FEDERAL ELECTION COMMISSION

WASHINGTON D C 20463

THIS IS THE BEGINNING OF MUR # 4032

DATE FILMED 3/11/98 CAMERA NO. 2

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ARTHUR BLOCK
ATTORNEY AT LAW
72 Spring Street, Suite 1201, New York, NY 10012 (212) 966-0404

August 9, 1994

VIA FEDERAL EXPRESS

CONFIDENTIAL

MUR 4032

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 10 2 25 PM '94

Lawrence Noble, General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Filing of Verified Complaint pursuant to 2 U.S.C. § 437g against Kellie Gasink

Dear Mr. Noble:

I enclose a verified complaint being filed by my clients, Dr. Lenora B. Fulani, Dr. Frederick D. Newman, Francine Miller, Esq., Rachel Massad, and Lenora B. Fulani for President Committee, against Kellie Gasink.

My clients, the complainants herein, are the respondents in a pending complaint/enforcement matter, MUR 3938, which was commenced by Ms. Gasink. My clients' complaint against Gasink alleges disclosure(s) of confidential materials and information in MUR 3938 in violation of 2 U.S.C. § 437g(a)(12) and 11 C.F.R. § 111.21.

The enclosed complaint consists of the following:

Verified Complaint
Verification statements sworn to by Fulani, Newman, Miller, and Massad
Exhibit A: Copy of article in The City Paper (July 8, 1994) entitled "Lenora & the Money-Go-Round"
Exhibit B: Affidavit of Daniel Friedman, Ph.D. (8/7/94)
  Exhibit 1: Telephone billing records
  Exhibit 2: Letter dated 5/1/94 from William Pleasant to Daniel Friedman
Exhibit C: Affidavit of Jacqueline Salit (8/7/94)
Exhibit D: Affidavit of Dr. Frederick D. Newman (8/7/94)
  Exhibit 1: Letter dated 7/8/94 from William Pleasant to Frederick Newman
  Exhibit 2: Other letters from William Pleasant to Dr. Frederick Newman
Exhibit E: Affidavit of Dr. Lenora B. Fulani (8/7/94)
  Exhibit 1: Letters from William Pleasant to Dr. Fulani
Exhibit F: Letter dated Feb 8, 1994 from FEC to Gasink

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Exhibit G: Motion for Resubmission
Exhibit H: Letter dated May 13, 1994 from Richard Mayberry, Esq. to Hon. Trevor Potter re: Motion for Resubmission
Exhibit I: Letter dated May 24 1994, from Lois Lerner to Richard Mayberry, re: Commission denial of Motion for Resubmission
Exhibit J: Complaint, Fulani v. FEC, 94 Civ. 4461 (KTD), (S.D.N.Y.), filed June 17, 1994. (copy)
Exhibit K: Letter dated July 1, 1994 from Richard Bader to Arthur Block (w/ enclosure)
Exhibit L: Letter dated July 22, 1994 from Arthur Block to Richard Bader
Exhibit M: Memorandum from FEC Office of General Counsel to Commission dated July 8, 1994, recommending adoption of repayment determination for Fulani Committee
Exhibit N: Letter from Lawrence Noble to Fulani Committee dated July 29, 1994, regarding opening of inquiry against Committee and decision not to adopt repayment determination

Very truly yours,

Arthur R. Block

ARB/bp

cc: Harry Kresky, Esq.
Richard Mayberry, Esq.
Lenora Fulani, Ph.D.
Frederick Newman, Ph.D.
Francine Miller, Esq.
Rachel Massad

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UNITED STATES OF AMERICA

BEFORE THE FEDERAL ELECTION COMMISSION

DR. LENORA B. FULANI, DR. FRED NEWMAN, FRANCINE MILLER, RACHEL MASSAD, and LENORA B. FULANI FOR PRESIDENT,	:	
Complainants,	:	VERIFIED COMPLAINT
--against--	:	MUR 4032
KELLIE GASINK,	:	
Respondent.	:	

Complainants DR. LENORA B. FULANI, DR. FREDERICK D. NEWMAN, FRANCINE MILLER, RACHEL MASSAD, and LENORA B. FULANI FOR PRESIDENT, by their attorneys, Arthur R. Block, Esq., Harry Kresky, Esq., and Richard Mayberry, Esq., for their verified complaint respectfully show and allege the following:

1. Complainants are the respondents named by the Federal Election Commission (FEC or Commission) in a pending complaint/enforcement matter, MUR 3938. Their home addresses are set forth in the margin.[1]

2. Respondent KELLIE GASINK (Gasink) is the complainant in MUR 3938. Her home address as set forth by her in MUR 3938 is 3150 Rochambeau Ave., #41D, Bronx, N.Y. 10467.

---

[1] Dr. Lenora B. Fulani, 884 West End Ave. New York, NY 10025, Dr. Frederick D. Newman, 60 Bank Street, New York NY 10014, Francine Miller, Esq. 200 West 60th Street, New York, NY 10023, Rachel Massad, 565 West 169th Street, New York NY 10032, Lenora B. Fulani for President, c/o Arthur R. Block, Esq. 72 Spring Street, Suite 1201, New York, NY 10012.

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3. Complainants allege that Gasink violated 2 U.S.C. § 437g(a)(12) and 11 C.F.R. § 111.21 by disclosing information about, and documents filed in, MUR 3938. A mass circulation publication, the Washington City Paper, has published a lengthy cover story which is based upon Gasink's allegations in the papers she has filed with the Commission in MUR 3938; the author of the feature article states that "Gasink released a copy of the complaint to the Washington City Paper."

Procedural Background

4. Gasink first purported to file a complaint against the complainants herein (hereinafter "Fulani et al.") on or about February 7, 1994. Her purported complaint consisted of a one paragraph letter to the FEC, a copy of a 5 page statement to the Manhattan District Attorney, and a copy of an article published in the New York Daily News.

5. By letter dated February 8, 1994, the Commission advised Gasink that her purported complaint was defective because it was not sworn to under oath. See copy of letter annexed hereto as Exhibit F. The Commission sent a copy of the letter to the Fulani Committee together with the unsworn purported complaint materials.

6. At some point in time after February 22, 1994 and before March 5, 1994, Gasink purported to resubmit her complaint in compliance with federal law. The materials were the same as previously submitted except that the one paragraph letter now was

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purported to have been sworn to before a notary public. The five page statement to the District Attorney still was unsworn.

7. The Commission then sent to the Fulani Committee, Dr. Fulani, Dr. Newman, Ms. Miller and Ms. Massad, (hereinafter collectively referred to as "Fulani") a notice that a verified complaint had been filed against them, that the Commission had designated each of them as a respondent, and that each of them had 15 days to respond to the Gasink complaint materials.

8. Through counsel, Fulani communicated to the FEC's Office of General Counsel their objection to the Commission proceeding to investigate any allegations in the unsworn statement to the District Attorney or in the Daily News article. Fulani's counsel also objected to the Commission's naming of Newman as a respondent because there were no allegations against him in the one paragraph sworn letter, and he was neither the candidate nor a treasurer of the candidate's committee.

9. The Office of General Counsel informed Fulani's counsel that it would proceed to review all of the allegations contained in the one paragraph letter, the unsworn five page statement to the District Attorney, and in the Daily News article; it further stated that the Daily News article alone was sufficient grounds to include Newman as a respondent in MUR 3938.

10. Fulani's counsel then presented a motion to the Commission, requesting that the Commission send Gasink a notice informing her that her five page statement to the District Attorney still did not meet the legal requirements for a

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complaint sworn under penalties of perjury, and giving her an opportunity either to swear to its contents or to withdraw it. See copies of motion and supplement to motion, annexed hereto as Exhibits G and H.

11. The Commission denied Fulani's motion. See Exhibit I. It declined to take the simple step of mailing Gasink another form letter notifying her of the need to swear to the truth of every allegation of her complaint. Instead of using this inexpensive and straightforward means of responding to Fulani's legal objections and ensuring that no party could be concerned that the Commission was exceeding its jurisdiction in investigating unsworn allegations, the Commission chose to assert a legal position that it could investigate the unsworn allegations in the five page letter and in the Daily News article.

12. Fulani brought suit against the Commission in the United States District Court, Southern District of New York, claiming that the Commission's attempt to investigate unsworn allegations in a complaint-initiated enforcement proceeding was a clear violation of the statute which delimited the Commission's enforcement jurisdiction, and violated plaintiffs' constitutional rights. See copy of complaint, annexed hereto as Exhibit J.

13. Fulani's counsel requested that the Commission stay administrative proceedings in MUR 3938 until the federal court determined the issue of the Commission's jurisdiction. The Commission's counsel informed Fulani's counsel that the

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Commission would consider this request, and that there was no current enforcement activity in progress and none was likely to occur prior to the Commission's decision on the stay request.

14. On June 30, 1994, 13 days after the filing of the federal court action, the Commission's counsel orally informed Fulani's counsel that it had received what it considered to be a verification statement by Gasink pertaining to MUR 3938, and that the Commission considered the lawsuit to be moot.

15. The next day, the Commission faxed Fulani's counsel a copy of a fax to it of the purported verification. Exhibit K, annexed hereto.

16. The Commission's cover letter refused Fulani's demand for disclosure by the Commission of any communications between the Commission and Gasink, and of disclosure of the circumstances by which this purported verification materialized in the Commission's possession after Fulani brought legal action against the Commission. See copy of letter from Richard Bader to Arthur Block dated July 1, 1994, copy annexed hereto as Exhibit K.

17. Fulani's counsel subsequently renewed the demand for disclosure all written and oral communications between Gasink and the Commission, and of the circumstances surrounding the creation of the purported verification. See Letter from Arthur Block to Richard Bader dated July 22, 1994, copy annexed hereto as Exhibit L.

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Wittes and the Washington City Paper

18. On or about April 7, 1994, Benjamin Wittes, a journalist, telephonically contacted Jacqueline Salit (who is an assistant to and spokesperson for Dr. Fulani, and Deputy Campaign Manager of the 1992 Fulani Campaign Committee), seeking comment on various allegations made to him by Gasink. See Affidavit of Jacqueline Salit annexed hereto as Exhibit C ("Salit Aff.").

19. Between approximately April 7, 1994 and June 27, 1994, Wittes had several discussions with Jacqueline Salit, seeking comment on Gasink's allegations. The allegations referred to by Wittes in these discussions included many of the identical allegations contained in the Gasink submissions to the Commission which the Commission had accepted as a complaint and had designated as MUR 3938. Id.

20. On or about July 8, 1994, an article under the byline of Wittes was published in the Washington City Paper. (See copy of article annexed hereto as Exhibit A.) It was entitled "Lenora & the Money-Go-Round -- Or How the 1992 Presidential Campaign of Lenora Fulani and Her Eminence Grise, Dr. Fred Newman, Reaped $2 Million in Federal Election Commission Matching Funds." The central focus of the article was the receipt of federal matching funds by Dr. Fulani and accusations by Gasink that the Fulani campaign and Dr. Newman (both respondents in MUR 3938) had violated federal campaign finance laws.

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21. Wittes explicitly states in the article that Gasink provided him with a copy of her complaint to the FEC against Dr. Fulani et al.:

> The FEC confirms that it received a complaint from Gasink, but will provide no other information. Gasink released a copy of the complaint to the Washington City Paper.

(emphasis supplied) Ex. A, p. 22.

22. Wittes makes at least five other references to Gasink's confidential complaint to the FEC. Ex. A, pp. 19, 24, 25, 26 c.1, 26 c.2.

23. 2 U.S.C. § 437g(a)(12)(A) provides:

> Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

24. 11 C.F.R. § 111.21(a) provides:

> Except as provided in 11 CFR 111.20, no complaint filed with the Commission, nor any notification sent by the Commission, nor any investigation conducted by the Commission, nor any findings made by the Commission shall be made public by the Commission or by any person or entity without the written consent of the respondent with respect to whom the complaint was filed, the notification sent, the investigation conducted, or the finding made.

(emphasis supplied)

25. Gasink is a "person" who without the written consent of the respondents in MUR 3938 (who are the complainants in this matter) made public the "complaint" and enforcement proceedings by the Commission in MUR 3938.

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26. The facts of this case warrant the prosecution of Gasink to the fullest extent of the law. Her unlawful public disclosure of her complaint is neither accidental, nor is it incidental to her other activities. To the contrary, she has been on a campaign seeking maximum press exposure for her accusations against Fulani et al.

27. As shown by her submissions in MUR 3938, after filing a complaint with the Manhattan District Attorney she instigated coverage of the confidential District Attorney investigation by the Daily News. In a similar pattern, it appears that after filing MUR 3938 with the Commission, Gasink gave a copy of the complaint to Wittes and was a major source of his article. Public disclosure of Gasink's complaint in a mass circulation publication is by her design.

28. Upon information and belief, after filing her complaint Gasink disclosed to persons (in addition to Wittes): (a) her complaint; (b) notifications and communications sent to her by the Commission regarding MUR 3938; and (c) notifications, documentation and/or communications sent by her to the Commission regarding MUR 3938.

29. Upon information and belief, Gasink is a law student who is capable of reading and understanding the confidentiality protections of FECA. Upon information and belief, Gasink's public disclosure of the confidential complaint was done intentionally and with knowledge at the time of her conduct that it was unlawful.

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30. Gasink's violation of federal law of confidentiality in this case is a continuation of a concerted effort by Gasink and others to damage and harass Dr. Newman, Dr. Fulani, their activities and their supporters, by playing off media contacts and law enforcement agencies.

31. These efforts are documented in a series of lengthy letters written by William Pleasant to Dr. Newman, Dr. Fulani and Daniel Friedman, as described more fully below.

32. Pleasant and Gasink have been working in concert. They are both named as sources of the articles in the Washington City Paper and the Daily News. Pleasant has used Gasink's home telephone to make vulgar, harassing phone calls to Dr. Newman. See Affidavit of Daniel Friedman sworn to on the 7th day of August, 1994, annexed hereto as Exhibit B.

33. Friedman testifies about listening to recordings of six harassing phone calls that were placed from Gasink's home telephone to Dr. Newman. He positively identifies Pleasant as the caller in at least five of them.

34. The following sets of letters from Pleasant are annexed hereto.

a. A letter from Pleasant to Newman dated July 8, 1994, is annexed as Exhibit 1 to the Affidavit of Dr. Newman dated August 7, 1994, which is annexed hereto as Exhibit D. ("Newman Aff.") This letter postdates the publication of the Washington City Paper article and is specifically about the

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article and the role of Pleasant and his colleagues in helping to produce it.

b. A series of letters from Pleasant to Newman prior to the Washington City Paper article is attached as Exhibit 2 to the Newman Aff.

c. A letter from Pleasant to Friedman dated "May Day 1994" is annexed to the Friedman Affidavit as Exhibit 2.

d. A series of letters from Pleasant to Dr. Fulani is annexed to the Affidavit of Dr. Fulani sworn to on the 7th day of August 1994, as Exhibit 1.

35. The Pleasant letters repeatedly refer to the attempts by him and Gasink to cause the press to report on Pleasant and Gasink's allegations against Fulani and Newman, and to cause law enforcement authorities to investigate and prosecute them. The letters show an obsession with the tactic of playing off the press and law enforcement agencies. Pleasant talks about authors and editors involved in articles attacking Newman and Fulani (e.g. Wittes (City Paper), Lucas Rivera and Andrew Cooper (City Sun)) as if they are his colleagues and collaborators.

36. Pleasant's most recent letter to Newman begins: "Well, how did you like the CITY PAPER article?" At the end of the second paragraph Pleasant explains,

> The CITY PAPER was just one of the many vehicles--I think you'd use the term "tactics"--that we have used and will employ in the future.

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(emphasis supplied) (The "we" presumably includes Gasink, the principal source named by the City Paper.[2])

37. Pleasant's letter (p. 1, par. 1) also compares the City Paper article to previous articles published in a New York weekly newspaper, the "City Sun," which had carried a similar attack on Fulani and Newman in 1993. He writes: "It [the City Paper] was certainly an improvement over the CITY SUN pieces last October, don't you think?"

38. This history shows that for an extended period of time, Gasink and Pleasant have been trying to create an interplay between law enforcement investigations (which they have instigated) by, among other things, leaking confidential information about investigative activity to journalists. This is intended to give their allegations as much public exposure and credibility as possible. We believe that the violation of federal confidentiality regulations to further these goals is the most egregious type of violation of these guarantees. The violations strike at the heart of the Commission's enforcement process.

39. What is particularly striking and prejudicial about this manipulation of the press and law enforcement agencies

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[2] Pleasant's letter (p. 1) further states:

> Just for the record: the CITY PAPER article originated from the same place every other recent attack on you has come from, i.e., the betrayed and infuriated ex-cadres of the IWP, current members and supporters.

is that Gasink et al. have gotten the City Paper to completely adopt the premise of Gasink's FEC complaint even though this premise is absolutely incorrect as a matter of law. The Gasink -- City Paper thesis is that federal matching funds disbursed to the Fulani campaign must have been misspent because they were not spent to garner votes for Fulani in the general election campaign. But as the Commission well knows, the primary matching funds granted to an independent/minor party candidate can only be used to pay expenses during the primary/nomination phase of the presidential campaign. The leaking of the confidential complaint before the Commission had an opportunity to review it and reach a conclusion without the glare of publicity and threatened Congressional hearings (see below) has created a lynch mob atmosphere that makes an impartial review of the Gasink charges impossible.

40. One must conclude from the specific actions of Gasink in this case, and from the modus operandi of her and William Pleasant from which this conduct flowed, that Gasink violated confidentiality with the intent of promoting publicity for this confidential complaint matter that would put pressure on the Commission (a) to open and pursue investigation(s) of Fulani et al. on the basis of flimsy or nonexistent evidence; and (b) to reach a conclusion that Fulani et al. have violated federal law.

41. Wittes, the journalist to whom the confidential complaint was leaked, also reported in his article that he spoke to a United States Senator about the allegations in the Gasink

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complaint and the Senator said "that he intends to hold [Senate] hearings into Fulani's use of federal matching funds." (Ex. A, p. 27) This is exactly the kind of prejudicial publicity that the confidentiality law is supposed to prevent.

42. Gasink provided the reporter with the means to give Gasink's allegations the cloth of authority by telling the Senator that the FEC was investigating them. Upon information and belief, if the Senator had not been told that the FEC was investigating Gasink's allegations he may not have made the damaging comments that he did make, which in turn lent even more credibility to the allegations.

43. Furthermore, there is reason to believe that Gasink's violation of federal law in disclosing the complaint and investigation to the City Paper has had the intended (by her) effect of causing the Commission to broaden its investigation of Fulani.

a. On July 8, 1994, the same day that the City Paper article about Fulani was published, the Commission's Office of General Counsel issued a Memorandum to the Commission recommending that the Commission vote to adopt the final repayment determination set forth in the final audit report of the Fulani Committee. See copy of Memorandum annexed hereto as Exhibit M.

b. However, after the distribution of the article, on July 26, 1994, the Commission voted to invoke a rarely used provision of federal law to institute an "inquiry"

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into the Fulani campaign's finances. See Letter from Commission General Counsel to Fulani dated July 29, 1994, copy annexed hereto as Exhibit N.

c. Two days later, on July 28, 1994, the Commission, contrary to the recommendation in the OGC Memorandum of July 8, 1994, voted not to adopt the repayment determination set forth in the final audit report previously adopted by the Commission. Id.

d. Upon information and belief, the Commissioners were familiar with the City Paper article when it took the actions described in (b) and (c) above.

e. Upon information and belief, the Commissioners' knowledge of the City Paper article influenced them to take the actions described in (b) and (c) above.

44. At the inception of MUR 3938, the Commission violated federal law and regulations to conduct an unfair and overly broad review of the materials submitted by Gasink. Given the Commission's predisposition to exceed its jurisdiction in investigating Fulani, the additional developments of the City Paper article reporting on the confidential complaint, the threatened Senate hearings, the Commission's opening up of an inquiry under 11 C.F.R. § 9039.3, and the Commission's eleventh hour decision not to adopt the final repayment determination, makes it even more clear that it is impossible for the Commission to conduct a fair and impartial review of the allegations that are the subject of MUR 3938 or of the "inquiry." It is incumbent

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upon the Commission to vigorously investigate Gasink's violation of confidentiality and to impose maximum penalties upon her for the reasons set forth herein.

WHEREFORE your complainants respectfully pray that the Commission find reason to believe that respondent Gasink has violated, inter alia, 2 U.S.C. 437g(a)(12) and 11 C.F.R. §111.21, and that conciliation and or investigation of her violation be pursued by the Commission until such time as Gasink agrees to pay, or is ordered to pay, the maximum fine of $10,000 for each

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act constituting a violation of FECA because of her willful and malicious conduct, pursuant to §437g(a)(6)(C), and/or such other fines and penalties that may be imposed for the violations set forth herein.

Respectfully submitted,

DR. LENORA B. FULANI, DR. FRED NEWMAN, FRANCINE MILLER, RACHEL MASSAD, and LENORA B. FULANI FOR PRESIDENT,

By: Arthur R. Block

ARTHUR R. BLOCK
Attorney for Complainants
72 Spring St.
Suite 1201
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By: Harry Kresky per ARB

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(212)581-1516

By: Richard Mayberry per ARB

RICHARD MAYBERRY
Attorney for Complainants
888 16th St. N.W.
5th Floor
Washington, D.C. 20006
(202) 785-6677

Dated: August 7, 1994

9304386107 67

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

LENORA B. FULANI, PH.D. being duly sworn, deposes and says:

1. I am the complainant in the verified complaint annexed hereto.

2. I have read the foregoing verified complaint and know the contents thereof.

3. The same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief and, as to those matters, I believe it to be true.

4. Annexed to the Verified Complaint as Exhibit J is a copy of the complaint filed by me and my co-plaintiffs in Fulani v. FEC, 94 Civ.4461 (KTD)(S.D.N.Y.). The allegations in said court complaint are true to my own knowledge except as to the matters therein stated to be alleged on information and belief and, as to those matters, I believe it to be true.

Dated: New York, New York
August 7, 1994

Sworn to before me this 7th day of Aug 1994

Lenora B. Fulani
LENORA B. FULANI, PH.D.

Arthur R. Block
ARTHUR R. BLOCK
Notary Public, State of New York
No. 31-4662471
Qualified in New York County
Commission Expires April 30, 1995

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VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

FREDERICK D. NEWMAN, PH.D. being duly sworn, deposes and says:

1. I am the complainant in the verified complaint annexed hereto.

2. I have read the foregoing verified complaint and know the contents thereof.

3. The same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief and, as to those matters, I believe it to be true.

4. Annexed to the Verified Complaint as Exhibit J is a copy of the complaint filed by me and my co-plaintiffs in Fulani v. FEC, 94 Civ.4461 (KTD)(S.D.N.Y.). The allegations in said court complaint are true to my own knowledge except as to the matters therein stated to be alleged on information and belief and, as to those matters, I believe it to be true.

Dated: New York, New York
August 7, 1994

FREDERICK D. NEWMAN, PH.D.

Sworn to before me this 7th day of May 1994

ARTHUR R. BLOCK
Notary Public, State of New York
No. 31-4662471
Qualified in New York County
Commission Expires April 30, 1995

9304386109

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

FRANCINE MILLER, Esq. being duly sworn, deposes and says:

1. I am the complainant in the verified complaint annexed hereto.

2. I have read the foregoing verified complaint and know the contents thereof.

3. The same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief and, as to those matters, I believe it to be true.

4. Annexed to the Verified Complaint as Exhibit J is a copy of the complaint filed by me and my co-plaintiffs in Fulani v. FEC, 94 Civ.4461 (KTD)(S.D.N.Y.). The allegations in said court complaint are true to my own knowledge except as to the matters therein stated to be alleged on information and belief and, as to those matters, I believe it to be true.

Dated: New York, New York
August 8, 1994

Sworn to before me this 8 day of Aug 1994

Arthur Block

ARTHUR R. BLOCK
Notary Public State of New York
No. 31-4662471
Qualified in New York County
Commission Expires April 30, 1995

Francine M

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VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

RACHEL MASSAD, being duly sworn, deposes and says:

1. I am the complainant in the verified complaint annexed hereto.

2. I have read the foregoing verified complaint and know the contents thereof.

3. The same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief and, as to those matters, I believe it to be true.

4. Annexed to the Verified Complaint as Exhibit J is a copy of the complaint filed by me and my co-plaintiffs in Fulani v. FEC, 94 Civ.4461 (KTD)(S.D.N.Y.). The allegations in said court complaint are true to my own knowledge except as to the matters therein stated to be alleged on information and belief and, as to those matters, I believe it to be true.

