

A Challenge to the Watergate Crimes

Documents in a civil liberties suit against the Nixon administration— including secret government spy plans published for the first time

Political Rights Defense Fund

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HOW TO ANSWER THE WATERGATE CRIMES

a message from -- Louis Antal
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Dear Friend,

We are asking for your help in a major civil liberties case that deserves your active support.

Attorney Leonard Boudin, well known for his defense of Dr. Daniel Ellsberg and others, has filed a suit against the government Watergaters.

All of us who have been dismayed by the government's contemptuous disregard for constitutional freedoms welcome this significant step in countering the Watergate threat to the political liberties of every citizen.

"Watergate" has been an appalling exposure of the suppression of democratic rights. Wire-tapping -- burglary -- infiltration -- sabotage -- mail tampering -- blacklisting -- surveillance -- harassment -- intimidation -- and worse.

Now is the time to make our voices heard -- to uphold and protect the Bill of Rights -- to end the methods employed by the Nixon administration in its attempts to silence dissent.

We hope you will join us in supporting this outstanding effort. While we hold diverse political opinions and are not necessarily in agreement with the political views of the plaintiffs, the Socialist Workers Party, our sentiments are expressed by this quotation from Voltaire:

"I disapprove of what you say, but I will defend to the death your right to say it."

The Political Rights Defense Fund has

undertaken a national campaign to publicize the issues at stake and raise the necessary funds to cover the legal costs and related expenses. Total expenses for the suit will exceed \$50,000 for the first year. They will, of course, rise rapidly once the case goes to trial.

The suit follows a series of hard-fought victories in defense of political rights such as the cases of the Gainesville 8, Dr. Daniel Ellsberg, the Harrisburg 7, and Dr. Spock. This suit likewise deserves to be won.

As we all know, actions of this kind are enormously expensive. We are depending on sympathetic persons such as yourself to respond generously -- and promptly -- to this appeal.

Sincerely,

Louis A. Antal *Daniel Berrigan*
Louis A. Antal Daniel Berrigan

(Dr.) Philip Berrigan *Ramsey Clark*
Philip Berrigan Ramsey Clark

Daniel Ellsberg *John Leonard*
Daniel Ellsberg John Leonard

Eugene McCarthy *Arthur Miller*
Eugene McCarthy Arthur Miller

Charles Rangel *Benjamin Spock*
Rep. Charles Rangel Benjamin Spock
(D-NY)

Gloria Steinem
Gloria Steinem

P.S. This three-color button, specially designed by Jules Feiffer for the Political Rights Defense Fund, will be sent to every contributor.



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introduction

The documents collected here record the initial phase of an historic civil liberties suit filed in the wake of Watergate.

Attorney Leonard Boudin filed the suit last July 18 in Federal Court. The complaint (p.8) charges Richard Nixon, the heads of 14 government agencies, and six former Nixon aides with "a systematic campaign of excessive interrogation, employment discrimination. . . warrantless electronic surveillance, unauthorized opening and monitoring of mail, burglary, and other illegal means" against the Socialist Workers Party (SWP) and Young Socialist Alliance (YSA).

The \$27-million damage suit seeks a permanent injunction to outlaw the use of these unconstitutional tactics, the notorious 1970 Huston Plan and similar plans, and the Attorney General's list of "subversive" organizations.

The government's answer (p. 24) on Jan. 7 contains some far-reaching, though incomplete, admissions of harassment.

The government admitted conducting an "SWP Disruption Program" from 1961 to 69; electronic surveillance of the SWP from 1945 to 1963; and widespread FBI investigation and interrogation of SWP and YSA members.

What's more, the government maintained it has a right to trample on the constitutional rights of those who oppose official policy, those whom it brands "subversive." The U.S. Attorney maintained that "all alleged activities of the defendants were not in excess of their statutory authority" (p. 28). In other words: burglary, sabotage, infiltration, even bombing -- all cited in the complaint -- are "justified" according to the Nixon administration.

The admitted "SWP Disruption Program" is one of seven FBI "Counterintelligence Programs" (COINTELPROs). A recent lawsuit by NBC reporter Carl Stern forced the release of one COINTELPRO, which is reprinted here (p. 31).

The government has acknowledged that William C. Sullivan, as Assistant to the Director of the FBI, engineered the "SWP Disruption Program." Sullivan recently resigned from the government after being implicated in the illegal wiretaps on columnist Joseph Kraft and former Kissinger-aide Morton Halperin.

Most of the COINTELPROs are still hidden from the public, as is the bulk of the Huston Plan. How many more secret plans are still operational?

A major focus of this suit is to expose the government's vast and mainly still secret arsenal of "disruption plans."

Attorneys for the SWP have requested that the government produce many documents including the entire "SWP Disruption Program," the entire Huston Plan, and the White House tapes of meetings where President Nixon authorized the Huston Plan. This suit will be a major source of information about government spy operations.

Thus far, the government has produced a confidential directive signed on Jan. 11, 1973, by then Acting FBI Director L. Patrick Gray (p. 36). Gray ordered a secret and "special" mail cover on all first class mail addressed to the SWP. Gray admitted in the directive that "there is no indictment pending against the SWP or members of this organization." Thus, the government has admitted monitoring the mail of a legal political party.

This mail cover snared a letter to the SWP from New Jersey high school student Lori Paton and led to the FBI investigating her and her family.

Lori Paton has filed her own suit against the government to defend her First Amendment rights.

Leonard Boudin told reporters at the news conference to announce the SWP suit that he hoped it would pave the way for more suits by other victims of Watergate-style tactics.

The developments in the Paton case (p. 39) are closely related to the SWP Watergate suit. The extent of harassment against someone who wrote merely requesting information vividly indicates the scope of the government attack against the SWP and YSA -- in fact, against all opponents of administration policy.

It is this kind of attack on civil liberties that the SWP's Watergate suit attempts to expose and stop. A victory in this suit will mean a victory for the political rights of all.

The Political Rights Defense Fund is the nationwide civil liberties defense committee set up to gather broad support and raise funds for the suit. A partial, but representative, list of sponsors appears on page 4.

Herbert Jordan

Leonard Boudin

“Lawyers like Leonard Boudin give meaning to ‘due process’ and ‘equal protection’ and the other constitutional guarantees.”

— THE NATION



According to Paul Wilkes' profile in the Nov. 14, 1971, *New York Times Magazine*, Leonard Boudin "has probably argued more civil liberties cases before the U.S. Supreme Court than any other lawyer and the decisions handed down in some of his cases have been wide-ranging."

Boudin's career has extended from defending unions in the '30's and '40's; to defending targets of Sen. Joseph McCarthy in the '50's; to defending political activists like Dr. Benjamin Spock and the Berrigans in the '60's.

He is perhaps best known for his recent successful defense of Dr. Daniel Ellsberg in the "Pentagon Papers" trial.

Others of Boudin's varied cases include: regaining Julian Bond's seat in the Georgia legislature; stopping the ban on Henry Miller's *Tropic of Cancer*; winning the right to travel abroad for Paul Robeson and others; and defending many military men discharged from

the Army for their antiwar sentiments.

Also working on this case is attorney Herbert Jordan, an associate of Mr. Boudin.

Since joining the firm of Rabinowitz, Boudin and Standard in August 1972, Jordan has worked on a variety of civil liberties cases ranging from police brutality suits to suits against appellate judges.

While at Harvard Law School in 1972, Jordan participated in a suit on behalf of Peoples Party candidate Dr. Benjamin Spock and SWP presidential candidate Linda Jenness which helped extend the right of smaller parties to campaign on armed forces bases.

At a PRDF news conference to announce the suit, Boudin told reporters that this lawsuit could be "a major step forward in reversing the erosion of political and civil liberties."

