Der Stürmer

Facts About the ADL

Abraham H. Foxman
National Director

Howard P.Berkowitz
National Chairman

The Anti-Defamation League of B'nai B'rith, or ADL for short, is the most powerful pro-Israeli political lobby in the United States. With a budget of almost $60,000,000 per year and a powerful political network, they wield enormous influence over US political, governmental, and mainstream media activities.

On its official website (www.adl.org), they make the claim... "For more than 88 years, ADL has been combating anti-Semitism and bigotry of all kinds."

This statement represents the very foundation of their typical deception and hypocrisy. In fact for more than 88 years, the ADL has engaged in illegal, criminal, unethical, and un-American activities.

The ADL has been charged with over 4,600 felony counts, and subsequently taken to court, for stealing police documents. They spy on individual American citizens and groups of all political stripes for Israel. The ADL has promoted and enabled widespread censorship, promoted and pushed anti-American legislation, some of which specifically violates American civil liberties, rights and constitutional protections. The ADL has committed smear campaigns against those who speak out against global Jewish and Israeli terrorism, and have received money from and established ties with wealthy criminals and criminal organizations.

In April 2000, William and Dorothy Quigley of Colorado won a $10.5 million damage award from a federal jury in a defamation lawsuit against the Anti-Defamation League. The jury found that the ADL falsely accused the couple of being anti-Semitic.

We strongly encourage you to verify these facts...

ADL Context of the articles:

Weekend Edition
October 16 / 17, 2004

A Letter to Abraham Foxman

Criticizing Israel is Not Anti-Semitism

By RALPH NADER

Dear Mr. Foxman:

You started your last letter with the sentence: "We are not engaged in a dialogue about the issues you raised in your letter." That is precisely the point, is it not, Mr. Foxman. For many years you have eschewed engaging in a dialogue with those in Israel and the United States who disagree with your views. Your mode of operation for years has been to make charges of racism or insinuation of racism designed to slander and evade. Because your pattern of making such charges, carefully calibrated for the occasion but of the same stigmatizing intent, has served to deter critical freedom of speech, you have become sloppy with your characterizations when it comes to attempts to hold you accountable. Of course citizen groups make charges all the time but their critics and corporate adversaries do review and rebut which keeps both sides more alert to accuracy especially when they desire press coverage. Few groups get the free ride that has been the case of the ADL when it ventures beyond its historic mission into covering the Israeli militaristic regime and its brutalization and slaughter of far more innocent Palestinians it occupies, than the reverse casualties inflicted on innocent Israelis.

Your insensitivity here is legion. You fail to understand that your studied refusal to reflect the condemnations of Israeli military action and mayhem against civilians, by the great Israeli human rights organization B't selem and the major international human rights organizations, contributes to the stereotypic bigotry against Palestinian Arabs and the violent Gulag that imprisons them in the West Bank and Gaza. Yours is more than the "crime of silence" so deservedly condemned in other periods of modern history when despots reigned. You go out of your way to silence or chill others who are raising the same points that B'T selem and Rabbis for Justice and other U.S. and Israeli peace groups, such as Rabbi Lerner's Tikkun initiative, do.

You are not above twisting words of those you take to task in order to be able to deploy the usual semantic vituperatives. My comments related to the Israeli government with the fifth most powerful and second most modern military machine in the world through its prime minister possessing the role of puppeteer to puppets in the White House and Congress. You distorted the comment into "Jews controlling the U.S. government." Shame on you. You know better. If you do not see the difference between those two designations, you yourself are treading on racist grounds. Indeed, you are too willing to justify any violence against innocent Palestinian children, women and men in the mounting thousands on the grounds of inadvertence and security when such casualties are either direct or foreseeable results of planned military operations. Your refusal to condemn bigoted language, cartoons, articles and statements in Israel up to the highest government levels, can be called serious insensitivity to "the other anti-Semitism." Both Jews and Arabs belong to the ancient Semitic tribes of the Middle East either genealogically or metaphorically. There is, as you know so well, anti-Semitism against Jews in many places in the world. There is, as you always ignore, aggressive anti-Semitism against defenseless Arabs in many places in the world and in Israel whose military might and nuclear weapons could destroy the entire Middle East in a weekend.

Consider for example, one of many, many episodes of similar impact excerpted from an essay in CounterPunch by Jules Rabin, "An Israeli Refusnik Visits Vermont, The Man Who Didn't Walk By", August 3, 2004:

The man who "didn't walk by" is Yonatan Shapira, until recently pilot of a Blackhawk helicopter and captain in the elite Israeli Air Force. I met Yonatan not many days ago when he came to speak in my town, Montpelier, Vermont, about a major turning point in his life.

Yonatan is a lover of his country, a composer, and a handler of extraordinary machines. He was dismissed from Israel's air force in 2003 because he refused to take part in aerial attacks in areas of the Occupied Territories of Palestine where there exist large concentrations of civilians liable to become a "collateral damage." In Yonatan's view, such attacks are both illegal and immoral because of the near-inevitability of their killing innocent civilians. In support of his position, Yonatan cites the authority of the Israeli army's own code of ethical behavior, and the fact that, (by a recent reckoning) of 2,289 Palestinians killed by the Israeli Defense Forces in the current Intifada, less than a quarter (550) were bearing arms or were fighters.

At the same time, Yonatan has declared himself absolutely ready to fight in the defense of Israel proper.

* * *

Yonatan was shocked into his refusal to obey orders by two occurrences, among others.

One was the action of a fellow Israeli pilot who fired a 1-ton bomb from his F16 fighter jet, as ordered, at a house in Al-Deredg, where a suspected Palestinian terrorist was staying. Yonatan identifies Al-Deredg as one of the most crowded districts of Gaza, and indeed of the world. Besides the targeted Palestinian, 13 local people were killed in that attack: 2 men, 2 women, and 9 children, one of whom was 2 years old. 160 other people were wounded in the explosion. A 1-ton bomb, Yonatan calculates, has approximately 100 times the explosive power of the type of lethal belts worn by Palestinian suicide bombers. In proportion to the US population and the fatalities of the original 9/11 disaster, now an icon and classic measure of terrorist devastation, the fatalities of that single attack on tiny Gaza (population 1,200,000) were greater by 10% than the fatalities in America's own 9/11.

Nor was the bombing of Al-Deredg unique in the scale of its impact on civilian life. Yonatan has cited the casualties resulting from 7 other targeted assassinations conducted in Palestine by the Israel Defense Forces, where, along with 7 other targeted individuals, 44 bystanders were killed. Taking Palestine's overall population at 3,500,000 and that of the US at 290 million, those 44 bystander deaths would represent, in proportion to the US population, another one and a-third 9/11's.

As a volunteer in Selah, a group that assists victims of Palestinian terror, Yonatan has first-hand knowledge of the appalling effects of the multiple 9/11-scale attacks that Israel has itself experienced, at the hands of Palestinian terrorists. He was nevertheless or consequently appalled by the action in Al-Deredg of his fellow pilot. He considered the means used in the attack, a 1-ton bomb, and its goal, the assassination of one man, to be wildly disproportionate to the attack's predictable collateral effects, and a violation of the rules of engagement concerning which all Israeli soldiers are instructed. Those rules, as Yonatan has understood them, include the obligation to refuse to obey orders that are clearly illegal and immoral.

The other occurrence Yonatan cited, that pushed him to become a refuser, came out of a disturbing exchange he had with the commander of the Israeli Air Force, General Dan Halutz, concerning his refusal to serve on a mission in the Occupied Territories. In Yonatan's words:

In the discussion of my dismissal, I asked General Halutz if he would allow the firing of missiles from an Apache helicopter on a car carrying wanted men, if it were traveling in the streets of Tel Aviv, in the knowledge that that action would hurt innocent civilians who happened to be passing at the time. In answer, the general gave me his list of relative values of people, as he sees it, from the Jewish person who is superior down to the blood of an Arab which is inferior. As simple as that.

As simple as that.

Yonatan is convinced that actions like those of his fellow-pilot and attitudes like those of his commanding general are destroying Israel from within, whatever their effect on Palestine.

* * *

Superficially, Yonatan conforms to a stereotype of a career military officer, air force style. He's tall and lithe, dresses trimly and wears his hair closely clipped.

He departs from the military stereotype in other respects. There's nothing of the eagle in his bearing. He's unassuming, and in conversation and argument, he's almost humble in his appeal to his interlocutor's reason and understanding. He listens and speaks with the innate respect and the close attention of a scholar pursuing an investigation, or a navigator studying a chart.

If you do not condemn such behavior as anti-Semitism against Arabs, by your international stature, you are not restraining the present Israeli government's sense that it can conduct such operations with impunity, with a free pass from moral condemnation by a man so accustomed to moral condemnations.

Attached is a copy of my letter to you of August 5, 2004 in which I urged you once again to address. In addition, would you use the same words in your previous letter regarding my characterization of the puppeteer-puppets relationship to the writings of Tom Friedman, Rabbi Michael Lerner and many other Americans and Israelis of the Jewish faith? If not, why not? Is there a thinly veiled bias working here or would you have to use another one of your semantic sallies portraying them as "self-hating Jews?"

In conclusion, Abraham Foxman has a problem. He is in a time warp and cannot adjust to the new age of total Israeli military domination of the Palestinian people. A majority of the Israeli and Palestinian people believe in a two state solution an independent, viable Palestinian state and a secure Israel. This is the way to settle this conflict and live in peace for future generations. The ADL should be working toward this objective and not trying to suppress realistic discourse on the subject with epithets and innuendos. As former Israeli Prime Minister Ehud Barak stated in Chicago last June, Israel needs to begin disengaging from the occupied territories and not wait for the right Palestinian Authority. The overwhelming preponderance of military force permits this to happen.

If you have not met frequently with the broad and deep Israeli peace movement, you might wish to change your routine so that you can play a part in the historic effort to establish a broad and deep peace between the two Semitic peoples. The exchanges should be videotaped and widely distributed to further the cause of peace and to witness Abraham Foxman dialoguing without his customary lines that evade the issues.

Sincerely,

Ralph Nader

How Bush's grandfather helped Hitler's rise to power

Rumours of a link between the US first family and the Nazi war machine have circulated for decades. Now the Guardian can reveal how repercussions of events that culminated in action under the Trading with the Enemy Act are still being felt by today's president

Ben Aris in Berlin and Duncan Campbell in Washington
Saturday September 25, 2004
The Guardian

George Bush's grandfather, the late US senator Prescott Bush, was a director and shareholder of companies that profited from their involvement with the financial backers of Nazi Germany.

The Guardian has obtained confirmation from newly discovered files in the US National Archives that a firm of which Prescott Bush was a director was involved with the financial architects of Nazism.

His business dealings, which continued until his company's assets were seized in 1942 under the Trading with the Enemy Act, has led more than 60 years later to a civil action for damages being brought in Germany against the Bush family by two former slave labourers at Auschwitz and to a hum of pre-election controversy.

The evidence has also prompted one former US Nazi war crimes prosecutor to argue that the late senator's action should have been grounds for prosecution for giving aid and comfort to the enemy.

The debate over Prescott Bush's behaviour has been bubbling under the surface for some time. There has been a steady internet chatter about the "Bush/Nazi" connection, much of it inaccurate and unfair. But the new documents, many of which were only declassified last year, show that even after America had entered the war and when there was already significant information about the Nazis' plans and policies, he worked for and profited from companies closely involved with the very German businesses that financed Hitler's rise to power. It has also been suggested that the money he made from these dealings helped to establish the Bush family fortune and set up its political dynasty.

Remarkably, little of Bush's dealings with Germany has received public scrutiny, partly because of the secret status of the documentation involving him. But now the multibillion dollar legal action for damages by two Holocaust survivors against the Bush family, and the imminent publication of three books on the subject are threatening to make Prescott Bush's business history an uncomfortable issue for his grandson, George W, as he seeks re-election.

While there is no suggestion that Prescott Bush was sympathetic to the Nazi cause, the documents reveal that the firm he worked for, Brown Brothers Harriman (BBH), acted as a US base for the German industrialist, Fritz Thyssen, who helped finance Hitler in the 1930s before falling out with him at the end of the decade. The Guardian has seen evidence that shows Bush was the director of the New York-based Union Banking Corporation (UBC) that represented Thyssen's US interests and he continued to work for the bank after America entered the war.

Tantalising

Bush was also on the board of at least one of the companies that formed part of a multinational network of front companies to allow Thyssen to move assets around the world.

Thyssen owned the largest steel and coal company in Germany and grew rich from Hitler's efforts to re-arm between the two world wars. One of the pillars in Thyssen's international corporate web, UBC, worked exclusively for, and was owned by, a Thyssen-controlled bank in the Netherlands. More tantalising are Bush's links to the Consolidated Silesian Steel Company (CSSC), based in mineral rich Silesia on the German-Polish border. During the war, the company made use of Nazi slave labour from the concentration camps, including Auschwitz. The ownership of CSSC changed hands several times in the 1930s, but documents from the US National Archive declassified last year link Bush to CSSC, although it is not clear if he and UBC were still involved in the company when Thyssen's American assets were seized in 1942.

Three sets of archives spell out Prescott Bush's involvement. All three are readily available, thanks to the efficient US archive system and a helpful and dedicated staff at both the Library of Congress in Washington and the National Archives at the University of Maryland.

The first set of files, the Harriman papers in the Library of Congress, show that Prescott Bush was a director and shareholder of a number of companies involved with Thyssen.

The second set of papers, which are in the National Archives, are contained in vesting order number 248 which records the seizure of the company assets. What these files show is that on October 20 1942 the alien property custodian seized the assets of the UBC, of which Prescott Bush was a director. Having gone through the books of the bank, further seizures were made against two affiliates, the Holland-American Trading Corporation and the Seamless Steel Equipment Corporation. By November, the Silesian-American Company, another of Prescott Bush's ventures, had also been seized.

The third set of documents, also at the National Archives, are contained in the files on IG Farben, who was prosecuted for war crimes.

A report issued by the Office of Alien Property Custodian in 1942 stated of the companies that "since 1939, these (steel and mining) properties have been in possession of and have been operated by the German government and have undoubtedly been of considerable assistance to that country's war effort".

Prescott Bush, a 6ft 4in charmer with a rich singing voice, was the founder of the Bush political dynasty and was once considered a potential presidential candidate himself. Like his son, George, and grandson, George W, he

went to Yale where he was, again like his descendants, a member of the secretive and influential Skull and Bones student society. He was an artillery captain in the first world war and married Dorothy Walker, the daughter of George Herbert Walker, in 1921.

In 1924, his father-in-law, a well-known St Louis investment banker, helped set him up in business in New York with Averill Harriman, the wealthy son of railroad magnate E H Harriman in New York, who had gone into banking.

One of the first jobs Walker gave Bush was to manage UBC. Bush was a founding member of the bank and the incorporation documents, which list him as one of seven directors, show he owned one share in UBC worth $125.

The bank was set up by Harriman and Bush's father-in-law to provide a US bank for the Thyssens, Germany's most powerful industrial family.

August Thyssen, the founder of the dynasty had been a major contributor to Germany's first world war effort and in the 1920s, he and his sons Fritz and Heinrich established a network of overseas banks and companies so their assets and money could be whisked offshore if threatened again.

By the time Fritz Thyssen inherited the business empire in 1926, Germany's economic recovery was faltering. After hearing Adolf Hitler speak, Thyssen became mesmerised by the young firebrand. He joined the Nazi party in December 1931 and admits backing Hitler in his autobiography, I Paid Hitler, when the National Socialists were still a radical fringe party. He stepped in several times to bail out the struggling party: in 1928 Thyssen had bought the Barlow Palace on Briennerstrasse, in Munich, which Hitler converted into the Brown House, the headquarters of the Nazi party. The money came from another Thyssen overseas institution, the Bank voor Handel en Scheepvarrt in Rotterdam.

By the late 1930s, Brown Brothers Harriman, which claimed to be the world's largest private investment bank, and UBC had bought and shipped millions of dollars of gold, fuel, steel, coal and US treasury bonds to Germany, both feeding and financing Hitler's build-up to war.

Between 1931 and 1933 UBC bought more than $8m worth of gold, of which $3m was shipped abroad. According to documents seen by the Guardian, after UBC was set up it transferred $2m to BBH accounts and between 1924 and 1940 the assets of UBC hovered around $3m, dropping to $1m only on a few occasions.

In 1941, Thyssen fled Germany after falling out with Hitler but he was captured in France and detained for the remainder of the war.

There was nothing illegal in doing business with the Thyssens throughout the 1930s and many of America's best-known business names invested heavily in the German economic recovery. However, everything changed after Germany invaded Poland in 1939. Even then it could be argued that BBH was within its rights continuing business relations with the Thyssens until the end of 1941 as the US was still technically neutral until the attack on Pearl Harbor. The trouble started on July 30 1942 when the New York Herald-Tribune ran an article entitled "Hitler's Angel Has $3m in US Bank". UBC's huge gold purchases had raised suspicions that the bank was in fact a "secret nest egg" hidden in New York for Thyssen and other Nazi bigwigs. The Alien Property Commission (APC) launched an investigation.

There is no dispute over the fact that the US government seized a string of assets controlled by BBH - including UBC and SAC - in the autumn of 1942 under the Trading with the Enemy act. What is in dispute is if Harriman, Walker and Bush did more than own these companies on paper.

Erwin May, a treasury attache and officer for the department of investigation in the APC, was assigned to look into UBC's business. The first fact to emerge was that Roland Harriman, Prescott Bush and the other directors didn't actually own their shares in UBC but merely held them on behalf of Bank voor Handel. Strangely, no one seemed to know who owned the Rotterdam-based bank, including UBC's president.

May wrote in his report of August 16 1941: "Union Banking Corporation, incorporated August 4 1924, is wholly owned by the Bank voor Handel en Scheepvaart N.V of Rotterdam, the Netherlands. My investigation has

produced no evidence as to the ownership of the Dutch bank. Mr Cornelis [sic] Lievense, president of UBC, claims no knowledge as to the ownership of the Bank voor Handel but believes it possible that Baron Heinrich Thyssen, brother of Fritz Thyssen, may own a substantial interest."

May cleared the bank of holding a golden nest egg for the Nazi leaders but went on to describe a network of companies spreading out from UBC across Europe, America and Canada, and how money from voor Handel travelled to these companies through UBC.

By September May had traced the origins of the non-American board members and found that Dutchman HJ Kouwenhoven - who met with Harriman in 1924 to set up UBC - had several other jobs: in addition to being the managing director of voor Handel he was also the director of the August Thyssen bank in Berlin and a director of Fritz Thyssen's Union Steel Works, the holding company that controlled Thyssen's steel and coal mine empire in Germany.

Within a few weeks, Homer Jones, the chief of the APC investigation and research division sent a memo to the executive committee of APC recommending the US government vest UBC and its assets. Jones named the directors of the bank in the memo, including Prescott Bush's name, and wrote: "Said stock is held by the above named individuals, however, solely as nominees for the Bank voor Handel, Rotterdam, Holland, which is owned by one or more of the Thyssen family, nationals of Germany and Hungary. The 4,000 shares hereinbefore set out are therefore beneficially owned and help for the interests of enemy nationals, and are vestible by the APC," according to the memo from the National Archives seen by the Guardian.

Red-handed

Jones recommended that the assets be liquidated for the benefit of the government, but instead UBC was maintained intact and eventually returned to the American shareholders after the war. Some claim that Bush sold his share in UBC after the war for $1.5m - a huge amount of money at the time - but there is no documentary evidence to support this claim. No further action was ever taken nor was the investigation continued, despite the fact UBC was caught red-handed operating a American shell company for the Thyssen family eight months after America had entered the war and that this was the bank that had partly financed Hitler's rise to power.

The most tantalising part of the story remains shrouded in mystery: the connection, if any, between Prescott Bush, Thyssen, Consolidated Silesian Steel Company (CSSC) and Auschwitz.

Thyssen's partner in United Steel Works, which had coal mines and steel plants across the region, was Friedrich Flick, another steel magnate who also owned part of IG Farben, the powerful German chemical company.

Flick's plants in Poland made heavy use of slave labour from the concentration camps in Poland. According to a New York Times article published in March 18 1934 Flick owned two-thirds of CSSC while "American interests" held the rest.

The US National Archive documents show that BBH's involvement with CSSC was more than simply holding the shares in the mid-1930s. Bush's friend and fellow "bonesman" Knight Woolley, another partner at BBH, wrote to Averill Harriman in January 1933 warning of problems with CSSC after the Poles started their drive to nationalise the plant. "The Consolidated Silesian Steel Company situation has become increasingly complicated, and I have accordingly brought in Sullivan and Cromwell, in order to be sure that our interests are protected," wrote Knight. "After studying the situation Foster Dulles is insisting that their man in Berlin get into the picture and obtain the information which the directors here should have. You will recall that Foster is a director and he is particularly anxious to be certain that there is no liability attaching to the American directors."

But the ownership of the CSSC between 1939 when the Germans invaded Poland and 1942 when the US government vested UBC and SAC is not clear.

"SAC held coal mines and definitely owned CSSC between 1934 and 1935, but when SAC was vested there was no trace of CSSC. All concrete evidence of its ownership disappears after 1935 and there are only a few traces in 1938 and 1939," says Eva Schweitzer, the journalist and author whose book, America and the Holocaust, is published next month.

Silesia was quickly made part of the German Reich after the invasion, but while Polish factories were seized by the Nazis, those belonging to the still neutral Americans (and some other nationals) were treated more carefully as Hitler was still hoping to persuade the US to at least sit out the war as a neutral country. Schweitzer says American interests were dealt with on a case-by-case basis. The Nazis bought some out, but not others.

The two Holocaust survivors suing the US government and the Bush family for a total of $40bn in compensation claim both materially benefited from Auschwitz slave labour during the second world war.

Kurt Julius Goldstein, 87, and Peter Gingold, 85, began a class action in America in 2001, but the case was thrown out by Judge Rosemary Collier on the grounds that the government cannot be held liable under the principle of "state sovereignty".

Jan Lissmann, one of the lawyers for the survivors, said: "President Bush withdrew President Bill Clinton's signature from the treaty [that founded the court] not only to protect Americans, but also to protect himself and his family."

Lissmann argues that genocide-related cases are covered by international law, which does hold governments accountable for their actions. He claims the ruling was invalid as no hearing took place.

In their claims, Mr Goldstein and Mr Gingold, honorary chairman of the League of Anti-fascists, suggest the Americans were aware of what was happening at Auschwitz and should have bombed the camp.

The lawyers also filed a motion in The Hague asking for an opinion on whether state sovereignty is a valid reason for refusing to hear their case. A ruling is expected within a month.

The petition to The Hague states: "From April 1944 on, the American Air Force could have destroyed the camp with air raids, as well as the railway bridges and railway lines from Hungary to Auschwitz. The murder of about 400,000 Hungarian Holocaust victims could have been prevented."

The case is built around a January 22 1944 executive order signed by President Franklin Roosevelt calling on the government to take all measures to rescue the European Jews. The lawyers claim the order was ignored because of pressure brought by a group of big American companies, including BBH, where Prescott Bush was a director.

Lissmann said: "If we have a positive ruling from the court it will cause [president] Bush huge problems and make him personally liable to pay compensation."

The US government and the Bush family deny all the claims against them.

In addition to Eva Schweitzer's book, two other books are about to be published that raise the subject of Prescott Bush's business history. The author of the second book, to be published next year, John Loftus, is a former US attorney who prosecuted Nazi war criminals in the 70s. Now living in St Petersburg, Florida and earning his living as a security commentator for Fox News and ABC radio, Loftus is working on a novel which uses some of the material he has uncovered on Bush. Loftus stressed that what Prescott Bush was involved in was just what many other American and British businessmen were doing at the time.

"You can't blame Bush for what his grandfather did any more than you can blame Jack Kennedy for what his father did - bought Nazi stocks - but what is important is the cover-up, how it could have gone on so successfully for half a century, and does that have implications for us today?" he said.

"This was the mechanism by which Hitler was funded to come to power, this was the mechanism by which the Third Reich's defence industry was re-armed, this was the mechanism by which Nazi profits were repatriated back to the American owners, this was the mechanism by which investigations into the financial laundering of the Third Reich were blunted," said Loftus, who is vice-chairman of the Holocaust Museum in St Petersburg.

"The Union Banking Corporation was a holding company for the Nazis, for Fritz Thyssen," said Loftus. "At various times, the Bush family has tried to spin it, saying they were owned by a Dutch bank and it wasn't until the Nazis took over Holland that they realised that now the Nazis controlled the apparent company and that is

why the Bush supporters claim when the war was over they got their money back. Both the American treasury investigations and the intelligence investigations in Europe completely bely that, it's absolute horseshit. They always knew who the ultimate beneficiaries were."

"There is no one left alive who could be prosecuted but they did get away with it," said Loftus. "As a former federal prosecutor, I would make a case for Prescott Bush, his father-in-law (George Walker) and Averill Harriman [to be prosecuted] for giving aid and comfort to the enemy. They remained on the boards of these companies knowing that they were of financial benefit to the nation of Germany."

Loftus said Prescott Bush must have been aware of what was happening in Germany at the time. "My take on him was that he was a not terribly successful in-law who did what Herbert Walker told him to. Walker and Harriman were the two evil geniuses, they didn't care about the Nazis any more than they cared about their investments with the Bolsheviks."

What is also at issue is how much money Bush made from his involvement. His supporters suggest that he had one token share. Loftus disputes this, citing sources in "the banking and intelligence communities" and suggesting that the Bush family, through George Herbert Walker and Prescott, got $1.5m out of the involvement. There is, however, no paper trail to this sum.

The third person going into print on the subject is John Buchanan, 54, a Miami-based magazine journalist who started examining the files while working on a screenplay. Last year, Buchanan published his findings in the venerable but small-circulation New Hampshire Gazette under the headline "Documents in National Archives Prove George Bush's Grandfather Traded With the Nazis - Even After Pearl Harbor". He expands on this in his book to be published next month - Fixing America: Breaking the Stranglehold of Corporate Rule, Big Media and the Religious Right.

In the article, Buchanan, who has worked mainly in the trade and music press with a spell as a muckraking reporter in Miami, claimed that "the essential facts have appeared on the internet and in relatively obscure books but were dismissed by the media and Bush family as undocumented diatribes".

Buchanan suffers from hypermania, a form of manic depression, and when he found himself rebuffed in his initial efforts to interest the media, he responded with a series of threats against the journalists and media outlets that had spurned him. The threats, contained in e-mails, suggested that he would expose the journalists as "traitors to the truth".

Unsurprisingly, he soon had difficulty getting his calls returned. Most seriously, he faced aggravated stalking charges in Miami, in connection with a man with whom he had fallen out over the best way to publicise his findings. The charges were dropped last month.

Biography

Buchanan said he regretted his behaviour had damaged his credibility but his main aim was to secure publicity for the story. Both Loftus and Schweitzer say Buchanan has come up with previously undisclosed documentation.

The Bush family have largely responded with no comment to any reference to Prescott Bush. Brown Brothers Harriman also declined to comment.

The Bush family recently approved a flattering biography of Prescott Bush entitled Duty, Honour, Country by Mickey Herskowitz. The publishers, Rutledge Hill Press, promised the book would "deal honestly with Prescott Bush's alleged business relationships with Nazi industrialists and other accusations".

In fact, the allegations are dealt with in less than two pages. The book refers to the Herald-Tribune story by saying that "a person of less established ethics would have panicked ... Bush and his partners at Brown Brothers Harriman informed the government regulators that the account, opened in the late 1930s, was 'an unpaid courtesy for a client' ... Prescott Bush acted quickly and openly on behalf of the firm, served well by a reputation that had never been compromised. He made available all records and all documents. Viewed six decades later in the era of serial corporate scandals and shattered careers, he received what can be viewed as the ultimate clean bill."

The Prescott Bush story has been condemned by both conservatives and some liberals as having nothing to do with the current president. It has also been suggested that Prescott Bush had little to do with Averill Harriman and that the two men opposed each other politically.

However, documents from the Harriman papers include a flattering wartime profile of Harriman in the New York Journal American and next to it in the files is a letter to the financial editor of that paper from Prescott Bush congratulating the paper for running the profile. He added that Harriman's "performance and his whole attitude has been a source of inspiration and pride to his partners and his friends".

The Anti-Defamation League in the US is supportive of Prescott Bush and the Bush family. In a statement last year they said that "rumours about the alleged Nazi 'ties' of the late Prescott Bush ... have circulated widely through the internet in recent years. These charges are untenable and politically motivated ... Prescott Bush was neither a Nazi nor a Nazi sympathiser."

However, one of the country's oldest Jewish publications, the Jewish Advocate, has aired the controversy in detail.

More than 60 years after Prescott Bush came briefly under scrutiny at the time of a faraway war, his grandson is facing a different kind of scrutiny but one underpinned by the same perception that, for some people, war can be a profitable business.

Ralph Nader as David Duke?
The ADL Wants You to Think So

By JOSH FRANK
Counterpunch, August 21 / 22, 2004

ON THURSDAY, AUGUST 20TH, THE Washington Post reported that the Anti-Defamation League (ADL) has branded Ralph Nader a "bigot", which is a furtive way of saying they think the independent candidate for president is a vile anti-Semite. Nader has come under attack from the ADL and their executive director Abe Foxman for suggesting that the US should proceed in a new direction regarding the Israeli-Palestinian issue.

"The days when the chief Israeli puppeteer comes to the United States and meets with the puppet in the White House and then proceeds to Capitol Hill, where he meets with hundreds of other puppets, should be replaced. The Washington Puppet Show should be replaced." Nader said in Washington DC forum titled "The Muslim Vote -- Election 2004".

Nader's crack at Ariel Sharon for being the "chief Israeli puppeteer", and his jab at George W. Bush for being Sharon's "puppet", didn't sit well with the pro-Zionist defense organization. Nader's comments provoked a rejoinder from the league which stated, "[Nader's] image of the Jewish state as a 'puppeteer,' controlling the powerful US Congress feeds into many age-old stereotypes which have no place in legitimate public discourse."

Of course Nader wasn't speaking of Israel's control over all US policies, but simply the US's special relationship with Sharon's occupying government. But as usual, the penalty for condemning the Israeli military establishment amounts to nothing less than being labeled a filthy Jew-hater -- for which it seems Ralph Nader is not even immune.

Standing fearlessly behind his claim, Nader told Amy Goodman of Democracy Now! that, "The truth here is that there is no balanced determination. The U.S. government never connects with the deep and broad Israeli peace

movement They put 120,000 people in the square in Tel Aviv recently. You would think that the U.S. government was not a puppet it would support the deep Israeli peace movement -- which has been in touch with the Palestinian peace advocates and has worked out more than one accord So, there should be a debate. The two candidates Kerry, and Bush, are both pro-Israeli military government."

Even if some progressives detest Ralph Nader's decision to run this year, pro-Palestinian advocates must admit that it is gratifying to finally hear such arguments made in the public arena -- for these criticisms have been political faux-paus for far too long. And certainly Nader is right to point out that little will change regarding the US and Israel if Kerry defeats Bush in November. As Kerry exclaimed to a Georgetown University crowd in January 2003, "Israel is our ally, the only true democracy in a troubled regionAmerica has always been committed to Israel's independence and survival. We will never waiver."

Ralph Nader isn't notorious for backing down from a fight, and hard-line Zionists are always quick to throw the first sucker punch. So you can bet this will not be the last of the anti-Semitic accusations hurled at Nader by the ADL or other pro-Israel factions. It seems their only response to allegations of the US's critical support for the brutal Israeli government, or one's compassion for the Palestinian plight, is to label such individuals as malicious Jew-hating-bigots. It just shows how insignificant the ADL's charges have become. Ralph Nader is not David Duke. Even if they want you to think so.

Nader vs. the ADL

By Brian Faler
Thursday, August 12, 2004

RALPH NADER, THAT master of controversy, has a new bete noire: the Anti-Defamation League. The independent presidential candidate has become embroiled in an ugly exchange with the Jewish organization, after he suggested that President Bush and Congress were "puppets" of the Israeli government.

"The days when the chief Israeli puppeteer comes to the United States and meets with the puppet in the White House and then proceeds to Capitol Hill, where he meets with hundreds of other puppets, should be replaced," Nader said earlier this summer. That prompted an angry letter from the league, which complained that the "image of the Jewish state as a 'puppeteer,' controlling the powerful US Congress feeds into many age-old stereotypes which have no place in legitimate public discourse."

Nader is not backing down. In a letter to the group that will be released today, he reiterated his arguments, challenged the league to cite a recent example of when American leaders have pursued a policy opposed by the Israeli government and pointed to Israeli peace groups that he said share his criticism of that country's leadership. "There is far more freedom in the media, in town squares and among citizens, soldiers, elected representatives and academicians in Israel to debate and discuss the Israeli-Palestinian conflict than there is in the United States," Nader wrote.

The longtime consumer advocate's willingness to criticize Israel may win him some votes, since both Bush and Democratic nominee John F. Kerry strongly support Israeli Prime Minister Ariel Sharon. But not if Abraham H. Foxman, the national director of the league has anything to say about it. "What he said smacks of bigotry," Foxman said.

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August 5, 2004

Abraham H. Foxman
National Director
Anti-Defamation League
823 United Nations Plaza
New York, NY 10017

Dear Mr. Foxman:

How nice to hear your views. Years ago, fresh out of law school, I was reading your clear writings against bigotry and discrimination. Your charter has always been to advance civil liberties and free speech in our country by and for all ethnic and religious groups. These days all freedom-loving people have much work to do.

As you know there is far more freedom in the media, in town squares and among citizens, soldiers, elected representatives and academicians in Israel to debate and discuss the Israeli-Palestinian conflict than there is in the United States. Israelis of all backgrounds have made this point.

Do you agree and if so, what is your explanation for such a difference?

About half of the Israeli people over the years have disagreed with the present Israeli government's policies toward the Palestinian people. Included in this number is the broad and deep Israeli peace movement which mobilized about 120,000 people in a Tel Aviv square recently.

Do you agree with their policies and strategy for a peaceful settlement between Israelis and Palestinians? Or do you agree with the House Resolution 460 in Congress signed by 407 members of the House to support the Prime Minister's proposal? See attachment re the omission of any reference to a viable Palestinian state - generally considered by both Israelis and Palestinians, including those who have worked out accords together, to be a sine qua non for a settlement of this resolvable conflict - a point supported by over two-thirds of Americans of the Jewish faith. Would such a reasonable resolution ever pass the Congress? For more information on the growing pro-peace movements among the American Jewish Community see: Ester Kaplan, "The Jewish Divide on Israel," The Nation, June 24, 2004.

Enclosed is the "Courage to Refuse - Combatant's Letter" signed by hundreds of reserve combat officials and soldiers of the Israeli Defense Forces. It is posted on their web at: *www.seruv.org.il/defaulteng.asp* . One highlight of their statement needs careful consideration: "We shall not continue to fight beyond the 1967 borders in order to dominate, expel, starve and humiliate an entire people. We hereby declare that we shall continue serving in the Israel Defense Forces in any mission that serves Israel's defense. The missions of occupation and oppression do not serve this purpose - and we shall take no part in them" (Emphasis in original). Do you agree with these patriotic, front line soldiers' observation that Israel is dominating, expelling, starving and humiliating an entire people - the Palestinian people - and that in their words "the Territories are not Israel?"

What is your view of Rabbi Lerner's Tikkun's call for peace, along with the proposals of Jewish Voice for Peace, the Progressive Jewish Alliance and Americans for Peace Now? As between the present Israeli government's position on this conflict and the position of these groups, which do you favor and why?

Do you share the views in the open letter signed by 400 rabbis, including leaders of some of the largest congregations in our country, sent this March by Rabbis for Human Rights of North America to Ariel Sharon protesting Israel's house-demolition policy?

Have you ever disagreed with the Israeli government's treatment of the Palestinian people in any way, shape or manner in the occupied territories? Do you think that these Semitic peoples have ever suffered from bigotry and devastation by their occupiers in the occupied West Bank, Gaza or inside Israel? If you want a reference here, check the website of the great Israeli human rights group B'T selem.

Since you are a man of many opinions, with a specialty focused on the Semitic peoples, explain the United States' support over the decades of authoritarian or dictatorial regimes, in the greater Middle East, over their own people which is fomenting resistance by fundamentalists.

These questions have all occurred to you years ago, no doubt. So it would be helpful to receive your views.

As for the metaphors - puppeteer and puppets - the Romans had a phrase for the obvious - res ipsa loquitur. The Israelis have a joke for the obvious - that the United States is the second state of Israel.

How often, if ever, has the United States - either the Congress or the White House-pursued a course of action, since 1956, that contradicted the Israeli government's position? You do read Ha'aretz, don't you? You know of the group Rabbis for Justice.

To end the hostilities which have taken so many precious lives of innocent children, women and men - with far more such losses on the Palestinian side - the occupying military power with a massive preponderance of force has a responsibility to take the initiative. In a recent presentation in Chicago, former Israeli Prime Minister Ehud Barak made the point explicitly - Israel should take the initiative itself unilaterally and start disengaging from the West Bank and Gaza and not keep looking for the right Palestinian Authority. Amram Mitzna, the Labor Party's candidate for Prime Minister in the 2003 election, went ever further in showing how peace can be pursued through unilateral withdrawal. Do you concur with these positions?

Citizen groups are in awe of AIPAC's ditto machine on Capitol Hill as are many members of Congress who, against their private judgment, resign themselves to sign on the dotted line. AIPAC is such an effective demonstration of civic action - which is their right - that Muslim Americans are studying it in order to learn how to advance a more balanced Congressional deliberation in the interests of the American people.

Finally, treat yourself to a recent column on February 5, 2004 in The New York Times, by Thomas Friedman, an author on Middle East affairs, who has been critical of both the Israeli and Palestinian leadership. Mr. Friedman writes:

"Mr. Sharon has the Palestinian leader Yasir Arafat under house arrest in

his office in Ramallah, and he's had George Bush under house arrest in the Oval Office. Mr. Sharon has Mr. Arafat surrounded by tanks, and Mr. Bush surrounded by Jewish and Christian pro-Israel lobbyists, by a vice president, Dick Cheney, who's ready to do whatever Mr. Sharon dictates, and by political handlers telling the president not to put any pressure on Israel in an election year-all conspiring to make sure the president does nothing."

These are the words of a double Pulitzer Prize winner.

Do you agree with Mr. Friedman's characterization? Sounds like a puppeteer-puppet relationship, doesn't it? Others who are close to this phenomenon have made similar judgments in Israel and in the United States.

Keep after bigotry and once in a while help out the Arab Semites when they are struggling against bigotry, discrimination, profiling and race-based hostility in their beloved adopted country - the U.S.A. This would be in accord with your organization's inclusive title.

Sincerely,
Ralph Nader

ADL Offers Damage Control For War Criminals

New York Times, 5/21/04
To the Editor:

"The Gaza Quagmire" (editorial, May 20) oversteps when it accuses Israel of carrying out a deliberate plan "to unilaterally destroy the Palestinian territory."

Israel's operation in Gaza is trying to deal with an increasingly serious situation: the proliferation of tunnels through which Palestinian terrorists are smuggling weapons into the Gaza Strip to be used in attacks against Israeli soldiers and civilians. These tunnels are deliberately situated in high-density population areas.

The last few days in Gaza have witnessed tragic deaths on both sides. Israel has apologized for the deaths of demonstrators in Rafah, is investigating this tragic incident, and has repeated its commitment not to harm civilians.

KENNETH JACOBSON
Associate National Director
Anti-Defamation League
New York, May 20, 2004

Playing Ethnic Politics At Ground Zero

Sam Smith

MARCH 2003 "Progressive Review" -- One of the reasons Rep. Jim Moran thinks Jewish

leaders are powerful is because the ones he sees are. Jews outside of Washington - like gun-owners, doctors, and Chamber of Commerce members outside of Washington - don't have a strong sense of just how precisely their "community" is being defined daily by their capital lobbyists.

There is no doubt - if one considers the 'Jewish community' as the American Israel Public Affairs Committee and various large Jewish campaign contributors - that Rep. Moran was quite correct in saying that they could have had a significant effect on the course of our policy in the Middle East. For example, it took only three days for them to have a significant effect on the course of Rep. Moran's career, getting his cowardly colleagues to force him out of his House leadership position. Earlier, they helped to have a similar effect on Rep Cynthia McKinney, who went down to defeat thanks in part to an influx of pro-Israel money. AIPAC, after all, is a lobby powerful enough that at its most recent conference, one half of the Senate and one-third of the House showed up.

The fact that the Washington leadership may not accurately reflect the diversity of its national constituency is not uniquely a Jewish problem; it is part of the displacement of democracy from the consensus of the many to the will of a select few that is speeding the decline of the Republic. And never have the selected been fewer than under the present Bush.

In talking about the Jewish manifestation of this, politicians and the media use two different approaches. One is the sanitized patois of ethnic sensitivity as when the perpetually clichéd Eleanor Clift wrote: "Moran apologized, but the historical echoes that he awakened are so antithetical to what Democrats claim to stand for that he might as well bid goodbye to his political career."

But in the same article in which he quotes Clift, Greg Pierce of the Washington Times also writes, "One political analyst said he counseled two Democratic presidential campaigns to call for Moran's resignation. 'It would be a cheap way to reassure Jewish voters,' he said. 'I don't understand why they haven't done it yet.'"

In other words, what is considered anti-Semitic when stated at a town meeting, becomes in another context just your standard keen political analysis.

When you look at the facts rather than the Washington rhetoric, you find that Moran was even more right than it appeared at first. A study by Belief Net found that only the Southern Baptist Convention and some Jewish groups supported the military approach and every other listed major denomination opposed it. True, the Southern Baptists were unequivocally in favor of war while the Jewish groups - Orthodox Union, Union Of American Hebrew Congregations (Reform), and United Synagogue Of Conservative Judaism - wanted to exhaust other alternatives first, but every other religion Belief Net checked opposed the war including the Evangelical Lutheran Church of America, Episcopal Church, Greek Orthodox Church in America, Mormons - Church of Jesus Christ of Latter-day Saints, Presbyterian Church (USA), Quakers - American Friends Service Committee, United Church of Christ, United Methodist Church, United States Conference of Catholic Bishops, Council on American-Islamic Relations and the Unitarian Universalist Association. The Catholics weren't included but the Pope took a clear stand against the war.

So why go to such efforts to deliberately conceal and prevaricate concerning the role of key Jewish organizations in supporting the Iraq invasion?

Part of the answer can be found in none other than the hypocritically outraged Washington Post, in an article written by its White House correspondent, Dana Milbank, last November:

A group of U.S. political consultants has sent pro-Israel leaders a memo urging them to keep quiet while the Bush administration pursues a possible war with Iraq. The six-page memo was sent by the Israel Project, a group funded by American Jewish organizations and individual donors. Its authors said the main audience was American Jewish leaders, but much of the memo's language is directed toward Israelis. The memo reflects a concern that involvement by Israel in a U.S.-Iraq confrontation could hurt Israel's standing in American public opinion and undermine international support for a hard line against Iraqi President Saddam Hussein. . .

The Iraq memo was issued in the past few weeks and labeled 'confidential property of the Israel Project,' which is led by Democratic consultant Jennifer Laszlo Mizrahi with help from Democratic pollster Stan Greenberg and Republican pollsters Neil Newhouse and Frank Luntz. Several of the consultants have advised Israeli politicians, and the group aired a pro-Israel ad earlier this year. 'If your goal is regime change, you must be much more careful with your language because of the potential backlash,' said the memo, titled 'Talking About Iraq.'

"It added: 'You do not want Americans to believe that the war on Iraq is being waged to protect Israel rather than to protect America.' In particular, the memo urged Israelis to pipe down about the possibility of Israel responding to an Iraqi attack. 'Such certainty may be Israeli policy, but asserting it publicly and so overtly will not sit well with a majority of Americans because it suggests a pre-determined outcome rather than a measured approach,' it said."

This is not the first time this strategy has been tried. For example, in January 1991, David Rogers of the Wall Street Journal wrote:

When Congress debated going to war with Iraq, the pro-Israel lobby stayed in the background - but not out of the fight. Leaders of the American-Israel Public Affairs Committee now acknowledge it worked in tandem with the Bush administration to win passage of a resolution authorizing the president to commit U.S. troops to combat. The behind-the-scenes campaign avoided AIPAC's customary high profile in the Capitol and relied instead on activists-calling sometimes from Israel itself-to contact lawmakers and build on public endorsements by major Jewish organizations. "Yes, we were active." says AIPAC director Thomas Dine. "These are the great issues of our time, If you sit on the sidelines, you have no voice. . . "

The debate revealed a deep ambivalence among Jewish lawmakers over what course to follow, pitting their generally liberal instincts against their support of Israel. Friends and families were divided. And even as some pro-Israel advocates urged a more aggressive stance, there was concern that the lobby risked damaging Israel's longer term interests if the issue became too identified with Jewish or pro-Israel polities.

. . . AIPAC took pains to disguise its role, and there was quiet relief that the vote showed no solid Jewish bloc in favor of a war so relevant to Israel. "It isn't such a bad idea that we were split," says one Jewish lawmaker. . .

Pro-Israel PACs have poured money into campaigns for Southern Democrats not immediately identified with their cause. For example, the Alabama delegation voted in a bloc with Mr.

Bush in both the House and Senate. At first glance, this can be ascribed to the conservative, pro military character of the state. But pro-Israel PACs have also cultivated Democrats there in recent years."

It is hard to imagine such a frank description of ethnic politics today. Thus it is not surprising that few know that the aforementioned Thomas Dines - then executive director of AIPAC and now head of Radio Free Europe and Radio Liberty - is a member of the advisory committee of the Committee for the Liberation of Iraq.

The Post, which didn't mentioned Dines' involvement in plotting the seizure of Iraq, described the new organization as "modeled on a successful lobbying campaign to expand the NATO alliance."

In fact, the last time prior to the war itself that the Post even mentioned AIPAC was back in August before the Iraq invasion plot took full shape. So you had to look elsewhere to find out what the Jewish leadership was up to. For example, the Jerusalem Post reported last October:

After weeks of debate and consideration, the Conference of Presidents of Major American Jewish Organizations, which represents 52 Jewish national groups, announced its support for US military action against Iraq "as a last resort." In a statement released Saturday, the Conference of Presidents announced that all of its member groups "support President [George W.] Bush and the Congress in their efforts to gain unequivocal Iraqi compliance with the obligation to divest itself of weapons of mass destruction and the means to develop such weapons." The statement also endorsed the Bush administration's "efforts to enlist the United Nations and international cooperation to secure Iraqi compliance, including the use of force as a last resort.

The chairman of the group, Mortimer Zuckerman went a bit further, declaring that the failure to attack Iraq would "ruin American credibility in the Muslim world."

Now let us imagine that the 52 Jewish organizations had instead reached a consensus that invading Iraq was illegal, unwise, unconstitutional, and an act of reckless endangerment against the whole world. Would that have influenced American policy? Of course it would.

Here's what happened instead, as described by Nathan Guttmann of the Israeli newspaper Haaretz:

An unusual visitor was invited to address the annual conference held last week in Washington by AIPAC, the pro-Israeli lobby in the United States: the head of the Washington office of the Iraqi National Congress, Intifad Qanbar. The INC is one of the main opposition groups outside Iraq, and its leaders consider themselves natural candidates for leadership positions in the post-Saddam Hussein era. Qanbar's invitation to the conference reflects a first attempt to disclose the links between the American Jewish community and the Iraqi opposition, after years in which the two sides have taken pains to conceal them.

The considerations against openly disclosing the extent of cooperation are obvious - revelation of overly close links with Jews will not serve the interests of the organizations aspiring to lead the Iraqi people. Currently, at the height of rivalry over future leadership of the country among opposition groups abroad, the domestic opposition and Iraqi citizens, it is most certainly undesirable for the Jewish lobby to forge - or flaunt - especially close links

with any one of the groups, in a way that would cause its alienation from the others.

"At the current stage, we don't want to be involved in this argument," says a major activist in one of the larger Jewish organizations. In the end, Intifad Qanbar did not attend the AIPAC conference. . .

The Jewish groups maintain quiet contacts with nearly every Iraqi opposition group, and in the past have even met with the most prominent opposition leader, Ahmed Chalabi. The main objective was an exchange of information, but there was also an attempt to persuade the Iraqis of the need for good relations with Israel and with world Jewry. . . .

Aside from the annual AIPAC conference, two other major events in the United States last week underscored the gamut of opinions and perspectives in the American Jewish community on the war. The positioning of the AIPAC people behind the coalition forces and behind those who sent them is not surprising. AIPAC is wont to support whatever is good for Israel, and so long as Israel supports the war, so too do the thousands of the AIPAC lobbyists who convened in the American capital.

There is no such uniformity among the various religious Jewish movements, and indecisiveness is still very much the case. In Los Angeles, members of the Conservative movement's Rabbinical Assembly gathered and tried to clarify their position on the . . . In the end, the issue was submitted to an executive council, which issued a draft resolution that offered support for the war, albeit with reservations. . .

The dilemma is more pronounced among Reform Jews. They also convened last week to formulate a joint position, and they too were careful not to launch any strident criticism of the war itself. . . The only decision relevant to the war was agreement on a prayer for the welfare of the soldiers at the front, and recognition of the fact that there are a variety of opinions on the war. The resolution that was adopted is very far from constituting an expression of support of any kind for the war, but is also far from constituting criticism of it.

The situation is simpler among the Orthodox. Immediately upon the outbreak of the war, the Orthodox Union, the umbrella organization of the community, released a statement that expressed unequivocal support for President Bush and his decision to launch the war on Iraq, which was described as having "noble aims."

Despite the ambivalence within the various religious segments of Judaism, not to mention the split among Jews themselves, AIPAC carried on its aggressive pro-war activity with impunity.

Of course they had some help, as Michael Lind pointed out in the New Statesman:

Most neo-conservative defense intellectuals have their roots on the left, not the right. They are products of the largely Jewish-American Trotskyist movement of the 1930s and 1940s, which morphed into anti-communist liberalism between the 1950s and 1970s and finally into a kind of militaristic and imperial right with no precedents in American culture or political history. Their admiration for the Israeli Likud party's tactics, including preventive warfare such Israel's 1981 raid on Iraq's Osirak nuclear reactor, is mixed with odd bursts of ideological enthusiasm for "democracy." They call their revolutionary ideology "Wilsonianism" (after President Woodrow Wilson), but it is really Trotsky's theory of the permanent revolution mingled with the far-right Likud strain of Zionism. Genuine American Wilsonians believe in

self-determination for people such as the Palestinians.

The neo-con defense intellectuals, as well as being in or around the actual Pentagon, are at the center of a metaphorical "pentagon" of the Israel lobby and the religious right, plus conservative think-tanks, foundations and media empires. . .

The major link between the conservative think-tanks and the Israel lobby is the Washington-based and Likud-supporting Jewish Institute for National Security Affairs, which co-opts many non-Jewish defense experts by sending them on trips to Israel. It flew out the retired General Jay Garner, now slated by Bush to be proconsul of occupied Iraq. In October 2000, he co-signed a JINSA letter that began: "We . . . believe that during the current upheavals in Israel, the Israel Defense Forces have exercised remarkable restraint in the face of lethal violence orchestrated by the leadership of [the] Palestinian Authority."

The Israel lobby itself is divided into Jewish and Christian wings. [Pentagon officials Paul] Wolfowitz and [Douglas] Feith have close ties to the Jewish-American Israel lobby. Wolfowitz, who has relatives in Israel, has served as the Bush administration's liaison to the American Israel Public Affairs Committee. Feith was given an award by the Zionist Organisation of America, citing him as a "pro-Israel activist". While out of power in the Clinton years, Feith collaborating with Perle, co-authored for Likud a policy paper that advised the Israeli government to end the Oslo peace process, reoccupy the territories and crush Yasser Arafat's government.

Such experts are not typical of Jewish-Americans, who mostly voted for Gore in 2000. The most fervent supporters of Likud in the Republican electorate are southern Protestant fundamentalists. The religious right believes that God gave all of Palestine to the Jews, and fundamentalist congregations spend millions to subsidize Jewish settlements in the occupied territories.

Then, of course, there is Israel itself which has been a huge beneficiary of American aid only to have repeatedly thwarted the better efforts of American presidents and other leaders - including those in Israel - seeking a bit of rationality in the Middle East. Much of this subversion of sanity has been masochistic; de facto, right wing Israelis have been among the world's most effective anti-Semites.

In a recent Counterpunch article, Kathleen and Bill Christison offer an explication of this phenomenon;

[Jeff Halper] is an Israeli anthropologist, until his retirement a year ago a professor at Ben Gurion University, a transplant 30 years ago from Minnesota, a harsh critic of Israel's occupation of the West Bank and Gaza, and, as founder of the Israeli Committee Against House Demolitions, one of the leading peace and anti-occupation activists in Israel. . .

Zionism, he says, "is a very compelling narrative, but it is totally self-contained, a bubble in which Israelis separate themselves from all others." Israelis regard everyone else as irrelevant. When it is suggested that fear motivates this self-absorption, Halper disagrees. "It's not so much fear," he says; Israelis "just don't give a damn. They make everyone else a non-issue. They see themselves as the victim, and if you're the victim, you're not responsible for anything you do."

Anything goes if you are the victim, he explains: you don't care about the consequences of your actions for other people, you need not take any responsibility for the effect of your policies on others, you don't care about how others feel. Israelis always think they're right, he says. They believe everything they do is right because the Jewish nation is "right," because they are only responding to what others do to them, only retaliating. "If you combine three elements: the idea that we are right, with the notion that we're the victim, and with our great military power," he says, you have a lethal combination. . . . Israel can act with brutality, but the responsibility, the fault, lies elsewhere.

To define good Jewishness - or conversely, anti-Semitism - by one's reaction to the Sharon government makes no more sense than to define good Americanism by one's reaction to Bush. Sharon not only blasphemously mocks the lessons supposedly learned from the Holocaust, his policies represent a huge departure from the humanistic and progressive politics that long characterized American Judaism. This tradition, born in European socialism and blended with American populism, helped mightily to form the social democracy our country increasingly enjoyed during the 20th century.

I, in fact, grew up alnost believing that there were three branches of Judiasm: Orthodox, Reform, and Liberal Democratic. And it often seemed that the last was the most powerful. In fact, you couldn't be an urban progressive of my age without becoming part Jewish.

But history doesn't stop, and just as greater America moved sharply right after 1980s, so did this country's Jewish politics. It wasn't alone. Feminism forgot lower class women, labor forgot its own members, the biggest thing the Congressional Black Caucus did anymore was an annual dinner, the environmental movement became embedded in the Washington bureaucracy, and white liberals in general looked the other way as our civil liberties disintegrated.

To sweep this problem under the bed, to fail to discuss the disaster that pro-Israeli politics have become for fear of being called anti-Semitic is both cowardly and dangerous. At a time when the Washington Post is urging its readers to stock up on several days' food and buy gas masks because of the possible consequences of the internationally criminal policies it so vigorously supports, we no longer have time or tolerance for such cynical games. If you want to die for your own faith, fine, but you have no right to take the rest of the world with you.

The danger of the dishonest debate about the Middle East was well described by Joan Didion in a recent New York Review of Books:

[We need to] demystify the question of why we have become unable to discuss our relationship with the current government of Israel. Whether the actions taken by that government constitute self-defense or a particularly inclusive form of self-immolation remains an open question. The question of course has a history.

This open question, and its history, are discussed rationally and with considerable intellectual subtlety in Jerusalem and Tel Aviv. Where the question is not discussed rationally, where in fact the question is rarely discussed at all, since so few of us are willing to see our evenings turn toxic, is in New York and Washington and in those academic venues where the attitudes and apprehensions of New York and Washington have taken hold. The president of Harvard recently warned that criticisms of the current government of Israel could be construed as 'anti-Semitic in their effect if not their intent.'

The very question of the US relationship with Israel, in other words, has come to be seen as unraisable, potentially lethal, the conversational equivalent of an unclaimed bag on a bus. We take cover. We wait for the entire subject to be defused, safely insulated behind baffles of invective and counter-invective. Many opinions are expressed. Few are allowed to develop. Even fewer change."

We are entangled, in major part, in a religious war in which bin Laden, Bush and Sharon comprise a triptych of theological terror that is putting everyone at great risk. They are each involved in a vicious heresy, falsely defining their own myopic, immoral, and sadistic ambitions as their religion's moral faith. This is no time for politeness, politics, or silence. And while Jews are far from alone in needing to call their leadership back to sanity, neither are they exempt.

ADL must pay in Evergreen case

Denounced as anti-Semites, pair is owed millions

By Karen Abbott, Rocky Mountain News
March 2, 2004

The Anti-Defamation League must pay a former Evergreen couple it denounced as anti-Semites more than $10 million, after the U.S. Supreme Court refused Monday to review the lawsuit.

"This is the end of the case," said Bruce DeBoskey, director of the league's Mountain States Region, which includes Colorado and Wyoming.

Denver attorney Jay Horowitz, who won the case for William and Dorothy "Dee" Quigley, said the couple was "extraordinarily delighted" when he told them the news Monday.

The widely publicized court battle drew friend-of-the-court briefs from a variety of national advocacy organizations worried that the danger of huge legal liabilities threatened their ability to work for good causes.

"There were 15 other human rights organizations that filed briefs in support of our legal position," DeBoskey said.

The U.S. Supreme Court did not explain why it declined to review the case.

"We're all disappointed," DeBoskey said. "But as a practical matter, through the entire process, we have continued to serve the community."

"We do remain committed to our fight against hatred and racism and bigotry and extremism and anti-Semitism," he said.

The dispute that raged for nearly a decade through the federal courts began when the Quigleys' dog fought with a dog owned by their Jewish neighbors, Mitchell and Candice Aronson, in their upscale foothills neighborhood.

The Aronsons called the ADL in 1994, after overhearing the Quigleys' telephone remarks on their Radio Shack police scanner. They said they heard the Quigleys discuss a campaign to drive them from the neighborhood with Nazi scare tactics, including tossing lampshades and soap on their lawn, putting pictures of Holocaust ovens on their house and dousing one of their children with flammable liquid.

The Aronsons were advised to record the conversations. Based on the recordings, they sued the Quigleys in federal court, Jefferson County prosecutors charged the Quigleys with hate crimes, and Saul Rosenthal, then the ADL's regional director, denounced the Quigleys as anti-Semites in a news conference.

The Quigleys got death threats and hate mail.

Later, everyone found out that the recordings became illegal just five days after they began, when President Clinton signed a new wiretap restriction into federal law.

The hate charges were dropped, and Jefferson County paid the Quigleys $75,000 after prosecutors concluded Dee Quigley's remarks to a friend were only in jest. Two lawyers on the ADL's volunteer board, who had advised the Aronsons, paid the Quigleys $350,000 to settle a lawsuit.

The Quigleys and Aronsons dropped their legal attacks on one another, and neither family paid the other anything. The Aronsons divorced. The Quigleys moved to another state.

But a federal jury found in 2000, after a four-week trial before Denver U.S. District Judge Edward Nottingham, that the Anti-Defamation League had defamed the Quigleys. The jury awarded them $10.5 million.

The ADL appealed, and the Denver-based 10th U.S. Circuit Court of Appeals ruled last year that the jury's award stood.

DeBoskey said the long legal proceedings allowed the ADL to set aside funds to pay the judgment if necessary. Some the money will come from insurance and some will come from other sources, including donors, but none will come from the ADL's operating budget, DeBoskey said.

Horowitz estimated the judgment now totals more than $12.5 million, once interest is included.

He said the Quigleys suffered greatly because they were branded as anti-Semites. William Quigley's career in the motion picture industry was virtually destroyed, Horowitz said.

"They cannot express how life-altering the ADL's actions have been," Horowitz said.

The Quigleys' children were affected because "they grew up during some of the most trying circumstances of this case," he said.

At one point, the family hired bodyguards. They received a box of dog feces in the mail. Their own Catholic priest criticized them from the pulpit.

abbottk@RockyMountainNews.com or 303-892-5188

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PLEASE ACT AND FORWARD!:

Professor Under Attack at Foothill College!

Take action to defend free speech!

Adjunct Political Science Professor Leighton Armitage of Foothill College is being targeted by the Anti-Defamation League (ADL) and other pro-Israel groups for comments he made in an interview in the student newspaper The Sentinel. According to the San Jose Mercury News article below, Armitage said the following:

"Armitage said, of Israeli treatment of Palestinians: 'And what are they doing with Palestinians, every day? They're killing them. They're walling them in, they're essentially doing the same thing that was done to them. . . . It's exactly what Hitler did to the Jews.'"

This valid critique of Israeli government policy is being labeled by the ADL as "anti-Semitic" and Armitage could be subject to disciplinary action, or possibly termination.

Foothill College and Professor Armitage have been receiving hundreds of phone calls and emails condemning Armitage and demanding Foothill to take action against him. They are under tremendous pressure and need

to be urged to uphold the values of the freedom of speech and the right of academics, and everyone else, to present criticism of any government's policies. This is just one instance in a string of attacks on college professors by groups such as the ADL and Daniel Pipes' CampusWatch.

Please contact the President and Vice President of Foothill College, supporting Armitage's right to freedom of speech and urging them not to cave in to those who wish to silence academic debate about the Israel/Palestine conflict.

President Bernadine Fong:
fongbernadine@foothill.edu
650-949-7425

Vice President of Technology and Instruction Penny Patz:
patzpenny@foothill.edu
650-949-7070

Please also send letters to the editor of the Mercury News regarding this issue:

letters@mercurynews.com

http://www.mercurynews.com/mld/mercurynews/news/7917724.htm

News

Posted on Tue, Feb. 10, 2004
Remarks spur college probe
ANTI-ISRAEL: FOOTHILL INVESTIGATES PUBLICATION OF PROFESSOR'S COMMENTS
By S.L. Wykes and Thaai Walker
Mercury News

Two weeks after a newspaper interview with a professor prompted a furor over what some on campus believed were anti-Semitic comments, Foothill College administrators are investigating how the story came to be published and are scheduling a meeting with the Anti-Defamation League.

In a letter about the situation, college President Bernadine Chuck Fong called the interview with adjunct political science Professor Leighton Armitage ``regrettable.'' Neither she nor other administration officials could be reached for comment beyond her letter, and it was unclear whether Armitage would be subject to disciplinary action.

In the question-and-answer style interview, published Jan. 28 in the student-funded paper The Sentinel, Armitage said, of Israeli treatment of Palestinians: ``And what are they doing with Palestinians, every day? They're killing them. They're walling them in, they're essentially doing the same thing that was done to them. . . . It's exactly what Hitler did to the Jews.''

Fong's letter apologized to those offended by the article and said it ``includes various allegations regarding the Israeli people and the state of Israel that are of serious concern to me and many members of the Foothill community.''

She continues, ``Our goal as a higher education institution is to

ensure proper dialogue takes place."

Faculty newspaper adviser Paul Starer could not be reached for comment.

Fong has agreed to meet with the Anti-Defamation League's Central Pacific regional director Jonathan Bernstein in about two weeks, something she would not do in October 2002 when the ADL wrote her a letter with another complaint. A student had dropped out of a class after the teacher opened the semester with remarks that Israel was engaging in ethnic cleansing, adding, something it had probably learned from the Nazis.

After the first incident, Fong sent an e-mail to the ADL saying Foothill had ``policies in place that protect everyone, not just students, of their First Amendment rights."

