

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1428984-000

Total Deleted Page(s) = 8  
Page 38 ~ b5; b6; b7C;  
Page 39 ~ b5; b6; b7C;  
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Page 131 ~ Duplicate;  
Page 132 ~ Duplicate;  
Page 133 ~ Duplicate;  
Page 136 ~ Duplicate;  
Page 172 ~ Duplicate;

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December 16, 1975

Assistant Attorney General  
Civil Division

Director, FBI

LYNDON H. LA ROUCHE, JR., et al. v.  
CLARENCE KELLEY, et al.  
(U.S.D.C., SDNY)  
CIVIL ACTION NO. 75 Civ. 6010

- 2 - [Redacted]
- (1 - [Redacted])
- (1 - [Redacted])
- 1 - Attn: [Redacted]
- 1 - Mr. Mintz
- 1 - FOIA Litigation

Enclosed is one copy each of a summons and complaint sent by certified mail to Federal Bureau of Investigation (FBI) Headquarters (FBIHQ) by the United States Marshal and received on December 10, 1975.

Fourteen individuals, the United States Labor Party and the National Caucus of Labor Committees have joined together as plaintiffs in this action brought under the Freedom of Information Act (FOIA) to compel defendants to produce all documents containing information relating to plaintiffs. They also seek monetary, declaratory and injunctive relief for alleged systematic violations of their civil rights by defendants. The complaint was filed December 5, 1975. You will note the summons requires an answer to the complaint within 60 days after service. It is also noted that under Count I, paragraph four, found on page six, plaintiffs claim to have exhausted their administrative remedies. This Bureau has no information indicating plaintiffs have made an administrative appeal to the Attorney General.

We will furnish you a litigation report in captioned civil action as soon as possible. Special Agent [Redacted] of our FOIA Litigation Unit should be contacted for any further assistance and/or information at 324-4522.

- Enclosures - 2
- 1 - The Deputy Attorney General  
Attention: [Redacted]
  - 1 - United States Attorney  
Southern District of New York
  - 2 - ENCLOSURE [Redacted]

REC 62  
EX-111  
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SEE NOTE, PAGE TWO

(10)  
MAIL ROOM

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FBI

S. de M. [Redacted]

Assistant Attorney General  
Civil Division

NOTE:

Civil Division being advised of receipt of instant civil action. NCLC is characterized as a violence-prone Marxist revolutionary group currently under investigation by us to determine if its actions have been in violation of Federal statutes.

Assistant Attorney General  
Civil Division  
Attn: [redacted]

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January 30, 1976

Director, FBI *62-116834*  
1 - [redacted] Attn: Mr. Cunningham  
1 - [redacted] Attn: [redacted]  
3 - Mr. Mintz  
(1 - [redacted])  
(1 - FOIA Litigation)  
LYNDON H. LA ROUCHE, JR., et al.  
v. CLARENCE KELLEY, et al.  
(U.S.D.C., SDNY)  
CIVIL ACTION NO. 75-CIV-6010

ST-116

Reference is made to your memorandum dated December 12, 1975, your reference [redacted] 145-16-860, and our memorandum dated December 16, 1975, which indicated that we would be furnishing you a litigation report concerning captioned Freedom of Information Act (FOIA) civil action.

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FBI

Enclosed are the original and five copies of an affidavit executed by Special Agent John F. Cunningham. This affidavit attaches as exhibits copies of all correspondence in our possession concerning plaintiffs' FOIA requests, and sets forth the exceptional circumstances under which we are operating, and the due diligence we are exercising, with respect to the processing of requests for information we have received pursuant to the FOIA and the Privacy Act.

Listed below, and numbered to correspond to the paragraphs in the complaint, are our suggested answers to plaintiffs' allegations as they pertain to the Federal Bureau of Investigation (FBI), accompanied by additional explanatory comments where appropriate:

Preliminary Statement and Jurisdiction

Conclusions of law and not allegations of fact for which answers are required, but insofar as answers may be deemed required, deny. It is noted that, although plaintiffs claim "this is an action under the Freedom of Information Act," the majority of their allegations bear no relevance to the issue at hand, which is whether defendants have exercised due diligence in taking all reasonable steps in their attempts to comply with plaintiffs' requests for information made pursuant to the FOIA.

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SEE NOTE, PAGE ELEVEN b7C

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Files & Com. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

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MAIL ROOM

UNIT

Assistant Attorney General  
Civil Division

Furthermore, much of the relief they seek (see particularly Paragraphs Four through Six of Plaintiffs' Prayer For Relief) is not authorized under the FOIA. Finally, plaintiffs' jurisdictional allegation appears to be incomplete in that it ends with the phrase "The amount in controversy..."

Parties

Paragraph One: Admit, based on public source data, that plaintiff La Rouche is a candidate for President of the United States and is Chairman of the United States Labor Party (USLP) and the National Caucus of Labor Committees (NCLC). Defendant FBI lacks information and knowledge sufficient to form a belief as to the truth or falsity of the last sentence of Paragraph One.

Paragraph Two: Admit, based on public source data, that plaintiff [redacted] is a candidate for the United States Senate in the State of New York and a member of the USLP. Defendant FBI lacks information and knowledge sufficient to form a belief as to the truth or falsity of the last sentence of Paragraph Two.

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Paragraph Three: Defendant FBI lacks information and knowledge sufficient to form a belief as to the truth or falsity of plaintiffs' characterization of themselves, but for the purposes of this litigation, will admit that plaintiffs are as they allege.

Paragraph Four: Defendant FBI lacks information and knowledge sufficient to form a belief as to the truth or falsity of this allegation.

Paragraph Five: Admit the NCLC maintains an office at 231 West 29th Street, New York, New York. Defendant FBI lacks information and knowledge sufficient to form a belief as to the truth or falsity of the remainder of the allegations in this paragraph.

Paragraph Six: Admit that Clarence Kelley is the Director of the FBI, but deny that the FBI is an "agency" within the meaning of the FOIA.

Assistant Attorney General  
Civil Division

Paragraph Seven: Deny, and respectfully refer the court to 28 CFR 0.85 for a correct description of the functions of the FBI.

Allegations

Paragraph One: Deny, and respectfully refer the court to the affidavit of John F. Cunningham and the exhibits attached thereto, submitted herewith, for the full and complete statement of the correspondence between the plaintiffs and defendant FBI concerning this matter. Specifically deny that plaintiff [redacted] or any other party plaintiff to this litigation, submitted any request on behalf of the USLP. b6 b7c

Paragraph Two: Deny, except to admit the authenticity of plaintiffs' Exhibit A, to which the court is respectfully referred for a full and complete statement of the contents thereof. It should be noted that plaintiffs' Exhibit A, which is dated October 2, 1975, supports none of the allegations contained in Paragraph Two.

Paragraph Three: Deny, and respectfully refer the court to defendants' Exhibit M(2) for a full and complete statement of the contents of the September 5, 1975, letter to which plaintiffs refer in Paragraph Three. It should be noted that this letter, which plaintiffs apparently meant to identify as Exhibit B in Paragraph Three, supports none of the allegations contained in that paragraph, including the citation at the end of Paragraph Three.

Paragraph Four: Deny, except to admit the authenticity of plaintiffs' Exhibit C, to which the court is respectfully referred for a full and complete statement of the contents thereof. It should be noted that Exhibit C does not state, as plaintiffs allege, that the FBI maintained a file on plaintiff [redacted] or that the FBI was conducting an ongoing investigation. b6 b7c

Paragraph Five: Deny, except to admit the authenticity of plaintiffs' Exhibit D, to which the court is respectfully referred for a full and complete statement of the contents thereof. It should be noted that Exhibit D does

Assistant Attorney General  
Civil Division

not state, as plaintiffs allege, that the FBI maintained a file on plaintiff [redacted]. Furthermore, the enclosures to plaintiffs' Exhibit D, which consist of material we furnished plaintiff [redacted] pursuant to her FOIA request, do not support the allegations contained in the following lettered subparagraphs of Paragraph Five, which plaintiffs allege were "revealed" by the "letter dated November 10, 1975:"

(a) "That the FBI had ... surveilled [redacted] habits (sic)."

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(b) "On several occasions these telephone lists have been stolen from NCLC offices by admitted FBI informants."

(c) "Also enclosed was a detailed report concerning an arrest for which [redacted] was never prosecuted." (The material indicates she had been arrested, but was later found not guilty.)

(d) "That the FBI had interviewed an informer who was [redacted]"

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(e) The material does not indicate that the names deleted therefrom are those of "privileged informants apparently operating within the Communist Party, USA."

(f) Although the material does furnish passport information obtained from the Department of State, it does not contain a "copy of [redacted] passport records."

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The final sentence of Paragraph Five is an incomplete statement of the FOIA exemptions which were cited in plaintiffs' Exhibit D.

Assistant Attorney General  
Civil Division

Paragraph Six: Deny, except to admit the authenticity of plaintiffs' Exhibit E, to which the court is respectfully referred for a full and complete statement of the contents thereof. It is specifically denied that Exhibit E makes any reference whatsoever to plaintiff USIP, and the court is respectfully referred to defendants' Exhibit P(1), to which Director Kelley's November 14, 1975, letter was a response, for a full and complete statement of the contents thereof.

Paragraph Seven: Deny, and respectfully refer the court to Special Agent Cunningham's affidavit, and the exhibits attached thereto, for a full and complete statement of the contents of our correspondence with plaintiffs concerning their requests.

Paragraph Eight: It is suggested you contact appropriate Departmental personnel, most specifically [redacted] for assistance in formulating your answer to this allegation.

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Paragraph Nine: Deny.

Count 1

Paragraph One: Deny, except to admit the authenticity of plaintiffs' Exhibits D and G, to which the court is respectfully referred for a full and complete statement of the contents thereof.

Paragraph Two: Defendant FBI lacks information and knowledge sufficient to form a belief as to the truth or falsity of the allegation contained in the first sentence of Paragraph Two. The remainder of the paragraph is denied, except to admit that plaintiffs' Exhibit H appears to be a copy of a document voluntarily furnished by the FBI to the Senate Select Committee on Intelligence. We specifically deny plaintiffs' characterization of Exhibit H, and note that neither [redacted] nor the SDS Labor Committee are parties to this litigation.

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Paragraph Three: Deny. You may wish to respectfully refer the court to plaintiffs' Exhibit G which sets out the facts concerning the allegations contained in Paragraph Three.



Assistant Attorney General  
Civil Division

Paragraph Four: Conclusion of law and not an allegation of fact for which an answer is required, but insofar as an answer may be deemed required, it is denied. You may wish to consult with [redacted] of the Department for assistance in formulating your answers concerning those plaintiffs. [redacted] who our correspondence indicates have appealed our determinations to the Department.

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Paragraph Five: Speculative conclusion of law and not an allegation of fact for which an answer is required, but insofar as an answer may be deemed required, it is denied.

Count II

Paragraph One: Deny.

Paragraph Two: Defendant FBI lacks information and knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in the first two sentences of this paragraph. The remainder of the paragraph is denied.

(a) Deny, except to admit the authenticity of plaintiffs' Exhibit I, to which the court is respectfully referred for a full and complete statement of the contents thereof. It should be noted that the quotation contained in subparagraph (a) is not an exact quotation of the language contained in Exhibit I. It should also be noted that plaintiffs are confusing two completely separate issues here. We have never investigated the USLP, which is the political arm of the NCLC.

(b) Deny, except to admit that there is presently pending in the United States District Court for the Eastern District of Michigan a law suit entitled Ghandi, et al. v. The Police Department of the City of Detroit et al.

Assistant Attorney General  
Civil Division

Paragraphs Three - Five: Defendant FBI lacks information and knowledge sufficient to form a belief as to the truth or falsity of these allegations, but insofar as answers may be deemed required, they are denied as conclusory and speculative.

Count III

The second sentence under Count III of plaintiffs' complaint is a conclusion of law and not an allegation of fact for which an answer is required, but insofar as an answer may be deemed required, it is denied.

Paragraph One: Defendant FBI lacks information and knowledge sufficient to form a belief as to the truth or falsity of the allegation contained in the first sentence of this paragraph, but for the purposes of this litigation will admit that plaintiffs are as they allege. Concerning the remainder of this paragraph, we admit that certain activities of NCLC members could be in violation of Title 18, United States Code, Sections 2101 and 2383 - 2385, and thus subject to investigation by the FBI pursuant to its responsibilities as set out in 28 CFR 0.85. Further admit that certain past activities of NCLC members could have been subject to previous investigation by the FBI pursuant to these same responsibilities as they formerly existed in connection with the "Internal Security Act of 1950 (and) The Communist Control Act."

Paragraph Two: Deny, and respectfully refer the court to Special Agent Cunningham's affidavit, and the exhibits attached thereto, for a full and complete statement of the contents of our correspondence with plaintiffs. Special Agent Cunningham's affidavit also sets out the facts concerning any "delay in the processing of FOIA requests." It should be noted that "plaintiff [redacted] named in Paragraph Two, is not a party to this action. The last sentence of Paragraph Two is a conclusion of law and not an allegation of fact for which an answer is required, but insofar as an answer may be deemed required, deny.

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Assistant Attorney General  
Civil Division

(a) Deny.

(b) Deny. It should be noted that plaintiffs are attempting to infer from the testimony of Deputy Associate Director - Assistant to the Director James B. Adams concerning the now-discontinued Counterintelligence Program, that the proper and legitimate investigative activities conducted by the FBI pursuant to our responsibilities (more specifically set out in our suggested answer to Paragraph One under Count III) have no statutory authority.

(c) Deny.

Paragraph Three: Conclusion of law and not an allegation of fact for which an answer is required, but insofar as an answer may be deemed required, it is denied.

Paragraph Four: Defendant FBI lacks information and knowledge sufficient to form a belief as to the truth or falsity of the first portion of this allegation and the latter portion is a conclusion of law and not an allegation of fact for which an answer is required, but insofar as an answer may be deemed required, deny.

Paragraph Five: Defendant FBI lacks information and knowledge sufficient to form a belief as to the truth or falsity of the first portion of this allegation and the latter portion is a conclusion of law and not an allegation of fact for which an answer is required, but insofar as an answer may be deemed required, deny.

In addition, several of the general affirmative defenses with which you are familiar are also available.

The material which must be reviewed by us in order to respond to plaintiffs' multiple FOIA requests is extremely voluminous and, as you are aware, we have a large backlog of requests which we are diligently attempting to process. Because of these exceptional circumstances, it is felt that the most logical step at this point would be to file a motion

Assistant Attorney General  
Civil Division

to stay pursuant to Title 5, United States Code, Section 552 (a) (6) (C). If at all possible, a request should be made of the court (supported by enclosed affidavit) that defendant FBI be granted a 240-day extension within which to fully respond to all FOIA requests submitted by plaintiffs.

For your background information only, we are in possession of classified information received from confidential sources to the effect that the National Office of the NCLC in August of 1975 ordered all NCLC members to send letters to FBI Headquarters (FBIHQ) requesting disclosure of all information relating to them and their NCLC activities contained in Bureau files, which requests were to be made pursuant to the FOIA. From August 25, 1975, through January 14, 1976, we received 414 FOIA requests on identical form letters from individuals connected with the NCLC, 264 of which were received in August and September of 1975. We also received an additional 66 Form letters prior to August 25, 1975. Our sources are of the opinion that NCLC ordered these requests in order to harass the FBI and also to check on their members, hoping to obtain pertinent background information on NCLC members throughout the country.

As you are aware, the NCLC has civil suits pending against numerous agencies, including the FBI, and most of these suits are requesting large amounts of monetary damages. Again for your background information only, we have received classified information from confidential sources to the effect that one of the reasons they have filed these suits is to acquire large settlements which will enable them to finance their activities.

You will note that in this particular suit, Paragraph Six of Plaintiffs' Prayer For Relief requests a total of two million dollars in damages. This of course is not authorized by the FOIA, and would seem to be the reason why the majority of plaintiffs' allegations are completely irrelevant to the issue of whether the FBI is complying with the FOIA. Most of these allegations could not be properly responded to unless defendants filed a discovery motion in order to narrow the issues, but this would not seem to be a wise course to follow inasmuch as it could open up this irrelevant area to discovery by plaintiffs.

Assistant Attorney General  
Civil Division

As noted in enclosed affidavit, we have located no evidence that any of the plaintiffs submitted an FOIA request on behalf of plaintiff USLP. We would therefore suggest that you move for dismissal, or in the alternative, partial summary judgment as to plaintiff USLP. Since plaintiffs are incorrectly attempting to imply, based on our statements that we have conducted investigations concerning members of the NCLC, that we are investigating the USLP, "a legitimate political organization," it would be beneficial to have the USLP removed as a party plaintiff to this suit.

Concerning those plaintiffs whose requests we have completely processed [redacted], since our determinations have not yet been reviewed by your Freedom of Information Appeals Unit, it would seem premature at this point for us to submit affidavits justifying our determinations regarding those plaintiffs. It is suggested that you secure from [redacted] an affidavit setting out his due diligence, and exceptional circumstances which have thus far precluded his Unit from ruling on these four appeals.

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It is suggested that the best course of action concerning this matter might be as follows: As we complete our processing of each individual request, and after [redacted] Unit has had the opportunity to review our determinations, you move for dismissal, or in the alternative, summary judgment, as to that plaintiff. Your motion would be supported by an affidavit setting out the justification for any withholdings or deletions from the material requested by the plaintiff, which affidavit would be executed by the appropriate Special Agent from our Freedom of Information - Privacy Acts (FOIPA) Section and/or the appropriate member from [redacted] Unit.

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This case continues to be handled by Special Agent [redacted] of our Legal Counsel Division, and you may contact him at 175-4522 should the need arise for any further information and/or assistance. Please keep us advised of all pertinent developments in this matter, and furnish us copies of all documents filed with the court in this action.

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Enclosures (6)

1 - United States Attorney  
Southern District of New York

Assistant Attorney General  
Civil Division

NOTE:

Named plaintiffs, all self-proclaimed members of the NCLC (characterized as "a violence-oriented, Marxist, revolutionary organization which aims to replace democracy in the United States with a communist form of government") and the USLP (political arm of the NCLC) submitted FOIA requests for all information in our possession concerning them. They subsequently instituted captioned litigation alleging that we and the Department's Freedom of Information Appeals Unit have not complied with the FOIA. They are also utilizing this litigation as a vehicle for complaining to the court about our investigations concerning them and the NCLC as well as the now-discontinued COINTELPRO. They are seeking two million dollars in compensatory and punitive damages, and also have other civil litigation pending against the FBI.

