

Managing Editor
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Dear Editor,

This is really for Nat Mentoff but I hope you will take the time to read it before giving it to him. It is prompted by a copy of his 4/7/87 column just received.

How about felonies by the FBI, proven in court and undenied, felonies that are unreported, including by Nat Mentoff, who was informed?

I am a 74 year old former reporter, investigative reporter, Senate (Civil Liberties Committee) investigator and editor, wartime (OSS) intelligence analyst and the author of seven books exposing the FBI. I have probably made more use of the Freedom of Information Act than any other private citizen. In 1974 the Congress amended FOIA over one of my lawsuits in which the FBI corrupted the courts and thus opened its, CIA and other such files for the exposure of such subversions as Cointelpro, Operation Chaos and other similar abuses. The FBI does not love me and it has defamed me for years. Like telling LBJ in 1966 when he was interested in my first book that my wife and I annually celebrated the Russian revolution with a gathering for 35 strangers at our home. (Our home was a farm and the gathering was after the Jewish high holidays and was by the Jewish Welfare Board.) Much more like this that I have and I can only wonder what more there is still kept secret.

Under Hoover the FBI conspired to "stop" me and my writing by filing a spurious libel suit against me. The agent who was to front for it chickened out but Hoover and Tolson approved that neat little first-amendment conspiracy. Under Webster, to "stop" me and my writing - "stop" is the word actually used by two agents - they have again corrupted the courts. This time they crossed the line into felonies by perjury, fraud and misrepresentation. They have not denied and they now cannot deny perpetrating these felonies because they disclosed the proof to a friend who gave me copies and I've filed those ~~xxxx~~ copies in federal district court and now the appeals court.

In order to "stop" me they employ the usual stonewalling in FOIA cases only I think that with me they are a bit more diligent, daring and imaginative. In civil actions 78/0320-0420 combined, which is for the records of the Dallas and New Orleans field offices related to the investigation of the JFK assassination, a massive accumulation of records that are embarrassing to them, when they could stall no more by their usual means they demanded and got "discovery." They were before a judge with a long record of favoring the FBI. My responses include that in this case it was inappropriate (it was the first time discovery was ever demanded in a FOIA case, which puts the burden of proof on the government), that it was excessive (it demanded not only information indicating the existence of withheld records, it demanded "each and every" relevant record and piece of information I have scattered through about 60 file cabinets), that it was beyond my physical capabilities, and I attached a complete surgical and contemporaneous medical history, including a great stack of bills, all indicating my severe physical limitations, and that in any event I had already and voluntarily provided all that was demanded. (This was because the appeals officer was a history buff, this is a historical case, and the relevant amount I'd provided fills at least two file drawers of the enormity of two full file cabinets I had provided.

When, and this is under Webster, I just ignored the fink judge's rubberstamping of the FBI's mendacities, its Department of Justice lawyer phoned my lawyer to threaten to seek a contempt citation. My response was to dare them and that they did not have the balls to risk a trial. So, because I was right and they would not risk a trial, they demanded instead a money judgement, which, when they got it, meant fraud to bilk me of about three months of my Social Security checks. Fink Judge John Lewis Smith rubberstamped that, too, the case went up on appeal, the ACLU

resented me on appeal, with considerable timidity and without making the justified allegations of improprieties, and there was a remand because, incredible as it may seem that it was dared and unreported, they also got a judgement against my lawyer. (Imagine the impact on lawyers - they got a judgement against him ~~because~~ because I refused to take his advice, which was to make a gesture at compliance. With that as precedent, how could lawyers risk representing clients who might not agree with them?)

In order to get the judgement the FBI and its lawyers, the FBI under oath, told the court that the demanded discovery from me would enable it to prove that it had complied (with the case record showing that they have yet to make the required initial searches) or, in the alternative, was required because of my unique subject-matter expertise, to locate records not provided.

While the ACLU represented me the FBI disclosed its own records to a friend, records that leave it without question that in these representations to the court it was lying and knew it was lying and thus the perjury, misrepresentation and fraud. It happens that one of Webster's agent is supervisor in my litigation as well as in the other lawsuit where, under compulsion of ~~that~~ court, he personally disclosed the proof of his personal felonies. The ACLU promised to use this new evidence after remand and didn't. I had no object when it stopped representing me after remand. Without inhibition I represented myself and I attached more than enough of the FBI's own documentation of its felonies. The fink judge didn't bother reading anything I filed, which is not that unusual. He had so little knowledge of the litigation before him he stated that the lawsuit was for records of the King assassination and of the New Haven office, repeating these flauntings of his ignorance several times. So, the case went up on appeal and when even before that Reaganized court Judge Webster's honchos could not refute my briefing they switched to demanding summary affirmance. Not a lawyer, I understand this to be like summary judgement before the district courts. And I responded. They have the right to reply to the Opposition I filed and they have been silent, as that court also has been. What they filed goes automatically to the court's counsel and this gets it out of the greased ways and introduces a hazard to the counsel whichever way counsel decides. I think this is why there is total silence months after oral argument had been scheduled.

