

By David Corn

NEW YORK

UPON HIS ARRIVAL AT MIAMI International Airport on January 16, Edward Haase, a broadcast engineer and freelance journalist from Kansas City, Mo., checked into U.S. Customs. He was asked the usual questions. Where had he been? Did he have anything to declare? He provided the answers. A Customs official then took his declaration card and circled several of his responses, including the country he had visited—Nicaragua.

Haase was then directed to a secondary inspection station, where another Customs official searched his luggage. The Customs agent removed several of the books and magazines Haase had declared, as well as a list of addresses he found behind a picture frame. He called in a supervisor, who then contacted the FBI for assistance in determining whether any of these materials might be seditious and, thus, unimportable under federal law.

The FBI agent conducted his own search of Haase's bags. While Haase was off purchasing a ticket for his next flight, the FBI agent made copies of all the materials he found of interest. When Haase returned, he was given back his material and allowed to continue on his way. The FBI agent kept the copies of the material, which had been judged unthreatening to the republic.

This is how the FBI came to possess copies of Haase's personal address book, his diary, two articles he had written and a list of names and addresses of organizations concerned with Central American affairs.

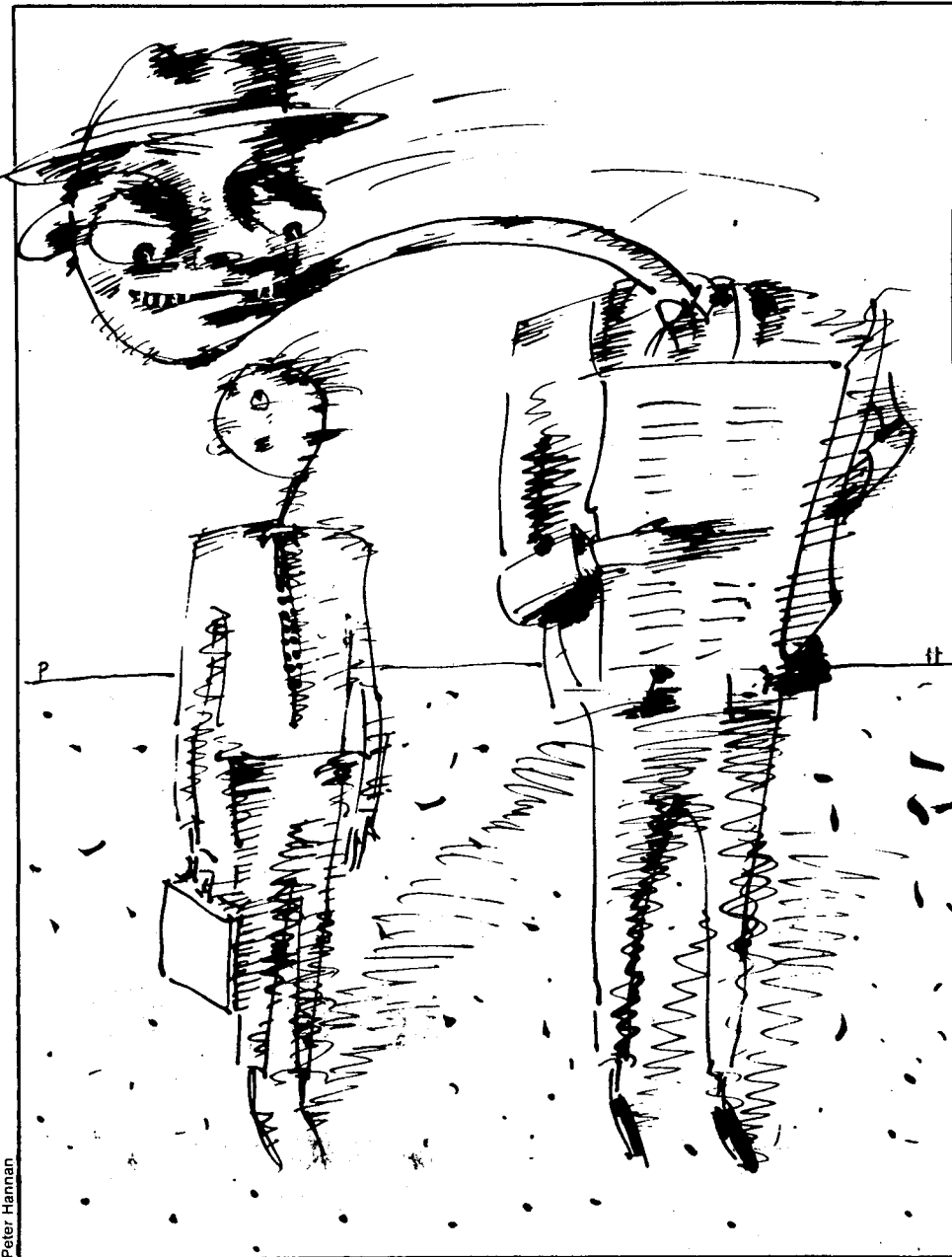
This is also what prompted a lawsuit brought by the New York-based Center for Constitutional Rights (CCR), which sought to force the FBI to return the copies and to prevent it from using any of the materials it swiped from Haase for intelligence purposes. The suit also called for a halt to such border searches, a move that the FBI opposed. On May 14, U.S. District Judge Thomas Penfield Jackson ruled against granting such an injunction. Before this, however, he did issue a temporary restraining order that prohibited the FBI from using any of the Haase material. After that the FBI proposed to seal the Haase papers, an arrangement that Jackson accepted.

