

Morris Dees: the paradox of a 'Klan-watcher'

by George Canning

A Season for Justice

by Morris Dees with Steve Fiffer
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What's happened to Morris Dees? This question has echoed through the civil rights movement, as old friends and admirers face the awful truth of Dees's endorsement of Edward Carnes for a judgeship on the U.S. Court of Appeals' Eleventh Circuit. Carnes is notorious to the civil rights movement, as head of the Alabama Attorney General's Capital Litigation Unit, which fights to uphold death sentences on appeal. Carnes has denied the existence of a tilt toward executing black men convicted of capital crimes, and has denied the existence of what is a national scandal, the inadequacy of legal representation (particularly in the Deep South) for the black, the poor, the retarded, and the uneducated capital defendant. Carnes has fought to uphold convictions by racially selected juries (except, apparently, in a Dees/Department of Justice case), and has campaigned to eviscerate the "Grand Writ" of *habeas corpus* for the unjustly convicted. For a searing indictment of Carnes's unfitness, and the shock of a Dees admirer, I urge everyone to read a newspaper article by Brent Newton entered in the Aug. 7, 1992 *Congressional Record*, beginning at page S11908.

Reading Morris Dees's memoirs, *A Season for Justice*, published last year, is useful in understanding the shock that's gone through the civil rights movement, and to begin a resolution of the issues involved.

His civil rights career

Civil rights leaders have reason to view Dees as a hero. Among the more notable legal fights Dees recounts in his book, were the integration of the Montgomery YMCA, the integration of the Alabama State Troopers, and the defense of poor and black capital defendants, including the celebrated Joan Little case. In 1969, in the course of fighting these and

other civil rights cases, Dees and a partner formed a non-profit law firm, the Southern Poverty Law Center.

In late 1979, as Dees tells it, he began to focus on a new problem, the resurgence of the Ku Klux Klan after more than a decade of decline. While Dees and his center may—as he claims—indeed spend most of their time on traditional civil rights cases, it seems evident to me, that Dees's preoccupation, and indeed his present fame or notoriety (depending on your point of view), centers on his role as a private "prosecutor" of the Klan. Dees and an associate developed a program at the center called "Klanwatch" to monitor Klan activities, and to sue Klan members and KKK organizations for violations of civil rights.

At first blush, such an initiative seems an important one for the civil rights movement, for obvious reasons. The movement has its roll call of honored dead, murdered by the Klan; anonymous tens and hundreds of thousands of black citizens have been terrorized into accepting second-class citizen status.

But the problems of the "Klan-fighter" strategy are several. First and perhaps foremost, is the question of whether, on its own terms, it can ever succeed. While it attacks a real problem, that problem is but a manifestation of greater underlying problems. Dees in an early chapter of his book, introduces the early 1980s resurgence of the KKK with the explanation, "Hard times often inspired the Klan's rebirth, and we were in hard times. Jobs were scarce. Inflation pushed up the price of everything. To many people mired in what President Jimmy Carter called a 'malaise,' it seemed that minorities were getting all the breaks through affirmative action programs. The rhetoric of savvy new Klan leaders . . . struck a responsive chord with an increasing number of whites hungry for a better life."

What to do about this situation, has evidently caused splits in the Southern Poverty Law Center, as Dees admits:

". . . other Center lawyers had been opposed [to the Klanwatch program]. They argued that the Klan was nothing more than a symptom of a sick social order. What we needed to focus on, they contended, were the conditions that had always fueled the Klan—poverty and ignorance. In many

ways I agreed with this assessment. But I found it hard to turn my back on the real-life victims of Klan intimidation.

"I could not content myself with the idea that, in the long run, the Center's traditional civil rights work would help eliminate these conditions. Part of the reason for the Klan's rise in the late 1970s and early 1980s was bound up with some of the gains of the civil rights movement. . . ."

Dees thus finds himself in an endless cycle of creeping progress for non-whites, and backlash by whites.