So, the eminent Judge Webster and those I regard as his stormtroopers, faced with well-proven charges of these felonies, do not bother even to deny them. Perhaps "bother" is the wrong word. Better "dare." Because they do not dare join issue and make their felonies the matter before any court. Obviously, if I were not truthful, having myself ^{made} the only issue before the courts and thus the "material" issue, I am subject to perjury charges and they are the prosecutors. They don't even have to try to talk anyone into filing charges.

In my reporting youth this recap, off the top of the head, would have been news. And not only "man bites dog" news, either. There has been no mention of it anywhere. This is not because, with my income now escalated to \$370 a month and a little less then, I did not undertake to inform the media. Until this second trip to the appeals court I sent copies of all filings of both sides to about 30 in print and electronic press. Nobody was interested. It is like Hjemueller said, they'll learn, if I do not prevail, because the precedent established ^{ed} through me will be used to stifle them. and if I do not prevail against such odds and with the appeals court so thoroughly Reaganized, I'll then have to decide whether I can survive jail, such is the state of my health.

I did not send copies of these filings to Mr. Hentoff. I wrote him after reading a column the Washington Post printed. (I kept about a half-dozen at the Post informed and one of these people said there was no news in any of this, one of the only two responses I got from all those mailings.) I'm sorry that Mr. Hentoff was not interested - when it might have made some difference in the present situation, with Webster to be confirmed to take the concepts of law and justice this reflects to the CIA.

Social Security

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It seems also that our diligent press did not explore Webster's record as a federal district court judge. I know of only one case on which he sat, that of James Earl Ray's bother John. John refused to talk to the FBI, then Hoover's. It assumed that he could have told it much, as he could not have. He had not seen James for some time and they never got along and never had much to do with each other. There is a prima facie case that the FBI framed John in vengeance. He was charged with driving the switch car for a bank robber. Only the bank robber was acquitted. So, John has been languishing in jail under an 18-year sentence for driving the car of an innocent man. Webster also permitted the use of the alleged loot in the case against John when it was not in any way connected with him when in the case of the accused robber the court had refused to let the alleged loot be used. But that was not Judge Webster in that case.

If you recall the first Reagan/Meese press conference on the Iran/contrabuss, Meese was asked why the FBI did not investigate. His reply was that when they saw no law violation the FBI could not properly investigate. (The actuality is that the FBI is specifically empowered to make investigations for the President.) Meese said that Webster agreed with him. Webster has never denied it. Well, J. Edgar Hoover himself testified to the Warren Commission as I state above. It is in Volume 5 of their hearings, page 98. If any president needed an FBI investigation, assuming he did not need to protect himself, Reagan certainly did and Webster is empowered to conduct presidential investigations. That was before the admittedly aborted Southern Air investigation. What Meese lied about, with Webster's concurrence, is what provided the time for the North shredding.

Sincerely,



Harold Weisberg
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NAT HENTOFF: *Saint for Our Time*

*Power, like a desolating pestilence,
Pollutes whate'er it touches.*

—Percy Bysshe Shelley, *Queen Mab*

I had decided not to write this column. It was a hopeless undertaking. The public veneration of William Webster is irreversible. When he was nominated to lead the CIA, hosannas and trumpet fanfares filled the air from sea to shining sea.

"Webster Restored FBI's Image" was the headline in *The Washington Post*. In Congress, members on both sides of the aisle reacted to the news as if Sir Thomas More lived again in Judge Webster. The American Civil Liberties Union was silent. Surely, if Webster had habitually violated the Bill of Rights as Director of the FBI, the ACLU would speak—especially now, so that his successor would not believe the ACLU condoned such violations. But there was not a word from the ACLU.