Dated: New York, New York
August 7, 1994

Rachel Massad
RACHEL MASSAD

Sworn to before me this 7th day of Aug. 1994

Arthur Block
ARTHUR R. BLOCK
Notary Public, State of New York
No. 31-4662471
Qualified in New York County
Commission Expires April 30, 1995

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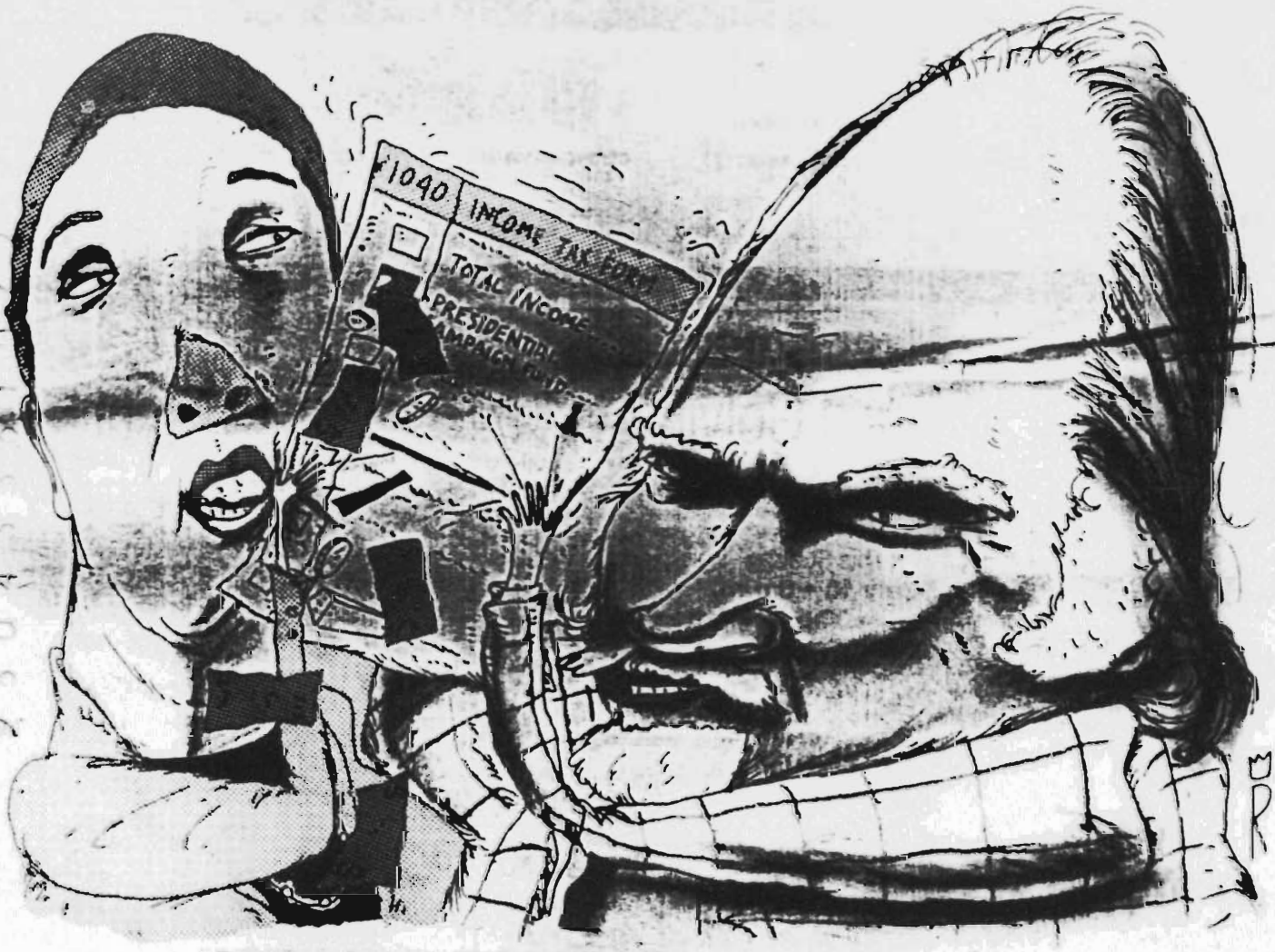
WASHINGTON
City Paper
WASHINGTON'S FREE WEEKLY VOL. 14 NO. 27 JULY 8-14, 1994



Lenora & the Money-Go-Round

Or How the 1992 Presidential Campaign of Lenora Fulani and Her *Éminence Grise*, Dr. Fred Newman, Reaped $2 Million in Federal Election Commission Matching Funds

BY BENJAMIN WITTES [19]

WASHINGTON
CityPaper

[illegible] Jack Shafer
[illegible] Mark Jenkins
[illegible] Lisa Gray
[illegible] Nicole Arthur
[illegible]
Eddie Dean, David Plotz, Patrick Symmes
[illegible] Nathalie op de Beeck
[illegible]
Clara Jeffery, James Lochart, Maria Wyer
[illegible] Ken Cummins
[illegible]
Randall Blossomgaint, Michael Dolan, Bill Gifford
[illegible] Tina Plottel
[illegible]
Nanna Ingvarsson, Evelyn Wiener

[illegible]
M.D. Carnegie, Eliot Cohen, Bobby Hill, Reuben Jackson, Mark Jenkins, Greg Kitnock, Bradford McKee, Dave McKenna, Martha McWilliams, Bob Mondello, Chuck Shepherd

[illegible]
Darrow Montgomery, Charles Steck

[illegible] Daniel Gow
[illegible] Julie Gouwens
[illegible] Steve Kuhn
[illegible]
Lisa Cover, Theresa Dicey, Jennifer Hannon, Darrow Montgomery, Chip Porter, Gretta Yao
[illegible] David Nuttycombe

[illegible] Kris Koth
[illegible] Mark Nickens
[illegible]
Lisa Ackers, Howard Bernstein, Sidney Carl, Paul Harper, Phil Lutz, Thomas M. Ross, Horace Waters, Robert Wells, Denzil A. White, Winston Williams, Spencer Young

[illegible] Diane Beruff
[illegible]
Adam Ebbin, Linda Horn, Sheila Reid, John Richards
[illegible]
Judy M. Beasley, Crystal R. Reed
[illegible] Jennifer Morgan
[illegible] Matthieu Pierre

[illegible] Amy Austin
[illegible] Parry White
[illegible] Eddie Codel
[illegible] Karen Mitchell
[illegible] Jean Homza
[illegible] Pamela Berry
[illegible]
Wallace Acton, Jim Lyons, Megan Searing
[illegible]
Kate Fleming, Tina Plottel

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July 8, 1994

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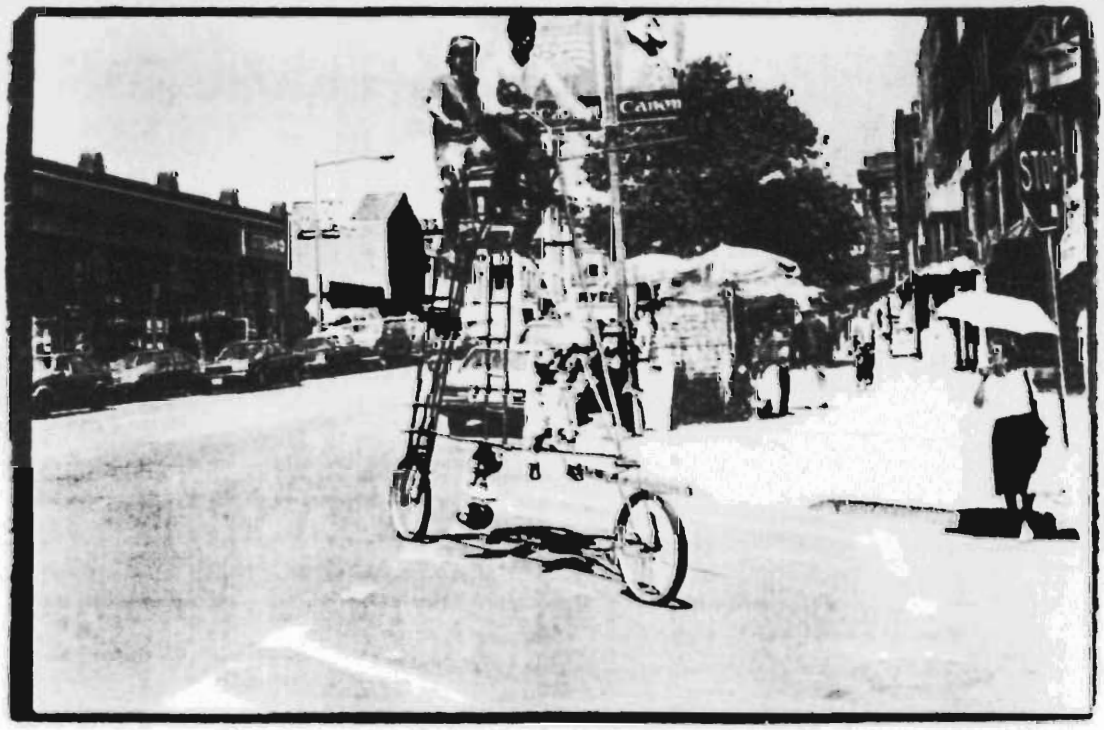

2400 Block of Champlain Street NW, June 15

Lenora & the Money-Go-Round

In 1992, the presidential campaign of Lenora Fulani received $2 million from the Federal Election Commission's matching funds program. How did her fringe candidacy qualify for so much money, and where was it spent?

IN A FIELD OF PRESIDENTIAL HOPEFULS that included such loose cannons as Pat Buchanan, Jerry Brown, and Ross Perot, none of 1992's candidates fired first and asked questions later more often than Dr. Lenora Fulani of the leftist New Alliance Party (NAP). In the heat of the New York primary campaign, though she was not on the New York ballot, she heckled front-runner Bill Clinton as he gave a health care speech at New York's Harlem Hospital, standing on her chair and leading a handful of her supporters in the chant "Democracy now!" The NAPers were protesting the exclusion of long shot Democratic candidate Larry Agran from an upcoming debate. Fulani, a short black woman who holds a doctorate in developmental psychology from the City University of New York and talks like a relic from a late-'60s time capsule, shouted at Clinton until he cut his speech short and left the room.

"You just met black people on Super Tuesday when you needed them," the *New York Times* quoted her accusing Clinton.

A month earlier, Fulani nearly heckled Paul Tsongas off the New York ballot. The self-described crusader for more democratic ballot access forced a line-by-line review of the 13,952 signatures on Tsongas' ballot petitions to make sure each was within the letter of New York's arcane ballot-access laws. Only a technical error in Fulani's challenge allowed a judge to invalidate it and save Tsongas' place on the ballot. Fulani's challenge drew the attention of the national press, publicizing a woman most voters had never heard of.

Fulani also sued to have the League of Women Voters' tax exemption revoked after the league excluded her from one of its presidential primary debates. She filed three other suits to protest the exclusion of third-party candidates from debates. On the day New York police tried to block her entrance to a Clinton vs. Brown debate, a riot erupted in which three police officers were injured.

But there was more to Fulani's 1992 campaign for the Democratic nomination for president, and her subsequent third-party candidacy, than agitprop and litigation. There was the back-room guidance of NAP *eminence grise* Dr. Fred Newman; a peculiar fusion of psychotherapy and politics; a sub rosa political core made up of the underground remnants of a self-declared Marxist-Leninist revolutionary organization; and a 25-year history of political opportunism that once made Newman a political bedfellow of Lyndon LaRouche.

And there was money from the U.S. Treasury: Fulani paid for 48 percent of her $4.2-million primary campaign with matching funds from the Federal Election Commission (FEC), garnering almost as much from the feds as Democratic hopefuls Tom Harkin and Bob Kerrey. In fact, by December 1991, Fulani's campaign committee had qualified for more in FEC matching funds than the Bush campaign, according to FEC records.

Federal funding of a marginal political campaign like Fulani's, especially to the tune of $2 million, is enough to give you pause before checking the FEC presidential contribution box on your 1040. Fulani didn't win a single Democratic delegate, attracting only 402 votes in the New Hampshire primary out of 167,900 cast, and she dropped out of the Democratic race prior to the April 7 New York primary in order to stage a third-party effort under the New Alliance Party banner.

What's more, an examination of 2,219 pages of the NAP's public filings with the FEC shows that at least $901,495 of the campaign's $4,161,164 total primary budget went to organizations that share offices, phones, and leadership with the NAP. The NAP presidential campaign made direct payments to law firms, lawyers, PR firms, a newspaper, and an accounting and payroll firm that NAP spokeswoman Jacqueline Salit acknowledges are "connected to [the NAP's] broad political movement."

Salit categorically denies any wrongdoing on the part of the NAP, but some ex-members of the party disagree. They accuse the campaign of sluicing federal matching money to these affiliated for-profit organizations. Former members also allege that the Fulani campaign made out checks to them—checks that they never saw or endorsed—that were subsequently cashed at a New York bank. And an audit by the FEC alleges other NAP campaign irregularities.

Former NAP members, including Marina Ortiz, Dawn Friend, B.J. Lee, Elizabeth Gilchrist, Robert Cohen, and William Pleasant, also accuse the NAP of exploiting its members and the matching-fund systems.

But the most damning critique of the 1992 Fulani for President campaign is offered by former NAPer Kellie Gasink, a New York law student who worked on that campaign as a fund-raiser. In her sworn complaint filed with the FEC, Gasink describes the expenditure reports the campaign filed with the FEC as "fabricated and false. By which I mean intentionally false. The documents do not appear to contain any mistakes, but instead are a rather well-crafted fabrication," she writes.

Whether or not the charges of wrongdoing leveled by Gasink and the others are true, the ultimate scandal of the Fulani for President campaign is that it demonstrates the ease with which political animals such as the NAP can gather massive amounts of FEC matching funds, and how little accountability the feds have built into the system.

ONE OF THE MOST ENDURING left sectarian phoenixes to arise out of the ashes of '60s radicalism, the NAP is led by New York psychological therapist Dr. Fred Newman. Newman and his crew have sailed their peculiar brand of far-left politics on a 25-year odyssey through several political oceans. In 1968, they formed an organization called "IF....THEN,"

By Benjamin Wittes

Lenora & the Money-Go-Round

which according to Boston-based researcher Chip Berlet "prided itself on its anarchistic and confrontational approach to organizing and consciousness-raising." A few years later, the Newmanites started the Centers for Change (CFC) and later the International Workers Party (IWP), which was officially disbanded in the late '70s. Ex-members of the NAP insist that the Marxist-Leninist IWP still exists and continues to operate as the NAP's secret center, and that NAP members who show promise are tapped to join this cadre organization. The IWP defined itself as a Marxist-Leninist "vanguard party of the working class" in an Aug. 26, 1974 open letter to LaRouche's International Caucus of Labor Committees. At least two ex-members confirmed the continued existence of the IWP, while two others refused to answer questions about the IWP (although they referred to it by name several times).

There are two interlocking control mechanisms inside the core of NAP," wrote Berlet in the September-October 1987 issue of the leftist journal *Radical America*. "A secret cadre organization that enforces a distorted form of democratic centralism, and a manipulative type of psychological therapy in which all members of the core NAP hierarchy must participate. At the apex of the NAP hierarchy sits Dr. Fred Newman, chief theoretician, campaign manager for Dr. Lenora Fulani, playwright, scholar, activist, and the person who invented the sort of therapy practiced by those who have come to be known as the 'Newmanites.'" (For his criticism, Berlet has been vilified by the NAP as an FBI informant and an agent of the Democratic Party.)

A Korean War veteran with a doctorate in the philosophy of science from Stanford University and no formal training in psychology, Newman practices what he calls "social therapy" in New York, where no advanced training is required for psychological counselors. ("Blame it on the state of New York," Newman told *Newsday*, in reference to how someone with as few credentials as he could be allowed to practice.) Newman's pseudo-political gospel links revolution in society to the health of the individual, giving the IWP an Orwellian sheen. The IWP provides its members not only a political agenda but a life agenda, concentrating a frightening amount of power in the hands of its elite. Newman has described his relationship to his patients as that of a "benevolent despot," according to Bruce Shapiro's May 4, 1992, article in the *Nation*, and he serves both as chief therapist and as party leader.

"I knew when I joined NAP that it was not black-led, and I knew when I left it was not black-led," wrote 1984 NAP presidential candidate Dennis Serrette, who broke with the party in the wake of that election. "It took longer to understand that NAP was not even a progressive organization as it also pretends."

The NAP enjoys particularly unfriendly relations with other progressive organizations, in part because of its members' contentious politicking on the left. In 1987, NAP members flooded the New York chapter of the leftist Jewish organization New Jewish Agenda (NJA). According to the Nation article, "The NAPers actively tried to recruit NJA members for social therapy or the party, even inviting them on dates. They urged the organization to associate itself with the Fulani campaign, something longtime NJA members were not about to do. Meeting after meeting, the number of NAP members grew, and more and more time was taken up debating the extreme anti-Zionist proposals of the NAP members...rather than attending to the immediate business at hand. Finally, NJA leaders concluded that the NAP was trying to either destroy the chapter or take over, and reluctantly, publicly, voted to expel twenty party members after a hearing."

NAP members have also sought to pull other leftist organizations under their influence, including the California Peace and Freedom Party, ACT UP, the All-African Unity Party, the American Public Health Association, and New Hampshire Citizen Action.

"The entire left hates their guts," says former NAP member Ann Decker, who still defends the NAP.

The political opportunism of the NAP expressed itself in the 1985 founding of the D.C.-based lobbying organization the Rainbow Lobby, an organization whose name invited confusion with the Rev. Jesse Jackson's Rainbow Coalition—even though the two groups were not connected. After heaping praise on Jackson during the 1988 campaign, the NAP suddenly turned against him; Fulani now calls Jackson a "sellout."

While scorning other leftist organizations, the NAP maintains a close relationship with the Rev. Al Sharpton and an on-again off-again flirtation with the Nation of Islam and Perot, all of whom oppose practically everything the party claims to stand for. In the early '70s, Newman even led his followers into an official alliance with LaRouche's National Caucus of Labor Committees. (LaRouche, incidentally, received $100,000 in federal matching funds for his 1992 presidential bid, though he campaigned from federal prison.) In the late '80s, the NAP defended its members' past involvement with LaRouche in a letter signed by "The Committee to Set the Record Straight." The committee stressed that LaRouche was a legitimate leftist at the time of the collaboration and boasted of the Newmanites' being "among the first on the Left to explicitly identify LaRouche as a neofascist."

Yet the IWP was little more than an oddity within New York City's already-odd politics until the 1979 founding of the NAP and Newman's first forays into electoral politics. In the subsequent 15 years, the party has run candidates in dozens of congressional, mayoral, and gubernatorial elections. In New York, Fulani has run for lieutenant governor (1982), mayor of New York City (1985), and governor (1986). In addition, the NAP has waged three national presidential campaigns, first placing Dennis Serrette on the ballot in 33 states in 1984, and then Fulani on the ballots of all 50 states and the District of Columbia in its 1988 third-party campaign. The 1988 campaign received $948,798 in federal matching funds, and, of course, the 1992 Fulani campaign milked the FEC cow for twice that amount.

The FEC presidential campaign system is a gold mine for candidates. For every dollar a primary candidate raises, the government forks over another. Federal matching funds are granted to candidates seeking the presidential nomination of parties that hold primary elections and to qualify for the funds, a candidate must first raise $5,000 plus in each of 20 states, in amounts of no more than $250 from any individual contributor. The candidate must average at least 10 percent of the vote per state over the course of the primary elections.

While the mainstream Democratic candidates, in fear at Bush's high popularity ratings, left Fulani and her talented, single-minded cadre of telemarketers and canvassers alone in New Hampshire to pound the government, they offered little in the way of substantive policy proposals, preferring to spend their time bowling about the exclusion of fringe candidates like herself from the debates and bashing the Democrats as they slowly made their way up to New Hampshire. But the party's fund-raising jump on the Democratic field.

Fund-raising is something at which the NAP excels. Once inside the "tendency," as the IWP calls its various political arms, IWP members are required to pay cash dues, the amount of which varies, according to ex-members. Robert Cohen reports paying $70 in dues at secret biweekly cell meetings. Dawn Friend, despite being unemployed, paid $20 every two weeks. Former five-year IWP member Marina Ortiz estimates that she forked over between 10 and 15 percent of her total income in dues during her tenure in the party, and she claims that others paid three times that percentage. Another source could only estimate that she paid "less than one-third" of her salary. Cohen also claims that the IWP leadership orders members who receive tax-return checks to sign them over to the party. Moreover, Newman's social therapy is mandatory for IWP members. Cohen claims he paid an average of $200 per month in therapy fees for eight sessions.

In addition to supporting the party's work with dues, many IWP members are employed by or volunteer as organizations aligned with the NAP. Ortiz worked as an unpaid volunteer for the now-defunct Vision Communications PR firm. Cohen worked as an unpaid fund-raiser for the now-defunct Rainbow Lobby. Dawn Friend was assigned

Former FEC attorney Kenneth Gross explains the limitations of FEC enforcement procedures.

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to the Castillo Cultural Center, as was Wilton Duckworth, who would not confirm that he had ever been an IWP member. Individuals who worked for the 1992 Fulani campaign on a salary basis, according to FEC records, were generally paid between $100 and $300 per week.

Even those ex-party members who defend the party admit that Newman extracted incredibly long hours from his followers. Says Duckworth, who admits that aspects of the party were "cultish" but dismisses accusations of brainwashing or systematic campaign violations, "We're talking about people who held eight-hour-a-day jobs and then worked until 1 or 2 in the morning on a volunteer basis."

To other ex-members, however, the long unpaid or underpaid hours that IWP members log is simple exploitation. Cohen estimates that he worked over 50 hours per week for the party on top of his regular job. His experience, he claims, was typical. "[The IWP] demanded that members give every hour that they had. The way they spoke about it was that your time wasn't your own. The time is our time—the tendency's collective time."

When the '92 presidential campaign rolled around, the IWP also appealed to its devotees for matchable contributions. In addition to members' regular dues and therapy fees, says Gasink, "We were all told that we had to give the maximum amount matchable by the government." She adds, "I had to give $250 to the campaign in '92, because that was going to be matchable." Former IWP members Pleasant and Ortiz concur with Gasink, saying that IWP members were told to give the maximum matching amount. Cohen does not remember whether he was ordered to contribute, only that he did. FEC records reveal that the campaign raised money from campaign workers, the feds matched those contributions, and the campaign paid those workers.

In the absence of an exhaustive list of NAP activists and employees of Newman's organizations, it is impossible to determine how many NAP members gave money to the campaign and how many were paid for their services in part with matching funds. But FEC filings show that of 71 campaign workers salaried by the campaign between its inception and February 1992, 53 gave amounts large enough to be listed—over $200. The number of NAP activists contributing to the campaign and also being paid out of its treasury, however, was greater than 53, because at least nine individuals gave matchable contributions to the campaign at the same time they were salaried by enterprises doing business with the campaign.

Other presidential campaigns routinely employ people who also donate to their own candidates, and those dollars are just as routinely matched by the feds. But the aggressive way the NAP reaped funds from the FEC invites scrutiny.

Still, there is nothing illegal about salaried party members giving to the campaign, says Kenneth Gross, a Washington lawyer and former head of FEC enforcement. "If they're real campaign workers and they're really salaried, and they really paid taxes on the money, then it's not necessarily a problem."

Roughly 1,700 contributors gave at least $200 each to the Fulani campaign, according to the campaign's FEC filings, but since donations of less than $200 are not reported (but are matchable), the total number of contributors to the campaign is unknown. To raise $2 million in matchable contributions, the Fulani campaign had to have persuaded at least 8,000 individuals—and actually persuaded many more—to donate money.

After scolding Democrats in New Hampshire and raising money as a Democrat, Fulani suddenly withdrew from the New York Democratic primary. NAP spokeswoman Madelyn Chapman offered the *Washington Post* this explanation for Fulani's exit: "It was clear that [Fulani] was not welcomed by the Democratic Party."

Whether or not *the charges of wrongdoing leveled by former NAPer Kellie Gasink and the others are true, the ultimate scandal of the Fulani for President campaign is that it demonstrates the ease with which political animals such as the NAP can gather massive amounts of FEC matching funds, and how little accountability the feds have built into the system.*

NAP critics offer a simpler explanation, saying that Fulani abandoned the New York Democratic contest because under FEC rules, her poor showing in New Hampshire would have required her to win 20 percent of the New York vote to remain eligible for the lucrative matching funds. By ditching the Democratic race when she did, and running only in the presidential primaries of several third parties in which she could actually win 20 percent of the vote, Fulani continued to collect matching funds.

Fulani and her advisers thought out this strategy in advance. She had informed FEC Chairman John McGarry in an Oct. 9, 1991, letter that in addition to running as a Democrat and a NAPer, she was also a candidate for the presidential nomination in the California Peace and Freedom Party primary (which she won), the Illinois Solidarity Party primary, the Vermont Liberty Party primary, and the South Carolina United Citizen Party primary. (The NAP itself conducted no primary.) By informing the FEC of her intent to seek the nominations of these parties and by not placing herself on a second Democratic Party primary ballot, Fulani remained eligible for matching funds until the primary season ended in August. And her fund-raising efforts continued apace.

Thanks to the generous matching fund system, Fulani's machine kept rolling even after the primary season ended. Matching funds support only primary campaigns, but the FEC recognizes that campaign expenses don't stop the day of the last primary. (The FEC does, however, fund the general campaigns of the two major party candidates with $55 million each.) Candidates are allowed to continue raising matchable contributions months after the primaries, with eligibility for matching funds determined by the FEC on the final day of a campaign's eligibility by calculating the net outstanding debt of the campaign. As long as the candidate is soliciting donations that qualify for matching funds and spending that money to repay the net outstanding debt, the FEC will continue to match those contributions. The Bush and Tsongas primary campaigns, for example, received matching funds as late as March 1993. Likewise, Fulani continued to receive primary matching funds even as she pursued her general election campaign.