Bernstein said the ADL had recently conducted a workshop on hate speech for students and faculty members at De Anza College in Cupertino. ``We were asked to do that because there'd been a problem." he said. But, he added, ``these same issues exist at most schools, and what ends up happening is that generally administrators don't want to acknowledge the problems. . . . As a result the problem festers and you have this."

Foothill student Tatyana Povolotsky, president of Foothill's Jewish Student Union, was very upset by the Sentinel piece. ``It wasn't just him attacking the political issue of the Israeli government. Instead he was attacking the Jewish people in general," she said. ``I think this is a hate thing."

Armitage would not comment beyond saying, ``I'm so disgusted with the whole thing." He also said that none of the people ``giving me flack" have been his students.

He teaches an introductory political science course at Foothill and also teaches at the College of San Mateo.

Bernstein said that the ADL was very concerned about the atmosphere Armitage might be creating in his classes. ``Every instructor has opinions, and we all have our own biases," he said. ``The key is to be open to differing viewpoints in the classroom so you don't shut people down."

Poet Amiri Baraka labeled anti-Semitic, ANC professor fired

by Jeff Blankfort

In the summer of 1983, Professor Fred Dubé, a former member of the African National Congress who had been imprisoned under South Africa’s apartheid regime, offered his students at the State University of New York several subjects on which they could write their term papers. One of them was to compare Zionism and Nazism as two forms of racism.

Amiri Baraka

The response from the Anti-Defamation League and the major Jewish organizations in New York was predictable. They demanded the head of Dubé -_ and Gov. Mario Cuomo handed it to them. Despite the campus-wide support that Dubé __ would receive, including from a number of his Jewish students, he was denied tenure and fired.

The ADL has not forgotten Dubé_. As recently as July 2003, in an attack on poet Amiri Baraka, its weekly newsletter cited as an example of Baraka's alleged "anti-Semitic" activities his defense of Dubé_ when the professor came under attack:

"The following is a compilation of anti-Semitic statements and writings of Baraka," the ADL's report began, and it opened with Baraka's statement regarding the attack on the South African professor that appeared in The Statesman on Nov. 7, 1985:

"Apparently these racists are in the same boat as the Boers. So exposed is their own fascism (no rights for Arabs in Israel, continued Israeli expansion (in) Arab lands, criminal invasion of Lebanon (which was going on at the time - JB), holding Lebanese civilians prisoners in Israel in violation of international law, the emergence of Hitlerian Meir Kahane as a potent force in Israeli politics, etc.) that they apparently feel, like the Boers, that they will not negotiate, but rather will go down to their destruction in flames!"

The case of Fred Dubé_ came to mind last week when the ADL and Jewish community leaders set their sites on another professor, this time one closer to the Bay Area, who had the temerity to compare the Israel's savage treatment of the Palestinians with what Jews had experienced at the hands of the Nazis.

In an interview with the school paper, the Sentinel, Foothill College Professor Leighton Armitage reportedly said:

"If you say that what they're (the Israelis) doing is something akin to the holocaust, what will they say? 'You're an anti-Semite' … it's so convenient. It allows them to do exactly what was done to them.

"And what are they doing with Palestinians every day? They're killing them. They're walling them in, they're essentially doing the same thing that was done to them. Of course they're not tattooing the numbers into the arm, and they're not taking their glasses and their gold fillings, and everything else, as far as I know, but they're still slaughtering these people. Now what's with that? It's exactly what Hitler did to the Jews."

Armitage also reportedly accused the benignly named American-Israel Public Affairs Committee (AIPAC, Israel's official but unregistered lobby) of funding opponents of the lobby's critics, adding, "and believe me, they have money to spare. The point is, the Jews have such a perfect position at this point."

He also accused AIPAC of "buying our elections, which pisses me off … Israel has a hammerlock on America."

"This really goes beyond reasonable criticism of Israeli policies and into hateful rhetoric about Jews," said Karen Stiller, the Peninsula director of the Jewish Community Relations Council, told J (for Jewish), the recently renamed Jewish Bulletin of Northern California. But does it?

Presumably, with regard to Israel, one can imply from her statement that, short of using gas chambers and cremating Palestinians in ovens, the Israelis can do anything they like to the Palestinians.

While it would be expected that Professor Armitage's responses would offend some Jewish sensibilities, a more important consideration is whether or not what he said was valid.

With regard to comparisons between the behavior of the Israeli state towards the Palestinians and that of the Nazis towards the Jews, leading Jewish critics of Israel such as Professor Norman Finkelstein and the late Professor Israel Shahak, a survivor of World War II death camp Buchenwald, have frequently made such comparisons.

Moreover, a little over a year ago, a group of Holocaust survivors living in Israel sent a petition to the Israeli government criticizing its treatment of the Palestinians and invoking memories of their experiences under the Third Reich. This was dutifully reported in Israel's daily Ha'aretz, but thanks to the lobby's intimidation of the U.S. media, their statement was never reported here. This is the excerpt of their statement published in Ha'aretz on Dec. 31, 2002:

"(W)e cannot clear our conscience in light of the mass, arbitrary destruction of civilians' homes, uprooted olive trees, and orchards shaved to the ground. We cannot accept the extensive disruptions of daily life and abuse, for its own sake or not, at the checkpoints."

Since the petition first began making the rounds on Dec. 15, dozens of Holocaust survivors and descendants have been adding their names daily. They agree that "Israeli society is descending into a quagmire of violence, brutality, disrespect for human rights, and contempt for human life." They agree that "domination of another people against its will contradicts the lessons of the Holocaust, morally, humanely, and politically."

In its imitation of one of the more inhumane aspects of the Nazi regime - the systematic use of "collective punishment," a clear violation of the Geneva Convention - Israel has far exceeded the record of any other country in modern times, including Nazi Germany, and has made no effort to hide its dubious accomplishment.

In complaining about AIPAC's influence on the elections, Professor Armitage was only stating what everyone in Congress knows and what Congressmembers Cynthia McKinney and Earl Hilliard experienced in 2002. Challenging Israel is likely to be a career-ending decision.

While serving as Israel's main pressure group in getting Congress to do Israel's bidding, AIPAC, technically, does not contribute to campaigns against Israel's critics. What it does do is coordinate Jewish individuals and PACs (political action committees) looking to contribute their money where it can do the most good for Israel. In every tabulation of political contributions to national races - and several can be found on the internet - Jews are predominant.

In the 2000 elections, according to the Mother Jones web site, eight of the top donors to both political parties were Jewish, as were 13 of the top 20 and approximately 120 of the top 250. While the majority of the contributions went to the Democrats, a significant amount went to

Republicans heading key Senate and House committees, such as Appropriations, Armed Services, and the Middle East. How committed each and every one of the Jewish donors is to Israel is irrelevant, since members of Congress make no distinctions, viewing all of their contributions as supporting whatever Israeli party is in power.

The White House is also Israeli Occupied Territory. The situation has become so obvious at this point in time that even such a pro-Israel advocate as nationally syndicated New York Times columnist Tom Friedman is bothered by its implications. In his Feb. 5 column, he wrote:

"(Ariel) Sharon has the Palestinian leader Yasir Arafat under house arrest in his office in Ramallah, and he's had George Bush under house arrest in the Oval Office. Mr. Sharon has Mr. Arafat surrounded by tanks, and Mr. Bush surrounded by Jewish and Christian pro-Israel lobbyists, by a vice president, Dick Cheney, who's ready to do whatever Mr. Sharon dictates …"

To be sure, former New York Mayor Ed Koch has already denounced Friedman's comment as being anti-Semitic in a Feb. 12 article in the Jewish World Review. Writes Koch, "Tom Friedman, who is full of himself, believes he can resort to the anti-Semitic slur of secret Jewish control, and avoid criticism because he is a Jew."

Koch and the ADL are fighting against a swiftly moving wave that carries with it the truth. Moving the focus to Iraq, Robert Fisk of the London Independent, the dean of Middle East correspondents, wrote on Feb. 13:

"If we even remind the world that the cabal of neo-conservative, pro-Israeli proselytizers – Messers Perle, Wolfowitz, Feith, Kristol, et al - helped to propel President Bush and US Defense Secretary Donald Rumsfeld into this war with grotesquely inaccurate prophecies of a new Middle East of democratic, pro-Israeli Arab states, we are told that we are racist even to mention their names."

One of the ironies of which most Americans are unaware is that there is far greater freedom to criticize the Israel government and its policies in Israel's Hebrew press than in the United States.

The problem was stated very clearly in 1982, when Sen. Adlai Stevenson was successfully targeted by the Jewish lobby, as it is referred to in Israel, when he proposed an amendment to the foreign aid budget that would withhold $150 million from Israel until it agreed to halt the building and expansion of Jewish settlements in the West Bank and Gaza, which was the official U.S. policy at the time. A year after his defeat, Stevenson told Congressman Paul Findley, himself a victim of AIPAC:

"There is an intimidating, activist minority of American Jews that supports the decisions of the Israeli government, right or wrong. They do so very vocally and very aggressively in ways that intimidate others so that it's their voice — even though it's a minority - that is heard and felt in American politics. But it is still much louder in the United States than in Israel. In other words, you have a much stronger, more vocal dissent in Israel than within the Jewish community in the United States. The prime minister of Israel has far more influence over American foreign policy in the Middle East than over the policies of his own government generally" (Paul Findley, "They Dare to Speak Out," Lawrence Hill, 1989, page 92).

That interview was made in 1983, and the situation has only gotten worse.

Meanwhile, back at Foothill College, President Bernadine Fong called the interview with Professor Armitage “regrettable” and has agreed to meet with the Anti-Defamation League’s Central Pacific regional director Jonathan Bernstein, something, the paper says, she would not do in October 2002 when the ADL wrote her a letter with another complaint. A student had dropped out of a class after the teacher allegedly opened the semester with remarks that Israel was engaging in ethnic cleansing, adding, something it had probably learned from the Nazis.

After the first incident, Fong sent an email to the ADL saying Foothill had “policies in place that protect everyone, not just students, of their First Amendment rights.”

Bernstein told the San Jose Mercury News that “generally administrators don’t want to acknowledge the problems. ... As a result, the problem festers and you have this.” The problem for the ADL is clearly how to silence our professors as they have silenced our Congress. We can’t let them.

You may write Foothill College President Bernadine Fong at fongbernadine@foothill.edu. Email Jeff Blankfort at jblankfort@earthlink.net.

A Shocking Award to Berlusconi (2 Letters)

To the Editor:

Re "Jewish Group to Honor Friend It Calls 'Flawed' " (news article, Sept. 19):

On Tuesday, the Anti-Defamation League plans to hold a dinner for Prime Minister Silvio Berlusconi of Italy to present him with its Distinguished Statesman Award. This is shocking to anyone who knows Mr. Berlusconi's controversial history.

Most recently, Mr. Berlusconi was in the news for his comments about Benito Mussolini. "That was a much more benign dictatorship," Mr. Berlusconi was quoted as saying. "Mussolini did not murder anyone. Mussolini sent people on holiday to internal exile."

This is not true; Mussolini was responsible for the deaths of many political opponents, Partisans and Jews. He persecuted Jews with his racial laws and, during World War II, was responsible for the deportation of almost 7,000 Jews, who died in Nazi camps.

Mr. Berlusconi has apologized to Italian Jews for his statements. This is not enough; he has not apologized to Italians generally.

Apparently, the A.D.L. is giving Mr. Berlusconi its award because of his support of Israel and of Prime Minister Ariel Sharon. But support of Israel should not be sufficient. In this case, it is bad for the Jews, bad for Italy, bad for the United States and even bad for Israel.

FRANCO MODIGLIANI
PAUL A. SAMUELSON
ROBERT M. SOLOW

Cambridge, Mass., Sept. 22, 2003
The writers, emeritus professors at M.I.T., are Nobel laureates in economics. The letter was also signed by four other professors at M.I.T. and Harvard.

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To the Editor:

Re "Jewish Group to Honor Friend It Calls 'Flawed' " (news article, Sept. 19):

Prime Minister Silvio Berlusconi of Italy met in Rome on Wednesday with representatives of the Jewish community. He apologized for his comment that Benito Mussolini was a benign dictator and expressed regret for the pain it caused the Jewish community. His apology was accepted.

KENNETH JACOBSON
Associate National Director
Anti-Defamation League
New York, Sept. 19, 2003

The ADL in 1933 & Berlusconi now

by Lenni Brenner
9/19/2003
BrennerL21@aol.com

[If anyone asked informed Americans to name one Zionist organization, they would most likely cite the Anti-Defamation League. Its ads, and letters by Abe Foxman, its National Director, appear routinely in the New York Times and other publications.

It wasn't Zionist in the '30s. It was then just a desk in the office of the B'nai B'rith, (Sons of the Covenant), a fraternal order established in the 19th century by immigrants from Germany. The order represented the American Jewish upper class, which didn't come over to Zionism until its acceptance by Washington in 1948, after the Holocaust.

Today, the ADL is the public face of B'nai B'rith, but in the '30s, the order spoke for the ADL. Now the ADL pretends to be the shock troops in the fight against anti-Semitism, but readers of this 1933 editorial statement will see why it never dares to mention what it did against Hitler, and the surge of American Jew-hatred, in the wake of Hitler's 1933 triumph.

The document takes on special relevance now, as the ADL scandalizes the Jews of the world as it prepares to give an award to Italian Prime Minister Silvio Berlusconi, who has just announced that "Mussolini never killed anyone, Mussolini sent people away on vacation, in internment," when, in reality, he helped Hitler murder thousands of Italian Jews.

The text below can be found in *51 Documents: Zionist Collaboration with the Nazis,* Edited by Lenni Brenner and published by Barricade Books.]

"B'nai B'rith and the German-Jewish Tragedy," B'nai B'rith Magazine, May 1933.

Criticism is heard: B'nai B'rith did not join the public protests against

the German-Jewish tragedy! The power of B'nai B'rith was not exploited sufficiently in the public press! What an opportunity B'nai B'rith had to keep its fame on the front pages in this crisis!

Such things have been said.

The members of this organization have cause to be proud of their affiliation with a Jewish body that obscured its own prestige in order to serve its German brethren the better. Not the glory of B'nai B'rith but the safety of German Jews was paramount at the moment and quietly B'nai B'rith moved to the defense of these brethren through the strong hand of the State Department.

What was the position of American Jewry in the tragic hour? It was as if a robber had entered one's house and seized one's child and held it for a shield... "You shoot at me and you kill your child!"

What does a man do in such a pass? Shoot? He puts aside his pistol. He considers other means of meeting the crisis.

With the Hitler government threatening reprisals against Jews, should B'nai B'rith have rushed forward with loud protests? In the eyes of the unthinking this might have enhanced the prestige of B№nai B№rith... "How courageous is B'nai B'rith!" they might have said.

B'nai B'rith puts aside the opportunity for valor (5,000 miles from the scene of danger!) and with what power is in its hand and in co-operation with other Jewish agencies, set in motion the diplomatic efforts that are already historic. Aye, B'nai B'rith might have thrown itself alone into the breach so that it could be said of it, "Singlehanded this organization battles for the rights of Jewry." But B'nai B'rith greatly desires unity in Israel and it marched with other organizations and still so marches.

If there has not been complete unity in Israel in this crisis, it is no fault of B'nai B'rith.

Weeks before the German-Jewish tragedy became the pain of all Jewry, B'nai B'rith, conscious of forebodings, took steps, met with the leaders of other organizations, considered what was best to do, having always in mind that nothing ought to be done that would endanger rather than mitigate the unhappy situation of the German Jews.

This policy directs and will continue to direct every move of B'nai B'rith acting in co-operation with the American Jewish Committee. We have no quarrel with other organizations that went their own way to make public protest. We believe, however, that time will show that the policy of B'nai B'rith is founded on better wisdom. We regret that in the momentous hour American Jewry is not united.

Even those who were at first hot for public protest have come to see that discretion is the better part of valor in an hour when lives are in the balance. They have announced that "In deference to the wishes of the State Department" they "refrain from making (further) comment on the tragic situation of the Jews in Germany."

For B'nai B'rith there was, besides, a poignant special cause to restrain it from action that might seem rash in the moment. It has fraternal ties with many Jews in Germany where the finest of Jewry is included in the membership of B'nai B'rith. Hostile public words or actions by B'nai B'rith in America might have reflected dangerously on the B'nai B'rith of Germany of whom it

might have been said by their enemies, "They have instigated their fellow members in America against us."

The conscience of B'nai B'rith could never have acquitted itself had any ill-considered action by the Order in America caused injury to our brethren in Germany.

And what of the future? It may be answered that B'nai B'rith in co-operation with the American Jewish Committee is alert; that things are being carefully done; that perfect unity of speech and action exists between the B'nai B'rith and the American Jewish Committee.

If the Jews desire the unity of all Israel in America in the presence of this tragedy they can have it by demanding it of the organizations that represent them. As for B'nai B'rith, it feels that its action in this crisis will make a worthy chapter of its history.

Jewish Group to Honor Friend It Calls 'Flawed'

By DANIEL J. WAKIN

s prime minister of Italy, Silvio Berlusconi has stirred squalls of criticism with his flamboyant statements — that a German legislator was like a Nazi commandant, that Islamic culture was inferior to Western culture and, most recently, that Benito Mussolini "did not murder anyone."

The last comment raised an uproar in Italy last week, given that Mussolini's Fascist regime helped the Nazis deport more than 7,000 Jews, killed political opponents and waged campaigns of conquest that left hundreds of thousands of people dead.

But Mr. Berlusconi has at least one loyal defender in New York City. Yesterday, Abraham H. Foxman, the national director of the Anti-Defamation League, dismissed the criticism of the prime minister and said he had no second thoughts about bestowing an honor on him.

On Tuesday, the league plans to give Mr. Berlusconi its Distinguished Statesman Award at a gala fund-raising dinner at the Plaza Hotel. Henry Kissinger, Rupert Murdoch and Mortimer Zuckerman are on the dinner committee.

"He's a solid friend, but he's a flawed friend," Mr. Foxman said. "I wish he didn't say it. It was inappropriate, it was uninformed. That's not enough for me to say he's no longer a friend." Mr. Berlusconi's vocal support for Israel, for the American war in Iraq and for antiterrorism efforts made him worthy, Mr. Foxman said.

Other Jewish leaders suggested that a deep sense of worry about Israel, during a time of increased violence there, makes it easier to overlook flaws in the search for friends.

Without commenting specifically on Mr. Berlusconi's award, Jason Isaacson, the American Jewish Committee's director for government and international affairs, said: "World leaders who are seen as sympathetic to Israel are much prized. That solidarity earns rewards from the Jewish community."

The invitation was extended a year ago, Mr. Foxman said, long before Mr. Berlusconi's comments appeared in The Spectator, a British magazine, and La Voce di Rimini, a small Italian newspaper. Two journalists from The Spectator, one of whom also writes for La Voce, had interviewed Mr. Berlusconi at his vacation home in Sardinia.

They asked him whether the regime of Saddam Hussein could be compared to the Italian Fascist dictatorship. "That was a much more benign dictatorship," Mr. Berlusconi was quoted as saying. "Mussolini did not murder anyone. Mussolini sent people on holiday to internal exile."

A furor ensued, some of it generated by political opponents of Mr. Berlusconi, who is Italy's richest man, the owner of three television channels and master of the three state channels. He is also the frequent target of corruption prosecutors, whom he called "mentally disturbed" in the same interview.

Mr. Berlusconi later said he was simply refusing to accept the validity of any comparison between Mr. Hussein and Mussolini. He met with Italian Jewish leaders in an effort to mend relations, though some said they were not satisfied.

Tullia Zevi, a former leader of Italy's Union of Jewish Communities and one of the country's more respected public figures, said she had asked Mr. Foxman several days ago to rescind the award.

"He said Fascism was a very mild dictatorship!" Ms. Zevi said in a telephone interview from Rome. "It was so `mild' there were many political murders from the very beginning, and also for the Jews."

She said Mr. Foxman told her he wanted to pay homage to a man who was supporting an increasingly isolated American president.

"The feelings of a community that has been established here for 2,000 years have the right to be respected," said Ms. Zevi, whose family fled Italy when anti-Jewish laws were imposed in 1938. About 25,000 to 30,000 Jews live in Italy now.

Mr. Foxman said Mr. Berlusconi's support for Israel was particularly important because of what is perceived as increasing hostility in Europe. Mr. Berlusconi, who has the added platform of Italy's presidency of the European Union, has said publicly that he sees Israel as having a potential role in the union.

Mr. Berlusconi has a sometimes hostile relationship with the leaders of France and Germany and seems to relish taking positions at odds with them. In June, he went to the Middle East and met with Prime Minister Ariel Sharon, but shunned Yasir Arafat. French officials criticized him for that. His response was that France had "lost an opportunity to keep quiet," evoking the line that President Jacques Chirac had used against Central and Eastern European countries that supported United States strategy toward Iraq.

ADL calls for city investigation of SFWAR's practices

ABBY COHN

Bulletin Staff

Asserting that a rape crisis center engages in "blatant discrimination," the local head of the Anti-Defamation League wants the city of San Francisco to investigate how SFWAR recruits volunteers and whether it is misusing public funds.

In an Aug. 28 letter to City Attorney Dennis Herrera, ADL's regional director, Jonathan Bernstein, also expressed concern that the nonprofit agency's previous anti-Zionist stance might discourage Jewish women from seeking its services.

Bernstein goes on to contend that San Francisco Women Against Rape discriminates by giving priority to volunteer applications "from women of color and lesbian women."

"SFWAR's discriminatory practices violate various anti-discrimination provisions of the laws and requirements of the government funding it receives," Bernstein wrote.

Bernstein's letter was just part of a series of developments last week concerning the embattled nonprofit crisis center, which described itself in a July e-mail to the Bulletin as "an anti-Zionist organization."

Founded 30 years ago, SFWAR has come under fire for that statement as well as the discovery that online forms asked potential interns and volunteers to participate in "political education discussions," which had previously included "taking a stance against Zionism."

The agency, which receives more than $600,000 annually in state and city funds, has since removed that language. Some $277,990 of its funding comes from the city.

Herrera, who met last week with Bernstein and other Jewish community leaders, told the Bulletin last Friday: "We're very clear that public money should not be used in a discriminatory way.

"I have made a commitment that it's something we'll look into," added Herrera, who also wants city staff to receive training about grants to nonprofits.

Nina Jusuf, executive director of SFWAR, could not be reached for comment.

In related developments, associate director of the Jewish Community Relations Council Abby Michelson Porth said she held a "very frank and honest discussion" Aug. 28 with Jusuf.

And Naomi Tucker, the head of a Jewish domestic violence program based in Oakland, said she and Jusuf were working to get funding to hire a trained facilitator "to bring some understanding between the two communities."

"We're in pretty regular communication now," said Tucker, who heads Shalom Bayit.

"I don't know that we're necessarily going to agree on our political opinions," she added. "I think we're looking for the communities to understand each other. I think the Jewish community has been attacked, and I don't think SFWAR understands why we feel attacked."

Porth, meanwhile, said she now is waiting for a "good-faith effort" from Jusuf to "restore the Jewish community's confidence in SFWAR."

"I think that the tone was very much one of our both wanting to resolve this issue," said Porth.

Also last week, Belle Taylor-McGhee, executive director of the San Francisco Department on the Status of Women, told the Bulletin that she was monitoring the rape center's operations. She said she had been meeting with Jusuf to ensure that "the city does not fund political education activities." Taylor-McGhee also planned to meet soon with the agency's four-member board.

So far, Taylor-McGhee maintained she had turned up no evidence that SFWAR had misused public funds, though she said, "We're still looking at that."

The city department helps fund SFWAR's 24-hour hotline and its counseling services for women who have been sexually assaulted. "Our contract is very clear about what SFWAR is and these are the activities we fund," said Taylor-McGhee."We want to make sure the mission of the department and the mission of SFWAR are aligned and that we're funding women in need."

Referring to SFWAR's previous description of itself as anti-Zionist, Taylor-McGhee said, "We would not have signed a contract with an organization if this is how they described themselves. We would ask that they refrain from describing themselves that way if they want to continue to receive city funding."

Taylor-McGhee added that she was getting "total cooperation" from Jusuf. She said she also had written a letter to SFWAR recently in which she told agency officials that "we don't fund political educational activities such as the stance they've taken on Zionism."

In his letter, the ADL's Bernstein asserted that while the objectionable language was removed from the online forms, "there is no indication that the practice has been discontinued."

Citing comments made by SFWAR supporters at a heated public hearing July 23 of the Commission on the Status of Women, Bernstein said in an interview that "it is quite clear that even though they've taken it out of their volunteer form, it [anti-Zionist sentiment] is still very much part of the culture there."

In his letter, Bernstein asked for Herrera's assistance "in pursuing this matter to end this discrimination and ensure that SFWAR does not use public funds to promote discriminatory interests and treatment."

American-Israeli Relations Strained Following Attack

Jewish Groups Rebuke Bush After White House Criticizes Raid Against Hamas Leader

By ORI NIR
FORWARD STAFF

WASHINGTON — The sudden surge of Israeli-Palestinian violence this week, and President Bush's decision to criticize Israel for its role, appear to be driving Israel's allies in Congress and the Jewish community toward a confrontation with the White House that most had sought to avoid until now.

Bush angered pro-Israel groups on Tuesday by criticizing an Israeli helicopter raid on a Hamas leader in Gaza, which injured the militant but left two bystanders dead.

Bush said he was "troubled" by the Israeli attack and concerned that it would make it more difficult for Palestinian Prime Minister Mahmoud Abbas, also known as Abu Mazen, to fight terrorism. The president added that he did not believe the attacks served Israel's security interests.

"I regret the loss of innocent life," Bush told reporters.

Bush's remarks prompted a series of angry retorts from Israeli allies. Democrat Rep. Gary Ackerman of New York said Bush should be "concerned about eliminating terrorism" rather than Israeli actions. He said: "I didn't see much criticism when innocent civilians became unfortunate casualties of our rather strenuous reaction to threats from Iraq, threats that never materialized."

The Israeli raid, which Jerusalem described as an attack on a "factory of ticking bombs," followed a Hamas-led attack on an Israeli post in which four soldiers were killed. Hamas responded with a rocket attack on an Israeli town. Israel followed with a raid on a refugee camp that left three people dead.

Hamas responded with a suicide bus bombing in Jerusalem, which left at least 16 people dead and about 80 wounded. Soon after, an Israeli helicopter fired missiles at a vehicle in Gaza City that Israel says was carrying wanted Hamas members and Tito Massaoud, a leader of the group's military wing. At least seven people were killed, including several bystanders.

Several Jewish organizations issued criticisms of Bush that are more severe than anything heard since he became president. Among them were a group of Orthodox organizations — including the Orthodox Union, the Religious Zionists of America, the Rabbinical Council of America and the National Council of Young Israel — that have consistently supported Bush until now.

The Anti-Defamation League, too, broke with the president, rebuking him in an open letter and criticizing his "road map" to peace for the first time since it was endorsed by Israel last month. Abraham Foxman, the ADL's national director, told the Forward that the week's chain of events was "the first example" of the risk, inherent in the road map, of having Washington assume the role of "an arbiter, a judge and a jury on issues that should be in the sovereign judgment of Israel."

If this is how the process begins, Foxman said, then the Jewish community may be justified in its worries that the road map will cause more harm than good.

In its open letter to the president, ADL said it was "troubled" by Bush's criticism of Israel's actions. "Israel, like the United States, has the right to defend itself from terrorism," the letter said. "Israel cannot stand idly by while its citizens are slaughtered."

On Capitol Hill, congressional aides were saying this week that support for the road map among lawmakers was showing increasing signs of weakness. "Folks here still want to see performance on the part of the Palestinians," one staffer said.

In the House, signatures are being gathered on a letter to the president urging him to put greater pressure on the Palestinians to make the road map work. The letter urges the president to insist on full Palestinian compliance with the road map, and calls on the administration to demand that America's Arab and European allies join Washington in trying to isolate Yasser Arafat, the president of the Palestinian Authority.

The letter, initiated by Ackerman and Florida Republican Ileana Ros-Lehtinen, the leaders of the House Middle East subcomittee, is accompanied by a "Dear Colleague" memo to fellow lawmakers, headlined "Reform + Terror = Peace?"

Ackerman and Ros-Lehtinen were joined in their effort by the ranking Democrat on the House International Relations Committee, Rep. Tom Lantos of California.

Rep. Shelly Berkley, a Nevada Democrat who sits on the House's Middle East subcommittee, told the Forward that while she is still "cautiously optimistic" regarding the road map. "I'm not a fool," she said. "[I know] that we have gone down this path before."

Several Jewish communal officials, according to the leader of one mainstream Jewish organization, are considering working with Congress to temper what they see as Bush's zeal to implement the road map — even if it means hurting their own relations with the White House and the Israeli government.

The Israeli attack and the White House's reaction caught Jewish activists off guard. Privately, some questioned the wisdom of the timing of the failed attempt on the life of the Hamas leader, Abdel Aziz Rantisi. One pro-Israel activist in Washington called the attack "stupid." At the same time, several ranking Jewish community leaders said privately that they were outraged by Bush's reaction.

Bush responded to the Israeli attack with what some observers called his fiercest public scolding of Israel since taking office, issuing condemnations first through his spokesman and then on his own.

"I am determined to keep the process on the road to peace," Bush said. "And I believe with responsible leadership by all parties, we can bring peace to the region — and I emphasize all parties must behave responsibly to achieve that objective."

Bush's decision to reiterate his spokesman's earlier statements — after an intervening conversation between National Security Adviser Condoleezza Rice and Prime Minister Sharon's chief of staff, Dov Weisglass — was described in Washington as evidence that the administration had not accepted Israeli explanations, according to a report in the Israeli daily *Ha'aretz*.

Administration officials accused Sharon of violating what they said was his commitment to give Abu Mazen time to rebuild his security apparatus so he can effectively fight terrorists and build up support with the Palestinian public. The high-profile assassination attempt

undermined Abu Mazen's efforts to fight terrorism and to obtain a modicum of credibility among his people, administration officials said.

Several Jewish organizations declined to issue statements criticizing the White House's rebuke of Israel, with officials explaining that their leaders were overseas or that they wanted to avoid a conflict with the White House.

The executive director of the American Jewish Congress, Neil Goldstein, while reserved in his criticisms of the White House, staunchly defended Israel's right to respond to terrorist attacks.

ADL will continue to fight $9.7 million jury award

ANDREA JACOBS

Intermountain Jewish News

DENVER -- With a $10 million guillotine threatening to fall, the Anti-Defamation League will continue fighting a legal battle that began at a press conference here nine years ago.

A federal appeals court in Denver ruled April 22 to uphold a $9.75 million jury award against the ADL and Saul Rosenthal, then Mountain States regional director, for publicly calling an Evergreen, Colo., couple dangerous anti-Semites in 1994.

William and Dee Quigley, who filed a federal lawsuit against the ADL and Rosenthal in 1995, received a $10.5 million jury award in April, 2000.

The ADL, whose annual national budget is $45 million, appealed the verdict the following month.

In April, 2001, U.S. District Court Judge Edward Nottingham reduced the award to $9.75 million. The relatively small reduction appeared to support the jury's conclusion that the ADL had "acted recklessly in its efforts to publicize what it perceived to be anti-Semitic conduct."

The most recent decision on April 22 was handed down by a three judge panel from U.S. 10th Circuit Court of Appeals, with one judge dissenting.

Judge Harris Hartz of New Mexico wrote in his dissenting opinion that he would have dismissed the defamation complaint and remanded the case for a new trial.

The ADL is now filing a petition for a rehearing en banc, meaning it will be reviewed by all active judges on the U.S. 10th Circuit Court. Only if one of the judges calls for a vote on the petition will the judges decide whether the full court will hear the case.

The first hurdle faced by the ADL is getting a majority of active judges to agree to hear the case.

"We have a lot of confidence in the appellate judges and the court," ADL corporate counsel Jill Kahn Meltzer told the Intermountain Jewish News. "We will try to convince them that the dissenting opinion was correct."

In 1994, the regional ADL office held a press conference in support of Mitchell and Candace Aronson, a Jewish couple who alleged the Quigleys were conducting a vicious anti-Semitic campaign to force them from their Evergreen neighborhood.

The Aronsons had secretly taped cordless phone conversations made by the Quigleys, who talked about putting fake oven doors on the Aronson home, a reference to the Holocaust; dousing their children in gasoline; and burning crosses on the Aronsons' lawn.

At the press conference, Rosenthal denounced the Quigleys' conversations "as the worst case of anti-Semitism in Denver" since the murder of talk-show host Alan Berg in 1984.

The Quigleys, who maintained they made those and similar remarks in jest and never intended them to be taken seriously, sued the ADL and Rosenthal in 1995 for defamation, violations of federal wire tap law and invasion of privacy.

The federal panel threw out the invasion of privacy claims on April 22 but let the defamation and federal wire tap claims -- and the monetary award -- stand.

Rosenthal, who left the ADL to pursue other career opportunities in October, 2001, after 18 years at the helm of the local office, told the IJN he was unable to comment because the attorneys were handling all media responses.

Mountain States area director Bruce DeBoskey, who inherited the situation when he became regional head in February, 2002, spoke to the IJN from the ADL's national leadership conference in Washington, D.C.

"We're obviously disappointed but we are heartened by the dissenting judge and his arguments," DeBoskey said.

LIBEL AWARD AGAINST ANTI-DEFAMATION LEAGUE UPHELD

DENVER Apr.23, 2003 - A $9.75 million libel award against the Anti-Defamation League for publicly calling an Evergreen couple anti-Semitic was upheld Tuesday by a federal appeals court.

William and Dorothy Quigley won the judgment in April 2000 after the ADL's remarks at a news conference. The incident arose out of a dispute between the Quigleys and neighbors Mitchell and Candice Aronson, who are Jewish. The original judgment was $10.5 million, but a judge reduced that to $9.75 million in 2001 because the Quigleys had won a separate but related judgment against the Aronsons over wiretapping violations.

The ADL appealed the libel judgment, but the 10th U.S. Circuit Court of Appeals upheld the smaller award.

ADL regional director Bruce DeBoskey declined to comment.

The appeals court overturned the jury's finding that the ADL had invaded the Quigleys' privacy, saying the jury instructions were faulty. That decision had no effect on the libel award.

The dispute dates to 1994. The Aronsons claimed the Quigleys made anti-Semitic remarks in phone conversations that the Aronsons taped.

AIPAC, ADL refuse to condemn inclusion of ethnic cleansers in new Israel government

By Ali Abunimah

The Electronic Intifada
3 March 2003

http://electronicintifada.net/v2/article1210.shtml

LEADING PRO-ISRAELI ORGANIZATIONS in the United States have pointedly refused to condemn Ariel Sharon's inclusion in his new government of the National Union alliance parties whose members ran for election on a platform openly advocating the "transfer" -- or ethnic cleansing -- of the Palestinians. The National Union is made up of three parties, Moledet, Tekuma and Israel Beitenu and won seven seats in the recent Israeli election.

The American-Israel Public Affairs Committee (AIPAC), widely regarded as the most influential pro-Israeli group on Capitol Hill, did not issue any statement marking the formation of the new government. Rebecca Needler, AIPAC's press secretary explained to me that, "we don't comment on domestic Israeli issues." When I asked her if she thought that the inclusion in the Israeli government of a party that openly espouses ethnic cleansing would make AIPAC's advocacy work more difficult, Needler replied, "Israel's coalition government is representative of a true democracy."

The Anti-Defamation League (ADL), which boasts of "90 years fighting anti-Semitism, bigotry and extremism," also remained publicly silent. When I called for a comment, a woman named Sarah in the media relations office initially told me that, "we don't usually issue statements on changes of government in democratic countries." I later received a call from ADL National Director Abraham Foxman. I asked Foxman if his organization planned to issue a statement commenting on the inclusion of the National Union parties in the Israeli government. Foxman's first reply was "Why would we?" I countered, "because they ran on a platform in favor of physically removing all the Palestinians from their homeland."

Foxman said that it is "an overstatement to say that the party ran on a platform of transfer." He claimed that this was just the personal view of a few individual members. On its website, however, one of the National Union parties says, "Moledet ("homeland" in Hebrew) is an ideological political party in Israel that embraces the idea of population transfer as an integral part of comprehensive

plan to achieve real peace between the Jews and the Arabs Living in the Land of Israel. [sic] " The party further boasts that, "Moledet has successfully raised the idea of transfer in the public discourse and political arena in both Israel and abroad." (http://www.moledet.org.il/english/)

The National Union's combined platform states, "Within the framework of any agreement, it is necessary to solve the Palestinian refugee problem -- refugees who have spent the past 55 years in refugee camps. The proposed solution is transfer by agreement (population exchange) by which the refugees would be settled in Arab countries in place of Jews who emigrated to Israel from these countries." More than eighty percent of the population of Gaza and up to forty percent of the population of the West Bank are refugees. (http://www.leumi.org.il/en/index.html)

Foxman explained that since "transfer" is not part of the coalition agreement, on which the new Israeli government is built, there was no reason to issue a public comment. "We disagree," he said, "with many parties on many things, and we don't make statements about everything." I asked if he didn't think the ADL had a special duty to respond to proposals that fit the international legal definition of genocide. Foxman assured me that he thought the idea of transfer was "unacceptable" and "undemocratic," but made no firm commitment to condemn the new Israeli government for including parties with a clear pro-ethnic cleansing platform. Foxman said he had not read the relevant party platforms "in a while," a remarkable admission from a man whose organization apparently scrutinizes for evidence of 'anti-Semitism' every obscure pamphlet issued in the backstreets of Cairo. "I will go back and read them," Foxman assured, "and if transfer becomes part of the coalition agreement, then you can be sure you will hear from us."

The very high tolerance for racist and potentially genocidal ideas that Foxman evinces when they come from Israelis is not evident in other, lesser cases. For example, when the far-right Freedom Party made gains in Austria's elections in 2000 on an anti-immigrant platform, Foxman issued a statement saying, "It is astonishing that a significant portion of the [Austrian] population is ready to embrace a party and leadership that espouse xenophobic and nativist positions and statements." (ADL press release, 1 February 2000)

Foxman and ADL President Howard Berkowitz even flew off to Vienna to meddle directly in Austrian politics, and met with Austrian President Thomas Klestil, as well as the president of the Austrian parliament and other senior officials. According to a 28 February 2000 press release, "The Anti-Defamation League has watched the political situation in Austria with great concern. After meeting with elected officials, including President Thomas Klestil, we remain deeply concerned about the decision by Chancellor Wolfgang Schuessel to include Joerg Haider's Freedom Party as part of his coalition."

The idea of "solving" the Palestinian-Israeli conflict by ethnic cleansing of the Palestinians is gaining increasing exposure in the United States as well as in Israel. In February 2002, the ubiquitous daily USA Today published an op-ed calling for "resettling" all the Palestinians in Jordan, and in May 2002, then US Republican Majority Leader, Congressman Dick Armey, explicitly backed transfer on national television. More recently, popular comedian Jackie Mason

wrote an article in The Jewish Press headlined, "Time To Threaten Arabs With Mass Eviction."

It is hardly surprising that such dangerous notions are becoming increasingly mainstream when the leading pro-Israeli organizations utterly fail to condemn them, and not a single American newspaper devotes an editorial to rejecting them. In such an unrestrained atmosphere it cannot be long before Sharon is indeed able to openly espouse "transfer" and still be lauded in Washington as a "man of peace."

This article was first published in The Daily Star on 3 March 2003 (http://dailystar.com.lb)

ADL Files Brief Opposing UMich's Admissions Policy

By DANIEL TREIMAN
FORWARD STAFF

With the Supreme Court set to take up the issue of affirmative action in university admissions for the first time in a quarter-century, the Anti-Defamation League appears to be the only major Jewish group to weigh in with a brief opposing the University of Michigan policies that are being challenged.

"What we want is society to be as colorblind as possible, and therefore to use [race] for good purposes we believe is as unconstitutional as using it for bad purposes, especially if there are other ways to achieve the goal of diversity," said the ADL's national director, Abraham Foxman. He said the ADL supports Texas's policy of guaranteeing the top 10% of each high school's graduating class admission to the state university of their choice to promote diversity in lieu of racial preferences.

The American Jewish Committee, which is opposed to quotas but supports other forms of affirmative action, plans to file a brief with the court in support of the University of Michigan's policies next month. The AJCommittee's general counsel, Jeffrey Sinensky, said that he did not believe the university's admissions system constitutes a constitutionally unacceptable quota.

Representatives of the National Council of Jewish Women and the Religious Action Center of Reform Judaism have told the Forward that their groups plan to sign on to briefs in support of the university's policies.

At issue in the pair of cases the Supreme Court will hear in April are the University of Michigan's undergraduate and law school admissions polices. The Michigan undergraduate admissions policy awards points to applicants for a variety of factors, including membership in certain minority groups. The law school considers race in admissions to achieve a "critical mass" of minority students. The plaintiffs in the cases are white applicants who contend that they were denied admission in favor of less-qualified members of minority groups.

On January 15, the same day the ADL formally announced its filing of a brief, President Bush declared his administration's decision to file a brief opposing the university's affirmative action policies in a nationally televised speech. He called the university's policies "a quota system that unfairly rewards or penalizes prospective students based solely on their race."

Supporters of affirmative action blasted Bush's remarks. In a statement, the chairman of the board of directors of the National Association for the Advancement of Colored People, Julian Bond, said: "As expected, President Bush has come down on the wrong side of the struggle over justice in higher education." Bond called affirmative action "the just spoils of a righteous war, won at great cost and intended to heal division and end centuries of discrimination."

In particular, supporters of affirmative action disputed the president's characterization of the university's affirmative action policies as a "quota system." The Supreme Court prohibited the use of racial quotas in university admissions in its 1978 decision in the landmark *Bakke* case. The decision, however, is generally understood as permitting the use of race as one factor among many in the interest of promoting a diverse student body.

Unlike the Bush administration's brief, the ADL's brief does not argue that Michigan's policies constitute a quota. However, the ADL brief states that the organization adheres "to the principle that school admissions programs must be race-neutral."

Nevertheless, despite the ADL's strong stance against racial preferences — except "to remedy specific discrimination" — its brief is cautious in its recommendations to the court. While it denounces the university's use of race as a "proxy" for diversity, it argues that it is "unnecessary to decide this case in a manner that would establish a 'bright-line' test for *all* university and professional school admissions systems."

The brief even states that while the "ADL endorses only race-neutral means to achieve diversity in higher education... this does not inevitably mean that all consciousness of race in admissions must always be unlawful. It is unrealistic to believe that university and professional school admissions officers will always be blind to the race of an applicant."

The American Jewish Congress said that it had planned to file a brief criticizing only the law school's admissions policy. But because of internal debates within the organization over how strongly to argue against the policy, said AJCongress's assistant executive director, Marc Stern, "there was simply not enough time left to write a brief" before last week's filing deadline for critics of the university's policies.

"This has always been a difficult issue for American Jewish Congress and the American Jewish community," Stern said.

The last time the Supreme Court took up the issue of affirmative action in university admissions, in the *Bakke* case, the three leading Jewish civil rights groups — AJCommittee, AJCongress and ADL — all signed on to briefs challenging the University of California at Davis's medical school's practice of setting aside admissions slots for minority applicants. The move heightened tensions with black groups that supported the policy.

In the 1970s, the controversies surrounding affirmative action tapped into deep-seated Jewish anxieties about the use of quotas in higher education as well as the direction of the civil rights movement. Since then, however, community observers say that Jewish anxieties about affirmative action have dissipated somewhat, in part because of the high court's repudiation of minority quotas and set-asides in *Bakke*.

While the ADL appears to be the only Jewish group to have filed a brief with the court opposing the University of Michigan's policies, last week the ultra-Orthodox Agudath Israel of America issued a statement endorsing Bush's remarks on the case.

Benjamin Freedman Speaks: A Jewish Defector Warns America

by Benjamin H. Freedman

Introductory Note:
Benjamin H. Freedman was one of the most intriguing and amazing individuals of the 20th century. Mr. Freedman, born in 1890, was a successful Jewish businessman of New York City who was at one time the principal owner of the Woodbury Soap Company. He broke with organized Jewry after the Judeo-Communist victory of 1945, and spent the remainder of his life and the great preponderance of his considerable fortune, at least 2.5 million dollars, exposing the Jewish tyranny which has enveloped the United States. Mr. Freedman knew what he was talking about because he had been an insider at the highest levels of Jewish organizations and Jewish machinations to gain power over our nation. Mr. Freedman was personally acquainted with Bernard Baruch, Samuel Untermyer, Woodrow Wilson, Franklin Roosevelt, Joseph Kennedy, and John F. Kennedy, and many more movers and shakers of our times. This speech was given before a patriotic audience in 1961 at the Willard Hotel in Washington, D.C., on behalf of Conde McGinley's patriotic newspaper of that time, *Common Sense.* Though in some minor ways this wide-ranging and extemporaneous speech has become dated, Mr. Freedman's essential message to us -- his warning to the West -- is more urgent than ever before. --
K.A.S.

Here in the United States, the Zionists and their co-religionists have complete control of our government. For many reasons, too many and too complex to go into here at this time, the Zionists and their co- religionists rule these United States as though they were the absolute monarchs of this country. Now you may say that is a very broad statement, but let me show you what happened while we were all asleep.

What happened? World War I broke out in the summer of 1914. There are few people here my age who remember that. Now that war was waged on one side by Great Britain, France, and Russia; and on the other side by Germany, Austria-Hungary, and Turkey.

Within two years Germany had won that war: not only won it nominally, but won it actually. The German submarines, which were a surprise to the world, had swept all the convoys from the Atlantic Ocean. Great Britain stood there without ammunition for her soldiers, with one week's food supply -- and after that, starvation. At that time, the French army had mutinied. They had lost 600,000 of the flower of French youth in the defense of Verdun on the Somme. The Russian army was defecting, they were picking up their toys and going home, they didn't want to play war anymore, they didn't like the Czar. And the Italian army had collapsed.

Not a shot had been fired on German soil. Not one enemy soldier had crossed the border into Germany. And yet, Germany was offering England peace terms. They offered

England a negotiated peace on what the lawyers call a *status quo ante* basis. That means: "Let's call the war off, and let everything be as it was before the war started." England, in the summer of 1916 was considering that -- seriously. They had no choice. It was either accepting this negotiated peace that Germany was magnanimously offering them, or going on with the war and being totally defeated.

While that was going on, the Zionists in Germany, who represented the Zionists from Eastern Europe, went to the British War Cabinet and -- I am going to be brief because it's a long story, but I have all the documents to prove any statement that I make -- they said: "Look here. You can yet win this war. You don't have to give up. You don't have to accept the negotiated peace offered to you now by Germany. You can win this war if the United States will come in as your ally." The United States was not in the war at that time. We were fresh; we were young; we were rich; we were powerful. They told England: "We will guarantee to bring the United States into the war as your ally, to fight with you on your side, if you will promise us Palestine after you win the war." In other words, they made this deal: "We will get the United States into this war as your ally. The price you must pay is Palestine after you have won the war and defeated Germany, Austria-Hungary, and Turkey." Now England had as much right to promise Palestine to anybody, as the United States would have to promise Japan to Ireland for any reason whatsoever. It's absolutely absurd that Great Britain, that never had any connection or any interest or any right in what is known as Palestine should offer it as coin of the realm to pay the Zionists for bringing the United States into the war. However, they did make that promise, in October of 1916. And shortly after that -- I don't know how many here remember it - - the United States, which was almost totally pro-German, entered the war as Britain's ally.

I say that the United States was almost totally pro-German because the newspapers here were controlled by Jews, the bankers were Jews, all the media of mass communications in this country were controlled by Jews; and they, the Jews, were pro-German. They were pro-German because many of them had come from Germany, and also they wanted to see Germany lick the Czar. The Jews didn't like the Czar, and they didn't want Russia to win this war. These German-Jew bankers, like Kuhn Loeb and the other big banking firms in the United States refused to finance France or England to the extent of one dollar. They stood aside and they said: "As long as France and England are tied up with Russia, not one cent!" But they poured money into Germany, they fought beside Germany against Russia, trying to lick the Czarist regime.

Now those same Jews, when they saw the possibility of getting Palestine, went to England and they made this deal. At that time, everything changed, like a traffic light that changes from red to green. Where the newspapers had been all pro-German, where they'd been telling the people of the difficulties that Germany was having fighting Great Britain commercially and in other respects, all of a sudden the Germans were no good. They were villains. They were Huns. They were shooting Red Cross nurses. They were cutting off babies' hands. They were no good. Shortly after that, Mr. Wilson declared war on Germany.

The Zionists in London had sent cables to the United States, to Justice Brandeis, saying "Go to work on President Wilson. We're getting from England what we want. Now you go to work on President Wilson and get the United States into the war." That's how the United States got into the war. We had no more interest in it; we had no more right to be

in it than we have to be on the moon tonight instead of in this room. There was absolutely no reason for World War I to be our war. We were railroaded into -- if I can be vulgar, we were suckered into -- that war merely so that the Zionists of the world could obtain Palestine. That is something that the people of the United States have never been told. They never knew why we went into World War I.

After we got into the war, the Zionists went to Great Britain and they said: "Well, we performed our part of the agreement. Let's have something in writing that shows that you are going to keep your bargain and give us Palestine after you win the war." They didn't know whether the war would last another year or another ten years. So they started to work out a receipt. The receipt took the form of a letter, which was worded in very cryptic language so that the world at large wouldn't know what it was all about. And that was called the Balfour Declaration.

The Balfour Declaration was merely Great Britain's promise to pay the Zionists what they had agreed upon as a consideration for getting the United States into the war. So this great Balfour Declaration, that you hear so much about, is just as phony as a three dollar bill. I don't think I could make it more emphatic than that.

That is where all the trouble started. The United States got in the war. The United States crushed Germany. You know what happened. When the war ended, and the Germans went to Paris for the Paris Peace Conference in 1919 there were 117 Jews there, as a delegation representing the Jews, headed by Bernard Baruch. I was there: I ought to know. Now what happened? The Jews at that peace conference, when they were cutting up Germany and parceling out Europe to all these nations who claimed a right to a certain part of European territory, said, "How about Palestine for us?" And they produced, for the first time to the knowledge of the Germans, this Balfour Declaration. So the Germans, for the first time realized, "Oh, so that was the game! That's why the United States came into the war." The Germans for the first time realized that they were defeated, they suffered the terrific reparations that were slapped onto them, because the Zionists wanted Palestine and were determined to get it at any cost.

That brings us to another very interesting point. When the Germans realized this, they naturally resented it. Up to that time, the Jews had never been better off in any country in the world than they had been in Germany. You had Mr. Rathenau there, who was maybe 100 times as important in industry and finance as is Bernard Baruch in this country. You had Mr. Balin, who owned the two big steamship lines, the North German Lloyd's and the Hamburg-American Lines. You had Mr. Bleichroder, who was the banker for the Hohenzollern family. You had the Warburgs in Hamburg, who were the big merchant bankers -- the biggest in the world. The Jews were doing very well in Germany. No question about that. The Germans felt: "Well, that was quite a sellout."

It was a sellout that might be compared to this hypothetical situation: Suppose the United States was at war with the Soviet Union. And we were winning. And we told the Soviet Union: "Well, let's quit. We offer you peace terms. Let's forget the whole thing." And all of a sudden Red China came into the war as an ally of the Soviet Union. And throwing them into the war brought about our defeat. A crushing defeat, with reparations the likes of which man's imagination cannot encompass. Imagine, then, after that defeat, if we found out that it was the Chinese in this country, our Chinese citizens, who all the time we had thought were loyal citizens working with us, were selling us out

to the Soviet Union and that it was through them that Red China was brought into the war against us. How would we feel, then, in the United States against Chinese? I don't think that one of them would dare show his face on any street. There wouldn't be enough convenient lampposts to take care of them. Imagine how we would feel.

Well, that's how the Germans felt towards these Jews. They'd been so nice to them: from 1905 on, when the first Communist revolution in Russia failed, and the Jews had to scramble out of Russia, they all went to Germany. And Germany gave them refuge. And they were treated very nicely. And here they had sold Germany down the river for no reason at all other than the fact that they wanted Palestine as a so-called "Jewish commonwealth."

Now Nahum Sokolow, and all the great leaders and great names that you read about in connection with Zionism today, in 1919, 1920, 1921, 1922, and 1923 wrote in all their papers -- and the press was filled with their statements -- that the feeling against the Jews in Germany is due to the fact that they realized that this great defeat was brought about by Jewish intercession in bringing the United States into the war. The Jews themselves admitted that. It wasn't that the Germans in 1919 discovered that a glass of Jewish blood tasted better than Coca-Cola or Muenschner Beer. There was no religious feeling. There was no sentiment against those people merely on account of their religious belief. It was all political. It was economic. It was anything but religious. Nobody cared in Germany whether a Jew went home and pulled down the shades and said "Shema' Yisroel" or "Our Father." Nobody cared in Germany any more than they do in the United States. Now this feeling that developed later in Germany was due to one thing: the Germans held the Jews responsible for their crushing defeat.

And World War I had been started against Germany for no reason for which Germany was responsible. They were guilty of nothing. Only of being successful. They built up a big navy. They built up world trade. You must remember that Germany at the time of the French Revolution consisted of 300 small city-states, principalities, dukedoms, and so forth. Three hundred separate little political entities. And between that time, between the times of Napoleon and Bismarck, they were consolidated into one state. And within 50 years they became one of the world's great powers. Their navy was rivaling Great Britain's, they were doing business all over the world, they could undersell anybody, they could make better products. What happened as a result of that?

There was a conspiracy between England, France, and Russia to slap down Germany. There isn't one historian in the world who can find a valid reason why those three countries decided to wipe Germany off the map politically.

When Germany realized that the Jews were responsible for her defeat, they naturally resented it. But not a hair on the head of any Jew was harmed. Not a single hair. Professor Tansill, of Georgetown University, who had access to all the secret papers of the State Department, wrote in his book, and quoted from a State Department document written by Hugo Schoenfelt, a Jew whom Cordell Hull sent to Europe in 1933 to investigate the so-called camps of political prisoners, who wrote back that he found them in very fine condition. They were in excellent shape, with everybody treated well. And they were filled with Communists. Well, a lot of them were Jews, because the Jews happened to comprise about 98 per cent of the Communists in Europe at that time. And

there were some priests there, and ministers, and labor leaders, and Masons, and others who had international affiliations.

Some background is in order: In 1918-1919 the Communists took over Bavaria for a few days. Rosa Luxemburg and Karl Liebknecht and a group of other Jews took over the government for three days. In fact, when the Kaiser ended the war he fled to Holland because he thought the Communists were going to take over Germany as they did Russia and that he was going to meet the same fate as the Czar. So he fled to Holland for safety, for security. After the Communist threat in Germany was quashed, the Jews were still working, trying to get back into their former status, and the Germans fought them in every way they could without hurting a single hair on anyone's head. They fought them the same way that, in this country, the Prohibitionists fought anyone who was interested in liquor. They didn't fight one another with pistols. Well, that's the way they were fighting the Jews in Germany. And at that time, mind you, there were 80 to 90 million Germans, and there were only 460,000 Jews. About one half of one per cent of the population of Germany were Jews. And yet they controlled all the press, and they controlled most of the economy because they had come in with cheap money when the mark was devalued and bought up practically everything.

The Jews tried to keep a lid on this fact. They didn't want the world to really understand that they had sold out Germany, and that the Germans resented that.

The Germans took appropriate action against the Jews. They, shall I say, discriminated against them wherever they could. They shunned them. The same way that we would shun the Chinese, or the Negroes, or the Catholics, or anyone in this country who had sold us out to an enemy and brought about our defeat.

After a while, the Jews of the world called a meeting in Amsterdam. Jews from every country in the world attended this meeting in July 1933. And they said to Germany: "You fire Hitler, and you put every Jew back into his former position, whether he was a Communist or no matter what he was. You can't treat us that way. And we, the Jews of the world, are serving an ultimatum upon you." You can imagine what the Germans told them. So what did the Jews do?

In 1933, when Germany refused to surrender to the world conference of Jews in Amsterdam, the conference broke up, and Mr. Samuel Untermyer, who was the head of the American delegation and the president of the whole conference, came to the United States and went from the steamer to the studios of the Columbia Broadcasting System and made a radio broadcast throughout the United States in which he in effect said, "The Jews of the world now declare a Holy War against Germany. We are now engaged in a sacred conflict against the Germans. And we are going to starve them into surrender. We are going to use a world-wide boycott against them. That will destroy them because they are dependent upon their export business." And it is a fact that two thirds of Germany's food supply had to be imported, and it could only be imported with the proceeds of what they exported. So if Germany could not export, two thirds of Germany's population would have to starve. There was just not enough food for more than one third of the population. Now in this declaration, which I have here, and which was printed in the New York Times on August 7, 1933, Mr. Samuel Untermyer boldly stated that "this economic boycott is our means of self-defense. President Roosevelt has advocated its use in the National Recovery Administration," which some of you may

remember, where everybody was to be boycotted unless he followed the rules laid down by the New Deal, and which was declared unconstitutional by the Supreme Court of that time. Nevertheless, the Jews of the world declared a boycott against Germany, and it was so effective that you couldn't find one thing in any store anywhere in the world with the words "made in Germany" on it. In fact, an executive of the Woolworth Company told me that they had to dump millions of dollars worth of crockery and dishes into the river; that their stores were boycotted if anyone came in and found a dish marked "made in Germany," they were picketed with signs saying "Hitler," "murderer," and so forth, something like these sit-ins that are taking place in the South. At a store belonging to the R. H. Macy chain, which was controlled by a family called Strauss who also happen to be Jews, a woman found stockings there which came from Chemnitz, marked "made in Germany." Well, they were cotton stockings and they may have been there 20 years, since I've been observing women's legs for many years and it's been a long time since I've seen any cotton stockings on them. I saw Macy's boycotted, with hundreds of people walking around with signs saying "murderers," "Hitlerites," and so forth. Now up to that time, not one hair on the head of any Jew had been hurt in Germany. There was no suffering, there was no starvation, there was no murder, there was nothing.

Naturally, the Germans said, "Who are these people to declare a boycott against us and throw all our people out of work, and make our industries come to a standstill? Who are they to do that to us?" They naturally resented it. Certainly they painted swastikas on stores owned by Jews. Why should a German go in and give his money to a storekeeper who was part of a boycott that was going to starve Germany into surrendering to the Jews of the world, who were going to dictate who their premier or chancellor was to be? Well, it was ridiculous.

The boycott continued for some time, but it wasn't until 1938, when a young Jew from Poland walked into the German embassy in Paris and shot a German official, that the Germans really started to get rough with the Jews in Germany. And you found them then breaking windows and having street fights and so forth.

Now I don't like to use the word "anti-Semitism" because it's meaningless, but it means something to you still, so I'll have to use it. The only reason that there was any feeling in Germany against Jews was that they were responsible for World War I and for this world-wide boycott. Ultimately they were also responsible for World War II, because after this thing got out of hand, it was absolutely necessary for the Jews and Germany to lock horns in a war to see which one was going to survive. In the meanwhile, I had lived in Germany, and I knew that the Germans had decided that Europe is going to be Christian or Communist: there is no in between. And the Germans decided they were going to keep it Christian if possible. And they started to re-arm. In November 1933 the United States recognized the Soviet Union. The Soviet Union was becoming very powerful, and Germany realized that "Our turn was going to come soon, unless we are strong." The same as we in this country are saying today, "Our turn is going to come soon, unless we are strong." Our government is spending 83 or 84 billion dollars for defense. Defense against whom? Defense against 40,000 little Jews in Moscow that took over Russia, and then, in their devious ways, took over control of many other countries of the world.

For this country now to be on the verge of a Third World War, from which we cannot emerge a victor, is something that staggers my imagination. I know that nuclear bombs

are measured in terms of megatons. A megaton is a term used to describe one million tons of TNT. Our nuclear bombs had a capacity of 10 megatons, or 10 million tons of TNT, when they were first developed. Now, the nuclear bombs that are being developed have a capacity of 200 megatons, and God knows how many megatons the nuclear bombs of the Soviet Union have.

What do we face now? If we trigger a world war that may develop into a nuclear war, humanity is finished. Why might such a war take place? It will take place as the curtain goes up on Act 3: Act 1 was World War I, Act 2 was World War II, Act 3 is going to be World War III. The Jews of the world, the Zionists and their co-religionists everywhere, are determined that they are going to again use the United States to help them permanently retain Palestine as their foothold for their world government. That is just as true as I am standing here. Not alone have I read it, but many here have also read it, and it is known all over the world.

What are we going to do? The life you save may be your son's. Your boys may be on their way to that war tonight; and you don't know it any more than you knew that in 1916 in London the Zionists made a deal with the British War Cabinet to send your sons to war in Europe. Did you know it at that time? Not a person in the United States knew it. You weren't permitted to know it. Who knew it? President Wilson knew it. Colonel House knew it. Other insiders knew it.

Did I know it? I had a pretty good idea of what was going on: I was liaison to Henry Morgenthau, Sr., in the 1912 campaign when President Wilson was elected, and there was talk around the office there. I was "confidential man" to Henry Morgenthau, Sr., who was chairman of the finance committee, and I was liaison between him and Rollo Wells, the treasurer. So I sat in these meetings with President Wilson at the head of the table, and all the others, and I heard them drum into President Wilson's brain the graduated income tax and what has become the Federal Reserve, and I heard them indoctrinate him with the Zionist movement. Justice Brandeis and President Wilson were just as close as the two fingers on this hand. President Woodrow Wilson was just as incompetent when it came to determining what was going on as a newborn baby. That is how they got us into World War I, while we all slept. They sent our boys over there to be slaughtered. For what? So the Jews can have Palestine as their "commonwealth." They've fooled you so much that you don't know whether you're coming or going.

Now any judge, when he charges a jury, says, "Gentlemen, any witness who you find has told a single lie, you can disregard all his testimony." I don't know what state you come from, but in New York state that is the way a judge addresses a jury. If that witness told one lie, disregard his testimony.

What are the facts about the Jews? (I call them Jews to you, because they are known as Jews. I don't call them Jews myself. I refer to them as so-called Jews, because I know what they are.) The eastern European Jews, who form 92 per cent of the world's population of those people who call themselves Jews, were originally Khazars. They were a warlike tribe who lived deep in the heart of Asia. And they were so warlike that even the Asiatics drove them out of Asia into eastern Europe. They set up a large Khazar kingdom of 800,000 square miles. At the time, Russia did not exist, nor did many other European countries. The Khazar kingdom was the biggest country in all Europe -- so big

and so powerful that when the other monarchs wanted to go to war, the Khazars would lend them 40,000 soldiers. That's how big and powerful they were.