We are recommending that the Department request a stay in the proceedings to enable us to complete processing of those plaintiffs' requests to which we have not yet responded. The motion for stay is to be supported by enclosed affidavit, which sets out the tremendous administrative burdens imposed upon us by the FOIA, and the diligent efforts we have made to comply with it. The affidavit has been executed by SA John F. Cunningham of the FOIPA Section, who is coordinating the processing of plaintiffs' requests. SAs assigned to that Section who are supervising the processing of the individual requests have reviewed this affidavit, and approved its factual accuracy, the estimated timetables therein for completion of the individual requests, and its statement of our policy that we would prefer to continue the chronological processing of all requests based on date of receipt, regardless of whether the requester institutes suit.

UNITED STATES GOVERNMENT

# Memorandum

TO : Chief, Litigation Unit  
Freedom of Information  
Federal Bureau of Investigation

DATE: December 12, 1975

FROM : Rex E. Lee  
Assistant Attorney General  
Civil Division

145-16-860

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SUBJECT: By: [redacted] Chief  
Information and Privacy Unit

Tel: 202-739-4265

Lyndon H. Larouche, et al v. Clarence Kelley, et al.,  
U.S.D.C. S.D. N.Y., Civil Action No. 75-CIV-6010

Enclosed is a copy of the complaint in the above-entitled matter filed pursuant to 5 U.S.C. §552.

Because the Freedom of Information Act provides that FOI cases take precedence on the docket, we would appreciate your providing us a litigation report in duplicate by December 31, 1975 if possible, which report should include the following:

1. A statement as to the manner, place, and time of plaintiff's request to your office to make the records involved available for his inspection, including four copies--one certified-- of any documents or other memoranda incorporating plaintiff's request.

2. Five copies--one certified--of any correspondence or memoranda of any communication, written or oral, between your office and the plaintiff concerning plaintiff's request for the records involved.

3. If the records have been identified and located a detailed description or summary of the records involved and a statement as to their current location. If it has not been possible to identify or locate the records, please include a statement to this effect.

4. Two copies of any correspondence or memoranda within your office showing the administrative processing of the plaintiff's request.

*memo to AMB, Clark - on 1/28/76 (Ehe - G) 1 - USA*

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44-ENCLOSURE

*Received via message 12/17/75  
Service*

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5. A statement of the reason or reasons why in the opinion of your office the record involved should not be made available. Such reasons should be related as directly as possible to the statute, as for example, that the record is available under subsection (a)(1) or (a)(2) of the Act, that the record is exempted from disclosure by some other statute or that the record is within one or more of the other exemptions of subsection (b) of the Act, or that the plaintiff did not comply with the applicable regulations in requesting the record. Where the record falls within one or more of the exemptions of subsection (b) of the Act, such exemption should be specifically identified and discussed.

We suggest that you include in the affidavit or affidavits a statement of facts demonstrating the manner in which production of the records requested would prejudice the operation of your office.

6. Executed original and five copies of an affidavit setting forth facts establishing any defenses you think pertinent. If there are any questions on the form of this affidavit,  (739-4265) of our office will do his best to assist you.

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7. The name and telephone number of the attorney in your office who will be familiar with this.

Enclosure

cc: United States Attorney  
New York, New York 10007



United States Attorney  
New York, New York

February 3, 1976

[Redacted]  
Assistant Attorney General  
Civil Division

[Redacted]  
145-16-350

By: [Redacted] Chief  
Information and Privacy Unit

Tel: 739-4285

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Lyndon H. Larouche, et al., v. Clarence  
Kelley, et al., U.S.D.C., S.D. N.Y.  
Civil Action No. 75 CIV 6010

Attention: [Redacted]  
Assistant U.S. Attorney

We request that you file a Motion to Stay the pro-  
ceedings in the above-titled action pursuant to 5 U.S.C.  
§552(a)(6)(C) and the affidavit of Mr. John F. Cunningham,  
the original of which is attached. For your assistance in  
the preparation of a memorandum to support such a motion,  
enclosed please find the brief prepared by this office  
in Burke v. Kelley. The Burke case, although arising  
from a different factual situation, involved legal issues  
similar to the present action.

Please continue to forward all pleadings and  
correspondence to this office.

Enclosure

cc: Federal Bureau of Investigation  
Washington, D.C. 20530

EX 104

REC-65

62-116834-3

*Rec'd from Dept.*  
*2/11/76*

FEB 18 1976

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FEB 18 1976

United States Attorney  
New York, New York

March 11, 1976

Rex E. Lee  
Assistant Attorney General  
Civil Division

[Redacted]  
145-16-860

By: [Redacted] Chief  
Information and Privacy Unit

Tel: 739-4265

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Lyndon H. Larouche, et al. v. Clarence  
Kelley, et al., U.S.D.C. S.D. N.Y.  
Civil Action No. 75-CIV-6010

Attention: [Redacted]  
Assistant U.S. Attorney

Enclosed please find the original and four copies  
of the affidavit of [Redacted]. Please continue  
to send copies of all correspondence and pleadings to  
this office. Further assistance will be provided as  
necessary.

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Enclosure

cc: Federal Bureau of Investigation  
Washington, D.C. 20530

Attention: General Counsel

EX-110

REC-16

62-116834-4

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ENCLOSURE

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Assistant Attorney General  
Civil Division

July 14, 1976

Attn: [redacted] b6  
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Assistant Director - Legal Counsel  
Federal Bureau of Investigation

- 1 - [redacted]
- Attn: Mr. Byerly
- 3 - [redacted]
- (1 - Mr. Ingram)
- (1 - [redacted])
- (1 - [redacted])
- 3 - Mr. Mintz
- (1 - [redacted])
- (1 - [redacted])

LYNDON H. LA ROUCHE, JR., et al.  
v. CLARENCE KELLEY, et al.  
(U.S.D.C, SDNY)  
CIVIL ACTION NO. 75-CIV-6010

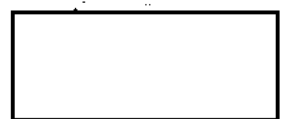
Pursuant to the recent telephonic discussions between Assistant United States Attorney [redacted] Departmental Attorney [redacted] and Special Agent [redacted] of our Legal Counsel Division, enclosed are the original and four copies of an affidavit of Deputy Assistant Director James O. Ingram, attesting that the Counterintelligence Program (COINTELPRO) was discontinued over five years ago. The affidavit also states that, with two exceptions, neither of which involved plaintiffs in captioned litigation, no COINTELPRO-type activities have been directed toward any domestic organizations or individuals since April of 1971.

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It is our understanding that the enclosed affidavit will be utilized in support of defendants' motion to dismiss as to the non-Freedom of Information Act allegations in the complaint.

Enclosures **(8) ENCLOSURE**

1 - United States Attorney (Enclosure)  
Southern District of New York

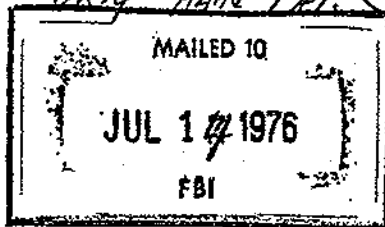


EX-112

SEE NOTE, PAGE TWO

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Adm. Serv. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Fin. & Pers. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Rec. Mgnt. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

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REC-71

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Assistant Attorney General  
Civil Division

NOTE:

After we failed to comply with plaintiffs' FOIA requests for information in our possession concerning them within the statutory time limits of the FOIA, they instituted captioned litigation. In addition to alleging non-compliance with the FOIA, plaintiffs have alleged that we are investigating them with no statutory authority to do so, and that this investigation constitutes a COINTELPRO-type of harassment. They are seeking two million dollars in compensatory and punitive damages, and also have other civil litigation pending against the FBI. Attached affidavit attests, on the authority of the highest official present in the Intelligence Division, that COINTELPRO was discontinued over five years ago. Legal Counsel feels, for several reasons, that this is preferable to a lower level official having more knowledge of COINTELPRO executing the affidavit. Deputy Assistant Director Ingram is the defendant in a completely separate civil action for damages being brought by an individual allegedly the target of a 1970 COINTELPRO action, but Legal Counsel feels this should have no adverse bearing on his credibility as an affiant in instant litigation.

The Ingram affidavit will be utilized in support of a motion to dismiss as regards the non-FOIA portions of plaintiffs' complaint. We are also moving for a stay in the proceedings as regards the FOIA portions of the complaint, supported by a previously-furnished affidavit from an appropriate representative of the FOIPA Section.

APPROVED:

Assoc. Dir.....  
Dep. AD Adm.....  
Dep. AD Inv.....  
Asst. Dir.:  
Adm. Serv.....

Ext. Affairs.....  
Fin. & Pers.....  
Gen. Inv.....  
Ident.....  
Inspe.....  
Intel.....  
Laboratory.....  
Legal Co.....  
Plan. & B.....  
Rec. Mgnt.....  
Spec. Inv.....  
Training.....

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b7C

UNITED STATES GOVERNMENT

# Memorandum

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Adm. Serv. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Fin. & Pers. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Eva. \_\_\_\_\_
- Rec. Mgnt. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

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b7C

TO : Mr. J. B. Adams

DATE: 7/6/76

FROM : Legal Counsel

SUBJECT: LYNDON H. LA ROUCHE, JR., et al. v.  
CLARENCE KELLEY, et al.  
(U.S.D.C., SDNY)  
CIVIL ACTION NO. 75-CIV-6010

PURPOSE:

This is to furnish copies of plaintiffs' first and second sets of requests for admissions and first of interrogatories.

SYNOPSIS:

Plaintiffs have served defendants with their first and second sets of requests for admissions and their first set of interrogatories, all of which are irrelevant to the FOIA aspects of captioned litigation. It is not presently anticipated that we will be required to respond to these, since we will be moving to dismiss the non-FOIA portion of the lawsuit.

RECOMMENDATIONS:

1. That the appropriate Special Agent from the Intelligence Division contact Special Agent [redacted] of the Legal Counsel Division to expeditiously coordinate preparation of an affidavit attesting: (a) that the United States Labor Party (USLP) is not now and never has been the target of an FBI investigation; and (b) that the Counter-intelligence Program (COINTELPRO) was discontinued over five years ago. We may also set forth in this

- Enclosures (3)
- 1 - [redacted]
  - Attn: Mr. Bverly
  - 1 - [redacted]
  - Attn: [redacted]
  - 3 - Mr. Mintz
    - (1 - [redacted])
    - (1 - [redacted])

REC-64

42-116834-7

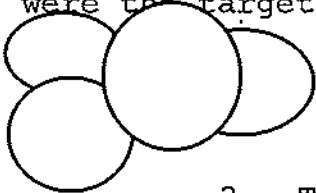
JUL 13 1976

ENC. BEHIND FILE

CONTINUED - OVER

Memorandum to Mr. J. B. Adams  
Re: Lyndon H. La Rouché, Jr., et al. v.  
Clarence Kelley, et al.  
(U.S.D.C., SDNY)  
Civil Action No. 75-CIV-6010

affidavit, specifically, if possible, our authority and reasons for investigations conducted in which plaintiffs were the targets.



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2. That the Intelligence Division be prepared to respond factually on an expedite basis to the attached requests for admissions and interrogatories in the event the [redacted] orders us to do so.

b6  
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APPROVED:	Ext. Affairs.....	Laboratory.....
Assoc. Dir.....	Fin. & Pers.....	Legal Coun.....
Dep. AD Adm.....	Gen. Inv.....	Plan. & Eval.....
Dep. AD [redacted].....	Ident.....	Rec. Mgmt.....
Asst. Dir.:	inspection.....	Spec. Inv.....
Adm. Serv.....	Intell. [redacted].....	Training.....



DETAILS:

Enclosed are copies of plaintiffs' first and second sets of requests of admissions and first set of interrogatories, together with the self-explanatory 6/25/76 letter to Special Agent [redacted] from the United States Attorney for the Southern District of New York, which furnished the interrogatories and second set of requests for admissions.

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Plaintiffs, all self-proclaimed members of the National Caucus of Labor Committees (NCLC) (characterized as "a violence-oriented, Marxist, revolutionary organization which aims to replace democracy in the United States with a communist form of government") and the USLP (political arm of the NCLC) submitted FOIA requests for all information in our possession concerning them, and subsequently instituted captioned litigation when we did not comply with their requests within the statutory time limits of the FOIA. They are also utilizing this litigation as a vehicle for complaining to the court about our investigations concerning

Memorandum to Mr. J. B. Adams  
Re: Lyndon H. La Rouche, Jr., et al. v.  
Clarence Kelley, et al.  
(U.S.D.C., SDNY)  
Civil Action No. 75-CIV-6010

them and the NCLC as well as the now-discontinued COINTELPRO. They are seeking two million dollars in compensatory and punitive damages, and also have other civil litigation pending against the FBI.

By memorandum of 6/23/76 from the Assistant Director - Legal Counsel to the Assistant Attorney General, Civil Division, we furnished an affidavit setting forth the tremendous administrative burdens imposed upon us by the FOIA and the diligent efforts we have made to comply with them, which affidavit is to be utilized in support of a motion for a stay in the proceedings for 120 days to enable us to process the requests of all named plaintiffs and also to complete the court-ordered processing of requests in other litigation, so that we will then be able to estimate how long it will be before we can initiate processing the NCLC request. If the court grants this motion, it will not be necessary at the present time to respond to attached requests and interrogatories.

It will be noted that the requests and interrogatories all concern allegations in plaintiffs' complaint which bear no relevance to the issue at hand, which is whether the FBI has exercised due diligence in taking all reasonable steps in its attempt to comply with plaintiffs' requests for information made pursuant to the FOIA. An affidavit will be prepared, stating that the USLP is not now and never has been the target of an FBI investigation and that the COINTELPRO has not been in existence for over five years. We may also furnish in this affidavit the specific reasons and authority for any investigations conducted of the individually named plaintiffs and the NCLC. This point is still being discussed among Legal Counsel Division, the Department, and the United States Attorney's Office for the Southern District of New York. It is the preliminary opinion of the Legal Counsel Division that it may not be wise to discuss this latter point in the affidavit, since it might weaken our position that the question of why, under what authority and whether or not we investigated plaintiffs is completely irrelevant to this FOIA

Memorandum to Mr. J. B. Adams  
Re: Lyndon J. La Rouche, Jr., et al. v.  
Clarence Kelley, et al.  
(U.S.D.C., SDNY)  
Civil Action No. 75-CIV-6010

litigation. On the other hand, it may prove necessary to put to rest the non-FOIA allegations plaintiffs have made in their complaint. It is apparent that plaintiffs in this case would like, and are making every attempt, to have this lawsuit follow the same course that the lawsuit brought against us by the Socialist Workers Party is taking. In any event, the affidavit as compiled will be used in support of defendants' motion to dismiss, or in the alternative, for summary judgment, as regards the non-FOIA allegations in plaintiffs' complaint.





United States Department of Justice

UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF NEW YORK  
ONE ST. ANDREW'S PLAZA  
NEW YORK, NEW YORK 10007

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

NLG

75-3996

October 6, 1976

4

[Redacted]

b6  
b7C

Litigation Unit  
Federal Bureau of Investigation  
10th Street and Pennsylvania Avenue  
Washington, D.C. 20530

b6  
b7C

Re: LaRouche, et al., v. Federal Bureau of Investigation, et al.,  
75 Civ. 6010

Dear [Redacted]

This will confirm our conversation of October 5, 1976 wherein I advised you that on September 28, 1976, the Government stated in open court that the FBI would abide by its currently governing domestic security guidelines and that it would not interfere with the normal electoral processes of the plaintiffs in the above-captioned action. Enclosed is a transcript of the proceedings wherein the statement was made.

*JK*

Also enclosed is a copy of the order to show cause which plaintiffs served on us on October 5, 1976. Responding papers are due October 8, 1976.

Very truly yours,

ROBERT B. FISKE, JR.  
United States Attorney

By [Redacted]

Assistant United States Attorney  
Telephone (212) 791-1946  
FTS 662-1946

FILIPY LICH GILL  
PS 4011 0112

EX-106

cc/w/enc: [Redacted]

REC-13

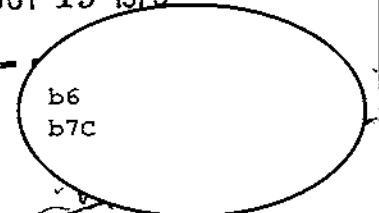
Information and Privacy Unit  
Civil Division  
Department of Justice  
Washington, D.C. 20530

62-116824-8

OCT 19 1976

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b6  
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ENCLOSURE

NOV 1 1976

UNITED STATES GOVERNMENT

# Memorandum

TO : Assistant Director  
Records Management Division

DATE: 10/13/76

FROM : Legal Counsel

SUBJECT: LYNDON H. LA ROUCHE, JR., et al. v.  
CLARENCE KELLEY, et al.  
(U.S.D.C., SDNY)  
CIVIL ACTION NO. 75-CIV-6010

b6  
b7C

PURPOSE:

To furnish copy of the 10/6/76 letter from Assistant United States Attorney (AUSA) [redacted] to Special Agent [redacted] of the Legal Counsel Division.

SYNOPSIS:

Attached is the 10/6/76 letter from AUSA [redacted] to Special Agent [redacted] with attachments.

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b7C

RECOMMENDATIONS:

1. That the FOIPA Section, Records Management Division, ensure compliance with the representation made on our behalf at page three of attached transcript, wherein it is indicated that the FBI will have completed processing of plaintiffs' request for information regarding the National Caucus of Labor Committees (NCLC) in our possession within six months, with 1,000 pages of material being released within one month.

Enclosure

- 2 - [redacted] (1 - Mr. Byerly) (1 - Mr. Cunningham)
- 1 - [redacted] Attn: [redacted]
- 3 - Mr. Mintz (1 - [redacted]) (1 - [redacted])

REC- 13

ST 106

62-116834-9

5 OCT 19 1976

LEGAL COUNSEL

CONTINUED - OVER

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b7C



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

55 OCT 28 1976

Memorandum to Assistant Director  
Records Management Division  
Re: Lyndon H. La Rouché, Jr., et al. v.  
Clarence Kelley, et al.  
(U.S.D.C., SDNY)  
Civil Action No. 75-CIV-6010

2. That the General Investigative Division ensure compliance with the representation made on our behalf at pages 48 through 51 of the transcript, wherein it is stated that, in connection with the FBI's investigation concerning the NCLC, the FBI is honoring the Departmental Guidelines concerning domestic security investigations and will not interfere with the normal electoral process now or in the future, subject to the penalty of contempt.

