

Uncle Sam takes aim at VVAW



Peter Mahoney, VVAW national coordinator and one of the six defendants

By Abe Weisburd

Uncle Sam wants the Vietnam Veterans Against the War—behind bars.

And he's using FBI informers, the Justice Department and a federal grand jury to get them.

The Nixon administration has embarked on a crusade to destroy or neutralize the 25,000-member organization of antiwar, anti-imperialist and anti-racist veterans.

On July 13, the government secured indictments against six VVAW members by a Tallahassee, Fla., federal grand jury on charges of "conspiring to travel in interstate commerce" and "to organize, promote, encourage and participate in a riot" at the Republican convention in Miami Beach. The government also jailed four other VVAW members on contempt charges growing out of the grand jury hearings.

The conspiracy charges against the veterans are similar to the Chicago conspiracy case. The difference is that the 1968 Chicago indictments came down after the Democratic convention; the Florida indictments came down before the Republican convention.

The six veterans—Scott Camil, Alton C. Foss, John W. Kniffen, Peter J. Mahoney, William J. Patterson and Donald P. Purdue, three of whom are VVAW coordinators—are free on \$25,000 cash bail each.

They are specifically charged with: "teaching and demonstrating the use, application and making of incendiary devices. . . and the use of a technique capable of causing injury and death to persons;" also that "it was part of said conspiracy that the defendants and the individual conspirators and other numerous 'fire teams' attack with automatic weapons, fire and incendiary devices, police stations, police cars and stores in Miami; . . . that the defendants and individual co-conspirators would fire lead weights, fried marbles, ball bearings, cherry bombs and smoke bombs at police in Miami Beach;" and that "by means of wrist rocket sling-shots and crossbows . . . the defendants and co-conspirators would disrupt communication systems" at the Republican Convention.

On July 3, the grand jury issued subpoenas for 23 VVAW members to appear in Tallahassee on July 10, date of the opening of the Democratic convention in Miami Beach. On July 7, in a two-hour co-ordinated sweep, the subpoenas were served in various cities. The 23 veterans filed a suit against the grand jury, claiming it had deliberately set the July 10 date to prevent the veterans from carrying out planned antiwar demonstrations at the Democratic convention. The government said the date set by the grand jury was a coincidence.

Refuse to testify

All 23 veterans refused to testify before the grand jury, claiming their rights were being violated under the 1st, 4th, 5th, 6th, 8th and 9th amendments. They gave only their names, refusing to give addresses on the grounds this would open the door to interstate travel charges. Forced to appear on the days when the Democratic convention was in session, the veterans came to the conclusion that the government had more in mind than just stopping the veterans from demonstrating. Since all 23 had been active in arrangements

Photo by Per-Olof Odman, VVAW

for the convention demonstrations, the government, they believe, hoped its agents could provoke the veterans into taking violent actions in protest. Such actions would have played into Nixon's hands.

At the last minute the grand jury offered "use immunity" to four veterans picked apparently at random. "Use immunity" prevents the prosecution from using any admission of those who testify while under immunity, but leaves them subject to prosecution if similar testimony comes from another source. The four refused "use immunity" and U.S. court judge David Middlebrooks sentenced them on July 15 to an indefinite jail term for contempt of court for refusing to answer grand jury questions. The U.S. 5th circuit court summarily overruled the contempt conviction, ordering the four released from jail since Middlebrooks had neglected to read the grand-jury questions into the record during the court session. On July 25, Middlebrooks corrected his error, resentencing the four to jail until the end of the jury term in 18 months unless they agree to answer. Bail has been denied.

On Sept. 5, supreme-court justice William O. Douglas, overruling the opinion of justice Lewis Powell, ordered the release on bail of the four veterans.

Fishing expedition

The veterans charge that the grand jury hearings were a fishing expedition to try to secure information to corroborate the testimony of informers who had appeared before the grand jury. The veterans were aware the grand jury was building a case against VVAW on the perjured testimony of William L. Lemmer, an admitted FBI informer who had served as a coordinator of the VVAW Kansas-Arkansas-Oklahoma region.

At a May meeting in Gainesville, discussing plans for the Democratic convention demonstrations, Lemmer told several VVAW members that he had served as an FBI agent and that, wanting to atone for his sins, he wished to become a double agent and serve VVAW. He even offered to subject himself to questions and to have this taped. VVAW leaders discussed the matter and decided not to trust Lemmer but to take him up on the taping. Martin Jordan and Donald D. Donner, veterans who had worked with Lemmer, were selected to interview Lemmer and tape the session. During two tense days, they recorded some 14 hours of questions and answers.

Jordan and Donner, in affidavits filed in federal court in Tallahassee, recite instances of Lemmer's admission of inciting young people to commit violent acts. Lemmer also tells of incredible plots and counter-plots that he was involved in as an FBI agent.

Lemmer's estranged wife, Mary, has turned over to VVAW three letters in which Lemmer blames the group for taking her away from him and vows vengeance on the members of VVAW.

Lemmer has since dropped out of sight.

On Aug. 24, the six veterans who are free on bail and some 200 other veterans and friends traveled from Miami Beach, where they had been demonstrating for four days at the Republican convention, to Gainesville, where the six defendants were due to be

arraigned in federal court. They marched to the courthouse in a silent procession led by Ron Kovic, a paraplegic VVAW member who had been forcibly thrown out of the convention when he shouted "Stop the war, Stop the bombing!" during Nixon's acceptance speech.

"Guilty to war crimes"

The defendants and some supporters had agreed not to stand when the judge came in. When the judge called upon them to enter a plea, each answered: "I plead guilty to war crimes against the Indochinese people on behalf of the U.S. government. I plead innocent to the charges of conspiracy."

Trial date is set for Oct. 18. Defense counsel includes Nancy Stearns and Doris Peterson of the Law Center for Constitutional Rights and Cam Cunningham of Texas. William Kunstler is counsel for Alton Foss on a related charge and Arthur Kinoy will be special courtroom counsel. The Gainesville Law Collective is cooperating.

In an interview with defendant Peter Mahoney, the Guardian asked why he believed the government had chosen this time to level an attack on VVAW.

"Their immediate aim was to prevent us from carrying out our demonstrations at the conventions," Mahoney answered. He said that VVAW maintains a credibility with the American people: even Nixon supporters will listen to Vietnam veterans. "They know they cannot silence us so they are attempting to smear us in the hope of isolating us."

Mahoney said that the government was attempting to force the VVAW to use its time and resources for defense of its members in the hope of keeping the VVAW from demonstrating against the war. He stated that any drive against VVAW would result in more militant demonstrations against the war, as witness the Miami Beach demonstration and the three motorcades across the country. "If the government hoped to divide the veterans by this attack they guessed wrong. We are more united than ever," Mahoney said. He added there was great support for the vets: "We had to raise \$125,000 cash for bail (one of the six put up his own bond) and it came in just a few days. All the six were bailed out in less than two weeks."

When the Guardian asked what message VVAW wanted to bring to the people Mahoney said: "First and foremost we call upon the people in general and veterans in particular to demonstrate against the war, racism and the other ills of our society, in the most militant and creative manner. As for the defense itself, we will need \$250,000 despite the fact that our lawyers are charging only for their expenses."

Mahoney concluded by saying: "Nixon is forcing us into the courts. He is putting us on trial because we oppose war, racism, repression and the other ills in our society. We will turn the tables around when we go into court. We will put the war on trial. We will put racism on trial. We will put Nixon on trial. The war, racism, and Nixon are the real criminals."

*To send funds and for information: Vietnam Veterans Against the War,
25 W. 26th St., New York, NY. 10010.*