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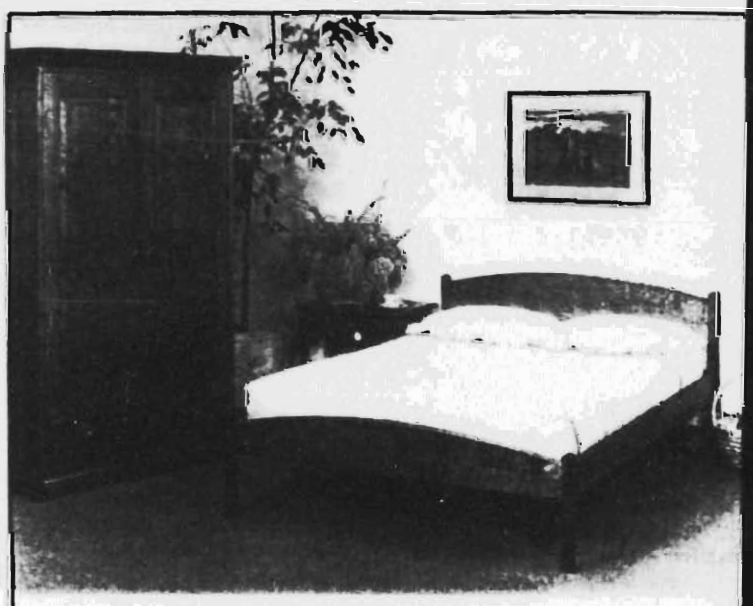

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Lenora & the Money-Go-Round

In 1988, Fulani spent $465,943 on the general campaign (none of which was federal money) and muscled her way onto national television and radio talk shows, bagging a respectable 217,219 votes in the November election. The Libertarian Party, which had been actively running presidential campaigns since 1976, collected 432,179 votes for its candidate, Ron Paul.

But in 1992, Fulani spent 96 percent of her campaign budget on her primary campaign and only a minuscule $188,226 on the general campaign, appearing on the general election ballots in 39 states and the District of Columbia as the New Alliance Party standard-bearer. She collected a pathetic 73,708 votes in the election, fewer even than her right-wing fringe opponent, America First Party candidate Bo Gritz.

The NAP attributed its poor showing in the general election to the Perot candidacy, saying he stole the protest vote. Moreover, Fulani spokeswoman Salit explains that early publicity acquired during the primaries, not a good general election showing, had been Fulani's main purpose all along.

"We made a political decision going into the 1992 campaign...that it was [not] going to be an effort to repeat and restate the accomplishments of 1988 vis-à-vis ballot access vis-à-vis size of the vote count, etc.," Salit says. "[In 1992,] we were attempting to use some of the achievements that had occurred in 1988...to more directly focus the 1992 campaign into a direct challenge to the undemocratic nature of the political process." According to Salit, Fulani "front-loaded" the campaign spending to win maximum media coverage in New Hampshire.

As a third-party strategy, Fulani's is controversial. "It's very, very strange—beyond peculiar—bordering on insane to spend more on the primary than you would on the general," said Perry Willis, campaign manager for Andre Marrou's 1992 Libertarian Party campaign. The scope of the Libertarian's presidential bid, measured in terms of ballot presence, is similar to the NAP's. "If you're trying to build a mass base in the electorate, the general election is when you do that, and that's where you should spend most of your money," Willis says.

Critics of the NAP and IWP, however, view the Fulani campaign's spending patterns as anything but insane. According to the critics, the campaign spent the lion's share of its money in the primaries because the feds subsidize those campaigns.

"I lived here in New York throughout the whole presidential period. I never saw one poster for Lenora Fulani. I listen to the black radio stations; I never heard any media for her," says Friend, who dropped out of the IWP before the campaign shifted into high gear. "I live in Bed Stuy, which is the largest black neighborhood in New York City....You would think this would be a big base they'd be trying to court. Nothing."

"[Newman's] promise to us at the beginning [of the campaign] was that even though he might not put [Fulani] on the ballot in all 50 states, he was going to spend a lot of money on media," former IWP member Gasink adds. "And there was [almost] no media. When in the '88 campaign, more than twice that was spent on media, and she was on the ballot in all 50 states, and we had half the money! So I'm sitting here going, 'Where is all this money going? Where is it being spent?'"

This is the $2-million question.

To start, at least $901,495 of the primary campaign's money was paid directly to organizations sharing office space and phone lines with the New Alliance Party and each other, according to FEC filings.

NAP spokeswoman Salit acknowledges that the businesses and organizations paid by the campaign are not simply "any old organizations out in the world." She said that "these are organizations and enterprises and businesses that carry out various commercial functions...that were developed by and are connected to a broad political movement of which we are a part."

The NAP-affiliated organizations billed the Fulani campaign not just for legal fees and PR, but for rent, for party newspapers, for tickets to fundrausers, and for leaflets. According to FEC filings by the NAP, the Fulani campaign paid the following NAP-affiliated organizations for these listed services:

- Castillo Communications received $226,087 in PR fees and expenses.
- The International People's Law Institute (IPLI) received $194,435 in legal fees and expenses.
- Ilene Advertising received $151,516 in advertising fees and expenses.
- New Alliance Productions received $76,421 in advertising and office rent.
- The *National Alliance* received $75,063 for newspapers.
- Fred Newman Productions received $68,925 in retainers for Newman's services as campaign manager.
- Automated Business Services received $54,800 in accounting and payroll fees.
- CAKIM Inc. received $15,122 in ballot access expenses.
- The New Alliance Party received a check for $15,000.
- The Castillo Cultural Center received $13,352 in rent, material production, and other odds and ends.

While scorning

other leftist organizations, the NAP maintains a close relationship with the Rev. Al Sharpton and an on-again off-again flirtation with the Nation of Islam and Ross Perot, all of whom oppose practically everything the party claims to stand for. In the early '70s, Dr. Fred Newman even led his followers into an official alliance with Lyndon LaRouche's National Caucus of Labor Committees.

- The Rainbow Lobby received $8,410 for telemarketing lists and fund-raising dinner tickets.
- Newman & Braun (Fred Newman's therapy practice) received $5,118 in computer expenses.
- Musicruise received $1,057 in fund-raising expenses.
- The MP Greenwich Corp. received $875 for van parking.
- Castillo International received $847 for books.

It's only reasonable that candidates should work with attorneys, PR people, and accountants they know and trust. Contracting out to a familiar network of businesses is a common for candidates, as Newman pointed out to the *Nation*. Jackson's Rainbow Coalition, he said, "has a whole network of interlocking businesses...I don't see how it is avoidable."

But former IWP member Kellie Gasink alleges in her sworn complaint to the FEC that some of the interlocking NAP businesses did not provide the services for which they were contracted. (The FEC confirms that it received a complaint from Gasink, but will provide no other information. Gasink released a copy of the complaint to the *Washington City Paper*. New York City notary public Sharon Braunstein confirms that she notarized Gasink's statement.)

"Most of these organizations exist only on paper as bank accounts and legal fictions," writes Gasink in her complaint. "[T]hey delivered almost no goods and services to the campaign."

"The amount of money that went into these organizations that was actually spent on the campaign was microscopic," William Pleasant told the *New York Daily News* last November. Pleasant, who was senior editor of the party's *National Alliance* newspaper until shortly after the 1992 campaign, also doubts the existence of some of the organizations listed in the FEC filings. He alleges that CAKIM and the IPLI "didn't exist—never did exist" and that "New Alliance Productions [was] just a paper organization."

Former NAP attorney Gilchrist supports Pleasant's claim, saying that the IPLI existed mostly on paper. Currently working at Greenpeace, Gilchrist left the IWP as the 1992 campaign was getting off the ground.

"It never really existed distinct from the lawyers," Gilchrist says. "There were a couple of lawyers who had ongoing practices, and [the party] just gave them a frame to make money."

Gilchrist claims that the IWP concocted a plan in late '88 and early '89 to convert her Mississippi law practice into a legal clinic that would financially benefit the party. It would be staffed by volunteer attorneys and do low-cost legal work for poor clients. In addition to the clinic, Gilchrist would also run a more lucrative private practice on the side.

"Whatever profits were made by these two enterprises would be given over to the [IWP]," she says. "They were primarily interested in my law practice making more money, so that I could give it over to the party." Gilchrist claims that when she refused to set up such a firm, party members accused her of being "politically opposed to making more money."

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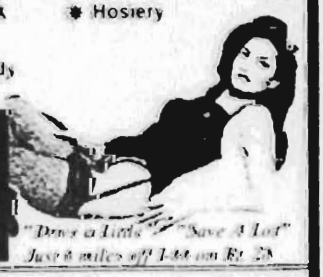

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Lenora & the Money-Go-Round

Salit says Newman does not recall trying to convince Gilchrist to start a party-linked law firm. She charges that Gilchrist was disbarred in Mississippi and had been involved in a "long-term personal and political relationship with Bill Pleasant," adding that Gilchrist's story was "not uncharacteristic of the vicious ultra-leftism of the Pleasant crowd."

Gilchrist says she resigned from the bar when she left Mississippi, and quit practicing law in December 1992. She acknowledges that a bar complaint against her was pending at the time of her resignation. The state bar confirms her account.

With only one exception, the enterprises that collected the $901,495 in matching funds shared the Manhattan addresses of 250 West 57th St. and 500 Greenwich St., according to FEC filings. The exception was Newman & Braun, which did business at 175 West 72nd St.

Considering the nature of the business these organizations conducted, it is odd that six of the businesses (Automated Business Services, CAKIM, the IPLI, Fred Newman Productions, and Newman & Braun) had no listing in the 1992-93 NYNEX Manhattan White Pages.

Automated Business Services was ostensibly a payroll and accounting company. The IPLI, according to Gary Sinawski, one of its partners, "was a law partnership set up to pool a number of public-interest-oriented attorneys to do controversial legal work on a pro bono or near pro bono basis." That the IPLI billed the Fulani campaign $194,435 for its services doesn't sound very pro bono. Besides, isn't it peculiar that a public-interest law firm (or a therapy practice, for that matter) would not be listed in the phone book?

"The allegation that these are paper organizations is just ridiculous," the NAP's Salit says. "[Newman and Braun] do therapy. That's what they do." When asked why so many of the organizations with whom the campaign did business had no phone numbers, Salit sputters and laughs. "I gather because they forgot to get a listing in the phone book," she finally blurts. "I don't know what to tell you about that."

Along with Gasink and Ortiz, Gilchrist describes Newman's power within the various NAP-affiliated organizations as nearly absolute.

"Various social therapy clinics were opened and closed," says Gilchrist. "Businesses were opened and closed. Money and people were moved around. [Newman] basically did what he wanted to do, and there was a very concerted effort to make sure that nobody objected."

Gasink worked on a 1988-89 fund-raising campaign for the NAP-affiliated East Side Institute for Short Term Psychotherapy, where Newman is the director of training. She believed that the fund-raising receipts were marked for a training program at the East Side Institute, and was shocked when the money was placed in a Castillo Cultural Center account.

"All of that money was transferred from the East Side Institute account to the Castillo account," Gasink said. "Right after the beginning of the [fund-raising] campaign, Newman...said basically, 'You're not to plan on using this money. This money is mine.' "

"The allegation that money raised for the East Side Institute was transferred someplace else—that's just false," counters the NAP's Salit.

Ortiz, who worked in the Vision Communications public relations firm, also questions the way the movement handled its money.

"I remember one [Vision] meeting where we questioned whether the amount of work done for a particular entity was [appropriate] given the amount of money...we received," Ortiz says. "And the responses ranged from...humorous jokings about channeling those funds to serve Fulani to more adamant straight-out orders from Fred Newman along the lines of, 'Get it straight, you work for Fulani.' "

"I believe those stories—without a doubt," says former IWP member Friend. "Marina might be bitter in a lot of ways, but I don't believe she's lying...Kellie and I have our differences, but I don't believe she's lying either."

Calling herself "just a foot soldier," Friend adds that Gasink "was a bookkeeper for that entity for a while....Because they were closer to where the money was being transferred, so they could see it more."

When asked whether Newman controlled the money at even those organizations with which he had no on-paper ties, Friend responds: "Oh, without a doubt! Because his name isn't on paper as the proprietor...doesn't mean he wasn't involved. The fact of the matter was that we all took our marching orders from him. He was our Lenin."

Ortiz says, "We were following orders—not that that's an excuse, but we believed that we were building a genuine movement that would empower people in this country."

How does Newman keep his people believing this myth? Through "social therapy," say ex-members of the group. They say Newmanite therapy is simply a mind-control technique adapted from the orthodox Marxist notion that human pathology results not from individual sickness but from society's injustices and abuses.

"They really brag that [social therapy is] an alternative therapy. It's much more than that," explained Ortiz. "It's an instrument for them to draw people closer in...and then join the International Workers Party, where they then perform slave labor."

> ***Fund-raising is something at which the NAP excels. Once inside the "tendency," as the IWP calls its various political arms, IWP members are required to pay cash dues, the amount of which varies, according to ex-members. Robert Cohen reports paying $70 in dues at secret biweekly cell meetings.***

Ortiz and others say they were drawn into the IWP through social therapy and volunteer work for the *National Alliance* newspaper and the NAP. In Ortiz's case, after six months of therapy and volunteer work, she was invited to a secret meeting where she was asked to join the IWP.

Social therapy demands absolute allegiance from its patients. Writes Shapiro in the *Nation*: "Replacing 'bourgeois' relationships with new revolutionary patterns of consciousness meant that virtually every aspect of existing life—sexual orientation and partners, domestic arrangements, employment—could be challenged at the whim of the therapist, with accommodation a condition of remaining in therapy."

If nothing else, the Newman-related organizations are flexible, opening and closing and recasting themselves.

In 1990, Vision Communications was shuttered. "I was sat down in a five-minute meeting with Fred [Newman]," said former Vision PR person Ortiz, "and told, 'We are moving, we are dissolving Vision Communications. PR work will be carried out of Castillo.' "

Robert Cohen says Newman dismantled a social therapy clinic in Harlem when it became clear the clinic would not be able to process Medicaid forms.

Until late 1992, the organization's Rainbow Lobby was spending $1.5 million per year on lobbying Congress on foreign policy issues such as Zaire and attacking then-Rep. Mervyn Dymally (D-Calif.) (see "Under the Other Rainbow," 8/17/90). According to filings with Congress, the Rainbow Lobby paid at least $139,000 for billed services to NAP-affiliated organizations in 1989. The group now does business as the private consulting company of Ross & Greene.

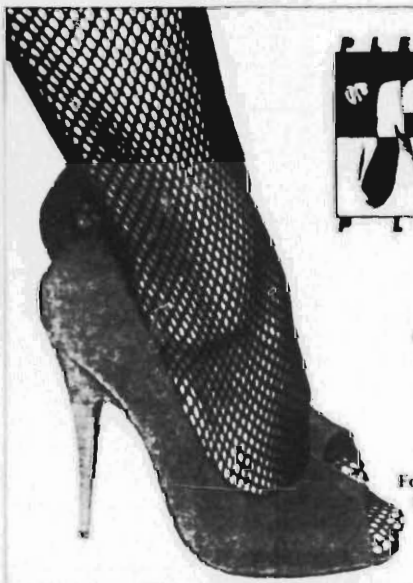
Although former NAPers allege that some of the businesses listed in the 1992 FEC filings were similarly scrapped after the campaign, the NAP's Salit acknowledges only the demise of the International People's Law Institute. She claims that CAKIM, Newman & Braun, Automated Business Services, and Fred Newman Productions still exist. Salit confirms that (212) 941-5800 is the correct number for CAKIM, but when I called that number three times on different days, I got the Castillo Cultural Center. When I asked for CAKIM, none of the people who answered the phone had never heard of the organization. CAKIM should probably instruct the people who answer its phone that it exists.

The IPLI law firm collected nearly $200,000 from the Fulani campaign. But in addition to that payment, two of the now-defunct concern's attorneys, Sinawski and Arthur Block (both NAP members, according to Sinawski), billed the campaign $13,100 and $21,346 respectively.

Gasink alleges in her FEC complaint that the IPLI did no work for the campaign, and that Block's and Sinawski's individual billings properly reflect the campaign's actual legal expenses in the primaries.

Former NAP lawyer Gilchrist, who worked on ballot access and other legal problems for the Fulani campaign in 1988, concurs with Gasink.

"It seems very implausible that that kind of money was spent in legal fees for the campaign by the IPLI combined with what was



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billed by Sinawski and Block individually," says Gilchrist, who last worked for the NAP in 1991.

Gilchrist argues that Fulani's ballot access legal bills in the 1992 primaries should have been minimal. Fulani appeared on only one Democratic primary ballot—New Hampshire—an easy ballot that 37 candidates appeared on. Fulani studiously avoided ballots that might be difficult to get onto—the New York Democratic ballot, for example—and devoted the rest of her primary campaign to third party ballots, which are easy to get on.

"My experience is that it might be extremely difficult and expensive to campaign for the nominations of ballot-status third parties, but that it costs next to nothing to get on the primary ballots," says Perry Willis, the Libertarian campaign manager.

"The ballot access issues are for the general campaign—literally for getting on state ballots," Gilchrist says. And, of course, the Fulani campaign couldn't spend its matching funds to get on the general election ballots. "I have no earthly idea what else they could have spent ballot access money on," she adds.

But Sinawski, in his denial of Gasink's charges that the IPLI did no work for the campaign, makes specific reference to ballot access.

"I can state generally that the IPLI did an enormous amount of work on behalf of the campaign on issues of ballot access," said Sinawski, when asked how the campaign could have racked up such high legal bills. "I worked on that straight through the campaign".

Calling Gasink's and Pleasant's charges "frivolous," Arthur Block refused to discuss them. Claiming later in a written statement to have appropriate invoices for all charges to the campaign (according to the FEC, there are two invoices). He provided 35 pages of faxes describing the campaign's lawsuits and congressional testimony. "Dr. Fulani's legal initiatives in the area of presidential debates access, media access, ballot access, and other electoral democracy issues, are well known," Block wrote.

According to NAP filings with the FEC, the Fulani campaign disbursed approximately $60,000 to consultants for "clerical services," "processing services," and "data entry services." But several of the consultants on that list claim they never received any payment for their work for the campaign. Gasink and Pleasant are both listed in FEC filings as having received $450, and both claim they never saw a dime, and Gasink provides the names of two others listed as Fulani contractors in the filing who told her that they weren't paid either. In addition, the now-deceased Steven Rose is listed in FEC filings as having received money despite his condition as a late-stage AIDS patient at the time of the campaign. Another purported contractor whose name appears in the FEC filing also denies receiving any payment from the campaign. She asked for anonymity.

Gasink alleges in her complaint that campaign officials endorsed these checks and cashed them at the campaign's bank, Amalgamated Bank in Manhattan. Pleasant seconded Gasink's charge in an interview, although he has filed no complaint to that effect.

B.J. Lee, a NAP activist who resigned her membership in 1992 but still calls herself sympathetic to the party and still helps with the computers at the NAP office, is listed in FEC filings as having received $1,000 in four payments. Like the others, she denies having been paid. If any checks were struck in her name, she says they were cashed without her knowledge.

"It would be interesting to see the signatures on the back," she said when told that her name was on the reports. "I knew they did that with other people," she said. "I didn't know they did that with me. It was a common practice."

> ***"The allegation that these are paper organizations is just ridiculous," the NAP spokeswoman Jacqueline Salit says. "[Newman and Braun] do therapy. That's what they do." When asked why so many of the organizations with whom the campaign did business had no phone numbers, Salit sputters and laughs. "I gather because they forgot to get a listing in the phone book," she finally blurts, "I don't know what to tell you about that."***

NAP spokeswoman Salit refused to comment on the charge that checks were signed and cashed by third parties, saying that the NAP's attorneys had told her not to talk about it because "Gasink and Pleasant ... have been peddling these allegations to various law enforcement agencies."

Salit did allow that many who worked on the Fulani campaign were poor people with no access to bank accounts. "And in some cases, it was always better for people to receive their payment in cash," Salit says. "So in certain cases, I know that arrangements were made to cash people's checks for them at the bank and to give them cash."

Assuming that Gasink, Pleasant, Lee, and others are telling the truth about not receiving the checks that were struck in their names, and assuming that the checks struck in their names did not represent work for which they expected to be paid, the Fulani for President campaign could be accused of manufacturing "artificial" debt.

"A campaign can only receive matching funds up to the point of net outstanding campaign obligations," says former FEC attorney Gross. "Increasing the campaign's debt affects the amount of matching money the campaign is entitled to. If that debt were manufactured, that would be defrauding the public."

Gasink and Ortiz also allege that the Fulani for President campaign violated campaign laws by using matching funds to cover the rent of two New Alliance Party offices. The FEC prohibits campaigns from spending matching funds on behalf of other organizations. According to FEC filings, the campaign paid roughly $40,000 in rent for a Harlem office to the 1 West 125th St. Corp. Another $16,891 was paid in rent for a South Bronx office to Leon Harary (whose business address is also listed in the FEC filings as One West 125th Street). Gasink and Ortiz alleged in interviews that neither office was used by the campaign, but by the New Alliance Party itself.

Salit concedes that "those offices had been New Alliance Party offices prior to the ad-

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Lenora & the Money-Go-Round

vent of the campaign" and that "the campaign took them over...and paid the rent." She insists, however, that the business conducted in those offices while the campaign was paying the rent was strictly campaign business.

The campaign also paid out approximately $500,000 in reimbursements and allowances, which Gasink alleges in her complaint were improper. One-fifth of the money listed as reimbursements was paid in $125 "travl subst/fundr" allowances, which certain employees received every week. Former IWP member Ortiz finds it suspicious that thousands of dollars were paid in reimbursements to New York-area campaign workers for copying and office supplies, even though NAP maintained open accounts at Staples and Kinko's.

Gasink says in her complaint that she and other campaign workers were encouraged to submit receipts for goods and services to the campaign, even if they didn't reflect campaign expenses. "I was told, 'Just any receipts that you can find...anywhere. Just keep them. Collect them and turn them over to the campaign,' " she says.

Gasink also alleges in her FEC complaint that the campaign wrote reimbursement checks for these receipts but never distributed them, and instead cashed them at Amalgamated Bank. Ortiz, who had left the party by the time the 1992 election cycle began, could not verify Gasink's account. She did, however, express her skepticism at the amount of money the campaign claims to have paid in reimbursements. "I know for a fact that you'd never get reimbursed for anything," she said.

Salit denies these charges, too.

Fred Newman himself did very well off the campaign. He was paid $68,925 during the primaries as a consultant, which is consistent with his history of paying himself well through the NAP's various enterprises and his social therapy practice. For a socialist organizer, Newman lives quite well. Last fall, he and longtime NAP member Susan Massad purchased a large Greenwich Village brownstone at 60 Bank St., according to New York City Department of Finance records. The purchase price was $928,000.

"Anyone who looks at the financial records will [conclude] that an investigation into the way they handled the money is certainly appropriate," says NAP critic Chip Berlet.

Although the FEC conducts routine audits of all presidential campaigns receiving federal money, those audits are designed mainly to verify that matching funds aren't used for the general election. Investigating possible improprieties among the campaign's contractors is not part of the FEC's standard operating procedure. As long as the NAP provides receipts for its reimbursement checks and invoices for the money it paid out to its for-profit concerns, it can satisfy the auditors.

"It is possible that commission auditors could conduct such an audit and such conduct would not be detectable by the audit staff," says former FEC attorney Gross. "If it was payment for envelopes, for example, I don't think the FEC would ask to see the envelopes without other evidence that it was a bogus transaction."

An FEC audit of the Fulani campaign's finances released April 20 did allege minor violations of FEC rules. FEC auditors considered the campaign's system of reimbursing workers for expenses as contributions by those workers, and that those contributions were in excess of the $1,000 maximum donation allowed under the law. The FEC also found that the IPLI's billing practices amounted to an unreported contribution to the campaign. The IPLI admitted to auditors that the Fulani campaign paid the IPLI as contributions and matching funds rolled in, not in specific response to its invoices. As Salit points out, the FEC's finding contradicts the NAP critics. The critics claim that the IPLI was *draining* money from the campaign for work not done, whereas the FEC views the IPLI's work as unreported contributions.

Federal law requires campaigns to disclose the name, address, occupation, and employer of all reported contributors; the auditors concluded that Fulani's FEC filing omitted the occupations and employers for 23 percent of reported contributors. In an interim audit report released in November 1993, the FEC asked the campaign to return $1,394 of the matching funds. The campaign complied, although the FEC says that the check bounced. A second check cleared, and FEC officials expect no further action in light of the audit.

