern Christian Leadership Conference

This case may well provide a landmark. At issue are our fundamental rights as citizens to engage in politics; to act and to speak freely whether our opinions are popular or not, without interference or oversight by our government.

Ossie Davis, actor



I look forward to the trial in the Socialist Workers Party lawsuit as the culmination of a long struggle for justice against governmental abuses.

Ed Asner



As a longtime activist in the labor movement and the civil rights movement,

I feel strongly that all political organizations must have the absolute right to function in a free society. ... Our citizens must have the right of political expression, without harassment and oppression from agents of the federal government. For the foregoing reasons I support your suit in defense of the Bill of Rights.

Alice Paul, president
United Steelworkers of America Local 65

As a Puerto Rican who defends the rights of my people I support the suit of the Socialist Workers Party against

the repressive agencies of the FBI and CIA. This fight is of concern to all of us.

Rafael Cancel Miranda,
of the Five Puerto Rican Nationalists



It is imperative that the illegal activities of the federal government against dissenters be readdressed to insure the very security of the constitutional rights of all. For this reason we must support the lawsuit against the United States government's activities with regard to the Socialist Workers Party.

Congressman Ronald V. Dellums

We should not allow anybody to take anybody's freedom from them. If this trial and this suit deal with the subject of freedom, then regardless of one's political beliefs we should fight to preserve their freedom.

Lou Antai, past president
United Mine Workers District 5

The struggle for a more progressive America forces all activists to support the pending trial of the SWP. Our struggle to create a more democratic society where the interests of the many come before the private profits of a few necessitates that we must use every means at our disposal to struggle against reaction.

Manning Marable,
professor of African Studies,
Cornell University



In a free society, political parties and their members should not be spied upon and harassed by government agencies. The fact that the causes espoused by a specific party may be unpopular or controversial should have no bearing on its constitutional right to operate. Police state tactics are not only unconstitutional but are abhorrent to the spirit of a free and democratic country and should not be tolerated.

Douglas A. Fraser, president
United Auto Workers

The Socialist Workers Party has been a pioneer in exposing the government's surveillance and harassment of those that try to exercise their basic democratic rights. ...

We commend the Socialist Workers Party for its efforts to not only stop these attacks but also to expose to as many people as possible these illegal attempts to deny people their basic rights to organize.

Mary Alice Theiler, president
National Lawyers Guild