

EMERGENCY

Committee to Stop the Grand Jury

220 9th Street, #443, San Francisco, CA 94103

415/330-5363

For Immediate Release

Current to 9-25-89

In Chicago, a federal grand jury waits for two activists from the anti-racist movement to turn over information about the **John Brown Anti-Klan Committee**. Rather than inform on the movement, Bob Wells and Henry "Camo" Bortman may go to jail on September 26th for refusing to comply with grand jury subpoenas.

A member of Prairie Fire Organizing Committee and an activist in the gay liberation and anti-imperialist movements, Camo was subpoenaed to this Federal Grand Jury in July and ordered to bring JBAKC stationery, leaflets and newspapers. Bob, a JBAKC member in Chicago, is also ordered to testify and provide fingerprints, saliva and handwriting.

The Grand Jury claims it's investigating a death threat sent to the US Attorney in Chicago, on phony JBAKC stationery. The US Attorney also received two other very similar letters, mailed on the same date, from the same post office, using the same typewriter, on the equally phony letterhead of another political group. The FBI says they know JBAKC didn't write the death threats, and we know they can get copies of the JBAKC newspaper at any bookstore (if they don't already have them)! We think the letters come from someone trying to discredit anti-racist organizations. Why is the FBI investigating anti-racists while racist violence thrives in every corner of the country? Aryan Woodstock comes to California—no Grand Jury in sight. The KKK rallies in Atlanta and the US government provides troops to protect them. Twenty years after Martin Luther King, Black human rights are down, white supremacy is up, and the FBI is still harassing the anti-racist movement.

Are you now or have you ever been...

Although the facts are ludicrous, the situation is serious. Bob and Camo won't testify or hand over documents to this Grand Jury. They could be thrown in jail for as long as 18 months.

Grand Juries once protected people from arbitrary prosecution. But today the Grand Jury is a favored FBI tool—used to intimidate and coerce political activists. During the McCarthy witch-hunts of the 1950s, the House Un-American Activities Committee was the main tool for

Letter from the following Committee: *Continued on next page.*

Court papers submitted by SA. 100 attorneys in Chicago.

All Anti-racist activists face jail. No charge. No trial. No appeal. South Africa? No. America.

forced interrogation of leftists, gays and others. When HUAC was defeated in the 1960s the Grand Jury took its place. Grand Juries can, and often do, ask for names, about people's beliefs, organizational memberships, conversations and actions of friends, political associates and acquaintances. It's unlimited scope makes it the perfect tool for "political fishing expeditions."

What happened to the First Amendment?

By posing as a *criminal*, not political investigation, this Grand Jury wants to chip away at our movement's commitment to non-collaboration. They want JBAKC and PFOC to help the FBI chip away at the First Amendment, by handing over *public documents ON DEMAND*.

JBAKC's leaflets and newspapers this week—whose will be subpoenaed next week. The rights supposedly guaranteed by the First Amendment include freedom of the press and freedom of association. That means you can read what you want, write what you want, print what you want, join or support any group you want—without big brother's interference. Now they want activists to hand over public documents or go to jail! They also want everyone else to think twice before writing an angry leaflet. What if it gets subpoenaed to a Grand Jury? Everyone can see that Bob and Camo were subpoenaed for their association with JBAKC—because they once rented post office boxes. Maneuvers like this have a chilling effect on everyone. Just what the FBI wants—to intimidate the whole movement.

Since the Nixon era, hundreds of activists have gone to jail rather than play the role of informer for the FBI. These resisters learned that the best way to defeat political Grand Juries is to render them useless to the FBI and harmless to the movement by absolutely refusing to collaborate.

What are JBAKC and PFOC

The John Brown Anti-Klan Committee is a national organization that fights racism. JBAKC mobilized to stop the Aryan Woodstock in Napa. It organizes forums about the right-wing and its racist, misogynist, anti-gay agenda. JBAKC and others took up paint and brushes to stamp out racist graffiti. For 15 years JBAKC has fought the Klan, Nazis and the racist right.

PFOC is an anti-imperialist organization active in the women's, AIDS, gay liberation and anti-racist movements. PFOC also works in solidarity with Central American and other national liberation movements.

For more information please call: 415/ 330-5363

John Brown Anti-Klan Committee

220-9th Street, #443, San Francisco, CA 94103

Prairie Fire Organizing Committee

PO Box 14422, San Francisco, CA 94114

Attached please the note the following:

Letter from the National Conference of Black Lawyers;

Court papers submitted by JBAKC attorneys in Chicago;

All the Subpoenaed Public Documents of the JBAKC

*Letter of Support from
NCBL*



National Conference of Black Lawyers

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CHIEF JUDGE
U.S. DISTRICT COURT
DEARBORN

FAXED

July 25, 1989

Judge John Grady
Chief Judge
Northern District of Illinois
U.S. District Court
219 South Dearborn
Room 2541
Chicago, IL 60604

Re: Subpoenas of Bob Wells and Henry Bortman
GJ 1044

Dear Judge Grady:

The National Conference of Black Lawyers urges you to quash the grand jury subpoenas issued for Bob Wells and Henry Bortman. The subpoenas are unfounded and unnecessary and thus serve only to harass these men and the organizations they represent.