Here I fault Dees, because he's not just some liberal storefront lawyer. By his own description, he is a man with some "juice" in the Democratic Party. He was the fundraising director for the presidential campaigns of George McGovern, Jimmy Carter, and Edward Kennedy; because of his influence with President Carter, he was able to argue (unsuccessfully) for a blue-ribbon national commission on the death penalty, and sat in on at least one cabinet meeting. So why hasn't Dees used his influence in the Democratic Party to fight for economic development? By refusing a fight allying the black population with the poor whites now recruited by the KKK, Dees has condemned himself to good guys/bad guys theater, which goes nowhere. Thus, Dees sees in Edward Carnes, only a man who has opposed racist judges; Dees forgets the black, poor, and retarded on death row, whom men like Carnes kill as joyously and as surely as any bedsheet-wearing Klansman at a lynching.

Who really controls the Klan?

But the deeper problem with the role of Klan-hunter which Dees has taken on, explains a lot to me about his support of the Bush administration's Carnes nomination. The fact is that the Klan/anti-Klan arena in which Dees operates is under effective control of the Department of Justice (DOJ) and the U.S. intelligence community.

It became a notorious fact to FBI-watchers in the 1970s that the Church Committee which looked into operations of U.S. intelligence agencies against American citizens, found that in the 1960s the FBI carried out a large-scale infiltration and disruption program into the KKK and similar "white hate" groups (along with such alleged "black hate" groups as Martin Luther King's SCLC and the Black Panthers), going so far as to set up dozens of KKK "Klaverns" in the state of North Carolina alone. Additional evidence indicates that FBI infiltration was supplemented by the efforts of the FBI's favorite private "snitch" and "dirty tricks" organization, the Anti-Defamation League of B'nai B'rith (ADL). Also notorious, was the fact that when civil rights worker Viola Liuzzo was murdered by Klansmen, one of the men in the Klan car was Gary Thomas Rowe, an FBI infiltrator.

It is my belief, that after Congress slapped the FBI and the intelligence community's collective wrist for wholesale violation of the First Amendment rights of American dissidents of all persuasions, the FBI "went private," shopping out the same activities to the ADL. I also think that a key part

of the FBI-ADL program, particularly in the "resurgence" period Dees talks about, has been to replace the dormant traditional Klan organizations, with synthetic organizations headed by individuals either directly government or ADL operatives, or otherwise under their control. I'm aware of about half a dozen cases of ADL-bankrolled individuals attempting to incite white vs. black or anti-Semitic vs. Jewish violence. I found interesting for this "replacement" hypothesis, that while the rank-and-file Klansmen sued by Dees remain the type that have trouble finding the right end of the pillow case, the "new Klan" leaders whom Dees profiles nearly all have military and/or intelligence backgrounds.

It is also apparent, from highly redacted FBI documents I've read, that the FBI and ADL's current *bête noire* among Klan-type groups, the murderous Aryan Nations umbrella of Klan and neo-Nazi groups, is investigated by the FBI and the intelligence community as possibly under Libyan or other hostile foreign control; it is also apparent that, as expected, the Aryan Nations are deeply penetrated by government informants, possibly at the highest levels. The Aryan Nations have put Dees on the short list of targets for assassination, and he has been provided protection by the FBI and the Alabama State Police; the troubling question, raised time and again about government informants, is whether the FBI is protecting Dees from assassins the FBI ultimately controls.

Perhaps the most effective way to fight the KKK in the legal arena would be to go after the ultimate controllers and funders of the new Klan. Dees successfully argued that the entire United Klans of America was liable for damages (thereby bankrupting the UKA), when its members violated a Negro teenager's rights by murdering him. Why not then the next step: Determine through the discovery process to what extent the targeted organization and its leaders are steered by the ADL and the FBI, and sue them under the same theory of liability? That, I think, would collapse the modern Klan in short order.

Since Dees is a man who seems to do his homework, this hypothesis must have occurred to him. But Dees is completely entwined with state and federal prosecutors and investigators; they share information and witnesses back and forth. Dees's connection to the Feds is so tight, that he is able to locate KKKers (including Gary Rowe) in the Federal Witness Protection Program, and was given an opportunity to argue (unsuccessfully, it turned out) for FWPP-style protection for one of his own civil lawsuit witnesses. Time and again, Dees has fought cases using Justice Department information and Justice Department witnesses, and played out the government's agenda to limit the civil rights movement to Klan/anti-Klan theater. The government is able to thus ignore the real solution, to rebuild the shattered economy, and provide justice for all. To break with the Justice Department, Dees would have to forgo their present relationship, and this, apparently, he refuses to do.