

DoJ seizure of Teamsters 'smacks of totalitarianism'

by Webster G. Tarpley and Edward Spannaus

When the state prosecutors and the secret police come forward to demand the government seizure, without a trial, of the largest and politically most powerful trade union in the country, it must begin to dawn on even the most naive person that the clear and present danger of a totalitarian police state exists. And it can happen here, as shown by the court action commenced on June 28 by the U.S. Attorney for the Southern District of New York, Rudolph Giuliani, and now pending before U.S. District Judge Edelstein: Shortly after the July Fourth holiday weekend, Edelstein is expected to rule on the first of Giuliani's requests, the preemptive naming of a "court liaison officer" to seize control of the presidency and executive board of the 1.7 million-member International Brotherhood of Teamsters and run that union while the case proceeds in court.

Giuliani's unprecedented attempt to make New York City's Foley Square U.S. Courthouse the headquarters of the biggest union in the U.S.A. comes just days after the raids on the Pentagon and defense contractors unleashed by the William Weld-Henry Hudson-Oliver Revell group of "secret government" operatives in and around the Reagan administration. This is the exact same group which ran the massive October 1986 raids on the offices of this magazine and other offices identified with Lyndon LaRouche, and then shut down and seized a number of our sister publications in the government's unprecedented involuntary bankruptcy seizures in April 1987. The Justice Department's move against the Teamsters bears a number of features similar to the seizure of *EIR's* sister publications in 1987—including the *ex parte* nature of the proceedings, extensive reliance on hearsay and unverified testimony, and improper use of parallel civil and criminal proceedings.

In this context, the assault on the Teamsters shows that the invisible government is determined to use lawless, punitive raids to ram through police-state procedures as the new, dominant political-institutional framework for this country. The Justice Department is out to show that any institution considered an obstacle to police-state rule will be destroyed. The specifics of the Teamsters' case are of very little importance in this picture. As the Eastern Liberal Establishment bankers tighten their condominium arrangements with the Soviet Union, they are coming to imitate more and more of the domestic practices of the Soviet KGB.

The Justice Department's civil Racketeering-Influenced and Corrupt Organizations (RICO) complaint against the Teamsters alleges that the union is ruled by a "devil's pact" with the nationwide criminal cartel denominated "La Cosa Nostra." There are 48 defendants, reflecting the current preference for show-trials. These defendants include, along with the "Commission of La Cosa Nostra," a list of 25 organized crime figures, including Anthony "Tony Ducks" Corallo of the Lucchese family, Carmine Persico of the Colombo family, Anthony "Fat Tony" Salerno of the Genovese family, and other mafiosi who are alleged to dominate the union. Also among the defendants are the current president of the Teamsters, Jackie Presser (who has admitted to working as an informant for the FBI), and the entire General Executive Board of the union.

In the service of his theory, Giuliani's court papers warm over dozens of episodes gleaned from the Department of Justice's three-decade vendetta against the Teamsters, going back to the Kennedy brothers' operations against Dave Beck and the disappeared Jimmy Hoffa. Accusations of "corruption" and "racketeering activity" against the Teamsters are

made, but no new evidence is brought forward. Rather, the centerpiece of the court papers turns out to be the March 1986 report of the President's Commission on Organized Crime, which called the IBT the union "most controlled" by organized crime and which included the recommendation that "the time and testimonial record would seem ripe for the Justice Department to initiate a civil RICO action to place the entire International Brotherhood of Teamsters under a court-appointed trustee." The chairman of that Commission was Chief Judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit, which includes the Southern District of New York in its jurisdiction. Giuliani is now carrying out that advice, in the midst of a financial crash and just as the financiers of Wall Street are preparing to impose a "100 days" regime of drastic austerity at the outset of the next administration, in a way that will strike at the heart of trade unionism.

