

Special Report:

ADL Didn't Do Anything Wrong and Promises Never to Do It Again!

By Rachelle Marshall

The Anti-Defamation League, which last spring was found in possession of illegally obtained information on Arab Americans, members of the anti-apartheid movement, and other political and human rights activists, will not face criminal charges, the San Francisco district attorney's office announced on Nov. 15. Roy Bullock, ADL's longtime undercover agent, was also absolved of any crime. Bullock had supplied ADL with confidential police and motor vehicle records provided by retired San Francisco police officer Tom Gerard, who was indicted last May on charges of conspiracy and concealing government documents.

In return for having the charges dropped, ADL agreed to contribute up to \$50,000 to a reward fund for hate crimes and to spend another \$25,000 on a program to teach school children about the evils of violence and discrimination. All of the files seized by police from ADL and Bullock will be returned to them, except for the documents obtained from Gerard.

Although ADL officials Abraham Foxman and Melvin Salberg crowed that the district attorney's decision "confirms our consistent position that ADL has engaged in no misconduct of any kind," the organization also agreed to a permanent civil injunction barring it from receiving classified information from any state or local employee who is prohibited from sharing it. In other words, ADL is perfectly innocent but had to promise never to do it again.

Outraged But Not Surprised

Members of organizations targeted by ADL's spy operation were outraged but not surprised by the district attorney's lack of backbone. In late October a coalition of nearly a hundred groups spied on by ADL held a press conference to denounce what they correctly predicted would be a lenient settlement. Members of the Coalition Against Surveillance said they had been told by anonymous sources that a "sweetheart deal" was in the making and called it "a great disservice to the thousands of victims of the ADL spy operation."

MEMORANDUM

TO: Irwin Susil
FROM: Mel Cooperman
DATE: May 19, 1975
SUBJECT: NOAM CHOMSKY *juds*

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Noam Chomsky

Chomsky spoke on Thursday, May 15 at the College at Old Westbury of SUNY at the invitation of two departments. The prime mover in the invitation was Prof. Paul Lauter, one of the most radical on the Old Westbury campus. He was presented as a "middle ground" between the PLO and Israeli points of view.

Chomsky is an Arab apologist, pure and simple, regardless of all his other verbiage. He seems to have retreated from his position of advocating a bi-national state to one of the establishment of a Palestinian state on the West Bank and the Gaza Strip.

Among other apologetics, Chomsky offered the following:

Ma'alot - While ostensibly "not condoning" terrorism, he stated that Ma'alot followed by two days an Israeli strike at a Lebanese village which "contained no guerrillas or training capabilities." Further, he characterized the students at Ma'alot as "a paramilitary group."

The Golan Heights - Chomsky denied that the Syrians had bombarded Israeli settlements for 19 years. He claims that the bombardment which was begun in 1964 was provoked by Israel's attempts to block Lake Huleh and the Syrian water supply.

Munich - Again "provoked" by an Israeli raid on a Lebanese village (of course, no Lebanese villages are ever used as training camps)

PLO - The "censored" American press "deliberately" suppressed news that PLO has changed its demands for the destruction of Israel in 1969.

While he has a number of specific source references at his fingertips, he can be handled by any equally informed academic person. Nevertheless, it should be made clear to whoever inquires that he is an Arab apologist from beginning to end, apparently incapable of finding anything good about Israel, American Jews or anyone but Arab spokesmen and the Third World. He goes into great detail on the subject of Orthodox domination of aspects of Israeli law (into which he throws in the "racist" nature of the Jewish National Fund) and then throws away a line about Islamic domination in Arab states.

cc: Zev Furst
Jerome Bakst
Mort Kass

Christine Totah, secretary of the Arab American Caucus of the California Democratic Party, said the settlement "made a mockery of the justice system. You can bet that if it

was an Arab-American organization that behaved this way, it would have been tried, prosecuted and hung.”

On Nov. 17, two days after the decision was announced, 20 members of the Coalition walked to ADL’s San Francisco office to ask for a conference with ADL officials. When they were not allowed to enter, the group asked if two of their members could talk with someone from the organization or make an appointment for a later date. ADL’s response was to call the police, who, when they arrived, went inside in an unsuccessful attempt to arrange a meeting between ADL and the Coalition.

Allan Solomonow, Middle East program director for the American Friends Service Committee and a member of the Coalition’s coordinating committee, called the settlement a result of the “immense pressure” brought to bear on the district attorney. He pointed out that since last spring high-level ADL officers had met repeatedly with city officials in an effort to forestall an indictment. Letters and phone calls from ADL supporters in the community added to the pressure, as did a massive public relations campaign portraying ADL as a defender of human rights and the investigation as an attack on the entire Jewish community.

According to the *San Francisco Examiner*, ADL’s major tactic in negotiations with the district attorney was to emphasize the legal deficiencies of a possible case against ADL and Bullock. A battery of ADL lawyers was prepared to challenge the legality of the police searches of the organization’s offices and they questioned the prosecution’s ability to prove that ADL officials and Bullock had “criminal knowledge” when they accepted information from Gerard. Another problem for the prosecution was ADL’s insistence that as an organization engaged in journalism it was protected by state laws guaranteeing press freedom. With an annual budget of \$32 million, ADL could afford to drag out the case forever.

But in the end, political considerations were the deciding factor. “District Attorney Arlo Smith didn’t think it was politically expedient to dump on the ADL,” a source in the D.A.’s office said after the settlement was announced. Smith has all but declared he will run for California attorney general in the next election against incumbent Republican Dan Lundren. Without the support of the Jewish community and its generous contributions to liberal Democratic candidates, Smith’s campaign would be dead in the water. Other local candidates would be affected as well, since they would be forced to choose sides if a case against ADL were to proceed, and much of their Jewish support would depend on the choice they made.