They were phallic worshippers, which is filthy and I do not want to go into the details of that now. But that was their religion, as it was also the religion of many other pagans and barbarians elsewhere in the world. The Khazar king became so disgusted with the degeneracy of his kingdom that he decided to adopt a so-called monotheistic faith -- either Christianity, Islam, or what is known today as Judaism, which is really Talmudism. By spinning a top, and calling out "eeny, meeny, miney, moe," he picked out so-called Judaism. And that became the state religion. He sent down to the Talmudic schools of Pumbedita and Sura and brought up thousands of rabbis, and opened up synagogues and schools, and his people became what we call Jews. There wasn't one of them who had an ancestor who ever put a toe in the Holy Land. Not only in Old Testament history, but back to the beginning of time. Not one of them! And yet they come to the Christians and ask us to support their armed insurrections in Palestine by saying, "You want to help repatriate God's Chosen People to their Promised Land, their ancestral home, don't you? It's your Christian duty. We gave you one of our boys as your Lord and Savior. You now go to church on Sunday, and you kneel and you worship a Jew, and we're Jews." But they are pagan Khazars who were converted just the same as the Irish were converted. It is as ridiculous to call them "people of the Holy Land," as it would be to call the 54 million Chinese Moslems "Arabs." Mohammed only died in 620 A.D., and since then 54 million Chinese have accepted Islam as their religious belief. Now imagine, in China, 2,000 miles away from Arabia, from Mecca and Mohammed's birthplace. Imagine if the 54 million Chinese decided to call themselves "Arabs." You would say they were lunatics. Anyone who believes that those 54 million Chinese are Arabs must be crazy. All they did was adopt as a religious faith a belief that had its origin in Mecca, in Arabia. The same as the Irish. When the Irish became Christians, nobody dumped them in the ocean and imported to the Holy Land a new crop of inhabitants. They hadn't become a different people. They were the same people, but they had accepted Christianity as a religious faith.

These Khazars, these pagans, these Asiatics, these Turko-Finns, were a Mongoloid race who were forced out of Asia into eastern Europe. Because their king took the Talmudic faith, they had no choice in the matter. Just the same as in Spain: If the king was Catholic, everybody had to be a Catholic. If not, you had to get out of Spain. So the Khazars became what we call today Jews. Now imagine how silly it was for the great Christian countries of the world to say, "We're going to use our power and prestige to repatriate God's Chosen People to their ancestral homeland, their Promised Land." Could there be a bigger lie than that? Because they control the newspapers, the magazines, the radio, the television, the book publishing business, and because they have the ministers in the pulpit and the politicians on the soapboxes talking the same language, it is not too surprising that you believe that lie. You'd believe black is white if you heard it often enough. You wouldn't call black black anymore -- you'd start to call black white. And nobody could blame you.

That is one of the great lies of history. It is the foundation of all the misery that has befallen the world.

Do you know what Jews do on the Day of Atonement, that you think is so sacred to them? I was one of them. This is not hearsay. I'm not here to be a rabble-rouser. I'm

here to give you facts. When, on the Day of Atonement, you walk into a synagogue, you stand up for the very first prayer that you recite. It is the only prayer for which you stand. You repeat three times a short prayer called the Kol Nidre. In that prayer, you enter into an agreement with God Almighty that any oath, vow, or pledge that you may make during the next twelve months shall be null and void. The oath shall not be an oath; the vow shall not be a vow; the pledge shall not be a pledge. They shall have no force or effect. And further, the Talmud teaches that whenever you take an oath, vow, or pledge, you are to remember the Kol Nidre prayer that you recited on the Day of Atonement, and you are exempted from fulfilling them. How much can you depend on their loyalty? You can depend upon their loyalty as much as the Germans depended upon it in 1916. We are going to suffer the same fate as Germany suffered, and for the same reason.

More on FOIA; The Anti-Defamation League and the FBI
Dec 29, 2002
IN THIS MESSAGE
* More on FOIA
* The Anti-Defamation League and the FBI

Freedom of Information: attempts, procedures etc

"The Freedom of Information Act process is obviously under heavy attack [administrative, foot-dragging, statutory thrusts] from the Bush/Ashcroft et al. forces -- and certainly doesn't seem to be getting any substantive defense from the Democrats. Much of the "mechanism", however, is still intact . . . ." The mechanism may be technically intact in that all the steps are still there. But Asscroft ordered the agencies, in the wake of 911, to routinely not disclose. The effect is to add another step to the mechanism--going to court to get disclosure. I don't know how closely the agencies have followed Asscroft's advice.

And some cautionary notes: The request goes into the file of the requester and probably the subject's file, to. So that should be in the mind of the person drafting it.

Second, no reason for wanting the material need be given; it's entirely irrelevant. Giving the kinds of reasons that exist here, it seems to me, just waves red flags (double meaning intended) that might move the request from the regular track to the high resistance track. A countervailing consideration is when the requester thinks there might be information not indexed or filed under the subject's name but in the file maintained on an organization. So the requester should consider whether to ask that the search include the files on named organizations.

FBI field offices sometimes have information they didn't send to Washington, so consider querying selected offices in addition to headquarters.

- Reber Boult
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The Anti-Defamation League and the FBI

Note by Hunterbear:

There's been something of a discussion today on a couple of Left lists --

including that of Socialists Unmoderated [SPUSA] -- about the Anti-Defamation League. The consensus certainly is -- and quite accurately -- that ADL is a reactionary outfit indeed. Here is a post on that -- which includes a little personal experience on my part -- which I sent out early last June to several lists. Now on our large website, I'm reposting it on several lists -- including a few that never saw it. Following my comment is a very revealing ADL news release about its cooperation with FBI.

ADL AND FBI [HUNTER GRAY 6/8/02]
Note by Hunterbear:

The fact that the Anti-Defamation League is working very conspicuously with the FBI -- and at a point where FBI is functioning in a more openly [I say openly] repressive fashion than it has in decades [FBI, of course, has always been repressive as hell], should come as absolutely no surprise to anyone even generally familiar with the civil liberties turf in the United States. ADL has been doing this as long as I, at least, can remember -- and one of its traditional areas of concern has always been everything from militant liberalism into and across the Left spectrum [with the exception of right-wing "social democrats."]

About ten years or so ago, the now very well established and broad-based and always quite circumspect American-Arab Anti-Discrimination Committee, then spearheaded by former US Senator James Abourezk from South Dakota [married to a Rosebud Sioux and a major figure in Indian rights], released documents that had been secretly issued by ADL: its so-called list of "subversive organizations" which numbered into the hundreds -- and included, among others, not only the various racist and anti-Semitic hate groups -- BUT also American-Arab Anti-Discrimination Committee, all sorts of Native American and Chicano and Black and Asian rights organizations, virtually everything on the Left, labor unions, liberal outfits, Islamic groups, social justice-oriented Christian church organizations -- and on and on and on.

All of this was in the context of ADL working covertly with various police organizations and operations.

My own experiences with ADL were many, many years ago and relatively minimal -- but not friendly. In the Southern Movement days, ADL was working with the right-wing Jay Lovestone elements in AFL-CIO [mostly on the AFL end of it] to "track" and hunt alleged "subversives" in the Civil Rights Movement -- with an especial focus on SNCC and SCEF [I was the SCEF Field Organizer.] On the other hand, its influence in the hard-core South was essentially nil and its sabotaging thrusts occurred mostly in the North, East, and West Coast regions.

In the late Fall, 1963, veteran activist Miss Ella J. Baker [Advisor to SNCC, Consultant to SCEF -- and an old and dear friend always] and I [as SCEF Organizer] spent a few hard-traveling and very demanding weeks on a speaking tour in the North and West, building support for the Civil Rights Bill [to become the 1964 CR Act] and for the Movement generally. This trip -- focused on church and labor and academic groups -- went extremely well.

A year later -- late in 1964 -- I did a shorter solo run which was mostly in the Western Mountain states. By this time, the old national solidarity behind the Southern Movement was beginning to crack: many northern liberals were "tired" and wanted to feel that the passage of the '64 CR Act was the apex, various ideological divisions within the Movement were becoming more and more publicly apparent, war clouds in Southeast Asia were very visible,

there had been several Northern ghetto upheavals, the integrationist / separatist debates were obviously incipient, a plethora of New Left outfits had emerged -- many healthy, and some not so. In addition, FBI COINTELPRO was in full swing.

That late 1964 speaking trip of mine in the West, focused mostly on labor and academic sectors, was quite successful -- very large turnouts -- but there were occasionally turbulent dimensions. John Birchers and Young Americans for Freedom et al were traditional, frequent and noisy nuisances. Now and then, there were very ultra-Left thrusts which may well have been in actuality COINTELPRO.

But, in at least one setting, ADL was definitely involved as a would-be sabotaging force.

That was at Colorado State, Greeley, where my host was an internationally known educator and where most of the people who came to hear me were faculty, labor officials, and Chicano and Black civil rights activists. No visible problems -- but I was told that one faculty person at Greeley, who did not come to the meeting, had advised everyone in advance that I and SCEF were very "suspect" and "probably Communists" and he cited information he'd gotten from the ADL regional office at Denver. No one listened to him and the meeting at Greeley and environs was an excellent one.

My next engagement was at Denver and, as soon as I got there, I went to the ADL Regional Office and raised High Hell with its director [while grinning junior staff, out of his sight, and in my general age range, enthusiastically signaled me to lay it on him.] For his part, he beat a very hasty retreat indeed, blamed the Greeley prof for everything, and apologized profusely. I had brought with me on this trip a great deal of United Klans and other Klan-type White supremacist material from the Deep Dixie setting in which I was deeply involved -- and I left some of that with them. Although I invited him, he did not come to my large Denver meeting which had many officials from the Mine-Mill and OCAW international offices, other labor people, Native Americans, many academics and students, and a large number of Black and Chicano activists. There, a very weird and ostensibly far, far Left threesome tried to disrupt things -- but got nowhere.

So my own experiences with ADL have been neither extensive nor friendly. Still, the Colorado thing was certainly revealing -- and the ADL connections with the Lovestone finks in AFL-CIO were also becoming more and more apparent to many of us working in the Southern battlefields. Decades later, when I saw, via American-Arab Anti-Discrimination Committee, the massive ADL "subversive list," I was certainly not surprised at all.

Nor am I at all surprised now to see ADL cooperating so openly and congenially with FBI -- in the blank-check name, of course, of "national security."

Hunter Gray [Hunterbear]

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Law Enforcement From Across The U.S. Participate In Joint ADL-FBI Conference On Terrorism
Anti-Defamation League
6/6/02 staff

More than 500 representatives of federal, state and local law enforcement agencies were briefed on extremist and terrorist threats during a daylong

conference co-sponsored by the Anti-Defamation League (ADL) and the Federal Bureau of Investigation.

The May 31 program, held at the FBI Academy in Quantico, VA, was an outgrowth of ADL's longtime involvement in providing information and training to law enforcement on threats posed by extremists. The conference, "Extremist and Terrorist Threats: Protecting America After 9/11" included presentations from ADL, FBI and other nationally recognized experts on extremist groups, investigative techniques, counterterrorism strategies, domestic security and threat assessment.

"Now more than ever, law enforcement must have the resources and know-how to prevent future acts of terrorism," said Abraham H. Foxman, ADL National Director. "In order to assess threats against the United States, law enforcement must have credible information about domestic and foreign extremists whose rhetoric promotes violence. Through our network of regional offices and our experts in the field, ADL is uniquely suited to aid in the war against terrorism. This conference was an opportunity for law enforcement and extremism watchdogs to compare notes and forge alliances."

The conference brought together representatives of federal, state and local law enforcement from every region of the U.S., and included participants in the FBI National Academy, ADL regional directors, area counsels and investigative researchers.

The program featured opening remarks from Mr. Foxman and Dr. Kathleen L. McChesney, the FBI's Executive Assistant Director for Law Enforcement Services. The plenary session, "Right and Left, Domestic and Foreign: An Overview of Extremist and Terrorist Movements and Groups," featured presentations from Dr. Bruce Hoffman, Director of the Washington office of The Rand Corporation; Greg Comcowich, Intelligence Research Specialist in the FBI's Counterterrorism Division; and Mark Pitcavage, ADL Director of Fact Finding.

James T. Caruso, the FBI's Deputy Executive Assistant Director for Counterterrorism and Counterintelligence, delivered the keynote address.

Five concurrent workshops focused on Threat Assessment on the State and Local Level; Strategies for Police-Community Cooperation to Combat Extremism and Terrorism; The Changing Role of Law Enforcement: Policy, People and Technology; Inside the Minds of Terrorists and Extremists; and New Partnerships: Law Enforcement, the Military and Non-Governmental Organizations. Among the presenters were police chiefs from Arlington, VA, Irvine, CA, and Spokane, WA; and officials from the U.S. Army Criminal Investigation Command; the U.S. Army War College, the International Association of Chiefs of Police, and ADL and FBI professionals.

David Friedman, Director of ADL's Washington, D.C. Regional Office, and Louis Quijas, Assistant Director for the FBI's Office of Law Enforcement Coordination, delivered closing remarks.

EDITORS NOTE: Additional information on extremist groups and ideologies, and the League's partnerships with law enforcement agencies across the country, is available at ADL's online Law Enforcement Agency Resource Network, at www.adl.org/LEARN.

The Anti-Defamation League, founded in 1913, is the world's leading organization fighting anti-Semitism through programs and services that counteract hatred, prejudice and bigotry.

Hunter Gray [Hunterbear]
www.hunterbear.org (strawberry socialism)
Protected by Narshdorirbarir

In Georgia, a Race Too Close to Call

By PHILIP SHENON, NY Times

ATLANTA, Aug. 18 -- No one would confuse the leafy suburban streets of Georgia's Fourth Congressional District with a seaside boulevard in Tel Aviv or with the dusty roads that crisscross the West Bank.

But the issues of war and peace in the Middle East may be what decide the primary on Tuesday between two African-American women battling for the Democratic nomination for this district's seat in the House. Recent polls suggest that the race between Representative Cynthia A. McKinney, a five-term incumbent who has received substantial financial backing from Arab-Americans, and Denise Majette, a former state judge supported by pro-Israel groups, is too close to call.

"This is turning into a small proxy war -- a little, Middle East proxy war," said Khalil E. Jahshan, executive vice president of the American-Arab Anti-Discrimination Committee in Washington.

The group's political action committee is urging its members to support Ms. McKinney, who is being opposed by pro-Israel groups because of her support for Arab causes. "One can raise all sorts of legitimate questions about McKinney's position on this or that issue, but she has been articulate on our concerns," Mr. Jahshan said.

Ms. McKinney has received campaign contributions from Arab-Americans around the country, including several who have come under scrutiny by the Federal Bureau of Investigation for possible terrorist links. Some of her contributors turned up as defendants in a $1 trillion lawsuit filed last week in Washington by families of Sept. 11 victims; the suit accuses them of being "enablers of terrorism."

Ms. Majette has received donations from Jews from outside Georgia, raising almost twice as much over all as Ms. McKinney, more than $1.1 million versus about $640,000 for the incumbent. The challenger has accused Ms. McKinney of taking money from "people who have been named as Arab terrorists."

Ms. McKinney and her spokesmen, who did not return phone calls for comment, have defended the contributions as legal, and have suggested there is no need to return the money.

If Ms. McKinney loses, she will be the second House Democrat to be defeated this year in a race in which Middle East politics, and the influence of campaign contributions from both Arab-Americans and Jewish Americans, have played a significant role. Representative Earl F. Hilliard, an Alabama Democrat who has also supported Arab and Muslim concerns, was ousted in a primary vote in June by Artur Davis, a candidate backed by pro-Israel groups.

The races in Alabama and Georgia are seen as evidence of new strains

between African-Americans and Jewish Americans, who for decades were seen as unshakable political allies, given their shared history of discrimination. "Unfortunately, this is symptomatic of the tensions between the black and Jewish communities," said Abraham H. Foxman, national director of the Anti-Defamation League in New York, which is traditionally aligned with Jewish and pro-Israel groups.

But, Mr. Foxman said, it made sense that Jewish Americans would want to contribute to efforts to replace Ms. McKinney and Mr. Hilliard because of the lawmakers' records on matters of interest to the Jewish community.

Ms. McKinney, a 47-year-old educator-turned-politician with a liberal voting record and a confrontational style, is known in Congress for statements that border on the outrageous.

After Sept. 11, she suggested that President Bush ignored warnings of the attacks because a war on terrorism would be good for businesses allied with the Bush family. Senator Zell Miller, a fellow Georgia Democrat, described her accusations as "looney." Last fall, she apologized to a Saudi prince whose $10 million donation of relief aid to New York City was rejected by Mayor Rudolph W. Giuliani because of the prince's assertion that American foreign policy was partly to blame for the attacks.

Although her suburban Atlanta district is mostly black, Ms. McKinney has a sizable Jewish constituency, and Jewish voters here are alarmed by her support for Arab and Muslim causes. Their anxiety almost certainly grew with the announcement that Louis Farrakhan, the Nation of Islam leader who has been accused of anti-Semitism, intended to campaign for Ms. McKinney in Atlanta in the final days of the race.

In a recent appearance before the Islamic Foundation in Chicago, Ms. McKinney pleaded for support. "It's just not about a Congressional district," she said. "It's about the members of Congress who have the courage to come to the Muslim community."

She and Mr. Hilliard were among 21 members of the House who opposed a resolution in support of Israel's military response to Palestinian suicide bombings.

Her list of contributors reflects her support for Arab causes. A sizable number of the names on the contribution lists she has provided to the Federal Election Commission are those of Arab-Americans from outside Georgia, many of them respected lawyers, physicians and merchants.

Her opponents say they are concerned with the donations to Ms. McKinney from several people who have come under investigation for financial ties to terrorist organizations, including Al Qaeda. Among her donors is Abdurahman Alamoudi, the leader of a Muslim organization who has expressed support for Hezbollah, the Lebanese-based terrorist group, and Hamas, the violent Palestinian group; he has contributed the maximum $2,000 to Ms. McKinney's campaign. Mr. Alamoudi was among the McKinney donors who were named in the suit last week by the Sept. 11 families. Some other McKinney donors are connected to Muslim charities that have been accused of raising money for terrorist groups.

In recent weeks, campaign officials have been quoted as saying that the donations in question would not be returned. "We don't racially profile our contributors," Ms. McKinney said in a debate this month. "All of our contributions are legal."

Ms. Majette, 47, a Brooklyn-born, Yale-educated lawyer, has tried to distance herself from the perception that she is the candidate solely of pro-Israel groups. Her campaign manager, Roland Washington, said in an interview that issues involving the Middle East would not be Ms. Majette's focus in Congress.

"Denise is pro-peace as it relates to the Middle East," Mr. Washington said. "But she is much more concerned with the local issues that are driving voters to look for an alternative to the current leadership. The campaign's focus is on economic development, infrastructure, child care, trying to reduce the cost of health care."

Her campaign has drawn financial support from other prominent Democrats, including Senator Miller, and from other local celebrities, including Henry Aaron, the former Atlanta Braves star.

[Note - Congresswoman McKinney was defeated in the Democratic primary]

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http://www.jewishsf.com/bk020614/us16.shtml

Jewish groups debate FBI surveillance guide

SHARON SAMBER
Jewish Telegraphic Agency

WASHINGTON -- NEW FBI guidelines that give the agency greater leeway in monitoring Americans' everyday lives have Jewish groups debating how far personal freedoms can be pushed in the war on terrorism.

The FBI announced new surveillance guidelines last week that the Bush administration says will help prevent terrorism. The Jewish community generally supports the need to change law enforcement and intelligence methods following the Sept. 11 terror attacks, but is concerned over how civil liberties will be protected.

The guidelines will allow the FBI greater flexibility to monitor Internet sites, libraries, houses of worship and political organizations and will lower the evidentiary threshold needed to initiate investigations.

In recent years, the Anti-Defamation League has called for giving law enforcement additional tools. The ADL and most other Jewish groups gave strong support to anti-terrorism laws in 1996 and last year's USA Patriot Act, which gave new powers to domestic law enforcement and intelligence agencies after Sept. 11.

"The movement from simply enforcing the law to preventing terrorism is necessary," said Michael Lieberman, Washington counsel for the ADL.

For some people, however, talk of increased domestic surveillance conjures up disturbing memories of the McCarthy era and the alleged abuses of power when J. Edgar Hoover led the FBI.

Law enforcement excesses in the 1950s and 1960s led to revised guidelines in the 1970s. Jewish and civil liberties groups embraced

the reforms, as well as subsequent adaptations over the years.

Attorney General John Ashcroft said that new powers are needed now to combat terrorism effectively, adding that these guidelines would not allow for the kind of abuses seen in the past.

Many groups have faulted the FBI for taking an overly cautious approach in recent years.

ADL's national director, Abraham Foxman, wrote in 1999 that the Justice Department and the FBI could not act aggressively because they were "hamstrung" by the Hoover legacy, fears of lawsuits and concerns from conservative lawmakers after the 1993 Waco debacle.

The current guidelines, however, are "way too broad," argues Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism.

Saperstein recalled that the Reform movement was watched by the FBI several decades ago and that his organization has worked to stop such abuses against other civil liberties groups.

The Religious Action Center, which also argued that the USA Patriot Act was rushed through Congress, is calling for public hearings on Capitol Hill to ensure that the new FBI guidelines are finely focused on preventing terrorism and are implemented in a way that ensures the least amount of infringement on civil rights.

Some lawmakers are already sounding off about the new guidelines.

"I believe that the Justice Department has gone too far," Rep. James Sensenbrenner (R-Wis.) said last week. There is no need "to throw respect for civil liberties into the trash heap" in order to improve the FBI's ability to fight terrorism.

Some civil rights groups are up in arms over the FBI's expanded powers. Jewish rights groups, however, are often especially sensitive to terrorism issues, and occasionally part company with their regular allies on this issue.

The American Civil Liberties Union said that Ashcroft's decision to rewrite longstanding restrictions on domestic spying "threatens core civil liberties guaranteed under the Constitution and Bill of Rights."

While the Religious Action Center raises some similar concerns, it is reserving judgment on the guidelines. The ADL is willing to take a firmer stance in favor of the new guidelines, though Foxman notes that any new enforcement power has to be subject to governmental accountability.

The guidelines themselves are not really the issue, according to Steven Pomerantz, a former assistant director of the FBI who now is a senior adviser on counterterrorism and security for the American Jewish Committee.

The guidelines need to be tweaked, Pomerantz said, but the political climate is also important in determining the FBI's behavior. While certain investigations might have been allowed even

under the old guidelines, the threshold for proceeding with an investigation depends on other factors.

"It's not black and white, it's subject to interpretation."

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The Anti-Defamation League's National Director is crazy like a Foxman

by Lenni Brenner

ABRAHAM FOXMAN, the ADL's National Director, is well and truly crazy, and for two reasons: 1) He libeled me and 2) he thinks he can get away with it.

The saying is that one good turn deserves another. Since Foxman and the ADL have spread malicious nonsense about me, I will tell the exact truth about them, putting their dishonesty about my ideas within the context of the ADL's unending history of right-wing stupidity and dishonor.

In October 1993, Foxman gave a speech at a Paris conference on xenophobia. Later he adapted it as an article, "Holocaust Denial: The Growing Danger," published in an ADL magazine, Dimensions: A Journal of Holocaust Studies, vol. 8, number 1, released in the Spring of 1994. There we find the following remarks:

"Another aspect of Holocaust 'revisionist' thinking can be found on the radical left. A writer named Lenni Brenner maintains that Zionists, in effect, were in league with the Nazis. He asserts that there was a close link between elements of the Zionist movement and the Nazi party, that Zionists were willing to foster and exploit anti-Semitism in Europe to bring about a Zionist state, and that they had proposed an alliance with Nazi Germany."

"Brenner's thesis, with its coupling of Zionists with Nazis, serves as a propaganda tool to undermine Israel: as such, it has found favor with the American radical left, and with the press of the former Soviet Union. The erstwhile Soviet daily Izvestia wrote of his work: 'During the World War, Brenner points out, Zionism showed its real meaning: for the sake of its ambitions, it sacrificed the blood of millions of Jews.' Brenner has also won approval on the other end of the spectrum, the neo-fascist right: His books have been promoted by the Institute for Historical Review." [1]

Has Foxman even read me on Zionism's role during the Nazi era? His speech and article unmistakably relied on "Hitler's Apologists: The Anti-Semitic Propaganda of Holocaust Revisionism," prepared by Marc Caplan of the Research and Evaluation Department of the ADL, in 1993. Here we find the original, slightly longer, but no more honest, version of Foxman's libel, labeled "A Revisionist Echo on the Left." Foxman's two paragraphs on me are virtually the same as Caplan's first two paragraphs. Caplan added that

"In 1987 this point of view surfaced in England, when a stridently anti-Zionist play, 'Perdition,' by Jim Allen, was scheduled for production at London's prestigious Royal Court Theater. The play generated intense public controversy and,

finally, it did not open. The writer acknowledged Brenner's work as a source in writing his play, which portrayed a wartime Zionist leader who allegedly collaborated with the Nazis to save his family and other Zionists while deserting the rest of the community. Allen said he was seeking to mount 'the most lethal attack on Zionism ever written.'" [2]

I've written four books and about 100 articles. Jim Allen is a prize-winning British playwright. I defy the ADL to point to one word in either of our writings that supports even a particle of the Holocaust revisionists' depravity.

In the February 18, 1985 New Republic, Eric Breindel, now an editor of the New York Post, reported that my first book, Zionism in the Age of the Dictators,

"has been applauded, and made available by the Institute for Historical Review, a pseudo-scientific flat-earth society which endeavors to prove that the Holocaust was a hoax." [3]

Not having seen anything on the book by the Institute, I wrote them and received a letter from Tom Marcellus of the IHR. They had 'promoted' the book on two occasions. They sent me a booklist:

"397. ZIONISM IN THE AGE OF THE DICTATORS: A REAPPRAISAL by Lenni Brenner. An astounding, bombshell expose of the active collaboration between Nazis and Zionists, by a courageous anti-Zionist Jew who spent years piecing together the story. Details the close links between the 'Zionist Revisionism' movement (to which both the young Menachem Begin and Yitzhak Shamir belonged) and the Jewish question experts of the Nazi Party, Brenner's charge, overwhelmingly documented: that Zionism and its leaders from the beginning were prepared to go to any lengths to achieve their goal of a state in Palestine -- lengths that included fostering and exploiting anti-Semitism in Europe, and proposing an alliance with Germany at the zenith of that nation's power. This book has certain surviving WWII-era Zionists quaking in their boots -- including the present Prime Minister of Israel!" [4]

The IHR's letter went on:

We also promoted it in an IHR Newsletter of a couple of years ago, but the remaining copies of that issue and the records concerning it were all lost in an arson that completely destroyed our business address and inventory on 4 July last. [5]

I replied to Marcellus in a letter, on April 11, 1985. I quoted from it in my third book, Jews In America Today, published in 1986:

"The depravity of the Institute is clearly expressed in a box, 'The Holocaust,' in the same booklet: 'A catch-all term to identify the alleged extermination of European Jewry which insists on the following presumptions: 1) The Nazis executed a deliberate plan to destroy (not resettle) European Jewry, (2) Six million or more Jews perished as a result, and (3) A majority of these were killed by poison gas (Zyklon B) in gas chambers designed for the purpose of taking human life en masse. This is the orthodox or Establishment view. A subscriber to this view could be called an EXTERMINATIONIST: whereas one who endeavors to show that one or

more of the above presumptions is not factual is a REVISIONIST.'"

"All of the above is bullshit. I share not one iota of your mad ideology. I am your implacable opponent. I do not believe you have any right to exist.... and I support any and all attempts, by any and all, Zionist or anti-Zionist, to bust up your institute and your meetings. [6]

I had sent a letter to the New Republic, in response to Breindel, but Martin Peretz's strange journal wouldn't run it. Fortunately Alex Cockburn defended me in June 29, 1985 Nation. Breindel replied, in the August 1, 1985 Nation. Cockburn retorted that

"Breindel is fond of saying that the Institute... applauds and disseminates Brenner's work, though he denies that he is thus trying to saddle Brenner with the Institute's views. But of course that is what Breindel has been trying to do.... The Institute lists Brenner's book as it does books by such diverse people as A.P.J. Taylor, former Israeli Prime Minister Moshe Sharett and New Republic contributors Ronald Radosh and Allen Weinstein. [7]

Caplan and Foxman may have read of this in the New Republic and The Nation. But at any rate Caplan certainly was aware of my opinion of the IHR when he wrote Hitler's Apologists. He had attacked me in a previous ADL pamphlet, "Jew-Hatred As History. An Analysis of the Nation of Islam's and The Secret Relationship Between Blacks and Jews." In that screed he had quoted -- out of context, of course -- from Jews In America Today. So he certainly read of the entire IHR episode, as I devoted six pages to it.

It is in order for me to dismiss the Institute's praise of Zionism in the Age of the Dictators by saying that this is of no more importance the fact that roaches like gourmet cooking just as much as you do. But readers are entitled to know why these nutsies liked it. Basically, they minimize the Holocaust: ЊAw right, so Hitler didn't exactly like Jews. And he rounded them up, as enemies, and some of them died of disease. And besides, what about Roosevelt rounding up the Japanese Americans on the West Coast? And look at Stalin's Katyn massacre, and Churchill's horrific bombing of Dresden, and the A-bombing of Hiroshima and Nagasaki. Here the Yids are, yelling about Hitler, while the Allied leaders were monsters, just like Hitler. Damned if it isn't true that everyone has skeletons in their closet. Why go on dumping on po' ol' Adolf?' Given this loony psychology, their catalogue is full of books on Allied crimes, no less crimes for being emphasized by these crazies. In the same way, my exposure of real Zionist activities during the Nazi era became additional 'proof' that Hitler was no worse than the rest of the wicked world.

As I don't waste my time reading such crackpots, I have no idea if they still even mention my book. Certainly they are insane if they went on praising me, or my book, after I told them that I hailed anyone who burns their headquarters. As the ADL monitors their publications, it is reasonable to think that the ADL would have mentioned this in their attacks on me.

Caplan's paragraph re Jim Allen's Perdition is disingenuous in its omissions. Allen is a prize-winning British TV playwright. Perdition was based on a chapter in Zionism in the Age of the

Dictators, dealing with the role of Rezs-Kasztner, a Zionist leader in Nazi-occupied Hungary in 1944. The play was driven out of the Royal Court Theatre by a Zionist campaign, but their methods alienated public opinion. David Cesarani, now an editor of Patterns of Prejudice, published by the London Jewish establishment's Institute of Jewish Affairs, admitted this in the July 3, 1987 Jewish Chronicle:

"Was it worth all the fuss? Had the play gone on, it would have been seen by around 2,000 people. It might have attracted some bad reviews and then disappeared.... In the event.... Personal representations coincided with the threat of a mass protest outside the theatre, the combined effect of which made it seem as if pressure was being applied.... This was (theatre director) Stafford Clark's autonomous decision, but the clamour made it appear disastrously as if he had been bullied into censoring the play.... It is certainly difficult to know how to respond...without resorting to heavy-handed methods. [8]

In fact Perdition was produced, first in print, then as a reading at the Edinburgh Festival in 1987 and then in London in May, 1988. It received massive media attention, including favorable reviews. Stuart Hood reflected on the print version in the July 10, 1987 Guardian:

"There are certain themes from the history of the Second World War which are subject to taboos.... (T)he Holocaust has come to play an important ideological role. It has been in this sense appropriated by the state of Israel and the Zionist movement. It has thus become a shield against criticism of the policies and actions of that state and of Zionism itself..... Allen was a bold man to write Perdition.... Although he develops his argument with understanding of the terrible dilemmas of the main persons involved, his criticism of the role of Zionist ideology, then and now, has led to his being accused of anti-Semitism, of which his whole political past is a denial.... By refusing to stage a play which honestly and compassionately examines a terrible moment in human history, the Royal Court was guilty of failure of nerve, of civil courage. By giving way to powerful lobbying it has reinforced an indefensible political taboo." [9]

There is more to this story. The Jewish Chronicle for November 27, 1992 was forced to run an article which announced that

"The collapse of a libel action has allowed the controversial anti-Zionist play 'Perdition' to be published in full for the first time.... Pluto Press, omitted several pages from the original text because of a libel action which was brought by Nathan Dror, a senior figure in the Israeli Labour Federation, who headed the Jewish rescue committee in Switzerland during the war. He brought the action... for references to a letter quoted in 'Perdition,' allegedly written by Mr. Dror during the Second World War, which claimed Jewish deaths would help justify the foundation of a Jewish state. The action, heard in the High Court in London, collapsed due to lack of evidence." [10]

Dror's letter will be quoted below, in its proper chronological place. I had quoted it in my book, which appeared in Britain and America, in 1983. Dror didn't sue me. But when Allen quoted the same letter, he was sued. Because of Britain's reactionary libel laws, the publisher was compelled to print

Allen's play with a blank space where the letter was cited because the libel case was before the courts. I had an accompanying essay in that printing of the play, and had the unique experience for an American writer, of having it in effect censored, with similar blank spaces where I also quoted the letter.. II - Zionism and the Nazis: The documentary record

By now two things should be clear to open-minded readers: l) My ideas regarding Zionism's role during the Holocaust have nothing in common with Holocaust revisionists, who deny that the Holocaust happened, and 2) the Zionist movement has used both libel and a spurious libel suit in its attempt to keep the facts from the public. But at this point readers are better informed as to what I didn't say than what I do say re Zionism's Holocaust role. Naturally I refer them to Zionism in the Age of the Dictators, which is obtainable in bookstores and libraries. But for now I will describe some of the low points of their activities, using a small part of the documentation included in my book.

The Nazis came to power in January, 1933. On June 21 the Zionistische Vereinigung fur Deutschland (the Zionist Federation of Germany) sent a memorandum to the Nazi Party. The document first saw the light of day in 1961, when it was printed in Israel, but in German. The Nazis were asked, very politely:

"(M)ay we therefore be permitted to present our views, which, in our opinion, makes possible a solution in keeping with the principles of the new German State of National Awakening and which at the same time might signify for Jews a new ordering of the conditions of their existence..."

"(A)n answer to the Jewish question truly satisfying to the national state can be brought about only with the collaboration of the Jewish movement that aims at a social, cultural, and moral renewal of Jewry...a rebirth of national life, such as is occurring in German life through adhesion to Christian and national values, must also take place in the Jewish national group. For the Jew, too, origin, religion, community of fate and group consciousness must be of decisive significance in the shaping of his life...."

"On the foundation of the new state, which has established the principle of race, we wish so to fit our community into the total structure so that for us too, in the sphere assigned to us, fruitful activity for the Fatherland is possible... Our acknowledgment of Jewish nationality provides for a clear and sincere relationship to the German people and its national and racial realities. Precisely because we do not wish to falsify these fundamentals, because we, too, are against mixed marriage and for the maintaining of the purity of the Jewish group... (R)ootedness in one's own spirituality protects the Jew from becoming the rootless critic of the national foundation of German essence. The national distancing which the state desires would thus be brought about easily as the result of an organic development... We believe in the possibility of an honest relationship of loyalty between a group-conscious Jewry and the German state..."

"For its practical aims, Zionism hopes to be able to win the collaboration even of a government fundamentally hostile to Jews, because in dealing with the Jewish question no sentimentalities are involved but a real problem whose solution interests all peoples,

and at the present moment especially the German people."

"The realization of Zionism could only be hurt by resentment of Jews abroad against the German development. Boycott propaganda -- such as is currently being carried on against Germany in many ways -- is in essence un-Zionist, because Zionism wants not to do battle but to convince and to build... Our observations, presented herewith, rest on the conviction that, in solving the Jewish problem according to its own lights, the German Government will have full understanding for a candid and clear Jewish posture that harmonizes with the interests of the state." [11]

I admit to being the Shakespeare of our times, but I didn't make that up. Indeed the Lenni Brenner of the Elizabethean age didn't have the imagination to concoct anything as grotesque as this memorandum. It is found, complete, in A Holocaust Reader, edited by the late Lucy Dawidowicz. But let's not stop here. Let's look at some more Zionist wonderfulness.

The Nazis used the World Zionist Organization to break the efforts of those Jews who were trying to boycott German goods. German Jews could put money into a Berlin bank. It was then used to buy export goods which were sold in Palestine. When the emigres arrived there, they would receive payment for the goods that had been sold. German Jews were attracted to this scheme because it was the least painful way of getting their wealth out of the country. However, with the Nazis determining the rules, they naturally got worse with time. By 1938 users of the "Transfer Agreement" were losing 30% and even 50% of their money. But this was still three times, and eventually five times better than the losses endured by Jews whose money went to other destinations.

The WZO naturally wanted better terms. Accordingly, in 1937, the Haganah, the military arm of the Labor Zionists, who dominated the Jewish Agency, the WZO's headquarters in Palestine, obtained Berlin's permission to negotiate directly with the Sicherheitsdienst (SD), the Security Service of the SS. A Haganah agent, Feival Polkes, arrived in Germany on February 26, 1937 and Adolf Eichmann was assigned to negotiate with him. Their conversations were recorded in a report by Eichmann's superior, Franz-Albert Six. It was found in SS files captured by the Americans at the end of WWII. David Yisraeli, a well-known Israeli scholar, reprinted it, in German, in his PhD thesis, The Palestine Problem in German Politics 1889-1945:

"Polkes is a national-Zionist... As a Haganah man he fights against Communism and all aims of Arab-British friendship... He declared himself willing to work for Germany in the form of providing intelligence as long as this does not oppose his own political goals. Among other things he would support German foreign policy in the Near East. He would try to find oil sources for the German Reich without affecting British spheres of interest if the German monetary regulations were eased for Jewish emigrants to Palestine." [12]

Polkes had to cut short his visit. But in October it was the Zionists' turn to receive Eichmann. He arrived in Haifa on October 2, 1937. Polkes took him to a kibbutz, but the British CID had become aware of Eichmann's presence and expelled him to Egypt. Polkes followed him and further discussions were held in Cairo. The

German report, photocopied in its entirety in volume five of John Mendelsohn's Holocaust, gives us the rationale for the Haganah's would-be collaboration:

"(I)n Jewish nationalist circles people were very pleased with the radical German policy, since the strength of the Jewish population in Palestine would be so far increased thereby that in the foreseeable future the Jews could reckon upon numerical superiority over the Arabs in Palestine." [13]

Polkes passed on two pieces of intelligence information to the Nazis:

"(T)he Pan-Islamic World Congress convening in Berlin is in direct contact with two pro-Soviet Arab leaders: Emir Shekib Arslan and Emir Adil Arslan.... The illegal Communist broadcasting station whose transmission to Germany is particularly strong, is, according to Polkes' statement, assembled on a lorry that drives along the German-Luxembourg border when transmission is on the air." [14]

The Laborites main Zionist rivals in the '30s were the "Zionist-Revisionist" followers of Vladimir Jabotinsky. Their Revisionism had nothing in common with present-day Holocaust Revisionism. They wanted to revise the Zionist and British policy towards the Palestinians. They wanted to crush them by force, with an "iron wall" of weaponry. Today they are the dominant ideological tendency in Israel's opposition Likud bloc.

As the British weren't in Palestine to do Jabotinsky's bidding, he and his movement looked to Mussolini's Italy as a potential replacement for Britain as Zionism's then necessary imperial patron against overwhelming Palestinian numbers. While Jabotinsky insisted that he personally didn't like Fascism, Wolfgang von Weisl, the Revisionists' financial director, had no hesitation about telling a Bucharest paper that although opinions among the Revisionists varied, in general they sympathized with Fascism. He eagerly announced that he personally was a supporter of Fascism, and he rejoiced at the victory of Fascist Italy in Abyssinia as a triumph of the White races against the Black. [15]

Italy was quite willing to support the Revisionists, who were obviously the Fascists of Zionism. In 1934 Mussolini allowed the Betar, the Revisionist youth group, to set up a squadron at the maritime academy at Civitavecchia run by the Blackshirts. The March 1936 issue of L'Idea Sionistica, the Revisionists' Italian magazine, described the ceremonies at the inauguration of the Betar squad's headquarters:

"The order -- 'Attention!' A triple chant ordered by the squad's commanding officer -- 'Viva L'Italia! Viva IL Re! Viva IL Duce!' resounded, followed by the benediction which rabbi Aldo Lattes invoked in Italian and in Hebrew for God, for the king and for IL Duce ... Giovinezza (the Fascist Party's anthem) was sung with much enthusiasm by the Betarim." [16]

Even after the outbreak of WWII, a wing of Jabotinsky's following tried to get the patronage of the Axis powers. According to their crackpot notions, Britain was the main enemy of Jewry because London controlled Palestine and wouldn't establish a Jewish state which, they believed, was the only solution to anti-Semitism.

Accordingly they sent an agent to Lebanon, then run by the Vichy-French regime. He delivered a memorandum to a German diplomat. After the war it was found in the files of the German embassy in Turkey. The Ankara document called itself a "Proposal of the National Military Organization (Irgun Zvai Leumi) Concerning the Solution of the Jewish Question in Europe and the Participation of the NMO in the War on the side of Germany." It is dated *11 January 1941. At that time they still thought of themselves as the real Irgun, Jabotinsky's underground terrorists. Later they adapted the name Lohami Herut Yisrael, Fighters for the Freedom of Israel. However they are universally known as the Stern Gang, the name given to them by the British, after their founder, Avraham Stern. Their entire document is reprinted in Yisraeli's thesis, in German. They told the Nazis that

"The evacuation of the Jewish masses from Europe is a precondition for solving the Jewish question; but this can only be made possible and complete through the settlement of those masses in the home of the Jewish people, Palestine, and through the establishment of a Jewish state in its historical boundaries... The NMO... is of the opinion that... The establishment of the historical Jewish state on a national and totalitarian basis, and bound by a treaty with the German Reich, would be in the interest of a maintained and strengthened future German position of power in the Near East. Proceeding from these considerations, the NMO in Palestine, under the condition the above-mentioned national aspirations of the Israeli freedom movement are recognized on the side of the German Reich, offers to actively take part in the war on Germany's side." [17]

At the time the Sternists were a numerically insignificant minority of the Zionist movement and were reviled as the pro-Nazi loons that they obviously were. This monstrous offer took on vastly greater contemporary significance when one of their leaders, Yitzhak Yzernitsky, later became prime minister of Israel under his underground name, Yitzhak Shamir. As it happened, I was in Jerusalem when Menachem Begin nominated him as his successor and had the complete text of the traitors' memorandum printed, in English, in an Arab-owned paper. An Israeli daily used the occasion to confront Shamir on this episode. The story was picked up in the 21 October 1983 London Times. Yes, Shamir admitted,

"There was a plan to turn to Italy for help and to make contact with Germany on the assumption that these could bring about a massive Jewish immigration.. I opposed this, but I did join Lehi after the idea of contacts with the Axis countries was dropped." [18]

Even if we were to take this fairy tale as gospel, didn't Shamir confess to knowingly joining a pro-Nazi movement? But he was lying. In 1963, Gerold Frank wrote The Deed, a study of the 1944 Stern Gang assassination of Lord Moyne, Churchill's High Commissioner for the Middle East. Frank tells of an incident shortly after Jabotinsky's death, on August 3, 1940. The Jabotinsky loyalists, led by David Raziel, and the Sternists sent speakers to try to convince the undecided among the Irgun to go with them. Frank relates that

"(T)he movement all but disintegrated. In September Stern walked out and set up his own group... Eliahu (Bet Zouri) and David

Danon... were summoned to a remote schoolhouse... (T)hey were to be addressed by a representative of each faction... (A) short, square-shouldered, square-faced, muscular man awaited them. Itzhak Yizernitsky... spoke tersely, summing up the reasons behind Stern's decision to walk out... 'Men!' His deep voice rumbled, 'If you want to smell fire and powder, come with us!' (pp. 91-3)... David, for his part, could not forget Yizernitsky's 'fire and powder' remark in the days immediately following the Raziel-Stern split." [19]

Frank had covered the trial of the two Stern Gang youths who killed Moyne. Shamir organized the slaying. In 1963 Frank had no reason to invent Yizernitsky-Shamir's speech, which is a minor incident in the book. But Shamir had the best reason in the world to make up his 1983 fraud. The world was still naive. It wasn't ready for an Israeli Prime Minister who would admi t that he wanted to ally himself with Hitler.

By 1994, when Shamir wrote his memoirs, Summing Up, he had abandoned his lie about only joining the Sternists after they had given up their treason to the Jews. Now we are told that iIn September 1940, my life altered too, for I left the Irgun with Yair (Stern's nom de guerre - LB) to enter the deeper underground from which Lehi fought our outlawed war against the British. [20] But he still cannot honestly deal with his own personal treason. He doesn't even mention their memorandum, known to all scholars, of course, but he rationalizes it away:

"What Yair hoped for was that the Nazis, so eager to rid themselves of Jews, would help to bring the majority of Jews from Europe, thru the British blockade, to Palestine, thus making havoc of British illusions regarding post-war control of the Middle East, facilitating Allied defeat and, possibly, if Britain knew what was afoot, even producing the withdrawal of the White Paper (limiting Jewish immigration - LB). Whatever the result, he reasoned, Jews would be brought to Palestine. He didn't make this plan public, but Lehi termed the world war a conflict between the forces of evil, between Gog and Magog, and made unmistakable its position -- again it must be remembered that all this was in 1940 and 1941 -- when it was reasonable to feel that there was little for Jews to chose from between the Germans and the British. All that counted for Yair was that this idea might, after all, be a way to save Jews about whom, no one else, least of all the British, seemed to care. Nothing came of it, of course. By that time, though no one yet knew it, the Nazis were already at work on a very different solution to the Jewish problem. In the meanwhile, however, Lehi was not only feared and disapproved of by the Yishuv (the Jews of Palestine - LB), but also suspected of fifth column activities by a public that went on believing -- incredibly, in the face of accumulating evidence to the contrary -- that the British would open the gates of Palestine to the anguished Jews and which refused to be weaned of emotional and political dependence on Britain." [21]

The destruction of Hungarian Jewry is one of the most tragic chapters in the Holocaust. When the Germans occupied Hungary, on March 19, 1944, its Jewish community leaders knew what to expect, as the country had been a refuge for Polish and Slovakian Jews. In postwar years, the role of Rezsц Kasztner, a leader of the Budapest Rescue Committee, was subjected to detailed scrutiny in Israeli courtrooms.

In 1953 the Ben-Gurion government prosecuted an elderly pamphleteer, Malchiel Gruenwald, for having libeled Kasztner as a collaborator for his dealings with Eichmann in 1944. Gruenwald denounced Kasztner for having kept silent about German lies that the Hungarian Jews were only being resettled at Kenyermezo, in Hungary. In return, he was allowed to organize a special train to Switzerland, and place his family and friends on it. Further, Gruenwald claimed, Kasztner later protected SS Colonel Becher from hanging as a war criminal by claiming that he saved Jewish lives.

On June 21, 1955, Judge Benjamin Halevi found that there had been no libel of Kasztner, apart from the fact that he hadn't been motivated by monetary considerations. Later yet, Ben Hecht, a Zionist, and one of the most famous American writers of his day, wrote up the trial and its appeal in his book, Perfidy. Hecht quoted Halevi's declaration that

"The Nazis' patronage of Kasztner, and their agreement to let him save six hundred prominent Jews, were part of the plan to exterminate the Jews. Kasztner was given a chance to add a few more to that number. The bait attracted him. The opportunity of rescuing prominent people appealed to him greatly. He considered the rescue of the most important Jews as a great personal success and a success for Zionism." [22]

The Labor government remained loyal to their party comrade and appealed the case. Attorney-General Chaim Cohen put the fundamental issue before the Supreme Court:

"Kasztner did nothing more and nothing less than was done by us in rescuing the Jews and bringing them to Palestine... You are allowed --in fact it is your duty -- to risk losing the many in order to save the few...It has always been our Zionist tradition to select the few out of many in arranging the immigration to Palestine. Are we therefore to be called traitors?" [23]

On March 3, 1957 Kasztner was gunned down by right-wing Zionist assassins. However the Supreme Court handed down its decision in the case on January 17, 1958. It ruled, 5 to O, that Kasztner had perjured himself on Becher's behalf, But it concluded, 3 to 2, that he could not be legitimately considered a collaborator. The most forceful majority argument was presented by Judge Shlomo Chesin:

"The question is not whether a man is allowed to kill many in order to save a few, or vice-versa. The question is altogether in another sphere and should be defined as follows: a man is aware that a whole community is awaiting its doom. He is allowed to make efforts to save a few, although part of his efforts involve concealment of truth from the many; or should he disclose the truth to the many though it is his best opinion that this way everybody will perish. I think the answer is clear. What good will the blood of the few bring if everyone is to perish?... There is no law, either national or international, which lays down the duties of a leader in an hour of emergency toward those who rely on leadership and are under his instructions." [24]

Indeed the most important aspect of the trial was its full exposure of the working philosophy of the WZO throughout the Nazi era: the sanctification of the betrayal of the many in the interest

of a selected immigration. Once we understand this, we can deal with Nathan Dror's letter.

The Nazis began taking the Jews of Slovakia in March 1942. Rabbi Michael Dov-Ber Weissmandel, a member of the Agudat Yisrael, an ultra-Orthodox political party, contacted Dieter Wisliceny, Eichmann's representative, and told him that he was in touch with the leaders of world Jewry. Would the Nazi take money for Slovakia's Jews? Money was paid and the surviving Jews were spared until 1944.

Weissmandel became one of the outstanding Jewish rescue figures during the Holocaust because he was the first to demand that the Allies bomb Auschwitz.. His post-war book, Min HaMaitzer (From the Depths) written in Talmudic Hebrew, also tells of his further efforts to pay off the Nazis to save Jewish lives. Wisliceny took the matter up with Berlin and told the rabbi, in 1943, that he could have all the Jews in western Europe and the Balkans for $2 million in American money, then a substantial sum. Weissmandel sent a courier to Switzerland to try to get the money from Jewish organizations. The courier brought back a letter from Nathan Schwalb, the representative of the Hechalutz, a youth section of the Labor Party. Dror is Schwalb's Zionist, i.e., Hebrew, name. Weissmandel described the document:

"There was another letter in the envelope, written in a strange foreign language and at first I could not decipher at all which language it was until I realized that this was Hebrew written in Roman letters, and written to Schwalb's friends in Pressburg (Bratislava)... It is still before my eyes, as if I had reviewed it a hundred and one times. This was the content of the letter: 'Since we have the opportunity of this courier, we are writing to the group that they must constantly have before them that in the end the Allies will win. After their victory they will divide the world again between the nations, as they did at the end of the first world war. Then they unveiled the plan for the first step and now, at the war's end, we must do everything so that Eretz Yisroel will become the state of Israel, and important steps have already been taken in this direction. About the cries coming from your country, we should know that all the Allied nations are spilling much of their blood, and if we do not sacrifice any blood, by what right shall we merit coming before the bargaining table when they divide nations and lands at the war's end? Therefore it is silly, even impudent, on our part to ask these nations who are spilling their blood to permit their money into enemy countries in order to protect our blood -- for only with blood shall we get the land. But in respect to you, my friends, atem taylu, and for this purpose I am sending you money illegally with this messenger.'" [25]

The letter startled rabbi Weissmandel, to say the least. He pondered over it many times:

"After I had accustomed myself to this strange writing, I trembled, understanding the meaning of the first words which were 'only with blood shall we attain land.' But days and weeks went by, and I did not know the meaning of the last two words. Until I saw from something that happened that the words 'atem taylu' were from 'tiyul' (to walk which was their special term for 'rescue.') In other words: you my fellow members, my 19 or 20 close friends, get out of Slovakia and save your lives and with the blood of the

remainder --the blood of all the men, women, old and young and the sucklings -- the land will belong to us. Therefore, in order to save their lives it is a crime to allow money into enemy territory --but to save you beloved friends, here is money obtained illegally." [26]

He went on: iIt is understood that I do not have these letters --for they remained there and were destroyed with everything else that was lost. [27]

Weissmandel assured us that the dedicated Zionist rescue workers in Slovakia were appalled by Schwalb-Dror's letter. But it expressed the morbid thoughts of the rancid elements running the WZO: Instead of Zionism being the hope of the Jews, their blood was to be the salvation of Zionism.

Reasonable readers have seen for themselves that the ADL libeled me. But they may say that 'every movement has its lunatic fringe. Libelers are not reviewers. What do responsible Zionist historians have to say about Brenner and his charges?'

Walter Laqueur, the chairman of the International Research Council of the Center for Strategic and International Studies at Georgetown University, devoted six pages to attacking me in the November 2, 1987 New Republic. (Again, I sent in a reply, but Martin Peretz has no honor and his magazine did not run it.) Laqueur insists that

"Even if all his facts were correct, Brenner's book would not be a serious study of Zionism, any more than a collection of profiles in scurrility from Benedict Arnold to Al Capone would be a serious history of the United States." [28]

Surely Capone wasn't the last American rogue! At any rate, after showing me to be the monster that I surely am, this Zionist defense attorney makes a few concessions concerning my charges:

"It is quite true that some Zionists should not have looked for Mussolini's support, even in the 1920s; they were grievously mistaken to do so... It is true, moreover, that German Zionists did not fully understand the meaning of Hitler when he came to power in 1933. Some of their comments and declarations make embarrassing reading 50 years later." [29]

Laqueur wrote his plaidoyer for his movement's treachery before Schwalb-Dror's suit had been flung through the courtroom door. In the wake of that debacle for Zionism, his comments sound more than a bit odd:

"The story of one Nathan Schwalb... is absolutely crucial for the play.... Still, something went very wrong with this star witness for the prosecution... Schwalb is alive... Thus, to their dismay, Allen and Brenner found themselves suddenly confronted with a libel action. Instead of refusing to change a single word in their manuscript, they have excised ten pages from Perdition. They must know that they could not possibly make their case in a court of law -- or indeed, in the court of public opinion." [30]

In fact Laqueur was deliberately deceptive in this matter. On page 144 of his 1980 book, The Terrible Secret, the great historian

himself had reported that Schwalb-Dror refused access to his files to scholars.

Robert Wistrich is a professor of modern Jewish History at Hebrew University in Jerusalem. He devoted not a few words to denouncing me in his book, Between Redemption and Perdition. He

"(W)ould claim that the falsifiers of the anti-Israeli Left who now rewrite the history of the Holocaust as a story of Nazi-Zionist 'collaboration' are no less dangerous than the neo-Nazi 'revisionists' and possibly more effective... (W)orks by Lenni Brenner, such as Zionism in the Age of the Dictators... are increasingly symptomatic of the times we live in." [31]

Nevertheless he, like Laqueur, has to make a few admissions that some of my charges are quite true:

"In my view the entire Jewish leadership of that generation -- including the Zionists -- failed the test of the times and no useful purpose is served by covering this up. Nor can it be denied, given that the major priority of the Zionist movement at the time was indeed building Palestine, that the tragedy of Diaspora Jewry was inevitably given less attention than it deserved. Equally, one can make a reasonable case that Zionists did not fight antisemitism before 1939 with the appropriate vigour, that some Zionists favoured the principle of racial separateness, and that others wanted to develop a 'special relationship' with the Nazis for opportunistic or other reasons." [32]

Readers must realize that not one responsible historian grants a flyspeck of credence to even a syllable of any Holocaust revisionist's scribblings. But even though Foxman and Caplan insist that my writings are "another aspect of Holocaust 'revisionist' thinking," two star Zionist historians confessed that a raft of my accusations are --alas! -- all too true. So much for the Anti-Defamation League's crude attempt to defame me. III - The squalid history of the ADL

Even now, after I've adduced overwhelming evidence that the Zionist movement failed European Jewry in its fatal hour, and that therefore the ADL has libeled me, readers may ask a bewildered question: Why is the ADL doing this? That is because the public is so appalled at what the Nazis did to the Jews that it usually doesn't think to ask what the ADL did for the Jews. Additionally, most people identify the ADL with its contemporary reports on anti-Semitism. It appears to be a bone fide civil rights watchdog. But it did nothing for the Jews in the Nazi era and it has always been an ultra-rightist nest.

The ADL is an autonomous branch of the B'nai B'rith (The Sons of the Covenant), an international fraternal order, established on October 13, 1843, with the declared "mission of uniting Israelites in the work of promoting their highest interests and those of humanity." [33] The first challenge confronting the group was the slavery question, which it evaded in the interest of maintaining unity between northern and southern Jews. The ADL itself was set up in 1913, the year that a Jew, Leo Frank, was lynched in Georgia. Its role in fighting anti-Semitism in the years before Hitler came to power was pathetic. Deborah Moore's B'nai B'rith and the Challenge of Ethnic Leadership says that

"(T)he ADL's internal-education section (was) devoted to changing the behavior of Jews perceived to be unethical in the eyes of Americans... In 1928, commenting on a lynching in Illinois, the (B'nai B'rith) Magazine had admitted that 'when another kind of a man gets hanged, we feel those revulsions that are natural at the sight of a fellow-being going to his doom in the flush of life. But when we read of a Jew being hanged, we discover ourselves feeling resentful, not towards the hanging but towards the erring Jew.'"

The Magazine had concluded that "the sinning of the Jew is counted by men not alone against himself but against his people likewise." [34]

A booklet, This is B'nai B'rith, published in 1943 by the organization, listed very few activities for those years, with the main ADL accomplishment being to effect

"a profound change in the treatment of Jews in vaudeville. Jewish comedians were loath in some instances to correct their caricature of their fellow Jews, but earnest efforts on the part of the League in presenting the social aspects of the problem resulted in pronounced modification of the objectionable "humor." [35]

This is B'nai B'rith talking vaguely about the ADL's anti-Nazi career in the years between Hitler's taking power and the war:

"In the years of persecution and propaganda that followed in the wake of 1933, the A.D.L., through its program of research, widespread fact dissemination, neutralization of libels and a systematic campaign of education for democracy to counteract the effects of un-American movements, was able to make a major contribution to the common struggle against anti-Semitism." [36]

The booklet couldn't say more because the ADL and B'nai B'rith role was disgraceful. The spontaneous reaction of American Jews to the Nazis' ascendency to power was to boycott German goods. But there were those who opposed a boycott. These worthies confined themselves to charity efforts for German Jewry and its refugees. Not least of these do-nothings was the B'nai B'rith. The B'nai B'rith Magazine ran an editorial in its May, 1933 issue. Be sure you are sitting down when you read this:

"Criticism is heard: B'nai B'rith did not join the public protests against the German-Jewish tragedy!... The members of this organization have cause to be proud of their affiliation with a Jewish body that obscured its own prestige in order to serve its German brethren the better... With the Hitler government threatening reprisals against Jews, should B'nai B'rith have rushed forward with loud protests?... Even those who were at first hot for public protest have come to see that discretion is the better part of valor in an hour when lives are in the balance... As for B'nai B'rith, it feels that its action in this crisis will make a worthy chapter in its history. [37]

Samuel Untermeyer, leader of the boycott movement, explained the stance of elements like B'nai B'rith and the American Jewish Committee (the parent of today's Commentary magazine, which the B'nai B'rith always bracketed itself with, and which also opposed boycotting Hitler). Boycott, he said, in 1933,

"conjures up to them images of force and illegality, such as have on o ccasions in the past characterized struggles between labor unions and their employers. As these timid souls are capitalists and employers, the word and all that it implies is hateful to their ears." [38]

The Encyclopedia of the Holocaust article on the B'nai B'rith reports that even after the Nazis closed down the organization in Germany, in 1937, the president of the order "remained opposed to public protest and boycott, and still believed that 'quiet diplomacy' could help the Jews of Germany." The Encyclopedia goes on:

"B'nai B'rith, fearful of arousing antisemitism in the United States -- like most American Jews at the time -- did not challenge the quota system of the 1924 Immigration Act and did not try to arouse public opinion against the administration's policy of not fully utilizing even the quotas provided by that act." [39]

Nor did the ADL do anything of any significance in the fight against the German-American Bund and its home-grown allies, the followers of the Catholic clerical-fascist, Father Coughlan, or the KKK. Nathan Belth's A Promise to Keep, published in 1979 by the ADL, mentions a pamphlet on Coughlin, published in 1939 by a coalition of Jewish groups, including the ADL. It then relates that "The League and the (American Jewish) Committee... had as a matter of policy and tactics been inclined to maintain low profiles in public." [40] When the Bund staged a rally in New York's Madison Square Garden on February 20, 1939, the Trotskyist Socialist Workers Party called a counter-demonstration. Fifty-thousand Jews and others fought a five hour street battle with the cops, who protected the Jew-haters. But the night belonged to the demonstrators. The 20,000 Nazis and Coughlanites would have been mauled if the police weren't present. The ADL did absolutely nothing to fight the Nazis that night. Indeed it was never prepared to fight the enemies of the Jews. IV - The ADL and McCarthyism

Given the ADL's bankruptcy during the Hitler era, it is hardly surprising that it continued on as an integral part of the witchhunting apparatus that emerged in America at the onset of the cold war. Arnold Forster, the ADL's counsel, wrote about this morbid episode in his book, Square One.

In 1956 the Fund for the Republic issued a report on blacklisting in Hollywood and TV. It described how the victims of the right-wing "security clearance system" were either 'rehabilitated' or driven out of the industry.. An unnamed "public relations expert" is quoted on the process. Forster acknowledged that he was the expert and reprinted the relevant passages in his book:

"If a man... finds his way to me... (and) I am convinced that he is not a Communist, or if he has been a Communist, has had a change of heart, I ask him whether he has talked to the FBI. If he hasn't, I tell him the first thing he must do is go to them and tell them everything he knows..."

The public relations expert concluded: "A guy who is in trouble, even if he has a good case for himself, will stay dead

unless he finds someone like me who can lead him through the jungle of people who have to be satisfied. He has to persuade those people one by one. Usually he finds his way to a lawyer and that comes a cropper, or he finds a public relations man or press agent who doesn't have the confidence of the 'clearance men,' and he's only wasting his time." [41]

Forster would take the hapless actor to right-wing journalists like Victor Reisel or Fred Woltman for "affidavits" and then go to CBS and try to get his "boy" a job. Square One was written after McCarthyism had been thoroughly discredited and Forster made it look like he was an unwilling collaborator with the witchhunters. But the truth breaks out through the eyes of a cat, as they say. A Communist magazine, Jewish Life, uncovered an internal ADL memo, dated July 3, 1953, and ran it in their September, 1953 issue. It dealt with a conference that took place in the office of the House Un-American Activities Committee, on July 2, 1953. Herman Edelsberg, the memo's author, was there, as were Washington representatives of the American Jewish Committee and the Jewish War Veterans. The question before them was how HUAC should deal with hostile Jewish Communist witnesses. Edelsberg's report says that they made the following proposals to Harold Velde, HUAC's chair:

"The files of the ADL and AJC should be consulted for information about such witnesses. Where responsible Jewish organizations had repudiated the witness or the line he peddles, that fact should be put in the record before the witness sounds off. In such cases, it would be most unlikely that the newspapers would play up the witness' charges against the Committee... The Committee staff handling such witnesses should be familiar with our analyses of the Communists' studied tactics of exploiting charges of persecution and discrimination. The witnesses should be confronted with material from ADL's report, The Troublemakers, and our two pamphlets on Communism... Velde and counsel agreed then and there that in the future, Committee investigators would be sent to the ADL and AJC for material on prospective witnesses. (That would be a good opportunity to make specific suggestions on procedure.)... We left on the most friendly basis. My colleagues and I were heartened by the understandings achieved." [42]

Witchhunting began to decline after Senator Joe McCarthy of Wisconsin was censured by the Senate in 1954, for trying to red-bait the US army. Forster claimed that

"(T)he senator had built himself enough of a record to convince me he was bad medicine. Not that the League itself, although recognizing the evil in the man, had yet become sufficiently resolute to attack McCarthy frontally. We were suffering from the same fear of him and his destructive, national movement, that affected so many others. ADL had been treading cautiously about him while demonstrating its opposition to his frenetic crusade. It was not until 1956, when Ben Epstein and I released our book, Cross-Currents, that we openly attacked McCarthy himself." [43]V - ADL witchhunting after McCarthy

McCarthyism may have declined but the ADL's hatred of the left most certainly didn't. On February 22, 1967, the New York Times reported that the Institute for International Labor Research, led by Norman Thomas, the most prominent figure in the Socialist Party, had received $1,048,940 between 1961 and 1963 from the CIA. Later, in the July 1982 Commentary, Sidney Hook revealed that Thomas had

"telephoned Allen Dulles of the CIA and requested a contribution" for their American Committee for Cultural Freedom in the mid-1950s. [44] From 1957 through 1962 Irwin Suall was the National Secretary of the SP. Today he is the "chief fact-finder," i.e., the head spy, for the ADL.