"We won the battle but lost the war," remarks Michael Ratner, an attorney for CCR. He adds that CCR plans to appeal Jackson's denial of the injunction. "We want a prohibition on Customs and the FBI from reading the private papers of U.S. citizens when they cross the border."

The Haase case, though, represents more than just another civil liberties violation. What happened to Haase, say members of organizations that oppose U.S. policy in

CIVIL LIBERTIES

Travelers to Nicaragua harassed by FBI



Central America, is but one example of government harassment of dissidents.

The most obvious form of intimidation they point to is FBI visits to persons who have traveled to Nicaragua and to those active in organizations that protest administration policy. On April 17, in testimony before the House Judiciary Subcommittee on Civil and Constitutional Rights, FBI Director William Webster confirmed that the FBI had questioned 100 American travelers to Nicaragua, at the behest of the CIA and the National Security Council. These visits, Weber maintained, were conducted

for "a specific foreign counter-intelligence reason for each case." They were not intended to intimidate the subjects, he said.

But when the FBI comes knocking at the door, the chilling effects cannot be ignored. At the hearing, Rep. John Conyers Jr. (D-MI) told Webster he was amazed to hear the director suggest that "no one should be intimidated by a little friendly visit from a polite FBI agent who left his card."

In several cases, FBI agents have visited people's residences, leaving notes or cards asking that their visit be returned with a phone call. "We know what they want,"

the established practices of international law, the UN's Universal Declaration of Human Rights and the Nuremberg Principles.

During the four-day trial, the jury of nine whites, two blacks and one Hispanic heard arguments comparing apartheid to Nazism and charging the U.S. with violating international law for "aiding and abetting" the regime through its "constructive engagement" policies.

Testifying on defendants' behalf were a number of prominent witnesses, including Sen. Paul Simon (D-IL), Rep. Charles Hayes (D-IL), exiled South African poet and Northwestern University professor, Dennis Brutus and Marjorie Benton, a former U.S. ambassador to UNICEF.

"We found that they acted out of necessity," said juror Catherine Zemke. "We were concerned that other people might start trespassing, but we also had to do the right thing."