Don Bustany, president of the Los Angeles chapter of the American-Arab Anti-Discrimination Committee, noted the irony in the district attorney’s decision: “The ADL had been known for decades as a defender of rights for Jews and others, and now, when it’s caught violating the civil rights of literally thousands of Americans, it pulls political strings to escape responsibility. ”

Prosecution of ADL seemed almost certain last April, when a search of its offices in San Francisco and Los Angeles turned up files on more than 10,000 individuals and 500 groups, all but a small fraction of them involved in legitimate political activity. Organizations as diverse as Greenpeace, Women in Black, the American Civil Liberties Union, and public radio station KQED were included in the list along with several Arab-American groups. Because some of the files contained classified records obtained illegally by Gerard, San Francisco police accused ADL of "misuse of confidential government information and the invasion of privacy of over 1,000 persons." The police said ADL had also committed a possible felony by failing to report Etullock's employment while paying him hundreds of thousands of dollars over nearly 30 years. Police inspector Ronald Roth accused ADL of being "less than truthful with regard to the employment of Bullock and other matters."

Since then ADL has succeeded in stalling efforts to examine the confiscated files. It achieved victory in early fall when Judge Lenard Louie, who had sealed the files, refused a request by the Coalition Against Surveillance to release them for scrutiny by the organizations that had come under ADL surveillance. Instead, Judge Louie ruled that he, the district attorney's office and ADL would jointly determine which files could be made public—a procedure that gave ADL veto power over any decision. Solomonow estimates that all but "about a box and a half" of the organization's voluminous files on individuals and groups will be returned to ADL intact.

Despite its success in avoiding criminal charges, ADL still faces strong court challenges. Last April attorney Paul N. McCloskey, Jr. filed suit in San Francisco Superior Court on behalf of 19 Bay Area citizens named in ADL's files, claiming that ADL and Bullock had violated their right to privacy. In mid-October, 12 Arab/American organizations filed suit in Federal District Court in Los Angeles charging police and sheriffs' departments in San Diego, Los Angeles, and San Francisco with negligence in allowing ADL to spy on organizations and individuals engaged in legitimate political activity and thus interfere with their constitutional rights to freedom of expression and assembly. The suit seeks to bar ADL and the law enforcement agencies from conducting future spy operations. Mark Van Der Hout, an attorney in the case, said the suit was brought because people "have been spied upon, their mail looked through, their confidential police records given to ADL, their lives disrupted."

Although sharply critical of the district attorney's refusal to prosecute ADL, McCloskey believes it gave the civil suits a greater chance of success. "The decision by the district attorney raises a serious question of whether you can expect equal justice for criminal defendants in America," he said, "but it enables us to proceed more rapidly with the discovery process." McCloskey explained that before the decision, Bullock and ADL officials refused to produce documents requested by the plaintiffs or disclose any information, citing their Fifth Amendment right not to incriminate themselves. Since no criminal charges will be filed against them, they can no longer use this argument but

presumably will be obliged to cooperate. On Feb. 9 McCloskey will meet with ADL lawyers to discuss a possible trial date.

Meanwhile ADL remains undaunted in its role as thought policeman and champion of Israel. A recent full-page ad published in the *Northern California Jewish Bulletin* asserted that ADL conducted its investigations of anti-Semitic and white supremacy groups "in much the same way as news organizations like NBC, ABC, CBS, CNN or the *Los Angeles Times*." After this bland declaration, the ad continued: "We also seek to educate ourselves about what the critics of Israel say and write in order to present an informed and responsive defense of Israel."

The ad did not explain what organizations such as Greenpeace or Women in Black have to do with anti-Semitism or white supremacy, or why ADL collects motor vehicle records and other confidential information about critics of Israel if its only aim is to respond to their arguments. Nor is it clear from the ad that CNN and NBC do not normally gather news by relying on undercover agents who adopt assumed names, rummage through garbage, and are paid from special bank accounts.

Recent actions by ADL provide a far more accurate view of the organization's chief goal, which is not simply to counteract criticism of Israel but to promote that country's interests regardless of other considerations. In early November ADL used its muscle to force Israel's ambassador to the U.S., Itamar Rabinovich, to cancel a scheduled talk before the National Association of Arab Americans because the NAAA is party to one of the lawsuits against ADL. A Jewish Telegraphic Agency report published on Nov. 5 quoted an Israeli embassy official as saying that ADL Director Foxman "did not ask, he demanded," that Rabinovich not appear at the conference.

The ADL director followed up his success with the Israeli ambassador by calling on American Jewish leaders to refuse dialogue with any of the American-Arab organizations that are suing ADL, a move that could undermine the process of reconciliation recently begun between the two groups. Referring to the historic handshake between Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat, Foxman asserted, "You can't shake our hands and punch us in the stomach at the same time," as if suing ADL means striking a blow at Israel.

Foxman's other major move last November was to appeal to President Clinton to commute the sentence of Jonathan Pollard, who was convicted in 1987 of spying for Israel. As an intelligence analyst for the U.S. Navy, Pollard sold what *The New York Times* reported as "suitcases full of military intelligence" to his Israeli handlers for \$50,000. It is instructive to see the head of an organization dedicated to the exposure of subversives and other un-American types championing a man who may have seriously jeopardized the security of the United States. On the other hand, what Pollard did he did for Israel, and to the Anti-Defamation League that's all that matters.

Rachelle Marshall is a free-lance editor living in Stanford, CA. A member of the International Jewish Peace Union, she writes on the Mideast.

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