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3. That, if it becomes necessary to do so, the General Investigative Division be prepared, on relatively short notice, to gather factual rebuttals concerning various allegations made in this litigation against the FBI. Examples of these allegations are at pages 16 and 40 of the attached transcript.

APPROVED:	Ext. Affairs.....	Laboratory.....
Assoc. Dir.....	Fin. & Pers.....	Legal Coun.....
Dep. AD Adm.....	Gen. Inv.....	Plan. & Insp.....
Dep. AD Inv.....	Ident.....	Rec. Mgnt.....
Asst. Dir.:	Intell.....	Spec. Inv.....
Adm. Serv.....		Training.....

DETAILS:

Enclosed letter and attachments were received at FBIHQ on 10/8/76. One of the attachments reflects plaintiffs' attempt to have the Court hold the defendants in contempt, and argument is scheduled on a show cause order in connection with this matter in the immediate future.

Also enclosed is a copy of the transcript of a hearing held in this litigation on 9/28/76 wherein, in connection with defendants' motion to stay, AUSA [redacted] made several representations on behalf of the FBI. Some of these representations had also been previously made by [redacted] in an affidavit he executed and filed after consulting with several personnel at FBIHQ.

Memorandum to Assistant Director  
Records Management Division  
Re: Lyndon H. La Rouche, Jr., et al. v.  
Clarence Kelley, et al.  
(U.S.D.C., SDNY)  
Civil Action No. 75-CIV-6010

At page three of the transcript, [ ] states "... in our affidavit we indicated that there were some 8,000 pages of material falling within the NCLC requests which would take six months, but we anticipate that within one month the FBI could distribute, say 1,000 pages of that material."

At pages 48 through 51 of the transcript, [ ] assures the Court that COINTELPRO has been discontinued, the FBI is honoring the "Levi guidelines" concerning security investigations, and the FBI will not interfere with the normal electoral process, now or in the future, subject to the penalty of contempt of court.

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Shortly after the hearing, [ ] telephonically contacted Special Agent [ ] and advised him that he [ ] had assured the Court of the propriety of the FBI's investigative activity, and wished to ensure that the FBI was acting according to [ ] representations to the Court. Special Agent [ ] telephonically contacted Special Agent [ ] of the General Investigation Division, who advised that [ ] representations were correct.

During the course of the hearing there was also an exchange concerning various allegations of harassment made by plaintiffs against the FBI and individual FBI Agents, which allegations had not been factually rebutted by defendants. Our position is that no rebuttal is necessary at this point, but it is possible that it may become necessary, through file reviews or interviews of appropriate personnel, to gather the data necessary to rebut these allegations.

At the end of the hearing, the Court stated that it would reserve its decision concerning the various pending motions, but the transcript in its totality indicates that the Court is not unsympathetic toward the defendants' position, despite the fact that plaintiffs' counsel effectively argued their viewpoint.



United States Department of Justice

UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF NEW YORK  
ONE ST. ANDREW'S PLAZA  
NEW YORK, NEW YORK 10007

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER  
NLG:cf

November 23, 1976

75-3996

[Redacted]

Litigation Unit  
Freedom of Information  
Federal Bureau of Investigation  
10th Street & Pennsylvania Avenue  
Washington, D.C. 20530

FEDERAL GOVERNMENT

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b7c

*Lyndon H.O.*  
Re: LaRouche, et al., v. Kelley, et al.  
75 Civ. 6010

Dear [Redacted]

Enclosed is a copy of Judge Duffy's decision denying plaintiffs' motion to hold Mr. Kelley in contempt.

Also enclosed is a copy of a letter from plaintiffs' counsel to the Court appended to which are two purported FBI documents pertaining to plaintiff Nancy Spannaus. Notwithstanding plaintiffs' counsel's characterization of the support of the documents, they indicate only that the Bureau is observing the domestic security guidelines and that its full field investigation of the NCLC, including the members of its executive committee, is ongoing. Kindly advise whether these documents have any significance other than as stated herein and whether they were released in response to Ms. Spannaus' FOIA request.

REC-39 62-116834-10

DEC 14 1976

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NOV 30 10 13 AM '76  
Very truly yours,

ROBERT B. FISKE, JR.  
United States Attorney

By:

[Redacted Signature]

Assistant United States Attorney  
Tel.: (212) 791-1946 - FTS 662-1946

ENCLOSURE

5-3-76  
Enclosures  
C 17 1976  
Enclosures

75-3996

USDC  
FILED  
11-18-76  
S.D.N.Y.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

LYNDON H. LaROUCHE, et al.,           :

Plaintiffs,                                :

-against-                                 :

CLARENCE KELLEY, et al.,            :

Defendants.                                 :

-----X

MEMORANDUM AND ORDER  
75 Civ. 6010 RO.

APPEARANCES:

DAVID S. HELLER, ESQ.  
Attorney for Plaintiffs

HON. ROBERT B. FISKE, JR.  
United States Attorney, S.D.N.Y.  
Attorney for Defendants  
By: Nathaniel L. Gerber, Esq.  
Asst. United States Attorney  
Of Counsel

KEVIN THOMAS DUFFY, D.J.

This is a motion by the plaintiffs to hold defendant Clarence Kelley, Director of the Federal Bureau of Investigation ("FBI") in civil contempt. It is an outgrowth of an action brought by the United States Labor Party, its candidate for President of the United States, Lyndon H. LaRouche, and others, to obtain certain documents

ENCLOSURE  
62-116834-10

under the Freedom of Information Act, 5 U.S.C. § 552 et seq. and to remedy alleged violations of their constitutional rights.

In a hearing before Judge Owen of this court on September 28, 1976, counsel for the defendants consented to an order prohibiting defendants from interfering with the normal electoral processes and from violating certain self-imposed restrictions which have come to be known as the "Levi Guidelines." It is this order which plaintiffs contend has been violated. The basis for the claim was a statement made by newsman John Martin on October 2, 1976 in the course of an ABC television network program entitled "Battle for the White House:"

"U. S. Labor party candidate. Lyndon LaRouche proposes a moratorium on debt. La Rouche is on nineteen state ballots. He blames Nelson Rockefeller for many of the world's economic ills. FBI Director Clarence Kelley says La Roche's party is oriented towards violence and brainwashing, a charge the party denies."

A hearing was held in which Mitchell Davis, writer and associate producer of the show, testified. He indicated that the initial source of the information concerning Kelley's statements was a newspaper article in the "Washington Post." He testified that in order to determine the accuracy of the quote he telephoned the Public

Information Office of the FBI.\*/ Davis asked if Kelley had, in fact, made the statement and was told that he had done so in the course of Congressional appearances on March 11, 1975 and March 25, 1976. Davis checked with the respective committees to further verify the Kelley quotes. John Martin, the on-camera news reporter indicated that he relied on the research performed by Davis and had no personal knowledge of the source of the quote. ABC network has submitted, to this Court all documents used in preparing the script for the program. They consist of newspaper clippings, magazine articles, a portion of the Kelley testimony before a subcommittee of the House Committee On Appropriations, and information provided to the network by the U. S. Labor Party. (Court's Exhibits 3-9).

It is apparent to me that the statement referred to in the October 2, 1976 broadcast was one that had been made by Kelley at least six months prior to Judge Owen's order of September 28, 1976. There is no proof whatsoever in the record before me that Kelley repeated these

---

\*/ Separate and apart from other defects in plaintiffs' proof of the alleged contempt, the evidence presented is inconclusive as to whether the phone call to the FBI took place prior to Judge Owen's order of September 28, 1976, or after it.

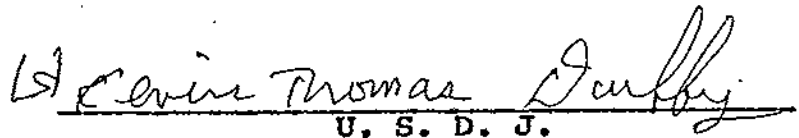


statements or made new disparaging remarks about the U. S. Labor Party. The employee of the FBI's Public Information Office who responded to the Davis inquiry did nothing more than confirm that the statements had been made. There is nothing in the record which suggests that anyone from ABC was told that Kelley reaffirmed this opinion.

I must find on all the facts presented that none of the defendants have violated Judge Owen's order. The plaintiffs' application is therefore denied in its entirety.

This opinion constitutes my findings of fact and conclusions of law as required by Rule 52, Fed.R.Civ.P.

SO ORDERED.

  
U. S. D. J.

Dated: New York, New York

November 18, 1976.

UNITED STATES GOVERNMENT

# Memorandum

Asst. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.: \_\_\_\_\_  
 Adm. Serv. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 Fin. & Pers. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Inspection \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Eval. \_\_\_\_\_  
 Rec. Mgnt. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

TO : Assistant Director  
Records Management Division

DATE: 12/2/76

FROM : Legal Counsel *JM*

SUBJECT: LYNDON H. LA ROUCHE, JR., et al. v.  
CLARENCE KELLEY, et al.  
(U.S.D.C., SDNY)  
CIVIL ACTION NO. 75-CIV-6010

PURPOSE:

To furnish copy of the 11/23/76 letter from Assistant United States Attorney (AUSA) [redacted] to Special Agent [redacted] of the Legal Counsel Division.

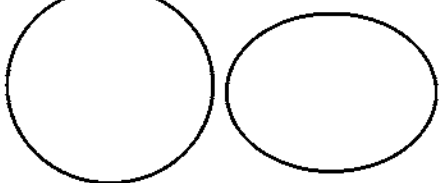
SYNOPSIS:

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Attached is the 11/23/76 letter from AUSA [redacted] to Special Agent [redacted] with enclosures.

RECOMMENDATIONS:

1. That the General Investigative Division advise if AUSA [redacted] assumption concerning the enclosures to attached letter is correct.



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Enclosure

- 3 - [redacted] ST-108  
(1 - Mr. Byerly)  
(1 - Mr. Cunningham)  
(1 - [redacted])
- 1 - [redacted]
- 1 - Attn: [redacted]
- 1 - [redacted]
- 1 - Mr. Mintz
- 1 - [redacted]

REC-71

*62-11683*  
*Maybe obtained by SA [redacted] that his assumptions re FBI documents were correct*  
 12/2/76  
 FBI

b6  
b7C 28 1976

"ENCLOSURE ATTACHED"

CONTINUED - OVER

SEE ADDENDUM, GENERAL INVESTIGATIVE DIVISION, PAGE FOUR

SEE RMD ADDENDUM PAGE 3



ENCLOSURE

*File 11-26-76-5246*

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

56 JAN 03 1977

Memorandum to Assistant Director  
 Records Management Division  
 Re: Lyndon H. La Rouché, Jr., et al. v.  
 Clarence Kelley, et al.  
 (U.S.D.C., SDNY)  
 Civil Action No. 75-CIV-6010

b6  
 b7C

2. That Records Management Division advise if the enclosed FBI documents were released in response to one of the plaintiffs' FOIA requests.

APPROVED:	<del>RECEIVED</del>	Adm. Serv.	Legal Coun.
		Ext. Affairs.	Plan. & Insp.
Director.....		Fin. & Pers.	Rec. Mgt.
Assoc. Dir.....		Gen. Inv.	S. & T. Serv.
Dep. AD Adm.....		Ident.....	Spec. Inv.....
Dep. AD Inv.....		Intell.....	Training.....

DETAILS:

Attached letter and enclosures were received at FBIHQ on 11/30/76. One of the enclosures is a copy of the Court's decision denying plaintiffs' motion to hold the Director in contempt. Another of the enclosures is a letter from plaintiffs' attorney to the Court, furnishing copies of two FBI documents which apparently indicate that the Bureau is continuing a full investigation of one of the plaintiffs pursuant to the Attorney General's guidelines on domestic security investigations. Plaintiffs' attorney, in his letter, attacks the propriety of this investigation, and AUSA [redacted] in his letter, requests to be advised whether the two FBI documents were obtained pursuant to plaintiffs' FOIA request, and also whether the import of the documents is other than an indication that the Bureau is observing the Departmental guidelines.

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ADDENDUM OF RECORDS MANAGEMENT DIVISION 12/6/76

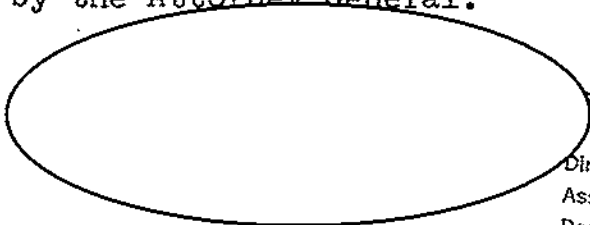
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By letter from the Director dated 11/3/76, [REDACTED] was furnished the two referenced documents, among others, in response to her Freedom of Information-Privacy Acts request. This release was coordinated with the Domestic Security Section, General Investigative Division.

ADDENDUM, GENERAL INVESTIGATIVE DIVISION (GID), 12/10/76

The assumption made by AUSA [redacted] that the documents furnished by plaintiff's counsel which were obtained as the result of an FOIA request is correct. These documents indicate that the Bureau is observing the domestic security guidelines and that its full field investigation of the National Caucus of Labor Committees (NCLC), including members of the Executive Committee, is ongoing.

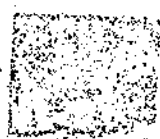
The documents furnished by plaintiff's counsel are Bureau letter to New York dated 9/8/76 which instructed New York to discontinue this investigation in accordance with instructions set forth in Bureau airtel dated 8/30/76 captioned "Domestic Security Investigations" as it was not felt that the subject qualified for continued investigation not on the basis that this investigation did not meet the criteria for investigation as set forth in Attorney General Guidelines but on the basis of limitations placed on our investigations in accordance with instructions contained in the 8/30/76 airtel. The other document furnished by plaintiff's attorney is a letter from New York to the Director dated 9/20/76 which points out that the subject, [redacted] holds a policy-making position in the NCLC, and as such meets the requirements for a full investigation in accordance with instructions given to the Bureau by the Attorney General.



- APPROVED:
- |                  |                      |                      |
|------------------|----------------------|----------------------|
| Director.....    | Adm. Serv.....       | Legal Coun.....      |
| Assoc. Dir.....  | Ext. Affairs.....    | Plan. & Ins.....     |
| Dep. AD Adm..... | Fin. & Pers.....     | Rec. Mgt. [redacted] |
| Dep. AD Inv..... | Gen. Inv. [redacted] | S. & T. Serv.....    |
|                  | Ident.....           | Spec. Inv.....       |
|                  | Intell.....          | Training.....        |



25



ENCLOSURE

62-116834 - 11

[Redacted]

b6  
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75-3996

February 25, 1977

[Redacted]

Investigations Review Unit  
U. S. Department of Justice  
Washington, D.C. 20530

*Lyndon H*

Re: LaRouche v. Federal Bureau of Investigation  
75 Civ. 6010

Dear [Redacted]

b6  
b7C

Enclosed please find a copy of Judge Owen's decision in the above-captioned action.

Very truly yours,

ROBERT B. FISKE, JR.  
United States Attorney

By: *[Signature]*

[Redacted]

Assistant United States Attorney  
Telephone: (212) 791-1946  
(FIS) 662-1946

Encl.

cc: (w/encl.)

EX-108

[Redacted]

Information & Privacy Unit  
Civil Division  
U. S. Department of Justice  
Washington, D.C. 20530

REC 61

62-116834 *[Handwritten]*

[Redacted]

Information & Privacy Unit  
Office of Legal Counsel  
Federal Bureau of Investigation  
Washington, D.C. 20535

MAR 11 1977

b6  
b7C

[Large Handwritten Mark]

COMMUNICATIONS UNIT  
FEB 28 1977

*[Handwritten]*  
ENCLOSURE

MAR 1 9 1977

*[Handwritten]*  
REC-61

MAR 11 1977  
MAR 1 1977

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

U. S. DISTRICT COURT  
FILED  
FEB 16 1977  
S. D. OF N. Y.

LYNDON H. LaROUCHE, JR., EDWARD  
SPANNAUS, ELIJAH BOYD, JR., DANIEL  
SNEIDER, ALAN SALISBURY, KUSHRO GHANDI,  
ANITA GRETZ GALLAGHER, ANTON CHAITKIN,  
IRA LEIBOWITZ, NANCY BRADEEN SPANNAUS,  
MARIA SPIDA, MICHAEL R. MICHELSON,  
CRAIG SCHULZE, GAIL GOERNER KAY,  
THE UNITED STATES LABOR PARTY, and  
THE NATIONAL CAUCUS OF LABOR  
COMMITTEES,

75 Civ. 6010

MEMORANDUM AND ORDER

Plaintiffs,

-against-

CLARENCE KELLEY, EDWARD LEVI, and  
THE FEDERAL BUREAU OF INVESTIGATION,

Defendants.

OWEN, District Judge

Plaintiffs have all submitted requests under the Freedom of Information Act (hereinafter FOIA), as amended, 5 U.S.C. § 552, for copies of FBI files relating to them. The requests are presently in various stages of processing, but at this time the FBI has decided, in each case in which it has finished its initial search of its files, to withhold some of the information it has amassed. The FBI has claimed exemptions under the FOIA, see 5 U.S.C. § 552(b) (7)(2), which provides that certain material developed

ENCLOSURE 62-116834-18

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pursuant to an official investigation need not be disclosed.

In their complaint, the plaintiffs seek the following relief:

- (1) expedited treatment of their FOIA requests;
- (2) declaratory judgment to the effect that
  - (i) the purported statutory bases for the FBI investigation of plaintiffs under which defendants claim an exemption from disclosing information relating to plaintiffs are unconstitutional, at least as applied to them; and
  - (ii) the purported investigation of plaintiff NCLC is in reality designed merely to harass and disrupt plaintiffs in their political activities, and thus is illegal and unconstitutional as an impermissible chill on the plaintiffs' exercise of their rights of free speech and association under the first amendment,
- (3) a permanent injunction
  - (i) enjoining defendants from withholding the documents requested under the FOIA; and

- (ii) enjoining defendants from further committing harassing and disruptive acts against plaintiffs under the guise of investigations; and
- (4) damages against defendants on a Bivens theory<sup>1</sup> in the amount of one million dollars with an additional one million dollars in punitive damages for the alleged harassment and disruptions in violation of the Constitution.