I met Suall in 1957. I was a member of another socialist group which was merging with the SP. Of course we had no idea about Thomas's ties with the CIA. I left the SP in 1959 and was in California when the Times broke the Thomas story, and I didn't see it. Therefore I suspected nothing when I encountered Suall in the Lion's Head Tavern in Greenwich Village in the early Ь70s. (I believe the year was 1971.) He spotted me at the bar, called out my name, and triumphantly announced that I was "with the National Association for Irish Justice," the support group for the Northern Ireland Civil Rights Association. He told me that he was the ADL's chief fact-finder and explained that he knew all about the NAIJ because he had files on the American tours of Ian Paisley, a right-wing Protestant fanatic, who was the most vehement foe of civil rights for Catholics. Whenever he came here he associated with our own right-wing Protestant screwballs, some of them anti-Semites. We two old friends drank the night into morning when I suggested that he let me see his Paisley file. NAIJ could use it to show the Irish Catholic community here where Paisley fit into right-wing politics in this country. "I can't do that. You have enemies of Israel in your organization." At that time I had little interest in Israel. I knew that we had various leftists in the NAIJ, who were anti-Zionist, but the topic of Israel never came up in our pro-Irish movement. I explained to him that people would think it rather odd if we asked prospective members how they stood on Israel. That didn't matter.. Enemies of Israel are enemies of Israel and that was that. Suall then began to rattle off intimate details about NAIJ, including the name of a Communist who had just started working for us. I realized he had a spy in my organization. We knew the British, Irish and American governments automatically put agents into our ranks. Therefore we were discreet when we did anything illegal under US law. But we had a policy of not starting a witchhunt for such spies because that only tends to make everyone into paranoids, and that can kill a movement. I figured out who Suall's mole was.. However, as I couldn't prove my suspect was Suall's operative, and the certain presence of more important spies wasn't affecting us, I prudently didn't mention this singular conversation to anyone.

In fact the ADL even boasts that it spies on leftists. In their 1974 book, The New Anti-Semitism, Forster and Benjamin Epstein brazenly announced that ADL agents attended conventions closed to the general public:

"The ADL has traditionally viewed close monitoring of extremist activities as part of its obligation to the Jewish and American communities. Therefore, its representatives often attend open meetings, conventions, and conferences of extremist groups (left wing and right wing) to keep abreast of what the groups are doing." [45]

The two authors rationalized ADL infiltration of the Socialist Workers Party:

"The SWP... take(s) umbrage when its anti-Israel, anti-Zionist

extremism is called anti-Semitism. Its domestic political course has been clearly anti-Jewish... Although its spokesmen have been careful to avoid the use of crude anti-Semitic phraseology, the SWP's program and activities... have been totally hostile... whenever Jews have been under attack from anti-Semites who happen to be black, the SWP has consistently joined the fray against the Jews." [46]

As we know from the Bund episode, the SWP believes in busting up Nazi rallies. It is careful not to utilize anti-Semitic phrases. It welcomes Jews into its leadership. Therefore, isn't it plain that "its domestic course has been clearly anti-Jewish." That charge from an organization which did next door to nothing vs. Hitler, wins the all-time chutzpah prize.

The magnitude of ADL spying on progressive movements became public knowledge in 1993 when the San Francisco papers revealed that Tom Gerard, a local cop (and ex-CIA man) illegally gave police information to Roy Bullock, Suall's man in SF. Further police sleuthing revealed that they spied on a mass of groups, from Nazis clear thru Armenian nationalists, the American Friends Service Committee, the Mobilization for Peace, Jobs and Justice, the Bay Area's broad-spectrum peace marchers, and the ANC and the anti-apartheid movement. The two also spied directly on these last for BOSS, South Africa's s ecret police.

As things stand, Gerard has pled no contest to a charge of illegal access to police computers. He got three years probation, a $2,500 fine and 45 days on the sheriff's work crew. The ADL made a 'we didn't do it, but we won't do it again' deal with the DA. It agreed to an injunction not to use illegal methods in its 'monitoring' of the entire political universe. Foxman said that, rather than go to trial, where they would certainly be found innocent, of course, ADL settled because "continuing with an investigation over your head for months and years leads some to believe there is something wrong." [47] The arrangement prevents prosecution of Bullock.

In spite of the DA's slap-on-the-wrist deal, the documentation of Bullock's activities provided by the police when they sought a warrant to search the ADL offices in SF and Los Angeles, was extensive. The ADL claims that Bullock was a free-lance informer and that his activities for the apartheid regime were unknown to them. But an FBI report on a January 26, 1993 interview with Bullock takes up a letter found in his computer files, "prepared for transmission to the South Africans." It read "during an extended conversation with two FBI agents" in March 1990, they asked "why do you think South African agents are coming to the West Coast?"

"'Did I know any agents,' they finally asked?... I replied that a meeting had been arranged, in confidence, by the ADL which wanted information on radical right activities in SA and their American connections. To that end I met an agent at Rockefeller Center cafeteria."

The FBI report says that "Bullock commented that the TRIP.DBX letter was a very 'damning' piece of evidence.' He said he had forgotten it was in his computer." Of course he hastened to tell the FBI that "his statements to the FBI that the ADL had set up his

relationship with the South Africans were untrue." [48]

It is far more likely that Bullock was telling the truth in March 1990 and lying in January 1993. Apparently the FBI came to him on another matter in 1990 and surprised him with their questions about the South Africans. In 1993, Bullock met the feds in his lawyers' office. It is reasonable to presume that they had told him what to say, and what not to say. Certainly he knew that if he wanted ADL assistance in his troubles with the FBI concerning the South Africans, he would have to claim that they had nothing to do with his South African ties.

We must also look at this situation from the ADL's perspective. In 1993 it had the same access to these FBI reports as anyone else. It then knew that he had implicated them with Pretoria. Why didn't they repudiate him then for daring to lie about them in such a grave affair? And, for that matter, why didn't they repudiate him for trafficking with the apartheid regime, which they claimed to oppose? Could it be that they didn't dare do so? If they dumped him, he would have an incentive to tell the FBI everything he knew about their illegal activities, regarding the South Africans, and/or any ADL involvement in Israeli spying and other criminal activities there.

Robert Friedman, known for his factual reliability when writing on Jewish matters, reported that "Suall later told the FBI that 'he didn't think dealing with South African intelligence was different than dealing with any other police agency,' according to a law enforcement source." [49] At any rate, the November 17, 1993 Daily News Bulletin, an organ of the Zionist movement's Jewish Telegraphic Agency, reported that, after the settlement with the SFDA, "the ADL continues to work with Bullock, according to Abraham Foxman." [50]

Israel was South Africa's intimate military ally, selling weaponry to the masters of apartheid in the face of a UN arms embargo. And the ADL's own public stance was so opposed to the African National Congress that it stretches credulity to the breaking point for anyone to think that they didn't know that Bullock was working with the South Africans. When he told the FBI that the ADL put him in contact with the South Africans, he expected them to believe him, because the world knew that Israel, the ADL's political holy land, was Pretoria's ally.

The ADL Bulletin for May 1986 ran an article by Nathan Perlmutter and David Evanier, "The African National Congress: A Closer Look," which revealed the organization's intense hatred of the movement leading the struggle in South Africa. The piece started off with a pious "self-evident stipulation that apartheid is racist and dehumanizing." But, it then went on,

"(T)his is not to suggest closing our eyes to what may emerge once apartheid is gone.... We must distinguish between those who will work for a humane, democratic, pro-western South Africa and those who are totalitarian, anti-humane, anti-democratic, anti-Israeli and anti-American."

The article went on to document what everyone already knew. The Soviet Union supported the ANC. The ANC backed the PLO as fellow colonized people. Then came the moral to the story:

"The fall of South Africa to such a Soviet oriented and Communist influenced force would be a severe setback to the United States, whose defense industry relies heavily on South Africa's wealth of strategic minerals.... The survival of freedom in South Africa will be possible only if the forces of violence on the far left and of racial violence on the far right are defeated by the democratic forces of moderation."

Those forces of moderation were -- didn't you know? -- the apartheid regime itself: "The US State Department," i.e., Reagan, said that "more positive changes have taken place in South Africa in the last five years than in the previous 300." [51]

For propagandistic reasons, Israel had to make it look like it was against apartheid and supported responsible opposition to it. So it openly patronized Mangosuthu Gatsha Buthelezi, head of the Inkatha Freedom Party and its death squads. When he toured here in 1992, Israel got the Conference of Presidents of Major American Jewish Organizations to host him at their New York office.. They knew that, according to the June 12, 1992 DNB, "many observers....say the violence among blacks reflects collusion between the South African security forces and Inkatha aimed at disabling the ANC." Yet, according to Kenneth Jacobson, the ADL's director of international affairs, there was "nothing for us to feel guilty about. He's a man with a point of view, and that should be heard." The Mr. Nice Guy of South African politics declared himself a free-market freedom-fightin' kind of fella and "not a friend of Gadhafi or Yasir Arafat. All these are friends of the ANC." [52]

The ADL thought so highly of their 1986 anti-ANC tirade that they sent it to every member of the US Congress! And even after Bullock was exposed as specifically reporting to the South Africans on an LA meeting for Chris Hani of the ANC, Foxman fanatically defended their venomous hatred of South Africa's liberators. The Northern California Jewish Bulletin for May 7, 1993 described how

"Foxman, seeming like a general dressing down his troops, marched into the Jewish Bulletin office...where he lambasted critics of the ADL, speaking angrily of a conspiracy and at times fuming as he turned several shades of red... 'People are very upset about the (files on the) ANC,' he agrees. 'At the time we exposed the ANC, they were Communist. They were violent, they were anti-Semitic, they were pro-PLO and they were anti-Israel. You're going to tell me I don't have the legitimacy to find out who they were consorting with.'" [53]

Time hasn't been kind to Foxman. The ANC runs its country and is a model of ethnic and religious tolerance. It never was anti-Semitic and today there are seven Jewish ANCers in the Pretoria parliament. Foxman was -- and is -- exactly what the Jewish Bulletin's journalist described: a steam-coming-out-of-his-ears right-wing ranter. VI - The ADL and the affirmative action question

As many readers well know, whole Canadian forests have been chopped down in recent years to provide newsprint for articles on Black anti-Semitism. Such pieces frequently begin with a nostalgic look back at the good ol' 'Black-Jewish alliance' of the early '60s

when the ADL was part of the great -- dare I say it? -- multicultural coalitions that marched behind Martin Luther King.

Such articles usually then turn into tales of Black ingratitude. In life the Jewish establishment was only part of such an alliance until the Black movement began to call for affirmative action quotas, and the left-wing of the movement began to support the Palestinians as fellow oppressed. From then on the ADL has been a fanatic opponent of Black liberation. Jonathan Kaufman's Broken Alliance tells of how Jack Greenberg, long-time head of the NAACP Legal Defense Fund, came to see the ADL:

"As legal cases involving affirmative action began to appear in the courts in the early 1970s, the Legal Defense Fund began filing lawsuits... One of the first cases involved a challenge to the New York prison system, which had never promoted a black correction officer above the entry level... The Legal Defense Fund sued successfully... When the case was appealed, Greenberg was stunned to discover that the Anti-Defamation League had filed a brief opposing the affirmative action plan... He did not know officials at the ADL well. But he...called several of them up... (Eventually) Greenberg felt some officials of the ADL, the most vociferous opponents of affirmative action, had become "haters." [54]

In its most notorious anti-affirmative action campaign, the ADL was one of a gaggle of rightwing Jewish groups, plus several gentile "unmeltable ethnic" outfits, the Fraternal Order of Police, the Chamber of Commerce and other free-market freedom-fightin' guys, who submitted amici curiae briefs on Allen Bakke's behalf when he sued the University of California at Davis for setting aside 16 seats in its medical school for minorities. In 1978 the Supreme Court ruled that the school's plan discriminated against whites.

In the August 1985 issue of Commentary, Harvard sociology professor Nathan Glazer gave us the "pragmatic considerations" behind the Jewish establishment's undying hatred of quotas:

"Jews were already 'over-represented' in the institutions that were becoming battlefields... If it were to be generally conceded that each ethnic/racial group should be represented proportionately... what would happen to the over-represented? [55]

There is no doubt that Glazer, who is intimate with the Jewish establishment, was referring to the ADL, amongst the others, when he wrote the above. And in fact the ADL does give a distinctly 'Jewish' spin to its opposition to quotas. The December, 1978 ADL Bulletin quotes Nathan Perlmutter, Foxman's predecessor as National Director, on quotas:

"The message of the 1960s civil rights movement, he explains, was to be color blind, to judge a person on his individual merits. 'Now, guided and abetted by government agencies, there is massive backsliding to quotas, to evaluating a person on such extraneous factors as race. The simple incontrovertible fact is that quotas in favor of one group, by definition, means quotas against another group. That's the very essence of the Nuremberg Laws.'" [56]

According to the November, 1979 ADL Bulletin, the ADL

"submitted a 'friend of the court' brief" in a case, Fullilove v. Kreps,

"concerned with the constitutionality of the Federal Public Works Employment Act of 1977, which provides that no grant for public works shall be made unless the applicant assures... that at least 10 percent of each grant sum be expended for 'minority' business enterprises... (The) ADL... opposes this quota and questions the legality of laws which establish governmentally-designated and protected groups. 'Stamping the imprimatur of the Federal government upon a particular racial or ethnic definition, and granting and withholding benefits to individuals accordingly,' our brief points out, 'calls to mind notorious examples of attempts by other governments to define racial and ethnic groups, such as the Nuremberg laws in the Third Reich defining a 'Jew'." [57]

People get sent to mental institutions for a lot less than this. The notion that a law, doubtlessly supported by a majority of congressional Democrats, designed to bring a small measure of economic justice to Blacks, Spanish-speakers, Orientals, Indians, Eskimos and Aleuts, was really no better than Nazi anti-Jewish legislation, takes my breath away. The idea that affirmative action quotas in favor of minorities, might be used, some day in the future, as a pretext to discriminate against Jews, is a notion that hasn't occurred to anyone outside the Jewish establishment. There were Jews among the congressional majorities that voted in every affirmative action law. Surely no such scheme was thought to be sanctioned by them. Were the gentiles in those congresses, black or white, even remotely contemplating discrimination against Jews? Of course not! The Nazi laws were measures taken against a minority hated by the German government. American affirmative action laws are policies projected by a government with a white majority in favor of minorities. Jews are affected only insofar as they are overwhelmingly white. And, of course, affirmative action has actually benefited Jews. Glazer points out that

"(F)emales were one of the groups designated as beneficiaries of affirmative action. Thus... one could argue that Jewish women were as much helped by affirmative action as Jewish men were hurt, or helped even more than Jewish men were hurt." [58]

Arguments utilizing previous discrimination against Jews to oppose present proposals to redress past discrimination against America's ethnic minorities, and women, are ideological self-deceptions, at best, and sophistries at worst. They are designed to put a pseudo-progressive gloss on efforts to preserve the economic status quo. And, as affirmative action in favor of women stands or falls with similar policies towards Blacks and other minorities, such specious reasoning is a razor against the interest of the majority of Jews, who, as with all other groups, are majority female.

VII - Yo! Abe! Make me rich and famous, not just famous

Since one of the most important things we learn from the past is that most people don't learn from the past, I must automatically presume that at least some of my readers will still say, even after this obviously factual recounting of the ADL's record, that, whatever its past sins, it performs a valuable service in exposing

some anti-Semites. But its reactionary politics constantly leads it to libel and lunacy, so much so that I must confess that I celebrated when I discovered Foxman's attack on me. It meant that I certified as part of the intellectual elite.

Surely the most hilarious of the ADL's cockeyed accusations were uttered by Forster and Epstein in their book:

"Film cartoons - like the the X-rated Fritz the Cat which... had a tasteless synagogue sequence... contributed to the atmosphere of anti-Jewish denigration, along with anti-Jewish stereotyping found in such full-length 1972 feature films as Woody Allen's Everything You've Always Wanted to Know About Sex, Such Good Friends, and Made for Each Other in addition, of course, to Portnoy.... Capping and capitalizing on the vogue for sick "ethnic" humor and dehumanization was... The National Lampoon... October 1972. A major item was a mock comic book entitled "The Ventures of Zimmerman," a put-down on folksinger Bob Dylan, drawn with Jewish features, blue Yarmulke, and portrayed as a scheming, avaricious, money-hungry "superman" type who poses as a simple idealistic folksinger.... The mock cover... bore a 'seal' reading 'Approved by the Elders of Zion'.... Are the editors of Lampoon anti-Semitic? Probably not. But they have made a signal contribution to the perpetuation of those destructive stereotypes - like the Stuermer cartoons so intimately associated with the annihilation of European Jewry." [59]

For my immediate purpose of defending myself, a Jew, against a libelous accusation of being a Holocaust denier, I call your attention to the fact that at least two of the people accused of contributing to the atmosphere of anti-Jewish denigration were Jews, Woody Allen and Philip Roth, two of the greatest comic talents of our age. But frankly I must say that comparing a Lampoon spoof to the Hitler regime's most virulent Jew-hating rag is easily the maddest thing I've ever seen in any ADL production.

You didn't know that Spike Lee is an anti-Semite? Well then, you just are not as smart as one Abraham Foxman. Here is the Forward for August 10, 1990:

"Filmmaker Spike Lee's portrayal of two Jewish jazz club owners in the new film 'Mo' Better Blues' is being called anti-Semitic by... the Anti-Defamation League.... The two-dimensional depiction of the two brothers, named Moe and Josh Flatbush, who appear in brief scenes throughout the movie, was sharply criticized by Abraham Foxman.... "Spike Lee's characterization of Moe and Josh Flatbush as greedy an unscrupulous club owners dredges up an age-old and dangerous form of anti-Semitic stereotyping." [60]

Spike Lee isn't the kind of person to take that kind of crap from anyone, and he replied to the charge in a New York Times op-ed:

"I'm not a racist; I'm not a bigot; I am not an anti-Semite. What I try to do with all my characters is offer what I feel are honest portraits of individuals with both faults and endearing characteristics.... I challenge anyone to tell me why I can't portray two club owners who happen to be Jewish and who exploit the Black jazz musicians who work for them. All Jewish club owners are

not like this, that's true, but these two are....I'm an artist and I stand behind all my work, including my characters, Moe and Josh Flatbush. As of now, this matter is closed for me." [61]

I have presented more than enough evidence for any serious reader to grasp the base character of both the ADL and the Zionist movement. Therefore it is time for me to close as well. I will do so with a quote, from a Zionist writer's article in The New Republic, a pro-Zionist publication:

"(W)hile ever growing numbers of Jews believe anti-Semitism in America is rising to crisis proportions, by nearly every available measure it is actually on the decline.... In private, some Jewish agency staffers insist the alarmist tone set by a few national Jewish agencies, mainly for fund-raising purposes, is a key cause of Jewish anxiety. Fingers point most often at the ADL and the Los Angeles-based Simon Wiesenthal Center, both of which specialize in mass mailings warning of impending doom and urging donations. 'People don't give if you tell them everything's o.k.,' says a cynical staffer at one of the smaller agencies. People give generously to the Wiesenthal Center and the ADL." [62]

J.J. Goldberg concludes by saying that "maybe it's time for the leadership to start leading, and tell their public the truth." But of course they won't. Therefore I ask my readers to help me expose these incurable frauds. Now that you have read this critique of the ADL, pass it along to the general public, Jew and gentile alike. And let me thank you, in advance, for your time and trouble in this regard.

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http://www.counterpunch.org/adlspies.html

Were the Spies "Journalists"?
The ADL Snoops

THE ORGANIZATION'S MAIN "fact-finder" was doubling as a spy for the white South African government while his buddy, a San Francisco cop who had tutored El Salvadoran death squads on the finer aspects of torture, was providing its officials with personal information on the organization's putative enemies when the story broke in San Francisco in December, 1992. The organization was the Anti-Defamation League.

The ADL claims to be the nation's leading defender against prejudice and bigotry but in this instance its targets were members of the African National Congress and its supporters, and apparently everyone, Arab and non-Arab, who had the temerity to criticize Israel. This included some who drove to Arab community events where the ADL's "fact-finder," Roy Bullock, and the cop, Tom Gerard, took turns writing down their license plate numbers, which Gerard turned into addresses thanks to his access to California motor vehicle records.

Their spying efforts proved to be part of a much larger intelligence gathering operation that targeted some 12,000 individuals and more than 600 left-of-center organizations in northern California.

After the first flurry of publicity, the ADL's spin doctors successfully kept the story from receiving the national coverage that the situation warranted. But the story hasn't gone away.

Last November the California Court of Appeals handed down a decision that paves the way for a major test later this year of the ADL's penchant for spying on its enemies. It was the most significant episode in a slow-moving class-action case filed in 1993 by 19 pro-Palestinian and anti-apartheid activists who claim to be victims of the ADL's snooping operations.

The plaintiffs say they were illegally spied on by Bullock, then considered the ADL's top "fact-finder" by his now deceased chief, Irwin Suall, and that such spying constituted an invasion of privacy under the provisions of the California Constitution.

The ADL's defense, accepted by the court in 1994, is that the Jewish defense organization is, collectively, a "journalist" and, therefore, can legally engage in information-gathering activities regardless of the source. At question was access by the plaintiffs to information contained in 10 boxes of files seized by the San

Francisco police from the ADL's San Francisco office in April, 1993, and placed under court seal where the ADL has fought fiercely to keep them. In the years since then, efforts by the court to settle the case have foundered on the ADL's refusal to allow potentially embarrassing depositions taken by plaintiffs' lawyer ex-Congressman Paul (Pete) McCloskey of Bullock, ADL officials and police officers to be be made public and its files opened. The plaintiffs have been unwilling to compromise on either of these issues.

Then, in September, 1997, Judge Alex Saldamondo ruled that McCloskey's clients were entitled to see what the ADL had on them in its files. Two plaintiffs, Jeffrey Blankfort and Steve Zeltzer, co-founders of the Labor Committee on the Middle East, who had "outed" Bullock as an ADL spy after he infiltrated their group in 1987, received an extract of their files from the DA's office the day before they were ordered sealed. Both contain illegally obtained information, much of which, say Blankfort and Zeltzer, is erroneous.

When ADL's appeal of that decision was rejected by Court of Appeals Judge Anthony Kline, the ADL persuaded the State Supreme Court to return the case to the full court for a hearing. On November 15, 1998, the court reaffirmed ADL's status as a journalist and acknowledged its right to maintain files and obtain information on all but two of the remaining plaintiffs on the basis that they are "limited-purpose public figures", which it defined as having been publicly engaged and identified in activities around a particular issue, in this instance opposition to Israeli occupation and/or South African apartheid. There is no protection, said the court, for obtaining information illegally on non-public figures.

The court made an important qualification, however, ruling that for "limited purpose" figures, the journalist's shield only applies if the information obtained is to be used for journalistic purposes. It does not protect the ADL from charges that it passed information about the plaintiffs to "foreign governments (in this instance, Israel or South Africa) or to others", which is what the plaintiffs claim the ADL has done.

Although the Court of Appeals vacated Judge Saldamando's decision, it did state that representatives of the plaintiffs had the right to request a review of ADL's files to discover possible constitutional violations, each of which would be worth $2500. While this may seem a small sum, there are hundreds of Arab-Americans and anti-apartheid activists whose names appear in the ADL's files who potentially could collect if the ADL loses in court or is forced to settle the case.

The origins of the story are murky. What the press reported was that the SFPD acted on a tip from the FBI, which was supposedly concerned about files on the Nation of Islam that were stolen from its local office, and arrested Gerard, who allegedly had done the pilfering. In Gerard's computer they found files on more than 7,000 individuals, many of them Arab-Americans, as well as information on hundreds of left-to-liberal organizations filed by Gerard as "pinko". In his locker, they found a black executioner's hood, a number of photos of dark-skinned men bound and blindfolded, CIA manuals, a secret document on interrogation techniques, stamped "secret" and referring to El Salvador, and numerous passports and

IDs in a variety of names, all with his picture.

This splendid fellow began meeting with Richard Hirschhaut, chief of the ADL's San Francisco office in 1986, during which, according to a "confidential" Hirschhaut memo to the aforementioned ADL chief "fact-finder" Suall, he provided "a significant amount of information" on "the activities of specific Arab organizations and individuals in the Bay Area". That memo hasn't been made public but what was reported created a nightmare for the ADL when it turned out that Gerard had been exchanging non-public, personal information from government files with Bullock, a paid informant for the ADL since 1954 and whose own computerized "pinko" files on leftish and liberal folks, when seized by the police, proved to be a third again as large as Gerard's. According to police, his computer contained the names of nearly 12,000 individuals, 77 Arab-American organizations, 29 anti-apartheid organizations, and more than 600 "pinko" groups which included such revolutionary outfits as the NAACP, Asian Law Caucus and SANE/FREEZE, as well as 20 Bay area labor unions including the SF Labor Council. There were in addition, files on 612 right-wing organizations and 27 skinhead groups.

According to SF police inspector Ron Roth, 75 percent of their contents was non-public information illegally obtained from government agencies.

After indicating that the ADL would be charged with violating the California's Business and Profession's code, SF District Attorney Arlo Smith did an extraordinary thing. He made available to the public, merely for the copying costs, some 700 pages of documents incriminating the ADL in a nation-wide intelligence gathering operation run out of New York by Suall. One of the significant parts of that report was Bullock's admission that he was paid by a South African intelligence agent to spy on anti-apartheid activists (which he was already doing for the ADL.) He had reported on a visit to California by the ANC's Chris Hani, ten days before the man expected by many to succeed Nelson Mandela, returned home to be brutally murdered.

The ADL attempted to portray Bullock as a free-lance investigator, but no one was convinced, because since 1954 Bullock had been paid through a cutout, an ADL lawyer in Beverly Hills. After his exposure, Bullock was put directly on the ADL's payroll. ADL's position on the ANC was identical to that of the South African government - they considered it to be a "terrorist", "communist" organization. At the time, Israel was furnishing arms to maintain the apartheid regime in power.

In1994, Smith announced that he would not prosecute either the ADL or Bullock since it would be "expensive and time-consuming both to the SFDA and the defendants," a curious judgement considering the overwhelming evidence in his possession.

In its settlement with the city, the ADL, admitted no wrongdoing, agreed to restrain their operatives from seeking non-public data on ADL's enemies from government agencies and, putting a happy face on the story, promised to create a $25,000 Hate Crimes Fund and another $25,000 for a public school course.

Another class-action case filed by the American-Arab

Anti-Discrimination Committee and other spied-upon groups such as CISPES, the Bay Area Anti-Apartheid Network and the National Lawyers Guild, was settled in 1996, also under conditions favorable to the ADL, but without the approval of some of the suing groups.

In that instance, again without admitting wrongdoing or opening its files, the ADL agreed: to remove questionably obtained information from its files; that it would not seek non-public information on individuals from government employees and would pay $25,000 to a fund to improve relations among Jews, blacks and other minorities. A similar deal was offered to McCloskey's plaintiffs but they turned it down since it would let the ADL off the hook and allow its secrets to be kept intact.

Both sides will be back in Judge Saldamando's court in March to hear a new discovery motion from McCloskey and probably to set a trial date, something the ADL has been trying to avoid, given the embarrassment that would inevitably ensue, whatever the outcome. Its latest ploy has been to ask the judge for a summary judgement, in other words, dismissal of the case, something he is unlikely to do.

The deaths of veteran journalists Colin Edwards and George Green reduced the number of plaintiffs by two and subsequently four others, whose political activities were relatively limited, were dropped from the case. McCloskey, himself a victim of ADL attacks and whose wife Helen is one of the plaintiffs, is pursuing the case pro bono. Typically he is faced in court by four or five lawyers for the ADL. Contributions for the plaintiffs may be sent to Paul N. McCloskey, Jr. Atty., 333 Bradford St., Redwood City, CA 94063 (For more information see: http://www.adlwatch.org or e-mail at melblcome@igc.com.)

--CP

ADL is under B'Nai B'rith

iB’ nai B’ rith and the German-Jewish Tragedy,I
***B’ nai B’ rith Magazine,* May 1933.**

CRITICISM is heard: B’ nai B’ rith did not join the public protests against the German-Jewish tragedy! The power of B’ nai B’ rith was not exploited sufficiently in the public press! What an opportunity B’ nai B’ rith had to keep its fame on the front pages in this crisis!

Such things have been said.

The members of this organization have cause to be proud of their affiliation with a Jewish body that obscured its own prestige in order to serve its German brethren the better. Not the glory of B’ nai B’ rith but the safety of German Jews was paramount at the moment and quietly B’ nai B’ rith moved to the defense of these brethren through the strong hand of the State Department.

What was the position of American Jewry in the tragic hour? It was as if a robber had entered one№s house and seized one№s child and held it for a shield... iYou shoot at me and you kill your child!I

What does a man do in such a pass? Shoot? He puts aside his pistol. He considers other means of meeting the crisis.

With the Hitler government threatening reprisals against Jews, should B’ nai B’ rith have rushed forward with loud protests? In the eyes of the unthinking this might have enhanced the prestige of B№nai B№rith... iHow courageous is B№nai B№rith!I they might have said.

B’ nai B’ rith puts aside the opportunity for valor (5,000 miles from the scene of danger!) and with what power is in its hand and in co-operation with other Jewish agencies, set in motion the diplomatic efforts that are already historic. Aye, B’ nai B’ rith might have thrown itself alone into the breach so that it could be said of it, iSingle-handed this organization battles for the rights of Jewry.I But B’ nai B’ rith greatly desires unity in Israel and it marched with other organizations and still so marches.

If there has not been complete unity in Israel in this crisis, it is no fault of B№nai Brith.

Weeks before the German-Jewish tragedy became the pain of all Jewry, B№nai B№rith, conscious of forebodings, took steps, met with the leaders of other organizations, considered what was best to do, having always in mind that nothing ought to be done that would endanger rather than mitigate the unhappy situation of the German Jews.

This policy directs and will continue to direct every move of B’ nai B’ rith acting in co-operation with the American Jewish Committee. We have no quarrel with other organizations that went their own way to make public protest. We believe, however, that time will show that the policy of B’ nai B’ rith is founded on better wisdom. We regret that in the momentous hour American Jewry is not united.

Even those who were at first hot for public protest have come to see that discretion is the better part of valor in an hour when lives are in the balance. They have announced that iIn deference to the wishes of the State DepartmentI they irefrain from making (further) comment on the tragic situation of the Jews in Germany.I

For B’ nai B’ rith there was, besides, a poignant special cause to restrain it from action that might seem rash in the moment. It has fraternal ties with many Jews in Germany where the finest of Jewry is included in the membership of B№nai B№rith. Hostile public words or actions by B’ nai B’ rith in America might have reflected dangerously on the B’ nai B’ rith of Germany of whom it mi ght have been said by their enemies, iThey have instigated their fellow members in America against us.I

The conscience of B’ nai B’ rith could never have acquitted itself had any ill-considered action by the Order in America caused injury to our brethren in Germany.

And what of the future? It may be answered that B’ nai B’ rith in co-operation with the American Jewish Committee is alert; that things are being carefully done; that perfect unity of speech and action exists between the B’ nai B’ rith and the American Jewish Committee.

If the Jews desire the unity of all Israel in America in the presence of this tragedy they can have it by demanding it of the organizations that represent them. As for B№nai B№rith, it feels that its action in this crisis will make a worthy chapter of its history.

Private Warriors
<http://www.amazon.com/exec/obidos/ASIN/1859847560/counterpunchmaga> by Ken Silverstein
CounterPunch's Booktalk
February 25, 2002

The ADL Spying Case Is Over, But The Struggle Continues

By Jeffrey Blankfort, Anne Poirier and Steve Zeltzer
Plaintiffs in the of ADL Spying Case

In 1993, the District of Attorney of San Francisco Arlo Smith released 700 pages of documents implicating the Anti-Defamation League, an organization that claims to be a defender of civil rights, in a vast spying operation directed against American citizens who were opposed to Israel's policies in the Occupied West Bank and Gaza and to the apartheid policies of the government of South Africa and passing on information to both governments.

Under great political pressure, Arlo Smith later dropped the charges. One wonders what would have happened had an Arab-American or Muslim organization been caught spying with the names of 10,000 people and 600 organizations in their files.

Not only were critics of Israel under ADL's surveillance, including thousands of Arab-Americans, but labor organizations such as the San Francisco Labor Council, ILWU Local 10, and the Oakland Educational Association, and civil rights groups such as the NAACP, Irish Northern Aid, International Indian Treaty Council and the Asian Law Caucus were also found in the "pinko" files of ADL's undercover operative, Roy Bullock.

Moreover, Bullock, who had worked, off the books, for the ADL for more than 25 years, admitted that he had been reporting on the activities of black South African exiles and American anti- apartheid activists for South African intelligence.

Bullock, pretending to be sympathetic to the Palestinian cause, came to the founding meeting of the Labor Committee of the Middle in 1987 at the home of plaintiff Steve Zeltzer, having met Zeltzer at meetings of the Free Moses Mayekiso Defense Committee, a South African labor solidarity committee in which he also infiltrated under false pretenses.

Having been responsible for exposing Bullock as an ADL agent to the media, we joined together with other Bay Area activists in filing a suit against the ADL for violation of our privacy rights as provided in California law.

Almost a decade later the suit has been settled with a significant cash payment by the ADL and, we wish to emphasize, without our signing any agreement for confidentiality which the ADL had previously demanded. Our efforts to expose the organization's work in defending the policies of the Israeli government and stifling its opponents will continue, using new information gained in the pursuance of the suit.

The ADL spent millions of dollars preventing this case from coming to trial through costly appeals and exploiting the judicial process but, at the end, it had to give up..

During the course of the suit we learned that:

Bullock, the ADL's top "fact finder" had sold confidential information to a South African intelligence agent in San Francisco for $15,000.

Ten days before he was assassinated in South Africa, Chris Hani, the man who would have succeeded Nelson Mandela as the country's president, was trailed by Bullock on a trip through California who reported on it to the South African government.

ADL agent Roy Bullock was discovered to have a floor plan of murdered Los Angeles Arab American leader Alex Odeh and a key to his office.

The ADL supplied confidential information to foreign governments that it obtained from police and federal agencies in the US,

Having infiltrated the American-Arab Anti-Discrimination Committee (ADC), the ADL's "fact finder" performed a COINTEL-type operation at the convention of the Holocaust-denying Journal of Historical Review when he put ADC's literature on convention tables as a way of smearing the committee for "working with anti- Semites."

The ADL has organized to silence and eliminate all critical voices of Israel from academia and the media and has targeted professors , particularly those who are African American, and who are critical of Israel.

That at least 51% of the activities of its San Francisco office were devoted to defending Israel.

The ADL provided secret files to police agencies when these police agencies were prevented by law from collecting the files themselves,

Many questions must still be answered about the activities of the ADL and it's non-profit status as an "education organization". The settlement offered by the ADL is recognition on its part that it could not afford to go to a trial in front of a jury and face the likelihood that more of its dirty secrets would be revealed.

We call on all people to make sure that these practices on the part of the ADL are not allowed to continue and that the double standard that presently dominates this country on issues dealing with Israel be eliminated.

Finally, we wish to thank our attorney, former congressman Pete McCloskey, himself a victim of the ADL and the Israel Lobby, for his years of work on our behalf and his steadfast commitment to the pursuit of justice.

Jeffrey Blankfort can be reached at: jab@tucradio.org

For more information on this case read CounterPunch's story, **ADL Snoops: Were the Spies "Journalists"? <http://www.counterpunch.org/adlspies.html>**

Rightist Rally Hears Speech From Giuliani

FORWARD STAFF

http://www.forward.com/issues/2001/01.10.26/news2.html
OCTOBER 26, 2001

JERUSALEM — NEW YORK'S MAYOR Giuliani spoke by telephone this week to a right-wing rally here at which speakers called for the dissolution of the Palestinian Authority and several speakers urged the mass expulsion of Palestinians from Israel's occupied territories.

The rally, staged by the Council of Settlers of Judea, Samaria and Gaza, was billed as a memorial for slain Tourism Minister Rehavam Ze'evi.

Drawing a boisterous crowd of 80,000 mainly Orthodox Jews to Jerusalem's Zion Square, its themes included stepping up the war against terrorism and banishing Yasser Arafat from the territories. At least four speakers, including a leader of Ze'evi's Moledet Party, Knesset Member Benny Elon, called for the "transfer" of the Palestinians from the West Bank and Gaza to the 22 other Arab nations as demonstrators brandished signs that described Mr. Arafat and Osama bin Laden as "twins."

Mr. Giuliani spoke to the crowd by live telephone hookup from New York, reportedly at the invitation of Jerusalem Mayor Ehud Olmert.

"New York and Jerusalem are closer than ever before," Mr. Giuliani told the crowd, adding that the two cities have "the same values." "Both the United States and Israel are seeking to defend and perpetuate the same values of democracy, freedom, respect for the law and human life," he said.

According to a close adviser and former aide to Mr. Giuliani, Bruce Teitelbaum, the mayor had no knowledge of the contents of the speeches or the tenor of the rally. He "simply wanted to express his solidarity with the people of Israel at this very difficult time and to explain to the Israeli people that the United States is fighting terrorism and that it is important to eradicate terrorism forever, wherever it exists."

"I'm certain the mayor would reject the notion of the forced expulsion of anyone from Israel," Mr. Teitelbaum added.

Last year, while Mr. Giuliani was running for the U.S. Senate against then-first lady Hillary Clinton, Mrs. Clinton was repeatedly criticized by Mr. Giuliani's supporters for appearing at events where sponsors or fellow-speakers took extreme anti-Israel positions. In each case Mrs. Clinton had denied being familiar with the background of the people in question.

This week, however, most observers appeared to accept Mr. Giuliani's ignorance as sufficient explanation for his participation alongside advocates of a view most Americans consider repugnant. "If one mayor asks another to address a gathering, there is no reason to have any doubts," said the national director of the Anti-Defamation League, Abraham Foxman. He added that ADL views the notion of "transfer" as "undemocratic, contrary to Jewish tradition and Jewish history."

"You try to find out to the best of your ability what will be said, but there is nothing to stop someone to get up at the microphone

and deciding to go beyond the script," said the assistant executive director of Americans for Peace Now, Lewis Roth. "However, it is also incumbent on individuals speaking at political events in Israel to make sure that the tone and content of the events are consistent with mainstream thinking about various issues."

The speech was the second time in recent weeks that Mr. Giuliani has injected himself into the Middle East conflict. Two weeks ago, he rejected a Saudi prince's $10-million donation toward relief for the World Trade Center attack after the prince suggested the attack stemmed from American support for Israel. The mayor's move at the time was applauded by many American Jewish organizations.

"Transfer," or mass relocation of Palestinians from the territories, is a controversial doctrine that kept Ze'evi on the margins of Israeli politics for years, despite his reputation as a military hero. The doctrine continues to win little support in the general public, though it is said to enjoy significant backing in the settler community, which is nearly unanimous in opposing any peace plan that would give Palestinians sovereignty in the territories currently under Israeli control.

This week's rally was intended by the settler movement as a combination show of strength, memorial to Ze'evi and protest against what settlers view as government inaction in the face of Palestinian terror.

One rally participant, Heather Samuels, a native of Memphis, Tenn., said she attended the rally to mourn Ze'evi's death, to oppose the dialogue with the Palestinian Authority and to encourage Israel's government to use military means to resolve the year-old intifada, "just as President Bush is" in his war against terrorism.

Others, however, used the rally as an opportunity to spread messages of their own. One Moledet volunteer was seen distributing stickers calling for the arrest of the "Oslo criminals," as rightists often refer to Foreign Minister Shimon Peres and his allies. The volunteer, who declined to give his name but said he was from the West Bank settlement of Karnei Shomron, wondered aloud how the United States would react if the "black population of America was to rise up against the whites and fire mortars at New York. That would be the end of them. Now we have to do the same."

A deputy mayor of Jerusalem, Larrisa Gerstein, a political ally of Mr. Ze'evi, told the Forward she saw the rally as evidence of a "resurgence of the right, that was always strong. But more than the strengthening of the right, I see the building of national unity, unconnected with politics, that addresses our survival. The only way to ensure [Israel's survival] and to commemorate the deaths of the 657 people killed since the signing of the Oslo agreement is to see Oslo to the grave."

Many on the left, however, downplayed the importance of the rally. "I am surprised that they had less than 100,000," said Peace Now spokesman Didi Remez. "As an absolute show of strength it was pretty small." He predicted that the return of the Israeli government to pre-Oslo policies of confrontation with the Palestinians would galvanize Israel's floundering left. "Most people see us sliding down a slippery path to another Lebanon, and that is what we must prevent," he said.

Morton Klein, national president of the Zionist Organization of America, placed Mr. Giuliani's speech in line with his support for Israel and dismissed any connection between the mayor and the issue of

population transfer.

"The issue of transfer is an issue for the government of Israel and the people of Israel to discuss, not for the mayor of New York City," Mr. Klein said.

Mr. Foxman, while agreeing that "our responsibility is not to respond to demonstrations and people in the street," said that American Jewish groups need to respond if the issue of population transfer is addressed.

The rally showed the anger many Israelis feel in the wake of the Ze'evi assassination. As demonstrators held a sign declaring "Muslims are Nazis," Mr. Elon criticized Prime Minister Sharon for sending a message to Washington that Mr. Arafat is Israel's partner, while declaring in Israel that he is the enemy.

Mr. Olmert, for his part, devoted his speech to expressions of unreserved support for the settler movement. He called the settlers the "commandos of Israel, the very foundation of Israel's strength," who act as Israel's defensive outpost against those who oppose its right to exist "both within and without." He ended his speech by declaring that Israel will "never leave any part of Jerusalem."

Judge Slams ADL for Hurting Couple Tarred As 'Anti-Semites'

By MARC PERELMAN
FORWARD CORRESPONDENT

UPHOLDING most of a $10 million defamation suit against the Anti-Defamation League, a federal judge in Denver has lambasted the organization for labeling a nasty neighborhood feud as an anti-Semitic event.

In upholding the first-ever court defeat handed to the 87-year-old ADL, U.S. District Judge Edward Nottingham said the organization had endorsed and publicized the bigotry accusations of a Jewish couple against its neighbors without either investigating the case or weighing the consequences.

"Based on its position and history as a well-respected civil-rights institution, it is not unreasonable to infer that public charges of anti-Semitism leveled by the ADL will be taken seriously and assumed by many to be true without question," the judge wrote on March 31 in a 46-page order and memorandum of decision obtained by the Forward. "In that respect, the ADL is in a unique position of being able to cause substantial harm to individuals when it lends its backing to allegations of anti-Semitism."

The judge's opinion confirmed a verdict reached last April by a federal jury, which essentially accused the Denver chapter of the ADL and its regional representative, Saul Rosenthal, of falsely portraying William and Dorothy Quigley as anti-Semites. Mr. Quigley, an executive of the United Artists theater chain, said his career in the "predominantly Jewish and close-knit" film business had stalled after the incident.

"The ADL seized an opportunity to aggrandize itself as the defender of the Jews by unjustly accusing a middle-class couple of being anti-Semitic crooks," said Jay Horowitz, the Quigleys' Denver-based lawyer. "And all along, they showed an unbelievable arrogance."

At the same time, the judge reduced last year's judgment by some $675,000, cutting the punitive damages awarded to Mrs. Quigley under state law and reducing the Quigleys' compensatory damages to reflect money they received in an earlier settlement with opposing lawyers.

The ADL said it would appeal the decision to the 10th Circuit Court of Appeals in Denver later this spring. The ADL's law firm, Long and Jaudon, claimed in a statement issued by the ADL last week that "there were reversible errors made during both pretrial and trial proceedings." Both the ADL and attorney Joe Jaudon refused to comment further.

What is not in dispute is that the ADL, after springing to the defense of a Jewish couple essentially seeking to strengthen their hand in a private dispute, now finds itself entangled in an embarrassing and potentially costly legal stew. The league's annual budget hovers around $50 million.

The judgment could harm its reputation as an aggressive but reliable monitor of anti-Semitism.

The ruling comes at a time when the ADL is also embroiled in the Marc Rich pardon scandal. The organization said it received some $250,000 in the past 15 years from the fugitive financier who received a controversial
11th-hour pardon from President Clinton. The league's national director, Abraham Foxman, declared last month that he "probably" had made a mistake in writing a letter to Mr. Clinton supporting the Rich pardon.

All this was not lost on Mr. Horowitz, the Denver attorney.
"Can you imagine an organization using money from Marc Rich, a guy who made millions dealing with anti-Semitic countries like Iran, attacking powerless people for some alleged anti-Semitic slurs?" he said.

The Denver dispute began in August 1994, when Mitchell and Candice Aronson moved to the affluent suburb of Evergreen, Colo. The couple was initially befriended by the Quigleys, their neighbors, but relations quickly began to sour, escalating from complaints about dogs and stolen plants to an allegation by Mrs. Aronson that Mr. Quigley tried to run her over with his car.

The Aronsons contacted the ADL on October 21, after concluding that the Quigleys were plotting to drive them out of the neighborhood because they were Jewish. The suspicions were based partly on a conversation on the Quigleys' cordless phone, which the Aronsons claimed they inadvertently overheard through their police scanner. They said they heard the Quigleys talking about sticking pictures of oven doors on their house, burning their children and wishing they had been blown up in a terrorist attack in Israel.

The ADL, after consulting with the district attorney, suggested that the Aronsons tape another six weeks' worth of conversations. None of the parties reportedly knew that Congress had outlawed such wiretaps on October 25.

In December, the Aronsons filed a federal suit against the Quigleys, accusing them of ethnic intimidation and violation of their civil rights. The following day, at a press conference, Mr. Rosenthal of the ADL labeled the Quigleys anti-Semitic and said they were planning attacks against the Aronsons. The district attorney's office also filed felony criminal charges of ethnic intimidation.

At that point, the case began to unravel. The Quigleys accused the

Aronsons of waging a smear campaign against them. In January 1996, they sued the Aronsons and the ADL for violating their rights under the Federal Wiretap Act.

In the meantime, the district attorney, who realized that the tapes were illegal, dropped the ethnic intimidation charge and agreed to pay compensation to the Quigleys. In February 1998, an out-of-court settlement was reached between the couples. But the settlement did not include Mr. Rosenthal and the ADL.

Mr. Horowitz said he tried to settle numerous times with the ADL, but was rebuffed.

The Quigleys accused the ADL of libel, false light invasion of privacy, invasion of privacy and violation of the Federal Wiretap Act. In April 2000, a jury accepted nearly all the charges and awarded them $10.5 million in damages, one of the largest defamation awards ever in Colorado.

In reply, the ADL and Mr. Rosenthal called for a reduction of the judgment, or a new trial.

Judge Nottingham, ruling on the ADL's motion to overturn the verdict, accepted none of the league's arguments. He pointed to evidence that Mr. Rosenthal and the ADL had not bothered to listen to the tapes, read the transcripts or investigate in-depth before publicly leveling the charge of anti-Semitism. He criticized what he called the selection of isolated comments from thousands of pages of transcripts to build the anti-Semitism accusation "in what could otherwise be regarded as mere sarcastic, banal and tasteless remarks uttered in a garden-variety dispute among neighbors."

To support his argument, the judge cited an internal ADL memorandum written by Mr. Rosenthal in January 1995, in which the league official said he wanted "to be sure we are maximizing all opportunities that are available from the Aronson case and arrests.... In short, 'make hay while the sun shines' - graciously of course."

Mr. Quigley, a New York native, was a chief financial officer at Paramount pictures and president of Vestron Pictures. There he produced the movies "Dirty Dancing" and "The Dead." He moved to Denver in 1993 to head the United Artists' theater chain in the region.

As a result of the anti-Semitism charge, said his attorney of Mr. Horowitz, "He has become a pariah in the business."

The judge concurred, repeatedly underlining what he called the "catastrophic impact" of the accusations on Mr. Quigley's career. He said the issue was actually raised in discussions within the Denver ADL. "In that respect, Rosenthal's conduct could be perceived as even more egregious, given his awareness of the stigmatizing consequences attached to accusations of anti-Semitism."

Regarding the large damage award, the judge wrote that "it will, at a minimum, provide a deterrent effect against the ADL from engaging in future conduct involving the use of intercepted telephone conversations to pursue a civil lawsuit against persons perceived to be anti-Semitic."

Safire: 'Abe Should Resign'

By RACHEL DONADIO, FORWARD STAFF

ANTI-DEFAMATION League director Abraham Foxman found himself at the center of a storm of criticism this week after his attempt to apologize for his role in the presidential pardon of Marc Rich led to new protests, including calls for his resignation.

Mr. Foxman, one of the most prominent of the figures who wrote to President Clinton on Mr. Rich's behalf last year, said last week in a statement and at a press conference that his pardon letter had "probably" been a mistake.

The pressure for Mr. Foxman to resign has come largely from minor figures outside the ADL orbit, especially from militant activists for the cause of convicted spy Jonathan Pollard, some of whom criticize Mr. Foxman for failing to act on Pollard's behalf.

More serious, though, was a call for his resignation made this week by New York Times columnist William Safire. Mr. Safire wrote that Mr. Foxman had been induced by a donation from Mr. Rich "to lobby President Bill Clinton for forgiveness and thereby bring glee to the hearts of anti-Semites." Mr. Foxman, he wrote, should resign "to demonstrate that ethical blindness has consequences."

Toward Tradition, a politically conservative Jewish group, on Wednesday gave Mr. Foxman its "Our Own Worst Enemy Award."

Sources close to the ADL say the protests' effect on Mr. Foxman would probably be minimal, and an ADL spokeswoman that he has no intention of stepping down.

Even so, board members acknowledged that Mr. Foxman had not consulted them before writing on behalf of Mr. Rich. He first discussed his role at a February ADL national commission meeting in Florida.

"There was some criticism expressed," said one commission member, New York attorney Seymour Reich. "He said it was probably a mistake, that he shouldn't have sent it. But the net result was confidence in Abe and a feeling of 'let's move on.'"

Mr. Foxman's role in the Rich pardon offers a window as much into the modus operandi of Mr. Rich, a Belgian-born commodities trader who allegedly won Mr. Foxman's trust by telling him he hailed from the next shtetl over in Belarus, as it does on Mr. Foxman himself. It also illuminates the mindset of the pro-Pollard lobby, which long has protested the ADL's refusal to advocate for Pollard.

At the press conference, Mr. Foxman said that he had first proposed the pardon strategy to Mr. Rich's aides at a meeting in Paris in February 2000. This statement contradicted the Rich team's accounts of the pardon as a last-minute tactic adopted in November.

He also said that when he wrote his December 7 pardon letter he didn't know Mr. Rich had renounced his American citizenship. Nor did he know that the Justice Department had offered Mr. Rich the possibility of being released on bail without going to prison, despite being a fugitive, if he returned to the United States to visit his daughter before she died of cancer in 1996. "Had I known that, I wouldn't have written," he said.

Mr. Foxman said he was first introduced to Mr. Rich "15 or 16 years ago" by a European Jewish leader and "landsman" who hailed from Mr. Foxman's native region of Belarus. He said he thought that Mr. Rich "had been born in the same town, Lucowicz." "I was born in Baronowicz," he said.

At their first meeting, Mr. Rich said he thought that his prosecution had been motivated by anti-Semitism. Mr. Foxman said he told Mr. Rich that he didn't see any evidence of anti-Semitism.

Mr. Foxman said that backing the Roth pardon had been a mistake because it "wasn't directly on target with the ADL's mission."

Mr. Rich and Mr. Foxman struck up a friendship and dined together seven or eight times. "We speak Yiddish," Mr. Foxman said. "We talked about the world and about literature."

Mr. Foxman's spokeswoman, Myrna Shinbaum, said the ADL leader was "flabbergasted" to learn that Mr. Rich was actually born in Belgium and his father in Frankfurt. The family moved to America in the early 1940s. "Abe has always been under the impression that Rich was from Lucowicz," Ms. Shinbaum said. "He didn't ask for his birth certificate."

"I'm sure that Marc Rich is very astute at manipulating the system," said one Jewish leader speaking on condition of anonymity. "And while I think that Abe's very cautious, I think he just got taken in by Mr. Rich. I think they took advantage of his good nature."

Mr. Foxman said Mr. Rich began to donate to the ADL, but then stopped. In 1999 he was contacted by the director of Mr. Rich's Israeli foundation, Avner Azulay, who said he wanted to start contributing again. Shortly afterward he pledged $100,000. The two met again in Paris in February 2000 and it was there that Mr. Foxman raised the pardon idea, he said, while "brainstorming" on Mr. Rich's legal troubles.

Speaking to reporters, Mr. Foxman rejected implications that Mr. Rich's donations, totaling $250,000, had "bought" his support. "If I got nothing or $10 million I would have made the same decision," adding that it was a decision "I now regret."

For some observers, more troubling than the money questions was, as Mr. Reich said, "that this whole effort was made on behalf of Rich and not Pollard. And money was the key for Rich."

Mr. Foxman said numerous board members had raised the Pollard issue with him. "Some people accused me of having sold out Pollard," he said.

The ADL has no formal position on Pollard, officially because it has found no evidence of anti-Semitism in the case. In 1993, however, Mr. Foxman wrote a personal letter to Mr. Clinton — not on ADL stationery — urging a pardon for Pollard.

In recent weeks, Mordechai Levy, the head of the Jewish Defense Organization, a tiny, right-wing group that has long blamed Mr. Foxman for Pollard's continued incarceration, has stepped up his

campaign calling for Mr. Foxman's resignation. He said he had sent mailings to that effect, including symbolic bags of money, to several ADL national commission members.

Joel Sprayregan, a Chicago lawyer and honorary ADL national vice chairman, said he had received mail from Mr. Levy but found it "not credible. It was an undeserved smear."

Some observers said the onus for the scandal belonged not on Mr. Rich's advocates but on Mr. Clinton, who granted the pardon without going through official channels. "If I were asked to write a recommendation for a pardon, I'd assume that it would be vetted by the White House and the Department of Justice," said Kenneth Bialkin, an honorary chairman of the ADL and close friend of Mr. Foxman.

Still, Mr. Foxman said he wouldn't rule out asking Mr. Rich to use his connections to help the ADL fight anti-Semitism in future international hotspots, as he had done in Romania and other countries that he declined to name. "I'd ask who is there that could be helpful, and if there was no one but him, then yes, I'd go to him," Mr. Foxman said.

Asked if the ADL would accept money from Mr. Rich in the future, Mr. Foxman declined to comment. Indeed, even in explaining his apology he appeared to leave open the possibility that he stood by his original act. "I'm not 100% sure that it's so terrible as it's made out to be," Mr. Foxman said.

March 29, 2001

The A.D.L. and Rich
By WILLIAM SAFIRE

WASHINGTON - "You never made a mistake in your life?" an angry Abraham Foxman, national director of the Anti-Defamation League, shouted over the phone. "What about when you worked for that anti-Semite Nixon?"

This good man, with a record of 36 years fighting for civil rights and against bigotry, was understandably distressed at a judgment parenthetically expressed in my previous column about the need to control the influence of money in politics.

It had just been revealed that Foxman - whose organization had received $250,000 over the years from Marc Rich - had not only written to President Bill Clinton urging forgiveness for the fugitive billionaire but was present at the creation of the pardon plot.

Thirteen months ago, according to Foxman, he met in Paris with a former Mossad agent now on the Rich Foundation payroll who had the month before pledged $100,000 to A.D.L. Foxman came up with the idea of asking Denise Rich, the divorced wife of the man on the lam for 17 years, to intercede with Clinton for a pardon.

He knew her only from "reading the columns," Foxman told reporters last weekend. However, he sat across the aisle from Mrs. Rich on Air Force Two when Clinton invited both of them to accompany the

presidential party to Yitzhak Rabin's funeral. It was logical for him to presume that Rich's former wife was on the government plane because she had some connection to the president.

That bright idea of Foxman's led to e-mail from Rich's top man in Israel to Rich lawyers in the U.S. Ultimately, a former Clinton White House counsel, Jack Quinn, used Denise Rich to circumvent expected Justice Department resistance to pardoning a defiant fugitive accused of the biggest tax rip-off in U.S. history.

Let me stipulate here that it is no sin to recommend mercy or point out good deeds done by unpopular targets of prosecutors. I regularly signed parole petitions for Nixon colleagues jailed after Watergate. And when prosecutor Charles Hynes led a New York Bar Association campaign to disbar a near-comatose Roy M. Cohn just before he died of AIDS, I denounced the vengeful lawyers as a pack of ghouls. I don't knock loyalty.

But at issue here is the ease with which an unpatriotic wheeler-dealer can manipulate fine organizations and hungry politicians here and abroad into expunging all unanswered charges from his record.

Would we have known about the A.D.L. advice to Rich and intercession on his behalf if Congress had not begun an investigation? Unlikely; though he reported fully to some 40 members of the A.D.L. national executive committee on Feb. 3, for six weeks after the pardon firestorm Foxman said nothing publicly.

Not until March 9, when the Burton committee contacted him, did A.D.L. release its official letter to Clinton whining about "Marc Rich's suffering." Only after cooperating with House investigators did Foxman admit publicly that it was his suggestion in Paris that led to the well-heeled Denise's exploitation of her access to "Number One."

In a March 19 letter to national commission members, he explained that his pardon request was partly "predicated on the fifteen years I knew of Marc Rich's generous philanthropy and good deeds," but lately "I began to question whether a person's good deeds should overshadow other aspects of his behavior. In hindsight this case probably should not have had my involvement as it was not directly in ADL's clear- cut mission...."

That mission is to fight bigotry. The last time Foxman muddled it was to write Clinton asking for Jonathan Pollard's release; commission members privately slapped him down because that prosecution had nothing to do with anti-Semitism, either.

The time is ripe for the A.D.L. - and other do-good and advocacy groups, too - to take a hard look at the ulterior motives of their money sources. It's time to set out written policies to resist manipulation by rich sleazebags and to reprimand or fire staff members who do not get with the ethical program.

Abe dropped by my office a few minutes ago to take back that unfair telephone crack and answer questions about who sucked him into this mess, which takes some zip out of my conclusion. We wished each other a happy Passover.

March 26, 2001

Working Its Will

By WILLIAM SAFIRE

WASHINGTON - The story is told of the corrupt Albany judge who called opposing trial lawyers into his chambers.

"You offered me a $5,000 campaign contribution to throw this case to the plaintiff," said the fair-minded judge, "and defendant's lawyer here just offered me $10,000 to find for his client. Now how about plaintiff giving me $5,000 more, evening things up - and we try the case on the merits?"

Whether the bidding war that is now American politics will continue in this fashion is to be decided in the Senate this week. Every senator knows the subject cold and need not rely on staff expertise or party discipline for guidance. Rarely do voters see such a revealing free-for-all.

Money talks, but money is not speech. That, in essence, is the offense and defense of campaign finance reformers.

That heavy political contributions influence officeholders is beyond dispute. Money for "access" rarely qualifies as prosecutable bribery, but the biggest givers are usually the biggest receivers. The pros know that a quo has a way of following a quid and the public is not stupid.

The purchase of a pardon by Marc Rich haunts the Senate this week. The stain spreads; now we learn that the fugitive billionaire, with $250,000 to the Anti-Defamation League, induced its national director to lobby President Bill Clinton for forgiveness and thereby bring glee to the hearts of anti-Semites. (Abe Foxman should resign to demonstrate that ethical blindness has consequences.)

But the hurdle that Senators John McCain and Russell Feingold must jump is this: does the restriction of money in campaigns deny anyone freedom of speech?

Of course it does. But we abridge free speech all the time, in protecting copyright, in ensuring defendants' rights to fair trials, in guarding privacy, in forbidding malicious defamation and incitement to riot. Because no single one of our rights is absolute, we restrain one when it treads too heavily on another.

That's why our courts have held repeatedly in the past century that the Constitution permits restrictions on political contributions. Just as antitrust laws encouraged competition in business, anti-contribution laws have enhanced competition in politics. Freedom of speech is diminished when one voice who can afford to buy the time and space is allowed to drown out the other side. Washington opponents of campaign finance reform offer less lofty arguments, too.

1. "Holding down the number of paid political spots will increase the power of the media at the expense of the political parties."

And what do my ideological soulmates find so terrible about that? The wheezing liberal voices of the Bosnywash corridor are as often as not clobbered by the intellectual firepower of conservative columnists, Wall Street Journal editorialists and good-looking talking heads. Wake up and smell the right-wing cappuccino, fellas.

2. "If we close the soft-money loophole, money will soon find another way to reach politicians." Fine; that will provide a campaign platform for the next generation's great white hat. The tree of liberty must constantly be refreshed by the figurative blood of tyrannous fund-raisers, as Jefferson almost said.

3. "If this goo-goo abomination passes with all its amendments, and any one item is struck down by the courts, then the whole thing must go up in smoke." Do Republicans really want to hold that unseverability gun to the head of the Rehnquist court? Why, if you're so hot for freedom of speech, tempt the high court to weaken the First Amendment by letting a questionable part of an all-or-nothing law through?

Tomorrow the senators seeking to keep in place the Clinton-McAuliffe fund-raising abuses that so polluted the 90's will offer the Hagel substitute for the McCain-Feingold bill. It's sabotage, plain and simple, "limiting" soft-money gifts to a half-million dollars per fat-cat family per election cycle.

Senators, fresh from offending billionaire candidates and from thumbing the eye of the powerful broadcasters' lobby, should cherry-pick a few items from the Hagel substitute, up the hard-money limit to $2,500 and take their chances on a sore-loser filibuster by voting down the all-or- nothing trick.

If that's the will the Senate works, I think President Bush would tut-tut and sign McCain-Feingold. That's because I'm an optimist and believe in the two-party system.

By Robert I. Friedman
The Village Voice, May 11, 1993, Vol. XXXVIII No. 19

How The Anti-Defamation League Turned the Notion of Human Rights on Its Head, Spying on Progressives and Funneling Information to Law Enforcement

ROY BULLOCK wanted to be a spy since he was a teenager in Indiana and read "I Led Three Lives," Herbert Philbrick's Cold War saga of penetrating the Communist Party for the FBI. Philbrick had become an American folk hero in the 1950s for building dossiers on unsuspecting colleagues. It was a time when Hollywood produced more than 30 films portraying the informer as the quintessential American patriot. In Boston, where Philbrick led three lives as an FBI informant, Communist Party member, and private citizen, the mayor even proclaimed a Herbert Philbrick Day and presented the spy with a plaque.

For Bullock, a shy young man who was coming to terms with his homosexuality in the straight-arrow '50s, the life of a double agent was the perfect way to hide his lifestyle while fighting the Communist menace.

"I was fascinated with Herbert Philbrick," Bullock recently told federal investigators, "and so I thought I would try to infiltrate the Communist Part. In 1957, I went to the Sixth World Youth and Student Festival in Moscow with the American delegation. I gave them [the FBI a full report on it when I returned, along with some photos I took of some Soviet military vehicles."