Giuliani has already made an *ex parte* motion for the appointment of a "court liaison officer" to run the IBT and for a preliminary injunction to bar members of the IBT General Executive Board from engaging in any racketeering activity or associating with La Cosa Nostra members or associates. After a trial—if it ever occurs—Giuliani is asking that the court remove from office any IBT officers found at trial to have "committed violations of federal racketeering laws," and that the court appoint "a union trustee whose primary responsibility will be to ensure free and fair elections of new officers, "as well as to "bar racketeering activity." This, he asserts, is required to protect the members of the union as well as the "public interest." It is relevant to note that Giuliani's office had unsuccessfully sought the criminal conviction of several of the same defendants on much the same charges in the Genovese family case, which concluded with acquittal on several key counts on May 3. In the present civil case, Giuliani's court papers confidently point out, their task of proof is now less daunting ("preponderance of evidence" as against "beyond a reasonable doubt" in the criminal case).

Court-appointed trustees have already been named under the RICO statute in seven lesser cases, in an obvious buildup for the present attempt. Trusteeship has been imposed on two Teamster locals, Local 560 in New Jersey and Local 814 in New York, as well as on a New York restaurant. The same fate has befallen District Council and Local 6A of the Cement and Concrete Workers Union in New York, and Local 30 of the United Slate, Tile and Composition Roofers in Philadelphia, where the collective bargaining process has been totally taken over. The Fulton Fish Market in Manhattan is being run by a trustee, and one may soon be appointed to take over the United Seafood Workers Union.

The method used by the IBT to elect its president has been found to be legal under the Landrum-Griffin Labor Act. (According to the government, the election process has been "perverted" by La Cosa Nostra.) Laws already exist to prosecute those who have actually committed crimes. Other laws

prohibit convicted criminals from holding office in labor unions. Seizure, on the other hand, violates the First Amendment guarantees of free speech and free association. Nevertheless, Giuliani insists on seizing the largest international trade union, creating problems that reach far beyond a restaurant or a fish market. What, for example, will be the collective bargaining strategy approved by the court-appointed trustee? The government's court papers seem to attack "sweetheart contracts." Will a court-controlled IBT fight austerity, or cooperate with it? Then there is the coming presidential election. The IBT supported Reagan in 1980 and 1984. As a result of the present legal assault, the IBT is clearly leaning toward the Democrats. Whom will the court-appointed trustee endorse, or will he abstain from an endorsement, and in the latter case, what happens to the interest of the union members in exercising their right to participate as an organization in the election?

Constitutional questions

The trustee is supposed to "exercise the disciplinary powers" of the IBT president and later carry out "certain duties" of the union leadership to "bar racketeering activity." Unless even broader police powers are intended, this evidently refers to the power of placing union locals in receivership, ousting their leaders (who have presumably been legally elected), and replacing them with local presidents of the trustee's choosing, probably without the approval of the federal court. The way would be clear for all previous union elections to be overturned, and all officers replaced by appointees of a branch of the federal government. All of these issues threaten to expand the powers of the judicial branch in totalitarian and unconstitutional directions.

This attempted operation by the Justice Department is outrageous enough to have provoked a full-scale backlash by a wide variety of political and social groupings. Sen. Orrin Hatch (R-Utah), ranking Republican on the Senate Labor Committee, responded to Giuliani's move with several statements condemning the call for trusteeship. "Trusteeship . . . smacks of totalitarianism," Hatch said on the MacNeil-Lehrer NewsHour. Former presidential candidate Sen. Paul Simon (D-Ill.) commented, "I think we're getting on very, very thin ice here." President Lane Kirkland of the AFL-CIO issued a statement assailing the RICO suit against the IBT as "a clear abuse of the government's prosecutorial power" and "based on legal theories which, if sustained, would undermine a free trade union movement." "This suit," says the AFL-CIO, "is one more reminder why Congress should not give the Justice Department vague, far-reaching grants of discretionary authority. . . . In a democratic society, labor unions must be controlled by their members and not by the government." The acting president of the IBT itself, Weldon Mathis, attacked the "anti-labor zealots of the Reagan-Bush administration" who "authorized the filing of this unprecedented effort to destroy our country's largest trade union."

William H. Wynn, the president of the United Food and Commercial Workers Union, which has 1.3 million members, pointed out that “the Department of Labor reviews a union’s election procedures. For the government to now seek what it calls ‘free’ elections is a denial of the freedom of Teamster members to run their union. . . . If one government agency can seek new elections under new rules just because it doesn’t like the outcome of elections held under procedures another government agency previously approved, then what is the point of having elections?”