Gasink's complaint apparently precipitated an inquiry by the Manhattan District Attorney's Office. At least three former IWP

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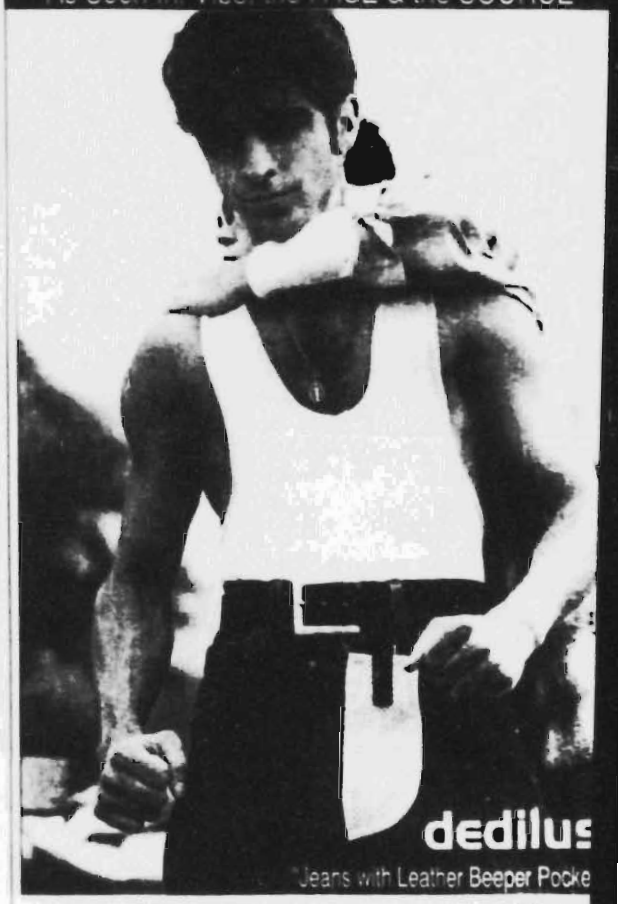

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members claim that representatives from the D.A.'s office interviewed them about the allegations.

Newman told the *New York Daily News* in November that his accusers were disgruntled former associates conspiring to attack the party. Salit describes them as leftists trying to re-establish their credentials on the "traditional" left by defaming the NAP. Another NAP loyalist calls them burnouts. But Pleasant and Gatink didn't exactly burn out. Both say they were expelled from the IWP following the presidential election when they raised questions about the party finances.

And Newman certainly treats them more like credible threats than burnouts, marginal leftists, or disgruntled former employees. The entire Nov. 25 issue of the party's newspaper, *National Alliance*, is devoted to attacking Pleasant under the banner headline "William Pleasant's Latest Writings: Communism's Stinking Corpse." The unsigned preface to a series of angry letters Pleasant wrote to Newman and Fulani explains that the *National Alliance* was publishing them to distinguish the "new concept of revolution" that Newman espouses from the "hateful, vengeful, and opportunistic communism" of Pleasant. Pleasant proudly acknowledges himself as a Marxist-Leninist, but unlike Newman, he has never masked himself as anything else.

Although Marina Ortiz left the IWP voluntarily, she is troubled by the party's conception of her as a complainer. "I lived with these people, I slept with these people, I worked with these people, I did therapy with these people, I did culture with these people," she says. "This was my life." And yet, she claims, Newman tried to break up her relationship with the man to whom she is now married, saying in therapy sessions that they should both sleep with other people. Newman dissolved Vision Communications, in which Ortiz had sunk years of volunteer labor. And, when Ortiz's daughter began rebelling against the authority of the party and didn't respond to social therapy, he urged Ortiz to put her in foster care.

"I'm disgruntled," Ortiz says with a sigh, "but I have good reason to be so."

Rather than reining in matching funds, Congress intends to expand the program and fund congressional contests. The campaign finance reform bill currently being advanced by Democrats on Capitol Hill would extend public financing to House and Senate campaigns in which spending limits are not observed.

Sen. Mitch McConnell (R-Ky.), an ardent foe of all forms of public campaign financing, says the Fulani campaign is but a preview of what 535 federally subsidized congressional contests would be like.

Other

presidential campaigns routinely employ people who also donate to their own candidates, and those dollars are just as routinely matched by the feds. But the aggressive way the NAP reaped funds from the FEC invites scrutiny.

"I think we would have incidents like this quite frequently, because it would be impossible to craft a bill that would deny funds to third-party or fringe efforts such as the New Alliance Party," says McConnell.

The senator doubts that a beefed-up FEC, with a large enforcement staff to police campaign finance violations, is the answer. Such federal micromanaging of campaigns, he says, would "create a Gestapo over at the FEC."

"A much better route would be to get taxpayer funding out of political campaigns altogether and let them be funded with voluntary and fully disclosed contributions," says McConnell, adding that he intends to hold hearings into Fulani's use of federal matching funds.

McConnell's abolitionist sentiments ignore the fact that the expense of presidential campaigns has frozen out of the presidential campaign every dark horse who doesn't pack a Perot-size bank account. Fulani's $2 million payout just may be the price the country must endure to prevent the candidate pool from shrinking to mainstream Democrats and Republicans and eccentric billionaires.

Even if McConnell fails to investigate the Fulani campaign this political season, it looks like he'll get a second chance after 1996. Perennial candidate Fulani has remained visible, running for governor in New York, and appearing on CNN and the *MacNeil/Lehrer NewsHour* to defend Louis Farrakhan and Khallid Abdul Muhammad. All signs point to a 1996 Fulani presidential campaign and yet another feast upon the FEC's matching funds. **CP**

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BEFORE THE FEDERAL ELECTION COMMISSION

DR. LENORA B. FULANI, DR. FRED NEWMAN, FRANCINE MILLER, RACHEL MASSAD, and LENORA B. FULANI FOR PRESIDENT,	
Complainants,	MUR _____
--against--	AFFIDAVIT OF DANIEL FRIEDMAN, PH.D.
KELLIE GASINK,	
Respondent.	

State of New York)
) ss.:
County of New York)

DANIEL FRIEDMAN, PH.D., being duly sworn, deposes and says:

1. I am over 18 years of age and a resident of New York, New York. My doctorate degree is in the field of Theater History, and was awarded to me in 1979 by the University of Wisconsin.

2. I have personal knowledge of the facts described herein.

3. I am submitting this affidavit and the annexed exhibits to provide the Commission with evidence that six harassing phone calls were placed from the Kellie Gasink's home telephone to respondent Dr. Fred Newman. Five of the calls were made by William Pleasant, and the sixth by an unidentified male.

4. Also, I am submitting a copy of a letter to me from William Pleasant dated "May Day, 1994." Note that on the

9804386108 2

last page, Pleasant writes, "this letter really isn't to you, but to FN [Dr. Frederick Newman]."

5. First, I will explain how I came to learn about these telephone calls. Then I will set forth the content of them.

6. This past February and March, four pilot episodes of a cable television program, "Therapy for America with Dr. Fred Newman," ("TFA") were cablecast on public access channels.

7. TFA is a simulated social therapy group led by Dr. Newman, in which the "patients" are actors. (Social therapy is an approach to psychotherapy and education that Dr. Newman created in collaboration with developmental psychologists and mental health professionals.)

8. During the show, viewers are invited to use an 800 number posted on the screen to call Dr. Newman and leave him messages about what issues they would like to have dealt with in an upcoming episode.

9. I was responsible for retrieving the messages for Dr. Newman from the telephone company's message center and transcribing them.

10. The bill from the telephone company identifies the numbers from which calls are placed, and the time and duration of the calls. Annexed hereto as Exhibit A is a copy of two bills covering the call-ins from the three pilot programs in the New York City area.

11. I am informed that Kellie Gasink gives her home telephone number as (718) 515-8791. As you will see, six harassing calls were placed to Dr. Newman from her home telephone. Two were placed on February 19, 1994, two on February 26, 1994, and another two on March 5, 1994.

12. I listened to the messages recorded from the calls from Gasink's home telephone.

13. I am very familiar with the sound of the voice of William Pleasant and the manner of his speaking. We worked closely together for several years on a number of projects. For example, we worked together on the editorial staff of the National Alliance, as well as on other publications, and we were both active members of the Castillo Cultural Center, with particular involvement in the center's theater productions.

14. Pleasant left the following voice message for Dr. Newman at 7:10 p.m. on February 19, 1994:

> Yeah, like, you know, I really identify with the therapist, Fred Newman 'cause he's out of his f ing mind and he's a crook and he's a f ing thief. And I just want you to know that I find it amazing that you would drop the Fulani show and put on some more of Fred Newman's bullshit. He's a idiot. Why don't you people face it? He's a fool. Wake up. I going to keep calling. Okay? Good bye. [hysterical laugh]

15. Pleasant left the following voice message for Dr. Newman at 7:13 p.m. on February 19, 1994:

> Yeah, I need some therapy real bad because Fred Newman ripped me off and stole money. I need therapy, help me, oh God!

16. Pleasant left the following voice message for Dr. Newman at 11:45 p.m. on February 26, 1994:

9 8 0 4 3 8 6 1 0 8 4

Yeah, I don't identify with any of the patients. I identify with Fred Newman, the therapist, because I feel like really paranoid. I feel like somebody's watching me, like I'm being investigated. I need some help.

17. Pleasant left the following voice message for Dr. Newman at 11:56 p.m. on February 26, 1994:

Yeah, I got a problem, I got a problem with this fat guy named Fred Newman talking with his hands. I wish he wouldn't talk with his hands. Okay? Thanks. [Fake sobbing]

18. Pleasant left the following voice message for Dr. Newman at 9:03 p.m. on March 5, 1994:

Yeah, my name is Raheed and I got these three bitches living in my house and I need some help from Fred Newman 'cause I know he's got three bitches living in his house. How you handle them bitches? Do you just slap them around and shit? I need to know. I need some help. Please. Thank you.

19. Thirteen (13) minutes after Pleasant left the foregoing message, there was another call from Gasink's phone. The caller, whose voice I did not recognize, left this message for Dr. Newman:

I identify mostly with Fred. I'm a big man too. I feel very very guilty. You see I been -- it's hard for me to talk about this -- I've been embezzling money. I've been forging checks and cashing them, even checks from dead people. I made up a bunch of phoney paper companies and laundered millions of dollars into secret bank accounts. I'm a lying, thieving punk. And I'm really paranoid 'cause I have this feeling that I'm about to get indicted. What should I do Fred? Maybe you have some insight.

Daniel Friedman
DANIEL FRIEDMAN, PH.D.

Sworn to Before Me
This 7 day of August, 1994

Arthur Block
Notary Public

ARTHUR R. BLOCK
Notary Public, State of New York
No. 31-4662471
Qualified in New York County
Commission Expires April 30, 1995

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Exhibit 1

CORPORATE ID: 99541317
COMMUNITY LITERACY RESEARCH PR
500 GREENWICH STREET
NEW YORK, NY 10013

800 MCI SERVICE

CALL DETAIL
SORTED BY DATE/TIME

INVOICE NUMBER: 71258789
INVOICE DATE: MAR 15, 1994
SALES CITY: 567

800-435-7453

CALL DATE	CALLER NUMBER/ COUNTRY	PRODUCT USAGE START TIME	PRODUCT USAGE DURATION (MINUTES)	PRODUCT USAGE PRCG MTHD	PRODUCT USAGE USAGE AMOUNT($)	TRANSPORT USAGE START TIME	TRANSPORT USAGE DURATION (MINUTES)	TRANSPORT USAGE RT PD/ CNTRY CD	TRANSPORT USAGE USAGE AMOUNT($)	TOTALS DURATION (MINUTES)	TOTALS CALL AMOUNT($)
02/19	212-744-0487	00:00	0.00		0.00	18:09	0.90	N	0.13	0.90	0.13
02/19	212-751-2893	00:00	0.00		0.00	18:10	0.70	N	0.10	0.70	0.10
02/19	718-731-7931	00:00	0.00		0.00	18:15	1.20	N	0.18	1.20	0.18
02/19	212-304-2616	00:00	0.00		0.00	18:18	0.40	N	0.06	0.40	0.06
02/19	212-678-2259	00:00	0.00		0.00	18:20	0.90	N	0.13	0.90	0.13
02/19	212-769-9561	00:00	0.00		0.00	18:21	1.00	N	0.15	1.00	0.15
02/19	212-678-2259	00:00	0.00		0.00	18:21	1.30	N	0.19	1.30	0.19
02/19	212-369-2606	00:00	0.00		0.00	18:24	0.50	N	0.07	0.50	0.07
02/19	212-874-3198	00:00	0.00		0.00	18:27	0.40	N	0.06	0.40	0.06
02/19	212-941-8233	00:00	0.00		0.00	19:05	0.60	N	0.09	0.60	0.09
02/19	212-941-8233	00:00	0.00		0.00	19:06	0.50	N	0.07	0.50	0.07
02/19	718-515-8791	00:00	0.00		0.00	19:09	1.10	N	0.16	1.10	0.16
02/19	718-515-8791	00:00	0.00		0.00	19:13	0.70	N	0.10	0.70	0.10
02/19	212-941-8233	00:00	0.00		0.00	19:25	0.60	N	0.09	0.60	0.09
02/19	212-941-8233	00:00	0.00		0.00	19:29	4.00	N	0.58	4.00	0.58
02/19	212-941-8224	00:00	0.00		0.00	19:39	0.50	N	0.07	0.50	0.07
02/19	212-941-8224	00:00	0.00		0.00	23:54	0.50	N	0.07	0.50	0.07
SUBTOTAL 02/19/94:			0.00		0.00		15.80		2.30	15.80	2.30
02/20	718-797-1516	00:00	0.00		0.00	13:02	0.50	N	0.07	0.50	0.07
02/20	212-941-5802	00:00	0.00		0.00	14:21	1.80	N	0.26	1.80	0.26
02/20	718-941-2427	00:00	0.00		0.00	14:27	0.50	N	0.07	0.50	0.07
02/20	718-220-2269	00:00	0.00		0.00	15:55	0.60	N	0.09	0.60	0.09
02/20	718-220-2269	00:00	0.00		0.00	15:56	0.60	N	0.09	0.60	0.09
02/20	212-941-5804	00:00	0.00		0.00	16:28	1.00	N	0.15	1.00	0.15
02/20	212-941-8115	00:00	0.00		0.00	16:32	0.70	N	0.10	0.70	0.10
02/20	212-941-8149	00:00	0.00		0.00	18:25	0.90	E	0.16	0.90	0.16
02/20	212-941-5802	00:00	0.00		0.00	19:49	12.90	E	2.26	12.90	2.26
02/20	312-363-0307	00:00	0.00		0.00	19:52	0.30	E	0.06	0.30	0.06
02/20	312-363-0307	00:00	0.00		0.00	19:53	0.50	E	0.10	0.50	0.10
02/20	212-932-8704	00:00	0.00		0.00	20:50	0.70	E	0.12	0.70	0.12
SUBTOTAL 02/20/94:			0.00		0.00		21.00		3.53	21.00	3.53
02/21	718-797-1516	00:00	0.00		0.00	12:08	0.10	B	0.07	0.10	0.07
02/21	314-842-6500	00:00	0.00		0.00	12:13	0.70	B	0.18	0.70	0.18
SUBTOTAL 02/21/94:			0.00		0.00		0.80		0.25	0.80	0.25

+REAL TIME ANI CALL (INCLUDES SURCHARGE) *DTO CALL(INTRASWITCH) #DTO CALL(INTERSWITCH) **VOLUME DISCOUNTS NOT REFLECTED**
PRICING METHOD KEY: D = DURATION BASED; C = APPLICATION COUNTER; B = COMBINATION OF DURATION AND APPLICATION COUNTER

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GREENWICH STREET
NEW YORK, NY 10013

CALL DETAIL
SORTED BY DATE/TIME

SALES CITY: 567
PAGE: 3

800-435-7453

CALL DATE	CALLER NUMBER/ COUNTRY	PRODUCT USAGE START TIME	PRODUCT USAGE DURATION (MINUTES)	PRODUCT USAGE PRCG MTHD	PRODUCT USAGE USAGE AMOUNT($)	TRANSPORT USAGE START TIME	TRANSPORT USAGE DURATION (MINUTES)	TRANSPORT USAGE RT PD/ CNTRY CD	TRANSPORT USAGE USAGE AMOUNT($)	TOTALS DURATION (MINUTES)	TOTALS CALL AMOUNT($)
02/22	707-443-7958	00:00	0.00		0.00	20:32	0.20	E	0.06	0.20	0.06
SUBTOTAL 02/22/94:			0.00		0.00		0.20		0.06	0.20	0.06
02/23	913-341-1551	00:00	0.00		0.00	13:34	0.60	B	0.16	0.60	0.16
SUBTOTAL 02/23/94:			0.00		0.00		0.60		0.16	0.60	0.16
02/24	612-222-8870	00:00	0.00		0.00	13:28	1.30	B	0.34	1.30	0.34
S[illegible]TAL 02/24/94:			0.00		0.00		1.30		0.34	1.30	0.34
02/[illegible]	818-842-3300	00:00	0.00		0.00	03:11	0.40	N	0.08	0.40	0.08
SUBTOTAL 02/25/94:			0.00		0.00		0.40		0.08	0.40	0.08
02/26	407-863-4000	00:00	0.00		0.00	03:42	0.30	N	0.06	0.30	0.06
02/26	214-340-4505	00:00	0.00		0.00	14:09	0.10	N	0.06	0.10	0.06
02/26	212-932-2652	00:00	0.00		0.00	17:14	0.60	N	0.09	0.60	0.09
02/26	212-722-3938	00:00	0.00		0.00	18:09	0.50	N	0.07	0.50	0.07
02/26	212-534-2297	00:00	0.00		0.00	18:10	0.30	N	0.04	0.30	0.04
02/26	212-533-2843	00:00	0.00		0.00	18:12	0.90	N	0.13	0.90	0.13
02/26	212-690-5046	00:00	0.00		0.00	18:13	0.60	N	0.09	0.60	0.09
02/26	212-535-1020	00:00	0.00		0.00	18:14	0.70	N	0.10	0.70	0.10
02/26	212-586-3047	00:00	0.00		0.00	18:15	0.50	N	0.07	0.50	0.07
02/26	212-586-3047	00:00	0.00		0.00	18:16	1.50	N	0.22	1.50	0.22
02/26	212-864-2834	00:00	0.00		0.00	18:17	2.10	N	0.31	2.10	0.31
02/26	212-254-1501	00:00	0.00		0.00	18:22	0.50	N	0.07	0.50	0.07
02/26	212-222-0376	00:00	0.00		0.00	18:24	1.00	N	0.15	1.00	0.15
02/26	212-348-6024	00:00	0.00		0.00	18:26	0.50	N	0.07	0.50	0.07
02/26	212-964-3862	00:00	0.00		0.00	18:27	0.40	N	0.06	0.40	0.06
0[illegible]/26	404-755-2311	00:00	0.00		0.00	21:37	0.20	N	0.06	0.20	0.06
0[illegible]	404-873-5754	00:00	0.00		0.00	21:39	0.40	N	0.08	0.40	0.08
02/[illegible]	404-873-5754	00:00	0.00		0.00	21:39	0.60	N	0.12	0.60	0.12
02/26	718-515-8791	00:00	0.00		0.00	23:45	0.90	N	0.13	0.90	0.13
02/26	718-515-8791	00:00	0.00		0.00	23:56	0.80	N	0.12	0.80	0.12
SUBTOTAL 02/26/94:			0.00		0.00		13.40		2.10	13.40	2.10

*REAL TIME ANI CALL (INCLUDES SURCHARGE) *DTO CALL(INTRASWITCH) #DTO CALL(INTERSWITCH) **VOLUME DISCOUNTS NOT REFLECTED**
PRICING METHOD KEY: D = DURATION BASED; C = APPLICATION COUNTER; B = COMBINATION OF DURATION AND APPLICATION COUNTER

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Call Detail Report - 800 Service

COMMUNITY LITERACY RESEARCH PR
500 GREENWICH STREET
NEW YORK, NY 100131354

BILLING PERIOD 02/15/94 THROUGH 03/14/94

INVOICE NUMBER 741047
INVOICE DATE 03/25/
PAGE NUMBER
BILL PAYER ID 008424
ACCOUNT NUMBER N09054

CUSTOMER NUMBER 99356202

ID/ACCOUNTING CODE:

800 NUMBER: 800-438-7453

DATE	TIME	CALLER NUMBER	PLACE CALLED FROM		MINS	RATE	DIALA TIME	DIALD TO A	PREDISC AMOUNT
0301	15:09	(214)234-3300	RICHARDSON	TX	0.3	1			$ 0.07
0301	18:31	(205)833-0137	BIRMINGHAM	AL	0.5	1			$ 0.12
0301	23:29	(617)825-4024	DORCHESTER	MA	1.7	2			$ 0.30
0302	03:43	(612)825-5303	MINNEAPOLS	MI	0.8	2			$ 0.12
0302	03:58	(612)378-3200	MINNEAPOLS	MI	0.3	2			$ 0.06
0302	17:30	(615)479-9321	CLEVELAND	TN	0.7	2			$ 0.14
0303	17:10	(617)956-6929	BOSTON	MA	1.5	2			$ 0.28
0304	03:42	(206)523-5518	SEATTLE	WA	0.7	2			$ 0.14
0304	03:42	(206)244-4078	SEATTLE	WA	0.5	2			$ 0.10
0304	03:44	(206)242-4179	SEATTLE	WA	0.9	2			$ 0.18
0304	03:52	(206)941-2461	DES MOINES	WA	0.3	2			$ 0.06
0304	03:53	(206)941-2461	DES MOINES	WA	0.5	2			$ 0.10
0304	03:55	(206)431-9815	SEATTLE	WA	1.6	2			$ 0.32
0304	03:55	(206)524-2550	SEATTLE	WA	0.5	2			$ 0.10
0304	03:58	(206)524-2550	SEATTLE	WA	1.8	2			$ 0.36
0304	03:58	(206)558-9211	KIRKLAND	WA	0.6	2			$ 0.12
0304	03:59	(206)282-7212	SEATTLE	WA	1.6	2			$ 0.32
0304	12:21	(617)783-3838	BRIGHTON	MA	1.6	1			$ 0.35
0305	12:07	(212)986-6672	NEW YORK	NY	0.5	2			$ 0.08
0305	18:01	(212)873-0340	NEW YORK	NY	1.0	2			$ 0.16
0305	18:02	(212)288-0624	NEW YORK	NY	0.5	2			$ 0.08
0305	18:03	(212)734-1697	NEW YORK	NY	0.8	2			$ 0.13
0305	18:09	(212)759-3180	NEW YORK	NY	0.6	2			$ 0.08
0305	18:13	(212)679-6860	NEW YORK	NY	1.8	2			$ 0.28
0305	18:14	(212)682-8791	NEW YORK	NY	0.3	2			$ 0.05
0305	18:14	(212)595-2891	NEW YORK	NY	0.5	2			$ 0.08
0305	18:16	(212)865-6335	NEW YORK	NY	0.4	2			$ 0.07
0305	18:17	(718)562-7004	BRONX	NY	0.8	2			$ 0.10
0305	18:17	(212)568-3645	NEW YORK	NY	1.2	2			$ 0.20
0305	18:20	(212)353-9264	NEW YORK	NY	0.4	2			$ 0.07
0305	18:23	(212)353-9633	NEW YORK	NY	0.3	2			$ 0.05
0305	21:03	(718)515-8791	BRONX	NY	0.8	2			$ 0.13
0305	21:15	(718)515-8791	BRONX	NY	1.5	2			$ 0.25
0305	21:44	(404)352-7323	ATLANTA	GA	0.5	2			$ 0.10
0305	22:58	(205)923-3398	BIRMINGHAM	AL	0.3	2			$ 0.06
0305	22:58	(205)251-8487	BIRMINGHAM	AL	1.3	2			$ 0.26
0306	01:43	(718)789-9170	BROOKLYN	NY	0.5	2			$ 0.08
0306	09:35	(503)556-0430	HAMMER	OR	0.5	2			$ 0.10
0306	12:18	(404)257-9449	ATLANTA	GA	1.4	2			$ 0.28
0306	12:25	(404)344-1488	ATLANTA	GA	0.3	2			$ 0.06
0306	12:26	(404)344-1488	ATLANTA	GA	3.3	2			$ 0.66
0306	23:11	(919)430-8840	HENDERSON	NC	0.3	2			$ 0.06
0306	23:11	(919)430-8840	HENDERSON	NC	0.3	2			$ 0.06
0307	13:21	(212)941-8224	NEW YORK	NY	8.4	1			$ 1.72
0307	20:24	(703)552-4751	BLACKSBURG	VA	0.7	2			$ 0.14
0307	20:25	(703)552-4751	BLACKSBURG	VA	0.3	2			$ 0.06
0307	20:30	(703)953-1685	BLACKSBURG	VA	1.2	2			$ 0.24
0308	13:25	(909)624-8965	CLAIRMONT	CA	0.6	1			$ 0.15
0308	17:42	(617)522-0332	JAMAICA PL	MA	1.0	2			$ 0.18
0308	20:07	(617)868-5977	CAMBRIDGE	MA	0.4	2			$ 0.07
0308	20:41	(612)822-9093	MINNEAPOLS	MI	0.3	2			$ 0.06
0309	17:39	(216)769-9993	SEVILLE	OH	0.3	2			$ 0.06
0310	07:34	(612)797-0437	MINNEAPOLS	MI	0.3	2			$ 0.06
0310	17:55	(317)928-3248	INDIANAPLS	IN	0.5	2			$ 0.10
0310	21:59	(312)743-3054	CHICAGO	IL	0.7	2			$ 0.14
0310	22:17	(612)797-0379	MINNEAPOLS	MI	0.3	2			$ 0.06
0310	22:38	(317)839-1619	INDIANAPLS	IN	0.7	2			$ 0.14
0311	03:39	(206)747-8923	BELLEVUE	WA	0.5	2			$ 0.10
0311	03:41	(206)772-0522	SEATTLE	WA	0.6	2			$ 0.12
0311	03:52	(206)632-3404	SEATTLE	WA	0.5	2			$ 0.10
0311	03:53	(206)326-8181	SEATTLE	WA	1.0	2			$ 0.20
0311	03:56	(206)850-8999	KENT	WA	1.0	2			$ 0.20
0311	03:56	(206)325-8181	SEATTLE	WA	3.5	2			$ 0.70
0311	20:38	(512)259-2983	LEANDER	TX	1.7	2			$ 0.34
0311	20:55	(512)259-2983	LEANDER	TX	2.0	2			$ 0.40
0312	17:02	(212)620-4115	NEW YORK	NY	0.3	2			$ 0.05
0312	17:09	(212)928-0698	NEW YORK	NY	0.6	2			$ 0.10
0312	17:21	(212)496-8741	NEW YORK	NY	0.9	2			$ 0.15
0312	17:22	(212)410-3755	NEW YORK	NY	1.0	2			$ 0.18
0312	17:23	(212)289-4411	NEW YORK	NY	0.3	2			$ 0.05
0312	17:24	(212)289-4411	NEW YORK	NY	0.6	2			$ 0.10
0312	17:29	(212)932-3044	NEW YORK	NY	0.5	2			$ 0.08
0312	17:31	(212)289-4411	NEW YORK	NY	0.5	2			$ 0.08
0312	18:13	(212)717-6577	NEW YORK	NY	1.2	2			$ 0.20
0312	18:15	(212)222-9742	NEW YORK	NY	1.2	2			$ 0.20
0312	18:18	(212)860-8561	NEW YORK	NY	1.1	2			$ 0.18

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Exhibit 2

B

2779 words

MAY DAY 1994
NYC

Fr:
William Pleasant, ex-Central Committee Member IWP,
Sr. Editor NA, Executive Editor STONO, Co-founder of
Castillo Cultural Collective, etc...