Boudin added, "This office never takes cases of this kind unless we believe we can win. And our record will show that we rarely lose. This case is winnable."

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- :

COMPLAINT -

CLASS ACTION

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 :

-----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 candidates 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 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. His 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 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 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 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, Mitchell, Ehrlichman, Haldeman, 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 the 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. Woznack, 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" ("4F") 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 the 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 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 au-

thorization, 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 4225 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, de-

stroying 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 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

ities 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.

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. Woznack;

(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 dam-

ages 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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New York Times
7/19/73

2 Socialist Groups Sue Nixon and Aides Over 'Harassment'

By ARNOLD H. LUBASCH

The Socialist Workers party filed a lawsuit in Federal court here yesterday, seeking more than \$27-million in damages from President Nixon and other Government officials on charges of violating the party's constitutional rights with illegal activities related to the Watergate affair.

Linda Jenness, the party's 1972 Presidential candidate, said that the lawsuit was part of a drive to expose and end what she termed "the use of secret police and other police-state measures against those groups and individuals that the rulers of this country consider to be enemies."

The suit by the party, the Young Socialist Alliance and several members contended that the Government had engaged in a "systematic campaign of excessive interrogation, employment discrimination and other harassment" that impaired the party's ability to participate effectively in Federal, state and local elections.

A permanent injunction is sought to restrain the Government from "interrogating, surveying, threatening, enticing or affecting the employment of Socialist Workers party members or supporters" because of their party affiliation.

The suit, which also seeks to enjoin wiretapping, monitoring of mail and breaking into party offices, requests an order to strike the Socialist Workers party from the Attorney General's list of subversive organizations.

Compensatory and punitive damages against President Nixon, former Attorney General John N. Mitchell, John W. Dean 3d, former counsel to the President, and several other present or former officials are sought for the Socialist Workers party, its members and supporters.

Leaders of the party announced the action at a news conference in the law offices of Leonard B. Boudin at 30 East 42d Street.

New York
Daily News 7/19/73

Nixon, Galters Sued for 27M By Socialists

The Socialist Workers Party and the Young Socialist Alliance sued President Nixon and several principals in the Watergate case yesterday for \$27.3 million, charging terrorism, blacklisting, bugging, mail tampering, burglary and harassment.

Leonard Boudin, one of Daniel Ellsberg's lawyers in the Pentagon case, is the attorney for the left-wing groups. Among those named as defendants in the case, in addition to Nixon, are John Mitchell, John Dean 3d, H.R. Haldeman, and John D. Ehrlichman.

"A Major Step"

Boudin said the Manhattan Federal Court suit could be "a major step in reversing the erosion of political and civil liberties." He said the party had had its headquarters bombed and burned, its campaign offices burglarized, and its members and supporters denied employment.

"All the available information fixes the responsibility for these acts with the federal government, and its various "anti-subversive" subdivisions, Boudin said.

Speaking in his law office, 30 E. 42d St., Boudin referred to the Watergate disclosures and said: "For many years the Socialist Workers Party and the Young Socialist Alliance have been subjected to specific offensive acts by the government. Now the political situation seems to have changed, and we think it appropriate to take the offensive."

Washington
Post 7/19/73

2 Socialist Groups Sue Over U.S. 'Harassment'

NEW YORK, July 18 (UPI)—The Socialist Workers Party and the Young Socialist Alliance filed a \$27.3 million damage suit today against President Nixon and several principals in the Watergate case.

The suit said the SWP and YSA and their supporters and candidates had suffered years of illegal acts of blacklisting, harassment, electronic surveillance, burglary, mail tampering and terrorism.

Among those named as members,

International Herald Tribune 7/23/73
**U.S. Socialist Party Sues Nixon,
Mitchell, Etc., for \$27.5 Million**

NEW YORK, July 22 (Reuters).—The Socialist Workers' party has filed a \$27.5-million suit against President Nixon, former Attorney General John N. Mitchell, John D. Ehrlichman, H. R. Haldeman and other top former White House aides for conspiring to violate the constitutional rights of the party through arson, bugging and harassment.

The suit was filed in U.S. District Court here last week by Leonard Boudin, who was chief counsel for Daniel Ellsberg in the Pentagon papers trial. The Socialist Workers' party is also seeking an injunction against 25 years of "sustained FBI harassment," burglaries of their offices and homes around the country, firebombing of their Los Angeles and Houston offices and bugging of party members' homes.

Mr. Boudin said the suit asks for an injunction to stop government agencies engaging in "illegal acts such as spying, reading mail, firebombing and wiretapping."

He stressed that "a successful outcome of this suit will strengthen democratic rights and civil liberties for everyone, not just for Socialists."

Miami Herald 7/20/73

Socialist Workers Sue Nixon, Aides

NEW YORK — (AP) — A small left-wing political party has filed suit against President Nixon and present and former officials of the federal government, charging them with trying to sabotage and harass the party out of existence.

The Socialist Workers Party, joined by the Young Socialist Alliance and several individuals, is asking more than \$27 million in damages

in the class-action suit brought in U.S. District Court in Manhattan.

THE plaintiffs also are seeking an injunction to halt an alleged government conspiracy of surveillance, wiretapping and burglary directed against the party and an order requiring the attorney general to remove the Socialist Workers from his "subversive" list.

Leonard Boudin, who was chief defense counsel for Daniel Ellsberg in the Pentagon papers trial, is representing the plaintiffs.

"Facts that have come to light as a result of Watergate-related investigations show a shocking pattern of contempt for the constitutional rights of the American people," Boudin told a news conference.

"For many years, the Socialist Workers Party and Young Socialist Alliance have been subject to specific offensive acts by the government. Now the political situation seems to have changed, and we think it appropriate to take the offensive."

NIXON is named as an individual, a fact which Boudin said was designed to circumvent the likelihood that the President cannot be sued as the President.

jake mc carthy

a personal opinion

Political Rights Of Minorities

PRESIDENT NIXON has more to worry about than the Socialist Workers Party these days, of course. But his Administration in its epidemic paranoia has been worried enough about it in recent years to have showered some of its harassment upon the SWP, or so it is alleged in a class action lawsuit which has been filed in Federal District Court in New York.

And if the recently formed Political Rights Defense Fund drums up enough support for the cause of minority party rights in America, that lawsuit could add to Mr. Nixon's Excedrin headache.

Mike Arnall, a decidedly unrevolutionary-looking young field secretary for the defense fund and a Yale graduate, was in St. Louis the other day to talk about the lawsuit, filed by Leonard B. Boudin, a lawyer whose prominence was enhanced by participation in the Ellsberg and Berrigan defenses.

Among other things, the suit seeks \$27,500,000 in damages from various departments and individuals of the Administration, including the President himself. But perhaps more significantly, the suit seeks a permanent injunction against "illegal acts of blacklisting, harassment, electronic surveillance, burglary, mail tampering and terrorism" by the Government against members of the SWP. Such relief, if granted by the federal courts, would have historic consequences in preserving freedom for minority views in the American political process.

Arnall says the defense fund hopes to raise \$50,000—partly by San Clemente or Key Biscayne standards—to finance the case, in hopes the Watergate pall can be cleared from the entire political arena.

"WE ARE SEEKING to re-establish the Bill of Rights for minority and dissident groups of any type," he said. "We are dealing with Watergate-type activities that have also brought harassment to minority groups like the Black Panthers and the Vietnam Veterans Against the War." Associating themselves with the case, he said, are the Socialist Party, La Raza Unida, the People's Party and the Statehood Party.

