

# ADL spy scandal just won't go away

by Jeffrey Steinberg

Despite a no-holds-barred arm-twisting and public relations campaign by Anti-Defamation League attorneys, media apologists, and power brokers, the San Francisco ADL spy scandal which came under investigation by law enforcement authorities last January just won't disappear.

Throughout the summer, according to sources close to the office of San Francisco District Attorney Arlo Smith, a battery of ADL lawyers—all former U.S. Attorneys—attempted to strike a plea agreement that would avert felony indictments against senior League officials on charges ranging from illegal possession of confidential government data, to tax evasion, to foreign espionage. In May, a co-conspirator in the case, former San Francisco Police Inspector Tom Gerard, was indicted on five California state felony counts, and the indictment specified similar criminal acts by longtime ADL undercover snoop Roy Bullock. Neither Bullock nor ADL officials Irwin Suall, Mira Lansky Boland, Richard Hirschhaut, Judge Bruce Hochman, and David Lehrer have been indicted yet, although all have been identified as key players in the West Coast spy ring, and Assistant San Francisco District Attorney John Dwyer told reporters earlier this year that the ADL's Fact Finding Division, headquartered in New York City, was at the center of the criminal conspiracy.

In fact, sources close to the San Francisco probe report that the "mother lode" of illegally obtained spy data is maintained at the ADL's national headquarters in New York City, where there is reportedly a large file room containing microfilm copies of data on over a million American citizens.

On April 8, 1993, simultaneous with the raids on ADL offices in San Francisco and Los Angeles, the San Francisco Police Department released over 700 pages of documents, including copies of computerized lists of more than 950 organizations found in the personal computers of Bullock and Gerard. Among the groups spied on by the ADL were such diverse outfits as the National Association for the Advancement of Colored People (NAACP), the Rainbow Coalition, the National Lawyers Guild, the United Auto Workers, the United Farm Workers, *EIR* magazine, the Liberty Lobby, the gay rights group Act-Up, and the American Civil Liberties Union (ACLU). Dozens of Christian churches were list-

ed, as were a number of members of the United States Congress. Subsequently, former ADL employees came forward to confirm that the ADL had routinely spied on the late Dr. Martin Luther King, Jr., whom the ADL despised as a "loose cannon" who would allegedly make trouble in the Deep South.

## Plea negotiations at a standstill?

The Sept. 3, 1993 issue of the bi-monthly *Jerusalem Report* indicated that plea negotiations between District Attorney Smith and ADL lawyers had broken down over ADL demands that the tens of thousands of files seized in raids on ADL offices in Los Angeles and San Francisco in December 1992 and April 1993 be returned to the League. Assistant DA Dwyer reportedly told ADL lawyers that those files constituted key evidence in several ongoing civil litigations against the ADL, and that he could not in good faith return the material, knowing that the ADL would attempt to conceal it from the civil plaintiffs to avoid fines and damages that could amount to tens of millions of dollars.

San Francisco police have reportedly sent out letters to 30 police and sheriffs' departments across the United States informing them that confidential material from their files was found during the raids on the ADL California offices.

As the result of the breakdown in the plea talks, ADL attorneys and top officials are confronted with some very difficult decisions. As the *Jerusalem Report* noted, a felony trial could last for as long as four years and would do irreversible damage to the group. The ADL could lose its cherished and wholly unlawful tax exempt status with the Internal Revenue Service. What's more, there are growing indications that some of the 30 other jurisdictions where ADL theft of classified police data is alleged, are carrying out investigations that could open up new prosecutions.

In Los Angeles, Police Chief Willie Williams has promised that he will fully disclose the results of the LAPD probe of possible ADL theft of data. Recently, the *Los Angeles Times* reported that an investigator with the city's Police Commission, Robert Bauman, was suspended for ten days for stealing hundreds of computer files. Among the people whose confidential data were tapped by Bauman were White Aryan Resistance (WAR) head Tom Metzger and Hollywood actor Arnold Schwarzenegger. Schwarzenegger recently successfully sued a London publication that accused him of being a Nazi sympathizer.

ADL attorneys were put on notice by Assistant San Francisco District Attorney Dwyer on Sept. 10 that the clock is running out on their plea negotiations. At a hearing before Superior Court Judge Lenard Louie to set guidelines for the release of files seized from the ADL offices in December 1992, Dwyer told the court that his office is near completion of its review of the criminal investigation. Dwyer informed the court that he expects to make a final decision by Nov. 9 on whether to hand down further indictments. Nov. 9 is the

date that the next grand jury is impaneled in San Francisco. In controversial cases like the ADL spy probe, the district attorney has the prerogative of taking his evidence to a grand jury to obtain a true bill. Normally, a DA will simply issue a criminal complaint, which is then automatically reviewed by a judge before any felony case goes to trial.