Defendants have moved to dismiss the non-FOIA claims in their entirety on various grounds and to stay the FOIA related actions pursuant to 5 U.S.C. § 552(a)(6)(C); plaintiffs by cross-motion seek summary judgment and a preliminary injunction to enjoin the alleged activities set out in (3)(ii), supra.

#### The Bivens Claim for Relief

On oral argument, the government agreed to hold in abeyance its motion to dismiss the Bivens cause of action for damages on condition that the plaintiffs serve

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<sup>1</sup> Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U. 388 (1971).

former  
FBI Director Kelley and/Attorney General Levi with amended  
complaints in their personal capacities, as plaintiffs  
apparently meant but failed to do -- and as plaintiffs  
as much as admit is necessary in their papers and by  
their silence at the hearing.

#### The FBI as Party

An agency of the government may be sued in its  
own name only if Congress has explicitly so provided or  
if there is implicit authorization "because the agency  
is the offspring of such a suable entity." Blackmar v.  
Guerre, 342 U.S. 512, 514 (1952); Economu v. U.S. Dep't  
of Agriculture, 535 F.2d 688, 690 (2d Cir. 1976). My  
independent search for such authority to sue the FBI has  
been fruitless.<sup>2</sup> The government's motion to dismiss  
against the FBI is granted.

#### Expedited Treatment

Plaintiffs base their request for expedited  
treatment of their FOIA requests on the ground that the

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The FOIA grants jurisdiction to the district courts to  
enjoin government agencies from improperly withholding  
requested records after a full de novo hearing. 5 U.S.C.  
§ 552(a)(4)(B). However, that is not explicit or implicit  
authority to sue an agency in its own name. See Blackmar v.  
Guerre, supra, 342 U.S. at 515-16.

defendants' claimed exemption for "exceptional circumstances" coupled with "due diligence" are taken in bad faith, and in any event overcome by the fact that this was an "election case" and that the FOIA materials were necessary to further the plaintiffs' electoral processes.

The essence of the defendants' position, supported by the affidavits, is that they are literally swamped with FOIA requests, which they are processing in the order received, on a two-tier basis, as expeditiously as possible, given the resources they have been able to commit to the job to supplement the limited funds allocated for the purpose by the Congress.

The plaintiffs' position is that the defendants' inability to process the FOIA requests with dispatch is due to the defendants' inefficiency and ineptitude, as well as their grudging compliance with the congressional mandate represented by the FOIA. The plaintiffs cite the volume of requests they claim to have been processed by the Defense Department with relative speed, as well as a Letter to the Editor published in the New York Times on August 9, 1976, in which Congressman Robert F. Drinan blamed the failure of the FBI to respond within the 10 and 20 day limits for routine and complicated cases, respectively, on "recalcitrance and ineptitude."

However, on the record before me, I find Open America v. The Watergate Special Prosecution Force, No. 76-1371 (D.C. Cir. July 7, 1976), persuasive and applicable here on the question of "exceptional circumstances" and "due diligence," and I find that the government has raised a question of fact sufficient to preclude the granting of a motion of summary judgment as to the permanent injunction sought under (3)(i), supra. In addition, since the FOIA itself provides for possible injunctive relief after a de novo hearing by the court to determine the propriety of the government's claimed exemption from production of the requested information, see 5 U.S.C. § 552(4)(A), it follows that this court is not free to grant the desired relief without taking the procedural steps specified by statute. In short, plaintiffs have an adequate remedy at law.

The question remains whether the plaintiffs may nonetheless be entitled to expedited treatment of their FOIA requests based on "exceptional need or urgency." Open America at 17-21. Plaintiffs here do allege exceptional need for the information requested. However, I find those reasons unpersuasive and insufficiently supported, in any event, on this motion for summary judgment. One of the reasons given on the oral argument

in support of expedited treatment was the expectation that the files "would contain indications of . . . the kind of harassment which the main part of this case, the Bivens aspect of the case, seeks to have judicially resolved." (Hearing Tr. at 56). The Bivens aspect of the case is a long way from resolution since, as has been previously pointed out, proper service has not been effected on the defendants.<sup>3</sup>

The second basis for the request for expedited treatment relates to the "political aspect to those files" (Hearing Tr. at 57), by which means plaintiffs sought to have me treat this case as a "voting" case requiring precipitous action, not only on my part, but also on that of the defendants as well, so as to further the plaintiffs' electoral processes in the national election which were held on November 2, 1976. No compelling reasons were asserted on oral argument, and, obviously, that issue has been mooted. Also on the oral argument plaintiffs expressed the view that the United States Labor Party was a growing, vigorous political party, so that if the files could not be available before election

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<sup>3</sup> Compare the instant situation with those described in the three cases reported in Open America, where the court found that expedited treatment had been accorded due to the time pressures of pending litigation. Id. at 15 n.16.

day, then they would be desired the day after. The alleged purpose to be served by having the files is to use any information that might be contained in them to refute what plaintiffs allege are false allegations, which in one way or another are the responsibility of the government, that the United States Labor Party is a violence-prone organization, or that plaintiffs may learn that certain files on United States Labor Party candidates have been marked "closed," both of which they would like to be able to bring to the attention of the electorate or other persons who may be willing to extend financial or other types of political support, to rehabilitate what they perceive as a blackened reputation.

Notwithstanding the mooted question of whether it would have been possible to process all plaintiffs' requests between the date of hearing and election day had I ordered expedited treatment of their requests, plaintiffs have offered no indication that the files would contain the information they hope for, and they offer no more than their mere assertions and speculations that if the desired information did indeed exist that it would bring about the desired effects. Indeed, there is not one affidavit offered, for example, to indicate

that hitherto unavailable support would be forthcoming in the event that a file was closed or contained particular material, or that some person would have or would in the future vote for a NCLC-USLP candidate if a certain set of facts could be established that plaintiffs allege may in fact exist. Nor, in particular, do I perceive how the mere establishment of the fact that a file has been closed -- or inferences based on that fact -- would induce support of any kind not otherwise available. Thus, I deny plaintiffs' motions for summary judgment under (1), supra, seeking expedited treatment of their FOIA requests. However, the government is ordered to compile a status report on all pending requests by these plaintiffs for presentation to the court 60 days from the date of this order, and each 60 days thereafter, so that the court may be assured that satisfactory progress is being made in processing the requests and administrative appeals.

#### The Motion for a Preliminary Injunction

The motion for a preliminary injunction was addressed primarily to alleged harassment of plaintiffs in their campaign efforts in the national elections last fall. See (3)(ii), supra. At the oral argument, and without any concession of past interference, defendants



consented on the record "not to interfere with petitions and with normal electoral processes," at the time or in the future (Hearing Tr. at 48). On the record before me, I was not prepared to require more at the time and I deem it similarly inappropriate to demand more now. See Socialist Workers Party v. Attorney General of the United States, 510 F.2d 253, 256 (2d Cir.) (per curiam), application for a stay denied, 419 U.S. 1314 (Marshall, Circuit Justice, 1974).<sup>4</sup> In addition, the elections are now past. The motion for a preliminary injunction is denied.

#### Other Declaratory and Injunction Relief

To the extent that the complaint seeks declaratory and injunctive relief purely as a vehicle to gain full release of the FBI files on plaintiffs, I conclude that the FOIA itself provides the sole remedy for the rights created by that statute, as previously stated. However, plaintiffs here, in addition, seek declaratory

<sup>4</sup> Socialist Workers Party supra, warned of the danger of granting this kind of remedy on an incomplete record, without time for proper reflection and possible appellate review prior to enjoining the FBI from its accustomed practices. 510 F.2d at 256. The wisdom of that is borne out by the apparently reflexive reaction of plaintiffs to a television broadcast aired after the government's consent on the record not to interfere with plaintiffs' electoral processes in which FBI Director Kelley was quoted as having characterized the USLP as violence-oriented. Plaintiffs immediately brought on contempt proceedings that proved utterly meritless, since the statement attributed to Kelley was made by him prior to the government's consent.

and injunctive relief for their own sake to free themselves of what they maintain is unconstitutional activity by defendants. The mere fact that if plaintiffs were to prevail on these claims, then the statutory support on which defendants rely for the claimed exemption from production of the documents under the FOIA would disappear, does not bar plaintiffs from seeking declaratory and injunctive relief. Cf. Wolff v. McDonnell, 418 U.S. 539, 554-55 (1974) (district court may hear state prisoner's civil rights action even though state remedies have not been exhausted, precluding habeas corpus jurisdiction; ordinary res judicata principles expected to apply).

The more serious question is whether plaintiffs state a justiciable controversy for injunctive or declaratory relief for alleged violations of their constitutional rights. I hold that they do not.

To be justiciable, a complaint that alleges a "chilling" effect on the exercise of first amendment rights must allege either the present or prospective "exercise of governmental power [such as that which is] regulatory, prescriptive or compulsory in nature," or it must allege "specific present objective harm or a threat of specific future harm" as a result of the challenged legislative or executive action. Laird v. Tatum, 408 U.S. 11, 13-14 (1972).

Plaintiffs' complaint is clearly not in the first category, and it fails to allege with the required specificity present, or the threat of future, objective harm. The following are but a few examples of insufficient allegations.

The "Papert leaflet" (Count I, ¶2, 3a), allegedly written by the FBI in 1969, would -- to the extent actionable at all -- represent past harm for which damages might be appropriate. But it does not represent present or the threat of future objective harm on which to base declaratory or injunctive relief.

So, too, the letter from FBI director Kelly to Congressman Riegle (Count II, 2(a)), is not a sufficient basis for the desired relief, if in fact it is the basis for any relief whatever.<sup>5</sup> The letter was

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<sup>5</sup> The letter from FBI Director Kelley to Congressman Riegle (Complaint, Exhibit I) appears to be a response to a letter from Riegle to Kelley asking the latter to comment on material submitted to Riegle by one Max Dean. The material would seem to have alleged that various government agencies, including the FBI, were engaged in illegal activities. Kelley denied the allegations and replied that the NCLC was a "violence oriented, Marxist revolutionary organization currently under investigation . . . ." He added that the allegations against the government agencies were part of harassment campaign, presumably being conducted by the NCLC, against the government. Plaintiffs' allegation that Kelley's letter stating that the NCLC was under investigation was a turn around from his prior position designed purposely to prevent "plaintiffs from having access to an elected representative for redress of grievances" (Count II, ¶2a) is not borne out by the Congressman's reply to Max Dean, inviting Dean to continue sharing his concerns with him (Complaint, Exhibit I). In any event, this would hardly seem to add up to present or the threat of future objective harm.

written before the effective date of 5 U.S.C. § 502a, which is the apparent basis for the alleged violation of law for unauthorized disclosure of agency records. In addition, the NCLC is not a protected "individual" within the meaning of the Privacy Act of 1974, see id. §§ 552a(a)(2) & (b).

In Count II, ¶ 4, plaintiffs allege with utter lack of specificity that:

Under various state laws, candidates who are under scrutiny for federal offenses may be effectively barred from seeking office and such investigation taints the usual scrutiny of prospective office holders by civic associations and the public at large.

Without knowing which laws in which states and which candidates and civic groups are involved, this court is left to guess -- assuming without deciding that specificity would cure any defect as to justiciability -- whether there is any real objective present or future harm threatened.

Count II, ¶ 4 further alleges that the characterizations of the NCLC and USLP as violence-prone "poisons efforts of cooperation with police departments who must be relied upon to protect the Party and its candidates." However, no instance is cited where the police have failed to cooperate or threatened to withhold protection because of any alleged characterization of the NCLC or USLP.

In short, I conclude that plaintiffs allege at most a subjective "chill" on their first amendment rights.<sup>6</sup> Therefore, under Tatum, plaintiffs further allegations that there exist no reasons for defendants investigations of them or maintenance of files on them, Count II, ¶¶ 3(b)&(c), and that the purported statutory bases for the FBI investigations of plaintiffs are unconstitutional, Count III, ¶ 2(a), are not amendable to declaratory relief in the posture of this case, since plaintiffs have failed to allege a justiciable controversy based on objective "chill" of their first amendment rights. See Socialist Workers Party, 510 F.2d at 256.

Defendants' motion to dismiss these claims for injunctive and declaratory relief that are independent of the FOIA is granted. Plaintiffs are granted leave to serve an amended complaint within twenty days of the filing of this memorandum and order, if they so desire. Such leave is limited to curing any defects in pleading objective "chill," as discussed supra.

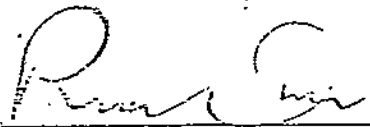
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One indication that plaintiffs may not be able to allege any chill, "subjective" or "objective," is found in the following allegation in Count III, ¶ 2(c):

Defendants Kelley and Levi are conducting an illegal COINTELPRO operation against plaintiffs' political organization using these statutes [Anti-Sedition, Anti-Rebellion, Anti-Violent Overthrow of the Government, Anti-Riot] as a justification for their disruptive activities and attempts to chill plaintiffs First Amendment activities. (Emphasis supplied)

Submit order on notice.

February 15, 1977.

  
United States District Judge

1 - [Redacted]  
Attn: Mr. Byerly  
1 - Mr. Mintz  
1 - [Redacted]

Date:

April 4, 1977

FEDERAL GOVERNMENT

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To:

United States Attorney  
Southern District of New York

Attention: Assistant United States Attorney  
[Redacted]

From: Assistant Director - Legal Counsel  
Federal Bureau of Investigation

Subject: LYNDON H. LAROUCHE, JR., et al., v. CLARENCE M. KELLEY, et al., (U.S.D.C., S.D.N.Y.), CIVIL ACTION NO. 75-CIV-6010

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Enclosed are the original and three copies of the affidavit of Special Agent David Stevens Byerly which details the status of all Freedom of Information requests which are the subject matter of this lawsuit. This affidavit is being submitted to comply with this Court's Memorandum and Order dated February 15, 1977, which requires the government "to compile a status report on all pending requests by these plaintiffs for presentation to the Court 60 days from the date of this order." (Memorandum, page 9)

You are requested to keep this office advised of any pertinent developments in this case. If you require any additional assistance feel free to contact Special Agent [Redacted] Legal Counsel Division, [Redacted]

Enclosures (4)

1 - Assistant Attorney General (Encs. 2)  
[Redacted]

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NOTE: Court Order dated 2/15/77 required defendants to advise the Court of the status of all FOIA processing within 60 days thereof. Enclosed affidavit submitted to comply with said Order.

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- Legal Coun. \_\_\_\_\_
- Plan. & \_\_\_\_\_
- Rec. Mgnt. \_\_\_\_\_
- S. & T. Serv. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
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- Adm. Serv. \_\_\_\_\_
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- Gen. Inv. \_\_\_\_\_
- Intell. \_\_\_\_\_
- Director \_\_\_\_\_
- Assoc. Dir. \_\_\_\_\_
- Dep. AD/Adm. \_\_\_\_\_
- Dep. AD/Inv. \_\_\_\_\_
- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
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- Adm. Serv. \_\_\_\_\_
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- Laboratory \_\_\_\_\_
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- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

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58 MAY 1977  
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2 - [redacted]  
Attn: Mr. Byerly  
Attn: [redacted]  
1 - Mr. Mintz  
1 - [redacted]

Date: May 6, 1977

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To: United States Attorney  
Southern District of New York

~~FEDERAL GOVERNMENT~~

Attention: Assistant United States Attorney  
[redacted]

From: Assistant Director - Legal Counsel  
Federal Bureau of Investigation

Subject: LYNDON H. LAROCHE, JR., et al., v. CLARENCE M. KELLEY, et al., (U.S.D.C., S.D.N.Y.), CIVIL ACTION NO. 75-CIV-6010

Reference is made to my memorandum of April 4, 1977, enclosing the affidavit of Special Agent David Stevens Byerly which detailed the status of all Freedom of Information Act requests involved in this lawsuit.

Enclosed are two copies each of Director Kelley's letter to [redacted] dated April 20, 1977, and May 3, 1977.

On April 6, 1977, [redacted] reviewed documents available for release regarding the National Caucus of Labor Committees (NCLC) at Federal Bureau of Investigation Headquarters (FBIHQ), Washington, D. C. He requested copies of 489 pages and a check for \$48.90 was received. Four hundred and eighty pages were provided to him at that time and the additional nine pages were mailed to him by letter dated April 20, 1977.

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On April 20, 1977, [redacted] a representative of NCLC, in Washington, D. C., visited FBIHQ and at that time paid for and received an additional 4,814 pages of documents on behalf of [redacted]. A total of \$530.30 has been received for the 5,303 pages. Enclosed letter of May 3, 1977, acknowledges receipt of duplication fees, exemptions applied in the processed

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Adm. Serv. \_\_\_\_\_
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- Telephone Rm. \_\_\_\_\_
- Director's Sec'y \_\_\_\_\_

[redacted] (8)

(SEE NOTE PAGE TWO.)

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ENCLOSURE

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[redacted]



United States Attorney  
Southern District of New York

documents, referral of documents to other Government agencies  
and right of appeal to the Attorney General.

Inclosures (4)

1 - Assistant Attorney General (Encs. 4)  
Civil Division

Attn:

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NOTE:

Assistant United States Attorney  being advised  
of additional developments in this matter.

APPROVED:

Director \_\_\_\_\_  
Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
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Laboratory \_\_\_\_\_

Legal Coun. \_\_\_\_\_  
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Public Affs. Off. \_\_\_\_\_

April 20, 1977

[Redacted]

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Dear [Redacted]

Enclosed are the nine pages of information concerning the National Caucus of Labor Committees which you requested on April 6, 1977, during your visit to FBI Headquarters.

Sincerely yours,

Clarence M. Kelley  
Director

Enclosures (9)

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**ENCLOSURE**

May 3, 1977

[Redacted]

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Dear [Redacted]

Receipt of your duplication fees for 5303 pages of information from our files is hereby acknowledged.

Excisions were made from the documents which you received and other documents were withheld in their entirety in order to protect materials which are exempted from disclosure by the following subsections of Title 5, United States Code, Section 552:

- (b) (1) information which is currently and properly classified pursuant to Executive Order 11652 in the interest of the national defense or foreign policy;
- (b) (2) materials related solely to the internal rules and practices of the FBI;
- (b) (5) inter-agency or intra-agency documents which are not available through discovery proceedings during litigation; or documents whose disclosure would have an inhibitive effect upon the development of policy and administrative direction; or which represent the work product of an attorney-client relationship;
- (b) (6) materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would:

62-116834-14

ENCLOSURE


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- (A) interfere with law enforcement proceedings, including pending investigations;
- (C) constitute an unwarranted invasion of the personal privacy of another person;
- (D) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means;
- (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness;
- (F) endanger the life or physical safety of law enforcement personnel.