To:
Dan Friedman, Managing Editor of the NATIONAL ALLIANCE

Title: PLEASANT AND THE "COHORTS" RESPOND

Editor:

Allow me to comment on your 5/5/94 edition of the NATIONAL ALLIANCE.

Let me begin by saying that I am quite flattered by your attention. I don't want to hurt your feelings, Dan, but nobody reads the NA anymore, and certainly nobody outside of Newman's SoHo bunker takes it seriously. And, ironically, that's to your advantage, since you'll never have to meet anyone who will demand that you explain or defend the idiotic articles that you've been forced to write over the past four years. Yet, despite the manifest obscurity of your scribblings, I feel a need to respond. You can understand that, since nobody likes to be slandered, even when the offending words, as in this case, happen to be smeared on a toilet wall.

Dan, I have always had respect for you as a communist scholar, though at times we may have clashed. But now I have lost that respect. How could you let Newman sign your name to WHAT'S BECOME OF THE WHITE LEFT?, to such a stupid, steaming pile manure? Don't you have any pride in yourself?

Your (Newman's) article was obviously written for internal party (cult) use. You can't possibly labor under the illusion that your slander of me in the NA can have any public impact on my reputation.

I need not belabor the point. Just put it this way, Newman saw fit to attack me now in the NA because the growing campaign--on the part of his former political colleagues--to expose him is starting to have impact, i.e., it's costing the born-again Patriot money. Dan, maybe Newman sees that it's getting harder and harder to spook you guys out on the streets to panhandle for him. Newman might be having more difficulty fleecing his wealthier devotees. Maybe they are holding on to their trust funds, tax returns and IRA's a

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little more tenaciously. I think there are more than a few "oppositional" campers in Newmania these days.

And, quite frankly, as Newman attempts to market himself to the white right, he simply can't afford the bad press, especially when it mainly concerns his former identity as a commie. Indeed, a spectre is haunting the million-dollar townhouses of Greenwich Village, that spectre is...BOOOOOOOO! Well, you get where I'm coming from. Let's face it, the C-word doesn't sit well with the "radical centrists" Newman courts today. That's why the Patrick Henry of Bank Street felt the need to formally enthrone me in his pantheon of Black boogeymen.

But before going on, I need to address the "cohorts" issue. Newman has consistently left the impression in his intramural press that I am somehow the evil genius behind his most undeserved torment. But a by-product of Newman's amusing fixation is his tendency to dismiss women, particularly women of color, who stand him down. I think Newman would describe such behavior as sexist, if the shoe didn't fit his foot so perfectly. The best example of this is his thunderous silence on Marina Ortiz. Ortiz, a Puerto Rican ex-member of the IWP (1990), has been hammering away at Newman since 1991--in the press, on radio, on television and in personal appearences. In many respects, she is the mother of the retaliation project. It was Ortiz, a radical journalist, who did the initial investigation of Newman's soiled finances, though she has had no role in the subsequent criminal investigations. Ortiz and I simply represent the scores of ex-IWP members--Black, Latino, Asian, white, women, gay and straight--who believe that Newman abused, exploited and politically betrayed them. All of these people are starting to speak to each other and to reach out to whatever means at their disposal to get some kind of justice. So, if Newman wants to obsess on little ol' me, that's fine and dandy. This highway has a whole lot of speeding traffic. A skunk like him had better look in all directions before crossing.

But according to Dr. Newman, anyone who opposes him is a cop, i.e., part of a conspiracy to "harrass groups and organizations engaged in organizing for progressive social change." Needless to say, I, like most of humanity, came to the obvious conclusion several years ago that the only "change" that interested Newman was spare change.

In any case, Newman sees the hand of the FBI everywhere: the white Left (cops), the Black Left (cops), Andy Cooper (Black bourgeois cop), just about all journalists who've ever written about him (cops), anybody who correctly calls him a cult leader (cops), and definitely anyone who dares to question his financial practices (cops, fascists, hostile space aliens, very bad people...). Cops are making Fred

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Newman's life just miserable, it seems. But couldn't there be another explaination for why Newman has been condemned to endure so much hostility, suspicion and ostracism? Could there be an outside chance that there are many people around who simply don't like him? Maybe they have "reactions" to his self-serving demagogy. Maybe his longtime practice of political opportunism sours some folks. Maybe his so-called anti-psychology psychology is ineffectual and amounts to little more than a technique for emotional manipulation. It could be that at least a few journalists who've written about Newman reported the unflattering truth--maybe one or two. I know that some people get upset when they feel that they're being flim-flammed, financially, politically, emotionally or otherwise. Maybe they don't like Fred Newman because he's ripped them off. It seems that you don't have to necessarily be a cop to be hostile to Newman. Newman, in fact, offers a veritable treasure chest of excuses to strongly dislike him.

I was amused by the verbal contortions you went through in order to demonize me. First you spend almost 2000 words rehashing Newman's obsessive love/hate affair with Dennis King and Chip Berlet. (You even published Ricky Flores' photo of them. It was uncredited, of course. Afterall, Ricky is probably a cop, too, given that he's one of my "cohorts." Then you jump to talking about the FBI and how it denies that it called Newman a cultist, and actually imply that the FBI is somehow the innocent dupe of the "white left" (cops) who published nasty things about Downtown Lenin. I thought the white left (cops) was working for the FBI (cops). Or maybe it's the other way around. In any event, the white left's criticisms and denunciations of Newman showed up in the FBI's files. For that, according to you, the white left automatically qualifies as "...(paid or unpaid?) intelligence and propoganda adjuncts of the state." If I'm getting this right, then you're saying that if anyone writes a piece that criticizes or attacks Newman, and the FBI puts it in their file cabinet, then that makes the writer an FBI agent "(paid or unpaid?)"???!!! That's really deep, my man. It's a good thing that you're writing in a cult newsletter, because otherwise you'd be laughed out of town. Clearly, through you, Newman flaunts his utter comtempt for his followers here. He's showing you that he thinks you guys are cretinous children, that you'll swallow anything.

But think about this: despite Newman's Chicken Little routine--year after year--about the cops at his doorstep, he has yet to demonstrate a SINGLE INSTANCE where the FBI has in any way interfered in or hindered the activities of the New Alliance Party or any of his other cash cows. All that he can produce is the fact that he has a file. Well, the FBI keeps files on millions of people, even diletante "movement folk" (parasites) like Newman. That fact

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hardly qualifies him for revolutionary martyr status! Anyway, for a self-declared "Public Enemy Number One," Newman seems to do quite well. I don't think he's ever been questioned by the cops. In fact, the cops let him ride around in his big car, spend lots of cash, and even take nice vacations when the spirit moves him. Maybe I'm "just not getting it," but Newman's lifestyle hardly suggests that he actually fears the cops, and clearly indicates that the cops--the real ones and not the phantoms he wants you to see--have very little political interest in him. Afterall, he's just a rich white dude, and there's no law against being that.

Back to the article! After you "prove" that the white left is really a police agency, then you drop Ben Chavis'name and the fact that he was probably present at a Detroit NAACP event where Fulani humiliated herself by repeating Newman's paranoid delusions about the cops. You then imply that Chavis somehow endorsed Fulani's hysterics. With that "fact" in place, you drop Farrakhan's name as a co-victim of the white left (cops). Now Chavis, Fulani and Farrakhan are in a holy alliance against the left and it's "cop-ish ways." That was a good example of Newman's ~~[illegible]~~ moronic sophistry!

Now I enter as the "wannabe-white-leftist." I am "eager to be the Black Chip Berlet." I'm like Dennis Serrette, Ron Daniels and Andy Cooper; I'm a cop. Well, Serrette is a cop because he told his story of Newman's early episodes of alleged racism and corruption to a "Black Mississippi publisher with ties to that state's infamous anti-civil rights spying network, and Berlet, King and the rest of the white counterintelligence left." Dan, how cowardly. Everyone knows that Serrette talked to Charles Tisdale of the JACKSON ADVOCATE and the "spying network" you mention ~~was~~ is the now-defunct Sovereignty Commission. Are you saying that Tisdale was a Sovereignty Commission informant? Why didn't you say so? Because you know that he was not and you don't want a libel suit. But Tisdale had to be a cop because you needed to make Serrette a cop. Strangely, though Newman constantly whines about King and Berlet being the ultimate source of all his bad press, I don't think he ever sued them for libel. But, in 1986, he sued Tisdale ostensibly for using them as sources. I wonder why.

Let's see, you say Daniels is a cop because he opposed Fulani in the 1992 Presidential election. He ran, under orders from the white left (cops) "to divide Fulani's support in the Black community." A question: How come Ross Perot didn't merit cop status, too? Didn't he "divide Fulani's support" in the white independent voting community? What about the Libertarian Andre Marou? I'm sure the SWP candidate had to be a cop in your book, because he divided Fulani's support in New York State--he whipped her at the polls here, by the way. On top of that, I believe he was a

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genuine, red-blooded, white leftist (a real cop!), not just a "pathetic" Black leftist "dancing to the tune of the white left." Is it a polka or a cha-cha, Dan? Needless to say, your attack on Daniels is as desperate as it is absurd. Dan, have you ever considered that over-exposure to Newman might cause brain damage? Think about it the next time you get the urge to write...Nonetheless, you note that Daniels only appeared on the ballot in nine states. He received about 25,000 votes. If Daniels' campaign was an attempt to capture Fulani's Black base, then, judging by Fulani's dismal showing in 1992, either Fulani had no base in the Black community--in fact, what was left of it was disorganized by Newman's brilliant tactic of liquidating the campaign to tail Perot--or Daniels was a very successful spoiler. Afterall, Fulani came out of 1992 with less than half the votes she received in 1988, though she apparently spent 100% more money than in 1988! Indeed, "Daniels' was not a serious campaign," but neither was Fulani's, given that Newman embezzled the campaign treasury. So it goes...And finally, poor Andy Cooper is a cop simply because he had the nerve to publish a story that clumsily pointed to Newman's graft.

That leaves me. You know, it's sort of right wing for you to charge me with wanting to be white, leftist or otherwise. Actually, ex-Comrade Friedman, the "wannabe-white" charge has a long history in Black radical politics. It was a chief weapon used primarily by police infiltrators to organize Black nationalists against Black communists interested in building inter-racial class-wide organization. You see, according to the FBI, Blacks trying to work for the unity of the working class--no matter how flawed or doomed to failure--is a "wannabe-white" activity, just like being a communist is a "wannabe-white" affliction to some reactionary demagogues, Black and white. Which side are you on, Dan?

Dan, do I want to be white because I oppose Newman? Do you mean that to be an authentic Black person I must "want Fred," I must bow down to that creep? If that's the qualifier, then judging by the size of Newman's (and Fulani's) following in the Black community--she's so loved by the people of Harlem that she couldn't even break 1% at the polls in her own national headquarters precinct!--I guess roughly 99.9999999999...% of the Black population are "wannabe-white" like me. As far as going to the "press, the New York District Attorney, and an assortment of regulatory agencies to get them to investigate Fulani and her political partner, Fred Newman," well, I wasn't the first or the only one. I've also stated fairly clearly why I thought it was necessary to do so. My writings on the subject require no interpretation. Fred Newman robbed and sabotaged a very precious movement for me. He acted like a pig. I am of the school that PIG SHOULD EAT PIG. That's why Newman has to answer to the state today. It's appropiate retaliation for

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his crimes against decent progressive-minded people across this country. What did he expect? We were going to let him scamper away to the bank (and to the right wing) with the accumulation of our talents, passions, years of exploited labor, and political reputations? I think he expected--in his cult-centered, white supremacist, sexist way--so much. And that's why it's safe to say that Newman has some very critical transistors missing; or in street vernacular, "That suckah has-GOTS-to-be crazy!"

Moreover, whinning that "Twenty years ago, if a leftist had run to the cops about his former comrades, the left, no matter what it thought of the organization involved, would have ostracized the turncout," is also a product of Newman's deteriorating mental state. Only 100 words previously in the article, you howl that the white left equals cops. Why would the cops come to Newman's rescue? Aren't they his enemy? And if the white left isn't cops, then, again, why would it defend Newman, given that he's not a leftist, but a self-proclaimed patriotic millionaire? Anyway, who wanted to draft Collin Powell--a career war criminal, specializing in genocide exclusively against people of color--as the "Black progressive" US Senatorial candidate in Virginia?
Man, give me a break! You're right, it's not 20 years ago, and Newman doesn't have a leftist leg to stand on.

Running to the cops? You have some nerve!!! I vaguely remember Newman siccing the FBI on a fellow named Jim Rutherford--a founding member of Centers For Change and SDS veteran--in 1974. Rutherford stole away one night with his infant son, after Newman hooked up with Lyndon LaRouche. Newman had the guy hunted for kidnapping his own kid. The left repaid Newman's treachery, it "ostracized the turncoat." I also recall a certain Black Maryland woman named Morning Sunday. In 1992, she complained about how Newman was milking her state for Fulani campaign funds and not putting a dime back into local independent campaigns or organizations--that was actually Newman's national policy. When she balked at submitting her ballot nominating petitions at the time decreed by Newman, Newman had her charged, tried and convicted of grand larceny--for stealing the petitions! In fact, Newman is quite fond of using the pigs and the courts to harrass his opposition on the left. I don't ever recall him trying to sue or jail anybody on the right. They say and print unflattering things about him,too. They even try to plant bombs in his offices, as the old yarn goes. In the end, I'm only giving Newman a taste of his own medicine.

Finally, Newman really isn't concerned whether I'm "considered by many on the white left to be a hero," or not. He's actually terrified that I may be a hero to some of his

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folks at 500 Greenwich Street, and that has the potential to cause him mucho grief.

Dan, I dare you to run this letter in the NA.

William Pleasant

William Pleasant

PS: To Dan, Firstly, as you see, this letter really isn't to you, but to FN. 3rd-person format simply gives me a polemical freedom. I have no personal or political animus toward you...

The FN scene is imploding (politically & psychologically).
I urge you to get out of it
before you become infantalized.
You can write plays, do research
and everything else that you
think is important w/o FN.
You definitely can't make revolution w/ FN.
Seize the time, comrade!
Seize your life back.
And then you can make yourself happy.
The people need you.
Get out and
Come into the world./ Bill

212-662-4991

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C

UNITED STATES OF AMERICA

BEFORE THE FEDERAL ELECTION COMMISSION

DR. LENORA B. FULANI, DR. FRED NEWMAN, FRANCINE MILLER, RACHEL MASSAD, and LENORA B. FULANI FOR PRESIDENT, Complainants,	AFFIDAVIT OF JACQUELINE SALIT
--against--	MUR _____
KELLIE GASINK, Respondent.	

State of New York)
) ss.:
County of New York)

JACQUELINE SALIT, being duly sworn, deposes and says:

1. I am an assistant to and spokesperson for Dr. Lenora B. Fulani, and I was the Deputy Campaign Manager of the 1992 Fulani for President Committee. I have personal knowledge of the facts described herein.

2. Dr. Fulani and the Committee are respondents named in MUR 3938, which is based on a complaint filed by Kellie Gasink.

3. On April 7, 1994, I received a telephone message from a journalist, Benjamin Wittes, who had been referred to me by one of the treasurers of Dr. Fulani's 1992 campaign committee. When I returned Wittes' call, he told me that he was writing an article for the Washington City Paper about allegations regarding Dr. Fulani's 1992 presidential campaign, and, in particular, how federal matching funds received by the campaign were spent.

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Wittes continued his telephone interview of me with several follow-up calls, the final one of these being on June 27, 1994, about a week and a half before the publication of the article.

4. I observed in the discussions with Wittes that many of his questions seemed to be derived directly from the allegations in the materials that Gasink had submitted to the Commission that were filed under MUR 3938. He did not, however, refer to MUR 3938.

5. When Wittes' article finally was published, it stated that Gasink had given Wittes a copy of the materials she had submitted to the FEC.

6. Gasink's violation of confidentiality created a very prejudicial situation. An investigative reporter was relying upon the confidential materials that Gasink had filed with the FEC. In answering his questions, however, I did not refer to the materials that the Committee had filed with the FEC in response to the Gasink complaint, nor did I provide copies of any of these materials to the reporter, because of the confidentiality requirements of federal law.

7. I am informed that federal law provides for the simultaneous public disclosure of all of the material filed by all of the parties to an MUR at a particular point in the process. By violating confidentiality, Gasink engineered a selective public disclosure solely of the accusatory materials in

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the MUR file, without disclosure of the responsive materials contesting the allegations.

Jacqueline Salit

Jacqueline Salit

Sworn to before me this
7 day of August, 1994

Arthur Block

Notary Public

ARTHUR R. BLOCK
Notary Public, State of New York
No. 31-4662471
Qualified in New York County
Commission Expires April 30, 1995

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D

UNITED STATES OF AMERICA

BEFORE THE FEDERAL ELECTION COMMISSION

DR. LENORA B. FULANI, DR. FRED NEWMAN, FRANCINE MILLER, RACHEL MASSAD, and LENORA B. FULANI FOR PRESIDENT,	
Complainants,	AFFIDAVIT OF FREDERICK D. NEWMAN, PH.D.
--against--	MUR _____
KELLIE GASINK,	
Respondent.	

State of New York)
) ss.:
County of New York)

FREDERICK D. NEWMAN, PH.D., being duly sworn, deposes and says:

1. I am one of the complainants in this proceeding and I am a respondent in MUR 3938.

2. On or about July 13, 1994, I received by mail a letter from William Pleasant, dated July 8, 1994, copy annexed hereto as Exhibit 1.

3. It is similar to a series of previous letters I had received from him. Copies of representative samples of the previous letters are annexed hereto as Exhibit 2.

4. Besides his letter writing, Pleasant also has left a series of harassing phone messages for me. See accompanying Affidavit of Daniel Friedman, Ph.D.

5. As set forth in the complaint filed herewith, Pleasant's most recent letter is principally about the article

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about the 1992 Fulani campaign that appeared in the City Paper on July 8, 1994. Pleasant describes the article as one of the "vehicles" that "we have used and will employ in the future." "We" almost certainly includes respondent Kellie Gasink, who is named in the article as the principal source of the article and as the person who gave the newspaper a copy of the confidential complaint that she had filed with the Commission, designated MUR 3938, and who allowed Pleasant to use her home telephone to make a series of harassing phone calls to me.

FREDERICK D. NEWMAN, PH.D.

Sworn to before me this
7th day of August, 1994

Notary Public

ARTHUR R. BLOCK
Notary Public, State of New York
No. 31-4662471
Qualified in New York County
Commission Expires April 30, 1995

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Exhibit 1

B

July 8, 1994
NYC

To: "Fast" Freddie
Fr: "Wannabe-white-leftist" William Pleasant

Hi, Fred:

Well, how did you like the CITY PAPER article? If I may paraphrase the old Peter, Paul and Mary tune, "Where has all the $$$$ gone?..." I thought Wittes did a good job. It was certainly an improvement over the CITY SUN pieces last October, don't you think? I don't know, but I think you got royally "outed." What do you think? Certainly, with a spokeslackey like Jackie Salit serving as your mouthpiece, you really don't need critics. She has a knack for indicting you with every mouthful of lame bullshit. Things seem to have really degenerated down in your SoHo bunker, intellectually speaking, that is. But afterall, Marx did say that the bourgeoisie was the descending class. You seem to prove him correct, you've gone RIGHT down the toilet. So it goes.

I'm dropping this epistle on you because I want to get something straight before you print some more self-serving lies in your dime-store circular next week. Nobody reads it any longer, but there's a principle involved. I like to keep the record straight. And since my little notes to you are distributed to les dissidents in the loft--a sort of samizdat operation--I am concerned about being politically precise. I just expect you to howl that the article was some kind of grand conspiracy to frustrate your "new" brand of politics (treachery and graft). Just for the record: the CITY PAPER article originated from the same place every other recent attack on you has come from, i.e., the betrayed and infuriated ex-cadres of the IWP, current members and supporters. There's no FBI conspiracy, no cops under your bed, no King/Berlet vendetta, nobody to blame but us. We have simply carried through with our quite public promise to expose you at every opportunity. Your tongue is tied and you're sweating bullets in your mansion these days because of us. The CITY PAPER was just one of many vehicles--I think you'd use the term "tactics"--that we have used and will employ in the future.

The irony of the whole scene is that, though you have this fixation with demonizing me, I, personally, really can't do or say much to substantially damage you. I have very little first-hand knowledge of your nasty little affairs with the party's treasury, among other things. I guess I was never corrupt, stupid or white enough to be included in your circle of co-conspirators. Your problems actually come from

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within your "political community." Since you decided to convert the IWP into a full-blown cult by essentially depoliticizing the organization, your self-serving "revolutionary" hype about "security" and "discipline" falls on a lot of deaf ears these days. It has exposed itself as merely a tool for silencing dissent and allowing you and your body crabs a free hand in hijacking what's left of the party's finances.

The so-called "need-to-know" doctrine of communications within the IWP was nothing more than a way in which you and your cronies monopolized power, i.e., the finances. Only you needed to know where the money was hidden, because only you felt you had the right to squander it on yourself and your pets. Up until now, you had correctly calculated that as long as you involved well-meaning cadres--always peripherally and never as significant beneficiaries--in your con games, then you could count on their docile silence. Their hands would be dirty, too. Afterall, you left them with the impression that they were somehow engaged in a politically subversive enterprise--actually a vulgar criminal conspiracy to fleece progressive-minded people.

(Of course, your cronies--most of whom are hasbeens and wrecks of various sorts--knew that you were scamming all along, and they liberally skimmed their cut of the action off of the top. They have a very large material investment in "supporting you," i.e., keeping the game going. For example: Jackie Salit would die of starvation if she had to depend upon her meager intelligence or talent to make a living in the "outside world." She lies and mugs for you because she knows that you're the only one who'd punch her lunch ticket. You know it too, and you use that fact to wrap her around your finger. That's just the mathematics of the relationship. She's only one example.)

As such, most decent folks wouldn't speak out, even when they knew that what they were doing was rotten to the core, since that would amount to self-incrimination! This technique works well among actual thieves and refugees from suburbia ensnared by the mystique of doing something naughty. But it falls apart when it is applied to actual political people. We didn't join you to make money or new friends, but to make a REVOLUTION--necessarily of the prolitarian variety. I don't think that you can conceive of that, since you have a TENDENCY to reflexively project your own cynical, corrupt and egomaniacal world view on others.

Needless to say, one does not have to be a "wannabe-white-leftist," "ultra-leftist," or a "f ing communist" in order to see right through you these days. Unless you're totally out of your mind, then you must realize that because of this

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you are the target of a lot of resentment from within your little Zone of Proximal Development. Folks have reactions to having been manipulated and ripped-off.
That resentment breeds leaks, big ones and little ones. Nowadays, most of them come nearly exclusively from your loft.

I must admit that I had expected a bit more courage on your part in responding to Wittes, given that you like to posture on Greenwich Street as an outlaw. (Away from the bunker, you are careful to act the part of a garden variety white millionaire. I'm sure your wealthy Bank Street neighbors see you as just another member of their club. Afterall, what's the use of stealing so much bread and not being able to enjoy it in peace.) You could have responded to the charges (precise and true, by the way) by coming out as a "revolutionary." You could've declared that you looted Fulani's campaign for the working class, that you robbed, defrauded and committed forgery against your comrades, in the name of the revolution. There would've been at least a crumb of political honor even in that. But you couldn't even speak on your own behalf. Instead, you hid behind Salit's skirt. For all of your chestbeating against the State, you are really scared shitless at the possibility that it might, through the criminal justice system, separate you from your pilfered comforts. If your graft is justified, then offer your political rationale to the public. The Bolsheviks robbed the bourgeoisie's banks and were proud of it. You robbed the bolsheviks and their supporters! Explain how that equals "revolutionary activity." You know and I know that you can't and won't. Above everything, you are a coward.