Vanderbilt U. Hustler
Nashville TN 11/29/73

Suit decries White House 'security plan'

By MARY ELSON

Phillip Berrigan, Ramsey Clark, Daniel Ellsberg, John Leonard, Eugene McCarthy, Arthur Miller, Benjamin Spock, Gloria Steinem and friends are calling on "sympathetic persons" to "respond generously — and promptly" with their time and money to sue Richard M. Nixon, for \$27.5 million

A woman in Highland Park, Ill., armed with Nixon buttons, literature and slogans, was persuaded. She sat quietly while a spokesman for the cause explained and then gave \$10. She still supports Nixonian policies — wholeheartedly, in

fact — but decided that this issue encouraged by the progress of his superseded political loyalties; her students. The strategy is to harness civil liberties and those of all other the anger of the public against the Americans were endangered. restriction of their right to "speak

Another convert in Houston out on any issue without harrass- termed the issue "as American as ment." apple pie."

He attributes the sudden and still The issue is the euphemistically- somewhat enigmatic turnabouts by termed "domestic security plan" key administration figures — the approved by the President in 1970 to resignation of Agnew, surrender of keep an eye on his critics and oppo- the Watergate tapes by the Presi- nents. The ad hoc Political Rights dent and appointment of a new spe- Defense Fund, which is organizing cial prosecutor — as direct re- the suit to gain an injunction sponses to the wrath of the Ameri- against all such activities, de- can people at the discoveries about scribes the plan as a wide range of administration management still illegal activities ... used by the cropping up every day

Nixon Administration in an at- The successful defenses of the tempt to suppress and sabotage rising Chicago Seven, Gainesville Eight, opposition to its policies." The Daniel Ellsberg and other "politi- activities, they claim, included cal prisoners," are signs of a grow- bugging, wiretapping, burglariz- ing swing towards ensuring the ing, threatening and physically as- Constitutional rights named in the sulting: "people who expressed the suit, Arnall says, and are another views unpopular in the White reason for optimism about its House."

Arnall is journeying across the successful prosecution. United States speaking, fund- Thus far, Arnall said he has been raising and urging the formation of impressed with "how little differ- local groups to seek out victims of ence there is in the reception of Re- the domestic security plan and spur publicans and Democrats. Even citizens to rally around the suit. people who support Nixon on his

The suit is being filed on behalf of policies can see the point of our the Socialist Worker's Party and the Young Socialist Alliance as a case." To him it is a "basic, funda- mental precept — everybody has a test case for future victims of polit- ical sabotage and infringement of the right to speak out without har- rassment."

He thinks the government will find it a pretty tough proposition to argue against.

The two Socialist parties were selected as the major plaintiffs in the case for several reasons, he said during a visit to Nashville Tuesday.

First, they are legal organiza- tions which have never been convicted of any impropriety. Second, they "disagree up and down the line with the Nixon administration" and thus will be enthusiastic compat- riots in the anti-administration effort. And third, they are political parties with the same rights as Democrats, Republicans or any other established party.

The attorney in the suit is the now familiar legal hero of the left, Leonard Boudin — defender and victor for Daniel Ellsberg, the Berrigan Brothers and Benjamin Spock.

It will be costly. Since July, \$50,000 has been raised toward the mark of a quarter of a million. Most of that has come from individual contributors, private foundations and honoraria for speeches, Arnall said. The business is certainly not a lucrative one for him. He operates on a \$75 per week salary plus travel expenses, but the loss in salary will pay off in the benefits to individual freedom and political rights, he says with a smile.

Winning the suit is not even the primary goal of the movement. Public education is. And Arnall is



Michael Arnall



Michael Arnall

Cleveland Plain Dealer 11/18/73

Fund asks aid in suit against government

By Andrea Naversen

The Political Rights Defense Fund is seeking \$50,000 to cover legal costs of a suit against the Nixon administration to end what it calls illegal suppression of political opposition.

Janice Lynn, a national field secretary for the fund, spoke to campus and community leaders here this weekend to drum up support for the campaign.

The class-action was filed by Leonard B. Boudin last July in New York on behalf of the Socialist Workers party and the Young Socialist Alliance. Boudin helped successfully defend Daniel Ellsberg and Anthony J. Russo Jr. in the Pentagon Papers case.

The suit calls for a permanent halt to what it calls government practices of wiretapping, burglary, infiltration, sabotage, mail tampering, blacklisting, surveillance, harassment and intimidation of political opponents.

It also seeks \$27.3 million in damages from individuals named as defendants, including the President and former staff members.

Although the suit deals with specific cases of harassment against Socialist Worker party members and supporters, the civil liberties involved transcend party affiliations, Miss Lynn said.

Secret documents, tapes and memos will be subpoenaed "to prove that tactics were used against anyone who disagreed with the Nixon administration," she said.

Miss Lynn said the drive has received wide support from trade, political, professional, student and black organizations and from individuals.

Contributions may be sent to the Political Rights Defense Fund, Cleveland State University, Fenn Tower, Box 26, Cleveland 44115.

Philadelphia Tribune 11/17/73

Anti-Nixon Lawsuit May Succeed

A lawsuit asking for over \$2.5 million in damages from President Nixon and his cohorts for actions abridging the freedom of political dissidents has a good chance of being successful.

This is the opinion of Cathy Perkus, national field secretary for the Political Rights Defense Fund, which brought the legal action earlier this year on behalf of the Socialist Workers Party and the Young Socialist Alliance.

"We are encouraged by a recent case in Detroit," Ms. Perkus told the Tribune, "where the government refused to go ahead with a case against some radicals rather than reveal how they got their evidence. This would seem to indicate that they got the evidence by illegal means, which is what our suit charges."

ILLEGAL PLAN

"We feel that Nixon's plan for illegal domestic surveillance, including wiretapping, the opening of mail, surreptitious entry and campus agents, was actually put into effect."

"Tom Charles Houston, who authored the plan, admitted that it was so illegal that all hell would break loose if Nixon's name was ever linked to it."

"Although Nixon claims the plan was stopped, there's no official documentation to prove that this is so. In fact, it looks as if they merely altered the plan a bit such as the setting up of the 'Plumbers' unit."

Another helpful sign, Ms. Perkus feels, is the recent court decision forcing Nixon to turn over the controversial White House tapes. This makes the legal aspects of the case much more clear, she maintains.

MANY CHARGES

Some of the many charges made in the lawsuit against the federal government are as follows:

—numerous instances of surveillance, harassment and intimidation of SWP campaign supporters solely on the basis

of affiliation with or support of SWP campaign headquarters of the SWP candidates. —threats to make known and actual disclosures by government agents of political affiliations to families, employers, prospective employers and land-lords with the intent of dating SWP campaign activities. —illegal break-ins and bur-disrupting campaign activities.

Chicago Sun-Times 10/23/73

Cox ouster seen rallying suit support

The firing of the Watergate special prosecutor, Archibald Cox, will increase public support for a suit that names President Nixon as a defendant, the national field secretary said here Monday, naming Mr. Nixon, some Cabinet members and other top officials of the executive branch 800 S. Wabash, said the suit as defendants. Plaintiffs in the seeks \$27.5 million in damages suit are the Socialist Workers and an order forbidding the Party, the Young Socialist Alliance and some of their officers and members.

The class action suit was filed in U.S. District Court in New York on July 18, naming Mr. Nixon, some Cabinet members and other top officials of the executive branch 800 S. Wabash, said the suit as defendants. Plaintiffs in the seeks \$27.5 million in damages suit are the Socialist Workers and an order forbidding the Party, the Young Socialist Alliance and some of their officers and members.

Michael Arnall, in a press conference in the YMCA Hotel, said the suit as defendants. Plaintiffs in the seeks \$27.5 million in damages suit are the Socialist Workers and an order forbidding the Party, the Young Socialist Alliance and some of their officers and members.