The FBI has represented to Jan Susler, attorney for these men, that they do not believe that the John Brown Anti-Klan organization was responsible for the threats issued on stationary that had the organization's name. Indeed, they indicated that the stationary used did not appear to be authentic. On the basis of these statements, there obviously is no need for the subpoena process to be utilized.

The grand jury process has been subjected to serious criticism for a number of years by a cross-section of organizations and individuals. One of the major complaints is that the grand jury process is used as a fishing expedition as opposed to a legitimate inquiry into possible illegal activity. This is such a case. We ask that you not allow the grand jury process to be misused in this way.

Sincerely,

Adjoa A. Aiyetoro *Jeffrey Edison*
Adjoa A. Aiyetoro Jeffrey Edison
National Co-Chairpersons

*Letter of Support from
NCBL*

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RECEIVED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUL 21 1989

JOHN F. GRADY
U S DISTRICT COURT
CHIEF JUDGE

In re:)
Grand Jury Subpoenas for) 89 GJ 1044
Robert Wells and John Brown) Judge John Grady
Anti-Klan Committee) Senior Judge

MOTION TO QUASH GRAND JURY SUBPOENA AND SUBPOENA DUCES TECUM

Robert Wells and the John Brown Anti-Klan Committee (JBAKC), by their attorney Jan Susler, move to quash the grand jury subpoena and subpoena duces tecum served on them July 20, 1989 and returnable July 25, 1989 at 3:15 p.m. and state:

1. The predominant reason for the issuance of the subpoena and subpoena duces tecum is to infringe on the subpoenaees' First Amendment rights of association and expression, to chill and/or prevent them from pursuing their work against racism, white supremacy, and the Ku Klux Klan.

2. Mr. Wells and the John Brown Anti-Klan Committee strongly believe that the federal grand jury is a tool of political repression; historically used by the government to disrupt and destroy political organizations and movements such as the Black liberation movement and the Puerto Rican independence movement. The John Brown Anti-Klan Committee has published articles and editorials so stating. This understanding has led them to the position of non-collaboration -- of refusing to cooperate with efforts to destroy legitimate political move-

ments, of refusing to testify or provide exemplars to the grand jury. Members and former members of the John Brown Anti-Klan Committee have served months in jail for contempt for refusal to testify before federal grand juries.

3. The John Brown Anti-Klan Committee publications sought by the subpoena duces tecum are readily available through means other than grand jury subpoena. The literature disseminated publicly, including through bookstores. Furthermore, the FBI, in Cointelpro fashion, has consistently surveilled members of the John Brown Anti-Klan Committee, including Mr. Wells, and undoubtedly already has the publications.

4. The John Brown Anti-Klan Committee stationary sought by the subpoena duces tecum, if it exists at all, would not be dispositive of the investigation, for even if it resembled that used by the sender, it could have been stolen or duplicated. The FBI itself and in collaboration with provocateurs and right wing groups has been known to have forged and condoned the writing of letters like those which are the subject of the instant investigation, to discredit individuals and organizations critical of the U.S. government.

5. According to FBI Special Agent John Larsen, who served the subpoenas in question and who is conducting the investigation, the grand jury is investigating letters purporting to be from the John Brown Anti-Klan Committee threatening the life of the U.S. Attorney, as well as similar letters from another political organization threatening the lives of the
Committee

U.S. Attorney, the FBI, and the president. Agent Larsen, however, admitted to counsel that the letters appear to be phony, and appear to have been written by someone trying to discredit the organization. He further admitted that he believed that Mr. Wells and the John Brown Anti-Klan Committee did not write or send the letters.

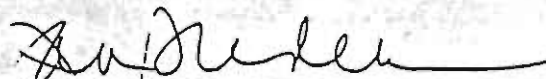
6. Counsel informed AUSA Gillogly of the position of non-collaboration Mr. Wells and the John Brown Anti-Klan Committee would assume, and of the contents of her conversation with Agent Larsen, asking the AUSA to withdraw the subpoenas, or at least delay them pending the results of other investigative efforts. He declined.

7. The Court is faced with the probability, then, of holding in contempt and possibly jailing a subpoenaee who the FBI does not suspect of any wrongdoing, who is subpoenaed solely because of the exercise of his First Amendment rights.

WHEREFORE, Robert Wells and the John Brown Anti-Klan Committee urge this Court to quash the subpoena and subpoena duces tecum for their testimony, exemplars and documents.

Respectfully submitted,

Dated: July 21, 1989



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Attorney for Robert Wells and
the John Brown Anti-Klan
Committee