Other documents from our files are being referred to the Government agencies in which they originated for a final determination as to their release. When this determination is made, the documents will be returned to this Bureau and you will be advised if any data therein can be disclosed to you.

You have thirty days from receipt of this letter to appeal to the Attorney General from any denial contained in the documents which you have received. Appeals should be directed in writing to the Attorney General (Attention: Freedom of Information Appeals Unit), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

Sincerely yours,

  
Clarence M. Kelley  
Director

UNITED STATES GOVERNMENT

# Memorandum

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
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- Public Affs. Off. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director's Sec'y \_\_\_\_\_

TO : The Associate Director

DATE: 7/7/77

FROM : Legal Counsel

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SUBJECT: LYNDON H. LAROUCHE, JR., v.  
CLARENCE KELLEY, et al.  
(U.S.D.C., S.D.N.Y.)  
Civil Action # 75 Civ 6010

PURPOSE: To advise of a telephonic contact by a member of the National Caucus of Labor Committees (NCLC) with FBI Headquarters regarding a televised news program dealing with the NCLC and the FBI.

SYNOPSIS AND DETAILS: On 7/6/77, [redacted] NCLC, New York, New York, telephoned FBI Headquarters and advised that on 7/5/77, the National Broadcasting Co. (NBC) had aired a four minute news segment concerning the Bureau's investigation of the NCLC and had interviewed representatives of the Department of Justice, Congress, and Institute for Policy Studies regarding the question of whether such an investigation is within the guidelines for Domestic Security Investigations established by Attorney General Levi.

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It is noted that, during the course of the captioned civil litigation the NCLC has asserted that certain actions of this Bureau concerning the NCLC have been outside the bounds of the Attorney General's Guidelines.

RECOMMENDATION: None. For information.

APPROVED:

Director	[redacted]	Adm. Serv. _____	Legal Co. _____
Assoc.	[redacted]	Crim. Inv. _____	Plan. & Insp. _____
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1 - Mr. Mintz

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1 - [redacted]  
1 - [redacted]

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LEGAL COUNSEL  
PUBLIC AFFAIRS OFFICE

# National Caucus of Labor Committees

P.O. Box 1972, GPO, New York, N.Y. 10001 (212)563-8600

OUTSIDE SOURCE

June 17, 1977

Clarence Kelley  
Director of the Federal  
Bureau of Investigation  
Washington, D.C. 20535

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Dear Sir:

LYNDON H. LA ROUCHE, JR

Enclosed please find another copy of a letter sent to Attorney General Bell.

In speaking to your counsel, Mr. Kelley, yesterday, I was informed by him that you had chosen not to respond in any way whatsoever to the contents and requests contained in said letter because it had not been directly addressed to you.

I am once again writing another letter so that there will be no further misunderstandings. The FBI has been the source of the disputed characterization of the NCLC as "violence-oriented" and has naturally influenced the decision of the Justice Department to not only maintain that characterization, but also widely disseminate it to the citizens of this country.

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I thereby request that you, Mr. Kelley, as the Director of the Federal Bureau of Investigation, act in your capacity to see the expungement of this slanderous characterization of the National Caucus of Labor Committees. I also ask that a meeting between yourself or an appointed representative be set up with myself at a time and place of your choosing.

AUG 18 1977

I would like to hear from you within five days of receipt of this letter. This matter is not being taken very lightly by my organization nor estimable members of Congress, the courts and the United States population.

*Legal Counsel ltr*

Director of Organization, NCLC  
231 W. 29th Street  
New York, N.Y. 10001

Sincerely,

Director of Organization

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*ST plus*  
*EXP. PROC.*  
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*Enclosure to Kelley*  
*Letter 6/23/77*  
*In Director's file*  
*Legal Council*

54 AUG 30 1977

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Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

FBI/DOJ

RECEIVED  
JUN 23 9 54 AM '77  
LEGAL COUNSEL  
RECEIVED  
JUN 23 10 09 AM 1977

RECEIVED  
JUN 23 10 04 AM 1977

# National Caucus of Labor Committees

P.O. Box 1972, GPO, New York, N.Y. 10001 (212)563-8600

June 7, 1977

Griffin B. Bell, Attorney  
General of the United States  
Department of Justice  
Washington, D.C. 20530

Sirs:

I have just obtained the 1976 Report to the Congress of the Attorney General of the United States which contains information about the National Caucus of Labor Committees that is completely false and self-serving. I refer to the characterization of the NCLC on page 155 of that report which is attached.

We have continuously documented before federal courts that there is an ongoing and continuous COINTELPRO program directed against the NCLC and the U.S. Labor Party. The characterization of the NCLC as a "violence-oriented marxist revolutionary" organization submitted here by the FBI only serves to justify continuing illegality.

I am writing this letter to demand that the above-mentioned characterization of the NCLC be immediately expunged.

In reality, the activities of this organization are entirely consistent with the First Amendment of the United States Constitution. I am willing to meet with you at any time on this matter. I would like a response from you within five days. I also advise you that I have taken the matter under advisement with legal counsel.

You are also reminded of the case of Lyndon LaRouche v. Clarence Kelley, 75 Civ. 6010, before the honorable Judge Robert Owen of the United States District Court, Southern District of New York. Last Fall the plaintiffs filed and argued a motion before presiding Judge Kevin T. Duffy to hold defendant Clarence Kelley in civil contempt for violating a Consent Order dated September 28, 1976 "prohibiting defendants from interfering with the normal electoral processes and from violating certain self-imposed restrictions which have come to be known as the Levi

62-116834-16

ENCLOSURE



Guidelines." On October 2, 1976, the American Broadcasting Corporation (ABC-TV) aired a charge disseminated to them by the FBI who themselves quoted statements made by Director Kelley before congressional committees in 1975 and 1976 of March, which said "LaRouche's party is oriented towards violence and brainwashing..."

Judge Duffy in his Memorandum and Order issued November 15, 1976, ruled that Kelley could not be held in contempt since the statements attributed to him by ABC had been made at least six months previous to the September Consent Order. Duffy, in denying the plaintiffs their motion, stated that, "There is no proff whatsoever in the record before me that Kelley repeated these statements or made new disparaging remarks about the U.S. Labor Party."

Since the Attorney General's Report appears considerably after the September Consent Order it in fact does constitute a dissemination of the exact same characterization of the NCLC and the U.S. Labor Party not only to Congress but also to the American public-at-large.

I would therefore like to afford you the opportunity to retract the abovementioned characterizations before we once again must meet to test the usage of Judge Owen's Consent Order.

Sincerely,

[Redacted Signature]

Director of Organization,  
NCLC

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b7c

[Redacted]

cc: Attorney General Griffin Bell  
FBI Director Clarence Kelley  
Assistant Attorney General, Criminal  
Division, Benjamin Civiletti  
House Judiciary Committee  
Senate Judiciary Committee  
Civil Rights Sub-Committee of the House Judiciary Committee  
Senate Governmental Affairs Committee  
House Government Operations Committee  
Permanent Subcommittee on Investigations of the Senate  
Governmental Affairs Committee  
Senate Select Committee on Intelligence

UNITED STATES GOVERNMENT

# Memorandum

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	
Adm. Serv.	_____
Crim. Inv.	_____
Fin. & Pers.	_____
Ident.	_____
Intell.	_____
Lab.	_____
Leg.	_____
Plan.	_____
Rec. Mgnt.	_____
Spec. Inv.	_____
Tech. Servs.	_____
Training	_____
Public Affs. Off.	_____
Telephone Rm.	_____
Director's Sec'y	_____

b6  
b7C

TO : Director

DATE: 8/1/77

FROM : Legal Coun

SUBJECT: LYNDON H. LA ROUCHE, JR., et al.  
v. CLARENCE KELLEY, et al.  
(U.S.D.C., S.D.N.Y.)  
CIVIL ACTION NUMBER 75-Misc-6010

PURPOSE: To further advise Director regarding correspondence received from a representative of National Caucus of Labor Committees (NCLC).

DETAILS: This is in furtherance of my memo to you dated 6/28/77 (attached). By letter of 7/21/77 (attached), [redacted] Investigation Review Unit, responded to a letter addressed to the Attorney General similar to one addressed to you. Attached letter to [redacted] is in accord with the Department's response and Recommendation (2) set forth in aforementioned memo. No further action necessary at this time.

*nd*  
*detached  
handled  
separately*

RECOMMENDATIONS: (1) That you do not publicly characterize the NCLC or the U. S. Labor Party during the pendency of this litigation.

APPROVED:

Director: [redacted] *SK*  
Assoc. Dir. [redacted]  
Dep. AD Adm. [redacted]  
Dep. AD Inv. [redacted]

Adm. Serv.	_____	Legal Coun.	_____
Crim. Inv.	_____	Plan. & Insp.	_____
Fin. & Pers.	_____	Rec. Mgnt.	_____
Ident.	_____	Spec. Inv.	_____
Intell.	_____	Tech. Servs.	_____
Laboratory	_____	Training	_____
		Public Affs. Off.	_____

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(2) That attached response from Legal Counsel be sent to [redacted]

*Has it already been sent?*

APPROVED:

Director: [redacted] *SK*  
Assoc. Dir. [redacted]  
Dep. AD Adm. [redacted]  
Dep. AD Inv. [redacted]

Adm. Serv.	_____	Legal Coun.	_____
Crim. Inv.	_____	Plan. & Insp.	_____
Fin. & Pers.	_____	Rec. Mgnt.	_____
Ident.	_____	Spec. Inv.	_____
Intell.	_____	Tech. Servs.	_____
Laboratory	_____	Training	_____
		Public Affs. Off.	_____

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b7C

Enclosures (2)

- 1 - [redacted] (Enclosures)
- 1 - [redacted] (Enclosures)
- 1 - Mr. Adams (Enclosures)
- 1 - [redacted] (Enclosures)
- 1 - [redacted] (Enclosures)
- 1 - Mr. Mintz (Enclosures)
- 1 - [redacted] (Enclosures)

REC-93  
AUG 1 1977

116834-18  
AUG 18 1977

EPM:dlr (8)

AUG 30 1977 Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

*LEGAL COUNSEL*



United States Department of Justice

OFFICE FOR IMPROVEMENTS IN THE  
ADMINISTRATION OF JUSTICE

WASHINGTON, D.C. 20530

July 21, 1977

[Redacted]

Director of Organization, NCLC  
231 W. 29th Street  
New York, NY 10001

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b7c

Dear [Redacted]

This is in response to your letter to the Attorney General dated June 7, 1977.

We have examined the transcript of the proceeding of September 28, 1976, and the statement of the court concerning the matter dated February 16, 1977. It is our view that the statement concerning the National Caucus of Labor Committees furnished with your letter is not contrary to the government's obligations in the matter.

After receiving your letter I received a telephone call from [Redacted] of your staff concerning your request. I have agreed to meet with her regarding this decision and have asked her to send a letter specifying questions to be discussed.

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Sincerely,

[Redacted Signature]

Investigation Review Unit

*End memo Legal Council to  
Director 8-1-77*

[Redacted]

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b7c

62-116834-18

ENCLOSURE

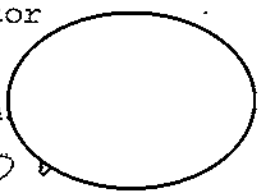
UNITED STATES GOVERNMENT

# Memorandum

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Adm. Serv. \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- Fin. & Pers. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Insp. \_\_\_\_\_
- Rec. Mgnt. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Tech. Servs. \_\_\_\_\_
- Training \_\_\_\_\_
- Public Affs. Off. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director's Sec'y \_\_\_\_\_

TO : The Director

DATE: 6/28/77

FROM : Legal Coun. 

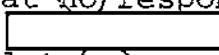
b6  
b7c

SUBJECT: LYNDON H. LaROUCHE, JR., et al.  
v. CLARENCE KELLEY, et al.  
(U.S.D.C., S.D.N.Y.)  
CIVIL ACTION NO. 75-MISC-6010

PURPOSE: To advise Director regarding correspondence received from a representative of National Caucus of Labor Committees (NCLC).

SYNOPSIS: NCLC representative sent letter to Attorney General dated June 7, 1977, requesting retraction of statement appearing in AG Annual Report characterizing the NCLC as a violence-oriented Marxist revolutionary organization in view of consent order of 9/28/76, in captioned matter which requires the government not to interfere with the electoral process. Department of Justice attorneys currently formulating a response to this letter. A similar letter was directed to you requesting expungement of the aforementioned statement. (It is noted that the exact same statement appears in the FBI's Annual Report.) NCLC representative further states in letter to A.G. that he is sending the letter in order to avoid testing "the usage of Judge Owen's Consent Order."

RECOMMENDATION: (1) That you do not publicly characterize the NCLC or the U.S. Labor Party during the pendency of this litigation.

(2) That no response be made to  letter to you until the Department of Justice formulates a response to the letter to the Attorney General.

*Over taken by events - See memo 8/1/77 for current recommendations*

REC-93 62-116824-17

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AUG 18 1977

1 -   
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1 - Mr. Adams

APPROVED: \_\_\_\_\_

Director _____	Adm. Serv. _____	Legal C. _____
Assoc. Dir. _____	Crim. Inv. _____	Plan. & Insp. _____
Dep. AD Adm. _____	Fin. & Pers. _____	Rec. Mgnt. _____
Dep. AD Inv. _____	Ident. _____	Spec. Inv. _____
	Intell. _____	Tech. Servs. _____
	Laboratory _____	Training _____
		Public Affs. Off. _____

(8)

See Addendum Page 5

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



Memo of 6-28-77 to Director

The Director

DETAILS: Fourteen individuals and two organizations, The United States Labor Party (USLP) and The National Caucus of Labor Committees, made requests for documents under the Freedom of Information Act (FOIA). In addition to their claims made under the FOIA they sought to enjoin the defendants from further "committing harassing and disruptive acts against plaintiffs under the guise of investigation."

On September 28, 1976, a hearing was held to dismiss all claims alleged by plaintiff except for the FOIA. One of these claims was plaintiff's motion for a preliminary injunction addressed primarily to alleged harassment of plaintiffs in their campaign efforts in the national elections. During the course of this hearing, the defendants through their attorney, AUSA [redacted] consented "not to interfere with petitions and with normal electoral processes," at the time or in the future. The Court said: "Subject to the penalty of contempt if there is a violation." The Assistant United States Attorney (AUSA) responded "Absolutely." The AUSA further consented under the penalty of contempt that the "Levi guidelines" will be honored in connection with the investigation of the NCLC. (See Attachment A.) This consent order was formalized in a written order of 2/16/77 (See Attachment B).

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By memorandum dated 10/13/76 from Legal Counsel to Assistant Director, Records Management Division, it was recommended that the "the General Investigative Division ensure compliance with the representation made on our behalf...."

Subsequently, a motion was brought by the plaintiffs to hold you in contempt of Court. The basis for this was a statement made by a newsman on October 2, 1976, in the course of an A.B.C. television network program entitled "Battle for the White House." Therein [redacted] ABC representative, gave a short statement about the U.S. Labor party candidate Lyndon La Rouché and stated further that: "FBI Director, Clarence Kelley, says LaRouché's party is oriented towards violence and brainwashing, a charge the party denies."

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A hearing was held on this motion and [redacted] testified that the ultimate source of his quote was statements made in the course of Congressional hearings in March, 1975 and 1976.

The Director

The Court stated in an opinion dated 11/18/76 that the statement was made six months prior to the representations made in Court and "there is no proof whatsoever in the record before me that Kelley repeated these statements or made new disparaging remarks about the U.S. Labor Party. . . . There is nothing in the record which suggests that anyone from ABC was told, that Kelley reaffirmed this opinion." (emphasis added) (See attachment C.)

On 12/14/76, SA [redacted] Public Affairs Office, transmitted to SA [redacted] Legal Counsel Division, proposed characterization of the NCLC which was to appear in the FBI's Annual Report. SA [redacted] noted on that routing slip "this is what's going in FBI Annual Report at Joe Deegan's insistence over my objections and warnings." SA [redacted] (currently assigned to Division 10) telephonically advised that he expressed his concern to SA [redacted] who in turn discussed same with SA Deegan. SA [redacted] advised it was Deegan's opinion that SA [redacted] concern was not warranted inasmuch as the characterization was of the NCLC as opposed to the U. S. Labor Party (the political arm of the NCLC). SA [redacted] recalls continuing to express his concern to [redacted] regarding the intended publication.

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By letter to the Attorney General dated June 7, 1977, [redacted] Director of Organization, NCLC, states his opinion that the inclusion in the Attorney General's 1976 Report to the Congress of the FBI's characterization of the NCLC as a "violence-oriented Marxist revolutionary organization" is in violation of the consent order. [redacted] intimates that unless the characterization is retracted, the NCLC will attempt to cite you for civil contempt.

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The response to the letter on behalf of the Attorney General is being handled by [redacted] Counsellor to the Attorney General, and Departmental Attorney [redacted] SA [redacted] Legal Counsel Division, has contacted [redacted] who advised that he will consult with [redacted] regarding the appropriate response and thereafter further discuss with FBI Legal Counsel.

Another letter was sent to you dated June 17, 1977, enclosing the aforementioned letter requesting the "expungement of the slanderous characterization" (presumably from the A.G.'s Annual Report).

On June 16, 1977, AUSA [redacted] advised that he does not believe that plaintiffs would succeed in any action to find you in civil contempt as a result of the publication of the characterization of the NCLC since such publication, predicated upon facts available to you in your official capacity is not in violation of the "Levi Guidelines" and since there is no electoral process under way.

The Director

OBSERVATIONS:

You should be advised that in the opinion of Legal Counsel, the arguments set forth by AUSA [redacted] above in your defense are probably our best arguments. The plaintiffs could very well argue, and convincingly, that the electoral process is a continuing process and is not limited to election years and the consent order is as enforceable in the Summer of '77 as it was in October of '76. It is noted that Court in the 11/18/76 order called similar statements "disparaging."

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Of course, we could litigate whether or not the remarks are in fact disparaging. This would open the litigation into areas where we would be placed in the position of proving the truth of the statements made. Our ability to continue the investigation of the NCLC and prove our claim at the same time is highly questionable, especially in an intelligence investigation where most of our valuable information is derived from well placed sources.