NIXON'S VICTIMS

To the Editors:

We are asking for your help in a major civil liberties case which will be an important step exposing further suppressions of democratic liberties.

Attorney Leonard Boudin has filed a suit against the government Watergaters on behalf of the Socialist Workers Party which has been continuously subjected to illegal government harassment and surveillance.

We hope you will join us in supporting this important effort, to protect the Bill of Rights and end the Nixon administration's schemes to silence dissent. While we are not necessarily in agreement with the views of the Socialist Workers Party, our sentiments are expressed by this quotation from Voltaire: "I disapprove of what you say, but I will defend to the death your right to say it."

The Political Rights Defense Fund has undertaken a national campaign to publicize the issues at stake and raise the funds necessary to cover the legal costs and related expenses. Total expenses will exceed \$50,000 for the first year.

As we all know, actions of this kind are enormously expensive. We are depending on sympathetic persons to respond generously—and promptly—to this appeal.

You can mail your contribution to Political Rights Defense Fund, 150 Fifth Ave., Suite 311, New York, N. Y. 10011.

Philip Berrigan
Ramsey Clark

Benjamin Spock
Gloria Steinem

New York Review of Books 7/7/74

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
SOCIALIST WORKERS PARTY, et al., :
 : Plaintiffs, :
 : - v - :
ATTORNEY GENERAL OF THE :
UNITED STATES, et al., :
 : Defendants. :
-----x

ANSWER
73 Civ. 3160 (TPG)

Defendant federal officials and individual named defendants in their official or former official capacities (hereinafter "federal defendants"), except for defendants Richard M. Nixon and John Mitchell, for their answer to the complaint herein:

1. Deny the allegations contained in paragraphs 1 and 2 of the complaint.
2. Deny the allegations contained in the first sentence of paragraph 3(a) of the complaint, deny the allegations contained in paragraphs 3(c) and 3(d) of the complaint, deny the allegations contained in the first two sentences of paragraph 3(e) of the complaint, and deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in the remaining portions of paragraph 3 of the complaint.
3. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the complaint, except admit that the National Office of the SWP is in New York City, and admit that a stated objective of SWP is to replace capitalism in the United States with socialism but deny that the same is a complete statement of their objectives.
4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the complaint except admit that the YSA's National Office is in New York City, and admit that a stated objective of YSA is to replace American capitalism with socialism, but deny that the same is a complete statement of their objectives.
5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the complaint, except admit the allegations of the second paragraph thereof, and admit for purposes of this lawsuit that plaintiff Linda Jenness is a current member of SWP.
6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the complaint, except admit the allegations of the second sentence thereof and admit for purposes of this lawsuit that plaintiff Andrew Pulley is a current member of YSA.
7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the

complaint except admit for purposes of this lawsuit that plaintiff Christy Wallace is a current member of SWP.

8. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 9 and 10 of the complaint.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the complaint, except admit the allegations of the second sentence thereof, and admit for purposes of this lawsuit that plaintiff Dan Fein is a current member of SWP.

10. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 12, 13 and 14 of the complaint.

11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the complaint, except admit the allegations of the second sentence thereof, and admit for purposes of this lawsuit that plaintiff Jane Van Deusen is a current member of SWP.

12. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 16, 17 and 18 of the complaint except admit for purposes of this lawsuit that plaintiffs James P. Cannon, Charles Bolduc and Duncan Gordon are members of SWP.

13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 19 and 20 of the complaint.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the complaint.

15. Admit the allegations contained in paragraphs 22, 23, 24, 25 and 26 of the complaint.

16. Deny the allegations contained in paragraph 27 of the complaint, except admit that defendant H. Robert Haldeman was employed by the U.S. Government as an Assistant to the President from January 21, 1969 to April 30, 1973.

17. Deny the allegations contained in paragraph 28 of the complaint, except admit that defendant John D. Ehrlichman was employed by the United States Government from January 21, 1969 to November 4, 1969 as Counsel to the President, from November 4, 1969 to January 21, 1973 as an Assistant to the President for Domestic Affairs, and from January 21, 1973 to April 30, 1973 as an Assistant to the President.

18. Deny the allegations contained in paragraph 29 of the complaint except admit that Tom Charles Huston, who is no longer a defendant in this action as a result of a Court Order herein dated November 27, 1973, resides in Indianapolis, Indiana, and admit that he was employed by the White House as a researcher and writer from 1969 until June 1971, and had responsibility for coordinating and channeling internal security information from April to August 1970.

19. Admit the allegations contained in paragraph 30 of the complaint.

20. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 31 and 32 of the complaint.

21. Deny the allegations contained in paragraph 33 of the complaint, except state that during the period 1961-1969 the FBI conducted a program denominated "SWP Disruption Program" whose basic purpose was to alert the public to the fact that SWP is not just another socialist group but follows the revolutionary principles of Marx, Lenin and Engles as interpreted by Leon Trotsky, and further state that at various times during the period 1945-1963 the FBI conducted limited national security electronic surveillance of certain plaintiffs and deny any other allegations inconsistent with the answer herein.

22. Deny the allegations contained in paragraphs 34, 35 and 36 of the complaint.

23. Deny the allegations contained in paragraph 37 of the complaint, except admit that certain organizations have been designated by the Attorney General pursuant to Executive Order 9835 and 10450 and amendments thereto, and refer to the same for the contents thereof.

24. Deny the allegations contained in paragraph 38 of the complaint, except admit that members of organizations designated by the Attorney General pursuant to Executive Order 10450 are subject to loyalty and security provisions imposed by law, executive orders and regulations pertaining thereto.

25. Deny the allegations contained in paragraph 39 and 40 of the complaint except admit that pursuant to law, executive orders and regulations, investigations are conducted with respect to persons who indicate they are members of SWP, and further deny that such persons have been singled out because of political activity with respect to the 1972 and 1973 campaigns.

26. Deny the allegations contained in paragraph 41 of the complaint, except admit that where an investigation discloses that a person is a member of SWP, such investigation may include conversations with others having knowledge about the person's background.

27. Deny the allegations contained in paragraph 42 of the complaint, except admit that FBI agents may have on occasion characterized the objectives of SWP, and asked questions relating thereto which may have influenced the conduct of SWP members.

28. Deny the allegations contained in paragraph 43 of the complaint, except admit that on occasion FBI agents may have disclosed the affiliation of SWP or YSA members to others which may have influenced the conduct of such persons.

29. Deny the allegations contained in paragraph 44 of the complaint, except admit that on occasion FBI agents may have induced members of SWP to inform the Government of SWP activities.

30. Deny the allegations contained in paragraph 45 of the

complaint.

31. Deny the allegations contained in paragraphs 46 and 47 of the complaint, except admit that lawful investigations of SWP members, including Emily Rose Homonoff and Alice P. Woznak, have been conducted pursuant to Civil Service Commission regulations.

32. Deny the allegations contained in paragraphs 48 and 49 of the complaint, except admit that the Army has complied with the provisions of Army Regulation 604-10 which requires an investigation of individuals claiming membership in organizations designated by the Attorney General pursuant to Executive Order 10450.

33. Deny the allegations contained in paragraphs 50 and 51 of the complaint, except admit that the Selective Service will classify registrants 4F upon a determination by the Army that they are unfit for service.

34. Deny the allegations contained in paragraph 52 of the complaint, except refer to the answers to paragraphs 46-51 of the complaint provided hereinabove.

35. Deny the allegations contained in paragraph 53 of the complaint, except refer to the answer given to paragraph 33 of the complaint hereinabove.