Bullock was hooked. For the next two years, he worked as an unpaid informant for the FBI. But he found his true calling when he became a paid spy for the Anti-Defamation League in 1960. Now his activities are at the center of the biggest domestic spy scandal in recent American history -- a scandal that may end with the ADL's criminal indictment in San Francisco.

Over a 30-year period, he compiled computer files for the ADL on 9876 individuals and more than 950 groups of all political stripes, including the NAACP, the Rainbow Coalition, ACLU, the American Indian Movement, the Center for Investigative Reporting, Pacifica, ACT UP, Palestinian and Arab groups, Sandinista solidarity groups, Americans for Peace Now, and anti-apartheid organizations. Bullock, who even spied on the recently slain South African nationalist Chris Hani when he visited the Bay Area in April 1991, sold many of his ADL files on anti-apartheid activists to South African intelligence. Meanwhile, between 1985 and 1993, the ADL paid him nearly $170,000, using a prominent Beverly Hills attorney as a conduit in order to conceal its financial relationship with Bullock.

Last month, police raided ADL offices in Los Angeles and San Francisco, as well as Bullock's home, confiscating computer files and boxes of documents. According to court records, Bullock's files contained the driver's license and vehicle registration information, in addition to criminal histories on individuals -- much of which was allegedly stolen from the FBI and police computers. Bullock, 58, told the FBI that copies of virtually everything in his computer data base had been given to the San Francisco ADL office. "Based on the evidence," says Inspector Ron Roth, in a police affidavit, "I believe that Roy Bullock and ADL had numerous peace officers supplying them with confidential criminal and DMV information."

What's more, the San Francisco D.A. is investigating Bullock for tapping phones, accessing answering machines, and assuming false identities to infiltrate organizations. Documents seized from Bullock's home also contained evidence of his forays into Bay Area trash cans: He had the names and phone numbers of employees at the Christic Institute in San Francisco, as well as telephone message slips to staff members (including names and phone numbers of callers), office correspondence listing the names and return addresses of the senders, and inter-office memos. He also had receipts from Christic Institute's bank accounts at Wells Fargo and Eureka Federal Savings, as well as itemized canceled checks with the names of the payees, the dates, and amounts. Bullock even knew the balance in the Christic Institute's checking account.

Investigations by the FBI and police in San Francisco have revealed that the ADL has shared at least some of its spy gathering material with Israeli government officials. What's more, Israel apparently used tips from the ADL to detain Palestinian Americans who travelled there.

* * *

The ADL was established in New York City in 1913 to defend Jews, and later other minority groups, from discrimination. It led the fight against racist and fascist groups like the Ku Klux Klan and the American Nazi Party, and in the 1960s championed the civil rights movement.

But there was also a darker side. In the late 1940s, the ADL spied on leftists and Communists, and shared investigative files with the House Committee on Un-American Activities and the FBI. The ADL swung sharply to the right during the Reagan administration, becoming a bastion of neoconservatism. To Irwin Suall, a repentant Trotskyite who heads the ADL's powerful Fact Finding Department, the real danger to Jews is posed not by the right -- but by a coalition of leftists, blacks, and Arabs, who in his view threaten the fabric of democracy in America, as well as the state of Israel. In the tradition of his ideological soulmate William Casey, Suall directed the ADL's vast network of informants, who were given code names like "Scumbag," "Ironside," and -- for a spy reportedly posing as a priest in Atlanta -- "Flipper."

For years, journalists and liberal members of the Jewish community knew the ADL spied on right-wing hate groups. As long as the targets were anti-Semitic organizations like the Liberty Lobby and Lyndon Larouche, no one seemed to be particularly troubled. But the Bullock case reveals that the ADL also spied on groups that have a nonviolent, and progressive orientation. This apparent massive violation of civil liberties may end with the ADL's criminal indictment in San Francisco, where the investigation began. The human rights group faces possible criminal prosecution on as many as 48 felony counts, including an indictment for gaining illegal access to police computers. Says one source close to the West Coast investigation, "It is 99 per cent certain that the ADL will be indicted."

In the wake of the San Francisco investigation, police probes of ADL spying are spreading to other parts of the country. "We have received numerous complaints about ADL [spying]," says Sam Adams, a spokesperson for the mayor's office in Portland, Oregon.

On April 16, the Harlem-based Black United Fund of New York, and African American self-help group that Bullock allegedly spied on, wrote District Attorney Robert Morgenthau, requesting "an immediate investigation" of the ADL. "The ADL's actions cause great concern, as it is a direct and flagrant violation -- at minimum -- of our civil rights....We call upon you to join with the District Attorney of San Francisco to...bring and end to this latest form of McCarthyism."

Gerald McKelvey, a spokesperson for Morgenthau's office, says, "We have no evidence before us that warrants any sort of investigation." McKelvey adds that Morgenthau offered to assist the FBI and the San Francisco D.A.'s office on their pending investigation. "They have not, so far, asked for our assistance."

The ADL acknowledges sharing information on violence-prone groups with law enforcement officials. It also admits to maintaining extensive files on a wide variety of organizations, but says, in a

two-page press release, "The vast majority of ADL's files are composed of news clips, magazine articles, books, journals, and other documents...."

"ADL has made it clear that it does not and will not countenance violations of the law on the part of anyone connected with the agency, and the process by which the League gathers information is presently under review to insure that no laws are being violated."

That's what the ADL says for public consumption. But morale is so low that its employees complain of sleepless nights and crying fits. And even as other Jewish groups circle the wagons around the ADL in a show of solidarity, many do so holding their noses. More than a few Jewish officials privately say the ADL has to decide whether it is a human rights group or a secret police agency.

"The ADL is regarded both inside the Jewish community and outside the Jewish community as the definitive source of information on anti- Semitism and extremist groups," says Daniel Levitas, the former executive director of the Center for Democratic Renewal, an Atlanta- based group that monitors anti-Semitism, racism, and hate groups. "One of the things this scandal has done is that it has completely tainted the ADL's credibility and reputation with regard to its objectivity. This scandal is going to be a devastating blow to the Jewish community at large because people regard the ADL as synonymous with American Jewry."

* * *

Bullock's talents as a snoop and his extreme conservatism meshed well with the ADL's Cold War worldview. In 1960, he moved to Southern California where he became an ADL spy for $75.00 a week. Bullock almost always used his real name when snooping, although he once called himself Elmer Fink when corresponding with supporters of Alabama governor George Wallace. Bullock provided the ADL's office in Los Angeles with written reports, which were transmitted to Fact Finding Department head Irwin Suall, according to court records. Under Suall's stewardship, Fact Finding Department had become the ADL's heart and soul. Located at ADL national headquarters across from the United Nations, the department had assembled a vast library on "hate groups," culling material from publications, speeches, and informants reports.

Bullock was more than adept at leading a double life. Not long after moving to California, he ingratiated himself with a woman in the John Birch Society who helped him gain access to the group's Boston office. There, he found a file the right-wingers were keeping on the ADL. The discovery gave rise to speculation in the ADL New York office that they had somehow been penetrated by the Birchers.

Bullock focused almost exclusively on right-wing extremist groups until the early 1970s when ADL L.A. head Milton Sinn was replaced by Harvey Schechter, who encouraged him to target the left as well. A few years later, Bullock moved to the Castro District in San Francisco where he posed as an art dealer. And ADL fact finder who had infiltrated the local Arab community had just been exposed. When the ensuing scandal died down, Bullock was ordered by the ADL to penetrate the Arabs.

The ADL was especially concerned about the American-Arab Anti-Discrimination Committee, founded by the former South Dakota senator James Abourezk to combat Arab-bashing. In a page out of the CIA's dirty tricks handbook on penetration and destabilization, Bullock joined the ADC, and then recruited Nazis into the group, apparently trying to discredit it, according to published reports.

In 1987, the ADL sent Bullock to attend the National Association of Arab Americans annual congress in Washington. According to court documents, Bullock was told to find the source of the group's funds. Bullock was unable to "follow the money." But he did such a good job at ingratiating himself that he was appointed to head a NAAA delegation that visited Congress member Nancy Pelosi.
It's not surprising that the ADL penetrated Arab organizations. But only acute paranoia explains their interest in groups like ACT UP. As far as Bullock was concerned, gay groups in San Francisco were heavily infiltrated by what he called "gay left revolutionaries," prompting him to write about their activities for the ADL.

Bullock soon expanded his horizons, moving into the shadowy realm of foreign espionage after Richard Hirschhaut, the head of ADL's San Francisco office, introduced him to Thomas Gerard in 1986. Gerard was then a detective with the San Francisco Police Department's Intelligence Unit. Gerard had worked as a demolitions expert for the CIA in El Salvador in the early 1980s, where he apparently had more than a passing interest in right-wing death squads. (Police searching Gerard's briefcase found extensive CIA literature about torture and interrogation, photos of blindfolded and chained men, as well as passports made out to Gerard in 10 different names, including Thomas Clouseau. From a remote jungle island redoubt in the Philippines where he fled last November, Gerard told the Los Angeles Times that he will blow the lid off the CIA's involvement with Latin American death squads if he is indicted in the ADL spy case.)

After their very first encounter in the ADL office, Gerard and Bullock had lunch at McDonald's, "I liked Tom right off," Bullock later told a San Francisco police investigator whose report of the interrogation was obtained by the _Voice_. "Tom is a very charming, roguish character, with a great deal of integrity. Let me say here, I consider Tom Gerard one of the finest policemen I've ever worked with, absolutely. Honest, capable, intelligent and 100 percent American."

Before long, Bullock was providing Gerard with confidential ADL reports on various groups and individuals. In turn, Gerard gave Bullock classified police intelligence files on local Arab Americans, skinheads, and others. Bullock told the FBI that Gerard's material ended up in his ADL reports. "I would say 99 percent of the data that I got was name, address, and sometimes physical description. Criminal history, very rarely," Bullock told investigators. Gerard also gave Bullock a chart that outlined a vast network of Bay Area Arab American businessmen and organizations that allegedly has ties to Middle East terror groups, as well as surveillance photos of Arab Americans receiving weapons training overseas. Bullock claims that U.S. Customs in New York gave Gerard the photos. "It was understood that Bullock would be very careful with what he did with the information Gerard gave him, and that Bullock would not release it except to the ADL or other law enforcement officers," says an FBI report.

There was nothing unusual about Bullock's cozy relationship with law enforcement. By the mid-1980s, the ADL was swapping files with hundreds of "official friends," the organization's euphemism for U.S. law enforcement and intelligence sources. The ADL's relationship with the FBI's counterterrorism office was so close that ADL's reports on Arab American group's covert ties to Middle East terrorists were "must reading."

It's no accident that police found a 1986 classified FBI report entitled "Popular Front for the Liberation of Palestine (PFLP)--New York Area" while searching the ADL's San Francisco office. In 1987, ADL spooks investigated seven Palestinians and a Kenyan studying in California universities on student visas. When the ADL discovered they were disseminating PFLP literature, it informed the FBI, which in turn took the case to the Immigration and Naturalization Service. After the INS ordered the students deported as subversives, ADL regional director David Lehrer gloated in the _Los Angeles Times_ about his office's cooperation with law enforcement, although he's backpedaling now. The "Los Angeles 8" deportation is still under appeal.

* * *

While the ADL worked quietly with America's top cops, it enjoyed similar ties with Israel's spy agencies -- a charge that ADL leaders vehemently deny. But as early as July 7, 1961, ADL director Benjamin Epstein wrote to B'nai B'rith executive secretary Saul Joftes, requesting $25,000 for his investigators. "Our information," he boasted to Joftes, "in addition to being essential for our own operations, has been of great value and service to both the United States Department and the Israeli Government. All data have been made available to both countries with full knowledge to each that we are the source."

In 1987, the ADL came under FBI scrutiny in the wake of the Pollard spy scandal. While assigned to the Navy's Anti-Terrorist Alert Center, where he had access to the most closely guarded U.S. secrets, Jonathan Pollard stole thousands of pages of classified documents for Israel, which, according to federal prosecutors, "could fill a room the size of a large closet...ten feet by six feet by six feet." Pollard's handler was Avi Sella, an Israeli air force colonel whose wife worked for the New York ADL as a lawyer. Pollard later wrote to friends that a prominent ADL leader was deeply involved in the Israeli spy operation.

While there is no proof that anyone connected with the ADL was involved with Pollard, there is evidence that the ADL freely passes information to Israeli intelligence. In March 1993, the FBI interrogated David Gurvitz, an ADL fact finder in Los Angeles until 1992 when he was fired by Suall for illegally obtaining police information to use against a rival at the Simon Wiesenthal Center. The FBI pointedly asked Gurvitz if he had ever transmitted information to Israel. Gurvitz admitted that in 1992 he had learned from a law enforcement contact that Michael Elias, allegedly a member of a radical PLO faction, was scheduled to travel from San Francisco International Airport en route to Haifa. Gurvitz phoned the deputy Israeli consul general in L.A. with the information. "Later the same day," according to a 15-page FBI interview of Gurvitz obtained by the _Voice_, "Gurvitz was called back by

another man, who said he was from the Israeli Consulate, and who asked Gurvitz to repeat the information about Elias. Gurvitz did not get this man's name, but their conversation was in Hebrew so Gurvitz felt confident the man was actually an Israeli Consulate official."

Among the 12,000 names of private citizens that police found in ADL files in San Francisco was Mohammed Jarad, a 36-year-old Chicago resident who was arrested in Israel on January 25, for allegedly distributing hundreds of thousands of dollars to Hamas, the large Islamic fundamentalist movement in the Occupied Territories. The Chicago ADL office runs at least three undercover informants who work with "official friends" in local law enforcement, according to documents released by the San Francisco D.A. and sources close to the ADL. Given these facts, Arab American groups surmise that the ADL has passed information on Jarad to Israeli intelligence.

One technique used by the ADL to monitor the large Arab American community in the Midwest was to scan the local Arab press for funeral notices. According to sources familiar with the practice, ADL investigators in unmarked vans videotaped the Palestinian funerals, which sometimes turned into PLO rallies. Palestinians have been detained at Ben-Gurion Airport simply on the basis of having been filmed attending a funeral in Chicago, according to Suhail Miari, the executive director of the United Holy Land Fund, whose cousin was an Arab member of Israel's Knesset.

Shortly after Jarad was arrested, the Israeli government announced that Hamas was being run from America with money and operational instructions relayed by courier or fax. Israel's charges were played up on the front page of _The New York Times_. According to well- placed sources, Yehudit Barsky, an ADL fact finder in New York, worked closely with Israeli officials on this campaign of vilification, introducing "friendly" reporters to "official friends" in Chicago law enforcement.

Barsky, who is fluent in Arabic, prepared an ADL report about how Hamas is funded in America. She identified the Dallas-based Islamic association for Palestine in North America as the front organization for Hamas in the U.S.A. "Its infrastructure functions as an interlocking network of organizations, small businesses, and individual activists," says the February 1993 ADL report, which outlines the organization's development, its activities on U.S. college campuses, and its "metamorphosis" during the Gulf War. It also traces Hamas fundraising through a plethora of alleged front-groups from Plainfield, Indiana, to Culver City, California. It is doubtful that Barsky could have compiled such sophisticated data without the help of "official friends" and ADL spies.

Barsky refused to comment. But she used to talk to Greg Slabodkin as many as three times a week when he was an opposition researcher for AIPAC, whose spy operation was disclosed last summer in the _Voice_. "The level of cooperation was very close," Slabodkin said during a recent phone conservation from Israel where he is in graduate school. "If we felt our files were lacking, we contacted the ADL."

When Sha'wan Jabarin, a 30-year-old Palestinian human rights worker in the Occupied Territories won a $25,000 Reebok Human Rights Award in 1990, Slabodkin recalls that Barsky faxed AIPAC the man's entire

police file, which she had obtained from the Israeli embassy. Jabarin had been arrested numerous times in Israel, and once confessed to being a member of the PLO after having been severely tortured. Jabarin, who received a short jail term, became an Amnesty International Prisoner of Conscience. Of course, to AIPAC and the ADL, Jabarin was a terrorist. Slabodkin, who was ordered to keep tabs on him when he was in the U.S. to receive his award, called a representative of Al Haq, the Palestinian human rights group that employed Jabarin, to obtain his itinerary. AIPAC even opened a file on musician Jackson Browne, who presented Jabarin with the Reebok award.

While the ADL may be able to rationalize its close monitoring of Arabs, and even left-wing gay revolutionaries, it has a far harder time explaining its obsession with spying on anti-apartheid activists. David Gurvitz told the FBI that when he started working as a fact finder for the ADL in L.A. in March 1989, ADL files already bulged with information about the Israel-South African connection and anti- apartheid groups. "Gurvitz confirmed that the ADL did routinely collect information on persons engaged in anti-apartheid activities in the United States," says the FBI report. While Gurvitz said there were files in the L.A. ADL office dating to the 1930s, he estimated the oldest material on anti-apartheid activities dates back to the late 1970s, paralleling Begin's rise to power in Israel and a deepening of ties between the Jewish state and South Africa. "In about August, 1992," says the report of the FBI's March 3, 1993, interview with Gurvitz, "an anti-apartheid demonstration was held at the South African Consulate in Los Angeles. Participating in the demonstration were the Los Angeles Student Coalition and the Socialist Workers Party. Gurvitz went to two demonstration planning sessions, and a subsequent demonstration. He wrote a report for the ADL on each of the planning sessions and on the demonstration. Copies of the reports were disseminated to Bullock, among others, in care of the San Francisco ADL office."

In 1986 Bullock learned that the consul general of the South African Consulate in Los Angeles would be speaking in Las Vegas at a meeting organized by Willis Carto, the head of the anti-Semitic Liberty Lobby. "Suspecting that the Consul General did not know who Willis Carto is," says the FBI report, "Bullock suggested to Gerard that they might want to warn the South Africans. Gerard agreed and informed the Consul General, who canceled his appearance."

A few months later, Gerard phoned Bullock and told him a South African intelligence officer wanted to meet them. During a rendezvous in a hotel near Fisherman's Wharf, the South African said he was interested in acquiring information on American anti-apartheid activists. The South African, who called himself Mr. Humphries, also asked for information about groups that were advocating divestments. "Gerard, who was present throughout the meeting," says the FBI report, "told Humphries that he [Gerard] had been employed by the CIA....Humphries offered to pay Bullock $150.00 per month in exchange for information. Bullock noted that much of the information Humphries said he wanted was already in the possession of Bullock and the ADL."

Between 1987 and 1991, Bullock sold information to South African intelligence, receiving steady raises, which he split evenly with Gerard. "Bullock said it was his impression, though Gerard never

explicitly told him so, (and Bullock never asked) that Gerard may have been telling the CIA about his and Bullock's contacts with the South Africans," says the FBI report. "Gerard had said he knew the CIA 'resident agent' in San Francisco....Once, after Gerard dropped Bullock off at Bullock's residence following a meeting with Louie [who replaced Humphries as their handler], Gerard said he was going to go to the San Francisco CIA office."

Al the while, Gerard may have been "tasking" Bullock for the CIA. "Bullock recalled that once, after he had met Gerard, Bullock went to Chicago, Illinois to conduct an investigation on behalf of the ADL," says the FBI report. "The target of the investigation was a group called the Palestine Human Rights Campaign. Bullock learned that a woman [name deleted] was transporting money between the PLO or the PFLP, and the United States. Bullock told this to Gerard. Gerard later told Bullock that Gerard's 'guy at the CIA' would like to know more. Gerard asked Bullock if Bullock would go back to Chicago to gather more information on the Palestine Human Rights Campaign. Bullock, however, never did go back."

Gerard also seems to have had a close relationship with Mossad, which may have started in 1991 when he went on an ADL junket to Israel. The ADL frequently sponsors trips for American law enforcement officials to Israel, where they are wined and dined and meet their counterparts in various intelligence agencies. According to an affidavit by San Francisco police inspector Roth, the "all-expense paid trip [to Israel] was more or less a thank-you gift and a liaison gesture by the ADL to continue the close relationships it has with specific law enforcement officers from the United States."

Gerard may have liked what he saw in Israel. A short time after travelling there, he went to Addis Ababa where he helped with Mossad's rescue of Ethiopian Jews.

As Gerard's relationship with South Africa deepened, he talked more openly about his exploits in the CIA. "Bullock recalled Gerard mentioning that he had been in Algeria on CIA business, and that Gerard discussed the PLO and 'safehouses,'" says the FBI report, "To this Louie once responded that Israeli intelligence had determined that the PLO and the African National Congress were cooperating. Gerard also spoke of having travelled with the CIA to Afghanistan.... Louie also [told Gerard and Bullock] about his adventures inside South Africa as an intelligence officer. Both Gerard and Louie traded 'war stories' and regaled each other and Bullock with tales of 'narrow scrapes.'"

Although there is still much mystery about what triggered law enforcement's investigation of the ADL, it was probably the theft of a classified FBI report on the Nation of Islam from the FBI's San Francisco office. Police armed with search warrants recovered the report in the ADL San Francisco office. Gurvitz says he had sent a copy of it to Mira Boland, the director of the ADL's fact finding division in Washington, D.C. Boland was preparing an op-ed piece for _The Washington Times_, in which she argued that the Nation of Islam should not receive federal funds for the reconstruction of L.A. because the group is anti-Semitic and violence-prone. (Boland, who had arranged the ADL police junket to Israel attended by Gerard, testified in a 1990 criminal trial in Roanoke, Virginia, that she had worked for the CIA for 14 months

and later was a subcontractor for the Defense Department before joining the ADL. During the trial, Boland admitted to sharing information with a CIA official at an invitation- only ADL conference.)

After he was questioned by the FBI last fall, Gerard fled to the Philippines, which has no extradition treaty with America. Gerard is believed to have supplied information from police computers not only to the ADL, but to Israel and South Africa as well. The _San Francisco Examiner_ reported that Gerard may be charged with violating federal espionage laws.

Although Bullock worked for the ADL for 30 years, and Irwin Suall praised him in a July 1992 memo as "our number one investigator," the ADL now argues that he was a rogue agent. In its own defense, the ADL also asserts that its fact finders operate no differently than journalists. After all, ask ADL officials, don't journalists keep files?

But the difference between the practice of journalism and the ADL's method of gathering information couldn't be more striking. Journalists place information in the public domain where they are held accountable for falsehoods, distortions, and libel. And for the most part, journalists don't share their investigative files with foreign and domestic police agencies. The ADL has no such inhibition. Because many of its files are not open to public scrutiny, false information collected by ideologically biased researchers cannot be corrected. Once a proud human rights group, the ADL has become the Jewish thought police.

"The ADL says it's a human rights group not just for Jews but for everyone," says Chip Berlet, a highly respected researcher at the Massachusetts-based Political Research Associates, which monitors right-wing extremist groups. "That's fine but it can't do that and spy on Palestinians. It's blatantly unethical and frankly immoral."

"My argument to people is that the ADL wears four hats. Each of the hats independently is appropriate. It is a broad-based human rights group that looks at the broad issues of prejudice and discrimination. It is a group that defends Jews against defamation. Entirely noble. Nothing wrong with that hat. It is a group, whose leaders, at least, consistently defend the actions of Israel against its critics, which again is entirely appropriate. And it is a group that maintains an information-sharing arrangement with law enforcement. Again, there is nothing wrong for a group to do that."

"But you can't do all four. It is impossible to do all four and not violate the bounds of ethics. There's a built-in conflict of interest if you wear all four hats."

ADL national director Abraham Foxman apparently sees no such conflict. In a September 1, 1992, letter to the _Voice_, Foxman complained: "ADL has a proud 80-year record of fighting bigotry and promoting civil rights and constitutional freedoms. Any imputation of an effort or motive on our part to smear or stifle the free speech of anyone is false and baseless"

"Throughout his pieces [on AIPAC's spying], Friedman describes the dissemination of information as if it were slander, and the existence of files as a token of McCarthyite inclination. The

depiction is misleading in several ways. Virtually every journalist, academic, politician and organization keeps files on subjects they deem relevant; tracing the logic of Friedman's reckless charges, the Library of Congress is tantamount to the KGB. Moreover, disseminating the public record of a public figure is neither defamation nor McCarthyism."

But many believe the ADL is increasingly in the defamation business. Ask Jesse Jackson, James Abourezk, or the leaders of the New Jewish Agenda -- all past targets of ADL smears. (At the same time, the ADL exonerated the fascist World Anti-Communist League, which assisted Ronald Reagan's covert war against Nicaragua, a policy endorsed by ADL leaders.)

In the early 1980s, researchers Russ Bellant and Berlet asked to meet fact finding head Irwin Suall, to discuss their work on anti-Semite Lyndon LaRouche. "Our view then of Irwin Suall was that he was this really terrific investigator," says Berlet. "So we introduce ourselves, say what we are up to and Suall leans back in his chair and basically runs down a dossier on each of us: about what our political activities are, who we work with, what organizations we belong to. Obviously, he was just trying to blow us away and he succeeds admirably. We were just sitting there with our mouths open feeling very uncomfortable."

"And then he leans forward and says, 'The right-wing isn't the problem. The left-wing is the problem. The Soviet Union is the biggest problem in the world for Jews. It's the American left that is the biggest threat to American Jews. You're on the wrong track. You're part of the problem.' We were stunned. I was virtually in tears. This is not how I perceived myself. We basically stumbled out of there in a daze."

Letters (response to Friedman's article)

The Village Voice, May 18, 1993, Vol. XXXVIII No. 20

A LEAGUE OF HIS OWN

Robert I. Friedman's assault on the Anti-Defamation League [The Anti- Defamation League Is Spying On You." May 11] demonstrates that he has an axe to grind and his own prejudiced and biased agenda to promote. It also demonstrates that concern for accurate reporting is far down on his list. The story is replete with inaccuracies, innuendos, and outright falsehoods, and conveys a picture of ADL so divorced from reality as to be farcical. Friedman is even wrong on such basic, easily determined facts as where ADL was founded (Chicago, not New York) and the building in which ADL'S San Francisco office is located (not the Jewish Community Federation building pictured).

ADL has done the work of fighting haters for 80 years, without "spying" on organizations or individuals and with profound respect for the law. Our mission is to monitor and expose those who are anti- Jewish, racist, anti-democratic, and violence-prone, and we monitor them primarily by reading publications and attending public meetings. Through the years, we have published scores of reports on

anti- Semitism emanating from both the left and the right. In fact, although Friedman's bias leads him to assume the contrary, ADL's primary concern is still the far right.

Because extremist organizations are highly secretive, sometimes ADL can learn of their activities only by using undercover sources. Friedman's hyperbole notwithstanding, these sources function in a manner directly analogous to investigative journalists. Some have performed great service to the American people -- for example, by uncovering the existence of right-wing extremist paramilitary training camps -- with no recognition and at considerable personal risk. The information ADL obtains is placed in the public domain, and through the years ADL has established a reputation for accurate reporting.

Friedman's article, by contrast, contains so much misinformation that it would take an article equally as long to set the record straight. A few examples: He states that an "ADL leader was deeply involved in the [Jonathan Pollard] Israeli spy operation," and that Pollard's handler's wife "worked for the New York ADL as a lawyer." Not true. Friedman also states: "ADL investigators in unmarked vans videotaped Palestinian funerals." Not true. Elsewhere, he asserts that ADL was obsessed "with spying on anti-apartheid activists." Again, not true. We could go on and on -- and, of course, Friedman does not reveal *his* sources.
The distortion games Friedman plays when he mentions numbers further reveal his lack of objectivity. When it comes to how much ADL paid Roy Bullock a week -- as an independent contractor, not an employee (an important distinction Friedman also fails to make) -- he includes the zeros ($75.00, $150.00), inviting the reader to see a large number. By contrast, when he observes that ADL paid Bullock "nearly $170,000" between 1985 and 1993, he chooses not to point out that amounts to little more than $20,000 a year -- hardly an excessive sum.

What is accurate about Friedman's story is Chip Berlet's description of ADL's four hats. Yes, ADL looks at broad issues of prejudice and discrimination. Yes, ADL defends Israel against critics. And yes, ADL maintains an information-sharing relationship with law enforcement regarding extremist activities and hate crimes. We see no conflict in these four activities, and we believe most _Voice_ readers won't either.

ABRAHAM FOXMAN National Director Anti-Defamation League Manhattan

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ROBERT I. FRIEDMAN REPLIES:

For the ADL to compare itself to investigative journalists is absurd. Journalists don't spy on Arabs and anti-apartheid activists and then freely pass their files to South African and Israeli intelligence. But according to police the confessions of two paid ADL investigators, buttressed by 700 pages of court documents and interviews, the ADL does. Indeed, the ADL spies on groups that are neither anti-Semitic nor violent. Police confiscated ADL files on hundreds of mainstream groups ranging from ACT UP to Peace Now. Respected intellectuals and Middle East scholars who disagree with the ADL's political views have ended up on ADL blacklists, their

reputations smeared. "Private organizations have no business paying operatives inside police departments or having spies," says an April 17 editorial in the _St. Louis Post-Dispatch_, condemning ADL spying. On April 10, police armed with search warrants raided ADL offices in San Francisco and L.A. after concluding that "ADL employees were apparently less than truthful" in voluntarily turning over documents during an earlier search, according to San Francisco police inspector Ron Roth's sworn affidavit. Roth also asserts that Bullock was a "paid employee for the ADL." If so, by failing to pay taxes on $170,000 of income paid to Bullock, the ADL could face a total of 48 felony counts, according to court papers. The ADL may also face felony charges for illegally obtaining confidential information from police computers. As for errors: The ADL was founded in Chicago, and moved to New York in 1947. But it was an original tenant in the San Francisco building shown in the _Voice_ photo, moving out a few months ago. I never wrote that an "ADL leader was deeply involved in the [Pollard] Israeli spy operation." I reported that Pollard himself made the charge. And in court papers, Pollard's own lawyer said that the wife of Pollard's handler worked for the ADL. If I have a bias, it is on the side of the First and Fourth Amendments.

An Act of Censorship:
American Library Association
Becomes Another Israeli Occupied Territory

By Jeffrey Blankfort

NEW ORLEANS—The embattled Anti-Defamation League's National Director, Abraham Foxman, is "going to war — and he's going to enlist American Jews as his foot soldiers," wrote the No. California Jewish Bulletin's Garth Wolkoff this past May, and he wasn't joking. The first battle took place in this picturesque Gulf Coast port city at the end of June and the ADL and its allies emerged victorious. The occasion was the annual membership meeting of the American Library Association and answering the call to the colors were hundreds of Jewish librarians who descended on New Orleans for a dual purpose: to overturn a resolution criticizing Israeli censorship that had been approved at last year's convention and to demonstrate to their fellow librarians that judging Israel was not only not the business of the ALA, but also was not without career-threatening risks. And they succeeded, overwhelmingly. No, the colors they rallied to weren't visible, but then they didn't have to be.

For a little under a year, 363 days to be exact, the American Library Association had stood alone as the only major American institution that had publicly and unequivocally condemned Israeli human rights violations and specifically, acts of censorship directed against Palestinian journalists, universities, and libraries.

Headquartered in Chicago, the ALA, with 56,000 members is the oldest and largest library association in the world, and according to its outgoing president, Marilyn Miller, "it has engaged in issues of human rights and intellectual freedom around the world since its establishment in 1876." In past years it has criticized censorship in Chile, South Africa, the Soviet Union, and, according to Miller "was one of the first and strongest voices to defend Salman Rushdie." Taking on Israel, however, is another matter.

Largely as a culmination of a nine-year effort on the part of Chicago Public Library Research Librarian David Williams, (MELB 4/1 and 4/2) and the International Human Rights Task Force that he took over as chair in 1990, the ALA had passed two resolutions at its July 1, 1992 meeting in San Francisco. The first condemning Israeli censorship and human rights violations and the second, protested the threatened expulsion of Palestinian librarian Omar Al-Safi and may have been a factor in having the order withdrawn. (MELB 4/1).

The main resolution referred to the "special relationship" enjoyed by Israel with the United States, "as the recipient of the largest amounts of annual U.S. aid per capita, and declared "the U.S. a party to these censorship practices and other violations of human rights."

To bolster the impressive documentation he presented substantiating Israel's censorship policies, Williams arranged for Israeli journalist, Michal Schwartz, an editor of Challenge magazine and herself a victim of her country's censorship, to address the convention. An Israeli brought by the opposition was unable to offer credible rebuttal and both resolutions passed by large margins. Copies of the resolutions were sent to the U.S. government, to Israel and to the PLO.

Obviously the matter would not end there. The ADL believes, perhaps correctly, that neither it or Israel can afford a single defeat in its hasbara, the Israeli word for public relations. If the ALA was able to get away with criticizing Israel, who knows who might do it next? The counterattack against the resolution and the character assassination of Williams began virtually the next day and continued up to and after the vote in New Orleans.

In a statement following the rejection of the resolution, Williams pointed out the implications of the entire issue: "The significance of ALA's breaking with the public taboo on criticizing Israel was taken very seriously by the Anti-Defamation League and other Israel lobby groups whose role is to censor, intimidate, and otherwise stifle public criticism of Israel in the United States. It is precisely because of the importance of U.S. aid that they could not afford to let Israel be criticized in such fashion by a mainstream professional organization."

It became clear to Williams that reversal of the censorship resolution had become an ALA priority, as it increasingly came under the influence of what he described as the "highly-organized and well-financed [pro-Israel] political lobby."
Quickly taking charge was the ADL's Foxman who, according to the Chicago Jewish Star (June 11-24), held several meetings with ALA leaders "to clarify Israel's position and to put the claims against Israel into context."

"The longer these resolutions remain on the books as ALA policy, the more legitimacy they gain among librarians and educators," wrote Foxman in a letter to Peggy Sullivan, ALA's Executive Director.

This was not the first time the ADL had gone up against Williams. In 1989, it challenged a bibliography he had prepared

on the Palestinian-Israeli conflict that Chicago's chief librarian and a number of Middle East scholars had considered balanced, and through a "full court" mobilization of the area's Jewish community, would have got away with censoring both the list and Williams, had not their plans been exposed in a local newspaper column. But as the Village Voice's Robert Friedman points out (July 27) "this is not just a cautionary tale about one librarian's battle against book burning in the occupied territories.

"It is part of a larger story about the most powerful Jewish organization in America, and its attempt to determine what should be read in our nation's schools, what should be read in our nation's libraries, and what should publicly be discussed at public forums.

"Through its 31 offices across the country, the ADL monitors school curricula, library acquisition lists, and public conferences and symposiums, working behind the scenes to stifle intellectual freedom."

The ADL, of course, would not have to go it alone, since its policy of defending "Israel, right or wrong," is the guiding principle of all the major Jewish organizations. So it was to be expected that the 1000-member Association of Jewish Libraries would weigh in with a letter protesting the resolutions. "Members of AJL have been outraged by the actions taken by ALA, AJL President Ralph Simon told the Jewish Star (June 11-24). That was just once response. (By the time of the convention, the largest Jewish womens' organization, Hadassah, would play the most visible role, with the ADL content to stay in the shadows due, most likely, to the fear that publicity about its spy network would inhibit it effectiveness.)

Sometime after the San Francisco convention, an ALA attorney, commenting on the resolution, implied it was close to being "seditious" and in American Libraries (March '93), ALA Councilor Charles Bunge referred to the "embarrassing situation" caused by the Council's passage of the resolution. It was also apparent, from American Libraries' Midwinter report, that "although the resolution could not be rescinded, the Council would have done so if it had not "already been widely distributed." As an alternative step, the Council referred the resolution to the ALA's International Resolutions Committee for "study and recommendations."

At its Midwinter meeting in Denver, the wheels that were to crush the resolution were picking up speed. With the cooperation of the ALA leadership, mass-produced letters and materials were distributed denouncing the anti-censorship efforts as a front for the "terroristic" and "fascist" PLO (as well as Hamas) and suggesting, as Williams pointed out in a task force "Urgent Action Alert," that "anyone who challenged Israel's repressive policies was an antisemite and part of a plot to destroy Jews."

Williams reported that functionaries of the ADL and other pro-Israel lobby groups were very much in attendance at conference sessions, and that "the ADL representatives arranged with the ALA Executive Office to have the customary guest registration fee waived, were outfitted with membership instead of guest convention badges," and directed to the business meeting of the Social

Responsibilities Round Table (SRRT) International Human Rights Task Force Meeting.

"There," wrote Williams, "they copied down the names and institutional affiliations of everyone present." In one instance, an ADL operative grabbed a task force member who was engaged in conversation, and whirled him around, saying he wanted to see the name on his badge. The tangible intimidation, says Williams, was only beginning:

"With the active complicity of the ALA leadership, pressure was brought to bear on librarians at all levels of the Association to go along with revoking the resolution. Wilfully distorting the facts and context of Israel's repressive practices, the organizers of this campaign also engaged in the most vicious personal vilification of me… repeatedly equating criticism of Israel with antisemitism."

Typical of this attack was a passage in a letter sent two weeks before the convention to ALA President-Elect Hardy Franklin by Ellen Zyroff Ph.D, the Principal Librarian of the San Diego County Library, and distributed to ALA members by the ALA Council.

"This man is wild-eyed and dangerous," wrote Zyroff. "I do not know where his hate comes from, but it is palpable. I do not know who paid the fare for the speaker who flew from Tel Aviv University, an institution known for activists against the state of Israel, or for that of the other out-of-town-speakers (referring to a 1991 forum in Atlanta) …. (emphasis added).

Marty Goldberg, head librarian at Penn State and co-chair of the Jewish Librarians Committee (JLC), a subgroup of the ALA, told the Jewish Star, that Williams "uses this as a platform for his political agenda. We should condemn the resolutions and get the ALA out of the business of singling out one people, one nation, one religion. This has no place in the ALA. There are issues of far more importance than censorship in Israel." For Goldberg, the ADL and the Jewish librarians, a "far more important issue" was protecting Israel.

At the convention, Goldberg sent out a letter to JLC members, suggesting they stay away from a Sunday night forum, sponsored by Williams' task force, preceding the vote on the resolution, because of "the danger of physical violence." ((At the Midwinter conference, Williams relinquished his chair of the International Human Rights Task Force and was authorized by the SRRT to initiate a new Task Force on Israeli Censorship and Palestinian Libraries.)

Goldberg's warning was ironic, since last year, a panel arranged by Williams featuring Michal Schwartz and Khader Hamide, one of the Palestinians fighting deportation in Los Angeles, was repeatedly disrupted, first by noisy pro-Israel activists and then by a false fire alarm.

This year's forum, entitled "Israeli Censorship: Here and There," drew an audience of about 120, and proceeded without interruption with members from the audience who supported Israel receiving ample time to respond to the speakers: Williams, Jay Murphy, former editor of Red Bass magazine, and myself.

Williams informed the audience that the ADL's Foxman had once again been invited, and for the third time had declined. In a letter to Williams he had written that "We have consistently refused to participate in your events because of the blatant anti-Israel agenda…" Moreover, he didn't believe "that the activities of the Anti-Defamation League are an appropriate subject for your roundtable discussion."

In another clearly centralized attempt to sabotage the forum, a 450 word "anonymous letter" was sent to and published in Jewish newspapers across the country signed alternately by "Concerned Jewish Taxpayer," "Jewish Taxpayer," "Anonymous Librarian" and "a librarian whose job would be jeopardized by identification," (the latter being a classic example of the victimizer pretending to be the victim).

The thrust of the letter was to infer that "since public libraries are funded chiefly by local tax dollars," Jewish taxpayers ought to know about the forum and its title. In a thinly concealed threat in the next to last paragraph, the "writer" warns that "If public opinion causes enough institutions and individuals to stop sending in their hefty membership dues (often paid for with public funds) perhaps the ALA will reconsider its priorities."

Foxman and the ADL didn't need to debate, nor did Goldberg need to attend the forum to state their case. The "fix" was already in. Goldberg, speaking at a meeting of the Jewish Librarians group the day before had all but admitted as much. Acknowledging that he was usually a pessimist, he told his listeners that they "shouldn't worry" about Monday night's vote. "The ALA Council," he repeated several times, "wants out of this situation."

The meeting of the Jewish Librarians next morning was attended by the Village Voice's Friedman, which caused Goldberg to declare the proceedings "off the record," a ludicrous request at what was advertised to be — and what has been ALA policy at all its events since 1971 — a public meeting.

At the meeting, ALA trustee from New Orleans, Helen Kuhlman, who preceded her remarks with the same "this is off the record," caveat described how on the Thursday evening preceding the convention, she had hosted a reception for the ALA Council, the ADL and Hadassah, and that they had nothing to worry about. What exactly was going to happen she didn't say, but it was clear that the long arm of Israeli censorship was about to be extended to embrace the New Orleans Convention Center.

The Jewish Librarians later heard from a Young Republican stockbroker type named Aaron Albert, who said he had worked with CAMERA, a pro-Israel propaganda agency, as well as AIPAC, but evidently had been brought to the convention by Hadassah. Albert brought with him a flyer, published by the women's group which was to be distributed to ALA members the night of the vote.

The flyer carried a bold 48-point headline, "Let's stop fighting yesterday's wars." It suggested that "a new era has dawned" since the resolutions were drafted, and that the charges of censorship against Israel were "outdated and nuanced.; [and] grossly incompatible with the scholarly pursuits of the ALA." The

failed "peace" talks in Washington became the cover for the coverup:
"With the peace process between Israel and its Arab neighbors now well underway; this is not the time for divisive, counter-productive resolutions, etc."

Whether the flyer was actually needed or provided just a convenient cover is debatable. Within an hour and a half of the Jewish Librarians meeting, the first bomb landed. The ALA Council, without any previous indication that the subject was to be on its agenda, revoked the 1992 resolution. Moreover, the Council approved guidelines for the future that will, in effect, allow them to overturn votes of the membership. At that meeting, according to the report published in American Libraries (July/Aug. '93), Pres. Miller noted that "The mail has been intense," and that criticism has included the condemnation in the Jewish press of the annual conference program on Israeli censorship. She was referring to the "anonymous" letter published in a number of Jewish papers mentioned earlier.

Nancy John, chair of the International Relations Committee informed the Council that the Israeli censorship was the only item on its agenda. At an earlier Executive Board meeting, citing the "countless hours" the issue had consumed, suggested that in the future, "refer these things to us; we know a little something about international relations" (Amer. Lib., ibid.). Now, ALA parliamentarian Edwin Bliss was asked to present the options available to the Council for dealing with a resolution it had passed, acted on, and now regretted.

"An organization has a right to change its mind," he said, accord to the American Libraries report. Sticking by the opinion rendered at the Midwinter conference that it was impossible to "rescind" something that had been distributed around the word, he suggested the term "revoke." And thus, Councilor Bernard Margolis so moved, the Council voted, and by a "safe margin" the resolution was interred. "By all accounts," noted American Libraries, "it is the first time in in its history that the ALA has taken such an action."

Prior to the vote, Pres. Miller announced that a special "fact-finding" Task Force made up of three former ALA presidents had been appointed to "review" charges that Williams engaged in "censorship, personal harassment and suppression of freedom of expression."

Moreover, Williams was requested to appear before the ALA Executive Board the following day, preceding the full membership meeting, to answer criticisms that had been made against him.

Also on the carpet was SRRT chair Stephen Stilwell who was questioned by the chair, Pres. Miller regarding the SRRT's control over Williams' task force; the use of the ALA's name by the task force; whether or not it received outside funding (clearly implying a PLO connection) and why Israel was being singled out all of which he calmly fielded in defending the work of the task force and the resolution.

Miller acknowledged to Stillwell that the Council had received "a huge stack of letters," and that "we all have been receiving

these letters and we're all under pressure."

Cesar Cabellero, head of Extension Services for El Paso Community College, was the only member of the largely silent 13-person board to speak up in the defense of the resolution. "All our members have an inherent right to take stands on social issues. I don't think he should be questioned. SRRT has the right to take positions. I think this organization has a right to single out countries for violations of international freedom. Some of our members are so sensitive they can't separate principles from politics." There would be few such voices heard for the rest of the convention.

Williams was up next and took his seat at the foot of the long table. After he asked for and received permission to make a statement Miller repeated her criticisms about using the ALA's name and her "concern that we continue to pound on one country." "If you go to such extraordinary lengths to prevent Israel from being singled out, " Williams replied, "you become an extension of the Palestinian-Israeli conflict in the U.S."

When asked,"How do you verify your facts?", Williams cited the Committee for Article 19 (the human rights convention against censorship), the Fund for Free Expression and the work of Israeli sociologist and demographer, Meron Benvenisti and noted that the ALA's International Resolutions Committee "did conclude, that the documentation was, in the main, very accurate."

Having failed to refute Williams' arguments, the Council shifted to another tack — how he conducted the work of his task force — and would not let go of it. It would be used on the floor of the convention, and afterward not only to undermine the resolution but to isolate Williams and effectively terminate his task force.

"We have no problems with what you do," he was told, in seeming contradiction to everything that had just taken place. "it's just sometimes how you do it."

It was clear, that night, as we were passing out flyers — Williams' facts competing with Hadassah's fiction — that something was afoot. Jewish librarians in extraordinary numbers began arriving for the meeting, most of whom, apparently, were not regular participants in ALA meetings. (Since ALA is not a union, its conventions are not delegated. Every member has a vote if she or he can get there).

When the issue of reaffirmation of the Israeli censorship resolution came to the floor — it was now certainly necessary since the Council had revoked the previous one — the atmosphere was so intimidating that a resolution condemning Egypt, which the SRRT was also going to present never got to the floor.
SRRT Chair Stillwell arose to defend the resolution, citing its consistency with other actions by the Council such as its resolution opposing the Gulf War. He pointed out that no one had "disputed the truth of the allegations" in the Israeli censorship resolution; rather the Council had succumbed to outside pressure in deciding to revoke it.

His fellow SRRT member Sanford Berman called on the membership

to show its disapproval of the Council's revocation action and reaffirm the resolution, but the votes just weren't there. Speaker after speaker got up to defend Israel, to denounce the resolution, to question the ALA's wisdom in taking positions on international issues — something that never seems to be a problem until it comes to Israel — and, in the atmosphere of triumphant intolerance that inundated every corner of the room — to all but ask for Williams head on a platter, calling for a special investigation of his activities and the end of the Task Force on Israeli Censorship. He certainly had pushed their button. Under those conditions, other librarians, some of them Jewish, who had supported the resolutions were clearly afraid to speak.

This time there was no progressive Israeli voice to shame the flag-wavers with the truth.

Following an overwhelming vote to cut-off debate, the resolution came to the floor. The relative handful still having the courage to swim against the tide, and who rose when the "aye" vote was called, was no match for the hundreds of Jewish librarians (and their intimidated colleagues) who loudly stood up to declare the ALA another occupied Israeli territory.

"The vote was so lopsided it was ridiculous,"said ALA trustee Kuhlman. "What happened at ALA has been put to rest in a very definitive way" (No. Cal. Jewish Bulletin, July 16)
The following day, the SRRT "got the message." By a 9-4-1 vote, it stripped David of his task force chair, with the stipulation that until a replacement was found, every piece of correspondence or literature he wished to circulate, had to be approved by the SRRT chair. Goliath had won this round.

The Jewish Librarian's Goldberg told the Washington Jewish Week's (July 8) Sam Skolnik, that one of his committee's goals was to take international political issues off the ALA's front burner and put more apparent concerns up front. "Libraries in this country have tremendous problems," he said. [The ALA] shouldn't be involved in these complicated issues. Let's stay out of it."

Williams has other ideas and the last word.

"Although we were overpowered in New Orleans, this may well turn out to be a Pyhrric victory for the Israel lobby. In the course of this long struggle, thousands of librarians were made aware of Israeli human rights abuses, and the ALA officially criticized them — causing great embarrassment for defenders of Israel in the U.S.

"The subsequent spectacle of the ALA leadership going down on its knees before the Israel lobby to exempt Israel from criticism will not go unnoticed by all those who sincerely believe in the consistent application of human rights principles. This issue will continue to haunt the ALA and the Israel lobby, until the time comes when America is fed-up with supporting an apartheid state in the Middle East."

* * *

In the weeks following the convention, the special task force

appointed to investigate Williams was canceled after (one would like to think) the ALA comprehended the Kafkaesque nature of the project and the sad contribution the ALA had already made to the history of censorship.

Israel's Beilin Rips U.S. Jews For Undercutting P.A. Chief
'Does the ADL Have Another Partner for Me?'

By RACHEL DONADIO
www.forward.com

American Jews should stop acting "more Israeli than Israelis" by undermining Yasser Arafat at a time when Israel is trying to negotiate with him, Israeli Justice Minister Yossi Beilin said last week.

Addressing the editorial board of the Forward, the controversial minister singled out the Anti-Defamation League for particular criticism, calling the league's recent advertising campaign against Palestinian violence "a mistake."

"Why should the ADL publish an ad in the American press to tell the world that Arafat is not my partner?" Mr. Beilin asked. "The ADL doesn't have another partner for me. If they had somebody else, I would love it." Since they do not, he continued, campaigning to delegitimize Mr. Arafat "doesn't help Israel. It doesn't help anybody, it doesn't help peace."

The national director of the ADL, Abraham Foxman, called Mr. Beilin's remarks "ironic," and suggested that his group might have been more in synch with Prime Minister Barak than Mr. Beilin is.

Mr. Beilin's remarks were part of a wide-ranging discussion of Israeli policy, Palestinian violence and the prospects for a renewed peace process. Mr. Beilin said there was blame on both sides for the current failure of the peace process that he helped launch in Oslo seven years ago. "There are no saints in this story," he said. "On both sides we breached the agreement."

Nonetheless, he insisted, peace was still achievable if both sides were willing to compromise. In particular, he said, the Palestinians would have to give up their demand for a right of return to former homes within the State of Israel. (Please see related article, Page 6.)

"If we can find compromises — on the borders, the settlements, on Jerusalem, and if they understand that the right of return for us, as Jews, as Zionists, is the most important red line, then I think that we can cut a deal in a short while," he said.

Mr. Beilin was en route to Washington, where he met the next day with National Security Adviser Samuel Berger and had an unscheduled conversation with President Clinton. According to Israeli press reports, Mr. Clinton promised the Israeli minister that he would make Israeli-Palestinian peace talks his highest foreign-policy priority in his remaining weeks in office.

Mr. Beilin told the Forward that he was not intending to dictate the role American Jews should play in expressing their views on Israel. "I don't want American Jews to march in the streets of New York to say that peace is the only solution," he said. "Although I

would like to see them doing it, I don't demand it."

What he was asking, he said, was that mainstream Jewish organizations refrain from campaigns that hurt the chances of peace. "I just believe that it is important that the mainstream organizations will not make such mistakes," he said.

On November 19, the ADL ran an advertisement on the op-ed page of the New York Times. "If you really wanted peace with Israel," the ad asked, "would you: teach your young children anti-Israel, anti-Semitic hatredЦ. Put your children in front of your own snipersЦ. Walk away from

negotiations with the Israeli government after it has offered more than any government before it?" Answering its own question, the ad continued: "Of course not. Mr. Arafat: Put down the violence, pick up the peace."

"[I did] not think I was saying anything unique or new in the ad. I thought I was being supportive of

the Israeli government. That's not what Yossi Beilin was. He's not always in synch with the prime minister. I was," Mr. Foxman said.

Ironically, Mr. Foxman noted, Mr. Beilin has been a champion of the rights of Diaspora Jews to challenge the Israeli government and voice their own views.

"Yossi Beilin used to tell me that I had an obligation to tell Israel what to think. I said no, I'm not a citizen, I don't bear the consequences of my opinions," Mr. Foxman said. "Now he comes and criticizes what I believe I heard his prime minister and his fellow ministers say."

"He can't have it both ways," Mr. Foxman said. "On the one hand, he says that Diaspora Jews and Israeli Jews are equal partners — which I don't think we are, because when it comes to consequences, we are limited partners and they are general partners. The consequences for them are total and for us are limited."

"I continue to respect him," Mr. Foxman said. "And I will continue to disagree with him."

One of Mr. Beilin's potentially most controversial statements to the Forward was his assertion that both sides were to blame for the failure of the peace talks.

Under the 1993 Oslo accords, Israelis and Palestinians were to begin negotiations toward a permanent solution on May 4, 1996, Mr. Beilin said. That day, the Israeli Foreign Ministry's then-director general, Uri Savir, and a senior aide to Mr. Arafat, Abu Mazen, met at the Egyptian resort of Taba to start talks on a final-status accord. "It was a big ceremony and nothing happened," Mr. Beilin said. "There was never a second meeting after that."

"It's not that we negotiated with them and were not successful," Mr. Beilin said. "It's that we did not negotiate about the permanent solution.

Moreover, he said, Israel failed to honor several other provisions

of the Oslo accord. "We did not hand over territory to them according to the agreement," he said. "We did not establish the passage between Gaza and the West Bank, which made their lives awful."

"On the other hand, they were not saints either," Mr. Beilin continued. "They did not end the incitementЦ. They did not collect unauthorized weaponsЦ. I think today we are all paying the price of the fact that we both breached the agreement."

The most immediate fallout from the agreement's collapse, it appears, is the fall of Prime Minister Barak's government and the move toward early elections. Current polls show Mr. Barak losing badly to the man he beat in 1999, then-Prime Minister Benjamin Netanyahu, the likely Likud contender.

Mr. Beilin acknowledged that a strong "feeling of insecurity," compounded by "frustration, the feeling that everything is falling apart," would affect Israeli voting trends. Nonetheless, he said, it would not necessarily translate into a victory for Mr. Netanyahu.

He said reminders about Mr. Netanyahu's corruption scandals might be enough to sway voters. "It's been a year and a half, and people tend to forget," he said. "They actually chose Barak mainly because they didn't want Netanyahu. And I'm not sure that they're going to chose Netanyahu only because they don't want Barak, although it's possible."

As for Israel's image in the media, Mr. Beilin said, "It is a very strange situation. In Israel we are being criticized for restraining our force, by the world we are criticized for using excessive force."

The reason Israel uses force, he said, is because it has no other options for confronting Palestinian violence. "We cannot just take a bus of kids from Jerusalem and send them to Gaza to throw stones at their peers. There is no such arrangement."

"We have an army, and we use it. We don't have slingshots," he continued. "This is the way we know how to use our force. By definition it may be excessive force, but the feeling in Israel is that there is no excessive use of force, rather we are restrained."

Citing "the hunger and poverty" in the territories, Mr. Beilin said that Palestinians were suffering from their own use of violence. "I think that the Palestinians understand today much better that at least up to a certain point they are paying the price for this ongoing violence," he said. "But it is more difficult for them than for us to stop it."

"The irritating thing is that we were so close to an agreement," Mr. Beilin said. "We went such a long way toward an agreement, and they went a very significant way too, [although] not as far as we went."

"The question I ask myself is why did it happen now?" he said. "Why didn't it happen 15 years ago or 25 years ago? Why did it happen on the verge of the end of occupation, on the verge of having a Palestinian state recognized by us?"

"But, you know, I'm old enough to understand that I won't have the answers to all my questions," Mr. Beilin said. "I'll have to be satisfied with changing the future rather than with understanding the past."

New York Times
May 13, 2000

Neighbors' Spat Leads to a Huge Award Against the Anti-Defamation League

By MICHAEL JANOFSKY

DENVER, May 12 -- As a dispute with their neighbors intensified in 1994, Mitchell and Candace Aronson of Evergreen, Colo., tuned in a police scanner to intercept private phone conversations and heard the neighbors make what the Aronsons perceived were anti-Semitic remarks about them. The Aronsons immediately sought help from the Anti-Defamation League, whose local director publicly called the neighbors anti-Semites.

Over the next five and a half years, the conflict widened into a vicious legal battle over issues of privacy and defamation, ending in a Denver federal court, where a jury recently returned the first verdict ever against the league, a unit of the B'nai Brith that has fought anti-Semitism, racism and bigotry for 87 years.

The jury also awarded the neighbors, William and Dorothy Quigley, $10.5 million in damages -- a quarter of the league's annual budget.

The Aronsons, who are now divorced, were not defendants in the case.

Lawyers for the league filed motions today asking the trial judge to set aside the verdict or, failing that, reduce the award. But the case has focused a rare spotlight on how aggressively an organization that prides itself on exposing anti-Semitism responds to perceived threats that, for many Jews, carry the emotional weight of historical persecution. In testimony, the Quigleys, who are Roman Catholic, insisted that their language did not mean to convey anti-Semitic feelings.

Still, by ruling that Saul F. Rosenthal, the director of the league's Mountain States regional chapter, defamed the Quigleys with public remarks that relied upon phone conversations taped in violation of federal wiretap laws, the jury put limits on how far an organization can go toward fulfilling its mission. It also sent a message that protecting the privacy of personal telephone conversations is more important than punishing offensive language they might include. While some legal experts agreed with the jury's findings, others said that if the judgment survives appeal, the organization might have to temper its responses in the future. Barry Curtiss-Lusher, chairman of the Mountain States chapter, said that the possibility that the

verdict could have a chilling effect on the organization was "one of our fears."

"It's frightening," Mr. Curtiss-Lusher said. "It's why we will appeal."

Abraham Foxman, the league's national director and a Holocaust survivor, disagreed, insisting that Mr. Rosenthal did nothing wrong on behalf of the Aronsons and that the league would respond in the same way again.

"We are always concerned about attitude because we don't know what the flash point is," Mr. Foxman said, referring to remarks made by the Quigleys that the Aronsons taped and found offensive. "With latent anti-Semitism, at what point is attitude converted into action or violence? This is what concerns us, and I would hope this verdict does not have a chilling effect on what we do.

"We will continue to stand up against racism and anti-Semitism. Even though we are sometimes misconstrued, that has always been our strength."

Only once before has the league been a defendant in a defamation case that went to trial, winning in 1984. Many other cases against the league were dismissed.

Alan M. Dershowitz, the Harvard law professor, who is not affiliated with the league, said: "In the final analysis, this could chill the work of a very important organization that lives by its freedom of expression. Sometimes they make a mistake, but the essence of American free speech is that you have the right to be wrong."

With appeals ahead, neither the Aronsons, the Quigleys, Mr. Rosenthal nor their lawyers would comment on the case.

The story of the Aronsons and Quigleys, as told through court documents and trial testimony, began the summer of 1994, when the two families lived two houses apart in Evergreen, an upscale suburb west of Denver in the foothills of the Rocky Mountains. Former New Yorkers all, they occasionally socialized; their children played together.

But starting with arguments over the behavior of their dogs, the friendship deteriorated, leading to an incident in which Mr. Quigley drove his car toward Mrs. Aronson, sitting in her car, before he turned away. In court papers, Mr. Quigley contended that Mrs. Aronson was taunting him by blocking his passage; Mrs. Aronson claimed Mr. Quigley was speeding to intimidate her.

In either case, after Mrs. Aronson told her husband what happened, he turned on a police scanner that he often used and picked up Mrs. Quigley speaking on a cordless telephone with a friend. Hearing Mrs. Quigley

talking about him and his wife and discussing ways to drive them out of the neighborhood, Mr. Aronson began taping a conversation that lasted nearly two hours and included references to Holocaust imagery, like "painting a facsimile of an oven door" on the Aronson house, and suggestions that they would harm the Aronson children.

But Mrs. Quigley and her friend laughed about their conversation, as if to suggest that Mrs. Quigley was letting off steam. At one point, Mrs. Quigley conceded to her friend that their remarks were "sick."

The Aronsons were not so amused. In the days that followed, they complained to David J. Thomas, the Jefferson County district attorney, contending that the Quigleys had violated Colorado's ethnic intimidation law, which prohibits intimidation, harassment or actions against a person based on race, religion, ancestry or national origin.

They also contacted the Anti-Defamation League, saying they had become victims of anti-Semitism. At the suggestion of lawyers for the league who later represented them, the Aronsons continued taping the Quigleys' phone conversations, amassing almost 100 hours worth in the next seven weeks.

Some tapes, testimony showed, included other derogatory comments about Jews and references to the Holocaust -- all by Mrs. Quigley -- which the Quigleys' lawyer, Jay S. Horowitz, characterized in court papers as "facetious or sarcastic."

Mr. Aronson dismissed that interpretation, testifying that he and his wife "lived in great fear" of the Quigleys because of what they had heard.

The tapes led to no physical actions by the Quigleys and they revealed no anti-Semitic remarks by Mr. Quigley, but they became the source of almost everything that followed and, ultimately, the reason the league lost in court.

Unknown to anyone at the time that the Aronsons were taping -- including Mr. Thomas, -- Congress amended the federal wiretap law, making it illegal to record conversations on a cordless telephone, to transcribe the material and to use the transcriptions for any purpose. The law already covered conventional telephones and cellular phones.

Without knowing about the change, the Aronsons used the tapes as the basis for a federal civil lawsuit against the Quigleys in December 1994. A day later, Mr. Rosenthal appeared at a news conference with the Aronsons in which he described their encounter with the Quigleys as "a vicious anti-Semitic campaign," based solely on conversations he and associates had with the Aronsons. Later that day, Mr. Rosenthal expanded on his remarks in an interview on a Denver radio talk show.

Two days later, Mr. Thomas used the tapes as the basis for filing criminal charges against the Quigleys.

But after Mr. Thomas learned of the change in the wiretap law and heard on the tapes the context of Mrs. Quigley's remarks, he dropped all charges but one, a misdemeanor traffic violation against Mr. Quigley for the incident in the street. In an open letter released to reporters, Mr. Thomas apologized to the Quigleys, saying he found no evidence that either had engaged in "anti-Semitic conduct or harassment."

A swirl of lawsuits, countersuits and settlements over the next four years left only the Quigleys' civil complaint against the Anti-Defamation League and Mr. Rosenthal. In a four-week trial that ended last month, the jury determined that Mr. Rosenthal had made more than 40 statements defaming the Quigleys; their lawyers asked the judge today to use his discretion to triple the jury's damage award.

ADC Press Release:

Resolution of ADL Spy Scandal Case

Washington, DC. September 27, "ADL's admission that it has spied on Arab-American, anti-aparthied and civil rights organizations and individuals vindicates our view that ADL has engaged in illegal activities to undermine the work of such groups and damage the cause and reputation of the Arab-American community" said Hala Maksoud, President of the American-Arab Anti-Discrimination Committee (ADC).

Today in Los Angeles a final settlement was reached and approved by U.S. federal judge Richard Paez in ADC v. ADL, the lawsuit resulting from the illegal spying by California offices of the Anti-Defamation League of B'nai B'rith (ADL) against Arab-American, anti-apartheid and civil rights activists. ADL spied on groups as diverse as ADC, Greenpeace, the United Farm Workers Union, Artists Against Apartheid, ACT UP, Action for Animals, the Asian Law Caucus of San Francisco and the American Indian Movement (AIM), as well as hundreds of individuals including elected officials. This class-action case on behalf of over 800 groups and individuals was brought in federal court following disclosures by the San Francisco Police Department that ADL's spying activities were funded with money funneled through a secret and illegal Los Angeles ADL bank account held in a false name and a prominent Beverly Hills lawyer.

Under the permanent injunction issued by today, ADL is permanently enjoined from engaging in any further illegal spying against Arab-American and other civil rights groups, and must provide an annual statement to ADC's legal counsel for four years explaining the steps ADL has taken to remain in compliance. A court-appointed Special Master will supervise the removal of the illegally-obtained information from ADL's files and hold them for six to ten years for use in any other suits,

after which they will be destroyed. Information to be removed from ADL's files includes law enforcement surveillance reports and political intelligence, criminal arrest records, fingerprint cards, mug shots, Social Security numbers, driver's license numbers, license plate numbers, vehicle registration numbers, and Post Office boxes not legally available to the public.