Furthermore, we could test the interpretation of the Consent Order, i.e. did the Consent Order extend to the parent organization (NCLC) or just merely to the political arm of that organization (the U.S. Labor Party). It should be noted, however, that the order talks in terms of the plaintiffs, which includes both organizations.

In view of the above, it is recommended that you not publicly characterize NCLC or the U.S. Labor Party during the pendency of this litigation.

Further, it is recommended that no response be made to [redacted] letter to you until such time that the Department of Justice formulates a response to the letter to the Attorney General.

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ADDENDUM: CRIMINAL INVESTIGATIVE DIVISION

7/13/77/ [redacted]

Reference Page 3, Paragraph 2, which sets forth the following: "On 12/14/76, SA [redacted] Public Affairs Office, transmitted to SA [redacted] Legal Counsel Division, proposed characterization of the NCLC which was to appear in the FBI's Annual Report. SA [redacted] noted on that routing slip 'this is what's going in FBI Annual Report at Joe Deegan's insistence over my objections and warnings.' SA [redacted] (currently assigned to Division 10) telephonically advised that he expressed his concern to SA [redacted] who in turn discussed same with SA Deegan. SA [redacted] advised it was Deegan's opinion that SA [redacted] concern was not warranted inasmuch as the characterization was of the NCLC as opposed to the U. S. Labor Party (the political arm of the NCLC). SA [redacted] recalls continuing to express his concern to [redacted] regarding the intended publication."

Regarding the above action, Criminal Investigative Division does not have the benefit of former Section Chief Joseph G. Deegan, Domestic Security Section, as Mr. Deegan retired in February, 1977. However, it is noticed that at the time he was contacted in December, 1976, captioned matter was in pending litigation and was being handled by the Legal Counsel Division. If there was any question at that time as to possible legal ramifications based on utilization of the NCLC characterization, this should have been resolved by Legal Counsel prior to this characterization being used in the FBI's Annual Report.

APPROVED: _____	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Asst. Dir. _____	Fin. & Adm. _____	Rec. Mgnt. _____
Ident. _____	Ident. _____	Spec. Inv. _____
Lab. & Inv. _____	Intell. _____	Tech. Servs. _____
	Laboratory _____	Training _____
		Public Affs. _____

*In view of apparent disagreement it would appear matter should have been written up for formal resolution.*

*Instructions have been issued to - 5 - raise for official resolution any issue where Legal Counsel Division has given advice but the advice is rejected or ignored and there is possible detriment to the FBI.*



August 4, 1977

OUTSIDE SOURCE

LYNDON H. LA ROUCHE, JR

ST  
file

[Redacted]

Director of Organization  
National Caucus of Labor Committees  
231 West 29th Street  
New York, New York 10001

b6  
b7C

Dear [Redacted]

This is in response to your letter to the Director of the Federal Bureau of Investigation dated June 17, 1977, which enclosed a letter to the Attorney General dated June 7, 1977.

I have been advised that [Redacted] Investigation Review Unit of the Department of Justice, has reviewed the subject matter of your letter and has corresponded with you setting forth the view of the Department of Justice.

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b7C

V-24 DE-30 REC-93 62-116834-19

Sincerely yours,

SI 104  
151

AUG 18 1977

John A. Mintz  
Assistant Director - Legal Counsel

K B

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Adm. Serv. \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- Fin. & Pers. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Intell. \_\_\_\_\_
- Lab. \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. \_\_\_\_\_
- Rec. Mgnt. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Tech. Servs. \_\_\_\_\_
- Training \_\_\_\_\_
- Public Affs. Off. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director's Sec'y \_\_\_\_\_

[Redacted]

MAILED 14  
AUG 4 1977  
FBI

APPROVED: \_\_\_\_\_

Director \_\_\_\_\_

Assoc. Dir. \_\_\_\_\_

Dep. AD Adm. \_\_\_\_\_

Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_

Crim. Inv. \_\_\_\_\_

Fin. & Pers. \_\_\_\_\_

Ident. \_\_\_\_\_

Intell. \_\_\_\_\_

Laboratory \_\_\_\_\_

Legal Coun. \_\_\_\_\_

Plan. & Insp. \_\_\_\_\_

Rec. Mgnt. \_\_\_\_\_

Spec. Inv. \_\_\_\_\_

Tech. Servs. \_\_\_\_\_

Training \_\_\_\_\_

Public Affs. Off. \_\_\_\_\_

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[Redacted]

54 AUG 30 1977

MAIL ROOM  TELETYPE UNIT

RETURN ON SERVICE OF WRIT

I hereby certify and return, that on the

day of

19

I received this summons and served it together with the complaint herein as follows:

RECEIVED  
SEP 19 3 38 PM 1977  
LEGAL COUNSEL

ENCLOSURE

62-116834-20

MARSHAL'S FEES

Travel \$

Service

United States Marshal.

By

Deputy United States Marshal.

Subscribed and sworn to before me, a

this

day of , 19

[SEAL]

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

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No. 75 CIV 6010 (RO)

United States District Court  
FOR THE

LYDON H. LA ROUCHE, JR., et al.,  
Plaintiffs,  
v.

CLARENCE KELLEY, et al.,  
Defendants

SUMMONS IN CIVIL ACTION

Returnable not later than days  
after service.

[Signature] (by pwl)  
Attorney for Plaintiff

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date 10/20/77

TO: DIRECTOR, FBI  
(ATTN: LEGAL COUNSEL DIVISION)

b6  
b7c

FROM: ADIC, NEW YORK (190-55) (P)

SUBJECT: LYNDON H. LA ROUCHE, JR. v.  
CLARENCE M. KELLEY, ET AL  
(USDC, SDNY)  
CIVIL ACTION NUMBER 75 CIV 6010

ReBuairtel to Albuquerque and other offices dated 9/30/77, captioned, "Freedom of Information (FOIA) and Privacy (PA) Acts Litigation".

Enclosed for the Bureau is one copy of US District Court Docket sheet re captioned matter obtained by NYO on 10/13/77.

Referenced airtel directed each receiving office to review all civil actions based on FOIA or PA which had been filed within their respective divisions. The NY has opened separate cases on each of these matters in order to facilitate the review.

REC-39

62-116834-2

SI-137

LITIGATION UNIT

OCT 21 1977

- 2 - Bureau (Encls. 1)
- (1 - Legal Counsel Division)
- 1 - New York

[Redacted]

(5)

"ENCLOSURE ATTACHED"

b6  
b7c

[Redacted]

36/8

Approved: [Signature]

NOV 1 1977

Transmitted \_\_\_\_\_

(Number)

(Time)

Per \_\_\_\_\_

ENCLOSURES TO BUREAU (1) (RM)

NYfile 190-49

LYNDON H. LA ROUCHE, JR. v.  
CLARENCE M. KELLEY, ET AL  
(USDC, SDNY)  
CIVIL ACTION NUMBER 75 CIV 6010

Encl. for Bu is one copy of US District  
Court Docket Sheet.

Airtel dated 10/20/77

391  
162-116834-21  
**ENCLOSURE**



United States Department of Justice

UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF NEW YORK  
ONE ST. ANDREW'S PLAZA  
NEW YORK, NEW YORK 10007

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

NLG:n

FEDERAL GOVERNMENT

November 4, 1977

[Redacted]

Legal Counsel Division  
Federal Bureau of Investigation  
9th & Pennsylvania Avenue, N.W.  
Washington, D.C. 20535

b6  
b7c

pk  
encl  
6-1  
2-1  
10-1  
4-1

Re: LaRouche v. Kelley  
75 Civ. 6010

Dear [Redacted]

Enclosed, per our conversation, are  
copies of the answer to the amended complaint, filed  
October 21, 1977, and the request for admissions, served  
November 1, 1977.

Very truly yours,

ROBERT B. FISKE, JR.  
United States Attorney

By

[Redacted Signature]

b6  
b7c

Assistant United States Attorney  
Tel. No.: (212) 791-1946  
(FTS) 662-1946

Enclosures

cc: (w/encl.)

ST-120

REC-85

DE-13

62-116834-22

[Redacted]

General Litigation Section  
Civil Division  
U. S. Department of Justice  
Washington, D.C. 20530

NOV 14 1977

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b7c

[Redacted]

RECEIVED

ENCLOSURE



53 DEC 9 1977

B

75-3996  
MR. GELBER

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

U.S.D.C.  
S.D.N.Y.

Filed 10/31/77

LYNDON H. LA ROUCHE, JR.; EDWARD SPANNAUS; ELIJAH BOYD, JR.; DANIEL SNEIDER; ALAN SALISBURY; KUSHRO GHANDI; ANITA GRETZ; GALLAGHER; ANTON CHAITKIN; IRACLEIBOWITZ; NANCY BRADEEN SPANNAUS; MARIA SPIDA; MICHAEL R. MICHELSON; CRAIG SCHULZE; GAIL GOERNER KAY; THE UNITED STATES LABOR PARTY; and THE NATIONAL CAUCUS OF LABOR COMMITTEES,

ANSWER TO AMENDED COMPLAINT

75 Civ. 6010 (RO)

Plaintiffs,

- v -

CLARENCE KELLEY; EDWARD LEVI; and the FEDERAL BUREAU OF INVESTIGATION,

Defendants.

Defendants, Clarence M. Kelley in his personal and official capacities, Edward Levi in his former official capacity and the Federal Bureau of Investigation, by their attorney, Robert B. Fiske, Jr., United States Attorney for the Southern District of New York, for their answer to the amended complaint:

1. Repeat the admissions, denials and statements of lack of knowledge or information regarding the allegations of the original complaint insofar as said allegations are realleged in paragraphs 1 and 2 of the amended complaint.
2. Deny the allegations set forth in paragraph 3 of the amended complaint insofar as said allegations are in addition to or vary from the allegations set forth in the original complaint. To the extent that said

✓ [Signature]

62-114834-22

ENCLOSURE

allegations are restatements of those contained in the original complaint, defendants repeat the admissions, denials and statements of lack of knowledge or information contained in their answer to the original complaint.

3. Deny the allegations set forth in paragraphs 4, 5 and 6 of the amended complaint:

AS AND FOR A FIRST COMPLETE AFFIRMATIVE DEFENSE

4. Plaintiffs have failed to state a claim upon which any relief can be granted.

AS AND FOR A SECOND COMPLETE AFFIRMATIVE DEFENSE

5. Plaintiffs have failed to state a claim over which this Court has jurisdiction.

AS AND FOR A THIRD COMPLETE AFFIRMATIVE DEFENSE

6. The information the disclosure of which plaintiffs seek to compel in this action is exempt from compelled disclosure pursuant to the statutory exemptions contained in the Freedom of Information Act, 5 U.S.C. § 552(b).

AS AND FOR A FOURTH COMPLETE AFFIRMATIVE DEFENSE

7. Defendants Levi and Kelley are not proper parties to this action.

AS AND FOR A FIFTH COMPLETE AFFIRMATIVE DEFENSE

8. Plaintiffs have failed to exhaust their administrative remedies.

AS AND FOR A SIXTH COMPLETE AFFIRMATIVE DEFENSE

9. The Court lacks jurisdiction over defendant Kelley in his individual capacity.

AS AND FOR A SEVENTH COMPLETE AFFIRMATIVE DEFENSE

10. Defendant Kelley has not been properly served in this action.



AS AND FOR AN EIGHTH COMPLETE AFFIRMATIVE DEFENSE

11. Venue does not lie in this District.

WHEREFORE, defendants demand judgment dismissing this action in its entirety together with the costs of this action and such other and further relief as is just.

Dated: New York, New York

October 20, 1977

ROBERT B. FISKE, JR.  
United States Attorney for the  
Southern District of New York  
Attorney for the aforementioned  
Defendants

By: 

NATHANIEL L. GERBER  
Assistant United States Attorney  
- Office and Post Office Address:  
One St. Andrew's Plaza  
New York, New York 10007  
Telephone: (212) 791-1946

TO: DAVID S. HELLER, ESQ.  
G.P.O. Box 1901  
New York, New York 10001

*MR GERBER*  
*74-0012*

DAVID S. HELLER  
JAMES I. APPLBAUM

DAVID S. HELLER  
ATTORNEY AND COUNSELOR AT LAW  
231 West 29th Street  
New York, New York 10001  
(212) 563-8633 -8634

MAILING ADDRESS:  
P.O. BOX 1901 GPO  
NEW YORK, N.Y. 10001  
TWX: 563-8640

Clerk of Court  
United States District Court  
Southern District of New York  
United States Courthouse  
New York, New York 10007

Nov. 1, 1977

Re: LaRouche v Kelley  
75 CIV 6010(RO)

Dear Sir:

Please accept for filing the enclosed Notice to Admit. The exhibits to this Notice have been previously filed and served upon the defendants.

Thank you for your cooperation in this matter.

Sincerely,  
*David S. Heller*  
David S. Heller

DSH:hs  
cc: counsel

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LYNDON H. LAROUCHE et al.,  
Plaintiffs

v.

CLARENCE KELLEY et al.,  
Defendants

CIVIL ACTION NO.


75 CIV 6010 (RO)

NOTICE TO ADMIT

SIR:

PLEASE TAKE NOTICE that pursuant to Rule 36 of the Federal Rules of Civil Procedure, you are required to admit or deny the truth of the following matters within thirty (30) days after service upon you, or they shall be deemed admitted.

Dated: New York, New York  
NOV 1 1977

  
David S. Heller  
Attorney for Plaintiffs  
231 West 29th Street  
P.O. Box 1901 GPO  
New York, New York 10001  
(212) 563-8634

To: Nathaniel L. Gerber Esq.  
One Saint Andrew's Plaza  
United States Courthouse Annex  
New York, New York 10007

1. The U.S. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (hereinafter referred to as the Church Committee) was chaired by Senator Frank Church.
2. The Church Committee conducted an investigation of intelligence activities of the U.S. Government during the years 1975 and 1976.
3. In the course of this investigation, the Church Committee requested various documents from the Federal Bureau of Investigation.
4. The FBI supplied various documents to the Church Committee.
5. The FBI supplied to the Church Committee a memorandum from the New York Field Office to FBI headquarters of September 9, 1968.
6. This memorandum of September 9, 1968 boasted that a "pretext" phone call to Stokely Carmichael's mother telling her that members of the Black Panther Party intended to kill her son left her "shocked".
7. This memorandum intimated that the Bureau believed it had been responsible for Carmichael's flight to Africa the next day.
8. Excerpts from this memo are reprinted in the Church Committee Final Report, Book II, at 15; a photostatic copy of which is attached hereto as Exhibit 1.
9. The FBI supplied to the Church Committee a document identified as "New Left Notes--Philadelphia," Edition #1, September 16, 1970.
10. This memorandum or document is cited in Church Committee Final Report, Book II, at 17; a photostatic copy of which is attached hereto as Exhibit 2.
11. This memorandum or document called for more interviews with New Left subjects "to enhance the paranoia endemic in these circles" and "get the point across there is an FBI agent behind every mailbox."
12. The FBI supplied to the Church Committee a memorandum of November 25, 1968 from the Director of the FBI to the SAC, Baltimore.

13. This memorandum is reprinted as Exhibit 21 of the Church Committee Hearings, Volume 6, at 406, a photostatic copy of which is attached hereto as Exhibit 3.
14. Exhibit 3 is an accurate reproduction of this memorandum.
15. Gary Thomas Rowe was an informant for the FBI.
16. The FBI paid Rowe for his services as an informant.
17. Rowe testified before the Church Committee on December 2, 1975.
18. Rowe testified before the Church Committee that he had participated in the beating of Freedom Riders in Birmingham, Alabama, using chains, baseball bats, and clubs, while acting as an informant for the FBI. [See Exhibit 3A]
19. Rowe did participate in the beating of Freedom Riders while acting as an informant for the FBI.
20. Rowe informed the FBI of plans to use violence against Freedom Riders approximately 3 weeks before the incident occurred. [See Exhibit 3B]
21. The FBI did not order Rowe to desist from such activities.
22. In such activities, Rowe was acting in furtherance of his duties as an FBI informant.
23. Following Mr. Rowe's report to the FBI of his participation in the beatings of Freedom Riders, the FBI continued to utilize Rowe as an informant and pay him for his services.
24. The FBI did not reprimand Rowe for his participation in the beatings of Freedom Riders.
25. The FBI did not apply any sanctions against Rowe for such activities.
26. The FBI did not report Mr. Rowe's activities to any law enforcement agency.
27. A Special Agent of the FBI testified before the Church Committee on November 21, 1975.
28. This agent testified that an FBI informant penetrated "The Minutemen" and "The Secret Army Organization" in California.
29. Testimony of FBI agent referred to in item 28 was true.

30. This informant became an innovator of various harassment actions.
31. This informant participated in the firebombing of an automobile.
32. This informant was present when his associate and subordinate in the "Secret Army Organization" took out a gun and fired into the home of a professor, wounding a young woman.
33. This informant was acting in furtherance of his duties as an FBI informant in the incidents identified in items 28-32.
34. This testimony is reported in part in Church Committee Final Report, Book II, at 196; a copy of which is attached hereto as Exhibit 4.
35. Said informant kept the FBI fully informed of all his activities referred to in items 28-32.
36. The FBI did not order said informant to desist from such activities.
37. In such activities, said informant was acting in furtherance of his duties as an FBI informant.
38. Following said informant's report to the FBI of his participation in the incidents identified in items 28-32, the FBI continued to utilize him as an informant and pay him for his services.
39. The FBI did not reprimand said informant for his participation in the incidents identified in items 28-32.
40. The FBI did not apply any sanctions against said informant for such activities.
41. The FBI did not report said informant's activities to any law enforcement agency.
42. The FBI supplied to the Church Committee a memorandum from the Los Angeles Field Office to FBI Headquarters of or dated September 9, 1968.
43. The FBI supplied to the Church Committee a memorandum from FBI Headquarters to the Los Angeles Field Office of or dated September 23, 1968.
44. Reference is made to these memoranda in Church Committee Final Report, Book II, at 216, footnote 32, a copy of which is attached hereto as Exhibit 5.

45. The reference made to these memoranda by the Church Committee referred to in item 44 is accurate.

46. The FBI supplied to the Church Committee a memorandum from the San Diego Field Office to the FBI Headquarters of or dated September 15, 1969.

47. This memorandum is quoted in part in Church Committee Final Report, Book II, at 218, a copy of which is attached hereto as Exhibit 6.