36. Admit the allegations contained in paragraphs 54 and 55 of the complaint.

37. Deny the allegations contained in paragraphs 56 and 57 of the complaint.

38. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 58 of the complaint, except admit that the discovery of a wiretap on the line of Mr. Cannon at the address indicated was reported to the FBI by the Los Angeles Police Department.

39. Deny the allegations contained in paragraphs 59 and 60 of the complaint.

40. Deny the allegations contained in paragraph 61 of the complaint except refer the answer to paragraph 58 of the complaint provided hereinabove.

41. Deny the allegations contained in paragraphs 62 and 63 of the complaint, except admit that defendant Nogi visited the home of plaintiff Gordon and placed a letter in his mailbox for the purpose of attempting to contact him.

42. Deny the allegations contained in paragraph 64 of the complaint.

43. Deny the allegations contained in paragraph 65 of the complaint except admit that a lawful mail cover was placed on mail of the Socialist Workers Party, 410 West Street, New York, New York 10014, from approximately January 23, 1973 to May 18, 1973 in accordance with Postal Service regulations.

44. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 66 of the complaint, except admit that the FBI has knowledge of a report made by the Detroit Police Department concerning the alleged burglary.

45. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 67 and 68 of the complaint.

46. Deny the allegations contained in paragraphs 69 and 70 of the complaint.

47. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 71 of the complaint.

48. Deny the allegations contained in paragraph 72 of the complaint.

49. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 73 of the complaint.

50. Deny the allegations contained in paragraphs 74 through 99 inclusive of the complaint.

51. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 100 of the complaint.

FOR A FIRST AFFIRMATIVE DEFENSE

52. The complaint fails to state a claim upon which relief can be granted.

FOR A SECOND AFFIRMATIVE DEFENSE

53. The Court lacks jurisdiction over the subject matter of the complaint.

FOR A THIRD AFFIRMATIVE DEFENSE

54. The plaintiffs herein lack standing to bring this suit.

FOR A FOURTH AFFIRMATIVE DEFENSE

55. The suit is in fact a suit against the United States of America, to which the United States of America has not consented, and which is barred by the doctrine of sovereign immunity.

FOR A FIFTH AFFIRMATIVE DEFENSE

56. At all times material herein, all alleged activities of the defendants were in furtherance of their official duties, or within the scope of their authority and were not in excess of their statutory authority; defendants are therefore absolutely immune from civil liability under the doctrine of official immunity.

FOR A SIXTH AFFIRMATIVE DEFENSE

57. All alleged activities of defendants were performed in furtherance of their official duties, were undertaken in good faith and in the reasonable belief that such activities were necessary, lawful and within the scope of their authority; defendants are therefore not liable to plaintiffs in damages for such activity.

FOR A SEVENTH AFFIRMATIVE DEFENSE

58. Insofar as this action is predicated on the designation of plaintiff SWP on the Attorney General's List pursuant to Executive Order 9835, Executive Order 10450 and amendments thereto, this suit is barred by laches and failure to exhaust administrative remedies.

WHEREFORE, federal defendants except for defendants Richard M. Nixon and John Mitchell, demand judgment dismissing the complaint herein, together with the costs and disbursements of this action.

Date: New York, New York
January 7, 1974

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for federal defendants
except for defendant John Mitchell

By: /s/
STEVEN J. GLASSMAN
Assistant United States Attorney
Office and Post Office Address
United States Court House
Foley Square
New York, New York 10007
Tel. (212)264-6325

U.S. ADMITS PLAN TO DISRUPT PARTY

Also Concedes Surveillance of Socialist Workers

By FARNSWORTH FOWLE

The Federal Government, replying to a suit against it, has acknowledged that it conducted "electronic surveillance" of Socialist Workers party members from 1945 to 1963 and that the Federal Bureau of Investigation had a program to disrupt the party from 1961 to 1969.

The Government's reply, filed Monday in Federal District Court as a result of the party's complaint last July 18, was made public yesterday at a news conference called by the Political Rights Defense Fund, which is raising money for the costs of the court action.

The Government said that the "basic purpose" of the disruption program had been "to alert the public to the fact that S.W.P. is not just another socialist group but follows the revolutionary principles of Marx, Lenin and Engels as interpreted by Leon Trotsky."

The reply followed the F.B.I.'s disclosure Dec. 6 of an order that its late director, J. Edgar Hoover, issued to all offices on May 10, 1968, to begin an attack against groups and individuals "who spout revolution and unlawfully challenge society to obtain their demands."

Unwarranted Taps Denied

This and other counterintelligence programs were terminated without explanation in a Hoover directive of April 28, 1971. The organizations and individuals were not identified by the bureau at the time.

In the document made public yesterday, submitted on behalf of United States Attorney Paul J. Curran, the Government issued a general denial that in 1972 and 1973 election campaigns it made unwarranted use of devices to intercept confidential conversations of party members, supporters and candidates.

It acknowledged knowing of only one such wiretap—in 1972, on the Los Angeles home of James P. Cannon, then national chairman. The tap was placed on the basis of a report to the bureau by the local police, the Government said.

The suit is a class action by the Socialist Workers party, its affiliated Young Socialist Alliance, Mrs. Linda Jenness, the

party's 1972 Presidential nominee, and 14 other named individuals, as well as "all others similarly situated." They asked the Federal court for more than \$27-million in damages because of alleged violations of party members' constitutional rights by the defendant—the Attorney General, other department and agency heads, President Nixon and several former Nixon associates.

Harassment Is Charged

The complaint charged a systematic campaign of excessive interrogation, employment discrimination and other harassment of party members and supporters and other illegal acts, which it said impaired the party's ability to participate effectively in Federal, state and local elections.

The complaint asked for a permanent injunction against wiretapping, mail monitoring and breaking into party offices. It also asked that the party be removed from the Attorney General's list of subversive organizations.

John Ratliff, of the legal staff of the Political Rights Defense Fund, called the Government's admissions "astonishing." He said that the fund had already asked for further documents about the disruption program

and would take necessary legal steps "if the Government resists their motions."

"When the Government singles out and harasses a political group on the basis of its ideas and programs," he said, "it threatens everyone's First, Fourth and Fourteenth Amendment rights." Some Government assertions in the reply, he said, "go beyond what they were making before."

A memorandum with the Government reply argued the Federal District Courts lack jurisdiction over the President and that the complaint as to him should be dismissed. Mr. Ratliff called Mr. Nixon the "chief conspirator and ultimate authority for the illegal and unconstitutional acts" in the complaint, and said that the fund's lawyers would offer counterarguments on this motion.

Mrs. Jenness said there was "nothing secretive" about her party, calling it an "open, legal organization." Recalling past Government denials of interference, she said, "We always knew they carried out these activities." She declared that the Government was no longer "in a position to get away with the amount of lying."

Mrs. Jenness, asked about the size of the party, said that

in the 1972 election it got about 100,000 votes in 23 states. She said the members, numbering about 2,000, were comparable to active party workers in the major parties. The weekly readership of the party's journal, The Militant, she estimated at 70,000. It is edited by her husband.

Cincinnati Post 1/11/74

U.S. admits harassing Socialists

NEW YORK (Reuter): The federal government has admitted conducting a "Socialist Workers Party disruption program" and spying on the party since 1945.

The admissions, in response to a \$27-million suit against the government, are contained in a document filed yesterday in U.S. District Court here. In it the government conceded that any person who "indicated" he was a member of the SWP was subject to investigation by the FBI who "may have" asked questions of SWP members' employes and neighbors.

The government claims the "disruption program" was conducted in the interest of national security, a defense it has used repeatedly in rationalizing various Watergate-related activities.

However, said John Ratliff, a lawyer for the Political Rights Defense Fund which is handling the SWP suit, "when the government singles out and harasses a political group on the basis of its ideas and programs, it threatens everyone's rights."