The defendants were Alderman Allan Streeter, Director of the Jewish Urban Affairs Council, AFSCME international Vice President Steve Cullen, head of a Chicago social service agency Robert Lucas, President of the Black Press Institute Robert Lucas, pastor of the Discipleship Baptist Church Dr. Ralph Henley, pastor of the Church of the Brethren the Rev. Orlando Redakopp and Thomas Savage, son of Rep.

IN THESE TIMES MAY 29-JUNE 11, 1986 5 says Danny Lewis of the southeast regional office of the Committee in Solidarity with the People of El Salvador (CISPES) in New Orleans. "They want to intimidate members into ceasing their activities."

Beth Perry, who works on the national staff of CISPES in Washington, D.C., says that she has assembled a list of more than a dozen instances of FBI agents attempting to contact CISPES members. A hotline operated by CCR received about 25 calls in the first three months of the year, each alleging some form of FBI harassment, according to Ratner. Not every call, he adds, concerned Central America-related organizing. The hotline number is (212) 477-5652.

Investigating some of the complaints received on the hotline, Ratner contacted several FBI offices. "I was stunned," he says. "I called four or five agents, and they admitted openly that they were conducting a counterintelligence operation and gathering information on people who visit Nicaragua. They were brazen. I have never been able to pick up the telephone and talk to the FBI before about an operation."

On Capitol Hill, several congressional committees have taken an interest in the FBI visits. The House judiciary subcommittee on civil and constitutional rights plans to hold further hearings on the FBI visits next month. The House Select Committee on Intelligence, according to a staff aide, has held an executive session on this matter.

Because these visits provoked a flurry of negative publicity, the FBI, Ratner and Perry believe, may be cutting back on such overt actions. Yet Danny Lewis reports that of the five occasions when the FBI tried to

FBI Director William Webster confirmed that the FBI had questioned 100 American travelers to Nicaragua.

interview CISPES activities in New Orleans, three of these instances occurred in the past few weeks, all following Webster's congressional testimony and the subsequent press accounts.

Besides the FBI visits, representatives of groups opposing administration policy in Latin America suspect that they may be victims of other forms of government harassment and surveillance. Though they possess no conclusive proof, they worry

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ANTI-APARTHEID

Acquittal of protesters sets legal precedent

By Salim Muwakkil

CHICAGO

THE MAY 17 ACQUITTAL OF EIGHT protesters, charged with trespassing in the South African consulate here, was hailed as a moral victory against apartheid and concluded a trial that, in effect, served as a forum for the Free South Africa Movement. The case also represented the first judgment on South African policies to come out of the U.S. courts.

Utilizing the legal theory of "necessity," the defense lawyer changed the trial's focus from that of simple trespassing to the issue of protesting apartheid. "The victory was extremely significant because it sets a pre-

cedent for others who may want to engage in civil disobedience against apartheid," explained Lewis Myers Jr., an attorney on the defense team.

The multiracial group of defendants, all members of the Free South Africa Movement, had argued they were justified in trespassing by the "necessity" to help end the moral evil of the South African system of apartheid. There is a specific statute in Illinois law that excuses "conduct which would otherwise be an offense..." if that conduct is believed to be necessary "to avoid a greater public or private injury."

The defendants said they were compelled by a "deep sense of morality" to violate the city ordinance against trespassing. Not only were their actions justified by the Illinois statute, their lawyers argued, but also by

Gus Savage (D-IL).

Prosecuting attorney Gary Wallace insisted that South Africa was not the issue. "This is a simple case of trespassing which is a violation of the city's municipal code.... South African policies of apartheid are not on trial."

But the defense contended that South African policies were, in fact, at the heart of the trial. After establishing that apartheid is a "crime against humanity," for having encoded a system of laws that allow "murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian populations....," the defense team argued that the Nuremberg Principles hold all who know of such crimes responsible for disobeying any and all laws justifying them.

According to Free South Africa Movement members, jurors were chosen because of their ignorance on the subject of South Africa. "The jury's lack of knowledge about apartheid and South Africa was both depressing and encouraging," said Alice Palmer, wife of one of the defendants and active anti-apartheid organizer. "Depressing because it implies that there's a lot of ignorance out there, and people should be better informed. But encouraging in that when they do learn about it they want to do the right thing."