Among the co-plaintiffs joining ADC in the suit are: Mervyn Dymally (fromer congressman), Robert Farrell (former L.A. City Councilor), Prof. Gerald Horne, the National Conference of Black Lawyers, the National Lawyers Guild, the Bay Area Anti-Apartheid Network, the National Association of Arab-Americans, the Association of Arab-American University Graduates, the Coalition Against Police Abuse, the Committee in Solidarity With the People of El Salvador, Global Exchange, the International Jewish Peace Union, AIM and the Palestine Solidarity Committee. Peter Schey, of the Center for Human Rights & Constitutional Law, and lead counsel for ADC, said: "The ADL leadership went far overboard when it authorized the organization's operatives to unlawfully gather confidential law enforcement information on hundreds of civil rights organizations and activists who pose no threat whatsoever to the Jewish community."

August 16, 1999 New York Times

Protecting Privacy, Monitoring Hate

To the Editor:

In "Stopping Extremism Before the Crime" (Op-Ed, Aug. 12), Abraham H. Foxman ignores Supreme Court Justice Felix Frankfurter's observation that the history of liberty is the history of procedural safeguards against investigatory or prosecutorial abuses. The Federal Bureau of Investigation's history of spying against citizens without cause to suspect criminality confirms Frankfurter's words. Thick dossiers were compiled that served political blackmail more than law enforcement.

Mr. Foxman urges relaxation of balanced restraints on the F.B.I. with the goal of shadowing every government-perceived "hatemonger" without evidence of a threatened crime. He warns that "hatred can still destroy."

Yes, but the F.B.I. has destroyed as well when it has snooped around as thought police.

BRUCE FEIN McLean, Va., Aug. 12, 1999

The writer was an Associate Deputy Attorney General, 1981-82.

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To the Editor:

Abraham H. Foxman, the national director of the

Anti-Defamation League, says the Federal Bureau of Investigation and the Justice Department have been "hamstrung" and "can't act aggressively" in monitoring extremist groups but fails to note the A.D.L.'s role in the imposition of these guidelines (Op-Ed, Aug. 12).

In 1993 the A.D.L. was accused of illegally obtaining California police and government records on a wide array of political groups. The league escaped criminal prosecution in return for paying $75,000 to groups that fight hate crimes in San Francisco.

Mr. Foxman says "if law enforcement agencies should overstep the line, we should very swiftly take the authority away." Law enforcement, with the A.D.L.'s help, indeed crossed the line, resulting in the restrictions that Mr. Foxman now laments.

MITJA C. BAUMHACKL Brooklyn, Aug. 12, 1999

August 12, 1999 New York Times

Stopping Extremism Before the Crime

By ABRAHAM H. FOXMAN

In the late 1980's violence by neo-Nazi skinheads was on the rise across America. At a meeting with Richard Thornburgh, then the Attorney General, we urged the Justice Department and the Federal Bureau of Investigation to place the skinheads on the F.B.I. watch list -- to monitor their activities and vigorously apply the law. The Attorney General did just that, and as a result violence by neo-Nazi skinheads declined significantly.

Fast-forward to this past July 4 weekend, when Benjamin Smith, who had been linked to the white supremacist, anti-Semitic World Church of the Creator, went on a shooting rampage, wounding six Jews coming home from Sabbath services and killing an African-American and an Asian before committing suicide.

The Anti-Defamation League and other organizations knew about this group -- we monitored its activities and Web site, sought to expose it in the news media. After the July 4 rampage, again we went to the Attorney General, this time Janet Reno, and asked that a full field investigation be initiated in keeping with the Attorney General's "Guidelines on Domestic Security/Terrorism Investigations."

We believe we had documented examples of violence and criminal activity perpetrated by members of the World Church. I believe that if Ms. Reno was not restricted by certain legal parameters put in place since the Thornburgh era, she would have acted immediately. Instead, she said she had to "review whether the group itself was tied to individual acts." Mr. Smith's activities on behalf of the World Church of the Creator, while public and abhorrent, were protected by the First

Amendment, irrespective of his shooting rampage.

Now, in the shootings this week at a Jewish community center in Los Angeles, we have the worst act of anti-Semitic violence since the killing of Yankel Rosenbaum in Crown Heights eight years ago, and we have a suspect with clear ties to known hate groups.

The suspect, Buford Furrow Jr., who turned himself in yesterday, had spent considerable time at a compound of the Aryan Nations, authorities say, and he may have aspired to the Phineas Priesthood, to which one gains "membership" by committing violence against nonwhites.

Once again, the information we're getting about the suspect is coming largely from private groups. This doesn't mean that the F.B.I. has not been tracking these hate groups. But the Justice Department and the bureau are so hamstrung -- by the unpleasant legacy of the Hoover years, by fears of suits from the American Civil Liberties Union, by complaints from conservative lawmakers about avoiding another Randy Weaver fiasco -- that they can't act aggressively. They are unable to monitor individuals or groups unless a crime has been committed. They are unable to track hate group Web sites without a known, specific threat.

"We live in a free and open society," an F.B.I. official told ABC last night, adding that Congressional and Justice Department mandates "forbid us from going after" the groups. The bureau says it is particularly difficult to investigate lone terrorists who are in the thrall of extremist ideology but who either don't belong to any group or are marginal members.

This is too timid an approach given the current rhetoric of these groups and its ability to inflame their more unstable adherents. The Constitution provides for the civil liberties of citizens, but it is not a prescription for suicide; it should enable us to protect our civil liberties against those who have no respect for the nation or would destroy it.

As we're assaulted in such horrendous ways, the time has come to recalibrate that balance -- to permit law enforcement not only to go get the man, but also to prevent the act. If law enforcement agencies should overstep the line, we should very swiftly take the authority away. But now is the time to give them that trust and that capability.

The world is changing rapidly around us. Most of this change is for the better. With sophisticated technology, however, come nonconventional weapons that could threaten us all. With the Internet come new opportunities for hate-mongers. With globalism come those who may feel left behind and more embittered.

Changing challenges require a new look at education, at law enforcement, at the role of the news media. Hatred

can still destroy.

Abraham H. Foxman is national director of the
Anti-Defamation League.

Date: Wed, 30 Dec 98 22:07:13 -0000

ADL's Journalistic Status Reaffirmed by California ...

NEW YORK, Nov. 17 /U.S. Newswire/ -- The Anti-Defamation League today hailed a California Court of Appeals' reaffirmation of ADL's status a journalistic newsgathering organization and its ruling that ADL's files are largely protected from disclosure. The ruling came in the context of civil litigation brought by anti-Israel activists and others.

Abraham H. Foxman, ADL national director, issued the following statement: "We view the decision as a victory for ADL and a victory for the First Amendment. The California Court of Appeals' decision reaffirms our status a journalistic newsgathering organization with the right to protect our files. ADL is confident that the Court's ruling, which allowed for very limited discovery, will demonstrate that the plaintiffs' claims are unfounded.

------ The Anti-Defamation League, founded in 1913, is the world's leading organization fighting anti-Semitism through programs and services that counteract hatred, prejudice and bigotry.

Date: Wed, 30 Dec 98 22:09:45 -0000

Constitutional Law ADL Not Completely Protected By Reporter's 'Shield' Law Some Of It's Alleged Targets Are Entitled To Discover What The Group Found Out About Them

By Philip Carrizosa Daily Journal Senior Writer

Reinvigorating a suit that accuses the Anti-Defamation League of illegal spying, a state appeal court ruled Monday that at least some of the alleged targets are entitled to find out just what ADL learned about them and what, if anything, may be been disclosed to the governments of Israel and South Africa.

In a 3-0 decision, the 1st District Court of Appeal said the ADL is not completely protected by the reporters' shield law.

"ADL is protected under the First Amendment only to the extent its activities or those of its agents constitute journalism," wrote Presiding Justice Anthony Kline. "Thus allegations that ADL and its agents privately disclosed non public information about [persons] to foreign governments or others not acting as ADL journalists are outside the scope of the journalist's privilege."

While the decision in Anti-Defamation League of B'nai B'rith in Superior Court, A090694, does not the the 17 plaintiffs in the case everything they wanted, the ruling might give them access to a great deal of new information currently in the hands of the ADL and San Francisco police.

Woodside attorney Paul McCloskey, the lawyer for the plaintiffs and a former congressman, said he was "delighted" with the ruling because it allows the plaintiffs to proceed with discovery.

"This sweeping claim by the defendants that they have complete immunity from discovery laws has been completely smashed by the courts," McCloskey said. Although it is not clear whether the plaintiffs will be able to learn the ADL's sources, the informati on that will now be disclosed is "critical" he said.

But an attorney for the ADL said the ruling will actually help the league and may pave the way for dismissal of the suit. Stephen W. Bonse of San Francisco's Heller Ehrman, White & McAuliffe said he believes the discovery ordered by the appeal court will yield no additional significant informations. "I doubt there is anything left to be disclosed," he said adding that the ADL WILL "absolutely not" seek review from the state Supreme Court.

The ruling came in a discovery dispute between the ADL and a group of 17 individuals who claim that the Jewish civil rights organization secretly gathered and disclosed personal information about them because of their opposition to the apartheid policy o f the former government of South Africa or because of their criticism of Israeli policies toward the Palestinians.

The information-gathering was revealed five years ago when San Francisco police searched the ADL's offices after learning that one of its own officers might have been providing confidential government information to Roy Bullock, the ADL's local "fact fin der."

Then-District Attorney Arlo Smith later sued the ADL, but the case was settled after the ADL paid $75,000 and agreed to a permanent injunction against obtaining information the group could not be disclosed to it.

In the meantime, the 17 plaintiffs proceeded with their civil suit, alleging the ADL violated California's Information Privacy Act, which allows exemplary damages of at least $2,500, plus attorney fees and costs, for disclosing personal information from government records.

In response to discovery requests, the ADL asserted that it was a journalist and qualified for protection under the qualified journalist's privilege set forth in Mitchell v. Superior Court, 37 Cal3rd 268 (1984). Judge Barbra Jones, now an appeal court ju stice, ruled that ADL, which publishes magazines and newsletters, qualified

as a journalist.

After conducting further discovery, the plaintiffs renewed their document requests, arguing they now satisfied the criteria of Mitchell. This time, Judge Alex Saldamando allowed discovery into all ADL files seized by San Francisco police as well as many of ADL's internal files on its information gathering activities.

At first, the appeal court denied the ADL's appeal to block Saldamando's discovery order.

But the state Supreme Court ordered the appeal court to hold arguments and reconsider it's decision.

In its 30-page opinion Monday, the appeal court ruled that the ADL is immune as a journalist for violating the Information Practices Act as to all but one and possibly three of the plaintiffs. One who taught a class on Palestinians at UC Berkeley, is cle arly a private figure and possibly two others are as well, the court said.

But most of the plaintiffs have been sufficiently involved in Middle East or South African causes to be considered public figures and thus subject to the journalist's privilege, Kline said.

Nonetheless, the privilege protects the ADL only to the extent that its activities were limited to journalism, Kline said. If, as the plaintiffs contend, the information was disseminated to foreign governments, "the protections of the First Amendment wou ld not be available, because private disclosures of such information to foreign governments could not conceivably constitute legitimate and constitutionally protected journalistic activity,' Kline wrote.

"Accordingly, discovery tailored to reveal whether such private disclosures were made should be permitted" concluded Kline, who was joined by justices Paul Haerle and James Lambden.

Northern California Jewish Bulletin November 27, 1998

ADL claims court ruling victory in `spying' lawsuit

LORI EPPSTEIN

Bulletin Staff

After five years of court appeals and motions on secret files, Anti-Defamation League attorneys in San Francisco say the end is in sight for a class-action lawsuit filed against the agency by pro-Palestinian and anti-apartheid activists.

Last week, a ruling by the California 1st District Court of Appeals determined that the ADL could be defined as a journalistic organization. As such, the agency can keep confidential any information gathered in a

journalistic manner.

The ruling severely restricts the plaintiffs in gathering evidence for the case and may thwart their efforts to bring the case to trial, ADL attorneys said.

"Not only are we delighted with the ruling...but we are also delighted in the context of this lawsuit which means that [the plaintiffs] are not going to have anything because there isn't anything for them to have," said Stephen Bomse, an ADL lawyer.

Former Congressman Pete McCloskey, attorney for the activists, did not return phone calls. But in news accounts from the San Francisco Examiner and the Chronicle, the Woodside attorney called the ruling a victory because it affirmed his right to future discovery, albeit limited. The ruling, he said, would enable him to take the case to trial.

The activists' lawsuit followed police raids on the San Francisco and Los Angeles ADL offices in 1992, during which confidential files were confiscated. The files revealed the names of individuals in activist groups that the ADL had been monitoring.

The ADL settled a civil suit brought by the city of San Francisco over charges that the organization illegally acquired confidential government information found in the files. Two years ago, the ADL also settled a related class-action suit brought by a dozen human-rights groups.

The activists in the current case asserted in 1993 that the ADL illegally obtained and disseminated private records of 17 individuals. Such information, the activists claimed, was used to blacklist individuals.

The ADL, which publishes various reports, books and special bulletins as part of its hate-monitoring activities, argued that it was merely gathering information about terrorists and other hate groups. It denied having any blacklist.

ADL lead attorneys Bomse and David Goldstein said that in light of last week's ruling, they will file a motion for the judge to dismiss the case for lack of evidence.

"I think now we are going to move very aggressively to have this end in ADL's favor -- and short of trial," Bomse said. "We think we can get the claims thrown out in short order."

Barbara Bergen, the ADL's regional director, said her organization has no intention of settling with the activists because its attorneys are confident they would prevail in court.

Despite the ADL's newfound status as a media

organization, its attorneys said the case doesn't break new legal ground. However, the agency is still vulnerable to investigations into its practices by those who find its surveillance of extremist groups equivalent to spying.

Bergen said there's been no evidence in either the San Francisco district attorney's investigation or the current case to suggest that the ADL has gathered information illegally.

"We are very cognizant of the limits of the law and the methods of information gathering," she said. But she conceded that "there may have been instances" in which an investigator for the ADL unknowingly acted outside the law.

After settling its civil suit with the city of San Francisco, the ADL reviewed its fact-finding methods. The organization has not significantly changed its investigative practices, Bergen said.

November 17, 1998

Jewish Group Told To Open Files

SAN FRANCISCO (AP) -- A state appeals court ruled that a Jewish civil rights organization that was monitoring pro-Palestinian and anti-apartheid activists must give them information about any illegal disclosures of their confidential files.

The 1st District Court of Appeal decided Monday that the Anti-Defamation League of B'Nai Brith is entitled to the same protections extended to journalists, meaning it can keep its files and sources confidential but must hand over any materials it illegally obtained and distributed.

The ADL was appealing a judge's order to produce internal documents concerning 17 activists who have sued the ADL for invasion of privacy.

The activists contend the ADL illegally obtained confidential records, such as driver's licenses and Social Security numbers, from the state and used them to get people blacklisted among the organization's supporters.

The ADL, which publishes newsletters and reports on hate groups, denies having a blacklist and says it was merely keeping tabs on terrorists and groups opposed to civil rights.

Some of the information the activists sought is part of 17,000 ADL files seized by police in 1992. The ADL later settled a civil suit filed by the city accusing it of illegally obtaining the sensitive documents.

The appeals court said Monday that the ADL isn't entitled to keep its files secret if it used the material for nonjournalistic purposes, such as disclosing the

information to foreign governments or to its private network of supporters.

Both the ADL and a lawyer representing the activists declared victory.

The ADL's regional director, Barbara Bergen, said the ruling ``reaffirms our status as a journalistic organization, with the right to protect our files."

Bergen said the terms of the court's order does not entitle the activists to any new information because there have been no illegal disclosures.

Attorney Pete McCloskey, a former congressman whose wife, Helen, is one of the plaintiffs, said the information should enable him to take their long-stalled case to trial.

``It breaks through this almost incredible claim by these guys that they were immune for any violation of law," he said.

Tuesday, November 17, 1998
San Francisco Chronicle

Ruling Allows Activists To Sue Over Disclosure

Bay Area political activists who have sued a Jewish civil rights organization are entitled to learn whether the group illegally disclosed confidential information about them, a state appeals court ruled yesterday .

The ruling by the Court of Appeals should enable the activists to go to trial in their long-stalled suit against the Anti-Defamation League of B'nai B'rith.

The activists' suit, which asks for class-action status for as many as 1,000 people, relies on a state law banning disclosure of confidential government information, with damages of $2,500 for each disclosure. Filed in 1993, the suit has been delayed by a dispute over the confidentiality of ADL files.

ADL regional director Barbara Bergen said that although the decision "leaves open the possibility of limited future discovery from the League," ADL officials predicted it would lead to a legal victory for the group in future litigation. The organization, which publishes newsletters about hate groups, has the legal status of a journalist, and it says it is therefore entitled to keep its files and sources confidential.

The appeals court, however, ruled 3 to 0 that the ADL could not keep its files secret if they were used for nonjournalistic activity.

/* Written 8:03 AM Nov 17, 1998 by FBOYLE@law.uiuc.edu in igc:misc.activism. */

Dear Colleagues:

I can assure you these these ADL "enemies lists" and "blacklists" do indeed exist. I have seen them myself and have some of them in my files. As I said before,when a Jewish Professor friend of mine was blacklisted and subjected to McCarthyite tactics by them and AIPAC, I filed a Complaint on behalf of my friend and all other American Professors who had been blacklisted by ADL/AIPAC as "enemies" and subjected to McCarthyite tactics with the AAUP. The cowards and hypocrites at the AAUP refused to help, whereupon I resigned my membership in the AAUP. For my efforts I was then blacklisted by ADL.

By the way, ADL was sharing this illegally gathered intelligence information with the Afrikaaner apartheid regime in South Africa. Many of us who worked for Palestinian human rights were also involved in the struggle against apartheid in South Africa. See my Defending Civil Resistance under International Law (Transnational:1987). The Complaint that I filed with the AAUP is currently being used by former Congressman McCloskey in the prosecution of these lawsuits.

Francis A.Boyle

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Counterpunch February 1999

Were the Spies Journalists? The ADL Snoops

The organization's main "fact-finder" was doubling as a spy for the white South African government while his buddy, a San Francisco cop who had tutored El Salvadoran death squads on the finer aspects of torture, was providing its officials with personal information on the organization's putative enemies when the story broke in San Francisco in December, 1992. The organization was the Anti-Defamation League.

The ADL claims to be the nation's leading defender against prejudice and bigotry but in this instance its targets were members of the African National Congress and its supporters, and apparently everyone, Arab and non-Arab, who had the temerity to criticize Israel. This included some who drove to Arab community events where the ADL's "fact-finder", Roy Bullock, and the cop, Tom Gerard, took turns writing down their license plate numbers, which Gerard turned into addresses thanks to his access to California motor vehicle records.

Their spying efforts proved to be part of a much larger intelligence gathering operation that targeted some 12,000 individuals and more than 600 left-of-center organizations in northern California.

After the first flurry of publicity, the ADL's spin doctors successfully kept the story from receiving the national coverage that the situation warranted. But the story hasn't gone away.

Last November the California Court of Appeals handed down a decision that paves the way for a major test later this year of the ADL's penchant for spying on its enemies. It was the most significant episode in a slow-moving class-action case filed in 1993 by 19 pro-Palestinian and anti-apartheid activists who claim to be victims of the ADL's snooping operations.

The plaintiffs say they were illegally spied on by Bullock, then considered the ADL's top "fact-finder" by his now deceased chief, Irwin Suall, and that such spying constituted an invasion of privacy under the provisions of the California Constitution.

The ADL's defense, accepted by the court in 1994, is that the Jewish defense organization is, collectively, a "journalist" and, therefore, can legally engage in information-gathering activities regardless of the source. At question was access by the plaintiffs to information contained in 10 boxes of files seized by the San Francisco police from the ADL's San Francisco office in April, 1993, and placed under court seal where the ADL has fought fiercely to keep them. In the years since then, efforts by the court to settle the case have foundered on the ADL's refusal to allow potentially embarrassing depositions taken by plaintiffs' lawyer ex-Congressman Paul (Pete) McCloskey of Bullock, ADL officials and police officers to be be made public and its files opened. The plaintiffs have been unwilling to compromise on either of these issues.

Then, in September, 1997, Judge Alex Saldamondo ruled that McCloskey's clients were entitled to see what the ADL had on them in its files. Two plaintiffs, Jeffrey Blankfort and Steve Zeltzer, co-founders of the Labor Committee on the Middle East, who had "outed" Bullock as an ADL spy after he infiltrated their group in 1987, received an extract of their files from the DA's office the day before they were ordered sealed. Both contain illegally obtained information, much of which, say Blankfort and Zeltzer, is erroneous.

When ADL's appeal of that decision was rejected by Court of Appeals Judge Anthony Kline, the ADL persuaded the State Supreme Court to return the case to the full court for a hearing. On November 15, 1998, the court reaffirmed ADL's status as a journalist and acknowledged its right to maintain files and obtain information on all but two of the remaining plaintiffs on the basis that they are "limited-purpose public figures" which it defined as having been publicly engaged and identified in activities around a particular issue, in this instance opposition to Israeli occupation and/or South African apartheid. There is no protection, said the court, for

obtaining information illegally on non-public figures.

The court made an important qualification, however, ruling that for "limited purpos "figures, the journalist's shield only applies if the information obtained is to be used for journalistic purposes. It does not protect the ADL from charges that it passed information about the plaintiffs to "foreign governments (in this instance, Israel or South Africa) or to others" which is what the plaintiffs claim the ADL has done.

Although the Court of Appeals vacated Judge Saldamando's decision, it did state that representatives of the plaintiffs had the right to request a review of ADL's files to discover possible constitutional violations, each of which would be worth $2500. While this may seem a small sum, there are hundreds of Arab-Americans and anti-apartheid activists whose names appear in the ADL's files who potentially could collect if the ADL loses in court or is forced to settle the case.

The origins of the story are murky. What the press reported was that the SFPD acted on a tip from the FBI, which was supposedly concerned about files on the Nation of Islam that were stolen from its local office, and arrested Gerard, who allegedly had done the pilfering. In Gerard's computer they found files on more than 7,000 individuals, many of them Arab-Americans, as well as information on hundreds of left-to-liberal organizations filed by Gerard as "pinko". In his locker, they found a black executioner's hood, a number of photos of dark-skinned men bound and blindfolded, CIA manuals, a secret document on interrogation techniques, stamped "secret" and referring to El Salvador, and numerous passports and IDs in a variety of names, all with his picture.

This splendid fellow began meeting with Richard Hirschhaut, chief of the ADL's San Francisco office in 1986, during which, according to a "confidential" Hirschhaut memo to the aforementioned ADL chief "fact-finder" Suall, he provided "a significant amount of information" on "the activities of specific Arab organizations and individuals in the Bay Area" That memo hasn't been made public but what was reported created a nightmare for the ADL when it turned out that Gerard had been exchanging non-public, personal information from government files with Bullock, a paid informant for the ADL since 1954 and whose own computerized "pinko" files on leftish and liberal folks, when seized by the police, proved to be a third again as large as Gerard's. According to police, his computer contained the names of nearly 12,000 individuals, 77 Arab-American organizations, 29 anti-apartheid organizations, and more than 600 "pinko"groups which included such revolutionary outfits as the NAACP, Asian Law Caucus and SANE/FREEZE, as well as 20 Bay area labor unions including the SF Labor Council. There were in addition, files on 612 right-wing organizations and 27 skinhead groups.

According to SF police inspector Ron Roth, 75 percent of their contents was non-public information illegally obtained from government agencies.

After indicating that the ADL would be charged with violating the California's Business and Profession's code, SF District Attorney Arlo Smith did an extraordinary thing. He made available to the public, merely for the copying costs, some 700 pages of documents incriminating the ADL in a nation-wide intelligence gathering operation run out of New York by Suall. One of the significant parts of that report was Bullock's admission that he was paid by a South African intelligence agent to spy on anti-apartheid activists (which he was already doing for the ADL.) He had reported on a visit to California by the ANC's Chris Hani, ten days before the man expected by many to succeed Nelson Mandela, returned home to be brutally murdered.

The ADL attempted to portray Bullock as a free-lance investigator, but no one was convinced, because since 1954 Bullock had been paid through a cutout, an ADL lawyer in Beverly Hills. After his exposure, Bullock was put directly on the ADL's payroll. ADL's position on the ANC was identical to that of the South African government - they considered it to be a "terrorist" "communist" organization. At the time, Israel was furnishing arms to maintain the apartheid regime in power.

In1994, Smith announced that he would not prosecute either the ADL or Bullock since it would be "expensive and time-consuming both to the SFDA and the defendants" a curious judgement considering the overwhelming evidence in his possession.

In its settlement with the city, the ADL, admitted no wrongdoing, agreed to restrain their operatives from seeking non-public data on ADL's enemies from government agencies and, putting a happy face on the story, promised to create a $25,000 Hate Crimes Fund and another $25,000 for a public school course.

Another class-action case filed by the American-Arab Anti-Discrimination Committee and other spied-upon groups such as CISPES, the Bay Area Anti-Apartheid Network and the National Lawyers Guild, was settled in 1996, also under conditions favorable to the ADL, but without the approval of some of the suing groups.

In that instance, again without admitting wrongdoing or opening its files, the ADL agreed: to remove questionably obtained information from its files; that it would not seek non-public information on individuals from government employees and would pay $25,000 to a fund to improve relations among Jews, blacks and other minorities. A similar deal was offered to McCloskey's plaintiffs but they turned it down since it would let the ADL off the hook and allow its secrets to be kept intact.

Both sides will be back in Judge Saldamando's court in March to hear a new discovery motion from McCloskey and probably to set a trial date, something the ADL has been trying to avoid, given the embarrassment that would inevitably ensue, whatever the outcome. Its latest ploy has been to ask the judge for a summary judgement, in other words, dismissal of the case, something he is unlikely to do.

The deaths of veteran journalists Colin Edwards and George Green reduced the number of plaintiffs by two and subsequently four others, whose political activities were relatively limited, were dropped from the case. McCloskey, himself a victim of ADL attacks and whose wife Helen is one of the plaintiffs, is pursuing the case pro bono. Typically he is faced in court by four or five lawyers for the ADL.

Contributions for the plaintiffs may be sent to Paul N. McCloskey, Jr. Atty., 333 Bradford St., Redwood City, CA 94063

(For more information see: http://www.adlwatch.org/
E-mail at melblcome@igc.com)

Date: Fri Sep 18 00:30:24 1998

ADL-Mossad

CONSIDERABLE suspicion exists that the Anti-Defamation League not only serves as an "unofficial" propaganda arm of the Israeli government - a role its National Director Abe Foxman unabashedly claims - but that it also provides information on Palestinians and Arab-Americans to the Israeli government and its intelligence service, Mossad.

The suspicions increased when a Chicago resident, Mohammed Jarad, whose named appeared in Roy Bullock's files, was arrested and accused of being an agent for Hamas, upon his arrival in Israel to visit relatives in the occupied territories.

Also, as revealed in an interview with the FBI, former ADL Los Angeles operative, David Gurvitz, acknowledged that having "learned from a law enforcement contact that a known member of the Democratic Front for the Liberation of Palestine," was about to travel from San Francisco to Haifa, he "called the Los Angeles Israeli Consulate and advised the Deputy Consul General." Later, a Hebrew-speaking individual from the Consulate called back to confirm the information.

Both Bullock and Gurvitz, however, denied that there is any direct link between the ADL and Mossad. However, a letter written by then National Director of the ADL, Benjamin Epstein on July 7, 1961, would indicate otherwise. Epstein was writing to Saul Joftes who was, at the time, the Executive Secretary of the International Council of B'nai B'rith, the ADL's parent organization, requesting additional funds.

"Our information," wrote Epstein, "in addition to being essential for our own operations, has been of great value and service to both the United States State Department and the Israeli government. All data have been made available to both countries with full knowledge that we are the source."

Joftes, a 22-year veteran with B'nai B'rith did not believe that this was the proper business of the ADL and balked; at which point B'nai B'rith decided to fire him. Joftes turned around and sued Rabbi Kaufman, the responsible B'nai B'rith executive, and entered Epstein's letter as an exhibit in his behalf.

In an affidavit filed in that action, Joftes stated: "B'nai B'rithI has become an international organization engaged, by Rabbi Kaufman's admission, in other things besides charitable religious and educational activities. It is no longer non-profit. It engages in international politics and more often than not does the bidding of the Government of Israel. Its leaders make frequent trips to Israel for indoctrination and instructions. I had tried to prevent this change. That is why Rabbi Kaufman tried to fire me.

"He was making B'nai B'rith a servant of the Israeli Government."

That was 1961. On May 6, 1993, the ADL's representative in Jerusalem sent a memo to National Director Abe Foxman informing him that he had attended "a small, farewell luncheon that Shimon Peres gave for Bill Harrop (the outgoing U.S. ambassador). According to Wall, "There were no other American Jewish representatives invited."

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ADL Info Helped HUAC In 1947 "Witch-Hunts"

REPORTS THAT the Anti-Defamation League (ADL) furnished information on individuals and organizations to government agencies is not new. At press time, the MELB learned that in 1947, Congressional hearings revealed that the self-styled "civil rights" organization had been furnishing information to the U.S. Civil Service Commission on persons either alleged to be "communist," or linked, even indirectly, to some one who was. This information, was in turn, used by the House Un-American Activities Committee (HUAC) and the FBI.

The investigation was conducted by a House Subcommittee on the Expenditures of the Executive Department on October 3,6 and 7, 1947. Its purpose was "to make inquiry as to the authority of the Civil Service Commission to expend federal funds to compile an 'investigators' leads file containing facts, rumor, and gossip bearing upon the views, opinions, and acts of individuals who were neither federal employees nor applicants for positions coming under the jurisdiction of

the Civil Service Commission. Also to learn for what purpose the 'file' was to be used."

What the Subcommittee learned, clearly to its disgust as a reading of the hearings make clear, was that the Anti- Defamation League was major source of information which Subcommittee Chair Clare Hoffman declared to be "all hearsay."

As an example, Hoffman held up a card, referring to the National Lawyers Guild, February 20-22, 1937,* which stated that it came "from the subversive files in the office of Attorneys Mintzer & Levy, 39 Broadway, room 3305, and the files were made up in cooperation with the American Jewish Committee and the Anti-Defamation League" (P. 17).

According to the Commission President Harry B. Mitchell, the files contained "the names of persons connected with some person who may be disloyal, subversive in some way. And we have the names of a great many who registered as Communists, who filed a petition, a nominating petition as a member of the Communist Party" (P. 10). It also apparently, included the names of some Senators and Congressmen (sic).

"You must remember," Mitchell later acknowledged, "that there is no evidence against the names on the list." "No," responded Hoffman, "but it furnishes a most admirable smear list." (P. 17)

Subcommittee member, Fred Busbey of Illinois, asked Commissioner Arthur Flemming how he could "reconcile your statement before this committee [regarding its activities] with the order put out by the Civil Service Commission on November 3, 1943, prohibiting your investigators from even asking questions about various Communist-front organizations - whether the man read the Daily Worker, or whether he was a member of the Washington Bookshop, or the American League for Peace and Democracy, or other organizations of that type?"

Flemming replied that "the Commission became convinced that the technique being used by some of the investigators, instead of helping us achieve our objectives, was deliberately playing into the hands of the persons against whom the investigations were being conducted. That type of information could be more effectively developed in other ways without playing into [their] hands."(P. 21)

Busbey, noting the "numerous cards" in the Commission's files that came from the ADL, asked Flemming to explain the relationship that existed between anyone on his staff and the ADL, and another organization, the Friends of Democracy, whose name was linked to it on the cards.

Mr. Busbey: Do you have any knowledge as to who in your organization contacts the Anti-Defamation League and

checks their files, and how often they go to their offices and check their files for leads for your files?

Mr. Flemming: I do not know, and I do not have such information.

Busbey, obviously frustrated when this line of questioning produced no results, urged the committee to "subpena before it the executive head of the Anti-Defamation League, and that they have Mintzer & Levy,I subpoenaed, to ascertain what they had to do with getting that kind of information into this file" (P. 36) The "advisability" of doing so was immediately questioned by Subcommittee assistant, Porter Hardy, the chair agreed and it went no further.

The Commissioner was adamant in his refusal to let the Subcommittee review the files, despite acknowledging that investigators from other committees, such as HUAC, and the FBI had been given access. In a letter to Hoffman, dated December 19, 1947, Commission President Mitchell reported that of the 487,033 cards (on individuals) in its New York City office, "6,000 or 7,000 cards" compiled, to some degree, "n cooperation with the Anti-Defamation League." (P.63)

It should be noted that 1947 was the year in which ten Hollywood writers, producers and directors, who came to be known as the "Hollywood Ten,"were called before HUAC and asked whether or not they were "now or had ever been" members of the Communist Party. All refused to answer, claiming that their First Amendment rights protected them from such an inquiry. They were judged to be in contempt of Congress and sentenced to a year in federal prison. The House Un-American Activities Committee, at the time, with whom the ADL made common bond, was largely made up of Southern racist "Dixicrats" and ultra-right wing Northern Republicans.

*This was during the infancy of the first HUAC, which came to be known by the name of its notorious right-wing chair, Martin Dies, as the Dies Committee.

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Secrecy defended by Jewish group

Fighting a lawsuit, Anti-Defamation League says that its files should be given the same protections as the work of journalists

By Bob Egelko ASSOCIATED PRESS

SAN FRANCISCO -- A Jewish civil rights organization, accused by pro-Palestinian and anti-apartheid activists of spying on them, told a state appeals court Wednesday that its files must remain secret even if they contain information illegally disclosed by government agencies.

The Anti-Defamation League of B'nai B'rith acts as a journalist in gathering information and publishing reports on extremist groups, and it has the same right as any other journalist to keep its records and sources confidential, attorney Stephen Bomse told the 1st District Court of Appeal.

"Courts say a government employee may be punished for violating a duty to keep information private, but if you are a journalist, you may not be punished" for receiving the information and sharing it with others, Bomse said.

The ADL is appealing a judge's order allowing 17 activists to see material that the ADL may have gathered on them and on organizations supporting Palestinian rights and opposing South Africa's former apartheid government.

The order, issued last September by Superior Court Judge Alex Saldamando, applies to internal ADL memos and to more than 10,000 ADL files seized by San Francisco police in 1992.

A now-retired San Francisco police inspector, Tom Girard, later pleaded no contest to a misdemeanor charge of illegally accessing government information.

Girard's ADL contact, Roy Bullock, acknowledged selling information to the South African government, then Israel's ally. The ADL said he did it on his own, but admitted that some of its information was shared with the Israeli government. The ADL paid $75,000 to settle a civil suit by the city of San Francisco.

The activists, who include some Jewish dissidents, were notified by police that their names were in the files. They contend the ADL illegally obtained confidential records from the state and used them to get people blacklisted among the organization's supporters. The ADL denies having a blacklist and says it was merely keeping tabs on hate groups and terrorists.

The suit, which seeks class-action status for up to 1,000 people, relies on a state law banning the disclosure of confidential government information, and providing damages of $2,500 for each disclosure. Before the files were sealed, two activists learned they contained one man's Social Security number and another's driver's license.

The suit has been stalled by the dispute over the confidentiality of ADL files. Material from the files is the activists' only hope of proving illegal disclosure -- as one appellate justice noted when Bomse argued that there was no evidence of lawbreaking that would justify invading a journalist's files.

"The reason there may not be a scintilla of evidence is that your client has it and won't disclose it," said

Presiding Justice J. Anthony Kline.

Justice Paul Haerle questioned whether the ADL was "operating as a journalist" when it allegedly obtained government records, which were supposed to be confidential, and transmitted them to foreign governments.

Gathering and transmitting information is what journalists do, Bomse replied. Kline agreed, saying he assumed journalists regularly obtain records that should not have been disclosed, but added that the rules protecting journalists from suit for ferreting out newsworthy information about public figures might not apply to digging up an obscure activist's driver's license.

The activists' lawyer, former Congressman Pete McCloskey, contended the ADL's journalistic status in some of its activities did not give it the right to disclose confidential government information, even to other ADL offices.

Journalists lack "the power to invade privacy and transmit private records," he said.

A ruling is due by the end of December.

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CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

ANTI-DEFAMATION LEAGUE
OF B'NAI B'RITH et al.,

Petitioners,

v.

Respondent;
AUDREY SHABBAS et al.,

Real Parties in Interest. _____/

A080694

THE SUPERIOR COURT OF THE
CITY AND COUNTY OF SAN FRANCISCO,

(San Francisco County
Superior Court No.951031)

The underlying issue in this case relates to the right to privacy. Whether that right was violated cannot

be determined, however, without the disclosure of relevant evidence. The question before us now is whether such disclosure can be compelled without violence to the First Amendment values requiring protection of a journalist's confidential sources and information.

Petitioners Anti-Defamation League of B'nai B'rith (ADL) and Roy Bullock seek to set aside a discovery order issued by respondent superior court (Judge Alex Saldamando) on September 19, 1997, granting reconsideration and ordering compliance with certain discovery requests by real parties in interest after finding that they have now met the criteria set forth in Mitchell v. Superior Court (1984) 37 Cal.3d 268, to overcome the journalist's qualified privilege. Respondent court stayed the effect of its order pending final determination of this writ petition. Initially, this court denied the petition without opinion. Thereafter, the Supreme Court directed us to issue an order to show cause and to place the matter on calendar.

As explained hereafter, we hold that petitioners, as journalists, are immune from liability for violating Civil Code section 1798.53 under the First Amendment as to all but one and possibly two other real parties in interest by virtue of their status as limited purpose public figures. As to the remaining non-public figure or figures, petitioners are not protected by the First Amendment from liability and a discovery order.

Petitioners are entitled to the protection of the First Amendment, however, only insofar as the information sought to be discovered was obtained and used by them for legitimate journalistic purposes. The journalist's privilege would not protect against discovery directed to whether any non-public information gathered about real parties in interest was privately disclosed to a foreign government or others in violation of Civil Code section 1798.53, as claimed, because such usage does not constitute journalism. The discovery order issued by the trial court was not so limited. The order must therefore be vacated and the matter remanded for reconsideration in light of our opinion. I. FACTUAL AND PROCEDURAL BACKGROUND

Petitioners ADL and Roy Bullock, along with Richard Hirschhaut and Thomas Gerard, are defendants in an action brought by real parties in interest for invasion of privacy in violation of Civil Code section 1798.53. Defendant Hirschhaut was the director o f ADL's office in San Francisco; defendant Bullock has been a paid "fact-finder" for ADL for the past 32 years; and defendant Gerard was employed by the San Francisco Police Department. The complaint alleges that defendants secretly gathered and disclose d personal information about real parties in interest, 17 individuals, in violation of Civil Code section 1798.53 because of their expressed views in opposition to the apartheid policy of the then-government of South Africa and/or Israeli policies vis--vi s the Palestinians.

Real parties learned of defendants' activities as a result of an investigation conducted by the San Francisco District Attorney and the Police Department. The District Attorney commenced the investigation in 1993 after the Police Department learned that one or more of its officers might have been improperly providing confidential government information to Bullock, who was employed by ADL to investigate organizations opposing the aforesaid policies of the governments of Israel and South Africa.

At the conclusion of his investigation, the District Attorney determined that Bullock and/or ADL had solicited and received government information not made public from San Francisco police officers and others. In November 1993, the District Attorney commenced a civil action against ADL and Bullock alleging violation of Business and Professions Code section 17200.1 That action was settled after ADL agreed to a permanent injunction prohibiting ADL and Bullock from obtaining documents or other information they know could not legally be disclosed to them. Real parties in interest, who commenced this action in April 1993, claim that non-public information contained in government records relating to each of them was improperly obtained and disclosed to others by ADL.

Civil Code section 1798.53 is part of the Information Practices Act of 1977, which generally imposes limitations on the right of governmental entities to disclose personal information about an individual. (Nicholson v. McClatchy Newspapers (1986) 177 Ca l.App.3d 509, 514, fn. 2.) The statute was designed by the Legislature to prevent misuse of the increasing amount of information about citizens which government agencies amass in the course of their multifarious activities, the disclosure of which could be embarrassing or otherwise prejudicial to individuals or organizations.2 Indeed, the Legislature made express findings to that effect: "(a) The right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies. (b) The increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information. (c) In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits." (Civ. Code, $ 1798.1.)

Civil Code section 1798.53 is a key remedial provision of the Information Practices Act. It provides a civil cause of action for damages against any "person, other than an employee of the state or of a local government agency acting solely in his or her official capacity, who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal information maintained by

a state agency or from 'records' within a 'system of records' (as these terms are defined in the Federal Privacy Act of 1974) . . . maintained by a federal government agency. . . ." Civil Code section 1798.53 additionally authorizes an award of exemplary damages of at least $2,500 and attorney's fees and costs to a successful plaintiff.

On June 10, 1993, real parties served their first demand for production and inspection of documents. ADL moved for a protective order on the ground that ADL is a journalist protected by the qualified journalist's privilege set forth in Mitchell v. Superior Court, supra, 37 Cal.3d 268. After a lengthy hearing on the motion, the court (Judge Barbara Jones) ruled on November 17, 1993, that ADL, which publishes magazines and newsletters, qualified as a journalist, and that ruling is not now disputed. The court granted ADL's motion for a protective order and denied real parties' document request as then phrased on the ground that the latter had failed to satisfy the criteria set forth in Mitchell v. Superior Court, supra, 37 Cal.3d 268. The order stated t he court would reconsider the matter if real parties reformulated the document requests and were unsuccessful in obtaining the information from alternative sources.

Real parties continued their discovery attempts. On November 19, 1993, they served a second document request on ADL. On November 24, 1993, real parties served the San Francisco District Attorney with a subpoena for documents referring to specified persons and organizations that had been seized by the police department during its investigation of ADL. On April 6, 1994, the court granted ADL's motion to quash the subpoena "with respect to any documents that originated with ADL or Bullock, or that were obtained, procured or developed by ADL or Bullock." In September 1994, the court ordered Bullock to appear for deposition to explore only information not within the ambit of the journalist's privilege set forth in Mitchell and to produce certain documents . Discovery of other categories of documents was stayed "without prejudice unless and until plaintiffs have established, pursuant to Mitchell, their entitlement to proceed with discovery of matters protected by the journalist's privilege."

Mitchell v. Superior Court, supra, 37 Cal.3d 268, holds that there is a qualified journalist's privilege in a civil action to refuse to reveal confidential sources or information obtained from those sources and that the scope of the privilege depends up on a weighing of five factors.

The first is the nature of the litigation and whether the reporter is a party. "In general, disclosure is appropriate in civil cases, especially when the reporter is a party to the litigation." (Id. at p. 279.) "A second consideration is the relevance of the information sought to plaintiff's cause of action. . . . [M]ere relevance is insufficient to compel discovery;

disclosure should be denied unless the information goes 'to the heart of the plaintiff's claim.'" (Id. at p. 280.) Third, discovery should be denied unless the plaintiff has exhausted all alternative sources of obtaining the needed information. Fourth, the court should consider the importance of protecting confidentiality in the case at hand. (Id. at p. 282.) "Finally, the court may require the plaintiff to make a prima facie showing that the alleged defamatory statements are false before requiring disclosure." (Id. at p. 283.)

In June 1996, real parties sought reconsideration of the earlier limitations on discovery, arguing that they had now satisfied the Mitchell criteria.3 Specifically, they asked the court to order (1) ADL to produce documents in response to their third document request, (2) reissuance of the subpoena duces tecum to the police department, and (3) Irwin Suall to answer certain questions and to produce documents listed in his notice of deposition. Real parties memorandum of points and authorities recited the efforts undertaken since the earlier ruling: They took the depositions of defendants Gerard, Bullock and Hirschhaut, San Diego Sheriff's Deputy Tim Carroll, San Francisco Police Lieutenant Ron Roth, former Israeli Mossad agent Victor Ostrovsky and ADL' s fact-finding director, Irwin Suall. Real parties had reframed their document requests to seek information solely about plaintiffs and members of the putative class.4 Despite an order allowing real parties to ascertain the job assignments of Roy Bullock, ADL refused to produce documents or allow Irwin Suall, who made 95 percent of those job assignments, to identify them.

In their memorandum of points and authorities in support of the request for reconsideration, respondents characterized the facts that had emerged from their discovery as follows: (1) Bullock, with Hirschhaut's knowledge and under Suall's direction, soli cited and received confidential information including driver's license numbers and post office box numbers from law enforcement officers; (2) up to half of ADL's efforts during 1986 to 1993 were directed to obtaining information about individuals such as real parties in interest and organizations holding views opposing Israel's policies or apartheid in South Africa; (3) of the ADL files in police possession, some seven and one-half boxes contain illegally-obtained confidential information about individual s and organizations; (4) Bullock and/or Hirschhaut admitted that ADL or its agents gave information to the Government of Israel and sold information to the Government of South Africa; (5) from 1986-1993, Bullock and Hirschhaut transmitted hundreds of reports to Suall and other ADL offices that included information from confidential sources or "official friends" (law enforcement officers); (6) ADL routinely provided information on individuals, including real party in interest Yigal Arens, to the greater community of 12,000 ADL supporters in the Bay Area, characterizing those opposed to Israel as propagandists using their

anti-Zionism as a guise for deeply-felt anti-Semitism; (7) ADL's files seized by the police contained information from confidential government files on real parties in interest Steven Zeltzer and Jeffrey Blankfort; (8) information on real party in interest Helen McCloskey in ADL's files contained information that appeared to have come from the Government of Israel; and (9) ADL's head "fact -finder," Irwin Suall, had met with the Israeli intelligence officials in Israel.

Respondent court heard argument on the motion to reconsider on June 27, 1997, and filed its written order on September 19, 1997. The court found that real parties had met the criteria of Mitchell: (1) The news gatherers are parties to the action; (2) the information goes to the heart of real parties' case in that it will identify the source of illegally-obtained information admittedly obtained by ADL and the dissemination, if any, of such information in violation of Civil Code section 1798.53 and article I, section 1, of the California Constitution: (3) real parties have exhausted all reasonable alternative sources of information and do not have any practical way of obtaining such information from sources other than defendants and the San Francisco Police Department; (4) the non-public information to be disclosed does not relate to public figures or refer to matters of great public importance that would justify nondisclosure under Nicholson v. McClatchy Newspaper Co., supra, 177 Cal.App.3d 509; (5) plaintiffs have presented a prima facie case that defendants Bullock, Hirschhaut and ADL have illegally solicited, obtained and transmitted Civil Code section 1798.53 information in the cases of plaintiffs Blankfort and Zeltzer, and there is a reasonable probability that they have done so in the case of the other named plaintiffs.

The court ordered the following discovery: (A) Reissuance of the subpoena duces tecum to the San Francisco Police Department and "in response to such subpoena the San Francisco Police Department shall produce for Plaintiffs' inspection and copying subject to the Protective Order herein all non-public information obtained by ADL from public agents which is contained in the ADL records seized by the Police Department in 1992 and 1993." The parties are authorized to select a discovery referee or master to be compensated by the parties to supervise and monitor the production of the seized records. (B) ADL is to fully respond to Plaintiffs' third document request within 20 days by producing the following documents: "(1) all memoranda or documents describing or relating to the work assignments of Roy Bullock from Irwin Suall which involve police or other public agents; (2) each document containing illegally-obtained non-public information relating to Plaintiffs and individuals or organizations in their putative class as described by Lt. Roth; (3) each item of non-public information gathered or acquired by ADL and/or Bullock which refer or relate to any of the named Plaintiffs; (4) each ADL publication distributed outside the ADL which includes the name of a Plaintiff or spouse;

(5) all 'pink' reports [indicating information had come from confidential informant] dating from 1988 to 1993 transmitted from San Francisco as described by Bullock which contain or refer to non-public information about Plaintiffs' or members of organization in their putative class; (6) any ADL communications to the ADL, 'Jewish or larger community' identified by Mr. Hirschhaut in his deposition which referred to Plaintiffs or their class; and (7) a roster of the ADL 'community' as identified by Mr. Hirschhaut." (C) Irwin Suall was to answer in writing within 20 days specified questions that had been propounded to him at his deposition in April 1996, and he was to produce any documents demanded of him in his notice of deposition that are in his possession and have not been previously produced. (D) The time for Victor Ostrosky to comply with the request to produce documents not within the journalist's privilege was extended to 60 days following completion of the deposition of Irwin Suall. II. DISCUSSION

Petitioners mount two challenges to the superior court's ruling. First they argue that discovery from ADL may not be compelled because ADL cannot, consistent with free press guarantees, be liable under Civil Code section 1798.53. Petitioners' second argument is that respondent court erred in finding that real parties in interest had now met the Mitchell criteria to overcome the qualified privilege.5 A.

Turning first to the question of immunity, petitioners maintain that Civil Code section 1798.53 must give way to a journalists free press rights, including the right to ask for, receive and publish confidential information from government sources.

Mitchell clearly does not provide journalists an absolute immunity. "When called upon to weigh the fundamental values arguing both for and against compelled disclosure, the overwhelming majority of courts have concluded that the question of a reporter's privilege in civil cases must be decided on a case-by-case basis, with the trial court examining and balancing the asserted interests in light of the facts of the case before it. Thus, the courts conclude, there is neither an absolute duty to disclose n or an absolute privilege to withhold, but instead a qualified privilege against compelled disclosure which depends on the facts of each particular case. [Citations.]" (Mitchell v. Superior Court, supra, 37 Cal.3d at p. 276.)

Petitioners maintain that the weighing undertaken by the trial court in this case cannot be squared with a series of assertedly similar cases in which it was found that disclosure could not be punished. They rely on Nicholson v. McClatchy Newspapers, supra, 177 Cal.App.3d 509; Alim v. Superior Court (1986) 185 Cal.App.3d 144; Landmark Communications, Inc. v. Virginia (1978) 435 U.S. 829; and The Florida Star v. B.J.F. (1989) 491 U.S. 524. Petitioners also find support in the California Supreme Court's recent opinion in Shulman v. Group W Productions,

Inc. (1998) 18 Cal.4th 200. Real parties in interest respond that the cited cases are all manifestly distinguishable on their facts; and, indeed, that the cases petitioners rely upon actually support disclosure in the different circumstances presented in this case.

In Nicholson, an unsuccessful candidate for Attorney General sued the State Bar, two newspapers, and their reporters for damages arising from the publication of the unauthorized disclosure of the confidential fact that the Commission on Judicial Nominees Evaluation had found him not qualified for judicial appointment. The causes of action asserted against the media defendants included one for breach of Civil Code section 1798.53 and one for breach of the common law right of privacy by intrusion. The trial court found that the publication was constitutionally privileged and sustained the media defendants' demurrers without leave to amend. The Court of Appeal affirmed, noting that the allegations as to the media defendants were only that they had sought out newsworthy information which they subsequently published. Such allegations were insufficient to avoid the effect of the constitutional privilege. (Id. at p. 520.) There was no allegation of impermissible reporting techniques.6 The plaintiff was a public figure since he had recently run for statewide office, and the evaluation of the judicial qualifications was a newsworthy subject. (Id. at p. 515.) While the government may desire to keep some proceedings confidential and may impose the duty upon participants to maintain confidentiality, it may not impose criminal or civil liability upon the press for obtaining and publishing newsworthy information through routine reporting techniques." (Id. at pp. 519-520.) The court observed that although reporters are not privileged to commit crimes and independent torts in gathering the news, there was no allegation that any such impermissible techniques had been employed. (Id. at pp. 519-520.)

In Alim v. Superior Court, supra, 185 Cal.App.3d 144, Walter Atlee, former Chief Deputy Director of the Department of Veterans Affairs, sued a newspaper reporter, editor and publisher for invasion of privacy under Civil Code section 1798.53 and libel based on an article containing allegedly false and confidential information from federal Veterans Administration records indicating that he had wrongfully received overpayments of a veteran's disability stipend while employed. The trial court granted the newspaper defendants' motion for summary judgment on all causes of action but that under Civil Code section 1798.53 on the ground that Atlee, who was a public figure, could not prove malice under the New York Times doctrine. (New York Times Co. v. Sullivan (1964) 376 U.S. 254.) The trial court denied summary judgment on the Civil Code section 1798.53 claim on the ground that the constitutional doctrine did not apply to it. The Court of Appeal disagreed, rejecting the claim that an action under Civil Code section 1798.53 is not subject to free press defenses analogous to those available in common law actions for invasion of privacy. The court held that a cause of action under Civil Code

section 1798.53 is subject to the New York Times actual malice standard and that there is a privilege for truthful publication of information bearing on the fitness for office of a public official. (Id. at pp. 152-153.)

In Landmark Communications, Inc. v. Virginia, supra, 435 U.S. 829, the Supreme Court held that the First Amendment did not permit the criminal punishment of a newspaper for publishing truthful information regarding confidential proceedings of the Virginia Judicial Inquiry and Review Commission. "The operation of the Virginia Commission, no less than the operation of the judicial system itself, is a matter of public interest, necessarily engaging the attention of the news media. The article published by Landmark provided accurate factual information about a legislatively authorized inquiry pending before the Judicial Inquiry and Review Commission and in so doing clearly served those interests in public scrutiny and discussion of governmental affairs which the First Amendment was adopted to protect." (Id. at p. 839.) The court specifically noted, however, that the case did not involve "the possible applicability of the statute to one who secures the information by illegal means and thereafter divulges it. We do not have before us any constitutional challenge to a State's power to keep the Commission's proceedings confidential or to punish participants for breach of this mandate." (Id. at p. 837.) The only issue before the court was whether a newspaper could be punished for publishing truthful information about confidential proceedings. (Ibid.)

The Florida Star v. B.J.F., supra, 491 U.S. 524, held that a newspaper could not be held liable for violating a state statute prohibiting the publishing of a rape victim's name which it had obtained from a publicly released police report. The court emphasized that its holding was limited to the situation in which the newspaper published truthful information that had been lawfully obtained. (Id. at p. 541.) The court expressly noted it was not addressing the question of whether a newspaper may ever be punished for publishing information that had been unlawfully acquired. (Id. at p. 535, fn. 8.)

Shulman v. Group W Productions, Inc., supra, 18 Cal.4th 200, addressed the common law invasion of privacy torts of public disclosure of private facts and intrusion in an action brought by two automobile accident victims against a television producer that videotaped and broadcast a documentary rescue program showing the plaintiffs' rescue and transportation to the hospital in a medical helicopter. The court held that summary judgment was proper as to the cause of action for publication of private facts b ut not as to the cause of action for intrusion. Lack of newsworthiness was held to be an essential element of a cause of action based on a claim that publication has given unwanted publicity to allegedly private aspects of a person's life. The subject matter of the broadcast as a whole was of

legitimate public concern. "Automobile accidents are by their nature of interest to that great portion of the public that travels frequently by automobile. The rescue and medical treatment of accident victims is also of legitimate concern to much of the public, involving as it does a critical service that any member of the public may someday need." (Id. at p. 228.) Likewise, the victim's appearance and words as she was extricated from the overturned car, placed in the helicopter, and transported to the hospital were of legitimate public concern. The intrusion cause of action, by contrast, was held not to carry any special immunity or privilege for the press. "In contrast to the broad privilege the press enjoy s for publishing truthful, newsworthy information in its possession, the press has no recognized constitutional privilege to violate generally applicable laws in pursuit of material. Nor, even absent an independent crime or tort, can a highly offensive intrusion into a private place, conversation, or source of information generally be justified by the plea that the intruder hoped thereby to get good material for a news story." (Id. at p. 242, italics in original.) Thus, summary judgment was improper as to the cause of action for intrusion based on the cameraman's presence in the medical helicopter and the recording and amplifying of the victim's conversations with medical personnel. (Id. at pp. 237-238.)

The trial court found that the cases just discussed were inapplicable because they involved newsworthy information, plaintiffs who were public figures, or both. According to the trial court, the non-public information gathered about real parties was not newsworthy, and real parties were not public figures. Petitioners challenge these determinations, arguing that real parties are political activists visibly engaged in public opposition to policies of the Israeli government and have therefore made themselves limited purpose public figures.

Petitioners rely primarily on Reader's Digest Assn. v. Superior Court (1984) 37 Cal.3d 244; Copp v. Paxton (1996) 45 Cal.App.4th 829; and Lind v. Grimmer (9th Cir. 1994) 30 F.3d 1115. After reviewing these authorities and the information provided in the exhibits relating to the political activities that real parties in interest have undertaken, we agree that at least 14 and possibly 16 of the 17 real parties in interest must be considered limited purpose public figures in relation to this litigation.

The leading California case on public figures is Reader's Digest Assn. v. Superior Court, supra, 37 Cal.3d at pages 254-255, where Synanon, a rehabilitation program for drug addicts, and Charles Dederich, its founder, were held to be public figures by virtue of their myriad attempts to thrust their case and Synanon in general into the public eye. In reaching that conclusion, the court traced the evolution of the public figure doctrine, noting that it was first recognized in Curtis Publishing Co. v. Butt s (1967) 388 U.S. 130, and subsequently refined in Gertz v. Robert Welch, Inc. (1974) 418 U.S.

323, where "the court provided a twofold rationale for extending the New York Times rule to 'public figures.' First, it recognized that public figures are gene rally less vulnerable to injury from defamation because of their ability to resort to effective 'self help.' Such persons ordinarily enjoy considerably greater access than private individuals to the media and other channels of communication. This access in turn enables them to counter criticism and to expose the fallacies of defamatory statements. (418 U.S. at p. 344.) Second, and more significantly, the court cited a normative consideration that public figures are less deserving of protection than private persons because public figures, like public officials, have 'voluntarily exposed themselves to increased risk of injury from defamatory falsehood concerning them.' (418 U.S. at p. 345; see also Curtis Publishing Co. v. Butts, supra, 388 U.S. at p. 164 (Warren, C.J., conc. in result).)" (Reader's Digest Assn. v. Superior Court, supra, 37 Cal.3d at p. 253.)

"Having thus explained the rationale for the public figure classification, the Gertz decision defined two classes of public figures. The first is the 'all purpose' public figure who has 'achiev[ed] such pervasive fame or notoriety that he becomes a public figure for all purposes and in all contexts.' The second category is that of the 'limited purpose' or 'vortex' public figure, an individual who 'voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues.' (418 U.S. at p. 351.) Unlike the 'all purpose' public figure, the 'limited purpose' public figure loses certain protection for his reputation only to the extent that the allegedly defamatory communication relates t o his role in a public controversy." (Reader's Digest Assn. v. Superior Court, supra, 37 Cal.3d at pp. 253-254.)

In determining that Synanon and Dederich must be accorded public figure status for purposes of their defamation action, the court based its conclusion on their efforts to thrust themselves into the public eye. Synanon and Dederich had been the subject o f a full-length commercial movie, four books, favorable magazine articles in Life, Time and even Reader's Digest, and numerous newspaper articles. "For many years Synanon engaged in extensive publicity campaigns in which it sought and achieved a favorable reputation as an organization for the rehabilitation of drug addicts." (Reader's Digest Assn. v. Superior Court, supra, 37 Cal. 3d at p. 255.) The court concluded: "While any person or organization has the right to engage in publicity efforts and to attempt to influence public and media opinion regarding their cause, such significant, voluntary efforts to inject oneself into the public arena require that such a person or organization be classified as a public figure in any related defamation actions. " (Id. at p. 256.)7

In Copp v. Paxton, supra, 45 Cal.App.4th 829, a self-proclaimed earthquake expert undertook efforts to

organize a worldwide conference on disaster mitigation. In connection with his efforts he took issue with the conventional duck-and-cover advice given to schoolchildren and distributed a flyer describing his views. After being subjected to public criticism and attacks on his credentials, Copp brought an action for defamation against a county emergency services officer and others. Our colleagues in Division One of this court concluded that Copp was a limited purpose public figure because he had attempted to thrust himself into the forefront of debate on emergency preparedness by organizing a worldwide conference, passing out flyers and speaking at public meetings. (Id. at p. 846.) In reaching this conclusion, the court observed: "It is not necessary to show that a plaintiff actually achieves prominence in the public debate; it is sufficient that '[a plaintiff] attempts to thrust himself into the public eye' (Rudnick v. McMillan (1994) 25 Cal.App.4th 1183, 1190) or to influence a public decision." (Id. at pp. 845-846.)

In Lind v. Grimmer, supra, 30 F.3d 1115, a newsletter publisher brought an action challenging the constitutionality of a Hawaii statute prohibiting disclosure of information concerning investigations undertaken by Hawaii's campaign spending commission. The Ninth Circuit held the statute unconstitutional as applied to Lind who revealed in a newsletter that he had filed a complaint against the University of Hawaii professional assembly alleging it had failed to disclose certain campaign contributions. The court rejected Hawaii's claim that it was justified in restricting political speech about complaints before the Campaign Spending Commission in order to promote other political speech by candidates and their supporters. The court observed that candidates "surely are public figures, and therefore must be prepared to endure a heightened level of criticism -- including charges of campaign spending improprieties -- precisely in order to promote First Amendment values. . . . Candidates' supporters, by injecting themselves into public debate and attempting financially to influence its outcome, also must be prepared to suffer what to them may be unpleasant discussion of their contribution practices." (Lind v. Grimmer, supra, 30 F.3d at p. 1120.)

Petitioners contend that real parties have sufficiently injected themselves into the maelstrom of public debate over Israeli-Palestinian relations and other topical issues to qualify as limited purpose public figures. As examples, they cite declaration s and interrogatory responses submitted by real parties Jeffrey Blankfort and Steven Zeltzer (who the trial court found to have made out prima facie cases of violation of their rights under the privacy statute) describing their interest and activities in support of Palestine and in speaking out against Israeli policies and against apartheid in South Africa. Blankfort stated: In 1981 he was a charter member of the November 29th Coalition for Palestine; in June 1982 he solicited names and funds for

an ad in the San Francisco Chronicle and Examiner protesting the Israeli invasion of Lebanon; in 1983, he spent four months in Israel, Lebanon, Jordan and the West Bank as a free-lance photojournalist; in January 1987, he organized an anti-apartheid demonstration in San Francisco; in May 1987, he and Steve Zeltzer organized a forum on the Middle East at a church; in November 1989, he spoke at a conference in Boston on the connection between Israel and South Africa; he spoke on Israeli censorship in June 1993 at a meeting of the American Library Association; he is the editor of the Middle East Labor Bulletin. Zeltzer recited similar activities: He helped Blankfort form the Labor Committee on the Middle East in 1987 whose purpose was to provide information to t he U.S. workers about the conditions of working people of the Middle East and to counter anti-Arab racism in the United States; in the early 1980s he helped form the Committee to Free Moses Mayekiso, a South African who had been jailed because of his union activities in defense of Black South African workers.

We agree that the activities undertaken by Blankfort and Zeltzer are sufficient to make them limited purpose public figures under the authorities previously discussed. (Accord Nadel v. Regents of University of California (1994) 28 Cal.App.4th 1251, 1269 -1270 [public figure status where plaintiffs played leadership role in protesting university's plan to build volleyball courts in People's Park by speaking at city council meetings and demonstrations, communicating with news media, and staffing information table at park]; Lewis v. Ueberroth (1983) 147 Cal.App.3d 442 [public figure status where plaintiffs were officers in organization opposing construction of Olympics sports facilities in Sepulveda Basin]; see also Annot., Who is "Public Figure" for Purposes of Defamation Action (1994) 19 A.L.R.5th 1.)