The suit, filed last July 18, charged the government and its top officials with various violations of rights of SWP members, with burglarizing and firebombing their offices in Houston and Los Angeles and of creating disruptions in at least 40 cities.

Linda Jenness, the party's 1972 presidential candidate, emphasized at the press conference that the government's action "was not aimed only at Socialists, but at anyone who disagrees with government policy."

Minneapolis Star 1/12/74

U.S. admits program to disrupt Socialists

NEW YORK, N.Y. (AP) —

The federal government has acknowledged in court papers that the FBI had a program to disrupt the Socialist Workers Party between 1961 and 1969.

Electronic surveillance of party members was maintained from 1945 to 1963, the government added.

The papers were filed in U.S. District Court in response to the Socialist Workers' \$27-million damage suit alleging violation of party members' constitutional rights and impairment of the party's campaigns for public office.

The party had charged a systematic campaign of disruption by the government involving excessive interrogation of members,

employment discrimination against members and other harassment.

The Socialist Workers claim 2,000 active members and ran a presidential candidate in the 1972 election.

The government contended in the papers filed Monday that the disruption program was intended "to alert the public to the fact that the SWP is not just another Socialist group but follows the revolutionary principles of Marx, Lenin and Engels as interpreted by Leon Trotsky."

The suit, filed July 18, asks that the government be barred from wiretapping, mail monitoring, breaking into party offices or listing the organization as a subversive group.

FBI's "COINTELPRO" secret plan for political sabotage

The government was recently forced to make public this secret 1968 FBI "Counterintelligence Programs" (COINTELPRO) document ordering sabotage operations against radical organizations. A successful lawsuit by NBC-TV correspondent Carl Stern forced the release.

COINTELPRO was partially revealed in documents taken from an FBI office in Media, Pa., and was apparently discontinued as a result of the publicity it received. Its sabotage activities (including a "Socialist Workers Party Disruption Program") were continued by the FBI, the White House "plumbers" and the implementation of the 1970 Huston "Domestic Intelligence Gathering Plan" which intensified illegal government harassment against protest organizations.

The text of the FBI document follows.

COUNTERINTELLIGENCE PROGRAM INTERNAL SECURITY DISRUPTION OF THE NEW LEFT

Effective immediately, the Bureau is instituting a Counterintelligence Program directed against the New Left movement and its Key Activists. All offices are instructed to immediately open an active control file, captioned as above, and to assign responsibility for this program to an experienced and imaginative Special Agent who is well versed in the investigation of the New Left and its membership.

The purpose of this program is to expose, disrupt and otherwise neutralize the activities of the various New Left organizations, their leadership and adherents. It is imperative that the activities of these groups be followed on a continuous basis so we may take advantage of all opportunities for counterintelligence and also inspire action in instances where circumstances warrant. The devious maneuvers and duplicity of these activists must be exposed to public scrutiny through the cooperation of reliable news media sources, both locally and at the Seat of Government. We must frustrate every effort of these groups and individuals to consolidate their forces or to recruit new or youthful adherents. In every instance, consideration should be given to disrupt-

ing the organized activity of these groups and no opportunity should be missed to capitalize upon organizational and personal conflicts of their leadership.

On or before June 1, 1968, all offices are instructed to submit to the Bureau a detailed analysis of potential counterintelligence action against New Left organizations and Key Activists within their respective territories. Specific recommendations should be included for any logical immediate counterintelligence action. Recommendations submitted under this program must include all necessary facts to enable the Bureau to intelligently pass upon the feasibility of the proposed action. In instances where a reliable and cooperative news media representative or other source outside the Bureau is to be contacted or utilized in connection with a proposed counterintelligence operation, it will be incumbent upon the recommending office to furnish assurances the source will not reveal the Bureau's interest or betray our confidence.

Offices which have investigative responsibility for Key Activists should specifically comment in the initial letter to the Bureau regarding these individuals. As these offices are aware, these individuals have been identified as the moving forces behind the New Left.

No counterintelligence action may be initiated by the field without specific Bureau authorization.

Commencing July 1, 1968, and every three months thereafter, each participating office should submit to the Bureau a status letter covering the prior 3-month period, including comments under the following captions:

- 1) Potential Counterintelligence Action
- 2) Pending Counterintelligence Action
- 3) Tangible Results

If necessary, a fourth caption "Miscellaneous" may be utilized for additional comments.

Recommendations for counterintelligence should not be included in the 90-day status letters to the Bureau, but should be submitted individually by separate letter.

All Special Agent personnel responsible for the investigation of the New Left

and the Key Activists should be alerted to our counterintelligence plans relating to these groups. Counterintelligence action directed at these groups is intended to complement and stimulated our accelerated intelligence investigations. Each investigative agent has a responsibility to call to the attention of the counterintelligence coordinator suggestions and possibilities for implementing the program. You are cautioned that the nature of this new endeavor is such that under no circumstances should the existence of the program be made known outside the Bureau and appropriate within-office security should be afforded this sensitive operation.

The Bureau has been very closely following the activities of the New Left and the Key Activists and is highly concerned that the anarchistic activities of a few can paralyze institutions of learning, induction centers, cripple traffic, and tie the arms of law enforcement officials all to the detriment of our society. The organizations and activists who spout revolution and unlawfully challenge society to obtain their demands must not only be contained but must be neutralized. Law and order is mandatory for any civilized society to survive. Therefore, you must approach this new endeavor with a forward look, enthusiasm, and interest in order to accomplish our responsibilities. The importance of this new endeavor cannot and will not be overlooked.

APRIL 28, 1971

COUNTERINTELLIGENCE PROGRAMS (COINTELPROS) INTERNAL SECURITY - RACIAL MATTERS

Effective immediately, all COINTELPROS operated by this Bureau are discontinued. These include:

- COINTELPRO - Espionage
- COINTELPRO - New Left
- COINTELPRO - Disruption of White Hate Groups
- COINTELPRO - Communist Party, USA
- Counterintelligence & Special Operations
- COINTELPRO - Black Extremists
- Socialist Workers Party - Disruption Program

FBI Discloses Part Of Anti-Left Program

Ended by Hoover After 3 Years

Washington (AP) — The FBI is facing pressure for details of a calculated three-year operation "to expose, disrupt and otherwise neutralize" the New Left movement.

Director Clarence M. Kelley was to issue a statement discussing the so-called counterintelligence operation established May 10, 1968, by the late J. Edgar Hoover and terminated by Hoover April 28, 1971.

Two memos describing the operation were reluctantly made public by the FBI Thursday, but a Justice Department source said the FBI possesses many other documents outlining specific activities on the nationwide attack.

This source said some of those documents "can't be found anymore."

The operation was never intended to be an information-gathering program as its counter intelligence label implies, the source said. Hoover's memos indicated, too, the activities largely involved disruption of groups the FBI viewed as leftist troublemakers.

In the two memos, Hoover did not identify specific targets but the source said the FBI worked from a still-secret list of organizations.

The operation included the use of agents provocateurs to infiltrate New Left groups and incite possibly violent activities, the source said.

One memo disclosed that the FBI has directed similar operations at black extremists, the Socialist Workers Party, the Community Party U.S.A. and "white hate groups," presumably the Ku Klux Klan.

The memo terminating the formal operations said FBI offices could request headquarters approval for further counter intelligence action "in exceptional instances."

By releasing the two memos, the FBI acknowledged for the first time that a variety of previously reported activities were part of a systematic campaign ordered by Hoover.

The disclosure also illustrated the persistent tension between Kelley and middle-level FBI officials left over from the Hoover era and the grow-

ing conflict between the FBI and the parent Justice Department.