IN THE NATION

NEW JERSEY

Governor race to test the left

By Bob Narus

TRENTON, NJ

WHILE MOST DEMOCRATS around the country can spend 1985 recovering from Reagan's re-election, those in New Jersey seem destined to relive it. Gov. Thomas Kean, a moderate Republican buoyed by a prosperous economy, enjoys popularity ratings even his own staff find hard to believe. Political observers here expect him to win re-election easily this fall, perhaps sweeping the GOP into control of the General Assembly as well.

As a result, the June 4 Democratic primary has become a trial run for 1989, when Kean must retire. The winner becomes the party's nominal head, handpicks the next state party chairman and assumes the early frontrunner position for '89. The primary is a golden opportunity for individual politicians and the segments of the party they represent to gain a toehold on the future.

The primary is also fraught with danger and uncertainty for the state's left community. The danger stems from Senate Majority Leader John Russo, who has staked out a position to the right even of Kean and has called on the Democratic Party to move "back to the center" and recapture the middle class. The uncertainty concerns Peter Shapiro, the 33-year-old Essex County executive who made *Mother Jones'* list of "The 10 Best State and Local Officials" last year, but whose nontraditional populist campaign has left many of the state's liberals questioning his political loyalties.

The uncertainty also centers on Newark Mayor Kenneth Gibson, the third mayoral candidate in the primary race, who in the past has championed the causes of the poor and the cities. But this year his campaign focuses on his managerial background and his civil engineering degree.

Russo sponsored the state's capital punishment law as well as an expired statute limiting the growth of state spending. He is also sympathetic to the pro-life movement, although he has pledged not to push any anti-abortion legislation himself.

The prospect of Russo's ascension to party leadership would normally be enough to impel the left to action. But as in many cases, leftists find it easier to recognize their enemies than their friends. The candidate they find the most puzzling is Peter Shapiro.

In 1975, a year after he graduated from Harvard, Shapiro upset a machine candi-



Gubernatorial candidate Peter Shapiro is running a nontraditional populist campaign.

date to become the youngest assemblyman in the state's history. His support for utility rate reforms, tenant legislation and a progressive income tax earned him a solidly liberal reputation.

Three years later, he overturned the entrenched but crumbling Essex County Democratic machine itself, winning election to the newly created and powerful post of county executive. He reorganized the incompetent, patronage-ridden county government, bringing in outside talent and elevating local community organizers to positions of influence.

With Shapiro's prodding, Essex County government began to venture into new areas, providing county resources for tenants, job seekers and artists. The county also began to do some old jobs better: it refurbished West End Park in the depressed Central Ward of Newark, and then contracted with a local group to maintain the park itself, giving the community a stake in keeping the park in good shape.

Another one of Shapiro's innovations was to close the county's youth shelters, turning the job of helping kids in trouble over to community organizations. The youths remained in their families and neigh-

borhoods, and the recidivism rate dropped dramatically.

Shapiro announced his candidacy for governor from the steps of one of the closed shelters and took as his theme the new, nonbureaucratic approach to getting things done. "I will undo the centralized, bureaucratic approaches we see today in New Jersey's government, and bring our services down to a level based in community and on a human scale," he promised his supporters. "Government should be more of an enabler, a catalyst and less the actual provider of direct services."

Some on the left are stirred by that message, especially among the community-based organizations who would be entrusted with the responsibilities that formerly rested on the shoulders of the state bureaucracy. The New Jersey Tenants' Organization (NJTO) has endorsed him, and NJTO Vice President John Atlas praises Shapiro for "using the power of government...to give credibility to issues other politicians ignore." High on Atlas' list of issues was the creation of the Tenant Resource Center, which committed public money to help organize renters and involve them in housing policy.