A very high-ranking official of that organization explained the silence of the ACLU. "I figure Webster reined in the kinds of excesses that were committed under J. Edgar Hoover." Oddly enough, this same full-time civil libertarian had been jumping up and down in indignation during Abscam—Judge Webster's pride and joy. And this same person had a lot to do with strengthening the ACLU's highly critical report on the FBI's gamy excesses in Abscam.

But that was then. In the years since, the ACLU, like most of the rest of the citizenry has been lulled by the press into believing that Webster is indeed so different from the dread J. Edgar Hoover that there is nothing to fear from the FBI—unless, of course, you're a perpetrator of one kind or another. Why, it came out that as soon as he was in office, Judge Webster commanded that the bust of his bulldog predecessor be removed from the office of the director and put into the tourist section of the FBI building.

Doesn't that tell you something about Judge Webster's reverence for the Constitution? And that exemplifies why we have—as the headline writers like to say—a "new" FBI.

The only folks who are not thanking their lucky stars that William Webster is ascending to even more power at the CIA are those Americans his covert agents have been spying on. And there are a lot of them, as we shall see. Also futilely urging the Congress to take a look at Webster's actual record—not his scrapbook—is the Center for Constitutional Rights. It has been compiling extensive records of the "new" FBI's secret surveillance of political dissenters in the stealthy tradition of J. Edgar Hoover.

What changed my mind about doing this series was a statement in the March 15 *New York Times* by Richard Gid Powers, professor of history at City College and author of the new book *Secrecy and Power: The Life of J. Edgar Hoover* (Free Press). Said Powers:

"Judge Webster has done a fabulous job in restoring morale and a public sense of integrity in the bureau. Now I feel the bureau is at a point where it can again really assert a leadership role."

If an expert on the history of the FBI can come to that mythological a conclusion, then William Webster's real history at the Bureau ought to be illuminated.

The sources for this series include FBI files; interviews with FBI targets; court papers (including transcripts of FBI undercover operations); my own files on the Bureau; statements and analyses by William Webster and some of his associates; and a devastating, meticulously detailed report on FBI undercover operations released in April 1984 by the House Subcommittee on Civil and Constitutional Rights.

One of the conclusions of that 1984 report was that the FBI's undercover

Under Webster, the FBI helped finance a successful arson plot.

techniques pose "a very real threat to our liberties. Many of the values reflected in our Constitution are directly threatened by these operations." Particularly endangered, said the report, are our First, Fourth, and Fifth Amendment rights.

As will be shown, while there are obvious differences in personal and professional style between Webster and J. Edgar Hoover—for instance, I do not believe black bag jobs (illegal entries) are now performed by FBI agents themselves—they have much more in common than is good for the country.

Let us begin with the enthusiasms Webster and Hoover share for keeping files on people who think wrong.

On the night of January 2, 1920, J. Edgar Hoover, special assistant to Attorney General A. Mitchell Palmer, orchestrated what came to be known as the Palmer Raids. The Attorney General had finally figured out how to save the nation from the peril of hordes of aliens coming in by the boatload and infected with what he called "a disease of evil thinking."

That night, Hoover, who had industriously compiled more than 200,000 index cards with the names of evil thinkers, directed dragnet raids in which more than 4000 "radicals" in more than 33 cities were hauled in. Some were bagged by mistake—similar last names to someone on a list—and the others were guilty of belonging to associations, or reading periodicals, on Mr. Hoover's index cards. Hoover, by the way, was also running the Bureau of Investigation (later known as the FBI), which actually conducted the raids along with the Immigration Service.

But that was the "old" FBI. Judge Webster would never countenance such crude and ignorant contempt of the First Amendment by agents of the Government. Not the Judge Webster who has said: "We are doing the work the American people expect of us, and we are doing it the way the Constitution demands of us."

Well, early in the morning of January 26, 1987, agents of the FBI, in tandem with agents of the Immigration and Naturalization Service (just like on the night of the Palmer Raids 66 years ago) rounded up a number of Palestinian aliens in Los Angeles.

Amjad Mustafa Obeid, a fourth-year engineering student at California State University, told the *Los Angeles Times* how her husband was taken away. Ten agents banged into their home, some with guns drawn, and when she asked them about her husband's Constitutional rights, they laughed as they dragged him out.

What had these Palestinians done to be lugged—shackled hand and foot—before an immigration judge and initially denied bail? Most are university students in Southern California and some have been permanent resident aliens as long as 15 years. But they are charged with the seditious offense of reading and distributing magazines that, according to the McCarran-Walter Act, advocate or teach "economic, international, and governmental doctrines of world communism." World communism? No further definition.