The FBI released the memos only after acting Atty. Gen. Robert H. Bork chose not to appeal a federal court ruling that ordered the disclosure.

As for future disclosures, Bork "is inclined to air the thing in public," said a department source. FBI officials are resisting and Kelley, who frequently pledges a policy of candor and openness, is caught in the cross fire.

The court order came in a suit filed by NBC television newsman Carl Stern with the aid of the Freedom of Information Clearinghouse, a Ralph Nader organization.

The suit, filed under the Freedom of Information Act, asked for documents "authorizing the establishment, maintenance, termination or change" of the program.

Stern's lawyer, Ronald Plessner, said he will decide within a few days whether to request the court to order the release of more documents.

In the 1968 memo, Hoover instructed all field offices to

assign "an experienced and imaginative" agent to the counterintelligence program.

The purpose, he said, "is to expose, disrupt and otherwise neutralize the activities of the various New Left organizations, their leadership and adherents.

"It is imperative that the activities of these groups be followed on a continuous basis so we may take advantage of all opportunities for counterintelligence and also inspire action in instances where circumstances warrant."

The latter phrase refers to the use of agents provocateurs, the source said.

"We must frustrate every effort of these groups and individuals to consolidate their forces or to recruit new or youthful adherents. In every instance, consideration should be given to disrupting the organized activity of these groups," Hoover wrote.



BOMB SHATTERS NEW YORK OFFICE — A homemade bomb placed behind a radiator exploded last night in a New York office building that houses a number of political groups. The blast ripped open an inside wall, injured three persons and sprayed broken glass over a one-block area. The office (shown) nearest the bomb was that shared by the U. S. Committee for Justice to Latin American Political Prisoners and the Political Rights Defense Fund, (UPI)



BOMB SHATTERS NEW YORK OFFICE — A homemade bomb placed behind a radiator exploded last night in a New York office building that houses a number of political groups. The blast ripped open an inside wall, injured three persons and sprayed broken glass over a one-block area. The office (shown) nearest the bomb was that shared by the U. S. Committee for Justice to Latin American Political Prisoners and the Political Rights Defense Fund. (UPI)

II. RESPONSE TO REQUEST NUMBER TWO

"2. All written orders of the Chief Postal Inspector, issued since June 17, 1965, in which he delegated authority to order mail covers to subordinate officials."

As set forth in response to plaintiffs' first set of interrogatories to defendant Postmaster General, there have been no mail covers of mail addressed to any plaintiffs other than the single mail cover on mail addressed to plaintiff Socialist Workers Party at 410 West Street, New York, New York, which began approximately January 23, 1973, and ended approximately May 18, 1973. As further stated in response to plaintiffs' first set of interrogatories to defendant Postmaster General, said mail cover was personally approved by the Chief Postal Inspector and therefore did not involve any delegated authority to order mail covers to subordinate officials. Plaintiffs' Request for Production of Documents No. 2 is therefore objected to as being irrelevant and immaterial to the issues in this case.

III. RESPONSE TO REQUEST NUMBER THREE

"3. With respect to the area including 410 West Street in New York City, all designations in which the Postal Inspector in Charge delegated authority to order mail covers."

See response to Request for Production of Documents No. 2 above.

Dated: New York, New York
January 21, 1974.

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for Defendant,
Postmaster General

By: /s/
STEVEN J. GLASSMAN
Assistant United States Attorney
Telephone and P.O. Address:
United States Court House
Foley Square
New York, New York 10007
212-264-6325

~~CONFIDENTIAL~~

OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

BY COURIER SERVICE

Date: January 11, 1973
To: Assistant Postmaster General
Inspection Service
U. S. Postal Service
Washington, D. C. 20260
Attention: Mr. Leon Carrier, Room 6421
From: *[Signature]* L. Patrick Gray, III, Acting Director
Subject: SOCIALIST WORKERS PARTY
INTERNAL SECURITY - COMMUNIST (TROTSKYIST)



It is requested that confidential arrangements be made through your office to institute a mail cover on the national headquarters of the Socialist Workers Party, 410 West Street, New York, New York 10014, for a period of 120 days.

The Socialist Workers Party is the largest Communist-Trotskyist organization in the United States with a membership of approximately 1100. It has been designated by the Attorney General pursuant to Executive Order 10450.

Coverage is desired on all first class mail received at the above address. It is believed this coverage will provide valuable information to this Bureau in connection with our internal security responsibilities.

There is no indictment pending against the Socialist Workers Party or members of this organization in New York nor is there anyone known to be residing at the above address who is under indictment.

It is requested that the results of this mail cover be forwarded to Mr. Andrew J. Decker, Special Agent in Charge, Security Division, Federal Bureau of Investigation, 201 East 69th Street, New York, New York 10021.

Approved: *[Signature]*
Chief Inspector

~~CONFIDENTIAL~~

Date: JAN 18 1973

~~Classified by W. R. Nunnally~~
~~Exempt from GDS, Category Number 2~~
~~Date of Declassification Indefinite~~

1-10-74
[Signature]

UNITED STATES POSTAL SERVICE
Washington, DC 20260

COURTESY: AING/IS:CS
SUBJECT: Request for Special Mail Cover

DATE: January 18, 1973

TO:

Inspector in Charge
New York, New York 10001

LIMITED OFFICIAL USE

It is requested that a special mail cover identified as SMC No. 41 be placed into effect for a period of 120 days on the following:

SOCIALIST WORKERS PARTY
410 West Street
New York, New York 10014

The implementation of this cover will be coordinated with:

Mr. Andrew J. Decker
Special Agent in Charge
Security Division
Federal Bureau of Investigation
201 East 69th Street
New York, New York 10021

To place this cover, you will assign a "C" Case to an appropriate Inspector for necessary attention. The case jacket subject should reflect only the SMC Control Number which appears in the preceding paragraph. A copy of the case slip reflecting the jacketing of this case will be forwarded directly to Headquarters, ATTENTION: Office of Security. No index cards are to be prepared by Division Headquarters.

Before identification of the name or address of the subject of this request to any Postal employee outside the Inspection Service, including supervisors, the name and date of birth of all Postal employees who will be knowledgeable of the cover

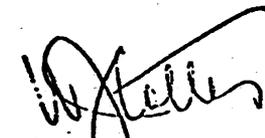
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

shall be furnished by ARS to Headquarters, Office of Security, and to the coordinating Special Agent for clearance purposes. Upon receipt of clearance from the coordinating agent and this Office, determine the exact operational procedures required to implement the cover. If the coordinating Special Agent concurs with the arrangements made, the Inspector shall verbally request the appropriate supervisor to initiate the cover. Under no circumstance will PS Form 2008, Request for Information Concerning Mail Matter, be prepared.

To the maximum extent practical, Inspection Service personnel should record mail cover results. If not practical, arrangements should be made to have Postal personnel do so in accordance with the provisions of the preceding paragraph. If the information is to be recorded manually, do not use PS Forms 2009 and 2006. Instead, record on plain bond paper, identified only by SMC Number in the upper right-hand corner. The results are to be transmitted to the designated agents in accordance with mutually agreeable instructions. At the expiration of the mail cover period, the Inspector shall prepare a brief closing report and submit it under personal cover by registered mail to the Inspector in Charge. The Inspector shall not retain a copy of this report in his domicile files. The Inspector in Charge will forward by registered mail the original and all copies of the final report, together with all case index slips and this memorandum to Headquarters, ATTENTION: Office of Security. Pursuant to an agreement reached at the national level, the FBI will not be required to return the results of the mail cover.