When I think about the suffering of poor and oppressed people, the political disempowerment and disorganization of youths, I become enraged, because you squandered and sabotaged everything that we, as a political organization, had accumulated. Now I see that the most revolutionary act I could have committed during my association with you would have been to overthrow you. I must admit that I find you quite repulsive now. You have built your life out of lies, hype and manipulation to such an extent that you cannot distinguish yourself from the virtual reality you have created. You have lied so much that you have become the lie. You lie about being a philosopher, you lie about being a communist, you lie about being a psychologist, you pretend to be an artist, you lie about being a patriot, ad nauseum...And when one lie becomes unsupportable, then you'll simply tell a new one! You'll say and do anything that satisfies your pathetic need for attention, approval and dominance. You will abuse anyone in the name of satisfying your vulgar-but-lawful greed for the trappings of upper class status. Afterall, by virtue of your race and gender, you are convinced that they are your natural right.

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But the jig is up, old man. And not because you're about to lose your hold over the inmates of the loft. Oh, no! You'll always have a few corrupt and/or dependent wretches at your knee. They're lifers! That's just the way that the cult-manipulated mind operates. No, your star is sinking because of the grifter concession's primal law: A CON MAN MUST ALWAYS CONCEAL HIS GAME. You can't do that anymore, so you are being effectively erased from the commercial register. The CITY PAPER article was simply a part of that process. No regrets, effendi.

WMPIV

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Exhibit 2

January 25, 1993

To: Fred Newman
Fr: William Pleasant

Dear Fred:

How are you? I hope you are well. You never responded to the report I gave you about the GREENS. Did you receive it? I left it for you at the 72nd St. office in mid-September. I also left several notes for you at Castillo asking if you had gotten it and requesting your feedback. I received no response from you. So it goes...Thanks for the late review of BROADWAY MELODY 1492. I see that I was given no credit in the article for adapting or designing the show, but that's okay. Why give credit to a Black communist when you can fawn over an Austrian fascist, especially one who has her hand in the cashbox of the Austrian government. Maybe she can pluck out a few pfennings for you, old buddy. That's what counts in the end, right?

I have come to the end of my patience with you, Fred. I can no longer accept your contemptuous treatment of me and my work. I have consistently informed you on what I was doing. I turned over scripts to you. I confided in you as I have done with no one else. The impression you have communicated to many people that I somehow was off doing my own thing, was a complete fabrication on your part. I deeply resent it. Moreover, I take great offense to the way that you related to my work in BROADWAY MELODY 1492.

I considered you my friend. But you have gone out of your way to treat me like a sack of shit. I am very saddened by you now. I really believed in you as a comrade and a leader. I have taken out your work and defended you on three continents. I don't regret a minute of it. I did it because you were my hope for a revolution in this stinking country. I loved you, man. Even though I disagreed with you on many things, I still respected you. But now things have changed.

To be blunt, effendi, you fucked up. You punked out on history. You had the left--and I'm not talking about the micro-sectarians, but the radical movement in toto--in this country in the palm of your hand, and you threw it away. I believe you just got scared. Fred, you are a coward. I am not necessarily an emotive individual, but at our 1989 plenum I cried with joy at the prospect that we, as a party, were poised to bring down the house--here and abroad. But then I watched you step-by-step sell us out. You substituted your ego for Marxism/Leninism. You opted to tail--Pedro Espada, Sandra Love, Al Sharpton, Farrakhan and worse, Ross Perot-- rather than lead. You turned a political party into

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your own personal business. Your conservative and incompetent leadership wrecked NAP and reduced Fulani to a pandering political crank, a talkshow novelty. She has become an ignorant puppet that you manipulate by conatantly reminding her that 1.) she is not good or white enough to be one of your consorts, 2.) her activities are insufficiently informed by Marxism/Leninism and 3.) her ability to mobilize any element of the party is mediated and controlled by you. Fulani has been reduced to a babbling wreck, desperately attempting to use the fact that her skin is Black to sell your liberal racism to people of color. Lenora Fulani, above all else, is a decent working class Black woman who always wants to do right by the people that she knows and loves. You, like a cheap pimp, manipulated her around that. In the end, she will extract her pound of flesh from you. I can say no more.

Lawfully, the poor and oppressed reject you in hordes, because YOU deliberately took us from being a leadership combat organization into being a popular front left cover for democrats, nationalists and other assorted scum. As we have said over and over again, everybody knew that we were communists. We were supposed to have been the revolutionaries. Subjectively, nobody respects the sell-out of revolutionaries. Objectively, the democrats and their lice can always cut a better deal. Patronage is patronage. You are no Richard Daley.

We were once powerful and now we are weak. You are rich ($5M) and the people are defenseless. Your ONLY relationship to the Black and Latino population is a talent show which is sold to the liberal white strata as a hedge against the little buggaboos snatching their purses--let them rap,dance and clown instead. Shame on you! You destroyed the National Alliance as a leadership publication rooted in the communities of the oppressed, reducing it to your in-house advertising flyer--catalogue for the Fred Newman line of liberal pathetic products. You surrounded yourself with sychophants and hustlers. You ruthlessly mind-f ed your most devoted followers in the name of a revolution that I am convinced now you don't even believe in. How sad. You had everything. You had me too, Fred.

Though I feel betrayed by you, Fred, I don't hate you. A number of years back, I spoke with Jackie Salit about you. I said then that I really cared for you and I wanted to support you in being a revolutionary leader. But I would not support you in being a middle-aged, Jewish asshole. Every movement and every party has its time, its moment to transform itself and transform the world. Leaders have upper bounds too, a place on the historical landscape where they must <u>correctly</u> re-organize themselves or pass into the dustbin. You have been to that place, you saw it and you ran

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away, straight into the arms of the bourgeoisie. Naively, perhaps, I believed that you had guts. That is that.

Fred, you have everything you wanted now; a nice chaufferred limo, all the liquor and food you can stuff into yourself, a nice home, a never-ending supply of young white women and millions of dollars at your fingertips. Our "rank-n-file" comrades tend to go hungry and they sleep on floors--sometimes my own. You have grown rich and powerful at the expense of people whose only weakness was that they wanted to do something decent with their lives. You have disorganized scores of Black and Latino activists who looked to you for COMMUNIST leadership. Instead, you gave them the brush-off and hid behind a curtain of parasites who stroked your ego. You can never be taken seriously again. I will see to it. Lee Iacocca--and Stalin--would envy you, comrade. You are accountable to no one, except your ego.

By the sheer weight of your accumulation, you can have no interest whatsoever in revolution. Your main concern is in keeping the "business" going, maintaining your priviledge and political patronage. Cynically, you have laughed at the hundreds of activists, our party members, who have put everything on the line to please you. By your own decrees, the interests of the party were equated with your own personal gratification. They trusted that what you had to say had something to do with making revolution. It did not. It had everything to do with insuring that you, your harem and your sychophants would enjoy an upper-middle class life-style. A businessman is a businessman. I don't fault you for that. I only oppose you when you mislead our people into believeing that making you rich will make them proud, pleased or even powerful. Your corruption makes it difficult, if not impossible, for new communists to build from. Your liberal middle class racism is a scourge on the poor and oppressed, it feeds their cynicism. Over the last two years, you have made all the right business decisions for yourself and your flunkies, and all the wrong revolutionary political decisions. That is why I can no longer support you. Our people don't need marketeers, they need Marxists.

I don't believe that you are sinister. I don't cry that you are some sort of guru or cult leader. I was never tricked by you or brainwashed. I willingly followed you when you were right, and when you were wrong I was one of the first to tell you to kiss my ass. That is how I expressed my love and loyalty to you. I always took you seriously as a revolutionary leader, a Marxist and a Leninist. I was always one of the people who actually gave to you. Most of your followers simply sit passively around you and suck you dry. They hate you and they give you nothing, not even a response to what you have said and taught. They don't take you seriously. If you are right or wrong, if you make an utter

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fool of yourself, they don't care. They are only concerned with you punching their emotional or financial tickets. They go along to get along. Most of them resent that they--by virtue of their failures in life--are forced to kowtow to a Jew, not to mention a Jew from the gutter. You have learned how to skillfully exploit that for your own ends, but, sadly, making revolution got swept under the rug in the process. You forgot who you were.

Since 1990, you have pursued political tactics and strategies that have failed at every turn--nationally and internationally. Your declaration of a grand coalition is merely a cover for the fact that what little political capital we had managed to accumulate was squandered by you following the 1988 Fulani campaign. There is no "coalition", no "independent movement", only your phonebook and a fistful of failed and corrupt bourgeois politicians who are so desperate that they will answer your calls. You have fully retreated from the Black and Latino communities and found your true audience, the monied elements of the white liberal petit-bourgeoisie. Actually, you don't need a base in the communities of the oppressed anymore. They are not cost-effective--i.e., poor people don't have money to give you. Good business sense, traitorous revolutionary leadership.

You have lied to our people and they have responded by turning their backs on you. The problem is that, in your stupidity and arrogance, you have compromised the political integrity of many activists who took you at your word and believed in you. As you tool through the city in your big black car, think of the scores of people who had their most radical political aspirations ground into the dirt by you. Think of all of the people who were disorganized by you and ultimately disillusioned with class politics by YOU. As you guzzle your next diet coke, thinking of your next cruise or Caribbean vacation with your chippie, remember that a lot of people--including myself--shed a lot of blood, sweat and tears to promote you and defend you. I won't do it anymore. As you swim with the "big fish"-- par ex: Tsesekedi is not only a CIA operative, but an executioner of African communists--know that you swim in the blood of our people.

Now the political chickens have come home to roost for you. A true revolutionary enjoys intellectual and political challenge, and I think that you did so too for a while. You grew because of that. But now that you are the CEO of a small corporation, you have no use for it. Marxism does nothing to enhance your marketing strategy. You definitely have no use for me. The means have become the ends for you, Fred. I never thought for a moment that this would happen to you.

You may ask why I choose now to relate these thoughts to you. I haven't seen you since August and then I raised none

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of these objections. The answer isn't that I am having a tantrum because you cut off my salary at Castillo Center--I had expected that to happen for months because I refused to participate in the revisionist politics and bad art at the center. Predictably, you have told people that I am hostile because I don't get any money from you. First of all, I am not hostile to comrades. I simply oppose you and your political corruption. Secondly, for some time I have not been dependent on my Castillo salary. I used it to support my writing and political projects. This might come as a shock to your white supremacist mentality, but there are some Black communists who can live without your patronage. I don't need you to punch my ticket, especially when the price is to collaborate in your exploitation of the comrades and our communities. As I have told you before, I never needed a father substitute, nor anyone to rationalize and re-rationalize the world for me.

I waited because I stupidly held my breath hoping that you would come to your senses. I could not imagine that you were a traitor. But I eventually realized, from a business point of view, Al Sharpton is a better buy than me. He's an anti-communist, Black Democratic Party operative, who goes out of his way to disrespect NAP and Fulani. He's an easy sell, I am not. I'm a communist, I don't fit into your marketing strategy for tailism--if mind-f ing middle class whites out of their money and labor can be honored with such a term. Fred, Gus Hall should be proud of you. Maybe now is the time for you two to form an alliance. There are certainly no political principles that the both of you won't sell out.

No. I was moved to write to you because I ran into Hazel Darren on my block. I really like Hazel, though I can't say that I have spent a great deal of time with her. I guess I have loved her from afar. She is a very strong, big-hearted woman. I took a look at her, how she hobbled along, the way she avoided looking me in my eyes as we exchanged pleasantries...I looked at Hazel, a woman who has devoted her youth to you and saw a shame and pain that no revolutionary should carry. She was not proud. She was a mumbling wreck, a casualty of your egotism. As for the past three years I was not proud of who I was. From that point a little while ago, I resolved to regain my pride. The first step was this letter. I needed to give you a piece of my mind, once and for all. The next step will be to take many of the lessons that you taught me when you were a Marxist and apply them to organizing a revolutionary communist press. That is something that I know I can do.

Just for the record. I DO NOT RESIGN FROM THE IWP. I do, nonetheless, reject your political leadership as revisionist and incompetent. I urge you to resign as chairman and retire to make room for new leaders and developments. The movement

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can no longer grow with you in a position of authority over its personel and financial resources. Lawfully, you and your ideas have become tired. It's time for a vacation. No one will think any less of you if you make a gracious exit.

An episode in both our lives has come to an end. I saw us walking into a revolutionary horizon together. I still hold to my assessment of you in 1985--I said it at your 50th birthday party. Remember? I said that you had made the most significant breakthroughs in Marxist science in the latter 20th century. That is still true. Unfortunately, you refused to believe it and to believe in yourself. I really dug you, Fred. You broke my heart.

William Pleasant 1/25/93 NYC

CC: Central Committee IWP

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This man was the Marxist/Leninist leader and theoretician Fred Newman. Prior to 1989 he had valuable lessons to teach revolutionaries around the world. Many revolutionaries looked up to this man and looked forward to walking into a red dawn for poor and oppressed people.

Then, one day this man chickened out. He began to think with the head between his thighs rather than the head on his shoulders. He began to run away from criticism by surrounding himself with yawning dunderheads and parasites. He attacked his friends and embraced his enemies in hope of enhancing his market niche. He threw class struggle out of the window because it didn't pay off as well as watered down liberalism and the metaphysics of bourgeois [illegible]

This man is now a pathetic, aging con-man, who reduced a revolutionary communist party into a business for his and only his benefit. He is a traitor of the working class. Too bad, [illegible] The world [illegible] belonged to him

11/7/93

NOTES FROM A NATIVE "SNITCH"

Seems like the chickens are coming home to roost for you, MACDADDY. Your quote in the DAILY NEWS (11/6/93)--in response to the charges--was as pathetic as it was cowardly. I had expected better from you, ex-comrade. "SNITCH???!!!" Have you been watching PENITENTIARY III again, Fred? I thought you'd denounce me as a space alien or an agent of the trotskyite-Rockerfeller-Kiwanas Club plot to poison the West Side's diet coke supply. You know you could have said anything about me in the paper, since the inmates of your SoHo bunker will believe anything you say. They're your "productions," aren't they? Carefully bred for gullibility, right? They were the only ones who you were talking to in the DAILY NEWS. You couldn't have been so self-deluded to think that anyone else would take you seriously and doubt for a minute that you're nothing more than a con-man and petty thief, a mindf er and an egomaniacal semi-intellectual. Face it, homeboy, the jig is up! All that remains to do is to connect the dots.

But "SNITCH?" You can do better than that. Afterall, you are not only "more than a man," but you are also "the last hope of the working class"--don't forget that you're "as sexy as a clenched fist," too. Lawdy, lawdy, lawdy! What's the matter, Fred, the 5th Amemndment got your tongue? You're the real revolutionary, aren't you? Ain't no punk bourgeois DA gonna put the spooks in the "organizer of organizers," the "embodiment" of the "Tendency Toward Vanguardism," the "Galileo" of psychology, is he? Hell, you could just snap your fingers and not only would the hungry masses jump to your defense, but the ghosts of Billie, Malcolm and Yusef too. You just got it like that, right, my man? Well, bro, just between you and me--and the rest of humanity--you know and I know that the only people you have at your back right now are a fistful of emotionally-dependent wrecks--your patients, your productions!--and an entourage of assorted parasites, concubines and camp followers. In other words, you've been caught with your pants down--or more aptly, before you could completely split with the loot.

Let's see, at first I was just a "liar." Then I went from trying to "clean" myself up to being "all manner of snitches." By the way, the term snitch was a bad choice. *(I know how you hate language and all, but if you're going to use it to cover your ass, then at least give yourself a break! SNITCHES inform on crooks. If I'm a SNITCH, then what does that make you?)*

Currently, I've got sour grapes because I "didn't get what I wanted" and I was unable to "persuade" you otherwise. You

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could have been a bit more precise. oh Wittgenstein, Jr.! Your vagueness, designed for intramural consumption, tends to imply that I was trying to boost you for a cut of the party stash. Nice shot, but no cigar, effendi! My demands were quite public. What I wanted was for you to resign as chairman of the International Workers Party and get lost. I never tried to persuade you, I denounced you to the party Central Committee in a letter (1/25/93) as a political traitor. I explicitly stated that I would work to make sure that your virtual political figleaf would be ripped away, exposing you to everyone. I know what your response was to me at that time. You laughed me away. Your stupidity, combined with your consumate racism/sexism, led you to underestimate the extent to which I and others--not just the folks quoted in the press, nor just people who have "left" either--could and would go to see you discredited. Afterall, we were just a bunch of crazy women, niggers and spicks to you. We were nothing before we knew you and we'd be nothing if we left you. Isn't that the way it went, Freddy-boy? You thought you could bribe us into silence or intimidate us by sicing one or more of your attack-negroes--i.e., Fulani, Alvaader, Gay, etc.--on us. Are you laughing now? Cynically, you believed that everyone was as corrupt and/or cowardly as you.

At one time, I believed that there was a basis for political dialogue and collaboration between us. I was a fool! In my hopeful blindness, I didn't realize how politically bankrupt you had become and how that had poisoned our organization. Like so many of us, I walked around in a state of denial. I didn't want to admit that, like thousands of other Black communists before me, I had been betrayed by my white leadership. Well, it happened to me and scores of other decent comrades--Black, Latino and white.

You would never seriously respond to political challenge--from me or from anyone else--because, quite frankly, you controlled the party's money. In that and only in that did you identify your power. As far as you were concerned, you didn't need to respond as a communist, you were the boss. Bosses don't have to be revolutionaries, they only need to hold the corporate bankbook. That's you, Fred. And that's why the IWP was destined to die. Your stupidity killed it. And by extension, you have killed millions of our people who suffered in desperate need of non-revisionist communist leadership.

Greed for money has always been your weakness, and it is sinking you at this very minute. It's your soft underbelly...

Keep your eye on the bourgeois press. There's more to come!

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William Pleasant

WILLIAM PLEASANT

PS I: My challenge to you or any of your minions still stands. If I'm full of shit, then meet me and tell the people that in public. Moreover, I dare you to publish this letter in the ALLIANCE--what's left of it as a newspaper.

PS II: It has come to my attention that Harry Kresky attempted to muscle me by trying to intimidate my brother David around a longstanding civil case that David--under my direction at the time--hired him to litigate. I'll assume that the attack was Kresky's own initiative. He should know better.

cc:
ALLIANCE, LBF, BT, RL, GS, MR, RM, LS, HP, NR.

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11/30/93

Fred:

You finally got up enough balls to publish my stuff against you. It took you over 10 months to respond. I guess you're just a slow riser. There is a tinge of machismo in your response. I called you a punk and you needed to prove me wrong. How childish, Fred.

Is publishing my writings your last move to drive out anyone in the IWP who isn't totally thrall to your ego? I can imagine the therapy sessions you will throw. I think that Orwell called them hate sessions or something of that sort in 1984. You'll bring everyone into a room and orchestrate the "leaders" of the group to heap insults on me. And any patient who doesn't join in the slamfest will be targeted for degradation and humiliation at that point or at some later date. The people who dare to express even remote support for my position will be simply run out on a rail. And those who sit on the fence--I think you refer to them as the "ungiving" in social therapy--will be hounded into submission. You hope to be left with a mob of robots, completely cleansed of any political agendas or principles that do not suit your commercial interests. In other words, I provided you with an excuse for a purge. But maybe your timing was a bit off this go-around and you collided with some folks who might be a tad more sophisticated (and ruthless) than your previous adversaries.

You see, we were able to peep your Achilles Heel. You Never located your power in political principles or developments. Your yardstick seems to have always been quite vulgar. You were interested in how many people you could lie to without protest, and how many dollars your lies could generate in the form of exploited labor. The "super-exploitation"--a term you borrowed from some of Lenin's most numbskull writings--of the IWP cadres was your key to "success." Lies, emotional manipulation and outright coercion were your tools for insuring that a band of people would guarrantee your profit-margin. They would make their fundraising quotas--the bucks that you unilaterally determined you needed to solidify and expand your various scams. And that fact of your relationship to the cadres of the party is your greatest weakness. The internal credibility of your "leadership" stands on your ability to debunk outside criticism--or at least force the party to swallow your rationalizations. That has always been a piece of cake for you, since your detractors, at best, have had little factual material about you to work with. They have had to rely upon threadbare innuendos and hysteria. But a totally new scenario arises when the external critiques are right on the

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money--excuse the pun! You are forced into both an external and internal defensive posture. You must, in a sense, tell two lies simultaneously. On the one hand, you must deny or sidestep the external charges. For example: you must deny that there is an IWP and avoid any comment on the specific accusations of corruption against you to do otherwise would possibly sink you even deeper in the DA's sewer. Meanwhile, you must convince the remnants of the party that, though the accusations are accurate--afterall, a good portion of your followers, in one way or another, knowingly collaborated in the 1992 campaign scam, for starters--the accusations are "counter-revolutionary" political attacks requiring "revolutionary" denial. I doubt that you've ever been in this position before. And to read your response to me, I am reminded of a [redacted] fish flopping about on the deck of my father's boat.

Since you de-politicized the IWP--i.e., reduced it to the society for "wanting Fred"--your remaining followers have few or no analytical tools to re-rationalize themselves, to justify their attachment to you in the face of the ongoing exposure of your corruption and incompetence. So your calls to political arms against the infidels like me have a very small and dwindling audience. Your followers have to ask themselves why they degrade themselves everyday, why they live poorly and passively accept humiliation from your drum majors. There is certainly no political justification for their misery. Their suffering will not bring about a revolution, not even a small left wing electoral party in this country. You've already made the downpayment on that. This is, of course, only an issue for those who continue to operate under the vague notion that somehow you have something meaningful to say (and do) about building the political power of poor and oppressed people. For the therapy freaks, the ones who continue to look to social therapy as a valid means of addressing the subjective aspects of oppression, likewise, you have little to give. They find themselves increasingly socially isolated, unable to bond with anyone or anything beyond the realm of your little circle of wagons. They have nothing to fight with, either against me or their own emotional disillusionment. They only have you, and you are looking uglier and uglier, day by day, thanks to folks like me...There's just nothing REVOLUTIONARY about you running a therapy cult and a string of paper businesses, Fred. There is nothing "decent" about the way you use and abuse people either. And since you are a wannabe pig, then we determined, in February 1993, that the best people to handle you would be the real pigs.

I found your response to the DAILY NEWS piece in the ALLIANCE (11/10/93) so stupid that I didn't know if I wanted to laugh or cry. Let's see, what did it say? "From the vantage point of the FBI and other powers that be, the New Alliance political tendency must be defined as a

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cult...If it isn't a cult, and if Newman isn't the manipulative guru...then something else must be going on. That something is the troubling possibility that millions of people in this country (and, indeed, around the world) might be highly responsive to the new psychology that he and his colleagues are creating. They're talking about a revolution..." What a crock of cynical trash. What is the "New Alliance political tendency," Fred? Since NAP is now just a memory and the IWP no longer exists as a Marxist/Leninist formation--i.e., they ceased to do politics--I guess you mean that the New Alliance political tendency is something like the people who buy and sell the tickets to your seasonal psychology homilies.

And who are "the millions" creaming in their shorts to get a dose of your "new psychology"--actually an uncited rip-off (and distortion) of Reich, Fanon, Marcuse, nowadays Lev Vygotsky and a splash of Aristotle's metaphysics? Tell me something, oh West Side Sage, how do you determine that "millions of people might be responsive" to your "new psychology?" Do you stick a weather vane out of your window to see if the heavy breathing of therapy-hungry multitudes is blowing in your direction? (Something like Gus Hall's "winds of change," huh?) Do you have a new kind of radio receiver capable of measuring, until now undiscovered, "might be responsive"-waves emitted by the brain? Or can you see into the future on your TV set? Does it show you what "might" happen if the FBI and the ADL stop calling you a cultist and us mean ol' commies get off of your sainted back? If I didn't know that you like to posture as a materialist philosopher, then I'd swear you were just a metaphysical simpleton, from reading the ALLIANCE! The only factors turning people--Millions? Why not zillions?--away from you and your "new psychology" are you and your "new psychology." Both are rather stupid and repulsive. I stand accused! I confess! I have merely illuminated that obvious fact.

Likewise, who are the intellectuals abroad who have taken you seriously ten minutes after figuring out that you were merely trying to fleece them for their money or a photo-op; and that your "new psychology" is little more than a string of tired slogans, double-talk and declarations of the obvious. In practice, it is just a garden variety mindfuck. The same service is provided by Scientology, EST (Landmark) and an assortment of other give-me-your-money-and-I'll-make-you-think-you-NEED-to-give-me-more-of-your-money outfits. Who, Fred?

How many people in Harlem, The Bronx or Watts, who are actually "being destroyed, or drugged into submission, as a punishment," has your "new" psycho-salvation gospel touched, given that they generally have no cash to offer you, their SoHo Messiah? They are not the characters in your plays, but

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the living people you speed by in your limo every day. They don't need, nor have they asked for the dramatization of their plight for the Off-Off-Off (times ten)-Broadway stage. A bad play done in a broom closet you call a theater, for your sychophants and the poor turkeys who accidentally purchased a ticket, hardly qualifies as smashing the bourgeois state. But then, who said that that was your intent? Well, you did a while back before you got "religion." You know what the poor want and need; it's political power. But that would be bad for the the commercial environment. Lately, when have you ever given the poor and oppressed on the sidewalks anything but the anxious look of a white man in a big car on the way to do business?