Back in December, some 250 members of the House of Representatives led by Reps. William Clay (D-Mo.) and James Jeffords (R-Vt.) wrote to Attorney General Meese to protest Justice Department plans to impose federal trusteeships not just on the IBT, but also on the Laborers’ International Union of North America, the Hotel and Restaurant Employees International Union, and the International Longshoremen’s Association. The congressmen described trusteeship as “inherently destructive of the ability of workers to represent and speak for themselves through their unions. The exercise of such authority by the government to essentially remove one of the major participants in the democratic process, establishes a precedent which strikes at the very foundation of our democracy.”

These congressmen were joined in a separate letter by Rep. Jack Kemp (R-N. Y.), at that time a presidential candidate, who said he was “firmly opposed to a government takeover of the Teamsters or any private institution.” Kemp went on to say that “the United States government is not meant to be in the business of taking things over—not newspapers, not schools, not corporations, and not unions. The Teamsters are entitled to what every American has a right to by birth—due process.”

These warnings are being seconded by the Americans Against Government Control of Unions, which is sponsored by the AFL-CIO Building Trades, the Retail, Wholesale and Department Store Union, the United Mine Workers, and the United Food and Commercial Workers. “What,” asks the AAGCU, “would be the difference between an American union under government trusteeship and the ‘official’ state-sanctioned unions of the Eastern bloc?” The AAGCU has announced paid political advertisements in the major daily newspapers for the July Fourth weekend, with quotes from politicians and unionists protesting the Giuliani lawsuit.

Even the Department of Labor was decidedly lukewarm toward the Giuliani suit. Labor Secretary Ann Dore McLaughlin said that her department has “deferred to the Justice Department on the legal issues.” She also said that her department is “very concerned about the effect of this action on the overwhelming majority of Teamster locals and rank-and-file members who have had no part in corrupt activities. This will be a difficult time for them.” Finally, even the FBI’s own dissident groups within the IBT have condemned trusteeship, providing some measure of the unpopularity of the measure among the union rank and file.

LaRouche attorneys seek total dismissal of Boston case

Charging government prosecutors with deliberate lying and other misconduct, defense attorneys have moved to have the Boston indictments against Lyndon H. LaRouche, Jr. and other defendants completely dismissed. It was lengthy hearings on that misconduct which caused the criminal trial in the *U.S. v. The LaRouche Campaign, et al.* case to end in a mistrial on May 3.

On June 27, defense attorneys filed legal memoranda summarizing the evidence presented in the recent hearings and asking that the entire case be dismissed. They charge that lead prosecutor John Markham and others on his team engaged in intentional withholding of evidence, lying to the court and to defense attorneys, and then continued the cover-up even weeks after the hearings got under way. The hearings focused on the role of Ryan Quade Emerson, who was revealed to have been a long-standing, paid FBI informant who was feeding information to the defendants. Emerson’s FBI relationship was not even disclosed until 55 days into the trial.

“The government knowingly and intentionally withheld this information until well into the trial and even withheld some of the most significant information until the Emerson hearing was well under way,” says the defense memo. “John Markham himself consciously withheld evidence about his personal involvement in Emerson’s escapades. The most egregious example of this is John Markham’s role as creator of the cover story which [FBI agent] Klund gave to Emerson and which was then fed into the defendants’ notebooks on September 29, 1986.”

Also emphasized in the newly-filed defense memo is the fact that Markham used, in his opening statement to the jury, a quote from Emerson found in a notebook of defendant Jeffrey Steinberg. Because Markham had suppressed the fact that Emerson was an FBI informant, “the government prevented the defendants from explaining the background for this quote from Mr. Emerson.” In fact, the memo argues, several defense lawyers made “misguided strategic decisions” about their trial strategy because of the government’s withholding of the evidence about Emerson.

In arguing that the entire case must be dismissed at this point, the defendants argue as follows:

“The mistrial does not cure the prejudice. This is not an