We have reviewed the declarations and interrogatory responses prepared by the fifteen other real parties in interest and submitted as part of the exhibits to determine whether the level of their activities was such that they may also be found to be limit ed purpose public figures. We conclude that all but three of the fifteen have described sufficient involvement in Middle East and/or South African causes to be considered public figures for purposes of this litigation. These twelve individuals are each energetic members of numerous organizations dedicated to advancing human rights in the Middle East or South Africa or have otherwise been actively involved in such political efforts.

Jock Taft, however, does not appear to qualify as a limited purpose public figure. So far as the record reveals, the only pertinent activity in which he is engaged is teaching a class on the Palestinians at U.C. Berkeley between 1984 and 1990. Taft states that his classes were disrupted by students allegedly connected with ADL and may have been monitored by Bullock. Merely teaching a university class does not, in our view, constitute the purposeful political activity that

warrants classification as a limited purpose public figure. Taft cannot be said to have voluntarily injected himself into the public arena merely because he teaches at a university.

The present record does not satisfactorily show whether the remaining two real parties in interest -- Paula Kotakis and Margaret McCormack -- are limited purpose public figures. The declaration of Paula Kotakis indicates that for an unspecified period o f time she has been active in several unidentified organizations allegedly listed as targets of Roy Bullock's efforts to collect information. The information about McCormack's activities is even more sketchy. In response to an interrogatory inquiring whether protected information about her was disclosed, she responded: "The Palestine Human Rights Campaign is no longer active and its office in Washington, D.C. was burned." The record contains no other information regarding any relevant political activities in which Ms. McCormack may have been engaged. As we shall remand the case, the parties will have an opportunity to augment the record and obtain a ruling from the trial court as to whether Paula Kotakis and Margaret McCormack are limited purpose pub lic figures for purposes of this litigation.

Aside from the question of public figure status, real parties in interest still dispute petitioners' claim of First Amendment immunity under Civil Code 1798.53 by arguing that because their news gathering techniques were unlawful these activities fell outside the scope of First Amendment protection. We do not believe the alleged unlawfulness of petitioners' information-gathering activities is dispositive of their right to the protection of the First Amendment. Petitioners would be entitled to that protection even if they did violate the statute, but only if they obtained, used and disseminated the information at issue as journalists.

One of the unusual aspects of this case is that, unlike most newsgathering organizations, petitioners' activities are not limited to journalism. ADL is a tax exempt non-profit membership organization which describes itself in its pleadings as "a civil rights and human relations organization [which] engages in a broad range of activities designed to combat anti-Semitism, prejudice and bigotry of all kinds. Through its Intergroup Relations Division, ADL works to promote greater understanding of Jews, Judaism and Jewish concerns, as well as intergroup and interreligious understanding. Through its International Affairs Division, ADL seeks to focus attention on the security of Jews around the world and the strategic importance of the State of Israel."

Many of the activities through which ADL seeks to achieve the foregoing purposes are unrelated to conventional journalism, which we conceive to be the gathering and editing of material of current interest for presentation through print or broadcast media , or on the internet, and available to interested members of the public. For example, ADL privately circulates

information, some of it "confidential," only to certain members and persons affiliated with other groups that share its goals.

Unfortunately, the cases arising under Civil Code section 1798.53 do not shed a great deal of light on the breadth of constitutionally protected journalistic activities. Nicholson provides some guidance, at least with respect to the gathering (as oppose d to the dissemination) of information. That case involved a cause of action for breach of privacy by intrusion based upon news gathering activities similar to that at issue here, namely, "requesting and persuading" employees of the State Bar to engage i n the "unauthorized and unlawful disclosure" of confidential information. (See fn. 6, ante.) The court characterized the allegation as simply stating that the media defendants sought out the newsworthy information which they subsequently published in a newspaper of general circulation. The court held that this type of activity was within the news gathering activities protected by the First Amendment. (Nicholson v. McClatchy Newspapers, supra, 177 Cal.App.3d at p. 520.) In reaching this conclusion the court relied upon Smith v. Daily Mail Publishing Co. (1979) 443 U.S. 97, which held that the state could not punish the publication of information obtained through routine newspaper reporting techniques (i.e., asking witnesses, police, and an assistant prosecutor for the youthful offender's name).

The Nicholson court distinguished routine news gathering techniques from those employed in Dietemann v. Time, Inc. (9th Cir. 1971) 449 F.2d 245, where newsmen gained entrance to the plaintiff's home by subterfuge and surreptitiously photographed him and recorded his conversations by means of a hidden camera and electronic devices. Such activities were not protected by the First Amendment, according to the Ninth Circuit Court of Appeals. Likewise, a photographer's constant surveillance, obtrusive and intruding presence in photographing Jacqueline Kennedy Onassis was held to be outside the news gathering privilege of the First Amendment. (Galella v. Onassis (2d Cir. 1973) 487 F.2d 986.) Such conduct was contrasted with the routine news gathering techniques which include "asking persons questions, including those with confidential or restricted information. While the government may desire to keep some proceedings confidential and may impose the duty upon participants to maintain confidentiality, it may not impose criminal or civil liability upon the press for obtaining and publishing newsworthy information through routine reporting techniques." (Nicholson v. McClatchy Newspapers, supra, 177 Cal.App.3d at pp. 519-520.)

In light of the foregoing, it is apparent that, except with respect to Jock Taft and possibly also Paula Kotakis and Margaret McCormack, the manner in which petitioners allegedly obtained information about real parties constitutes legitimate newsgathering. At least

fourteen real parties are limited purpose public figures engaged in a newsworthy activity. The fact that ADL apparently never published information about these fourteen individuals in the magazines and newspapers they publish and make available to the public is of no great moment, as such information may well have been sought in connection with stories that never materialized.

The problem in this case, however, relates not so much to the manner in which petitioners may have obtained the information in question, but the manner in which they may have used and disseminated that information. The case law does not address this aspect of the journalistic enterprise since the situations it deals with are invariably those in which the defendant published the information in question in a newspaper or magazine available to the public. Here, the complaint alleges that petitioners disclosed protected non-public information to foreign governments and other persons and organizations with no compelling need to know such information, in some cases for a fee. As indicated, petitioner Bullock testified at his deposition testimony that he ha d sold or given undisclosed information to representatives of the government of South Africa. Suall, ADL's chief "fact-finder," stated at his deposition that he had met in Israel with agents of the Mossad, the Israeli security agency, presumably for the purpose of sharing information. If Bullock's disclosures to South African officials involved non-public information about real parties, or if Suall's meetings with Israeli officials also involved disclosures of such information, the protections of the First Amendment would not be available, because private disclosures of such information to foreign governments could not conceivably constitute a legitimate and constitutionally protected journalistic activity. Nor would the private or "confidential" disclosure of such information to a network consisting of members of ADL and/or affiliated organizations not involved in journalism constitute a protected activity.

To be sure, it has not been shown that any information that may have been gathered by petitioners about real parties in interest was in fact privately disclosed to the governments of Israel or South Africa, or to any other entities or individuals. Nonetheless, real parties have made a showing that ADL was found by the San Francisco Police Department to be in possession of non-public information pertaining to certain real parties in interest. The deposition testimony of Bullock and Suall creates a possibility this information was privately disclosed sufficient to justify discovery calculated to lay the matter to rest. Accordingly, we conclude real parties are entitled to discovery specifically tailored to learn whether any information gathered about them by ADL and its agents in violation of Civil Code section 1798.53 was privately disclosed to the government of Israel or South Africa, or to any other agency or individual not a member of or employed by ADL, or to any individual who was then a member or employee of

ADL for a non-journalistic purpose. B.

Our conclusion that Jock Taft is not a limited purpose public figure (and that Paula Kotakis and Margaret McCormack also may not be such public figures) requires us to address petitioners' challenge to the trial court's finding that the Mitchell criteria had been satisfied. Petitioners assert that only one of the five factors set forth in Mitchell has been met -- namely, that they are parties to the litigation. According to petitioners, the remaining four factors do not justify disclosure in this case: (1) the importance of the information sought to plaintiffs' case; (2) exhaustion of all alternative sources of obtaining the needed information; (3) the importance of protecting confidentiality in the case at hand; and (4) making a prima facie showing. (37 Cal.3d at pp. 279-282.)

Petitioners dispute that the information sought goes to the heart of real parties' case. Real parties, on the other hand, claim the information at issue is vital to their case. They emphasize that they cannot prevail without identifying exactly what Bullock illegally learned about them from confidential government sources, from whom he illegally obtained the information, and to whom he and ADL illegally transmitted it. The complaint alleges violation of privacy under article I, section 1, of the California Constitution and under Civil Code sections 1798.53 and 1798.569 as a result of a spying operation conducted by defendants who secretly gathered personal information about real parties in interest from state and federal agencies and disclosed it to individuals and entities with no compelling need to know such information. Petitioners contend that the discovery order goes well beyond the narrow confines of a Civil Code section 1798.53 claim in that it is not narrowly limited to tracking the language o f the statute. Discovery, however, is not confined to the actual issues framed by the pleadings. The information sought need not be in a form that would be admissible at trial. There need only be a reasonable prospect that it might lead to admissible evidence. (See Hogan and Weber, 1 Cal. Civil Discovery (1997) $ 1.5, p. 9.) In any event, petitioners have acknowledged that their complaints about possible overbreadth of certain requests may still be litigated below. (See fn. 5, supra.)

Petitioners vigorously dispute the trial court's finding that real parties have exhausted all reasonable alternative sources of information and do not have any practical way of obtaining such information from sources other than defendants and the San Francisco Police Department. According to petitioners, real parties never made any genuine effort to find alternative sources of the evidence they need. Petitioners argue, for example, that real parties could establish who transmitted the information by se eking discovery from certain governmental agencies.

The sufficiency of real parties' discovery efforts

was argued below. Real parties deposed defendants Bullock, Hirschhaut, and Suall, and each refused to identify any information obtained about real parties. They deposed Gerard and Carroll, the only po lice officers Bullock named as sources, who denied transmitting any of the illegally-obtained confidential information regarding real parties Zeltzer and Blankfort found in the possession of ADL. Real parties also deposed Lieutenant Roth, who could not provide any useful information due to a protective order earlier entered by Judge Jones. The court agreed with real parties that they had exhausted alternative sources. The finding that real parties here, unlike those in Mitchell, had deposed all known potential alternative sources was justified. (See Mitchell v. Superior Court, supra, 37 Cal.3d at p. 282.)

Petitioners contend the court ignored the factor of the importance of protecting confidentiality in the case at hand. Mitchell directs that "when the information relates to matters of great public importance, and when the risk of harm to the source is a substantial one, the court may refuse disclosure even though the plaintiff has no other way of obtaining essential information." (37 Cal.3d at p. 283.) The information sought as to Jock Taft does not relate to a public figure or refer to matters of great public importance that would justify nondisclosure under Nicholson v. Superior Court, supra, 177 Cal. 509. This case is unlike Mitchell where the information at issue related to criminal or unethical conduct on the part of a powerful private organization. (Mitchell, supra, 37 Cal.3d at p. 283.) Petitioners do not suggest that the information sought in this case reveals improper conduct on the part of powerful interests, but relates only to political activity on the part of private individuals which, so far as appears, is constitutionally protected. Moreover, petitioners have not persuasively shown that revelation of the information at issue would expose them or their sources to harmful retaliation.

Finally, petitioners object to the court's finding that real parties had satisfied the Mitchell requirement that a prima facie showing be made. The showing that needed to be made in Mitchell related to the falsity of the allegedly defamatory information . The Mitchell court explained that the routine granting of motions seeking compulsory disclosure would emasculate the important principle established in New York Times Co. v. Sullivan, supra, 376 U.S. 254, and other cases, unless the substance of the libel charge was first established. A showing that the alleged defamatory statements are false would tend to tip the balance in favor of discovery since there is very little public interest in protecting the source of false accusations of wrongdoing. (37 Cal.3d at p. 283.) Accordingly, Mitchell states that "the court may require the plaintiff to make a prima facie showing that the alleged defamatory statements are false before requiring disclosure." (Ibid; italics added, fn. omitted.)

The Mitchell court's use of the word "may" indicates it viewed the prima facie showing as a discretionary requirement. Requiring a prima facie showing that the alleged defamatory statements are false before ordering disclosure of journalists' sources makes sense in the context of a defamation action. The information needed to show falsity would ordinarily be readily available to the plaintiffs. Thus, requiring such a showing before ordering discovery would not be an onerous burden on such parties.

As, unlike Mitchell, this is not a defamation case, the prima facie showing that would be made here relates not to the falsity of petitioners' statements but the likelihood that, in violation of Civil Code section 1798.53, they intentionally disclosed in formation, not otherwise public, which they knew or should reasonably have known was obtained from personal information maintained in the records of one or more government agencies. Such a showing is harder for a plaintiff to make in a suit under Civil C ode section 1798.53 than the showing of falsity that may be required in a defamation action. The defendant in a defamation action ordinarily cannot prevent the plaintiff from independently establishing the falsity of charges, whereas a defendant in an action under Civil Code section 1798.53 often can prevent the necessary showing from being made simply by resisting disclosure. In the latter situation it may be unfair to permit the defendant to resist discovery if, having exhausted other possible source s of the necessary evidence, that is the only way the plaintiff can make the requisite showing. This possible unfairness was one of the reasons the Mitchell court was careful not to say that a trial court must always require the party seeking discovery t o make a prima facie showing, stating instead that the trial court "may" require such a showing. (Mitchell, supra, 37 Cal.3d at p. 283.)10

Ignoring the discretionary nature of the prima facie showing requirement, petitioners claim the court imposed such a requirement and found that it had been met only as to 2 of the 17 plaintiffs. According to petitioners, the trial court ruled that 15 of the 17 plaintiffs had not made out a prima facie case of any potential Section 1798.53 violation by ADL. This is not an accurate characterization of the ruling.

In pertinent part, the trial court stated as follows: "Plaintiffs have presented a prima facie case that Defendants Bullock, Hirschhaut and ADL have illegally solicited, obtained and transmitted Civil Code Sec 1798.53 information in the cases of Plaintiffs BLANKFORT and ZELTZER, and there is a reasonable probability that they have done so in the case of the other named Plaintiffs and members of their class." The italicized language, which petitioners simply ignore, amounts to a statement that the remaining fifteen plaintiffs had either also made a prima facie showing,11 or had at least made a showing that was sufficient under the circumstances. Since it allowed discovery to proceed

on behalf of all seventeen plaintiffs, the trial court must have concluded that all had made the necessary showing that petitioners violated Civil Code section 1798.53. Since imposition of the prima facie showing requirement is not mandatory, the imposition of a somewhat lesser standard -- if indeed that is what the trial court had in mind -- is certainly permissible.

We agree with the finding of the trial court that real parties in interest have met the criteria set forth in Mitchell v. Superior Court, supra, 37 Cal.3d 268, as to Jock Taft. It is evident, however, that the discovery order itself is too broad and must be tailored to the disclosure of non-public information about Jock Taft contained in ADL files and to whom, if anyone, such information was disclosed. C.

The discovery order must be vacated. To the extent that the information sought was within the scope of ADL's function as a journalist, ADL has a First Amendment privilege as to claims by all but one, and possible two others, of the 17 real parties in interest. As to the real parties who do not have "public figure" status, discovery may be ordered, but it must be tailored to obtaining non-public information about them in ADL's files and discovering to whom, if anyone, such information was disclosed.

We have also concluded that, with respect to all real parties, ADL is protected under the First Amendment only to the extent its activities or those of its agents constitute journalism. Thus, allegations that ADL and its agents privately disclosed non -public information about real parties in interest to foreign governments or others not acting as ADL journalists are outside the scope of the journalist's privilege. Accordingly, discovery tailored to reveal whether such private disclosures were made should be permitted.12 III. DISPOSITION

The order to show cause is discharged. The petition for writ of prohibition and/or mandate is granted, and respondent court is directed to set aside and vacate its September 19, 1997, order (as amended at the November 6, 1997 status conference). The parties shall bear their own costs on appeal. CERTIFIED FOR PUBLICATION

_____

Kline, P. J.

We concur: _____
Haerle, J. _____
Lambden, J.
Trial Court: San Francisco Superior Court Trial Judge: Honorable Alex Saldamando Attorneys for Petitioner: David Goldstein Heller, Ehrman, White & McAuliffe Attorneys for Real Parties in Interest: Audrey Shabbas

Anti-Defamation League of B'nai B'rith v.

Superior Court- A080694

1 Section 17200 of the Business and Professions Code defines unfair competition as including any act prohibited by Chapter 1 (commencing with section 17500) of Part 3 of Division 7 of the Business and Professions Code.
Section 17500 makes it unlawful for any person, firm, corporation or association . . . to make or disseminate or cause to be made or disseminated . . . any statement, concerning . . . real or personal property or services, professional or otherwise, or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading . . . ."

2 Authorities trace the crisis of informational privacy in government records to a number of factors:
(1) government's increased role in the lives of individuals through its provision of benefits and services and its regulation of the activities of private and public organizations;
(2) an increasingly complex government bureaucracy's reliance on written records, rather than face-to-face contact or direct evaluation, for decision-making;
(3) the vogue of behavior-predictive theories of decisionmaking, which presume that a maximum amount of information will allow fine-grained distinctions on decisions and predictions as to future behavior; and
(4) the unprecedented technological revolution in information handling, storage, transfer, and manipulation." (Note, California's Privacy Act: Controlling Government's Use of Information? (1980) 32 Stan. L. Rev. 1001, fn. 2, citing, inter alia, Statewide Information Policy Comm., California State Assembly, Final Report, reprinted in 1 Cal. State Legislature, 1970 Reg. Sess., Appendix to the Journal of the Assembly.)

3 The motion, memorandum of points and authorities, and declarations in opposition to the motion are included in the documents that we had ordered sealed pursuant to ADL's request. It would be nearly impossible, however, to write a meaningful opinion re viewing the court's discovery order without referring to the documents supporting and opposing the ruling. In response to our inquiry at oral argument, ADL consented to unsealing all exhibits we had previously ordered sealed. Accordingly, we hereby order Exhibits 36-38, 43, 44, 45, 46, and 49 unsealed.

4 On March 3, 1997, respondent court entered a stipulated order stating, inter alia, that the pending discovery motions shall pertain only to the 17 individual plaintiffs, and not to the putative class they purport to represent.

5 Petitioners acknowledge in their petition (pp.

14-15) that the only matter before the trial court on the motion for reconsideration was ADLs objection based on the journalists privilege and that their other objections to discovery are still outstanding and may be addressed after resolution of this petition. Thus, petitioners' objection to the order to produce "a roster of the ADL 'community' as identified by Mr. Hirschhaut" on First Amendment freedom of association grounds (NAACP v. State of Alabama (1 958) 357 U.S. 449; Britt v. Superior Court (1978) 20 Cal.3d 844) may be addressed, if necessary, and resolved upon termination of these proceedings.

6 The cause of action for breach of privacy by intrusion alleged that the defendants pursued and conducted an unreasonably intrusive investigation into Plaintiff's confidential and private affairs by means of soliciting, inquiring, requesting and persuading agents, employees and members of the State Bar to engage in the unauthorized and unlawful disclosure of information [knowing such information to be confidential].'" (Nicholson v. McClatchy Newspapers, supra, 177 Cal.App.3d at p. 520.)

7 The California Supreme Court recently addressed the definition of a public figure for purposes of tort and First Amendment law in Khawar v. Globe International, Inc. (1998) ___ Cal.4th ___ (98 Daily Journal D.A.R. 11307) where it held that plaintiff Khawar, who was photographed near Senator Robert Kennedy shortly before the Senator's assassination, was not a public figure. Khawar's appearance near Kennedy was not conduct by which he thrust himself into the limelight in an attempt to influence the resolution of issues. Mere association with a matter that attracts public attention, such as Senator Kennedy's candidacy, does not transform one into a public figure in the absence of some purposeful activity to invite public comment or to influence the public with relation to some issue. (Id. at p. 11310.)

8 Victor A. Ajlouny, Yigal Arens, Amal Barkouki-Winter, Manuel Dudum, Carol El-Shaieb, Stephen B. Mashney, Helen Hooper McCloskey, Donald E. McGaffin, Anne Poirer, Agha Saeed, Audrey Park Shabbas and Marianne Torres.

9 Civil Code section 1798.56 provides: Any person who willfully requests or obtains any record containing personal information from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than five thousand dollars ($5,000), o r imprisoned not more than one year, or both."

10 The other reasons suggested in Mitchell for not imposing the prima facie showing requirement is that it is closely related to another requirement, that there be no or little public interest in protecting confidentiality. (Ibid.)

11 Prima facie evidence is simply that evidence which

will support a ruling in favor of its proponent if no controverting evidence is presented. (People v. Bell (1989) 49 Cal.3d 502, 554 . . . (conc. opn. of Kaufman, J.); 9 Wigmore on Evidence (Chadbourn rev. 1981) Sufficiency of Evidence, $ 2494, pp. 379, 381, 387; Black's Law Dict. (5th ed. 1979) p. 1071.) It may be slight evidence which creates a reasonable inference of fact sought to be established but need not eliminate all contrary inferences. (People v. Towler (1982) 31 Cal.3d 105, 115 . . .)" (Evans v. Paye (1995) 32 Cal.App.4th 265, 280, fn. 13.)

12 Petitioners raised some procedural objections in their reply memorandum that merit mention. They claim that real parties failed to file a verified answer or demurrer as required by rule 56(e), California Rules of Court. Real parties, however, did file a verified answer and return to the order to show cause. Petitioners also object to the exhibits filed by real parties with their verified answer and return on the ground that many of the documents contained therein were not before the trial court at the time of its ruling. Since we are reviewing the trial court's ruling, it is improper to consider documents that were not before the trial court. Accordingly, we have not considered matters not presented below.

Filed 11/16/98

CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

ANTI-DEFAMATION LEAGUE
OF B'NAI B'RITH et al.,

Petitioners,

v.

Respondent;
AUDREY SHABBAS et al.,

Real Parties in Interest. _____/

A080694

THE SUPERIOR COURT OF THE
CITY AND COUNTY OF SAN FRANCISCO,

(San Francisco County
Superior Court No.951031)

The underlying issue in this case relates to the right to privacy. Whether that right was violated cannot be determined, however, without the disclosure of relevant evidence. The question before us now is whether such disclosure can be compelled without violence to the First Amendment values requiring protection of a

journalist's confidential sources and information.

Petitioners Anti-Defamation League of B'nai B'rith (ADL) and Roy Bullock seek to set aside a discovery order issued by respondent superior court (Judge Alex Saldamando) on September 19, 1997, granting reconsideration and ordering compliance with certain discovery requests by real parties in interest after finding that they have now met the criteria set forth in Mitchell v. Superior Court (1984) 37 Cal.3d 268, to overcome the journalist's qualified privilege. Respondent court stayed the effect of its order pending final determination of this writ petition. Initially, this court denied the petition without opinion. Thereafter, the Supreme Court directed us to issue an order to show cause and to place the matter on calendar.

As explained hereafter, we hold that petitioners, as journalists, are immune from liability for violating Civil Code section 1798.53 under the First Amendment as to all but one and possibly two other real parties in interest by virtue of their status as limited purpose public figures. As to the remaining non-public figure or figures, petitioners are not protected by the First Amendment from liability and a discovery order.

Petitioners are entitled to the protection of the First Amendment, however, only insofar as the information sought to be discovered was obtained and used by them for legitimate journalistic purposes. The journalist's privilege would not protect against discovery directed to whether any non-public information gathered about real parties in interest was privately disclosed to a foreign government or others in violation of Civil Code section 1798.53, as claimed, because such usage does not constitute journalism. The discovery order issued by the trial court was not so limited. The order must therefore be vacated and the matter remanded for reconsideration in light of our opinion. I. FACTUAL AND PROCEDURAL BACKGROUND

Petitioners ADL and Roy Bullock, along with Richard Hirschhaut and Thomas Gerard, are defendants in an action brought by real parties in interest for invasion of privacy in violation of Civil Code section 1798.53. Defendant Hirschhaut was the director o f ADL's office in San Francisco; defendant Bullock has been a paid "fact-finder" for ADL for the past 32 years; and defendant Gerard was employed by the San Francisco Police Department. The complaint alleges that defendants secretly gathered and disclose d personal information about real parties in interest, 17 individuals, in violation of Civil Code section 1798.53 because of their expressed views in opposition to the apartheid policy of the then-government of South Africa and/or Israeli policies vis--vi s the Palestinians.

Real parties learned of defendants' activities as a result of an investigation conducted by the San Francisco District Attorney and the Police Department. The

District Attorney commenced the investigation in 1993 after the Police Department learned that one or more of its officers might have been improperly providing confidential government information to Bullock, who was employed by ADL to investigate organizations opposing the aforesaid policies of the governments of Israel and South Africa.

At the conclusion of his investigation, the District Attorney determined that Bullock and/or ADL had solicited and received government information not made public from San Francisco police officers and others. In November 1993, the District Attorney commenced a civil action against ADL and Bullock alleging violation of Business and Professions Code section 17200.1 That action was settled after ADL agreed to a permanent injunction prohibiting ADL and Bullock from obtaining documents or other information they know could not legally be disclosed to them. Real parties in interest, who commenced this action in April 1993, claim that non-public information contained in government records relating to each of them was improperly obtained and disclosed to others by ADL.

Civil Code section 1798.53 is part of the Information Practices Act of 1977, which generally imposes limitations on the right of governmental entities to disclose personal information about an individual. (Nicholson v. McClatchy Newspapers (1986) 177 Ca l.App.3d 509, 514, fn. 2.) The statute was designed by the Legislature to prevent misuse of the increasing amount of information about citizens which government agencies amass in the course of their multifarious activities, the disclosure of which could be embarrassing or otherwise prejudicial to individuals or organizations.2 Indeed, the Legislature made express findings to that effect: "(a) The right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies. (b) The increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information. (c) In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits." (Civ. Code, $ 1798.1.)

Civil Code section 1798.53 is a key remedial provision of the Information Practices Act. It provides a civil cause of action for damages against any "person, other than an employee of the state or of a local government agency acting solely in his or her official capacity, who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal information maintained by a state agency or from 'records' within a 'system of records' (as these terms are defined in the Federal Privacy Act of 1974) . . . maintained by a federal government agency. . . ." Civil Code section 1798.53

additionally authorizes an award of exemplary damages of at least $2,500 and attorney's fees and costs to a successful plaintiff.

On June 10, 1993, real parties served their first demand for production and inspection of documents. ADL moved for a protective order on the ground that ADL is a journalist protected by the qualified journalist's privilege set forth in Mitchell v. Superior Court, supra, 37 Cal.3d 268. After a lengthy hearing on the motion, the court (Judge Barbara Jones) ruled on November 17, 1993, that ADL, which publishes magazines and newsletters, qualified as a journalist, and that ruling is not now disputed. The court granted ADL's motion for a protective order and denied real parties' document request as then phrased on the ground that the latter had failed to satisfy the criteria set forth in Mitchell v. Superior Court, supra, 37 Cal.3d 268. The order stated t he court would reconsider the matter if real parties reformulated the document requests and were unsuccessful in obtaining the information from alternative sources.

Real parties continued their discovery attempts. On November 19, 1993, they served a second document request on ADL. On November 24, 1993, real parties served the San Francisco District Attorney with a subpoena for documents referring to specified persons and organizations that had been seized by the police department during its investigation of ADL. On April 6, 1994, the court granted ADL's motion to quash the subpoena "with respect to any documents that originated with ADL or Bullock, or that were obtained, procured or developed by ADL or Bullock." In September 1994, the court ordered Bullock to appear for deposition to explore only information not within the ambit of the journalist's privilege set forth in Mitchell and to produce certain documents . Discovery of other categories of documents was stayed "without prejudice unless and until plaintiffs have established, pursuant to Mitchell, their entitlement to proceed with discovery of matters protected by the journalist's privilege."

Mitchell v. Superior Court, supra, 37 Cal.3d 268, holds that there is a qualified journalist's privilege in a civil action to refuse to reveal confidential sources or information obtained from those sources and that the scope of the privilege depends up on a weighing of five factors.

The first is the nature of the litigation and whether the reporter is a party. "In general, disclosure is appropriate in civil cases, especially when the reporter is a party to the litigation." (Id. at p. 279.) "A second consideration is the relevance of the information sought to plaintiff's cause of action. . . . [M]ere relevance is insufficient to compel discovery; disclosure should be denied unless the information goes 'to the heart of the plaintiff's claim.'" (Id. at p. 280.) Third, discovery should be denied unless the plaintiff has exhausted all alternative sources of

obtaining the needed information. Fourth, the court should consider the importance of protecting confidentiality in the case at hand. (Id. at p. 282.) "Finally, the court may require the plaintiff to make a prima facie showing that the alleged defamatory statements are false before requiring disclosure." (Id. at p. 283.)

In June 1996, real parties sought reconsideration of the earlier limitations on discovery, arguing that they had now satisfied the Mitchell criteria.3 Specifically, they asked the court to order (1) ADL to produce documents in response to their third document request, (2) reissuance of the subpoena duces tecum to the police department, and (3) Irwin Suall to answer certain questions and to produce documents listed in his notice of deposition. Real parties memorandum of points and authorities recited the efforts undertaken since the earlier ruling: They took the depositions of defendants Gerard, Bullock and Hirschhaut, San Diego Sheriff's Deputy Tim Carroll, San Francisco Police Lieutenant Ron Roth, former Israeli Mossad agent Victor Ostrovsky and ADL' s fact-finding director, Irwin Suall. Real parties had reframed their document requests to seek information solely about plaintiffs and members of the putative class.4 Despite an order allowing real parties to ascertain the job assignments of Roy Bullock, ADL refused to produce documents or allow Irwin Suall, who made 95 percent of those job assignments, to identify them.

In their memorandum of points and authorities in support of the request for reconsideration, respondents characterized the facts that had emerged from their discovery as follows: (1) Bullock, with Hirschhaut's knowledge and under Suall's direction, soli cited and received confidential information including driver's license numbers and post office box numbers from law enforcement officers; (2) up to half of ADL's efforts during 1986 to 1993 were directed to obtaining information about individuals such as real parties in interest and organizations holding views opposing Israel's policies or apartheid in South Africa; (3) of the ADL files in police possession, some seven and one-half boxes contain illegally-obtained confidential information about individual s and organizations; (4) Bullock and/or Hirschhaut admitted that ADL or its agents gave information to the Government of Israel and sold information to the Government of South Africa; (5) from 1986-1993, Bullock and Hirschhaut transmitted hundreds of reports to Suall and other ADL offices that included information from confidential sources or "official friends" (law enforcement officers); (6) ADL routinely provided information on individuals, including real party in interest Yigal Arens, to the greater community of 12,000 ADL supporters in the Bay Area, characterizing those opposed to Israel as propagandists using their anti-Zionism as a guise for deeply-felt anti-Semitism; (7) ADL's files seized by the police contained information from confidential government files on real parties in interest Steven Zeltzer and Jeffrey Blankfort;

(8) information on real party in interest Helen McCloskey in ADL's files contained information that appeared to have come from the Government of Israel; and (9) ADL's head "fact -finder," Irwin Suall, had met with the Israeli intelligence officials in Israel.

Respondent court heard argument on the motion to reconsider on June 27, 1997, and filed its written order on September 19, 1997. The court found that real parties had met the criteria of Mitchell: (1) The news gatherers are parties to the action; (2) the information goes to the heart of real parties' case in that it will identify the source of illegally-obtained information admittedly obtained by ADL and the dissemination, if any, of such information in violation of Civil Code section 1798.53 and article I, section 1, of the California Constitution: (3) real parties have exhausted all reasonable alternative sources of information and do not have any practical way of obtaining such information from sources other than defendants and the San Francisco Police Department; (4) the non-public information to be disclosed does not relate to public figures or refer to matters of great public importance that would justify nondisclosure under Nicholson v. McClatchy Newspaper Co., supra, 177 Cal.App.3d 509; (5) plaintiffs have presented a prima facie case that defendants Bullock, Hirschhaut and ADL have illegally solicited, obtained and transmitted Civil Code section 1798.53 information in the cases of plaintiffs Blankfort and Zeltzer, and there is a reasonable probability that they have done so in the case of the other named plaintiffs.

The court ordered the following discovery: (A) Reissuance of the subpoena duces tecum to the San Francisco Police Department and "in response to such subpoena the San Francisco Police Department shall produce for Plaintiffs' inspection and copying subject to the Protective Order herein all non-public information obtained by ADL from public agents which is contained in the ADL records seized by the Police Department in 1992 and 1993." The parties are authorized to select a discovery referee or master to be compensated by the parties to supervise and monitor the production of the seized records. (B) ADL is to fully respond to Plaintiffs' third document request within 20 days by producing the following documents: "(1) all memoranda or documents describing or relating to the work assignments of Roy Bullock from Irwin Suall which involve police or other public agents; (2) each document containing illegally-obtained non-public information relating to Plaintiffs and individuals or organizations in their putative class as described by Lt. Roth; (3) each item of non-public information gathered or acquired by ADL and/or Bullock which refer or relate to any of the named Plaintiffs; (4) each ADL publication distributed outside the ADL which includes the name of a Plaintiff or spouse; (5) all 'pink' reports [indicating information had come from confidential informant] dating from 1988 to 1993 transmitted from San Francisco as described by Bullock which contain or refer to non-public information about

Plaintiffs' or members of organization in their putative class; (6) any ADL communications to the ADL, 'Jewish or larger community' identified by Mr. Hirschhaut in his deposition which referred to Plaintiffs or their class; and (7) a roster of the ADL 'community' as identified by Mr. Hirschhaut." (C) Irwin Suall was to answer in writing within 20 days specified questions that had been propounded to him at his deposition in April 1996, and he was to produce any documents demanded of him in his notice of deposition that are in his possession and have not been previously produced. (D) The time for Victor Ostrosky to comply with the request to produce documents not within the journalist's privilege was extended to 60 days following completion of the deposition of Irwin Suall. II. DISCUSSION

Petitioners mount two challenges to the superior court's ruling. First they argue that discovery from ADL may not be compelled because ADL cannot, consistent with free press guarantees, be liable under Civil Code section 1798.53. Petitioners' second argument is that respondent court erred in finding that real parties in interest had now met the Mitchell criteria to overcome the qualified privilege.5 A.

Turning first to the question of immunity, petitioners maintain that Civil Code section 1798.53 must give way to a journalists free press rights, including the right to ask for, receive and publish confidential information from government sources.

Mitchell clearly does not provide journalists an absolute immunity. "When called upon to weigh the fundamental values arguing both for and against compelled disclosure, the overwhelming majority of courts have concluded that the question of a reporter's privilege in civil cases must be decided on a case-by-case basis, with the trial court examining and balancing the asserted interests in light of the facts of the case before it. Thus, the courts conclude, there is neither an absolute duty to disclose n or an absolute privilege to withhold, but instead a qualified privilege against compelled disclosure which depends on the facts of each particular case. [Citations.]" (Mitchell v. Superior Court, supra, 37 Cal.3d at p. 276.)

Petitioners maintain that the weighing undertaken by the trial court in this case cannot be squared with a series of assertedly similar cases in which it was found that disclosure could not be punished. They rely on Nicholson v. McClatchy Newspapers, supra, 177 Cal.App.3d 509; Alim v. Superior Court (1986) 185 Cal.App.3d 144; Landmark Communications, Inc. v. Virginia (1978) 435 U.S. 829; and The Florida Star v. B.J.F. (1989) 491 U.S. 524. Petitioners also find support in the California Supreme Court's recent opinion in Shulman v. Group W Productions, Inc. (1998) 18 Cal.4th 200. Real parties in interest respond that the cited cases are all manifestly distinguishable on their facts; and, indeed, that the cases petitioners rely upon actually support disclosure

in the different circumstances presented in this case.

In Nicholson, an unsuccessful candidate for Attorney General sued the State Bar, two newspapers, and their reporters for damages arising from the publication of the unauthorized disclosure of the confidential fact that the Commission on Judicial Nominees Evaluation had found him not qualified for judicial appointment. The causes of action asserted against the media defendants included one for breach of Civil Code section 1798.53 and one for breach of the common law right of privacy by intrusion. The trial court found that the publication was constitutionally privileged and sustained the media defendants' demurrers without leave to amend. The Court of Appeal affirmed, noting that the allegations as to the media defendants were only that they had sought out newsworthy information which they subsequently published. Such allegations were insufficient to avoid the effect of the constitutional privilege. (Id. at p. 520.) There was no allegation of impermissible reporting techniques.6 The plaintiff was a public figure since he had recently run for statewide office, and the evaluation of the judicial qualifications was a newsworthy subject. (Id. at p. 515.) While the government may desire to keep some proceedings confidential and may impose the duty upon participants to maintain confidentiality, it may not impose criminal or civil liability upon the press for obtaining and publishing newsworthy information through routine reporting techniques." (Id. at pp. 519-520.) The court observed that although reporters are not privileged to commit crimes and independent torts in gathering the news, there was no allegation that any such impermissible techniques had been employed. (Id. at pp. 519-520.)

In Alim v. Superior Court, supra, 185 Cal.App.3d 144, Walter Atlee, former Chief Deputy Director of the Department of Veterans Affairs, sued a newspaper reporter, editor and publisher for invasion of privacy under Civil Code section 1798.53 and libel based on an article containing allegedly false and confidential information from federal Veterans Administration records indicating that he had wrongfully received overpayments of a veteran's disability stipend while employed. The trial court granted the newspaper defendants' motion for summary judgment on all causes of action but that under Civil Code section 1798.53 on the ground that Atlee, who was a public figure, could not prove malice under the New York Times doctrine. (New York Times Co. v. Sullivan (1964) 376 U.S. 254.) The trial court denied summary judgment on the Civil Code section 1798.53 claim on the ground that the constitutional doctrine did not apply to it. The Court of Appeal disagreed, rejecting the claim that an action under Civil Code section 1798.53 is not subject to free press defenses analogous to those available in common law actions for invasion of privacy. The court held that a cause of action under Civil Code section 1798.53 is subject to the New York Times actual malice standard and that there is a privilege for truthful publication of information bearing on the fitness for office of a public official. (Id. at pp.

152-153.)

In Landmark Communications, Inc. v. Virginia, supra, 435 U.S. 829, the Supreme Court held that the First Amendment did not permit the criminal punishment of a newspaper for publishing truthful information regarding confidential proceedings of the Virginia Judicial Inquiry and Review Commission. "The operation of the Virginia Commission, no less than the operation of the judicial system itself, is a matter of public interest, necessarily engaging the attention of the news media. The article published by Landmark provided accurate factual information about a legislatively authorized inquiry pending before the Judicial Inquiry and Review Commission and in so doing clearly served those interests in public scrutiny and discussion of governmental affairs which the First Amendment was adopted to protect." (Id. at p. 839.) The court specifically noted, however, that the case did not involve "the possible applicability of the statute to one who secures the information by illegal means and thereafter divulges it. We do not have before us any constitutional challenge to a State's power to keep the Commission's proceedings confidential or to punish participants for breach of this mandate." (Id. at p. 837.) The only issue before the court was whether a newspaper could be punished for publishing truthful information about confidential proceedings. (Ibid.)

The Florida Star v. B.J.F., supra, 491 U.S. 524, held that a newspaper could not be held liable for violating a state statute prohibiting the publishing of a rape victim's name which it had obtained from a publicly released police report. The court emphasized that its holding was limited to the situation in which the newspaper published truthful information that had been lawfully obtained. (Id. at p. 541.) The court expressly noted it was not addressing the question of whether a newspaper may ever be punished for publishing information that had been unlawfully acquired. (Id. at p. 535, fn. 8.)

Shulman v. Group W Productions, Inc., supra, 18 Cal.4th 200, addressed the common law invasion of privacy torts of public disclosure of private facts and intrusion in an action brought by two automobile accident victims against a television producer that videotaped and broadcast a documentary rescue program showing the plaintiffs' rescue and transportation to the hospital in a medical helicopter. The court held that summary judgment was proper as to the cause of action for publication of private facts b ut not as to the cause of action for intrusion. Lack of newsworthiness was held to be an essential element of a cause of action based on a claim that publication has given unwanted publicity to allegedly private aspects of a person's life. The subject matter of the broadcast as a whole was of legitimate public concern. "Automobile accidents are by their nature of interest to that great portion of the public that travels frequently by automobile. The rescue and medical treatment of accident victims is also of

legitimate concern to much of the public, involving as it does a critical service that any member of the public may someday need." (Id. at p. 228.) Likewise, the victim's appearance and words as she was extricated from the overturned car, placed in the helicopter, and transported to the hospital were of legitimate public concern. The intrusion cause of action, by contrast, was held not to carry any special immunity or privilege for the press. "In contrast to the broad privilege the press enjoy s for publishing truthful, newsworthy information in its possession, the press has no recognized constitutional privilege to violate generally applicable laws in pursuit of material. Nor, even absent an independent crime or tort, can a highly offensive intrusion into a private place, conversation, or source of information generally be justified by the plea that the intruder hoped thereby to get good material for a news story." (Id. at p. 242, italics in original.) Thus, summary judgment was improper as to the cause of action for intrusion based on the cameraman's presence in the medical helicopter and the recording and amplifying of the victim's conversations with medical personnel. (Id. at pp. 237-238.)

The trial court found that the cases just discussed were inapplicable because they involved newsworthy information, plaintiffs who were public figures, or both. According to the trial court, the non-public information gathered about real parties was not newsworthy, and real parties were not public figures. Petitioners challenge these determinations, arguing that real parties are political activists visibly engaged in public opposition to policies of the Israeli government and have therefore made themselves limited purpose public figures.

Petitioners rely primarily on Reader's Digest Assn. v. Superior Court (1984) 37 Cal.3d 244; Copp v. Paxton (1996) 45 Cal.App.4th 829; and Lind v. Grimmer (9th Cir. 1994) 30 F.3d 1115. After reviewing these authorities and the information provided in the exhibits relating to the political activities that real parties in interest have undertaken, we agree that at least 14 and possibly 16 of the 17 real parties in interest must be considered limited purpose public figures in relation to this litigation.

The leading California case on public figures is Reader's Digest Assn. v. Superior Court, supra, 37 Cal.3d at pages 254-255, where Synanon, a rehabilitation program for drug addicts, and Charles Dederich, its founder, were held to be public figures by virtue of their myriad attempts to thrust their case and Synanon in general into the public eye. In reaching that conclusion, the court traced the evolution of the public figure doctrine, noting that it was first recognized in Curtis Publishing Co. v. Butt s (1967) 388 U.S. 130, and subsequently refined in Gertz v. Robert Welch, Inc. (1974) 418 U.S. 323, where "the court provided a twofold rationale for extending the New York Times rule to 'public figures.' First, it recognized that public figures are gene rally less vulnerable to injury from defamation because of

their ability to resort to effective 'self help.' Such persons ordinarily enjoy considerably greater access than private individuals to the media and other channels of communication. This access in turn enables them to counter criticism and to expose the fallacies of defamatory statements. (418 U.S. at p. 344.) Second, and more significantly, the court cited a normative consideration that public figures are less deserving of protection than private persons because public figures, like public officials, have 'voluntarily exposed themselves to increased risk of injury from defamatory falsehood concerning them.' (418 U.S. at p. 345; see also Curtis Publishing Co. v. Butts, supra, 388 U.S. at p. 164 (Warren, C.J., conc. in result).)" (Reader's Digest Assn. v. Superior Court, supra, 37 Cal.3d at p. 253.)

"Having thus explained the rationale for the public figure classification, the Gertz decision defined two classes of public figures. The first is the 'all purpose' public figure who has 'achiev[ed] such pervasive fame or notoriety that he becomes a public figure for all purposes and in all contexts.' The second category is that of the 'limited purpose' or 'vortex' public figure, an individual who 'voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues.' (418 U.S. at p. 351.) Unlike the 'all purpose' public figure, the 'limited purpose' public figure loses certain protection for his reputation only to the extent that the allegedly defamatory communication relates t o his role in a public controversy." (Reader's Digest Assn. v. Superior Court, supra, 37 Cal.3d at pp. 253-254.)

In determining that Synanon and Dederich must be accorded public figure status for purposes of their defamation action, the court based its conclusion on their efforts to thrust themselves into the public eye. Synanon and Dederich had been the subject o f a full-length commercial movie, four books, favorable magazine articles in Life, Time and even Reader's Digest, and numerous newspaper articles. "For many years Synanon engaged in extensive publicity campaigns in which it sought and achieved a favorable reputation as an organization for the rehabilitation of drug addicts." (Reader's Digest Assn. v. Superior Court, supra, 37 Cal. 3d at p. 255.) The court concluded: "While any person or organization has the right to engage in publicity efforts and to attempt to influence public and media opinion regarding their cause, such significant, voluntary efforts to inject oneself into the public arena require that such a person or organization be classified as a public figure in any related defamation actions. " (Id. at p. 256.)7

In Copp v. Paxton, supra, 45 Cal.App.4th 829, a self-proclaimed earthquake expert undertook efforts to organize a worldwide conference on disaster mitigation. In connection with his efforts he took issue with the conventional duck-and-cover advice given to schoolchildren and distributed a flyer describing his

views. After being subjected to public criticism and attacks on his credentials, Copp brought an action for defamation against a county emergency services officer and others. Our colleagues in Division One of this court concluded that Copp was a limited purpose public figure because he had attempted to thrust himself into the forefront of debate on emergency preparedness by organizing a worldwide conference, passing out flyers and speaking at public meetings. (Id. at p. 846.) In reaching this conclusion, the court observed: "It is not necessary to show that a plaintiff actually achieves prominence in the public debate; it is sufficient that '[a plaintiff] attempts to thrust himself into the public eye' (Rudnick v. McMillan (1994) 25 Cal.App.4th 1183, 1190) or to influence a public decision." (Id. at pp. 845-846.)

In Lind v. Grimmer, supra, 30 F.3d 1115, a newsletter publisher brought an action challenging the constitutionality of a Hawaii statute prohibiting disclosure of information concerning investigations undertaken by Hawaii's campaign spending commission. The Ninth Circuit held the statute unconstitutional as applied to Lind who revealed in a newsletter that he had filed a complaint against the University of Hawaii professional assembly alleging it had failed to disclose certain campaign contributions. The court rejected Hawaii's claim that it was justified in restricting political speech about complaints before the Campaign Spending Commission in order to promote other political speech by candidates and their supporters. The court observed that candidates "surely are public figures, and therefore must be prepared to endure a heightened level of criticism -- including charges of campaign spending improprieties -- precisely in order to promote First Amendment values. . . . Candidates' supporters, by injecting themselves into public debate and attempting financially to influence its outcome, also must be prepared to suffer what to them may be unpleasant discussion of their contribution practices." (Lind v. Grimmer, supra, 30 F.3d at p. 1120.)

Petitioners contend that real parties have sufficiently injected themselves into the maelstrom of public debate over Israeli-Palestinian relations and other topical issues to qualify as limited purpose public figures. As examples, they cite declaration s and interrogatory responses submitted by real parties Jeffrey Blankfort and Steven Zeltzer (who the trial court found to have made out prima facie cases of violation of their rights under the privacy statute) describing their interest and activities in support of Palestine and in speaking out against Israeli policies and against apartheid in South Africa. Blankfort stated: In 1981 he was a charter member of the November 29th Coalition for Palestine; in June 1982 he solicited names and funds for an ad in the San Francisco Chronicle and Examiner protesting the Israeli invasion of Lebanon; in 1983, he spent four months in Israel, Lebanon, Jordan and the West Bank as a free-lance photojournalist; in January 1987, he

organized an anti-apartheid demonstration in San Francisco; in May 1987, he and Steve Zeltzer organized a forum on the Middle East at a church; in November 1989, he spoke at a conference in Boston on the connection between Israel and South Africa; he spoke on Israeli censorship in June 1993 at a meeting of the American Library Association; he is the editor of the Middle East Labor Bulletin. Zeltzer recited similar activities: He helped Blankfort form the Labor Committee on the Middle East in 1987 whose purpose was to provide information to t he U.S. workers about the conditions of working people of the Middle East and to counter anti-Arab racism in the United States; in the early 1980s he helped form the Committee to Free Moses Mayekiso, a South African who had been jailed because of his union activities in defense of Black South African workers.

We agree that the activities undertaken by Blankfort and Zeltzer are sufficient to make them limited purpose public figures under the authorities previously discussed. (Accord Nadel v. Regents of University of California (1994) 28 Cal.App.4th 1251, 1269 -1270 [public figure status where plaintiffs played leadership role in protesting university's plan to build volleyball courts in People's Park by speaking at city council meetings and demonstrations, communicating with news media, and staffing information table at park]; Lewis v. Ueberroth (1983) 147 Cal.App.3d 442 [public figure status where plaintiffs were officers in organization opposing construction of Olympics sports facilities in Sepulveda Basin]; see also Annot., Who is "Public Figure" for Purposes of Defamation Action (1994) 19 A.L.R.5th 1.)

We have reviewed the declarations and interrogatory responses prepared by the fifteen other real parties in interest and submitted as part of the exhibits to determine whether the level of their activities was such that they may also be found to be limit ed purpose public figures. We conclude that all but three of the fifteen have described sufficient involvement in Middle East and/or South African causes to be considered public figures for purposes of this litigation. These twelve individuals are each energetic members of numerous organizations dedicated to advancing human rights in the Middle East or South Africa or have otherwise been actively involved in such political efforts.

Jock Taft, however, does not appear to qualify as a limited purpose public figure. So far as the record reveals, the only pertinent activity in which he is engaged is teaching a class on the Palestinians at U.C. Berkeley between 1984 and 1990. Taft states that his classes were disrupted by students allegedly connected with ADL and may have been monitored by Bullock. Merely teaching a university class does not, in our view, constitute the purposeful political activity that warrants classification as a limited purpose public figure. Taft cannot be said to have voluntarily injected himself into the public arena merely because he teaches at a university.

The present record does not satisfactorily show whether the remaining two real parties in interest -- Paula Kotakis and Margaret McCormack -- are limited purpose public figures. The declaration of Paula Kotakis indicates that for an unspecified period o f time she has been active in several unidentified organizations allegedly listed as targets of Roy Bullock's efforts to collect information. The information about McCormack's activities is even more sketchy. In response to an interrogatory inquiring whether protected information about her was disclosed, she responded: "The Palestine Human Rights Campaign is no longer active and its office in Washington, D.C. was burned." The record contains no other information regarding any relevant political activities in which Ms. McCormack may have been engaged. As we shall remand the case, the parties will have an opportunity to augment the record and obtain a ruling from the trial court as to whether Paula Kotakis and Margaret McCormack are limited purpose pub lic figures for purposes of this litigation.

Aside from the question of public figure status, real parties in interest still dispute petitioners' claim of First Amendment immunity under Civil Code 1798.53 by arguing that because their news gathering techniques were unlawful these activities fell outside the scope of First Amendment protection. We do not believe the alleged unlawfulness of petitioners' information-gathering activities is dispositive of their right to the protection of the First Amendment. Petitioners would be entitled to that protection even if they did violate the statute, but only if they obtained, used and disseminated the information at issue as journalists.

One of the unusual aspects of this case is that, unlike most newsgathering organizations, petitioners' activities are not limited to journalism. ADL is a tax exempt non-profit membership organization which describes itself in its pleadings as "a civil rights and human relations organization [which] engages in a broad range of activities designed to combat anti-Semitism, prejudice and bigotry of all kinds. Through its Intergroup Relations Division, ADL works to promote greater understanding of Jews, Judaism and Jewish concerns, as well as intergroup and interreligious understanding. Through its International Affairs Division, ADL seeks to focus attention on the security of Jews around the world and the strategic importance of the State of Israel."

Many of the activities through which ADL seeks to achieve the foregoing purposes are unrelated to conventional journalism, which we conceive to be the gathering and editing of material of current interest for presentation through print or broadcast media , or on the internet, and available to interested members of the public. For example, ADL privately circulates information, some of it "confidential," only to certain members and persons affiliated with other groups that share its goals.

Unfortunately, the cases arising under Civil Code section 1798.53 do not shed a great deal of light on the breadth of constitutionally protected journalistic activities. Nicholson provides some guidance, at least with respect to the gathering (as oppose d to the dissemination) of information. That case involved a cause of action for breach of privacy by intrusion based upon news gathering activities similar to that at issue here, namely, "requesting and persuading" employees of the State Bar to engage i n the "unauthorized and unlawful disclosure" of confidential information. (See fn. 6, ante.) The court characterized the allegation as simply stating that the media defendants sought out the newsworthy information which they subsequently published in a newspaper of general circulation. The court held that this type of activity was within the news gathering activities protected by the First Amendment. (Nicholson v. McClatchy Newspapers, supra, 177 Cal.App.3d at p. 520.) In reaching this conclusion the court relied upon Smith v. Daily Mail Publishing Co. (1979) 443 U.S. 97, which held that the state could not punish the publication of information obtained through routine newspaper reporting techniques (i.e., asking witnesses, police, and an assistant prosecutor for the youthful offender's name).

The Nicholson court distinguished routine news gathering techniques from those employed in Dietemann v. Time, Inc. (9th Cir. 1971) 449 F.2d 245, where newsmen gained entrance to the plaintiff's home by subterfuge and surreptitiously photographed him and recorded his conversations by means of a hidden camera and electronic devices. Such activities were not protected by the First Amendment, according to the Ninth Circuit Court of Appeals. Likewise, a photographer's constant surveillance, obtrusive and intruding presence in photographing Jacqueline Kennedy Onassis was held to be outside the news gathering privilege of the First Amendment. (Galella v. Onassis (2d Cir. 1973) 487 F.2d 986.) Such conduct was contrasted with the routine news gathering techniques which include "asking persons questions, including those with confidential or restricted information. While the government may desire to keep some proceedings confidential and may impose the duty upon participants to maintain confidentiality, it may not impose criminal or civil liability upon the press for obtaining and publishing newsworthy information through routine reporting techniques." (Nicholson v. McClatchy Newspapers, supra, 177 Cal.App.3d at pp. 519-520.)

In light of the foregoing, it is apparent that, except with respect to Jock Taft and possibly also Paula Kotakis and Margaret McCormack, the manner in which petitioners allegedly obtained information about real parties constitutes legitimate newsgathering. At least fourteen real parties are limited purpose public figures engaged in a newsworthy activity. The fact that ADL apparently never published information about these fourteen individuals in the magazines and newspapers they

publish and make available to the public is of no great moment, as such information may well have been sought in connection with stories that never materialized.

The problem in this case, however, relates not so much to the manner in which petitioners may have obtained the information in question, but the manner in which they may have used and disseminated that information. The case law does not address this aspect of the journalistic enterprise since the situations it deals with are invariably those in which the defendant published the information in question in a newspaper or magazine available to the public. Here, the complaint alleges that petitioners disclosed protected non-public information to foreign governments and other persons and organizations with no compelling need to know such information, in some cases for a fee. As indicated, petitioner Bullock testified at his deposition testimony that he ha d sold or given undisclosed information to representatives of the government of South Africa. Suall, ADL's chief "fact-finder," stated at his deposition that he had met in Israel with agents of the Mossad, the Israeli security agency, presumably for the purpose of sharing information. If Bullock's disclosures to South African officials involved non-public information about real parties, or if Suall's meetings with Israeli officials also involved disclosures of such information, the protections of the First Amendment would not be available, because private disclosures of such information to foreign governments could not conceivably constitute a legitimate and constitutionally protected journalistic activity. Nor would the private or "confidential" disclosure of such information to a network consisting of members of ADL and/or affiliated organizations not involved in journalism constitute a protected activity.

To be sure, it has not been shown that any information that may have been gathered by petitioners about real parties in interest was in fact privately disclosed to the governments of Israel or South Africa, or to any other entities or individuals. Nonetheless, real parties have made a showing that ADL was found by the San Francisco Police Department to be in possession of non-public information pertaining to certain real parties in interest. The deposition testimony of Bullock and Suall creates a possibility this information was privately disclosed sufficient to justify discovery calculated to lay the matter to rest. Accordingly, we conclude real parties are entitled to discovery specifically tailored to learn whether any information gathered about them by ADL and its agents in violation of Civil Code section 1798.53 was privately disclosed to the government of Israel or South Africa, or to any other agency or individual not a member of or employed by ADL, or to any individual who was then a member or employee of ADL for a non-journalistic purpose. B.

Our conclusion that Jock Taft is not a limited purpose public figure (and that Paula Kotakis and

Margaret McCormack also may not be such public figures) requires us to address petitioners' challenge to the trial court's finding that the Mitchell criteria had been satisfied. Petitioners assert that only one of the five factors set forth in Mitchell has been met -- namely, that they are parties to the litigation. According to petitioners, the remaining four factors do not justify disclosure in this case: (1) the importance of the information sought to plaintiffs' case; (2) exhaustion of all alternative sources of obtaining the needed information; (3) the importance of protecting confidentiality in the case at hand; and (4) making a prima facie showing. (37 Cal.3d at pp. 279-282.)

Petitioners dispute that the information sought goes to the heart of real parties' case. Real parties, on the other hand, claim the information at issue is vital to their case. They emphasize that they cannot prevail without identifying exactly what Bullock illegally learned about them from confidential government sources, from whom he illegally obtained the information, and to whom he and ADL illegally transmitted it. The complaint alleges violation of privacy under article I, section 1, of the California Constitution and under Civil Code sections 1798.53 and 1798.569 as a result of a spying operation conducted by defendants who secretly gathered personal information about real parties in interest from state and federal agencies and disclosed it to individuals and entities with no compelling need to know such information. Petitioners contend that the discovery order goes well beyond the narrow confines of a Civil Code section 1798.53 claim in that it is not narrowly limited to tracking the language o f the statute. Discovery, however, is not confined to the actual issues framed by the pleadings. The information sought need not be in a form that would be admissible at trial. There need only be a reasonable prospect that it might lead to admissible evidence. (See Hogan and Weber, 1 Cal. Civil Discovery (1997) $ 1.5, p. 9.) In any event, petitioners have acknowledged that their complaints about possible overbreadth of certain requests may still be litigated below. (See fn. 5, supra.)

Petitioners vigorously dispute the trial court's finding that real parties have exhausted all reasonable alternative sources of information and do not have any practical way of obtaining such information from sources other than defendants and the San Francisco Police Department. According to petitioners, real parties never made any genuine effort to find alternative sources of the evidence they need. Petitioners argue, for example, that real parties could establish who transmitted the information by se eking discovery from certain governmental agencies.

The sufficiency of real parties' discovery efforts was argued below. Real parties deposed defendants Bullock, Hirschhaut, and Suall, and each refused to identify any information obtained about real parties. They deposed Gerard and Carroll, the only po lice

officers Bullock named as sources, who denied transmitting any of the illegally-obtained confidential information regarding real parties Zeltzer and Blankfort found in the possession of ADL. Real parties also deposed Lieutenant Roth, who could not provide any useful information due to a protective order earlier entered by Judge Jones. The court agreed with real parties that they had exhausted alternative sources. The finding that real parties here, unlike those in Mitchell, had deposed all known potential alternative sources was justified. (See Mitchell v. Superior Court, supra, 37 Cal.3d at p. 282.)

Petitioners contend the court ignored the factor of the importance of protecting confidentiality in the case at hand. Mitchell directs that "when the information relates to matters of great public importance, and when the risk of harm to the source is a substantial one, the court may refuse disclosure even though the plaintiff has no other way of obtaining essential information." (37 Cal.3d at p. 283.) The information sought as to Jock Taft does not relate to a public figure or refer to matters of great public importance that would justify nondisclosure under Nicholson v. Superior Court, supra, 177 Cal. 509. This case is unlike Mitchell where the information at issue related to criminal or unethical conduct on the part of a powerful private organization. (Mitchell, supra, 37 Cal.3d at p. 283.) Petitioners do not suggest that the information sought in this case reveals improper conduct on the part of powerful interests, but relates only to political activity on the part of private individuals which, so far as appears, is constitutionally protected. Moreover, petitioners have not persuasively shown that revelation of the information at issue would expose them or their sources to harmful retaliation.

Finally, petitioners object to the court's finding that real parties had satisfied the Mitchell requirement that a prima facie showing be made. The showing that needed to be made in Mitchell related to the falsity of the allegedly defamatory information . The Mitchell court explained that the routine granting of motions seeking compulsory disclosure would emasculate the important principle established in New York Times Co. v. Sullivan, supra, 376 U.S. 254, and other cases, unless the substance of the libel charge was first established. A showing that the alleged defamatory statements are false would tend to tip the balance in favor of discovery since there is very little public interest in protecting the source of false accusations of wrongdoing. (37 Cal.3d at p. 283.) Accordingly, Mitchell states that "the court may require the plaintiff to make a prima facie showing that the alleged defamatory statements are false before requiring disclosure." (Ibid; italics added, fn. omitted.)

The Mitchell court's use of the word "may" indicates it viewed the prima facie showing as a discretionary requirement. Requiring a prima facie showing that the alleged defamatory statements are false before ordering

disclosure of journalists' sources makes sense in the context of a defamation action. The information needed to show falsity would ordinarily be readily available to the plaintiffs. Thus, requiring such a showing before ordering discovery would not be an onerous burden on such parties.

As, unlike Mitchell, this is not a defamation case, the prima facie showing that would be made here relates not to the falsity of petitioners' statements but the likelihood that, in violation of Civil Code section 1798.53, they intentionally disclosed in formation, not otherwise public, which they knew or should reasonably have known was obtained from personal information maintained in the records of one or more government agencies. Such a showing is harder for a plaintiff to make in a suit under Civil C ode section 1798.53 than the showing of falsity that may be required in a defamation action. The defendant in a defamation action ordinarily cannot prevent the plaintiff from independently establishing the falsity of charges, whereas a defendant in an action under Civil Code section 1798.53 often can prevent the necessary showing from being made simply by resisting disclosure. In the latter situation it may be unfair to permit the defendant to resist discovery if, having exhausted other possible source s of the necessary evidence, that is the only way the plaintiff can make the requisite showing. This possible unfairness was one of the reasons the Mitchell court was careful not to say that a trial court must always require the party seeking discovery t o make a prima facie showing, stating instead that the trial court "may" require such a showing. (Mitchell, supra, 37 Cal.3d at p. 283.)10

Ignoring the discretionary nature of the prima facie showing requirement, petitioners claim the court imposed such a requirement and found that it had been met only as to 2 of the 17 plaintiffs. According to petitioners, the trial court ruled that 15 of the 17 plaintiffs had not made out a prima facie case of any potential Section 1798.53 violation by ADL. This is not an accurate characterization of the ruling.

In pertinent part, the trial court stated as follows: "Plaintiffs have presented a prima facie case that Defendants Bullock, Hirschhaut and ADL have illegally solicited, obtained and transmitted Civil Code Sec 1798.53 information in the cases of Plaintiffs BLANKFORT and ZELTZER, and there is a reasonable probability that they have done so in the case of the other named Plaintiffs and members of their class." The italicized language, which petitioners simply ignore, amounts to a statement that the remaining fifteen plaintiffs had either also made a prima facie showing,11 or had at least made a showing that was sufficient under the circumstances. Since it allowed discovery to proceed on behalf of all seventeen plaintiffs, the trial court must have concluded that all had made the necessary showing that petitioners violated Civil Code section 1798.53. Since imposition of the prima facie showing

requirement is not mandatory, the imposition of a somewhat lesser standard -- if indeed that is what the trial court had in mind -- is certainly permissible.