It is absolutely hilarious how you declare that social therapy is a "non-Eurocentric, anti-psychological therapeutic and educational approach" in one paragraph, then declare it a "new psychology" less than 200 words later. I guess it's an anti-psychological psychology, an anti-practice therapeutic practice, an anti-therapy therapy, an anti-business business...ad nauseum. What utter nonsense! Paraphrasing Lenin: if derisive laughter could kill, then you'd be six-feet under, Freddy-boy. Put it this way, the only people dumb enough to buy your crap are the same ones who'd buy oceanfront property in Nebraska! "A sucker's born every minute," P.T. Barnum once said. It seems that you took the old huckster to heart. A religion can be converted to an amusement park--remember Jim Bakker?--so, I guess, a political party can be turned into clown act. Fred, you've become an intellectual clown. Moreover, you can't even get it straight in your shard of a newspaper. Fred, the "FBI and the other powers that be" are not concerned with what "human beings are, as individuals and as a specie"--as if that question could be in any way addressed in a Greenwich Street therapy session. They are concerned with eliminating anyone who threatens the bourgeoisie. That's who signs their checks, afterall. The threat is not you, Fred, or anything that you say or do at this time!

They are not the ones after you at this juncture. Actually, I can imagine some internal security bureaucrat (FBI, NYPD, ADL...etc.) wishing that he had 100 Fred Newmans to do his work. You have been very effective in disorganizing the only political movement that even had a rat's ass of a chance of threatening the state. The fact of the matter is that they have been protecting you. The bourgeoisie loves psychology, "new," improved, revolutionary or otherwise.

By the way, why are you so concerned with burying the "corpse" of Moscow-led Stalinism (erroneously labled communism by you)? You write about doing it in the ALLIANCE. You make little requiems for it on the Lower East Side.

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Tell me, are you saying that I am the stinking corpse of "communism?" I get that impression. If you want to red-bait me, then please have guts to do it up front. The maggots, corpse and stinking thing is tired. Your metaphors have hijacked your ability to make any sense. You can't bury me at the DTW. I'm not a stinking corpse. I'm alive and I take showers, and I am causing you a great deal of grief! It's rather comical that you have been reduced to substituting theatrical rituals for politics these days. Seems things have gotten really bad for you, my man.

(By the way, I thought that a principle of the IWP was that we never expected any strategic nor tactical support from the Stalinists. So their demise, predicted 50 years earlier by a certain guy named Trotsky, was neither a surprise nor a catstrophe for us. It didn't make the world any more "dangerous" than it already was. But then, maybe I was hallucinating between 1985 and 1992. We had buried "communism"--the USSR and Friends--a while back, if I'm not mistaken.)

Maybe your rush to dispose of "communism" has something to do with putting as much distance as possible between yourself and the working class movement of this century? "Out, out, damn spot!"

Let's face it, Freddy-baby, you can't run with Ross Perot and RWA--rightists-with-an-attitude--if you go around singing the INTERNATIONALE. Can you? It makes good sense to bury the "stinking corpse" quickly before your prospective business partners get a whiff. They don't take kindly to pinkos, not to mention onery darkies. It's best to keep your skeletons in the closet around those guys. You have to bury your past with what you said were your political principles. Maybe that's why you have turned to red-baiting. In the blue-on-blue rendition of your commentary on my letters to you and Fulani--the graphic design of the ALLIANCE has gone the way of your politics, i.e., into the sewer--you defined me as the "stinking corpse of communism." Aside from the fact that I'd rather be proclaimed--if but for only aesthetic reasons--the stinking corpse of the working class movement (stinking commie) any day than the ass-wipe of Ross Perot & Friends, I was amused by the pains you took to paint me as a red menace to your righteous-- now right wing-tailing--business. What can I say? I was proud, moved and thrilled to see you finally come out. From now on, nobody should have any doubts about your politics. You have none! You're a leftist when you think that you can get something from the Left and you're a rightist when you think that they can punch your ticket. In other words, you're a petty hustler. I think that the multitudes have come to that conclusion also.

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Let the record show that the letters that you published in the ALLIANCE (11/25/93) were doctored by you to seem as though I was attacking something and somebody other than you and the real stinking corpse euphemistically known as the International Workers Party (IWP). The New Alliance Party was a valiant attempt to create a pro-socialist, pro-working class electoral party in this country. Hundreds of IWP cadres sweated and bled to make it a reality. Hundreds of thousands of progressive, poor and working people stepped forward to take its challenge to radicalism and power across this country. Fred Newman, you destroyed that when nobody else could. By substituting NAP for IWP in my letters, you totally distorted my writings. My letters to you and Fulani were specifically communications between a communist, a traitor (YOU) and a decent dupe (Fulani), not attacks on NAP. Afterall, NAP ceased to exist when you politically liquidated the Fulani campaign in April 1992, by attempting to whore for Perot! Why would I waste my time killing something that was already defunct? The NEW ALLIANCE POLITICAL TENDENCY (Tendency is a Marxist term describing a grouping of PARTIES that share the same revolutionary communist strategic perspectives and objectives. It has no meaning as a description of a bunch of people who need--financially, emotionally, socially or otherwise--a rationalizer and re-rationalizer of their worlds (a guru, pimp, marketeer, etc...))

The NEW ALLIANCE POLITICAL TENDENCY is nothing more than a euphemism for the Newman cult at this turn of the screw. It is neither new, nor political. It is just a way for you to hide out--to mask the IWP--a term that has allowed you to continue to string along fundraisers who might still be politically motivated. If they weren't around, then you'd just as well call yourself the Howdy-Doody Revolutionary Rod-n-Reel Club. In other words, some folks would like to be part of a TENDENCY, new or otherwise. They want communism and they want revolution. But, given your marketing strategy, you must take pains to construct--through lies and therapy--a virtual substitute. Afterall, the bucks are to be harvested from virtuality and the trinkets that celebrate and valorize the virtual experience. One wears an X-hat because he/she has seen a movie, a virtual reality. One can also wear an X-hat because it's a popular hat. All buy an X-hat! The circuit is completed, money changes hands. Likewise, Fred Newman is revolutionary--i.e., he doesn't have a major market distributor, so he must be doing something naughty. Buy something from Fred. Now you are revolutionary too! It's genuine like an X-hat, because you paid genuine money for it. Wear the hat, buy the video, cop the book or cassette. Now you are an agent of the revolutinary conspiracy to give small-time capitalists big-time bucks for the brand-names of their self-serving conspiracy to make themselves millionaires. Case closed on the post-modern discourse.

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That's why I opposed it from jump-street. Fred, you read Christopher Lasch and saw a few dollars to be chewed off of the carcass of post-modernism before the NY TIMES (bourgeois-liberal crap, and the ideological leadership of your money-giving base) could no longer stomach its stupidy.

I was never like you, I have nothing to hide. I am who I am, so my writings have some degree of precision to them. Your doctoring was an attempt to portray me as just another "NAP detractor," 'a la Chip Berlet or the ADL. You thought that you could market me, through Castillo Communications--or whatever you call Madelyn Chapman and her fax machine these days--as a political crank, a nut. Your revisions of my writings reflect that. There was no way that you could let what I wrote stand on its own against you. In fact, you were so sure that your game was airtight that you even passed out my writings to journalists and activists who were supportive of you, hoping to look like the victim of a retro-communist, cop/madman. There was only one problem with your strategy. Folks know who I am and what I stand for--some oppose me, some support me. But nobody feels sympathy for a political chameleon like yourself. Your plan backfired, because I confirmed what had always been suspected; that you are an egomaniac and a pathological liar.

Your record speaks for itself, Fred. For some reason--I hate to sound psychological--you BLOCK on the fact that you have done a lot of rotten things to a lot of people, and they resent it. They don't like you, they don't want you, they don't think you are very smart and they don't trust you. The only friends that you have now--beyond your therapy cultists and parasites--are folks you can buy or manipulate. And eventually, they either raise their fees beyond your ability to pay--par ex: Al Sharpton--or they get wise to your scam, like myself.

Some last words about your response to me. I appreciate you crediting me with foiling your little merger with the RWA--rightists-with-an-attitude--in the ALLIANCE (11/25/93). I know you thought that it was a done deal and you already had the champaigne uncorked, but history has a way of getting in the way of business. You see, Reagan Republicans don't share your "new" post-modern, post-political thinking. They are very picky about who they make coalitions with. They still labor under the illusion that there is a left-right-and-center, like most people who do politics instead of bad theatre and group therapy. And they like to think of themselves as far right wingers. That means that they don't want to associate with leftists, even sold-out ex-lefties. They especially have this thing against hanging out with crooks and cultists. Look at how they dis'ed your boy Lyndon LaRouche. He pioneered the left to right jig and what did it get him? I guess the Perotoids need some of your "new psychology."

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I am flattered by your estimation of my power over your destiny, but you deserve the applause, Fred. Only you, the theoretical genius, could have formulated a "tactic" based upon keeping your new right wing buddies in the dark about who you are and what you've done. Did you honestly think that none of them would come across the DAILY NEWS article--nor any of the other seriously embarrassing documents that are surfacing about you of late--and not have major reactions? You probably did, because you thought that if they really got a chance to know you-as-you first, then they'd fall over themselves to let you into the new right, white boys'club. You'd convince them that you could talk their talk and walk their walk.

Again, for fear of sounding psychological, I think you have a serious ego problem, Fred. It takes one massive ego to think that the there's one thing about you that they'd find attractive, even your betrayal of the working class and oppressed. You can't entice them with money. They are already millionaires and billionaires! You can't offer them Fulani and her base, because she has no base anymore. In particular, Black people look on her as your finger puppet--and they can't stand you, even more than you can't stand them. Anyway, you already sold Fulani out years ago. The Perotoids won't come to your plays--they like John Wayne movies. They are not interested in "revolutionary psychology"--they like to think of themselves as the really righteously sane folks around. Remember the Protestant Ethic--"I am rich because I am blessed, I am blessed because I am rich. If in poverty, then it was pre-ordained. But by the grace of God, I go..." Well, Fred, that's their psychology. So what do you have to offer them other than your buttsucking-self? I diagnose your condition as chronic ego-centrism, with seizures of guilt and a running fever of trying to prove yourself a success to petit-bourgeois Jews, who not only looked on you as poor white trash, but made it big as white Americans. Fred, that's what you always wanted, i.e., to make it big. The conventional door was slammed in your face, so you made yourself a "radical" one, by shucking and jiving around the organic anti-state movement in this country--hanging out with colored people. The syndrome is known as wannabewhiteandrich. Your case is a classic one, specific to Jewish men with advanced degrees and no pedigrees. What credentials do I have to make such a PSYCHOLOGICAL diagnoses of your condition? NONE! The same as you, my man.

To add insult to injury, you have poor Fulani howling in the same article that Black people had better get tight with the right (the Perotoids), or stop complaining about being oppressed. We should sign up regardless of what the principles of the new white, right-led party might be, she says. (Anti-poor, racist and proto-fascist, no matter.)

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Fred, stop degrading Fulani! If you want to tell Black people that some self-proclaimed reactionary crackers are our political salvation, then do it yourself. Don't put your idiotic and racist words in Lenora's mouth. (The statement was a transparant prelude to you dumping the whole people-of-color orientation of the IWP altogether. It's just excess baggage for you at this stage anyway. Latino, Black, gay and other oppressed people are not going to get in bed with the right. But if we won't follow you to the whorehouse, then we had better "hold [our] peace." Right? You say, fuck us. Well, I think the appropiate response of progressive people to you has been made pretty clear already.)

You can play your little games--and they are games, because if everyone walked away from you tomorrow, then you'd still have all the money--but Fulani is the one who will have to go out into the community and dodge the bricks and bottles aimed at your treacherous ass. The woman is having trouble and you keep sadistically pushing her closer to the cracking point. Fred, I think you want her to bugout. A looney Fulani can do less damage to you than a sober one. Right? Just leave her alone. You've had your jollies with her. I am deeply sorry for anything that I've said to cause her distress, but sometimes the truth hurts. She is an historic figure. Unfortunately, she'll make no more history, but a lot of bucks for you. Don't damage her any more. Don't pull her into the gutter with you.

Well, I guess that will do it for now. You can publish this in the ALLIANCE and fax it across the country too. I know you'll also doctor this piece. That's okay. Even when you airbrush your best face on the truth, you still make buzzards lose their appetites.

William Pleasant

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PS I: Thank you for correcting my spelling errors in my letters. You know how it is when you have to do your own typing and other work to create a document. Oh, excuse me. You don't know what it's like to do any work. I forgot.

PS II: I didn't bother with the cc stuff this time, but you can assume that this document will make the rounds.

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UNITED STATES OF AMERICA

BEFORE THE FEDERAL ELECTION COMMISSION

DR. LENORA B. FULANI, DR. FRED NEWMAN, FRANCINE MILLER, RACHEL MASSAD, and LENORA B. FULANI FOR PRESIDENT,	
Complainants,	AFFIDAVIT OF DR. LENORA B. FULANI
--against--	MUR _____
KELLIE GASINK,	
Respondent.	

State of New York)
) ss.:
County of New York)

DR. LENORA B. FULANI, being duly sworn, deposes and says:

1. I am one of the complainants in this proceeding, and I (and my 1992 campaign committee) are respondents in MUR 3938.

2. I annex hereto copies of letters sent to me by William Pleasant.

Lenora B. Fulani
Dr. Lenora B. Fulani

Sworn to before me this
7th day of August, 1994

Arthur R. Block
Notary Public

ARTHUR R. BLOCK
Notary Public, State of New York
No. 31-4662471
Qualified in New York County
Commission Expires April 30, 1995

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Exhibit 1

March 12, 1993
NYC, NY

Dear Lenora:

By now you have probably read my letter to Fred (1/25/93). I sent that letter to about 25 other comrades, mainly members of the CC. It was my statement of political rupture with Newman. I stand by it, and there will be more to come from me. Since Newman has refused to politically respond to the charges that I have made against him, then I have no other choice but to take my debate public. It is for that reason that I am writing to you at this time. I want to make clear to you that my conflict is with Newman and Newman alone. I have no interest in attacking you or painting you with the same brush. You followed the swine Newman out of your belief that he was commited to liberating our people. Your decency and steadfastness against adversity was and remains a great political and historical milestone in the struggle of all oppressed people in this stinking country. Personally, I want to thank you for the help that you gave me when I was your therapy patient--though you might believe that my time with you was too short and I was your worse patient. Nonetheless, in many respects, you cured me. You have nothing to be ashamed of. I give praise to you.

Newman's crimes against our movement speak for themselves. I laid them out in my January letter. He must resign! I am concerned that he does not drag you into his personal cesspool. Of course, you may liken me to Dennis Serrette. For you, I may play the new role of the ungrateful, traitorous, Black nationalist male-in-competition-with-Fred. It's a convenient characterization but it is inaccurate. In respect to Newman, I am 100 Serretes. I am the one who can drive the stake through the heart of Newman's phony Left once and for all. Why? Because I am actually a communist who chose to follow him. Serrette was not. He was a poor working-class Black guy who discovered that the straightest and shortest path to sex with white women was through the Left. First of all, I am not a poor working-class Black guy. I'm a Black guy from obviously bourgeoisie southern roots, with a serious red chip on his shoulder. As for inter-racial sex, well, that's passe', an obsession of nationalists and guilty nationalists posing as communists--also a bogey-hoo for white leftists who haven't quite worked through their personal Jungle Fevers. I fit into none of those categories. I am who I am. My political history speaks for itself. And it did not begin when I collided with Fred Newman. I was never a middle class neurotic seeking refuge from a bad marriage, the suburbs or adulthood. I was never a "therapy patient". I never sought a father substitute in Newman, nor a model of sexual

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liberation. To me, he's just a middle-aged white guy with a lot of money and a small army of dizzy devotees and blatant parasites, most of whom (male and female) he cock-teases and a few he actually attempts to copulate with. I find his "sexiness" as repulsive as I find the scam of any other pimp grotesque. And of course, unanimously, poor, working and oppressed people in this country have come to a similar conclusion. The sound of their shoes marching away from Newman is thunderous. You know this is true.

Lenora, our people need you. They don't need or want Fred. You can still salvage much of your political integrity vis-a-vis our communities.

Newman is not Frankenstein and you are not his "creation". You are a working-class Black women with some sense and an educational accumulation that you paid dearly for. You are righteously angry. Newman organized you and Newman used you. I, like you, allowed myself to be used too. We beleived tha Newman had something to teach us about revolution. We wanted, we want revolution. And as the result of very different histories, we sat at his knee and drank his wisdom. Speaking personally, he taught me a great deal. I give all credit to him that is due. But I also have a very different set of political sensibilities and visions, but for no other reason than I am not an elderly, wealthy Jewish man. I am not tired and I am not satisfied.

You and I, like many other Black and Latino comrades, raised hell--and continue to pay the price--and Newman raised the money, which he kept to himself. Our political capital on behalf of poor and oppressed people was transformed into dollars in Newman's offshore bank accounts. We bled, we toured for our miserable lives, we went hungry and raggedy, we had to figure out what we would do with our children so that they would grow up strong and revolutionary. We took the abuse and the gastritis, while Newman went his merry way, his pokets fat and his ego massaged.

I don't have to tell you this, you already know. I can never forget the night at 500 Greenwich when you sat in the circle with Fred and his white concubines. It was the summer of 1969. You spilled you guts out about your anti-semitism, you cried and lamented. Meanwhile, his white homegirls--Fred's moneymakers--fed off of you. They didn't do shit because they resided in his crib. They were safe in the bunkhouse fighting over who would get the next chance to "service" their sugardaddy. (Please read ICEBERG SLIM's "PIMP: STORY OF MY LIFE".) They were silent, except for your ex-flunkey Lorrielle Kurlander, who raised nonsense to revolutionary strategy. She wanted Fred, and you bit into it, though "wanting" was a white girl thing that could only be bestowed on a middle-aged white dude. You bit in and rode the tiger.

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as Fred Newman purged the party of revolutionaries, i.e., people who would oppose his sell-out.

Millions of people loved you, Fulani. Fred Newman drove you into the dirt. You no longer have a following. You ran around the country advancing an electoral tactic without a communist strategy. Newman had a finacial strategy. You made him a lot of money. You have been reduced to a liberal Roy Ennis--a talk-show monstruosity. Your power had always resided in your conection to the grassroots Black community--as a communist. Newman marketed you to the white liberal petit-bourgeoisie as a liberal who happened to be Black. You became that. Your base rejected it.

You didn't even rate as a Jesse Jackson 1992. You were just an independent running in 1992. Of course, the people responded appropiately. They turned their backs on you. Bo Gritz, the fascist kicked your ass in terms of votes. You have nothing to build on in 1996. NAP is a joke, because you let Newman compromise you. An idependent working-class party is supposed to be in opposition to bourgeois parties (Democrats or Republicans)--that's why people support it. But that's not what Newman thought. He wanted the money, so any politics would do to milk the white petit-bougeoisie. Newman is the blame, though he sgeals about being connected to the "community". The only poor people that Fred deals with are the people he speeds by in the backseat of his limo. Why should you be put in the position of explaining that to anybody? Newman doesn't pay you enough!

Lenora, you had a base, yet Newman destroyed the Harlen Institute and later, even your political office in Harlem. He took in $5 million and told you that there was no money to keep the lights on at 125th St. You are not stupid and I am not stupid either. You have been reduced to a crank. Black cranks sell, so Newman pumps you up. He has no revolutionary strategy. That's why I oppose him now. Coalitional politics is popular front politics! As you know, I was only attracted to Newman because he said that he was determined to combat popular frontism with working class political formations. If I had wanted to sell Black nationalists or worse, then I would have joined the CPUSA long ago--if for no other reason than the pay is much better. Newman is no revolutionary. He merely has the [illegible] ruot ego of an aging white man who wants comfort in his decline. He uses you as a prop to whip his white followers into line. They are led to believe that their carbarization at the hands of Newman is somehow connected to supporting you, the Black woman, as a category designated as the object of white liberal guilt. Newman (subjectively) despises Black people and Black women in particular, because (1) they have no money to give him and (2) they send see through his game [illegible] they reject him. Our people aren't stupid--they

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'understand'--they are lawfully wary of honkies bearing gifts--and for good historical reasons.

In any event, Black women do not suit Newman's sexual tastes, so you are kept on the fringes of his inner circle. You are told what you need to know to promote Newman. You are never told where the money is located, that's reserved for white girls.

Lenora, you are being pimped. The Ross Perot scenario, where Newman was attempting to cash your declining relationship to the oppressed coommunities of color--a decline engineered by Newman--for a cut of Perot's millions, is the best example of Newman's opportunism. He sold you out! Why were you and Al Sharpton being set up to market Perot's austerity program to poor and oppressed people? Independent politics isn't class-neutral! Independent politics is a communist invention in the US. It has an intense class content. Communist in the US do it to disrupt the capcity of the bourgeoisie to formulate social policy, while at the same time organizing off of the inability of the bourgeosie to deliver on the demands of the working-class. Formal bougeois democracy is just that, bourgeois democracy, a legalistic cover for the machinations of the bourgeoise state--an armed body of men, in the USA, an armed body of white men. It is, in fact, a cultural construct. You know this. What's your problem, Lenora? Democracy isn't revolutionary, prolitarian power is revolutionary, and that can collide with every bourgeoise institution, including electoral politics.

Lawfully, thousands of activists have died or been ground into the dirt simply for raising the slogan of independent politics. It is no joke here.

Let Fred Newman eat shit, the way that every other white entrepeneur gambles on the 'market economy'. Newman has set you up to be his black-skinned apologist. You have fought for and won much more. Answer for yourself, never for his class. Let him soak in his own filth. He is only concerned with the money that he can get. Don't tie your political fortunes and gifts on Fred Newman. He's finished.

Lenora, stop following Newman. You will be the one to go to jail and he will send you cigarettes from his condo in Orlando. You are too smart to be sucked into his Sweet Daddy Grace, Father Divine, Elijah Muhammad bullshit. Our people don't need messiahs--nor democratic novel communists. Newman is not a communist, he's a white businessman. You make him rich and he makes you proud, pleased and thrilled. Wake up, Lenora Fulani! If you lay down with dogs, then you will get up with fleas.

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I don't need to tell you this. You know it. Maybe you can't hear this from me now, but soon you will see the light. When that happens I will support you.

Don't swallow the pride that your mother taught you. That pride was the power that lifted you out of the depths of Chester, Penn. You know it too. Stop acting stupid. Or at least get paid your worth. You have not sacrificed your life and your children for the revolution, to have bowed your head to a whiteskinned con-artist and his girlfriends. You will never be one of his intimates because he has no intention of giving you the right--or power--to write checks. You are his "bottom woman".

Stop it! You are too good.

William Pleasant

William Pleasant

312-662-6812

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October 5, 1993
NYC

Dear Lenora:

I hope your health is good. I know that you have been under a great deal of stress. Take it easy, sister. Our people need you. Don't let a gang of [redacted] idiots burn you out. They eat better than you, ride better than you and sleep better than you. That is the usual arrangement between Black and white in Amerikkka. Hang on, Lenora.

I am writing you this letter, probably my last attempt to communicate with you directly, because of your performance at the Brooklyn GAY MEN OF AFRICAN DESCENT (GMAD) event--8/26/93. To be frank, Lenora, I was shocked. You were hysterical. You ranted about a Chip Berlet/FBI/ADL plot to get you--a highly inapropiate move since the vast majority of your audience didn't know what the hell you were talking about. Of course, you were responding to myself, Marina Ortiz and Kelly Gasink. Our presence upset you. There is no conspiracy against you, sister. That is a Fred Newman invention, designed for International Workers Party (IWP) internal consumption. On the contrary, there is an organized front of ex-IWP members dedicated to throwing Newman back to the pigs from whence he came. Three of its leading representatives sat before you in the GMAD event. You could not and cannot deal with that, so you raved about the Berlet/FBI/ADL conspiracy. You could not engage in a political confrontation with us in public. Why? Because we know too much. You cannot call us liars outside of Newman's virtual political community, that moron's paradise that he has built to supply himself and his girlfriends with a steady cashflow. You acted crazy in Brooklyn because the truth drives you crazy.

One reason it makes you crazy is because we are not anti-communists, Black nationalists or worse--the kind of folks that Newman is fond of pimping you off to. I think that Collin Moore is Macdaddy Newman's latest steady "john." We are communists and we want Newman's treacherous hide nailed to a tree for selling us out. We mount an attack from the left--ironically and lawfully, Newman's left. He can't handle it and you, least of all, are in position to respond. Let's be clear, I and a number of other IWP cadres have publicly charged Newman with using your 1992 Presidential campaign to steal money for himself. And that is just one facet of Newman's scam that we have exposed through very painful investigation. Chip Berlet, the FBI and the ADL gave us nothing. Berlet/FBI/ADL are pigs. Newman is a pig. Let pig eat pig!