48. This memorandum states in part: "Shootings, beatings, a high degree of unrest continues to prevail in the ghetto area of Southeast San Diego. Although no specific counterintelligence action can be credited with contributing to this overall situation, it is felt that a substantial amount of the unrest is directly attributable to this program."

49. This memorandum was received by FBI Headquarters.

50. Following receipt of the memorandum described above, FBI Headquarters did not order the San Diego Field Office to desist from such activities.

51. In such activities, the FBI San Diego agents were acting in furtherance of their duties as FBI agents.

52. Following the receipt of the memorandum described above, FBI Headquarters did not reprimand the San Diego FBI agents for their participation in the incidents identified in item 48.

53. FBI Headquarters did not apply any sanctions against the San Diego FBI agents for such activities.

54. FBI Headquarters did not report the San Diego FBI agents' activities to any law enforcement agency.

55. The Chairman of the Committee of the Judiciary, Peter W. Rodino, requested the General Accounting Office to review the operations of the Federal Bureau of Investigation.

56. Rodino made this request to Elmer Staats, Comptroller General of the United States.

57. Rodino made this request to Staats on or about June 3, 1974.

58. The General Accounting Office did in fact conduct a review of FBI operations.
59. A Report to the House Committee on the Judiciary was submitted by the Comptroller General on or about Feb. 24, 1976.
60. This Report, hereinafter referred to as the GAO Report, was entitled "FBI Domestic Intelligence Operations -- Their Purpose and Scope: Issues That Need To Be Resolved."
61. In the course of the GAO review, FBI officials were interviewed by GAO staff or officials.
62. In the course of the GAO review, various FBI documents were requested by the GAO from the FBI.
63. In the course of the GAO review, the FBI made certain documents available to the GAO.
64. In the course of the GAO review, the Attorney General denied to the GAO access to certain FBI files and documents.
65. In the course of the GAO review, the FBI supplied to the GAO summaries of certain case files.
66. The documents which were supplied to the GAO were accurate documents.
67. The summaries supplied to the GAO were accurate summaries of case files.
68. The FBI or officials thereof provided to the GAO a list of organizations classified by the FBI as subversive.
69. The FBI informed the GAO that it has classified the National Caucus of Labor Committees ("NCLC") as subversive.
70. The FBI has in fact classified the NCLC as subversive.
71. FBI officials informed the GAO of FBI investigative policy toward various groups.
72. This investigative policy is reported in the GAO Report at p. 47, attached hereto as Exhibit 7.
73. The summary of FBI investigative policy cited in item 72 above is an accurate summary.



74. FBI investigative policy toward the NCLC is for a full investigation of leaders and rank-and-file members.
75. FBI officials informed the GAO that they were continually concerned about small Marxist-Leninist study groups suddenly transforming into armed revolutionary bands.
76. As an example of the above, FBI officials mentioned the National Caucus of Labor Committees.
77. FBI officials referred to the NCLC as once an ineffective, loosely knit group, which is expanding rapidly under new national leadership.
78. The FBI supplied or otherwise made available to the GAO a directive of October 4, 1973 to its field offices.
79. This directive is described in GAO Report at p. 54, a copy of which is attached hereto as Exhibit 8.
80. This directive instructed agents to direct "Forceful and imaginative investigative efforts" at an unnamed group's organizing and recruiting activities.
81. The group referred to was the NCLC.
82. The FBI supplied or made available to the GAO a communication of September 25, 1973.
83. The September 25, 1973 communication is cited in the GAO Report at p. 54.
84. The words and phrases quoted in the GAO report from the September 25 communication are accurate.
85. The FBI supplied to the GAO a directive of March 6, 1974 to field offices.
86. This directive of March 6, 1974 is quoted in part in the GAO Report on p. 54, a copy of which is attached hereto as Exhibit 9.
87. The excerpts from the March 6, 1974 directive quoted in the GAO Report are accurate.
88. The March 6, 1974 directive instructed FBI field offices to advise FBI Headquarters by letter of steps being taken to secure additional informant coverage of this group.

89. One or more FBI field offices did in fact advise FBI Headquarters by letter of steps being taken to secure additional informant coverage of this group.
90. The group referred to in the directives and memoranda of Oct. 4 and Sept. 25, 1973, and March 6, 1974 was the NCLC.
91. In the course of the GAO review, the FBI informed the GAO of a debate which had existed in the Intelligence Division of the FBI.
92. This debate is referred to in the GAO Report on pp. 56-57, under the heading Some judgments justified; others, not.
93. Attached hereto as Exhibit 9A is a photostatic copy of the GAO summary of debate.
94. This summary accurately reports information furnished to the GAO by the FBI.
95. According to information furnished to the GAO by FBI, this group came under more effective leadership during 1973.
96. The 1973 debate referred to herein concerned the NCLC.
97. The FBI informed the GAO that in early 1975, the Assistant Director of the Intelligence Division questioned the need for investigating this group.
98. The FBI informed the GAO that the Assistant Director of the Intelligence Division questioned the need for investigating this group after receiving an internal memorandum from an FBI case supervisor.
99. The internal memorandum from the FBI Headquarters' case supervisor referred to the NCLC.
100. An internal memorandum issued by a Headquarters supervisor on or about April 8, 1975 was furnished by the FBI to the GAO.
101. The FBI supplied this memorandum, or information concerning it, to the GAO.
102. This memorandum is cited in the GAO Report at p. 57, a copy of which is attached hereto as Exhibit 10.
103. The description of this memorandum in the GAO Report is accurate.
104. This memorandum outlined activities of this group which, in the supervisor's opinion, justified continued investigation.

105A This memorandum referred to the NCLC.

105B The FBI knew or believed that the National Unemployed and Welfare Rights Organization (NUWRO) was affiliated with the NCLC.

106A The U.S. Labor Party is known or believed by the FBI to be the electoral arm of the NCLC.

106B The U.S. Labor Party is known, believed or claimed by the FBI to be the political arm of the NCLC.

107. John DeMarche was a Special Agent of the FBI in and during the period October 1973 to April 1975.

108. John DeMarche was assigned to the Newark Field Office of the FBI during this period.

109. Anthony Banks was an informant for the FBI in and during this period.

110. John Demarche spoke with Anthony Banks by telephone on or about April 5, 1975.

111. Steve White was a Special Agent of the FBI in and during November and December of 1975.

112. Steve White was assigned by the FBI to the Cleveland Field Office during this period.

113. Steve White had then been assigned by the FBI to engage in investigations or other activities with regard to the NCLC and/or USLP.

114. White then did participate in investigations or other activities with regard to the NCLC and/or USLP.

115. White then spoke with Mr. J.A. Billington in the course of such investigation or other activities.

116. J.A. Billington was known or believed by the FBI to reside at 3261 Aberdeen, Shakar Heights, Ohio during that period.

128. Jim Kinney (or Kenny) was a Special Agent of the FBI.

129. Jim Kinney was assigned to the Cleveland FBI Field Office during February-April 1974.

130. Ray Shue was a Special Agent of the FBI.

131. Ray Shue was assigned to the Cleveland FBI Field Office during February-April 1974.

132. William Rini was known or believed by the FBI to have lived at 3423 W. 46th St., Cleveland, Ohio.

133. William Rini was in contact with FBI agent Kinney in the course of his duties as an FBI informant.

134. William Rini was in contact with FBI agent Shue in the course of his duties as an FBI informant.

135. On or about March 27, 1974, Rini gave information to the FBI concerning NCLC activities at Cleveland State University and/or Case Western Reserve University.

136. FBI agent Kinney or other FBI agent then contacted officials at Cleveland State University.

137. Agent Kinney or other FBI agent advised Cleveland State University police to surveil, detain, and/or arrest persons known, believed or claimed by the FBI to be members of the NCLC.

138. Agent Kinney or other FBI agent had such a conversation with Cleveland State University police or other officials in the course of his investigation or other activities concerning the NCLC.

139. On or about March 31, 1974, William Rini was in New York

117. White spoke with J.A. Billington about the activities of one or more of Mr. Billington's sons.

118. During this period, White spoke with a security officer or employee of the K-Mart shopping center located on West 65th St. in Cleveland in the course of such investigation or activities regarding the NCLC and/or USLP.

119. White spoke to this K-Mart security officer or employee on or before Dec. 8, 1975.

120. White spoke to this K-Mart security officer or employee regarding persons known, believed, or claimed by the FBI to be members of the NCLC and/or USLP.

121. White told this individual that the NCLC and/or USLP was under investigation by the FBI.

122. White told this individual that the NCLC and/or USLP was a subversive organization, or words to that effect.

123. White told this individual that the NCLC and/or USLP was a "violence-prone" organization or words to that effect.

124. White told this individual that the FBI did not want the NCLC and/or USLP distributing political literature at the K-Mart shopping center site.

125. White made such statements in the course of his duties as an FBI Special Agent.

126. William Rini was an informant for the FBI.

127. William Rini was an informant for the FBI during the period February to April, 1974.

- City.
140. John Minogue was then a Special Agent of the FBI.
141. John Minogue was then assigned to the New York Field Office of the FBI.
142. Minogue met with Rini on or about March 31, 1974.
143. The meeting between Minogue and Rini concerned investigations or other activities of the FBI regarding the NCLC.
143. One or more FBI agents interviewed one James Gregory in or about Lorain, Ohio, one or about July 24, 1975.
144. James Gregory was known or believed by the FBI to be the owner of a building at 839 W. 14th St. in Lorain, Ohio.
145. Klein Merriman, Steve Meyers and Barbara Meyers were known or believed by the FBI to be former tenants of 839 W. 14th St., Lorain.
146. The interview with James Gregory was conducted in the course of an investigation or other activities regarding the NCLC and/or USLP.
147. The FBI then and there stated to James Gregory that the NCLC or members thereof were "terrorists like the Symbionese Liberation Army," or words to that effect.
148. The FBI then and there stated to James Gregory that Klein Merriman had moved from Lorain to escape from the FBI, or words to that effect.
149. The FBI requested access and entrance to the apartment occupied or formerly occupied by Klein Merriman.

150. James Gregory then and there gave the FBI access and entrance to the apartment occupied or formerly occupied by Klein Merriman.

151. The FBI then searched and examined clothes, luggage, furniture, papers, and other items known or believed by the FBI to belong to Klein Merriman.

152. No contraband was found by the FBI in the course of this search.

153. No illegal material or evidence of illegal activities was found by the FBI in the course of this search.

154. This search was conducted in the absence of, and without the permission of, Klein Merriman.

155. An FBI agent contacted the head of security or another security official for the K-Mart shopping center on West 65th St. in Cleveland.

156. The FBI agent contacted the K-Mart official in the course of an investigation or other activities regarding the NCLC and/or USLP.

157. The FBI agent advised the K-Mart official that persons known or believed by the FBI to be members of the NCLC and/or USLP were planning to distribute New Solidarity or other political literature at the K-Mart site.

158. The FBI agent then advised the K-Mart official to prevent those persons from organizing or distributing literature at the K-Mart site.

159. Clarence Davis is known or believed by the FBI to live or have lived at 12804 Brookfield St.; Cleveland, Ohio.

160. FBI agents have interviewed Mr. Davis.

161. FBI agents interviewed Mr. Davis on or about June 26, 1974.

162. FBI agent Kinney interviewed Mr. Davis on or about June 26, 1974.

163. FBI agent Shue interviewed Mr. Davis on or about June 26, 1974.

164. FBI agents interviewed Mr. Davis with respect to an investigation or other activities regarding the NCLC and/or USLP.

165. FBI agents interviewed or spoke with one Joseph Sims during or about June 1975.

166. FBI agents spoke to Mr. Sims in the course of an investigation or other activities regarding the NCLC and/or USLP.

167. FBI agents advised Mr. Sims to stay away from the NCLC and/or USLP, or words to that effect.

168. FBI agents advised Mr. Sims that the NCLC and/or USLP was very dangerous, or words to that effect.

169. An agent or agents of the FBI interviewed one Patty Wiser of Youngstown, Ohio.

170. The interview with Patty Wiser took place during or about September 1974.

171. Patty Wiser was known or believed by the FBI to be the wife of Dennis Wiser.



172. During the course of said interview, an FBI agent stated that the NCLC was violence prone or words to that effect.

173. During the course of the said interview, an FBI agent stated that the NCLC had or possessed guns and bombs or words to that effect.

174. During the said interview, an FBI agent stated that if Mr. Wiser continued to associate with the NCLC he could get into trouble or words to that effect.

175. Laura Van Buskirk is or was the wife of David Van Buskirk of Kunkletown, Pa.

176. An FBI agent or agents went to the home of David and Laura Van Buskirk in Kunkletown, Pa.

177. An FBI agent or agents went to the home of David and Laura Van Buskirk in Kunkletown, Pa. on or about March 20, 1975.

178. An agent of the FBI or agents of the FBI interviewed Laura Van Buskirk.

179. During the course of said interview, an FBI agent stated that the NCLC and/or the USLP was a subver<sup>S</sup>sive group and/or groups, or words to that effect.

180. During the course of the said interview, an agent of the FBI stated that the NCLC and/or the USLP were violence prone or words to that effect.

181. One Mr. Pinto is or was the manager of Grant's Department Store, 508 Penn Street, Reading Pa.

182. An agent or agents of the FBI interviewed Mr. Pinto.

183. An agent or agents of the FBI interviewed Mr. Pinto on or about March 20, 1975.

184. An agent or agents of the FBI interviewed Mr. Pinto

concerning activities of Chris Douglas.

185. Chris Douglas was known or believed by the FBI to be an employee of said Grants Department Store.

186. An FBI agent named Sullivan was assigned to the Philadelphia field office of the FBI during or about June 1974.

187. John Gaskill was known, believed, or claimed by the FBI to be a member of the NCLC or USLP.

188. John Forkin was known or believed by the FBI to live at 12230 Sweet Briar Road, Philadelphia, during 1974.

189. John Gaskill was known or believed by the FBI to be the brother-in-law of John Forkin.

190. FBI agent Sullivan spoke to John Forkin during or about June, 1974.

191. FBI agent Sullivan spoke to John Forkin of and concerning John Gaskill.

192. FBI agent Sullivan spoke to John Forkin about the NCLC.

193. Sullivan told Forkin that Gaskill was a member of the NCLC.

194. Forkin told Sullivan that Gaskill was a member of the NCLC.

195. Sullivan told Forkin that the NCLC was controlled by Soviet Russia, or words to that effect.

196. Ira Liebowitz was known, believed, or claimed by the FBI to be a member of the NCLC or USLP.

197. Ira Liebowitz was known or believed by the FBI to

be a tenant residing at 250 Rhode Island Avenue, Buffalo, N.Y.

198. A Mr. Weymouth was known or believed by the FBI to be the owner of the building at 250 Rhode Island Avenue.

199. An agent or agents of the FBI interviewed Mr. Weymouth.

200. An agent or agents of the FBI interviewed Mr. Weymouth on or about June 25, 1974.

201. The FBI told Mr. Weymouth that Ira Liebowitz was a member of the NCLC or USLP.

202. The FBI told Mr. Weymouth that Mr. Liebowitz was a member of a violence-prone organization, or words to that effect.

203. The FBI told Mr. Weymouth that Mr. Liebowitz and/or the NCLC was under investigation by the FBI, or words to that effect.

204. The FBI attempted to persuade Mr. Weymouth to cancel Liebowitz's tenancy.

205. Mr. Weymouth later reported to the FBI that he had cancelled Mr. Liebowitz's tenancy.

206. An FBI agent or agents have visited the building at 97 Fort Washington Ave., New York City.

207. An FBI agent or agents visited this building during the Fall of 1974.

208. An FBI agent or agents visited this building during or about February 1975.

209. FBI agents visited this building in the course of an investigation or other activities concerning the NCLC or USLP.

210. The FBI spoke with the superintendent of said building.

211. The FBI spoke with the superintendent of said building concerning one Sixto Mendez.

212. The FBI spoke to the superintendent of said building with respect to K. Kalimgtis.

213. The FBI asked the superintendent of said building which way the windows of Mendez's apartment faced.

214. The FBI asked the superintendent of said building which way the windows of Kalimgtis' apartment faced.

215. Lyndon H. LaRouche, Jr. was known or believed by the FBI to live or have lived at said building during the period 1974-75.

216. Lyndon H. LaRouche was known or believed by the FBI to be the chairman of the NCLC.

217. Lyndon H. LaRouche was known or believed by the FBI to be the chairman of the USLP.

218. Lyndon H. LaRouche was known or believed by the FBI to have resided in the apartment of K. Kalimgtis.

219. FBI agents have had occasion to speak to, or otherwise communicate with, the New Jersey State Police.

220. FBI agents were in communication with the New Jersey State Police with respect to activities of the NCLC or USLP

during the year 1973.

221. FBI agents were in communication with the New Jersey State Police with respect to activities of the NCLC or USLP during the year 1974.

222. FBI agents were in communication with the New Jersey State Police with respect to activities of the NCLC or USLP during the year 1975.

223. FBI agents were in communication with the New Jersey State police with respect to activities of the NCLC or USLP during the year 1976.

224. The FBI has been in communication with the New Jersey State Police in the course of an investigation or other activities concerning the NCLC or USLP.

225. The FBI has informed the New Jersey State Police that the NCLC and/or USLP is under investigation by the FBI.

226. The FBI has informed the New Jersey State Police that the NCLC or USLP is a subversive organization.

227. The FBI has informed the New Jersey State Police that the NCLC or USLP is a violence-prone organization.

227. Judith Lewis was known or believed by the FBI to live or have lived in Montclair, N.J. during 1975.

228. An FBI agent or agents spoke with Judith Lewis during or about the period March-April 1975.

229. An FBI agent or agents spoke with Judith Lewis in the course of an investigation or other activities with respect to the NCLC or USLP.

230. The FBI told Judith Lewis that she was the subject of an FBI investigation.

231. The FBI told Judith Lewis that the NCLC or USLP was under investigation by the FBI.

232. The FBI told Judith Lewis that the NCLC or USLP was a violence-prone organization.

233. The FBI told Judith Lewis that the NCLC or USLP was a subversive organization.

234. The FBI attempted to persuade Judith Lewis to terminate her association with the NCLC or USLP.

235. The FBI later learned that Judith Lewis had in fact terminated her association with the NCLC or USLP.

236. Mr. H.H. Ward was known or believed by the FBI to be the chief of campus security at Northern Kentucky State College, Highland Heights, Kentucky, during or about February 1976.

