















# The FBI's spying and disruption operations

In response to recent news of U.S. government spying on phone calls and e-mail, we print below excerpts from "Washington's 50-year domestic contra operation" in issue 6 of the Marxist magazine *New International*. The article takes up a question vital to the interests of working people around the world—the fight against attacks on democratic rights and political freedoms by the FBI and other U.S. government police agencies. It was first published as part of the campaign to win support for the fight by the Socialist Workers Party and Young Socialist Alliance against FBI spying and disruption. In August 1986 Federal District Judge Thomas Griesa ruled on a lawsuit against federal political police operations the SWP and YSA had filed in 1973. In a historic victory for political liberties, Griesa ruled that the FBI's decades-long campaign against the two organizations was in violation of the U.S. Constitution and the Bill of Rights. Copyright © 1987 by *New International*. Reprinted by permission.

BY LARRY SEIGLE

In 1956 the National Security Council convened a special meeting in the White House to hear a report and consider proposals from FBI Director Hoover on how to counter the stiffening popular resistance to government moves against the Bill of Rights. The facts about this meeting were first revealed in 1981 during the trial of the SWP lawsuit, when Justice Department officials introduced into evidence a report on the meeting previously classified top secret. The document was submitted in an effort—ultimately unsuccessful—to show that the FBI's covert "Counter-Intelligence Program" (Cointelpro) was lawful on the grounds that it had been set in

motion at this NSC meeting, where it received presidential approval.

To explain the document's significance, the government lawyers called to the witness stand Herbert Brownell, who had served as attorney general in President Dwight Eisenhower's cabinet. Brownell testified that those present at the 1956 NSC meeting included Eisenhower, Vice-president Richard Nixon, CIA chief Allen Dulles, FBI Director Hoover, and other government officials. At the meeting, Hoover outlined the situation. The government's efforts to disrupt the operations of the Communist Party, the Socialist Workers Party, and other groups were running into greater public opposition, he said. This was being reflected in the growing reluctance by federal judges to sustain prosecutions under the Smith Act, to uphold denials of passports to "subversives," and to approve other witch-hunting measures such as driving communists out of the merchant marine by lifting their seaman's papers....

Fortunately, Hoover emphasized, the power of the government's executive branch to act was not restricted to what the people of the country would support and the federal courts would accept. What could not be accomplished openly, could be achieved covertly. The FBI possessed the weapon of "counter-intelligence." Hoover proudly reported, "We have sought to infiltrate, penetrate, disorganize, and disrupt the [Communist] party.... Informants have been the key to penetration of the party.... We currently have 921 active informants operating in the security field, providing hourly intelligence reflecting the innermost plans and policies of the Communist Party."

On the witness stand in 1981, Brownell stressed that Hoover's report covered not just the Communist Party itself, but also... "what we call the subversive groups who were operating se-

cretly in conjunction with foreign powers." This included the Socialist Workers Party, the former attorney general added.

Brownell was asked to identify "the source of the authority for the FBI to conduct the counter-measures as set forth in this page against the Communist Party and other subversive groups." "Presidential directive," he shot back. "I think the legal situation was that the President did not give any restriction to the methods that were to be used to accomplish the ends that he sought." The techniques approved by the National Security Council included disruption operations by informers, break-ins, wiretaps, and microphone bugs installed without warrants, as well as opening the mail and sorting through discarded trash of "subversive" targets. Six months later, the FBI formally inaugurated its Cointelpro operations, first against the CP, then against the SWP, Black organizations fighting for civil rights, and others.

If the majority of U.S. people could no longer be mobilized to support the openly proclaimed goal of breaking up communist groups by government prosecution and blacklisting, the National Security Council had decided, then the FBI would wage a secret operation against the "subversives"—what we would today call a domestic contra operation....