We agree with the finding of the trial court that real parties in interest have met the criteria set forth in Mitchell v. Superior Court, supra, 37 Cal.3d 268, as to Jock Taft. It is evident, however, that the discovery order itself is too broad and must be tailored to the disclosure of non-public information about Jock Taft contained in ADL files and to whom, if anyone, such information was disclosed. C.

The discovery order must be vacated. To the extent that the information sought was within the scope of ADL's function as a journalist, ADL has a First Amendment privilege as to claims by all but one, and possible two others, of the 17 real parties in interest. As to the real parties who do not have "public figure" status, discovery may be ordered, but it must be tailored to obtaining non-public information about them in ADL's files and discovering to whom, if anyone, such information was disclosed.

We have also concluded that, with respect to all real parties, ADL is protected under the First Amendment only to the extent its activities or those of its agents constitute journalism. Thus, allegations that ADL and its agents privately disclosed non -public information about real parties in interest to foreign governments or others not acting as ADL journalists are outside the scope of the journalist's privilege. Accordingly, discovery tailored to reveal whether such private disclosures were made should be permitted.12 III. DISPOSITION

The order to show cause is discharged. The petition for writ of prohibition and/or mandate is granted, and respondent court is directed to set aside and vacate its September 19, 1997, order (as amended at the November 6, 1997 status conference). The parties shall bear their own costs on appeal. CERTIFIED FOR PUBLICATION

_____

Kline, P. J.

We concur: _____
Haerle, J. _____
Lambden, J.
Trial Court: San Francisco Superior Court Trial Judge: Honorable Alex Saldamando Attorneys for Petitioner: David Goldstein Heller, Ehrman, White & McAuliffe Attorneys for Real Parties in Interest: Audrey Shabbas

Anti-Defamation League of B'nai B'rith v.
Superior Court- A080694

1 Section 17200 of the Business and Professions Code defines unfair competition as including any act

prohibited by Chapter 1 (commencing with section 17500) of Part 3 of Division 7 of the Business and Professions Code.
Section 17500 makes it unlawful for any person, firm, corporation or association . . . to make or disseminate or cause to be made or disseminated . . . any statement, concerning . . . real or personal property or services, professional or otherwise, or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading . . . ."

2 Authorities trace the crisis of informational privacy in government records to a number of factors: (1) government's increased role in the lives of individuals through its provision of benefits and services and its regulation of the activities of private and public organizations;
(2) an increasingly complex government bureaucracy's reliance on written records, rather than face-to-face contact or direct evaluation, for decision-making;
(3) the vogue of behavior-predictive theories of decisionmaking, which presume that a maximum amount of information will allow fine-grained distinctions on decisions and predictions as to future behavior; and
(4) the unprecedented technological revolution in information handling, storage, transfer, and manipulation." (Note, California's Privacy Act: Controlling Government's Use of Information? (1980) 32 Stan. L. Rev. 1001, fn. 2, citing, inter alia, Statewide Information Policy Comm., California State Assembly, Final Report, reprinted in 1 Cal. State Legislature, 1970 Reg. Sess., Appendix to the Journal of the Assembly.)

3 The motion, memorandum of points and authorities, and declarations in opposition to the motion are included in the documents that we had ordered sealed pursuant to ADL's request. It would be nearly impossible, however, to write a meaningful opinion re viewing the court's discovery order without referring to the documents supporting and opposing the ruling. In response to our inquiry at oral argument, ADL consented to unsealing all exhibits we had previously ordered sealed. Accordingly, we hereby order Exhibits 36-38, 43, 44, 45, 46, and 49 unsealed.

4 On March 3, 1997, respondent court entered a stipulated order stating, inter alia, that the pending discovery motions shall pertain only to the 17 individual plaintiffs, and not to the putative class they purport to represent.

5 Petitioners acknowledge in their petition (pp. 14-15) that the only matter before the trial court on the motion for reconsideration was ADLs objection based on the journalists privilege and that their other objections to discovery are still outstanding and may be

addressed after resolution of this petition. Thus, petitioners' objection to the order to produce "a roster of the ADL 'community' as identified by Mr. Hirschhaut" on First Amendment freedom of association grounds (NAACP v. State of Alabama (1 958) 357 U.S. 449; Britt v. Superior Court (1978) 20 Cal.3d 844) may be addressed, if necessary, and resolved upon termination of these proceedings.

6 The cause of action for breach of privacy by intrusion alleged that the defendants pursued and conducted an unreasonably intrusive investigation into Plaintiff's confidential and private affairs by means of soliciting, inquiring, requesting and persuading agents, employees and members of the State Bar to engage in the unauthorized and unlawful disclosure of information [knowing such information to be confidential].'" (Nicholson v. McClatchy Newspapers, supra, 177 Cal.App.3d at p. 520.)

7 The California Supreme Court recently addressed the definition of a public figure for purposes of tort and First Amendment law in Khawar v. Globe International, Inc. (1998) ___ Cal.4th ___ (98 Daily Journal D.A.R. 11307) where it held that plaintiff Khawar, who was photographed near Senator Robert Kennedy shortly before the Senator's assassination, was not a public figure. Khawar's appearance near Kennedy was not conduct by which he thrust himself into the limelight in an attempt to influence the resolution of issues. Mere association with a matter that attracts public attention, such as Senator Kennedy's candidacy, does not transform one into a public figure in the absence of some purposeful activity to invite public comment or to influence the public with relation to some issue. (Id. at p. 11310.)

8 Victor A. Ajlouny, Yigal Arens, Amal Barkouki-Winter, Manuel Dudum, Carol El-Shaieb, Stephen B. Mashney, Helen Hooper McCloskey, Donald E. McGaffin, Anne Poirer, Agha Saeed, Audrey Park Shabbas and Marianne Torres.

9 Civil Code section 1798.56 provides: Any person who willfully requests or obtains any record containing personal information from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than five thousand dollars ($5,000), o r imprisoned not more than one year, or both."

10 The other reasons suggested in Mitchell for not imposing the prima facie showing requirement is that it is closely related to another requirement, that there be no or little public interest in protecting confidentiality. (Ibid.)

11 Prima facie evidence is simply that evidence which will support a ruling in favor of its proponent if no controverting evidence is presented. (People v. Bell (1989) 49 Cal.3d 502, 554 . . . (conc. opn. of Kaufman, J.); 9 Wigmore on Evidence (Chadbourn rev. 1981)

Sufficiency of Evidence, $ 2494, pp. 379, 381, 387; Black's Law Dict. (5th ed. 1979) p. 1071.) It may be slight evidence which creates a reasonable inference of fact sought to be established but need not eliminate all contrary inferences. (People v. Towler (1982) 31 Cal.3d 105, 115 . . .)" (Evans v. Paye (1995) 32 Cal.App.4th 265, 280, fn. 13.)

12 Petitioners raised some procedural objections in their reply memorandum that merit mention. They claim that real parties failed to file a verified answer or demurrer as required by rule 56(e), California Rules of Court. Real parties, however, did file a verified answer and return to the order to show cause. Petitioners also object to the exhibits filed by real parties with their verified answer and return on the ground that many of the documents contained therein were not before the trial court at the time of its ruling. Since we are reviewing the trial court's ruling, it is improper to consider documents that were not before the trial court. Accordingly, we have not considered matters not presented below.

Bookburners and Their Victims: First-Hand Accounts of Pro-Israel McCarthyism

In California Court Case, ADL Still Delaying Disclosure of Where It Got and What It Did With Personal Data on Anti-Apartheid and Pro-Palestinian Activists

By Kurt Holden

WASHINGTON REPORT on Middle East Affairs
DECEMBER 1997, Page 57

In late 1992, the FBI informed the San Francisco police that one of its officers, Tom Gerard, had been secretly cooperating with a "spy," Roy Bullock, who had been secretly paid by the Anti-Defamation League (ADL) of B'nai B'rith for over 30 years to infiltrate organizations which the ADL deemed hostile to Israel.

Gerard was believed to have illegally turned over to Bullock material gathered from police files. Worse, the police previously had been ordered to destroy those files, which a court had ruled violated the civil rights of the people upon whom files had been opened.

Bullock's job was to collect facts about "enemies of Israel" which were then organized in central ADL files in Los Angeles and New York, and used for confidential dissemination to the "active" Jewish community, which could be counted on to take "counter-action" to neutralize or discredit these "enemies."

In the 1980s, Bullock's assignments had been expanded to include surveillance of individuals and organizations opposed to apartheid in South Africa, presumably because Israel and South Africa were allies, drawn to each other because both were resisting United Nations human rights resolutions regarding the Palestinians and indigenous

South Africans.

Bullock would ingratiate himself into Arab-American and anti-apartheid groups by indicating he was in sympathy with their goals. Attending their meetings and going into their homes, he would note their car license plates and, through "official friends" who were police officers or who had access to government records, try to get drivers' license numbers, P. O. boxes and criminal investigative reports, if such existed.

FBI officials had become interested in 1992 when they discovered that in addition to collecting information for the ADL, Bullock and Gerard wereselling information to South African intelligence agents.

The San Francisco police, made up of officers largely of Irish and Italian ethnic backgrounds (and certainly not aware of the enormous political clout of the Jewish community), obtained search warrants and seized some 12 boxes of records at the ADL headquarters in Los Angeles and San Francisco in early 1993.

Subsequently they sent notices to some 12,000 people and organizations whose names were found in ADL's files. In at least two cases, they also provided such individuals with excerpts from ADL's files on them which obviously had come from confidential government records.

Both individuals, Jeffrey Blankfort and Steve Zeltzer, were prominent Jewish advocates of fairness to Palestinians and for ending apartheid in South Africa. From those activities they already were aware that the ADL worked in cooperation with Israel's Mossad.

The ADL worked in cooperation with Israel's Mossad.

In 1993 they and 17 other plaintiffs filed a class-action lawsuit in the San Francisco Superior Court. The suit has become known as Audrey Parks Shabbas, et al., plaintiffs, vs. Anti-Defamation League of B'nai B'rith, et al., defendants. In addition to the three above-named plaintiffs, others are Victor Ajlouny, Yigal Arens (son of former Israeli Defense Minister Moshe Arens), Amal Barkouky-Winter, Manuel Dudum, Colin Edwards, Carol El-Shaib, George Green, Paula Kotakis, Stephen Mashney, Helen Hooper McCloskey, Margaret Ann McCormack, Donald McGaffin, Anne Poirier, Agha Saeed, Jock Taft and Marianne Torres. Attorney for the plaintiffs is former Congressman Paul N. (Pete) McCloskey, who practices law in Woodside, California.

In fact, the suit was filed on behalf of two classes of individuals--those who opposed Israeli policies toward the Palestinians and those who opposed apartheid in South Africa. The lawsuit alleged an invasion of their privacy, citing a California law which imposes a minimum of $2,500 in punitive damages for each act of publication of confidential information obtained from governmental files.

The ADL responded by arguing that it is a newsgathering organization and thus entitled to the reporter's privilege of keeping sources of information secret.

Under California law and a famous Supreme Court ruling known as the Mitchell decision, a plaintiff is barred from obtaining what a reporter claims is "privileged" information until the plaintiff can show that he has exhausted all other reasonable means of obtaining the facts necessary to prove his case, and has met four other requirements. For four and a half years, ADL refused to produce the information.

An Order to Disclose

Depositions were taken of ADL employees and law enforcement personnel, but ADL was able to withhold the information until Aug. 19, 1997, when Judge Alexander Saldamando of San Francisco ruled that ADL and the San Francisco police would have to disclose to the plaintiffs the illegally obtained information, from whom it had been obtained, and to whom it was sent.

ADL has announced it will seek a writ from the Court of Appeals to block enforcement of Judge Saldamando's order. The result should be known by Oct. 30, which is the date ADL is required to produce the information.

The stubborn refusal of ADL to reveal where it received its information, and to whom and for what purposes it was disclosed, promises many more revealing insights on the methods and motivations of this American-incorporated organization which has been working diligently on behalf of the governments of Israel and apartheid South Africa.

Kurt Holden is a free-lance writer who divides his time between the U.S. and the Middle East.

What's wrong with the Anti-Defamation League?

The ADL is "...one of the ugliest, most powerful pressure groups in the U.S...Its primary commitment is to use any technique, however dishonest and disgraceful, in order to defame and silence and destroy anybody who dares to criticize the Holy State ('Israel')." --Noam Chomsky, Professor of Linguistics, Massachusetts Institute of Technology

Too many journalists run ADL spin with little real knowledge about the organization and it's history - even recent history.

Take the case of the couple in Denver, for example.

Judge rules that judgment against ADL stands [FinalCall.com] - A ruling by a federal judge in Denver March 31 which upheld most of a year-old $10 million jury finding that the Anti-Defamation League (ADL) libeled a couple by falsely portraying them as anti-Semites may at last call into question the group's heretofore unassailable reputation as the sole "defender of the Jews" in America.
Judge Slams ADL for Hurting Couple Tarred As 'Anti-Semites' By Marc Perelman [forward.com] April 13. 2001 ... "Can you imagine an organization using money from Marc Rich, a guy who made millions dealing with anti-Semitic countries like Iran, attacking powerless people for some alleged anti-Semitic slurs?" he said.

UPHOLDING most of a $10 million defamation suit against the Anti- Defamation League, a federal judge in Denver has lambasted the organization for labeling a nasty neighborhood feud as an anti-Semitic event. In upholding the first-ever court defeat handed to the 87-year-old ADL, U.S. District Judge Edward Nottingham said the organization had endorsed and publicized the bigotry accusations of a Jewish couple against its neighbors without either investigating the case or weighing the consequences. Judge Slams ADL for Hurting Couple Tarred As 'Anti-Semites'

"In 1994, Saul F. Rosenthal, director of ADL's Mountain States region, held a news conference accusing the Quigleys of anti-Semitism." — Robert Weller, AP May 13, 2000

How many times is the ADL refered to as a "civil rights organization"? Perhaps they should ask people from the organizations found in ADL files. ADL functions more like an agency of the national security state. They follow people and attempt to demonize people they don't approve of. When that doesn't work - they either coerce/spin reporters (and their bosses) into furthering their agenda. ADL is a big business with fat budgets and a little too close working

arrangement with law enforcement, politicians and media big shots. See: Fact Sheet on the ADL

I mentioned last week that when the Anti-Defamation League -- or ADL for short -- handed out press releases on September 24 to newspapers and other media in which they said that the organization I head, the National Alliance, is "the single most dangerous organized hate group in America," and that we are "linked" to bank robberies, bombings, and murders all over the country, virtually all of the media simply printed these wild charges without checking them for accuracy. Of all the hundreds of newspapers which printed the ADL's charges, only one -- West Virginia's *Charleston Gazette* -- even bothered to call me first and ask for my comments. The Anti-Defamation League of B'nai B'rith by Dr. William Pierce

They use the "anti-Semitism" label as a weapon to suppress criticism of Israel.

"The number one goal of the ADL is the protection of Israel," a former Republican congressman from San Mateo Pete McCloskey told SF Weekly in a recent interview. The Anti Defamation League: Censoring the Internet on Behalf of Israel

They intimidate book, newspaper and magazine publishers and distributers. They try to get governments in other countries without a first ammendment to outlaw publications they disagree with.

ADL directory Abraham H. Foxman attempted to intimidate a publisher into not publishing A Nation on Trial : The Goldhagen Thesis and Historical Truth by Norman G. Finkelstein, Ruth Bettina Birn. See: "Cries to Halt Publication of Holocaust Book" (Arts & Ideas, NYTimes, Jan. 10 '99) and the comments in a letter to the editor a few days later ... "The Nazis banned books critical of their views; so did Stalin and so, until recently, did his successors. That"s how things work in totalitarian states. Abraham H. Foxman of the Anti-Defamation League calls for the Birn-Finkelstein book"s suppression. He should not forget that we live in a free society."

The European/American Issues Forum, a San Francisco Bay Area based moderate and thoughtful civil rights organization protests Barnes and Noble joining with the Anti-Defamation League in an effort that purports to support the teaching of tolerance while practicing the very opposite. Protesting Barnes and Noble and the Anti-Defamation League's Book "Hate Hurts..."

They're saying as little as possible in public, they're ashamed of what they're about, but electronic mail communications obtained by CODOH confirm that the Anti-Defamation League and Hillel are doing what they can, under the table, to stop CODOH advertisements from running in student newspapers across America.... Smith's Report #42

In 1996 the ADL praised the prison sentence meted out to an American publisher in Germany: "ADL today said it was gratified that a German court sentenced American...Gary Lauck to four years in prison for...disseminating anti- Semitic...hate material." .. On March 14, 1996 the B'nai B'rith called a press conference in Toronto urging the government to arrest revisionist publisher Ernst Zьndel for printing revisionist pamphlets the Zionist group abhors. Fact Sheet On ADL

They actively promote the Holocaust Industry.

See: THE HOLOCAUST INDUSTRY [normanfinkelstein.com]

Shoah business [salon.com] "The son of an Auschwitz survivor accuses the "Holocaust industry," Elie Wiesel and Jewish leaders worldwide of a vast shakedown. With his clever, explosive and sometimes even wryly funny little book, "The Holocaust Industry," Norman G. Finkelstein, the 47-year-old enfant terrible of Holocaust studies from Brooklyn, N.Y., hit a nerve. Such a big nerve, in fact, that it caused a blackout of virtually all intellectual circuits ..."

They smear people with the 'Anti-Semite' label.

The leading official monitor of anti-Semitism, the Anti-Defamation League of B'nai Brith, interprets anti-Semitism as unwillingness to conform to its requirements with regard to support for Israeli authorities. These conceptions were clearly expounded by ADL National Director Nathan Perlmutter, who wrote that while old-fashioned anti-Semitism has declined, there is a new and more dangerous variety on the part of "peacemakers of Vietnam vintage, transmuters of swords into plowshares, championing the terrorist P.L.O.," and those who condemn U.S. policies in Vietnam and Central America while "sniping at American defense budgets." He fears that "nowadays war is getting a bad name and peace too favorable a press" with the rise of this "real anti-Semitism." The logic is straightforward: Anti-Semitism is opposition to the interests of Israel (as the ADL sees them); and these interests are threatened by "the liberals," the churches, and others who do not adhere to the ADL political line. - Necessary Illusions by Noam Chomsky Appendix V Segment 20/33

In an interview with a local Jewish weekly, the Northern California Bulletin, that turned into a tirade, ADL National Director Abraham Foxman lashed out at the San Francisco district attorney; the newspapers that enabled "the D.A. to try us in the media"; critics who call ADL information-gathering activities "spying"; and, for good measure, all other "bastards" who are "anti-Semitic, undemocratic, and anti-American." ... In his book They Dare to Speak Out, former Congressman Paul Findley quotes Chomsky as saying, "Virtually every talk I give is monitored, and reports of their alleged contents are sent on to the league to be incorporated in my file." He added that whenever he is scheduled to speak, ADL distributes literature in advance containing distorted or fabricated accounts of his views in an attempt to identify him as an anti-Semite. Spy Case Update

Looking for a hate group? Investigate the Anti-Defamation League (ADL). ADL associate Leonard Dinnerstein, author of "Anti-Semitism in America," proclaims: "Educated Blacks are the worst anti-Semitic group in the U.S., and blacks overall have been the most anti-Semitic group since slavery." Anti-Defamation League is the hate group, not Schiller Institute

Chuck D Demands Apology For Charges Of Anti-Semitism

Definition: Sem·ite (smt) n. 1. A member of a group of Semitic-speaking peoples of the Near East and northern Africa, including the Arabs, Arameans, Babylonians, Carthaginians, Ethiopians, Hebrews, and Phoenicians. 2. A Jew. Bible. 3. A descendant of Shem. [The American Heritage]

They try to control what is published online. Their **end run around the First Ammendment** is to get private companies to become the censors when they can't get the government to do it.

In the ADL article "Responding to Extemist Speech Online: 10 Frequently Asked Questions", the ADL explains how they work around the Constitution to stifle free speech. In this article, the ADL suggests the following: "Commercial ISPs, such as America Online (AOL), may voluntarily agree to prohibit users from sending racist or bigoted messages over their services. Such prohibitions do not implicate First Amendment rights because they are entered into through private contracts and do not involve government action in any way. Role in Internet Censorship

"Concerning B'nai B'rith, the ADL and others, I'm just struck over and over again how these Jewish organizations condemn and denounce practices done in this country that they passionately defend when they're done in Israel. It's a tremendous double standard." ... "'It is very troubling to us," ADL's complaint to the IRS continues, 'that a group whose identity centers on refuting the Holocaust should be granted tax-exempt status,' wrote Elizabeth Coleman, ADL Director, Civil Rights Division, in a letter to Charles O. Rossotti, Commissioner, IRS." It might logically be asked what legal difference the IRS could possibly see between two groups claiming tax-exempt status, one promoting the conventional view of the Holocaust and the other refuting that view. (ADL) Hypocritical

Their HateFilter™ "uses the filtering technology of Cyber Patrol® from the Internet Solutions Group of the Learning Company" to limit access to sites they consider inappropriate. *What sites do they block? They will not say.*

The "traditional enemies" of free speech

They ignore the violence of Israelis toward Palestinians and encourage the U.S. government to initiate violence.

In an ADL press release which was published today you are quoted as expressing "outrage" at Gush Shalom's portrayal of Prime Minister Barak as a killer of Palestinian children in a caricature on its web site, and as stating that "The image of a militant Barak standing on the bleeding bullet-ridden body of a Palestinian child is abhorrent". We fully share your feelings of outrage and abhorrence - outrage and abhorrence not at a cartoon, a few bytes of virtual reality, but at the true cruel reality which that cartoon faithfully reflects. A reality being enacted day after day after day in the Occupied Territories, a reality of Israeli military snipers taking careful aim with their telescopic sights and shooting high-velocity ammunition at unarmed opponents - men and women, boys and girls. Snipers aiming carefully at the upper part of the body, shooting with deliberation and the full intention of causing death or grave injury. One of these snipers spoke on prime time Israeli TV two weeks ago, describing quite frankly what he is about. Defamation from the Anti-Defamation League answered by Robert Younes, M.D.

Support for Sudan bombing ADL Expresses Support For United States Strikes Against Terrorist Network In Afghanistan And Sudan New York, NY, August 20, 1998. - The ADL in one of their press releases congratulated President Clinton for his "decisive action" in bombing the Al-Shifa medical plant in the Sudan, and then later the United States admitted that they might have made a mistake. The ADL, AJC and Hillel Student Union

ADL Says State Department Report on Human Rights is Unfair and Distorted on Israel

They perpetuate Jewish exceptionalism.

God's chosen children: "The Holocaust is something different. It is a singular event. It is not simply one example of genocide but a near successful attempt on the life of God's chosen children and, thus, on God Himself. It is an event that is the antithesis of Creation as recorded in the Bible; and like its direct opposite, which is relived weekly with the Sabbath and yearly with the Torah, it must be remembered from generation to generation." Abraham H. Foxman, National Director of the Anti-Defamation League of B'nai B'rith (New York), writing in ADL On the Frontline (January 1994, page 2)

The life of a Gentile is not worth one Jewish fingernail." (Menechim Begin)

ADL tries to stifle Muslim-Jewish Dialogue

Abraham Foxman of the Anti-Defamation League in Washington, DC, and Morton Klein of the Zionist Organization of America reportedly called on Jewish leaders to not enter into any agreement with Muslim organizations. Muslim-Jewish Dialogue Dealt a Setback By Pro-Israel Hard Liners

ADL has a history of spying on groups and collecting information from government agencies.

Organizations found in ADL files

"I personally have knowledge that ADL has historically attacked black leadership," said Gaither, a Nation of Islam member. The editorial was not at all intended "as anything against the Jewish community," he said. Editorial in Howard U. paper accuses ADL of spying on blacks

They have a little too cozy relationship with U.S. law enforcement and foreign spy agencies.

Remarks from CIA chief George Tenet -- an unprecedented admission by the spy agency of its relationship with ADL -- point to an even more severe violation of normative separation of chuch and state doctrine Intelligence and covert operations are much more central to the core activities of a state than say education or the provision of public services. Yet, ADL has no qualms about maintaining an insider, not-at-arms-length relationship with that oh-so-democratic institution, the Central Intelligence Agency. Do what we say, not what we do. That could well be the motto of the Anti-Defamation League. [usajewish.com, April 16, 2000]

In 1993 the ADL illegally obtained California police and government records in San Francisco on a wide array of dissident political groups and turned them over to the Israeli government. Due to its enormous influence, the ADL escaped criminal prosecution in return for paying $75,000 to groups that fight hate crimes. (8) The ADL "runs a nationwide surveillance operation on political groups with the assistance of other law enforcement officials...The ADL spied on political groups in the US and this information allegedly made its way to Israeli security authorities." (9) Fact Sheet on the ADL

The Anti-Defamation League of B'nai B'rith has maintained close relationships with law enforcement intelligence units nationwide for many years. This is consistent with the organization's reliance on centrist/extremist theory which assumes criminal intent on the part of militant dissidents. This analytical model, coupled with the increased influence within ADL of neoconservative political ideology, led ADL to engage in data collection practices that

reflected a serious disregard for civil liberties and privacy rights. Repression 2000 by Chip Berlet & Matthew N. Lyons.

The recipient of the FBI Director's Community Leadership Award 2000 was Richard S. Hirschhaut. Mr. Hirschhaut is the Director of the Anti-Defamation League's (ADL) Greater Chicago/Upper Midwest Regional Office. Field Office Highlights - Chicago - *Is the Chicago FBI aware that he was the chief of the ADL's San Francisco office in 1986 in the time period of the "ADL spy case"?* [hint] *Richard Hirschhaut apparently even introduced Roy Bullock to Thomas Gerard in 1986.*

"I really am happy to be back with the ADL. I feel right at home here. Since your founding in 1913, you have been an angel on America's shoulder, summing us to our highest ideas. " Al Gore, May 9, 2000

ADL goes after people using "anti-defamation" and or "Anti Discrimination" in their names.

WADL {The Witches Anti Discrimination League) died a painful death on the eve of Y2K. Steve Foster, President of WADL National announced that as of January 1, 2000 WADL National would henceforth be known as AREN, the Alternative Religious Education Network. After more than 30 years as the premier voice for Pagan and Wiccan culture, WADL was no more. A very sad day indeed. Sadder still is how our faithful little anti-discrimination duck met its demise. The ADL (Anti-Defamation League of B'nai B'rith) killed it.... The Death of a Duck

PRESS CONFERENCE - DEC. 16, 1992 We have called this press conference to announce that the Anti-Defamation League of B'nai Brith has sued the American Indian Anti-Defamation Council in Federal Court for the District of Colorado. Press Release - AIADC

On April 16, 1998 we received an email from Jill Kahn Meltzer advising us "that the Anti-Defamation League of B'nai B'rith has the exclusive right to use the name ANTI-DEFAMATION LEAGUE". See story and comments from people about this.

But do they go after the Squirrel Anti-Defamation League or the Hacker Anti-Defamation League ? There is even a Celtic Tiger Anti-Defamation League.

The ADL has too much money.

1998 income of $46,417,023 [Source: GuideStar 16-May-01]
1999 salary for Abraham Foxman - $389,000
Corporate Funding of the Anti-Defamation League and Affiliates

The Rich Foundation has donated about $250,000 to the ADL - ADL stationery used to support Rich pardon ... Another interesting fact is that Abraham Foxman met with Marc Rich in the mid 1980s in Switzerland, shortly after Rich fled the country. He was at the time of their meeting being sought after by the FBI and the US Marshall Service. Quid Pro Quo and the ADL’s Modus Operandi

The Maldon Institute in 1993 claimed financial support from "public–spirited foundations including the Allegheny Foundation, The Carthage Foundation, the Anti–Defamation League

of B'nai B'rith...." [Source: Chip Berlet, publiceye.org] - *What is the connection between the ADL and the Maldon Institute?*

People of the Anti-Defamation League

- Abraham H. Foxman, National Director of the Anti-Defamation League
- Howard P. Berkowitz, ADL National Chairman
- Mira Lansky Boland - "law-enforcement liasion" - granddaughter of Meyer Lansky, one of the most powerful mafia figures in US history. worked for the CIA for 14 months and later was a subcontractor for the Defense Department before joining the ADL
- Yehudit Barsky, an ADL fact finder in New York
- Jess N. Hordes, ADL Washington Representative
- Bobbie Tobin - Associate Director Denver [Bob Glass Reminds ADL: "Never Again"]
- Thomas Halpern, Associate Director of the Fact Finding Department
- Richard Hirschhaut - Midwest regional director, chief of the ADL's San Francisco office in 1986 in the time period of the "ADL Spy Trial" - *ADL seems to recycle it's people like the Catholic church did with pedophile Priests*
- Irwin Suall, ex Director of Special Projects [RIP]
  more at: The Face of Hate

Call's for Foxman's resignation

- Memo: To Howard P. Berkowitz, National Chair, Anti-Defamation League From: Jude Wanniski Re: Your irresponsible national director - "Abe has become drunk with power, swinging his weight around knowing he can label anyone who challenges him an anti-Semitic bigot. ... I've concluded beyond any reasonable doubt that there is not an ounce of anti-Semitism or bigotry in Farrakhan, ... My conclusion is that Foxman is in the wrong, not Farrakhan, that the ADL has spent the last 15 years using its political and financial clout to demonize Farrakhan and financially destroy the Nation of Islam. " Fire Abe Foxman! ... A year ago, Abe, I recommended that Berkowitz fire you for being at the cutting edge of defamation. Now, I call upon you to urge Howard to resign. Either that, or change the name of your organization to: "The Defamation League."
- Even New York Times columnist William Safire calls for Roxman's resignation. Safire: 'Abe Should Resign'

What is encouraging is to see Jews (and non Jews) working for peace in Israel - see 'Not in My Name' by Alisa Solomon, *Village Voice*, May 16 - 22, 2001

The ADL: The drive to outlaw free speech and thought

Question: What does the current media campaign to outlaw the private ownership of semiautomatic weapons by U.S. citizens have to do with the rapidly growing corpus of legislation dealing with "hate crimes"?

Answer: Success of the first is necessary to insure compliance with the second, and both are the creatures of a quasi-governmental secret-police agency of whose existence most Americans are unaware.

There is underway in America a vast, well-oiled, heavily financed campaign to limit sharply the rights of Americans under the First Amendment to their Constitution and to eliminate altogether their rights under the Second Amendment. It already has scored notable successes in rolling back the most basic American freedoms. It is gearing up now for a drive to achieve total victory in this decade.

The principal instrument in this campaign is a secret-police agency more sinister, more cunning, and infinitely more malevolent than the Soviet Committee for State Security -- the KGB -- ever was. Its initials are ADL.Those initials stand for Anti-Defamation League, an innocuous-sounding name wholly out of keeping with the character of the organization.

To understand its significance we must look into its origins. The ADL is the action arm of B'nai B'rith, the international Jewish secret society, whose Hebrew name means in English "Sons of the Covenant." The "covenant" referred to is the one supposedly entered into between the ancient Hebrews and their tribal deity Yahweh more than 3,000 years ago.

Its terms are spelled out in Deuteronomy, the fifth book of Moses. The Jews pledged their allegiance to Yahweh in return for his promise to take them as his "chosen people" and to give them dominion over all the lands and the other peoples of the earth: "Every place whereon the soles of your feet shall tread shall be yours." (Deut. 11: 24) B'nai B'rith sees as its task the taking of all necessary measures for this promise to be fulfilled.

The ADL itself was organized in the United States as a subdivision of B'nai B'rith in 1913, and its ostensible purpose was to counter the "defamation" of Jews, whose public image was even worse then than now. The ADL went about its work in characteristically heavy-handed fashion, bullying and intimidating those who said or published anything the organization considered incompatible with Jewish interests, and lobbying legislators and other public officials to obtain legislation or rulings which would advance Jewish aims. If a prominent businessman, educator, or politician made a public statement the Jews did not like, the ADL

would attempt to persuade him to retract it, hinting at economic or political reprisals if he refused. If intimidation failed, the ADL often would turn to defamation, feeding derogatory statements about the target to newspapers under Jewish control or friendly to Jewish interests until he was thoroughly discredited in the eyes of the public.

Typical of ADL efforts in the period prior to the Second World War was its attempt to ban a book, Conquest of a Continent, by Madison Grant, the noted naturalist and president of the New York Zoological Society. The book was published in 1933 by Charles Scribner's Sons and bore an enthusiastic introduction by Professor Henry Fairfield Osborn, the most prominent American paleontologist of his day. In the book Grant outlined the racial history of North America and argued for the reform of immigration laws in order to keep America primarily Northern European in its racial composition.

Jews are hardly mentioned in the book, and in no way can it be considered a "defamation" of them. Jewish policy then as now, however, was to change the European racial character of the United States by cutting off the flow of immigrants (other than Jews) from Europe and increasing the flow from the non-White world.

Consequently the ADL mounted a campaign with publishers, asking them not to review the book or mention it in any way in their own publications, and with booksellers, asking them not to handle the book. A form letter dated December 13, 1933, mailed from the national headquarters of the ADL (then in Chicago), and signed by the then-director of the organization, Richard E. Gutstadt, notified publishers that Grant's book "is extremely antagonistic to Jewish interests" and added: "We are interested in stifling the sale of this book."

Grant's book is only one of many which received the same attention from the ADL. As time passed the organization's censorship activity became more sophisticated and more effective. Defamation of offending authors, speakers, or public officials became a more often used weapon. In line with this defamation activity the ADL's undercover investigative capabilities were greatly expanded. A network of unpaid Jewish agents all across the country reported to ADL headquarters, where dossiers were built up on tens of thousands of American citizens. Information from these dossiers, which might contain everything from basic biographical and employment data to rumors about marital difficulties or drinking problems, was used to fabricate defamatory news releases on anyone the ADL wanted to discredit.

By the early 1940s the ADL had strengthened its position as an information source for the news media -- the result in part of the increased number of Jews in controlling positions in the media. It also had established informal relationships with a number of local, state, and Federal police departments. It often was the case that when the Federal Bureau of Investigation was interested in the affairs of a person involved in patriotic or "right wing" activity, the ADL already would have a dossier on him as someone actually or potentially hostile to Jewish interests and would happily share the dossier with the FBI. Sometimes the ADL would initiate the contact: if its informants had provided information to headquarters suggesting that an alleged "anti-Semite" might not have paid enough income tax or might have an unregistered firearm hidden in his attic, a tip would be given to the appropriate police agency.

In the past half-century the ADL's links with the media and with law-enforcement agencies have grown enormously. Today virtually all the controlled news media routinely print anything given to them by the ADL, as if it had come over the Associated Press wire, and they

routinely go to the ADL for commentary whenever any news story is being prepared on a person known to oppose Jewish policies.

Likewise, the ADL has become the standard source to which government investigative agencies turn whenever their target is such a person. In the latter case the flow of information goes in both directions: not only does the ADL have the opportunity to peek into the government's confidential investigative files, but its agents are even invited to accompany the FBI when raids or arrests are being made on a target of interest to it.

The biggest development for the ADL in the postwar period came as a result of the Jews' land-grab in the Middle East and the formation of the state of Israel. The coordinating center for B'nai B'rith's activities moved from New York to Jerusalem. Investigating, defaming, and intimidating Americans who did not agree with the Israel-first foreign policy of the U.S. government became one of the ADL's chief concerns. Patriots who protested Washington's failure to take reprisals in 1967 when the Israelis deliberately rocketed, strafed, and torpedoed the USS Liberty, killing 34 Americans and wounding 171 others, were denounced as "anti-Semites" by the ADL. In 1974, when NATIONAL VANGUARD editor William Pierce sued U.S. Secretary of Defense James Schlesinger in an effort to halt the flow of U.S. weapons and military supplies to Israel, the ADL jumped into the suit on the side of the government as an amicus curiae.

As early as 1971, in sworn testimony in the U.S. District Court for the District of Columbia, a top B'nai B'rith official, Saul Joftes, formerly director general of the B'nai B'rith's Office of International Affairs, admitted that B'nai B'rith "engages in international politics and more often than not does the bidding of the government of Israel. Its leaders make frequent trips to Israel for indoctrination and instructions." The issue at stake in the court case was whether or not B'nai B'rith's U.S. affiliate -- and the ADL -- should be prosecuted for failing to register as agents of a foreign power under the U.S. Foreign Agents Registration Act of 1938.

The fix was in, however; by the 1970s the ADL and B'nai B'rith had become "untouchables." Not only did they escape prosecution, they continued to operate as tax-exempt "religious and charitable" organizations.

Silencing and discrediting Americans who disapproved of U.S. taxpayers' money being used to support Israel's wars of expansion in the Middle East was not the only ADL activity in the postwar period. The organization worked hard and effectively to advance other Jewish goals: the opponents of increased non-White immigration were attacked, aid was given to the pulling down of the barriers against racial mixing, new restrictions on the rights of citizens to keep and bear arms were supported. The ADL played a significant role in every facet of B'nai B'rith's program to demoralize, dilute, disorganize, and disarm White Americans -- all in the name of the fight against "bigotry."

When, during the madness of the 1960s, the Jews finally succeeded in pushing through a new immigration law designed to bring more non-Whites into the United States, the ADL crowed about its success. The November 1965 issue of the ADL Bulletin, the group's internal publication, carried an article by the director of the ADL's law department, Sol Rabkin, who was present at the signing of the new law by President Lyndon Johnson. (Also present at the signing was Benjamin R. Epstein, then the national director of the ADL.) Under the heading "The restrictive national origins quota system is finally abolished -- after a forty year fight,"

Rabkin boasted: "The Anti-Defamation League is proud of the educational role it played in helping to bring this about."

The same issue of the ADL Bulletin had a notice of the appointment of the director of the ADL's Washington office, Herman Edelsberg, to the government post of executive director of the Equal Employment Opportunity Commission, where he could work more effectively to force the racial mixing of employees in shops and offices all across America. In this regard it is interesting to note that the ADL actually has two "equal opportunity" programs. One -- that headed by Mr. Edelsberg in 1965 and by others since then -- is to give Blacks and other minorities precedence over Whites in hiring and promotion for blue-collar and clerical employment. The other is to oppose Black demands for precedence in admissions to law schools and medical schools, and for hiring and promotion in certain professional occupations where Jews are heavily over-represented.

By the mid-1970s B'nai B'rith had had very substantial success in virtually every phase of its campaign to undermine White society in America. It still was moving aggressively on a dozen fronts: introducing resolutions to require "Holocaust" indoctrination for Gentile children in the public schools; demanding the rewriting of school textbooks and the reworking of school curricula to make them appropriately "multi-cultural" and eliminate what the ADL complained was the "principally white, Protestant, Anglo-Saxon view of America" presented by older texts and curricula; pushing Christian churches, both Protestant and Catholic, to make even further changes in their doctrines, so that their teachings about Jews would consist of nothing but the most fulsome praise; lobbying the government to punish American companies refusing to trade with Israel; asking for more restrictive anti-gun laws; etc.

These ongoing programs were only a part of the ADL's activity, however. The late 1970s saw a slowing of the frantic social change which had kept America in turmoil for nearly two decades. Much of that turmoil had been planned and instigated by B'nai B'rith. Even before the beginning of the 1980s and the relative stasis of the Reagan era, B'nai B'rith was planning new programs to head off any White backlash which might undo the changes it had wrought in American society. A new emphasis on secret-police activity characterized these programs.

At an ADL banquet in Palm Beach, Florida, early in 1975, as reported in the March 1975 issue of the ADL Bulletin, ADL Chairman Seymour Graubard boasted that the "ADL, to the limits of its financial ability, is expanding its intelligence operation . . ."

The building of dossiers on the opponents and potential opponents of the Jews' plan for America was no longer enough, however. During times of economic prosperity the old tactics of defamation and intimidation might be sufficient to keep the goyim in line, but a severe and prolonged economic decline could stiffen the spines of White Americans to the point where they no longer would be frightened into silence by the ADL's power of the smear. It became prudent, in the view of the leaders of B'nai B'rith, to enlist the police powers of government in order to silence and disarm their critics before any substantial backlash developed. To this end the ADL launched a new legislative lobbying campaign of ominous import.

The ADL's lawyers drew up a series of "model statutes" to be introduced by the organization's agents into the Congress and state legislatures. Some of these ADL-designed statutes are aimed at a more rapid phasing-out of citizens' rights to keep and bear arms. The ADL always has been a leading advocate of gun control -- much more so than the public has realized, because often while other gun-control organizations are out front holding press conferences

and making headlines, it is the ADL pulling the strings for them behind the scenes. Beginning in the 1980s, however, there was a new urgency to the organization's efforts. The rationale used by the ADL now is that new, sweeping anti-gun laws are needed to protect law-abiding citizens from "right-wing terrorism." The ADL Bulletin has warned that "arms and stores of ammunition are being collected in uncounted numbers, and extremists have made clear that they are ready to use them." To back up this claim that armed White "extremists" are a growing menace the ADL has fed a steady stream of alarmist reports to the controlled news media. An excellent illustration of the way in which the ADL has carried on its anti-gun campaign is provided by its "model anti-paramilitary training statute," designed to prevent White patriots from acquiring or providing instruction in the martial arts.

The organization unveiled this model statute in 1980. By November 1981 the ADL Bulletin was able to boast that ADL agents had succeeded in having bills based on the statute enacted into law by the legislatures of California, Connecticut, and North Carolina. By early 1987 the number of states which had knuckled under to ADL pressure had grown to 14. The ADL Bulletin for March 1987 reported on its success in having one major newspaper serve as an ADL mouthpiece in this regard: "In the Atlanta Constitution, ADL's model anti-paramilitary training statute won editorial words of praise while the newspaper suggested that Georgia should pass such a law.

The article reported that ADL has spotted secret camps from Alabama to California and from Connecticut to Texas which have "a mix of vitriol and violence (that) poses a danger to all peace-loving Americans but particularly to minorities. There ought to be a law against paramilitary camps of this kind -- and in 14 states there is," said the editorial.<

The piece went on to praise the fact that while holding pathological hatemongers at bay, the ADL model aims to satisfy such constitutional considerations as the rights of free speech and free association.
"The ADL's steamroller had picked up considerable speed by 1987, and just three months later the June 1987 issue of the ADL Bulletin bragged: "Now there are 18. The number of states adopting anti-paramilitary training statutes based on ADL's model legislation has reached 18 with Georgia, West Virginia, Virginia, and Idaho enacting such laws in recent months."

In a letter to Howard Ross, director of ADL's Western Pennsylvania-West Virginia Regional Office, West Virginia's Governor Arch A. Moore, Jr., expressed his appreciation for the League's cooperation in moving the legislation to passage.

"The ADL also worked diligently to subvert the law-enforcement establishment and to put as many individual law-enforcement officers into its pockets as possible. For the chiefs of big-city police departments, expense-paid "fact finding" trips to Israel could be arranged. For others there were ADL-sponsored "training seminars," where politically ambitious police officials could be told of the advantages to be had by directing more of their energies and resources to the repression of "White extremists."

For example, the October 1987 issue of the ADL Bulletin reported: "Some 200 law-enforcement officers ranging from FBI agents to chiefs of police, sheriffs, and attorneys general in the 13 Western states from California to Wyoming attended a special seminar on combatting terrorism, arranged by Betsy Rosenthal, ADL's Western Civil Rights area director, and Harvey B. Schechter, Western States area director.

The Los Angeles Police Academy was the scene of the all-day session. The keynote speakers were Arieh Ivtsan, Israel's Ambassador to Liberia and immediate past commissioner of the Israeli National Police Force, and Irwin Suall, director of ADL's Civil Rights Division Fact Finding Department.

Packets distributed to the attendees included ADL's reports on "Extremism Targets the Prisons" and "Propaganda of the Deed," the League's Security Handbook and a list of recent publications on extremism and extremist groups with an ADL-prepared synopsis. "By sponsoring such seminars the ADL has reinforced its image as a quasi-governmental agency, to which genuine law-enforcement agencies are justified in turning for advice and information. Perhaps most important, policemen and police agencies accustomed to thinking of their responsibility as combatting drug dealers, robbers, rapists, burglars, automobile thieves, murderers, and the like are informed that there is a new type of criminal about which they should be even more concerned: the "extremist."

The ADL, of course, defines the term for them and tells them who fits the definition.

Despite the ADL's pretense of concern for "Constitutional considerations," its model anti-paramilitary training law, in fact, totally disregards the rights of free speech and free association. It prohibits certain types of speech, if that speech is involved in training or instruction in the martial arts, and it prohibits association for the purpose of hearing such speech. And the ADL campaign to push its model law through all of the state legislatures is based on fraud, deceit, and political corruption.

The way it worked in West Virginia provides a good illustration. There has not been any paramilitary training in that state -- at least, not within the memory of any news reporters or law-enforcement people there spoken to by this writer: no reason, in other words, for even the most timid of West Virginia's minority citizens (barely two percent of the state's population) to feel threatened by paramilitary activity -- and so not a very good prospect for the ADL's anti-paramilitary training law. Then, in mid-1985, William Pierce, editor of this magazine and author (using his nom de plume Andrew Macdonald) of The Turner Diaries, a novel about urban guerrilla warfare and White revolution, left his home of 18 years in the Washington, D.C., area and resettled himself on a mountainside in a remote, wilderness area of West Virginia, the better to commune with his God and write the words which need to be written about this troubled era.

That was all the ADL needed to launch its campaign in the state. The only newspaper printed in West Virginia which is circulated statewide is the Charleston Gazette, and it is entirely at the disposal of the ADL. Early in 1986 it carried the first of a series of ADL-sponsored scare stories about Dr. Pierce's move to the state. He had not come to West Virginia to meditate and to write, the stories claimed, but to build a terrorist training camp. The 360 acres of forested mountain land he had bought were regularly referred to as "a compound." It was surrounded by an electrified fence patrolled by armed men. One of the buildings on the land was located directly over a "large complex of limestone caverns reported to be heavily stocked with weapons." It was believed that missile silos were being dug into the mountainside. Supporting these alarmist stories was the local sheriff, who happily provided newsmen with confirmation about the electrified fence, the weapons-filled caves, and the armed men. The "compound," he asserted, was adjacent to one of the largest wilderness areas in the eastern United States, and he was quite worried about any run-in with Dr. Pierce or his associates which might involve "gunplay."

The ADL then trotted the sheriff over to the state legislature in Charleston to tell the same story to the state's lawmakers. West Virginia politics is probably not much more corrupt than that of other states, such as Massachusetts, New York, and New Jersey. But that's bad enough, and the ADL was able to enlist the state's attorney general, Charlie Brown, and its governor, Arch Moore, as well as the aforementioned sheriff, in its campaign to protect the citizens of West Virginia from Dr. Pierce and his terrorist training camp. The attorney general spoke at meetings and seminars organized by the ADL to alert the public to the danger. And as usual the Jewish group rounded up a number of non-Jewish groups to front for it: the National Association for the Advancement of Colored People, the West Virginia Education Association, a board of Presbyterian preachers, the Rainbow Coalition, and several others. The ADL named its collection of front groups "Citizens for Passage of an Unlawful Paramilitary Training Act" and, operating it like a ventriloquist's dummy, called for the enactment of its model statute in the name of "the citizens of West Virginia."

There was, of course, not a shred of truth in the stories about electrified fences, weapons-filled caves, missile silos, or training camps of any sort, terrorist or otherwise. But the news media being what they are, and politics being what it is, there were no news stories to contradict those of the Charleston Gazette, and no member of the state legislature saw fit to investigate the matter himself, even to the extent of taking a personal look at the alleged terrorist training camp or giving Dr. Pierce a telephone call to ask a few questions. The ADL's word on the matter was accepted, and the ADL's bill was enacted by the legislature and signed by the governor.

Sneaking laws against paramilitary training through state legislatures is only one facet of the ADL's effort to disarm America's citizens, but it is an important facet because it reveals the political motive behind the ADL's anti-gun drive. The ADL is not concerned about drug addicts with "Saturday night specials," but it is very much concerned about armed patriots who might not approve of the Jewish plan for America. The organization has been active recently in fanning the hysteria over "assault" rifles and in instigating the passage of laws at the state and local levels to prohibit their ownership.

Even more dangerous than the ADL's anti-gun and anti-paramilitary activities, however, is its campaign to establish a new category of crime: so-called "hate crime." Defined roughly, it is any act or speech motivated by hostile feelings based on race, ethnicity, religion, or sexual orientation. Thus, if you are a White man, and you punch a Black man in the nose because you do not like Blacks as a general rule, it is not simply an assault; it is a "hate crime," and if you are convicted of it in a jurisdiction where the ADL has succeeded in having its model "ethnic intimidation" bill enacted into law, you will be sent to prison for three times as long as if you'd punched your mother-in-law instead (assuming she's White).

A "hate crime" also occurs if you are a White person who is generally well disposed toward Blacks, but you become engaged in a shouting match with one of them -- perhaps a dispute over a parking space -- and in the heat of the fray call him a "Black bastard." That, you see, is "ethnic intimidation," even if no blows are exchanged, and the ADL would like to send you to the state penitentiary for five years for it. You also commit a "hate crime" if you shout "nigger!" at a Black driver who cuts you off on the highway.

The ADL has been promoting "hate crime" laws for more than a decade. The January 1981 issue of the ADL Bulletin reported: "A joint New York State/ADL Committee on Public Policy has endorsed legislation. . . which would make graffitti and harassment based on

religion, ethnicity, and race an offense under Civil Rights statutes [emphasis added]. The New Jersey regional office [of the ADL] is working with both the State Police and the County Prosecutor's Association. At ADL's initiative an Ethnic Terrorism Bill, which would change the act of anti-Semitic or racial vandalism from a misdemeanor to a third-degree crime has been introduced in the New Jersey Legislature."Less than a year later, in November 1981, the ADL Bulletin was able to boast: "Gov. Brendan Byrne of New Jersey signed into law an ethnic terrorism bill that makes racial or religious vandalism a crime punishable by three to five years in prison and a fine of up to $7,500.

ADL's regional board called for such legislation in 1979. . . and ADL was in the forefront of the two-year effort to win passage of the bill. "Much of the early ADL propaganda in favor of "hate crime" legislation attempted to cloak the ADL's true aim behind a pretended concern for protecting places of worship from "religious vandalism." Thus the February 1982 issue of the ADL Bulletin reported: "ADL has developed a model religious vandalism law to provide those states that do not have such legislation with a single, comprehensive, constitutionally sound approach to this problem.

The model statute's first and second sections create penalties for vandalism against houses of worship, cemeteries, schools and community centers, and also for committing certain crimes "by reason of the race, color, religion or national origin of another person" [emphasis added]."

A year later, in February 1983, the ADL Bulletin was able to claim substantial progress at the state level: "Mr. Perlmutter [then the ADL's national director] expressed the hope that other states would follow the lead of the 12 thus far -- Arizona, California, Colorado, Florida, Illinois, Maryland, New Jersey, New York, Oregon, Pennsylvania, Rhode Island and Washington -- which have enacted laws imposing stiffer penalties for persons convicted of religious or racial vandalism or other acts motivated by bigotry [emphasis added]."

At that time the ADL, however, was still far short of its ultimate legislative goal: a Federal law prohibiting any expression of hostility toward, or any criticism of, Jews or other non-Whites by Whites. In the mid-1980s it shifted the emphasis of its campaign from the state to the national level. Its strategy was two-pronged: first, to condition legislators and publicists and then the general public to accept the concept of "hate crime" as a distinct, new category of crime; and second, to persuade the American people that a new body of legislation is needed to protect them from such crime -- needed so urgently, in fact, that they should be willing to sacrifice the First and Second Amendments to the Constitution in order to be safe from a dangerous new breed of "hate criminals."

To implement the first prong of that strategy the ADL formulated another of its "model statutes": a hate-crimes statistics reporting statute. Lobbying intensely, the ADL used its media outlets to publicize its own statistics, which not surprisingly showed a sharp rise in "hate crimes" throughout the latter half of the decade. A Federal law was needed, the ADL claimed, to track such crime. In January 1990 the organization reported that "hate crimes" had reached an all-time high during 1989. Leading the list were 1,432 "anti-Semitic incidents" reported by its agents around the country, ranging from swastikas daubed on driveways to arson. In April 1990 the Congress passed, and President Bush signed, the desired law. The new Hate Crimes Statistics Act requires the Justice Department to gather the statistics that the ADL formerly had gathered. All incidents in which hatred or prejudice based on race, ethnicity, religion, or sexual orientation is alleged to be a motive will henceforth be subject to special Federal scrutiny and record keeping. If a homosexual in Norfolk, Virginia, makes a pass at a sailor

and has his teeth knocked out for his trouble, the Justice Department in Washington wants to know all about it. If a Vietnamese "refugee" in Los Angeles finds a "gooks go home" message chalked on the windshield of his car, the FBI will investigate. It's the law now.

One might wonder why the ADL went to so much trouble to persuade the Federal government to duplicate one of the Jewish group's functions. The reason, of course, is not that more crime statistics are needed by anyone, least of all by the ADL; it is that now the Federal government has officially recognized the ADL's definition of a new category of crime. Now it will be the government, not just some Jewish group with a strange name, investigating and publicizing every hostile word or act based on race, religion, or sexual orientation. That is the first step toward persuading the Congress to enact, and the public to accept, new laws.

There will continue to be a screen of words -- "terrorism," "religious vandalism," and "hate, hate, hate" -- thrown up to disguise the true goals of those pushing for Federal "hate crime" legislation. As a result of this obfuscation the impression in many minds will be that the purpose of such legislation is merely to penalize those who paint swastikas on Jewish tombstones or set fire to synagogues. Who could object to a law against that? What the ADL really has in mind is revealed by an incident which occurred at the beginning of this year in West Milford, New Jersey. A young White man, 22-year-old Richard E. Lindstrom, stuck a three-inch by five-inch, orange-and-black sticker on a traffic sign and was arrested by a policeman who saw him do it. The message on the sticker was: "Earth's most endangered species: the White race. Help preserve it. Write or call National Alliance, ..." Ordinarily one would expect someone in Mr. Lindstrom's position to receive a citation for littering. In 1981, however, the ADL had succeeded in persuading the legislators of New Jersey to enact a so-called "Ethnic Terrorism Law," and he was charged under that law. He was facing as much as five years in prison and a fine of $7,500 for posting a sticker asking the public to help preserve the White race.

Anyone who understands the B'nai B'rith mentality can see the logic in that. To suggest that the White race (and, of course, one understands that "White" means European, or Aryan, excluding Semites) ought to be preserved is to challenge the Yahweh-given right of the Sons of the Covenant to rule the earth and its peoples as they see fit. That's clearly anti-Semitic. That stabs terror into the heart of every righteous Holocaust survivor. Therefore, Mr. Lindstrom committed an act of "ethnic terrorism" and ought to be put away for good.

Under the circumstances, however, to have tried him on an "ethnic terrorism" charge at this time would have been premature and might even have jeopardized the ADL's campaign for a comprehensive Federal "hate crime" law. There were vague mutterings from the American Civil Liberties Union, and it was even conceivable that some of the more loosely controlled elements in the news media might publicize the case and cause a White backlash around the country. Cooler heads in the local ADL office eventually prevailed, and the charge against Mr. Lindstrom was reduced to one of littering. Five years from now they might be able to make the "ethnic terrorism" charge stick, but not in 1990.

To ensure that they not only will have the Federal laws in place they are seeking by the end of this decade, but also will be able to make them stick, the ADL and other Jewish groups are coordinating their efforts. For the past few years they have been using the controlled entertainment media in an especially insidious way to condition the American people to accept passively the yoke planned for them. They have created a new film genre -- the "White

terrorist" film -- to persuade the public that there is a growing danger from armed White "haters."

In 1987 we were hit with Into the Homeland, a film which attempts to convince East Coast city dwellers that the rural heartland of the Midwest is on the point of being taken over by heavily armed Christian Fundamentalists who not only don't like non-Whites, but who deal murderously with anyone of any hue who gets in their way. Only viewers with sharp eyes will catch the acknowledgement to the ADL among the credits at the end of the film. The film uses the scenario developed in a special report issued by the ADL in 1986, "The American Farmer and the Extremists."

In 1988 we were treated to a number of other films of the same ilk, the three most notable of them being Betrayed, Skinheads -- the Second Coming of Hate, and Talk Radio. The first of this trio, which was the most widely seen, portrays the White "haters" of the rural Midwest as not only heavily armed but also well organized and well financed, with top-level political connections in Washington. Their favorite Saturday-night pastime is to kidnap a Black from a nearby town, turn him loose in the woods, and then hunt him down and kill him.

Skinheads -- the Second Coming of Hate is the first in a series of Jewish films portraying working-class urban White youths who affect the skinhead dress and tonsure as viciously depraved, murderous thugs who hate not only Blacks and Jews but the whole world. The guidelines for these films are set in several ADL publications, most notably "`Shaved for Battle': Skinheads Target America's Youth" (1987) and "Young and Violent: The Growing Menace of America's Neo-Nazi Skinheads" (1988).

Talk Radio, loosely based on the 1984 assassination of Jewish radio host Alan Berg in Denver, allegedly by White revolutionaries, advances the thesis that people who haven't wholeheartedly embraced the brave, new pluralistic world of racial mixing, homosexuality, and feminism promoted by the ADL -- i.e., White racists -- are hair-trigger psychotics who may explode with murderous fury at the least provocation. It is the only one of the 1988 films which is even remotely credible to a sophisticated viewer. Most American television and cinema viewers are anything but sophisticated, unfortunately. The Jews already have succeeded in convincing many of them that certain completely legal acts or patterns of behavior are illegal. After seeing so many television episodes in which a hateful Ku Klux Klansman sneaks around like a criminal and is treated like a criminal by the other actors, the viewer can hardly be blamed for having the confused notion that there's something inherently illegal about being a member of the Ku Klux Klan.

In 1989, among many others, we had Dead Bang and So Proudly We Hail, two anti-skinhead films which distort the skinhead life-style into something far beyond the bounds of reality. Skinheads are depicted as the violence-prone storm troopers of a huge, sophisticated, highly organized neo-Nazi network. The latter of these films was a made-for-TV film written and directed by Lionel Chetwynd of the American Jewish Committee. In a booklet published by the Jewish group in conjunction with the broadcast of the film over CBS-affiliated stations, Skinheads: Who They Are & What to Do When They Come to Town, Chetwynd writes:

""So Proudly We Hail" is my way of speaking out. Through a fictionalized account based on real events, the film demonstrates how hate can be cultivated and grown into ideology. "
One can only wonder what "real events" Chetwynd had in mind. The film shows a neo-Nazi organization developed to a level that real neo-Nazis can only dream about. And it drags out

old, long-discredited Jewish canards about lampshades made from the skin of flayed Jewish concentration-camp victims and the like. The bulk of the American Jewish Committee's booklet shows as little regard for the truth as the film itself, consisting mainly of absurdly exaggerated claims of the menace to ordinary citizens from skinheads and exhortations to support various Jewish "model statutes" on "hate crimes" and outlawing semiautomatic weapons.

In 1990, the "White terrorist" genre is expanding to include segments of several popular cops-and-robbers television series, as well as full-length films. And the dual purpose remains: to both repulse and frighten the average American. Racially conscious White men and women must be perceived by the conforming television viewer as both hateful and dangerous.

Within the next few years the ADL hopes to have enforceable Federal "hate crime" legislation in place which, in the name of preventing "religious vandalism" or "ethnic intimidation," will make it illegal to print, possess, sell, or post a sticker of the sort Richard Lindstrom put on a traffic sign in West Milford, New Jersey, earlier this year. Not just stickers, but also books, pamphlets, leaflets -- or any public utterance -- offensive to a racial or religious minority or to homosexuals will be outlawed. Whether or not a person was motivated by a dislike for Blacks, Jews, homosexuals, or some other officially protected minority when he took some action against one of them will determine his punishment, and anything that he has said or written in the past may be used to infer what his motivation was. "Hate crime" will have become "thought crime."

Lest there be any doubt that this is what the Jews actually are aiming for, consider the following comments by Jewish lawyer Bruce Fein, who writes on legal topics for a number of publications. The comments come from a feature article by him published in the May 1, 1990, edition of the Washington Times, and the article in turn is based on his remarks at an Oxford-Northwestern Debate in Washington the preceding month:

"Should speech intended to ignite religious or racial animosity be prohibited? Let the answer speak from the weeping cemeteries around the world overflowing with the victims of racial and religious prejudice. ...What is the paramount purpose of speech in a civilized society? It is to trigger contemplation, reason and tolerance for competing ideas as the moving force for private and political action. ...What is the purpose of racially or religiously bigoted speech? It is to arouse unthinking hatred, violence and intolerance in the audience... In sum, the invectives of the racial or religious bigot are no more free speech than is [sic] the vulgar pornographic ululations of Annie Sprinkle a cousin of the Bolshoi Ballet. If the law supposes otherwise, as Mr. Bumble observed, "the law is a ass, a idiot." If racially or religiously bigoted speech were innocuous, then it might be ignored by governments. But it is not.
The ugliest marks in the history of the United States have stemmed from the incitements to racial prejudice practiced by Theodore Bilbo, Orville Faubus, the Ku Klux Klan, and the producers of "The Birth of a Nation." Diatribes of these types create an explosive social nitroglycerine waiting for an epithet or racial incident to spark violence. ...It is said that if racially or religiously bigoted speech is squelched, there will be no stopping point to prevention of genuine free speech. Nonsense! The progress of civilization has been the progress of making refinements and differentiations in the law. Prohibitions on racially or religiously derogatory speech have existed in the United States, Canada, Great Britain, West Germany, and elsewhere without undermining democracy, political dissent or debate. ...Prohibiting racially and religiously bigoted speech is praiseworthy because it seeks to elevate, not to degrade, because it draws from human experience, not from woolly dogmas or

academic slogans, because it salutes reason as the backbone of freedom and tolerance. Is that clear enough?"
Those "woolly dogmas" and "academic slogans" this smart-mouth Jew boy dismisses with a sneer are the things that the founders of this nation were prepared to defend with their lives, things that men of our race have given their lives for often in the past. He and his fellow Jews evidently believe, however, that the present generation of Americans have had their minds and their spines sufficiently softened by 40 years of Jewish propaganda so that they won't even look up from their television screens when our freedom to speak our minds is taken away from us and Jewish "reason" becomes the law of the land.

He is correct, of course, in indicating that speech is restricted in many other countries -- although hardly without undermining dissent or debate. In Canada, Great Britain, West Germany, France, and Sweden, to mention just a few places, the Jews have succeeded in making it a criminal offense to question their perennially profitable "Holocaust" claims, for example. The German-Canadian publisher Ernst Zündel, whose case has been discussed several times in these pages, has been convicted and sentenced in Canada for that very "hate crime." In Sweden last December a radio broadcaster was sentenced to prison and the license of his station was revoked because he criticized Israeli actions against Palestinians in a way that Jews considered derogatory.

George Orwell missed the date by a few years -- at least, for the United States -- but it is clear that if B'nai B'rith has its way the Thought Police will be a fact of life here in the near future, and racism will be a crime -- not Jewish racism (also known as Zionism), of course, or Black racism, just racism of the White variety. Mr. Fein and his compatriots in the ADL are counting on having patriotic Americans disarmed by that time, so that they will be powerless to resist those designated by the government to enforce the laws against "thought crime." Be that as it may, Fein and Company should be aware that there still will be a few White Americans, with or without assault rifles, willing to die for their freedom -- but they don't intend to be the only ones to die. Got that, Jew boy?

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