237. An agent or agents of the FBI spoke to Mr. Ward or other official of said college on or about Feb. 18, 1976.

238. The FBI spoke to Mr. Ward or other official in the course of an investigation or other activity concerning the NCLC or USLP.

239. The FBI told Mr. Ward or other official that the NCLC or USLP was under investigation by the FBI.

240. The FBI told Mr. Ward or other official that the NCLC or USLP was a violence-prone organization.

241. The FBI told Mr. Ward or other official that the NCLC or USLP was a subversive organization.

242. The FBI informed Mr. Ward or other official that the NCLC or USLP would be coming to said college campus.

243. The FBI told Mr. Ward that he did not have to allow the NCLC or USLP to collect signatures for electoral petitions on said college campus.

244. The FBI advised Mr. Ward to prevent the NCLC or USLP from entering onto said college campus to collect signatures for electoral petitions.

245. Ed Schroer was known or believed by the FBI to be an official of the Democratic Party in Buffalo, N.Y.

246. An FBI agent or agents spoke to Ed Schroer during or about December, 1975.

247. An FBI agent told Mr. Schroer that the NCLC or USLP was under investigation by the FBI.

248. An FBI agent told Mr. Schroer that the NCLC or USLP was a violence-prone organization.

249. An FBI agent told Mr. Schroer that the NCLC or USLP was a subversive organization.

250. An FBI agent advised Mr. Schroer to terminate any contact with the NCLC or USLP.

251. Alan Ogden is known or believed by the FBI to be, or have been, a member of the NCLC or USLP in Richmond, Virginia.

252. Alan Ogden was known or believed by the FBI to be the USLP candidate for U.S. Senate from Virginia during 1975 and January-March 1976.

253. Alan Ogden is known or believed by the FBI to be the USLP candidate for U.S. House of Representatives for the 3rd Congressional District of Virginia.

254. An agent or agents of the FBI have spoken to, or been in communication with, the Police Department of Richmond, Virginia during 1975-76.

255. The FBI has been in communication with the Police Department of Richmond, Va., concerning activities of the NCLC and/or USLP.

256. The FBI has been in communication with the Police Department of Richmond, Va., concerning activities of Alan Ogden.

257. The FBI has told the Police Department of Richmond, Va., that the NCLC or USLP is a subversive organization.

258. The FBI has advised the Police Department of Richmond, Va., to have Alan Ogden arrested.



259. David Allen Reilly is a special agent of the FBI.

260. Reilly is or has been assigned by the FBI to an FBI office in or about Allentown, Pennsylvania, during 1975 and 1976.

261. William Sickles is known or believed by the FBI to have lived at 657 6th Street, Pitscairn, Pa.

262. Sickles is, or has been, an informant for the FBI.

263. Reilly is the agent handler or controller for Sickles.

264. Phil Meier is known or believed by the FBI to live or have lived in or about Ephrata, Pa.

265. Phil Meier is, or has been, an informant for the FBI.

266. Reilly is the agent handler or controller for Meier.

267. Pat Crawley is, or has been, an informant for the FBI.

268. Reilly is the agent handler or controller of Crawley.

269. In the course of his duties as an FBI agent, Reilly has engaged in investigations or other activities concerning the NCLC and/or USLP.

270. Dennis Feirstein is known or believed by the FBI to live or have lived in or about Stroudsburg, Pa.

271. Dennis Feirstein is, or has been, an informant for the FBI.

272. Martin Ross is known or believed by the FBI to be the USLP candidate for U.S. House of Representatives in the 16th Congressional District of Pa.

273. Martin Ross received a death threat on or about May 8, 1976.

274. Feirstein threatened to kill Martin Ross on or about May 8, 1976.

275. The FBI was notified of this threat during or about the period May 8-14, 1976.

276. The FBI was requested to conduct an investigation of this alleged threat.

277. The FBI did conduct an investigation of this alleged threat.

278. The FBI did not conduct an investigation of this alleged threat.

279. The FBI interviewed Feirstein concerning this alleged threat.

280. On or about May 12, 1976, one Scott Brody contacted the FBI office in Pittsburgh, Pa.

281. Brody informed the FBI of various threats and/or death threats made against members and candidates of the USLP.

282. Brody requested that the FBI investigate these threats.

283. Brody told the FBI that he and the USLP would cooperate fully with such investigation.

284. On or about May 11, 1976, a representative of the USLP contacted the FBI field office in Cleveland, Ohio.

285. The individual who contacted the FBI on or about May 11, 1976 was Mark Kwicinski.

286. Kwicinski informed the FBI of threats made against members and candidates of the USLP.

287. Kwicinski requested that the FBI investigate these threats.

288. Kwicinski provided various written materials and documents to the FBI.

289. Kwicinski told the FBI that he and the USLP would cooperate fully with such investigation.

290. Kwicinski spoke with agents Bowinkleman and Kennedy.

291. Brody spoke with FBI agent Car in Pittsburgh.

292. The Cleveland FBI office did conduct an investigation of these threats.

293. The Pittsburgh FBI office did conduct an investigation of these threats.

294. The Pittsburgh FBI office did not conduct an investigation of these threats.

295. On or about March 25, 1976, Clarence Kelley testified before the Senate Judiciary Committee.

296. On or about March 11, 1975, Clarence Kelley testified before the House Subcommittee on Appropriations.

297. Clarence Kelley stated, on or about March 11, 1975, referring to the plaintiff National Caucus of Labor Committees, that "its members have been involved in fights, beatings, using drugs, kidnapings, brainwashings, and at least one shooting."

298. In the 1976 Annual Report of the Attorney General of the United States, Clarence Kelley is listed as having authored a section entitled "Federal Bureau of Investigation" beginning on page 147 thereof.

299. On page 155 thereof, Clarence Kelley states that "The National Caucus of Labor Committees is a Violence-oriented Marxist revolutionary organization that aims to replace democracy in the United States..."

300. On page 155 thereof, Clarence Kelley states that "Its members have also been involved in beatings, kidnapings, and other forms of intimidation..." referring to the plaintiff National Caucus of Labor Committees.

301. On or about September 19, 1977, the FBI terminated its investigation of the National Caucus of Labor Committees.

302. The FBI and the Department of Justice have never attempted to obtain an indictment of the National Caucus of Labor Committees or any of its members based upon their investigation thereof.

303. The FBI and the Department of Justice have never obtained an indictment of the National Caucus of Labor Committees or any of its members as a result of their investigation thereof.

304. The FBI and the Department of Justice have never obtained an indictment of the National Caucus of Labor Committees or of any of its members.

305. The FBI and the Department of Justice have never sought an indictment of the National Caucus of Labor Committees or of any of its members.

FEDERAL GOVERNMENT

NLG:n

November 4, 1977

[Redacted]

Legal Counsel Division  
Federal Bureau of Investigation  
9th & Pennsylvania Avenue, N.W.  
Washington, D.C. 20535

b6  
b7c

Re: Lyndon T.  
LaRouche v. Kelley  
75 Civ. 6010

Dear [Redacted]

Enclosed, per our conversation, are copies of the answer to the amended complaint, filed October 21, 1977, and the request for admissions, served November 1, 1977.

EX-108

REC-33

Very truly yours

62-116834-23

ROBERT B. FISKE, JR.  
United States Attorney

21 NOV 28 1977

By:

[Redacted]

b6  
b7c

Assistant United States Attorney  
Tel. No.: (212) 791-1946  
(FIS) 662-1946

ENCLOSURE

ENCLOSURE ATTACHED

Enclosures

cc: (w/encl.)

[Redacted]

General Litigation Section  
Civil Division  
U. S. Department of Justice  
Washington, D.C. 20530

FORWARDED

Information & File

NOV 10 1977

11-2-77

57 NOV 30 1977

**D E N C E**  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C.

**E V I D E N C E**  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C.

ENCLOSURE

62-116834-23



United States Department of Justice

UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF NEW YORK  
ONE ST. ANDREW'S PLAZA  
NEW YORK, NEW YORK 10007

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER  
NLG:cf

November 23, 1976

75-3996

[Redacted]

b6  
b7c

Litigation Unit  
Freedom of Information  
Federal Bureau of Investigation  
10th Street & Pennsylvania Avenue  
Washington, D.C. 20530

Re: LaRouche, et al., v. Kelley, et al.  
75 Civ. 6010

Dear [Redacted]

Enclosed is a copy of Judge Duffy's decision denying plaintiffs' motion to hold [Redacted] in contempt.

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Also enclosed is a copy of a letter from plaintiffs' counsel to the Court appended to which are two purported FBI documents pertaining to plaintiff [Redacted]. Notwithstanding plaintiffs' counsel's characterization of the import of the documents, they indicate only that the Bureau is observing the domestic security guidelines and that its full field investigation of the NCLC, including the members of its executive committee, is ongoing. Kindly advise whether these documents have any significance other than as stated herein and whether they were released in response to [Redacted] FOIA request.

Very truly yours,

b6  
b7c

ROBERT B. FISKE, JR.  
United States Attorney

By:

[Redacted Signature]

Assistant United States Attorney  
Tel.: (212) 791-1946 - FTS 662-1946

Enclosures





b6  
b7C

1 - [redacted]  
1 - [redacted]  
Attn: [redacted]  
1 - Mr. Mintz  
1 - [redacted]

December 7, 1977

FEDERAL GOVERNMENT

Honorable Robert E. Fiske, Jr.  
United States Attorney  
Southern District of New York  
One St. Andrews Plaza  
New York, New York 10007

*[Handwritten signature]* 6

Attention: [redacted]  
Assistant United States Attorney

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b7C

Re: LYNDON H. LAROCHE, JR., et al.  
v. CLARENCE KELLEY, et al.,  
(U.S.D.C., S.D.N.Y.)  
CIVIL ACTION NUMBER 75-CIV-6010 (RO)

Dear Mr. Fiske:

Enclosed pursuant to the conversation between Assistant United States Attorney (AUSA) [redacted] and Special Agent [redacted] is one copy of an airtel dated September 13, 1977, to Special Agent in Charge, Albany, with copies to all offices and legats.

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This document may be used by you in any manner deemed necessary in connection with the motion to dismiss currently being prepared by AUSA [redacted]

MAILED 7  
DEC 7 1977  
FBI

- |                    |                    |                         |
|--------------------|--------------------|-------------------------|
| APPROVED:          | Adm. Serv. _____   | Legal Co. _____         |
| Director _____     | Crim. Inv. _____   | Plan. & Insp. _____     |
| Assoc. Dir. _____  | Fin. & Pers. _____ | Rec. Mgnt. _____        |
| Dep. AD Adm. _____ | Ident. _____       | Spec. Inv. _____        |
| Dep. AD Inv. _____ | Intell. _____      | Tech. Servs. _____      |
|                    | Laboratory _____   | Training _____          |
|                    |                    | Public Affs. Off. _____ |

Sincerely yours,

b6  
b7C

*[Handwritten signature]*  
John A. Mintz  
Assistant Director - Legal Counsel

EX-103  
62-116834-24

Assoc. Dir. Enclosure

- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Adm. Serv. \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- Fin. & Pers. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Insp. \_\_\_\_\_
- Rec. Mgnt. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Tech. Servs. \_\_\_\_\_
- Training \_\_\_\_\_
- Public Affs. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director's Sec'y \_\_\_\_\_

NOTE: ENCLOSURE

DEC 13 1977

AUSA [redacted] requested copy of enclosed airtel for possible use in connection with a motion to dismiss currently being prepared by him. SA [redacted] has been advised by [redacted] Research Analyst, FOIPA Branch, that enclosure is proposed for release to plaintiff pursuant to FOIA request for NCLC related material.

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b7C

MAIL ROOM  TELETYPE UNIT

TRANSMIT VIA: Airtel

PRECEDENCE: \_\_\_\_\_

CLASSIFICATION: \_\_\_\_\_

DATE: 9/13/77

To: SAC, Albany

PERSONAL ATTENTION

From: *[Handwritten initials]* Director, FBI (100-457571)

NATIONAL CAUCUS OF LABOR COMMITTEES  
DOMESTIC SECURITY

For information of recipients, the full Domestic Security investigation of the National Caucus of Labor Committees (NCLC) is being discontinued because the organization has publicly denounced the use of force and violence as a means of accomplishing its goals. The current strategy adopted by the NCLC calls for the accomplishment of its goals solely through the political process.

Therefore, recipients should close their investigation of the NCLC and investigation of individuals, where the investigation is based solely on the individual's membership in the NCLC. Informants reporting on the activities of the NCLC should be redirected to report on other organizations and individuals of an investigatory interest to this Bureau. If informants reporting on NCLC cannot be redirected, they should be discontinued.

As you are aware, the NCLC; its political branch, the U. S. Labor Party; and leaders have brought a number of civil actions against the FBI, the Director, and a number of individual Agents. In one of these civil actions, Lyndon H. LaRouche, Jr., et al., v. Clarence Kelley, et al., the Court has ordered that the FBI not interfere with the electoral process of the NCLC or the U. S. Labor Party. In view of this civil action and the information above, you are not to publicly characterize the NCLC or U. S. Labor Party.

This communication may be reproduced as necessary for distribution in your office.

- 2 - All Offices
- 2 - All Legats

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(Do not type BEYOND THIS MARGIN.)

(Do not type below this line.)

ENCLOSURE

62-116834-24

1 - [redacted]  
Attn: Mr. Byerly  
1 - [redacted]  
Attn: [redacted]  
1 - Mr. Mintz  
1 - [redacted]

December 27, 1977

Honorable Robert B. Fiske, Jr.  
United States Attorney  
Southern District of New York  
One St. Andrews Plaza  
New York, New York 10007

Attention: [redacted]  
Assistant United States Attorney

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b7c

6-  
encl  
6-1  
ST

Re: LYNDON LAROCHE, et al.,  
v. CLARENCE M. KELLEY, et al.,  
(U.S.D.C., S.D.N.Y.)  
CIVIL ACTION NUMBER 75-CIV-6010 (RO)

Dear Mr. Fiske:

This will confirm hand-delivery of the original and five copies each of the affidavits of Special Agents David S. Byerly, Freedom of Information - Privacy Acts Branch and [redacted] Domestic Security - Terrorism Section, Federal Bureau of Investigation.

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Please keep us advised of all pertinent developments in this matter.

Sincerely yours,

John A. Mintz  
Assistant Director - Legal Counsel

ENCLOSURE  
ENCLOSURE ATTACHED

1 - Assistant Attorney General (Enclosures)  
Civil Division  
Attention MAILED [redacted]

V-30  
EX-131 DE-37  
167-116834-25  
REC-6

2 JAN 6 1978

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Adm. Serv. \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- Fin. & Pers. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Insp. \_\_\_\_\_
- Rec. Mgnt. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Tech. Servs. \_\_\_\_\_
- Training \_\_\_\_\_
- Public Affs. Off. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director's Sec'y \_\_\_\_\_

NOTE:

DEC 28 1977

FBI

Letter confirms hand-delivery of the affidavits which were filed in the U.S.D.C., S.D.N.Y. on 12/22/77

APPROVED:

Director \_\_\_\_\_  
Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Fin. & Pers. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_

Legal Co. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_

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70 JAN 1 1978  
MAIL ROOM

TELETYPE UNIT

11

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airtel

1 - [redacted]  
Attn: Mr. Byerly  
1 - Mr. Mintz  
1 - [redacted]  
2/7/78

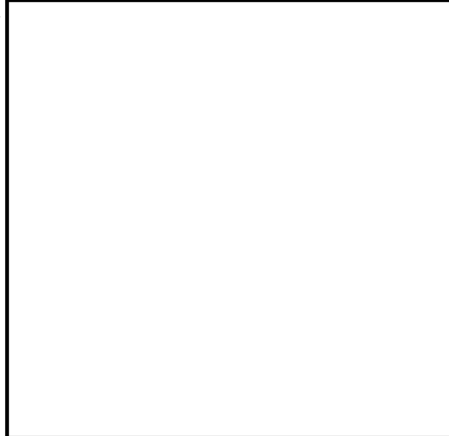
To: ADIC, New York  
From: Director, FBI

LYNDON H. LA ROUCHE, JR., et al.  
v. CLARENCE KELLEY, et al.  
(U.S.D.C., S.D.N.Y.)  
CIVIL ACTION NUMBER 75-Civ-6010

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Enclosed is one copy each of the FBIHQ files concerning the following individuals:

Lyndon H. La Rouché, Jr.



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REC-54

62-116834-26

2 FEB 17 1978

6-111

MAILED 17  
FEB 07 1978  
FBI

For information of New York, captioned lawsuit states two causes of action: one based on the FOIA, and the other alleging that Director Kelley and former Attorney General Levi conspired to deprive plaintiff (NCLC) of its constitutional rights.

Enclosures (14)

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Adm. Serv. \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- Fin. & Pers. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Insp. \_\_\_\_\_
- Rec. Mgnt. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Tech. Servs. \_\_\_\_\_
- Training \_\_\_\_\_
- Public Affs. Off. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director's Sec'y \_\_\_\_\_

(5) (SEE NOTE, PAGE 2)

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MAIL ROOM  TELETYPE UNIT

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Airtel to New York

Re: LYNDON H. LA ROUCHE, JR., et al.  
v. CLARENCE KELLEY, et al.  
(U.S.D.C., S.D.N.Y.)  
CIVIL ACTION NUMBER 75-Civ-6010

By telephone call to SA [redacted] Legal Counsel Division, on 1/27/78. Assistant United States Attorney (AUSA), [redacted] Southern District of New York, requested to review all documents pertaining to plaintiffs in unexpurgated form. Plaintiffs have received similar documents with deletions pursuant to the FOIA. A hearing is scheduled for 2/24/78, on defendants' motion to dismiss, which was filed with respect to the non-FOIA count. AUSA [redacted] purpose in reviewing these documents is to be able to represent to the Court that he has reviewed the FBI's documentation of its investigation of the individual plaintiffs and the NCLC and that the allegation of conspiracy is not supportable.

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FBIHQ is in the process of completing the duplication of the NCLC file and will forward same to you in the near future.

New York immediately contact AUSA [redacted] and advise him of the availability of the documents for review in the New York Field Office.

NOTE:

Per request of AUSA [redacted] Southern District of New York, unexpurgated documents being forwarded to New York Field Office for review by him.

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APPROVED:

Director \_\_\_\_\_  
Asso. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Fin. & Pers. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_

Legal C. \_\_\_\_\_  
Plan. & \_\_\_\_\_  
Rec. Mgmt. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_