On the witness stand, Brownell argued that when it came to "intelligence" or "national security" investigations—that is, when the target is political, rather than criminal, activity—the executive branch of government has the authority



Militant/Diane Jacobs  
FBI agent George Baxtrum, assigned to disrupt and spy on the Socialist Workers Party from 1953–69, testifies about his activities in 1981 SWP suit against the FBI.

to ignore the Bill of Rights. Under cross-examination the former attorney general became visibly irritated that anyone could question this doctrine. When the judge himself asked some pointed questions Brownell's voice hardened. Finally, he was asked whether it was "your view as the Attorney General that the Fourth Amendment was applicable to intelligence investigations?" Brownell responded:

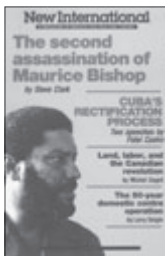
"We didn't have any guidance from the Supreme Court on that. I think the matter is still open as far as the Supreme Court is concerned. On the one hand you have the express powers of the president to conduct foreign affairs and to be the Commander in Chief. On the other hand you have the Fourth Amendment." Brownell then paused, glared directly at Griesa, and said, "So far there has been no court decision which prohibited such activities in the field of intelligence."

The message was unambiguous: this has been going on for a long time and no federal judge has ever tried to stop us, so don't make trouble for yourself. Griesa reserved response until his ruling, which explicitly rejected the claim by Brownell and the Justice Department that the executive branch has the power to trample on the Bill of Rights.

## For Further Reading

### Washington's 50-year domestic contra operation

by Larry Seigle  
In *New International*  
no. 6  
\$16



### Cointelpro

by Nelson Blackstock

Describes the decades-long covert counterintelligence program—code-named Cointelpro—directed against socialists and activists in the Black and anti-Vietnam War movements. The operations revealed in the documents cited in this book provide an unprecedented look at the methods used by the FBI, CIA, military intelligence, and other U.S. police agencies. \$16



### FBI on Trial

by Margaret Jayko

The 1987 victory in the 14-year SWP legal battle against the FBI, CIA, and other government spy agencies "increases the space for politics, expands the de facto use of the Bill of Rights, increases the confidence of working people that you can be political and hold the deepest convictions against the government and it's your right to do so and act upon them." \$18.95



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## Solidarity with N.Y. transit strikers

Continued from front page

York State. This fight is not just about the strikers. The city is trying to set one more precedent to be used against other workers. City Hall recently got approval for a sanitation workers contract that includes one-person crews, and a pact with teachers weakening seniority.

The MTA claims it must now make new hires pay 6 percent of their wages for pensions—saving \$20 million in three years—because of a looming budget deficit. But the city's capitalists are willing to lose hundreds of millions a day to break the strike. As fares keep going up and the transit system deteriorates, New York city and state fork over billions in yearly interest payments to wealthy bondholders. That's where a huge portion of funds go. But it's the workers who are told to "sacrifice."

The ruling capitalist families use the same arguments to rationalize rolling back Social Security and Medicare for all working people: future retirees will supposedly bankrupt the Social Security system. The fact is, all wealth—including funds for social programs and public companies like the MTA—comes from workers and farmers applying their labor to nature. What's involved is that the capitalists are trying to boost their declining profit rates by taking an even bigger portion of that wealth from the working class by making us work faster and longer hours, cutting wages and benefits, and worsening job conditions. This is the case across the country—from auto to airlines to mining firms.

Is it true, as Mayor Bloomberg and others who speak for big business claim, that the transit strikers are selfishly hurting lower-paid workers? No. If the MTA succeeds in undermining pensions for transit workers, that will encourage bosses everywhere to drive harder against wages, benefits, and working conditions.

Is it true strikers are criminals for violating the Taylor law? No. Was Rosa Parks a criminal for violating the racist segregation law in Alabama? The Taylor law is among many antilabor measures the ruling class will increasingly use to restrict rights workers need to defend ourselves from the employers' assaults. Working people also face a danger from the federal domestic spying operations and the Patriot Act that's being renewed. Under the guise of fighting "terrorism" these measures will be used to clamp down on labor militants. The *New York Daily News* is already accusing the transit strikers of exposing "the subway system to terrorism."