NO COPY OR OTHER RECORD OF THIS MEMORANDUM SHALL BE MADE EXCEPT AS OUTLINED ABOVE. IT MUST BE RETAINED IN THE PERSONAL CUSTODY OF THE ADDRESSEE UNDER APPROPRIATE SECURITY UNTIL RETURNED BY REGISTERED MAIL TO HEADQUARTERS UPON EXPIRATION OF THE REQUEST.



William J. Cotter
Chief Inspector

LIMITED OFFICIAL USE

F.B.I. TELLS OF FILE ON JERSEY GIRL, 16

Admits It Saw Subversion in Letter to Socialists She Wrote in School Project

By JOSEPH F. SULLIVAN
Special to The New York Times

NEWARK, Jan. 27 — The Federal Bureau of Investigation has admitted it is keeping a "subversive" file on a 16-year-old high school girl who wrote a letter to the Socialist Workers party as part of a school project.

In papers filed in answer to a suit brought by Lori Paton of Chester, N.J., the F.B.I. also disclosed that it had ordered a criminal investigation into Miss Paton's activities. J. Wallace LaPrade, the agent in charge of the Newark office of the F.B.I., previously had denied that the girl was being investigated by the bureau.

The extent of the F.B.I. investigation and the existence of a "mail cover" on the Socialist Workers party headquarters in New York between Jan. 23 and May 16, 1973, were disclosed as a result of proceedings instituted by Frank Askin, a lawyer with the Constitutional Litigation Clinic at Rutgers University Law School.

Mr. Askin, a cooperating attorney with the New Jersey Chapter of the American Civil Liberties Union, is representing the girl in her action to force the F.B.I. to expunge her name from its records and to pay \$65,000 in damages.

The suit also is termed a class action representing "all American citizens who wish to exercise their rights under the First Amendment to engage in lawful correspondence with minority political parties without being the objects of covert and overt surveillance and interception of their mail."

If the suit succeeds, it could lead to court-imposed limits on F.B.I. surveillance. Bureau officials in Newark and Washington have refused to comment on the case. Earl Kaplan, a lawyer with the internal secur-

ity section in the Department of Justice, also has refused to let agents answer Mr. Askin's questions concerning routine bureau investigation procedures, asserting that they are privileged. The Government's disclosure was the second it had made in the last month regarding surveillance of the Socialist Workers party. Last Jan. 7, also in replay to a suit, the Government acknowledged that it had conducted "electronic surveillance" of Socialist Workers party members from 1945 to 1963 and that the F.B.I. had a program to disrupt the party from 1967 to 1969.

Miss Patton became the target of inquiry as a result of a request on Jan. 11, 1973, by L. Patrick Gray 3d, then acting F.B.I. director, to the post office for a "confidential arrangement regarding a mail cover" on the national headquarters of the Socialist Workers party, 410 West Street, New York.

Mail Cover Explained

A mail cover is a type of surveillance in which all the data on the outside of first-class letters are copied and the contents of second- third- and fourth class mail examined before it is forwarded to the target of the surveillance.

About this time Miss Paton was enrolled in a social studies course at West Morris-Mendham High School. As part of a class project she wrote a letter to the Socialist Labor party but misaddressed it. The letter went to the Young Workers Alliance, an affiliate of the

Socialist Workers party. As a result of her letter, the organization sent her a copy of its newspaper and some printed material.

Special Agent John P. Devlin checked the Paton family's credit, the employment of the girl's father, Arthur Paton, and drew from Police Chief Edward Strait of Chester the information that no member of the family had a police record.

He then went to the high school to check the girl's background and interests. When the school principal, Richard Matthews, told him the girl was still a student and the contact with the political organization was part of a school exercise, the agent left before the girl or her teacher could reach the office.

Chicago Sun-Times Editorial Page 1/29/74

Schoolgirls and counterspies

The Federal Bureau of Investigation plans to ask for the power to conduct domestic counterspy operations in times of national emergency. We believe Congress ought to approach the request with great caution. Watergate has demonstrated the need for concrete governmental guarantees against the invasion of civil and political liberties in the name of national security, and there is no reason to believe the FBI or its parent Justice Department is prepared to offer such assurances. In fact, there is fresh evidence on the books that the FBI still can't differentiate between dangerous spies and inquisitive schoolchildren.

A few years ago, the FBI launched a full-fledged investigation of a 14-year-old North Carolina high school student who had written the Soviet Embassy for information. The parents of the child declined to sue, and the results of the investigation presumably remained on the books to plague the boy for the remainder of his life. Most recently, Lori Paton, a 16-year-old student in Chester, N.J., became the subject of an FBI investigation because she wrote a letter to a Socialist Workers Party headquarters as part of a school project. In this instance, however, high school authorities became incensed by the FBI probe and themselves prompted the suit by the American Civil Liberties Union.

The suit asks that the FBI expunge

all record of the Paton investigation, as it should. More importantly, the suit questions the power of the FBI to interfere with political inquiries or associations that would seem to be guaranteed by the First Amendment to the Constitution. After all, the Socialist Workers Party has been active for some time. How many persons have become suspect because they sought to find out what the party stood for?

The FBI surveillance of the Socialist Workers Party was prompted in the first place by the fact the party is on the infamous attorney general's list of possibly subversive organizations. But that list itself, although still kept alive and used, for example, as a guide in federal hiring, is an anachronism. The standards for listing an organization are subjective, not objective. The Subversive Activities Control Board, whose one function for years was to investigate names added to the list — it actually investigated nothing — has gone out of business. The list, then, is just a relic of the McCarthy-era witch-hunts and, in fact has not been updated since 1955.

The Supreme Court over the years has torn down the rest of the superstructure that supported the witch-hunts, and rightly so. Now, we hope the Paton suit can get at the last vestiges of the era. And we recommend that Congress make sure the FBI gets no more power than it can properly use.

fight the watergate gang you can help:

- Become a sponsor of the Political Rights Defense Fund and urge others to do so. (Use the coupon.)
- Send a donation to the PRDF to help cover the expenses of the suit.
- Invite a representative of the PRDF to speak on the case to your organization or school by writing to the PRDF national office.

- Send resolutions of support from your union, school, club or organization.
- Order some PRDF buttons and other literature to inform others about this case and to help raise funds.
- Volunteer to work with the local PRDF in your area by writing to the PRDF national office.

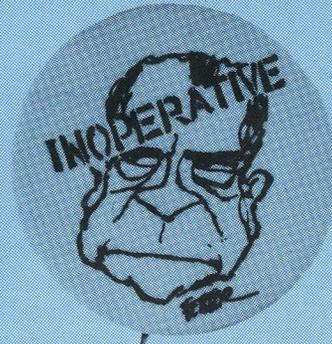
PRDF literature

Brochure. *Defend Your Political Rights, Fight Watergate Crimes* (\$2 per 100)

Printed legal complaints (15 cents each)

Challenge to the Watergate Crimes, a documentary record (\$1 or 75 cents on orders of 5 or more)

Endorser Cards (\$1 per 100)



3-color Nixon button specially designed for the PRDF by Jules Feiffer (\$1 each or 30 cents each on orders of 10 or more)

funds urgently needed!

Clip and mail to: PRDF, Box 649 Cooper Station, New York, N.Y. 10003. Telephone: (212)691-3270

- () Enclosed is \$_____ contribution.
- () I want to help with support activities. Send me a basic kit of PRDF literature. Enclosed is \$2.50
- () Enclosed is \$_____. Send me the following literature. (Indicate amounts)

- () Enclosed is \$_____ for _____ buttons.
- () Please send more information on the suit.
- () Please add my name as a sponsor of the PRDF. I endorse its efforts to build support and raise funds for the 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 _____

City _____

State _____ ZIP _____

Organization/School _____
(for identification only)

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