They are also accused of being members of the Popular Front for the Liberation of Palestine, which has both advocated and engaged in violence. The Palestinians deny they are members of the PFLP; and in any case, a 10-month

investigation by the FBI prior to the early-morning raids on their homes failed to come up with any evidence at all that they have committed or conspired to commit any kind of criminal act.

According to a story by Ronald Soble of the *Los Angeles Times*, at the deportation hearing in April the Government is going to present what it considers to be one hell of a big smoking gun. The Government has photographs of two of the eight defendants at Los Angeles International Airport, picking up air freight packages. Do you know what was in those



RICK REINHARD

William Webster: "We are doing the work the American people expect of us."

packages? Guess—before you read on. Magazines.

That's it, folks. The Government will be presenting no evidence of any crimes or plans for crimes, violent or otherwise.

A *Los Angeles Times* editorial was titled: "Is This Case for Real?"

As for the 10 months of FBI surveillance of the Palestinians—including their families, friends, neighbors, and associates—Dan Stormer, the lead attorney for their defense team, points out: "Grass-roots surveillance is the most heinous form of invasion of privacy that any government can participate in. It has to drag into its broad net all manner of innocent people."

Is the "new" FBI for real?

What about the claim that Judge Webster has restored the integrity of the Bureau?

In the early 1980s, the FBI set up a scam in North Carolina called Operation Colcor. Investigating the possibility of political corruption, the agents themselves, as we shall see next week, corrupted the entire electoral process in a county—an exercise in utter contempt for the American system of government that is unmatched in FBI annals, including the Hoover years. But this week's story has to do with a preliminary to the main event.

One of the locals whom the FBI was manipulating and who, unbeknownst to him, was also one of the FBI's targets, had been receiving monthly bribe payments from the Bureau.

In the report, "FBI Undercover Operations," by the House Subcommittee on Civil and Constitutional Rights, it is disclosed that this man, on the FBI payroll, "told agents of his intention to unleash a 'terror campaign' against his business competitor. FBI agents soon learned that this included plans to burn down the competitor's warehouse. In fact, \$300 of the \$10,000 he paid to have the job done was in bills whose serial numbers had been recorded by the FBI.

"Moreover, by offering to assist in the target's plans, agents may have further spurred the subsequent violence. Thus, not only did the Bureau fail to notify the warehouse owner or take steps to protect his property, but the arson was encouraged and in part financed by the FBI. (Emphasis added.)

There's a footnote, further showing how thoroughly Judge Webster has purged the FBI of its bad old ways:

"The loss suffered by the owner of the warehouse was set at \$1.2 million, with the owner collecting only \$400,000 in insurance money. The FBI now claims the information on the arson which they had obtained beforehand 'was not specific enough to compromise the investigation,' and that is why no preventative measures were taken. However, details of the plan (including when, where, and what would burn) were surreptitiously recorded by the FBI two days before the fire."

When Judge Webster, on whose watch the fire took place, was nominated to take charge of the CIA, he told reporters that his successor should be "someone who will continue the principles of professionalism of the FBI... and someone who has deep devotion to the rule of law."

Some coming attractions:

The bugging and wiretapping of defense attorneys. (This was done for the first time *not* by J. Edgar Hoover's FBI but by the "new" FBI of William Webster.)

A living tableau of how very high officials of the FBI engaged in a cover-up in testimony before a 1981 Senate Committee that was deciding whether to confirm Raymond Donovan as Secretary of Labor. A later savage Senate report on the performance of the FBI in this matter emphasized that the Bureau "withheld 'pertinent,' 'significant' and 'important' information" on Donovan's alleged ties to organized crime. That's how he got confirmed.

Could William Webster not have known what was being said—and what was not being said—in the name of the FBI before the United States Senate?

One answer was given by Edwin Meese during his own confirmation hearing for the post of Attorney General:

"Director Webster responded to me that he had checked with the background investigators, and there was nothing that would reflect on Mr. Donovan, or any reason for the President to hold up on the announcement of his potential nomination."

We have several possibilities here. Webster approved of the FBI cover-up of the damaging information on Donovan and withheld that information from Meese. Or Webster approved of the cover-up before the Senate committee but felt he had to tell Meese about it and Meese then kept the cover on. Or, to be kindest to the judge, Webster's subordinates never told him what was going on at any point.

This is the man who is about to take over the CIA and restore its integrity, credibility, and professionalism. Just as he did at the FBI. Hell, he's a lifelong Republican. Why not run him for President?