This antilabor gang-up by the Democrats and Republicans who run New York also points to the need to build a labor party, based on the unions, that fights in the interests of workers and farmers year round.

Despite the stab in their back by the TWU international president, who ordered strikers to return to their jobs, there is widespread sympathy with the transit workers among working people in New York—for good reason. This is the time to mobilize the power of the labor movement to back the strikers and help them win.

## Strikers resist two-tier pensions

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ers have come under fire from the administration of billionaire mayor Michael Bloomberg—who calls them "thuggish" and "selfish"—and the big-business media.

On the first day of the strike a State Supreme Court judge, in response to a lawsuit against the union by State Attorney General Eliot Spitzer, slapped a fine of \$1 million per day on the union. Under the Taylor law, which bans strikes by public employees, Judge Theodore Jones said he would also consider fines of \$1,000 per day against some individual union members.

Company demands for a two-tier pension and health plan—while the MTA holds onto a \$1 billion budget surplus—became the key issue in the fight. As the strike deadline was pushed to December 20, the media reported that the bosses shifted from insisting on increasing the retirement age from 55 to 62 for new hires, to a demand that new workers pay 6 percent of their income to the pension plan for the first 10 years of employment—up from the current 2 percent. In a statement announcing the strike, Local 100 president Roger Toussaint said, "The MTA knew that reducing health and pension standards at the authority would be unacceptable to our union."

"This is bigger than just us, it's about the labor movement and the economy," station agent Mark Solomon told the *Militant* as he walked the line. "The big cats are going to have their pensions, while the American worker is getting killed."

Members of other unions have joined Local 100 rallies and pickets since the days leading up to the strike. The day the strike began a group of Amalgamated Transit Workers at New Jersey Transit, and bus drivers from Greyhound, walked the picket line at the Quill depot.

In contrast to this kind of solidarity, TWU International president Michael O'Brien called the walkout unauthorized and demanded TWU members return to work. The big-business press has seized on this action to further its propaganda campaign against the strikers.

Many workers expressed outrage over the antilabor Taylor law. Station agent Eric Husebo said it "is as close as you can get to legal slavery." Another subway worker, Patrick O'Donnell, said it "should be abolished."

The head of the MTA is Peter Kalikow, a real estate magnate and former owner and publisher of the *New York Post*. In 2003 a state comptroller's report found that "the MTA secretly moved resources to slash the reported 2002 [budget] surplus and create a deficit in 2003, apparently to justify a fare increase." Nevertheless neither city nor state authorities moved to block a rate hike.

Many unionists emphasize the strike is also about the lack of basic respect on the job, and the constant company harassment that produced more than 15,000

disciplinary actions in 2004 alone.

At a rally the day before the walkout, Marcelle Mitchell said the brunt of the disciplinary actions fall on herself and other checkers, who receive some of the lowest pay and often work less than 40 hours a week. Checkers record the arrival and departures of subways and buses. "What have we got to lose?" she said in explaining her readiness to strike, "Checkers have nothing."

At the Quill bus depot driver Ralph Sierra said, "We are not willing to sacrifice the new hires and new workers to get wage gains like other unions have done. After that the company would go after all of us."

Some New Yorkers, especially among middle-class layers, oppose the strike. "People are going to lose their jobs because of this," said Cesar Torres, a barber. "It's horrible. The top union people don't care about these workers." The strikers, however, enjoy widespread support among working people.

"This strike is not about one union, or just about all unions," said Angel Giboyeaux, a bus driver at Liberty Lines in Westchester County and a member of TWU Local 100. "It's about all working-class people, both union and nonunion. And all workers should unite behind the strikers." Giboyeaux, who was a picket captain when 600 drivers and mechanics at Liberty Lines waged a successful seven-week strike last spring to win early retirement, has been organizing co-workers to visit MTA train garages every day to show solidarity. "The MTA workers gave us tremendous support when we were on strike, and they need solidarity right now," he said.