But Steve Rosenthal, a lobbyist for the Communications Workers of America (CWA), which represents many state workers, is not impressed with Shapiro's record or his campaign. He warns that identifying capable community organizations will be harder on the state level than it was for county government. His union, which has criticized Kean for contracting out many jobs formerly done by public employees, is also concerned about Shapiro's claim that he has cut the county payroll from 8,300 to 6,500.

"The basic theme is a Reagan-type message of decentralized government, of cutting back and turning things over to the private sector," Rosenthal said.

Shapiro insists that he does not mimic Reagan, or even Russo. Unlike Reagan and his New Federalism, Shapiro calls for providing state resources to match the responsibilities he would pass back to the local level—although that part of his message is heard less often than his anti-bureaucracy theme.

As for the loss of public jobs, Shapiro asks, "What are we in business for? Are we working for our employees or for the people who need services?"

Rosenthal insists that his union is not just concerned about saving union jobs (although he notes that one reason Shapiro has been able to save money on social services is the lower salaries paid by community organizations). The CWA has been in the forefront of the most important liberal legislative battles of the last four years. When the state faced a deficit during the 1982 recession, it pushed for a more progressive income tax rather than a hike in the sales tax. It was also instrumental in the successful campaign for a tough right-to-know law and the unsuccessful effort to pass a plant-closing bill.

Shapiro has not called for a more progressive tax system or a job retention law, Rosenthal complains. The candidate, for his part, argues that it would be suicidal to call for raising anyone's taxes when the state expects a \$600-\$900 million surplus this year. Instead, Shapiro wants the state to assume local and county welfare and court costs, to relieve the burdensome and regressive local property tax.

Peter Schucter, Shapiro's long-time political advisor, claims the unions are misreading his message. "He's talking about sharing power—bringing power down to the grass-roots level," Schucter said. The confusion may come from Shapiro's lack of a specific legislative agenda, with proposals the left can support, Schucter said. "We're more trying to establish a vision of what government's about and where it should go."

Leftists looking for such a legislative program might be more attracted to candidate Gibson. He has governed the state's largest city for 15 years and he boasts such accomplishments as bringing down what was once the nation's highest infant mortality rate. He has called for more state help to the cities and said he would raise the income tax on the wealthy to pay for it.

But Gibson has liabilities as well. Newark has not seen the kind of economic progress enjoyed by some other cities in the state. Gibson has also survived an indictment for giving a no-show job to a retired politician. And he surprised many by garnering 15 percent of the vote and coming in third in the 1981 gubernatorial primary. Yet most pundits doubt that he can expand on that base this time around.

What is the left to do? New Jersey Citizen Action, a coalition of community and labor organizations, will probably stay out of the race entirely, according to Executive Director Jeanne Otersen, because various candidates appeal to different parts of the coalition. Environmentalists, too, have been frozen in place since Rep. James Florio, the sponsor of Superfund who lost to Kean four years ago by 1,800 votes, decided he couldn't afford another defeat. And with the polls suggesting that cleaning up the environment is even more important to voters this year than the economy, every candidate, noted one environmentalist, "is saying the right things."

Atlas believes the left should unite behind Shapiro despite its reservations, arguing that it can use the campaign to build its base and force its issues onto the agenda. "Shapiro is in a position to help shape things if the progressives back him," he said.

Rosenthal would rather concentrate on keeping the Assembly in Democratic hands, since that house has been most receptive to labor's agenda in recent years. Two years ago, the Industrial Union Council (IUC), a renegade band of old Congress of Industrial Organizations (CIO) affiliates that never fully merged with the conservative state American Federation of Labor (AFL), pumped \$100,000 into swing districts and helped preserve the Democrats' narrow majorities in both houses. This year it plans to do the same.

The tactic might not work now, however. The top of the ticket traditionally plays a major role in the outcome of legislative races, and the IUC may have to put its weight behind the Democratic gubernatorial nominee—whoever he is—if only to keep a defeat from becoming a landslide. ■

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