Should the ADL drop its demand for the return of the seized files and accept a plea bargain, it will still be confronted with at least two major civil actions, in which its officials stand to be exposed for their illegal spying and dirty tricks against their "political enemies."

### **McCloskey suit in discovery phase**

The California state class action suit filed last April against the ADL by former congressman Paul N. McCloskey, Jr. (*Audrey Parks Shabbas, et al., v. Anti-Defamation League of B'nai B'rith et al.*, No. 951031) is now moving into the pre-trial discovery phase. On Sept. 13, McCloskey filed a 25-page memorandum in opposition to the ADL's efforts to avoid production of documents and witnesses on the grounds that the ADL is a "news organization" protected by California's shield law.

The McCloskey filing pointed out that even under the most liberal interpretation of the shield law, criminal conduct is not protected. Furthermore, McCloskey documented a number of cases in which ADL espionage and "fact finding" were not intended for publication, but rather at covert dirty tricks which in some cases resulted in loss of jobs, physical threats, and damage to professional reputations of individuals.

Six of the plaintiffs in the case submitted affidavits which were appended to the pleading. In each instance, the plaintiffs detailed harassment that they personally had suffered at the hands of the ADL.

- Audrey Parks Shabbas, the wife of Baba Shabbas, former president of the Arab-American University Graduates and a consultant on Arab culture, was hired by the San Diego Museum in March 1984 to organize a workshop for teachers on a Smithsonian Institution exhibit on "Traditional Crafts in Saudi Arabia." She was asked to hire a number of local professors to deliver a series of lectures. On the eve of the exhibit and the workshop series, she was abruptly informed that the entire program had been cancelled. What Shabbas did not know at the time is that two of the professors she had hired for the lectures appeared on a confidential "black list" prepared by the New England office of the ADL, identifying individuals and organizations in northern California that had "mounted campus campaigns against Israel." That black list had been presented to the chairman of the museum by an ADL activist, who threatened that the program would present "a problem in the Jewish community." Eventually Mrs. Shabbas successfully sued the museum and the ADL.

In November 1984, Audrey Shabbas was scheduled to give a lecture at the annual meeting of the Middle East Studies

Association in San Francisco. The lecture was cancelled after ADL Education Program Executive Frances Sonnenschein met with the board of directors of one of the MESA-sponsoring organizations and demanded that she be removed, because "we should not have people sympathetic to the Arab point of view on any panels."

In March 1988, a similar lecture by Mrs. Shabbas at the California Council for Social Studies was cancelled at the last minute after Marjorie Green of the ADL's Los Angeles office pressured board members. A week after the meeting, the ADL launched a letter-writing campaign directed at the principal of the Castro Valley public school where Shabbas was teaching. Her contract was not renewed for the next school year.

- Helen Hooper McCloskey, wife and former press assistant to ex-Representative McCloskey, discovered in 1984 that the ADL had written an internal memo to all regional offices on March 1, 1983 instructing them to monitor all public speaking engagements by the congressman. The ADL memo included a number of statements by Representative McCloskey that were wildly misrepresented as "anti-Israel diatribes." At many public appearances, the ADL organized picket lines, and on a number of occasions, the ADL managed to have speaking engagements cancelled.

Mrs. McCloskey learned in March 1993 that, among the documents seized by the San Francisco police in raids on the ADL offices, were reports on her travels in the Israeli-occupied West Bank during the early 1980s. The reports were apparently provided to the ADL by Israeli government agencies.

- Colin Edwards, a longtime San Francisco Bay Area radio commentator, did a series of documentary broadcasts on the Middle East situation for KPFA in Berkeley in 1970. Within days of their airing, the studios were shot up, Edwards received five death threats, and his car was riddled with bullets.

In June 1992, Edwards was fired from his weekly news commentary broadcast on KALW-FM, a public radio station owned by the San Francisco Unified School District. He subsequently learned that his firing was the result of a several-week-long campaign by the ADL's Bay Area office, led by Assistant Director Nancy Diner, to have him removed after he aired several commentaries criticizing the \$10 billion in proposed U.S. loan guarantees to Israel and questioning the appropriateness of California State Sen. Quentin Kopp's service in the Israeli Defense Force Reserves while serving in the California legislature.

A hearing is scheduled for Oct. 6 in San Francisco, where a decision is expected on whether the ADL's motion for a protective order against discovery will be upheld. On Oct. 1, Judge Louie will spell out procedures for the unsealing of some of the documents seized in the ADL and Bullock raids. By that time, a new federal civil rights suit is expected to have been filed against the ADL in federal court in Los Angeles.