## U.S. gov't defends spying on calls, e-mail

Continued from front page

officials have sought to loosen these fig-leaf restrictions. In April 2004 the bipartisan Congressional 9/11 commission complained that the FISA approval procedure for electronic surveillance "continues to be long and slow."

The official role of the National Security Agency, part of the Defense Department, is to spy overseas. NSA has had to obtain warrants from the FISA court to conduct wiretapping against U.S. residents deemed "agents of a foreign power." In 2002 Bush signed an executive order relaxing these restrictions on domestic spying. At a December 19 press conference, the president said the NSA program was for intercepting "international communications of people with known links to al-Qaeda and related terrorist organizations."

Bush argued that his executive powers "as president and commander in chief" gave him the authority to order such spying on the basis that "we're at war."

## UK rulers take steps to revive nuclear power

BY TONY HUNT

LONDON—British prime minister Anthony Blair announced November 29 that the government would carry out a wide-ranging "energy review" that would include a "serious look" at building new nuclear power plants, a reversal of previous government policy.

Voices for the United Kingdom's capitalist rulers have expressed increasing concern about their sources of energy in the coming decades. They seek to gain a competitive edge over their international rivals and to lessen their dependency on imported natural gas and oil, particularly from "unstable" countries.

The *Times* of London said in an editorial, "It is time to push ahead with a new generation of reactors." It pointed to "dwindling" stocks of oil and gas in British-controlled waters of the North Sea; the rise of world oil prices; the fact that most of the country's 12 aging nuclear power stations, which provide 20 percent of electricity in the United Kingdom, are to be decommissioned by 2023; and that many coal-fired power stations, which generate another 30 percent, will close within two decades because of European Union rules on pollution.

The *Times* editorial did not mention an additional factor—the reluctance of the wealthy rulers of this country to use coal given the militant history of the miners union.

The government's review is expected to "lead to new nuclear power stations coming onstream within 20 years," the *Financial Times* reported. It will also look at ways to give "incentives" to private companies to bear the risks of building such plants.

Digby Jones, director-general of the Confederation of British Industry (CBI), a bosses' organization, said, "If this nation, the fourth biggest economy on earth, is going to play a full role in the 21st century, we have got to stop hesitating" about nuclear power. According to the CBI, "energy requirements are now top of the business agenda."

The government's moves have prompted debate among capitalist politicians. Opposing the Labour Party government's course, former Labour government minister Michael Meacher told the BBC news agency, "We need nuclear like a hole in the head." The *Daily Telegraph* reported November 30 that Meacher is among 50 Labour and Liberal Democratic Party members of Parliament and some government ministers who "are deeply opposed to any return to a nuclear energy programme."

The organization Greenpeace disrupted Blair's November 29 announcement at a CBI conference, forcing the prime minister to make the speech in a side room. Greenpeace declared that it opposed nuclear power as "costly, dangerous and a terrorist target."

The British government's moves "could presage a dramatic shift in energy policies" in Europe, where no nuclear power stations have been built since the 1986 Chernobyl disaster in Ukraine, the *International Herald Tribune* stated. There has been a growing debate on nuclear power among Britain's imperialist rivals in Europe. In Finland, which has four nuclear plants, the government has decided to build a fifth reactor—the first ordered in Europe for almost 20 years.

He noted that Congressional leaders had repeatedly been briefed about the secret program. House minority leader Nancy Pelosi conceded this in a December 17 statement. She added, "I expressed my strong concerns during these briefings."

Shedding some light on what the actual target of Washington's "homeland security" offensive is, recent news accounts have reported that federal cop agencies have been conducting operations against various civil liberties, peace, environmental, and other political organizations.

The *Washington Post* reported December 20 on documents obtained by the American Civil Liberties Union showing that the FBI has spied on Greenpeace, the American-Arab Anti-Discrimination Committee, protesters at the 2004 Republican convention, and others. This included "students and peace activists who attended a 2002 conference at Stanford University aimed at ending sanctions then in place in Iraq."