We did the work on our own and paid for it out of our own empty pockets. Why? Because we are communists and not Fred

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Newman cultists. He cannot rationalize and re-rationalize our worlds for us. We don't want Fred, we want a revolution. Unfortunately, the distinction got blurred for you. In the end, that is a function of your own personal weaknesses. It's a Black working class thing that has to do with longing for white validation--in competition with the Black petit-bourgeoisie who take it for granted. The scene is very deep. We can talk about it, but I suggest that you re-read Fanon. Nonetheless, you must come to terms with the fact that you have been pimped to Al Sharpton, David Paterson, Dinkins, Ross Perot and worse by your sweet daddy Fred. You have nothing to say to the Black masses that hasn't been said by a hundred other sell-out Black leaders. You are willing to sell off your base for a seat at Al Sharpton's chicken dinner--a seat that you pay for like every other sucker. Fred Newman made a fool of you. Ask that f er if he believes that you are a legitimate Black leader. He'll tell you yes, but he has told me otherwise. You are only relevant to him to the extent that you can rope in the scumbags like Sharpton. *They* give him "legitimacy" in the Black community. Not you. His idea of legitimacy has nothing to do with Black leadership, women of color, independent politics or any of the other political principles of the IWP. They have everything to do with what marketing strategy a bunch middle-aged JEWS need to employ to sell their proximity to revolt to the white petit-bourgeoisie. NYPIRG, 9-to-5, Greenpeace, etc., have a similar scam at work. It's all about the exploitation of the many for the few, in the name of revolution. You are being used. I have been used. Wake up!

Lenora, you made history! Fred and his concumbines didn't do anything other that what they needed to to do to suck off of your courage and get paid. You never got paid. Did Fred Newman ever say to you that he was stressed because he didn't have the bucks to put his daughter through college? You are stressed because he gave you the fish. Ainka has been dumped. But you need to think about the shit that you have to eat to get her un-dumped. Your Chester, Pennsylvania mother taught you better. Newman is the master. You have no idea of the crap that he carried out in your name. He has run you into the dirt.

You may believe that you owe Newman something. You owe him nothing! You live in a shanty apartment, by Newman's decree--though you could have easily moved into the Massad residence or better. You are dependent on him for your money to live. You cannot provide a decent scene for your children. You are the chairwoman of a political party that has dwindled to a fiction. And even then, you have no control over the financial or political policy of the organization that Newman tells you that you lead. What do you owe him? Did you demand that our cadres build you a bridal suite in your apartment? Did you ever take a

vacation or a honeymoon on the party tab? Are you such a revolutionary hero that your psychotic fear of flying induces you to book passage on the QE II every time you have to leave this continent? Do you demand gas money for your limo? Do you buy the clothes for your lovers out of party funds? Newman did so and worse! You don't owe him, he owes you for putting bucks in his pocket by playing out his political charade to its conclusion. Whatever crumbs that have fallen your way from Newman's plate have been given to further his selfish personal ends, not to make you rich or famous, and definitely not to liberate our people. You are living a deprivational scene because that's the way that Newman knows that he can string you along. A starving dog is an obedient dog! He makes you beg, he keeps you on your knees. He makes you afraid to demand the things that you want and need by constantly telling you that you are (1.) unworthy and (2.) too ignorant to decide what is not only best for your personal self but best for making a revolution. He relates to you as a sort of hollow reed from which the pith of self has been blown--his "greatest production." He has publicly described you as a sort of finger puppet. I know you bite your lip and bear his humiliations of you. I know well because he did the same to me, but in a different way.

I refrained from skewering his rotten ass from 1989 to 1993 because of a combination of fear and loyalty. I feared being on my own, literally trying to make a living while fighting for communism. I had done it before, but the IWP scene made me politically and intellectually complacent. I had a check coming in--a sorry one, but, nonetheless, there was some degree of stability in my life. I had friends and colleagues--lovers too. It was a nice and cozy world. A bunch of white people were also proclaiming that I was a leader--of course, on cue from Newman, the director and producer of the comedy. Let's be frank, I didn't want to lose that. I was afraid. I was a coward. I was also loyal to Newman as a friend, the way that southerners are loyal. It's a regional cultural thing and maybe you don't understand. But my tongue was stilled against Newman because I didn't want to give anybody the break to opportunize off of my diffrences with him to attack you, him or the political movement that we had built. I kept quiet until after the 1992 campaign and the January plenum. I stupidly kept quiet while Newman ground everything that we had built into the mud. Indeed, communism is dead. Newman should know best, since he literally assassinated the only communist party in this stinking country. And he killed it because it didn't suit his aims of building a cult any longer. I realized this fact much too late.

Like you, I am an egotist of the highest calibre. Unlike you, I am an arrogant Black petit-bourgeois punk, I am also a communist--at best you are a Black nationalist. Like you,

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I am a Black intellectual who paid a very high emotional price for ripping-off my knowledge from a calvacade of hostile and alien institutions. I have pride. You have pride. I went after Newman because he took my pride away. I could no longer defend and organize for a political party that was so transparently bankrupt. I no longer felt proud enough to ask a revolutionary to join the IWP. I could not parrot Newman's assertion that there is no Left-Center-Right when I was personally assaulted by skinhead fascists in Europe--in Europe representing Newman, by the way. I could not justify attempting to trade off our base for Ross Perot's bucks, in the name of "independent politics" stripped of its race and class content. I don't believe in bourgeois democracy--progressive, peoples, grassroots or otherwise. I believe in revolution, and democracy is merely a bourgeois institution-in-service-to-the-state that needs to be smashed by communists (I guess I'm still a M/L). I could not march through the streets of my community screeching that I was a "Newmanite and proud of it!"

Our people don't need or want Newmanites or termites. Your showing in the polls in 1992 should be a good indicator of what even people who were your loyal followers thought of you aping Newman's numbskull "new" politics--actually the same old cracker sellout. The SWP creamed you in New York! The SWP is a bookstore, Lenora! What does that tell you about the value of the "strategic and tactical leadership" of Macdaddy Newman? Use your muthaf in' head, comrade. How do you lead an "independent coalition" when there is no social or political content to your own base beyond the lies that Newman tells you and an occasional photo-op with a Black democrat?

Black people and other oppressed sectors of this society clamor for revolutionaries! They want a party of opposition, they want NAP. But Newman has turned your project into another caucus of the DP, pandering for a place under the ruling class table. I could not be dishonest with our people. No lie to the working class is justified. No tactic stands based upon a strategic betrayal of M/L principles. Newman--consciously and deliberately--betrayed those principles, and now he will pay the piper.

"A PIG IS A PIG, AND THAT'S THAT"--Wendy O. Williams and the Plasmatics--1984

Unfortunately, Lenora, you are merely Newman's penis-extender that allows him the opportunity to diddle with the political aspirations of Black people. You are his moneymaker, the bottom woman in his stable. Though this hurts me and it will hurt you, you have to hear it: YOU ARE NEWMAN'S BLACK WHORE. Everybody knows it too, particularly in the Black community. Newman tells you that the revulsion that Black people feel towards you is a function of their

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anti-communism. Black people are not anti-communists. They are the most pro-communist people to be found in this country! Read history...It's just that Black people are smart enough to know a 'ho when they see one. They see you darting around kissing ass at Newman's behest. You cannot oppose the DP and support David Dinkins, for example. Likewise, you can't talk about popular power and chide Black gays about trashing Ed Towns as you did at the GMAD event. YOU ARE SUPPOSED TO BE THE OPPOSITION, not the loyal intermediary between the community and the DP. You have been effectively forced into a role of providing a left cover to the corrupt, neo-colonialist wing of the DP. You occupy the same role that Gus Hall and Co. did. That's what Newman wants, but it's not what our people want or need. And they vote with their feet, stampeding away from your corrupt politics by the millions.

Naturally, you don't want to know this. To admit that you have been played for a fool would shatter your mind. Obviously, your cozy virtual reality is much more valuable to you than fighting for power. You spend your time pumping Newman's ass up as a leader of our people. But Newman isn't a leader, he's a rich white pimp. That bastard can't come within ten blocks of 125th Street and open his mouth to our people. He can't even relate to other Jews in the streets. When has Newman ever set foot in Crown Heights? Newman is a big coward. He is even afraid of me and I have nothing but my politics to back me up. He has the stolen millions and a crew of mindfucked therapy cultists to back him up. He also has you to front as his authentic negress. But in the end, he's just a punk liar.

So I challenge you. If I am blowing hot air, then stand me down. Anyplace, anyhow--you've had three prior opportunities on WBAI and you chickened out.

Look at yourself. Despite Lucas Rivera's garbled article in the CITY SUN, I slammed the shit out of Newman. Why? Because HE used Rivera the week before to pump the lie that there is some kind of COINTELPRO conspiracy against you. Newman is racist and arrogant enough to believe that the Black community is stupid enough to fall for his shallow PR strategy. Through you, he paints himself as a martyr, a victim of the same folks who got Malcolm and Martin Luther King. How vulgar! Newman is about as much a threat to the state as my housecat--he can shit and piss in a corner and make a racket every once and a while but, afterall, he's no more than annoying pet. Why do you think he's been allowed to get this far? His wits? Newman is a clown.

Newman's FBI/ADL/Berlet conspiracy theory, complete with its pro-right wing pandering to aggrieved Christian fanatics, scientology, EST and assorted limousine gurus is merely a political hedge against the fraud, forgery and embezzlement

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indictments that are coming his way. He needs the trappings of a victimized saint in order to hope of gaining any public support--even the purely sentimental variety--beyond the walls of 500 Greenwich St. Obviously, the stats indicate that the Black community has not been "moved" by Newman's self-serving declarations of imminent political peril. They know that an attack on Newman by law enforcement is simply a case of a con-man finally getting snagged in his own game. The best way to prove me wrong is for you to go to Bed-Stuy or 125th Street and try to rally "the masses" to Newman's defense. I can say with a high degree of certainty that your pro-Fred partisans will number few beyond a handful of homeless day laborers you hire for public display and therapy patients--meaning the tattered remnants of the IWP.

I have read your 10-page response (three times longer than Rivera's original piece!!!) to the CITY SUN article. I had expected better, but it is obvious that coherent political thought has gone to seed down on Maas Newman's SoHo plantation. The fact that you--i.e., Phyllis Goldberg/Jackie Salit--were pushed forward to answer the charges speaks volumes to Newman's racism. The Rivera article was about Newman, not you! HE was being called a liar and a thief. Macdaddy conveniently enlisted you as his Black cover the way cracker politicians in my neck of the woods would find some blackskin creep to tell poor folks about all the good things that Mr. Charley had done for them. Of course, the strategy was that somehow Black folks will swallow a blatant racist lie if it comes in a black wrapper. Do you honestly think that anyone reading your response to Rivera would not see right through you to that pig Newman? If so, then that proves that prolong contact with Newman definitely causes brain damage! Well, Andy Cooper--not exactly a whiz kid--saw through it. Newman made the further blunder of using Art Block to try to intimidate Cooper into publishing "your" response. Honestly, I wished that Cooper had run that trash so that I could have the pleasure of further ripping Macdaddy to political shreds. But, alas, I'll have to wait for another opportunity.

Comically, in the response, all that you (Goldberg/Salit) could do was blather about how you know some Democrats and they think you are legit! You know that the 1992 campaign was a charade, so why lie, except to shield Newman? Surely, you don't think that the Black and Latino communities were fooled by 1992? They wouldn't vote for you because you gave them nothing to vote for! Get it? The specific charges in the Rivera article were true and, lawfully, Macdaddy was advised by his attorneys to keep his trap shut or face self-incrimination. It took you ten pages of bullshit to avoid addressing the central charges or mention the fact that they were being raised by specific IWP members--predominately Black and Latino--not Chip Berlet or the ADL. Once again, Newman used you and he made a fool out of you!

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I know that you and Macdaddy are fond of denouncing me as a liar. That's okay. Afterall, you have to tell the tortured wretches left in the IWP something in order to continue to string them along. They are the ones who have to beat the bushes for Newman's snatch money. Macdaddy needs them. But even they sometimes wander back to consciousness and ask why are they being made miserable in order to make Newman rich. Newman hasn't completely removed their brains, you know. They have just enough gray matter left to remember that they too not only played a part in Fred's scam, but often knew intimate details of it. They knew that tens of thousands of decent people were contributing to a presidential campaign that didn't exist. They know I am not telling a lie, because they know the truth. But in the virtual political community, Newman arrogates to himself the right to declare what is reality and what isn't. He is the TRUTH, I believe I once heard him say. And Newman has decreed that what I am saying is a lie. But as more of Newman's corruption comes to light, it will be harder and harder to keep the inmates in the asylum under control. Not only will they want their money back, but they'll want revenge for the way that they have been tricked and abused. That time is close at hand, sister.

I am no psychologist, but I believe that you and a lot of other folks are in a state of denial. Sooner or later, you will have to face the music. Meanwhile, Macdaddy will have already fled with the loot and his white chicks. Lenora, don't worry, Macdaddy isn't going to go to jail. He has no direct legal responsibilty for any of the graft. He was smart enough to let you and a bunch of other trusting fools lay down your John Hancocks on the phony financial documents. So, in the patois of the street corner society, "Baby, you got played."

If you want to prove me liar, then I make the same challenge to you that I made to Macdaddy and any other takers. You choose the time, place and medium. Moreover, I dare you to print this letter in the National Alliance. I dare you to call a public meeting to discuss it, even a meeting where I am not invited. I dare you to even secretly circulate this letter within the IWP. Get Phyllis Goldberg to write a response to this for you! Until you do, I will consider you just as much a coward as your pimp Fred Newman. If you lay down with dogs too long, then you will get up with fleas.

Lenora, I hope you get up before it's too late.

In Solidarity, H. M. Pleasant

9304361142

March 5, 1994
NYC

Dear Lenora:

I hope your health is holding up. I imagine that you are under a great deal of strain. Don't drug or drink the pain away. That's a dead end. Too often Black political activists take out their frustrations on themselves. Look at what happened to Huey Newton. Even closer, take a look at Emily Carter and Alixander. That's what happens to you when you are unable to reconcile your political beliefs with the treachery and capitulation around you. You don't need to go that way. Cut your losses and move on. I believe and you know that the community will embrace you.

I am writing to you now because I heard you on WLIB last week. To be frank, you didn't sound too hot. When Gary Byrd (a consumate dimbulb) began to ask you why an independent party needed to be multi-racial, you fell on your face. You spoke of the need for a broad coalitional party as necessary for the Black community to realize its "agenda." The implication was that Blacks needed assistance from whites. Given your identity as a Black nationalist a la Farrakhan and Sharpton (an identity generated by a string of Newman's strategic political capitulations) you were forced to hem and haw on Byrd's show. You know that the "broad coalitional effort" that Newman has ordered

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you to market on his behalf, is led and dominated by the "radical center" (what idiotic terminology!!!) ie., the white supremacist, middle brow, frustrated Reganite followers of Ross Perot. You couldn't bring yourself to say that on the air for two reasons: (1) you know that it is a politically corrupt line; and 2) you know that you'd be drummed out of the nationalist camp if you trumpeted Newman's pro-white right wing strategy too loudly. That's not to mention that grassroots Black people would laugh you off of the stage. So, on WLIB you waffled, waying super vague when Byrd pushed you on the separatist question. That was pretty pitiful. Lenora, do you honestly believe that there is any political relevance to an alliance between Black nationalists and the Perot-inspired right wing? Why would you think for a moment that there is any basis whatsoever for even a weak coalition, given that the foundation of the Perot movement ~~is~~ rests in the exclusion of Blacks and other "special interest" groups who have made life uncomfortable for the sick and the middle america of ex-military men? The Perot folks barely tolerate you, and you'll say and do anything that Newman tells you to in order to kiss their asses! Give yourself a break. If Newman wants to run with the dogs of the "radical center," then let him go. While he may have become a "post-modern" political animal — read: a base opportunist — you can't do that. You

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simply aren't rich enough to sell out. You see, Newman can afford to be a political chameleon. He can dabble in Marxism, he can posture as a philosopher, he can play around with art and psychology. He has the priviledge to be a dilettante, because he knows that no matter which way the wind blows, his pockets will remain fat and he'll still be a. But you, on the other hand, have no support whatsoever, if, one day, Newman decides that he's tired of playing sandlot politician. Newman could declare you an irrelevant tactic" with the snap of his fingers. You'd be gone. He'd still have his cult, his high temple on Greenwich, his new house, his psychotherapy racket and all the rest. You'd be unemployed, homeless and broke. Moreover, there would be no way for you to mobilize political support on your behalf because you've allowed your relationships to Black leadership to be mediated and led by Newman. You'd be out in the cold. That's frightening, isn't it? If you continue on your present track, then I am almost certain that you'll end up as a miserable, used wreck. The more Newman degrades you politically, the more easily he will be able to dump you. If you are politically defrocked, then you pose no threat to him as he moves on to his next business venture. This is a classic operation on you. Newman really believes that he created you, and he has a cult that believes whatever he says. Just as he believes that he created you — you emerged like Helena from the thigh of Zeus! — he

also believes that he can destroy you. And he is totally capable of dumping you at any time that's appropriate to serve his interests. Lenora, its almost that time. The writing is on the wall. Too bad you're the only one who is blind to it.

You should seriously reconsider running for governor. Your political capital is at an all time low right now. Your announcement was generally ignored by the media - not to mention your erstwhile partners in liberation" - because generally you are not taken seriously. Nobody really cares what you say or do anymore. You need to look at the fact that Ray Davis gets more notice than you - thanks to a horde of white neo-fascists at his side. You don't really have anything more than a vague association with Farrakhan through your tendency of pushing yourself to his side whenever the cameras show up. As for Sharpton, he doesn't want to be in your vicinity unless you're making a cash delivery for Newman. All that you have is Newman, and he plans to use your campaign as another fundraiser for his businesses. It will be 1990 + 1992 all over again, but this time you'll receive even fewer votes. At the end, you'll be worn out and no closer to building a political organization for oppressed peoples than you were in 1988! Let Newman run for governor. He should front his own scam. Don't let him use you again. If you do decide to continue with this, then demand that YOU control the funds and how they will be spent.

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Get Claude Brown or some other person to be your campaign manager. Take the political and financial control away from Newman. If you are serious about getting ballot status, then you must overthrow Newman. And I'm not talking about denouncing him or dumping him. No! For once demand that he actually support you rather than simply manipulate and control you. He should kiss your ass the same way that he kisses Sharpton's ass. Sharpton makes Newman dance to his tune because Sharpton knows that Newman is just another white business man. He understoods that his connection to the community was a valuable commodity and Newman was hungry for a foot in the door, any door. Sharpton makes Newman pay through the nose to even stand in his shadow. Sharpton is politically smart. You should be, too. Right now, Newman still needs you. You make him a lot of money. You are key to his ability to mobilize the cult as fundraisers. He uses you as a sort poster child worthy of the pity and support of white liberals. You know how the mind game is played on them, so I don't need to elaborate. But as he backs out of politics altogether, your utility for him declines. He seems to be moving in a capital-intensive direction, away from the laborious street marketing model to electronic marketing. Please take notice that Newman's new pre-900 number scheme doesn't require political cadres, only employees. The "Therapy for America" scam

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(Psychotic Friends Network?) is his campaign to market himself. If he can establish a foothold in the video shopping scene, then he will be in a position to dump you and the "political" tactical tosethes. Be reminded that the financial accumulation that allows him to "take a shot" at the pop psychology market came from his exploitation of you, the IWP cadres and the Black political movement. We put our lives on the line so that Newman could buy some TV time to hawk advice to white, middle class insomniacs! On fact, Newman doesn't really need the cult anymore. He knows that wage labor is far more efficient than slavery — afteall, he won't have to "take care" of anyone anymore. Don't you get it, Lenora? You are being set up and used to make that bastard rich.

I strongly advise you to use whatever clout you still have to force Newman to divest as much money as possible. Take what you can and then go about your business. I am confident that you will continue to work on behalf of our people in a way that will be consistent with your heart and non self-degrading. Now is the time to make your move.

H. M. Pleasant

98043861148

N. Pleasant

115 W. 106th St.
NYC, NY. 10025

9804386119

April 13, 1994
NYC

From: William Pleasant

Dear Lenora:

I hope you are well. I can imagine how the stress must really be affecting you. Take care of yourself, nobody else will do it for you.

You know that I am not your enemy. I believe that you still may have a great deal to give to the cause of liberation in this stinking country. Likewise, you know what you have to do to get on with the task of leading oppressed people. I don't need to state the obvious. You know, though you may not be able to let yourself have the thought. That's understandable, but you have to make a break for freedom soon. History won't wait for you.

Allow me to give you some of my thoughts about your current activities. Firstly, the Farrakhan gambit is already played out before it even really began. Farrakhan is hip to FN, so you should expect him to back away from you very soon. In fact, Farrakhan may come out with a straight-up denunciation of you in the near future. When that happens, the best advice is for you to speak for yourself, not FN. Frankly, there is no way that you can cover for FN vis-a-vis Farrakhan at this time without coming out on the very short end of the stick, politically speaking. Farrakhan will most likely come out of his nationalist bag and call FN just another Jewish political crook on the make through the Black community's political movement. He'll also call you Newman's stooge. In the end, Farrakhan will probably talk about how he made the sacrifice to scope you out, as a service to the community, and found you deficient. This is all classic stuff. Farrakhan has to play to his own base, which is supremely hostile to FN. That base will probably use the fact that FN will market the video of your PA interview with Farrakhan--without the NOI getting a cut of the action--as proof that the Minister is being bamboozled by FN. Farrakhan has to turn that around and convince them that he is not being exploited. In that process, you will become the sacrificial lamb. This was a set-up from the start.

So, from now on, you need to fashion your political activity so that it allows you the broadest latitude in finding support once FN decides to dump you. Many people are just waiting for you to make your move. Don't feel that you are somehow trapped by FN. You have a lot more going for yourself than you are willing to appreciate.

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As for the white male, rightist-dominated FIP, I think that you have a good idea about how what's left of your base, particular the Black and Latino components, feel about that. Nobody is going for it! FN led you into a political cul-de-sac with that "tactic." You know that you've been had, so there's no reason why I should go into a repetition of what I tried to warn you about several months ago. If you have a single busload of folks going down to Va. who aren't poor Black and Latino props you've rented for the day from the 168th Street homeless shelter, I'll be thoroughly surprised. You know damn well that your participation in the FIP fraud has nothing to do with "insuring that the Black and Latino communities are at the table." At the table for what? To play the blackskin covers for a faction of the Republican Party on the make?

[I suggest that you read Richard Hofstedter's AGE OF REFORM to get an idea of the political trajectories of white-led "Third Party" movements in US history. The FIP is just another half-ass instant replay.]

No, you will be in Va. to make sure that FN is at the table! And FN wants to be there because he's out to turn a buck in a new white, right wing market. The irony is that while you send out your operatives to the homeless shelters to recruit the working class at $10-and-a-balogna sandwich-a-head to use as stage sets, FN is using you in the same way. You are no more than his prop, designed to convince his new pals that he has a political following somewhere, with some clout. But once he gets his foot in the door, then he won't require your services anymore.

Chillingly, FN has nearly perfectly followed Lyndon LaRouche's path from left to right. Even his rhetoric about the "radical center" is vintage LaRouche. Old Lyndon applied a similar term--"democratic center"--to the Reaganoids in 1980, and set out to forge a "broad coalition" against the impending apocalypse. The Perot folks are simply Reaganoids who believe that the Republican Party didn't finish the job it started in 1980, namely suppressing the poor, minorities, women and gays, the so-called "special interests groups." Today, they are Newman's targets. As of 1994, it seems that the only difference between FN and LaRouche is their brand of psychosis; Lyndon is a megalomaniac and FN is an egomaniac. They are both white men who got rich as political charlatans.

By the way, Fred's new West Village mansion is nice. Think

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of what a million dollars could have bought in the way of real fightir[illegible]litical organization i[illegible]lem and the South Bronx where [illegible] people live and die li[illegible]dogs. And when he invites you up to the big house for tea and johnny-cakes, maybe you'll ask him to explain how he distinguishes himself from his neighbors who also tend to be millionaire racists.

It's only lawful that you'd ask, since you financed his lush life by putting your life on the line. But then, that's the usual arragement between the worker and capital, I believe.

Maybe I'm wasting my typing paper by writing to you. Maybe you have been so damaged by Newman that there is no hope for you. But then maybe you have a scrap of brain left in your head that operates independently. I hope for the latter to be true. Get wise, Lenora.

In Solidarity,

Bill

212-662-4991

PS:

I was quite amused by FN's response to Wittes in DC. I thought his NO COMMENT response was so poetic. Likewise, I loved when Jackie Salit snarled to Wittes that I was "trashing" FN, Inc. because I am a "f ing communist" who wants to "re-establish" my "ties with the American left." She--meaning FN--was right on one count; I AM A F ING COMMUNIST! So what does that make her, i.e., FN? As for winning my way back to the left, well, I really can't go back to somewhere I've never been. FN knows quite well where I come from politically, but he'll never let the truth stand in the way of cooking up a self-serving fantasy--a lie, by the way, crafted soley to sooth the INMATES OF HIS SoHo LOFT.

In any case, I have been quite clear on why I am exposing him; my reasons require no psychological interpretation. I want him to pay for his political exploitation and betrayal of poor and oppressed people and their political movement--the working class. And I have no qualms with letting his

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bourgeois comrades-in-arms (including Whites) do the dirty work. I call swine-on-swine violence an ugly affair, but, in the end, quite beneficial to the communist project.

In closing, I consider it a compliment to be RED-BAITED by the likes of FN. Afterall, every late afternoon he has to get out of bed and realize that he is still Fred Newman--a fate I would not wish upon the worse colon fluke. Likewise, I love it when Jackie Salit--an absolutely untalented, cowardly, parasitical, butt-swab, intellectual KAFASH'BASHI (ask Farrakhan what that means) for Fred Newman--denounces me as a commie. I guess a spectre not only haunted Europe in the 19th century, but it also haunts mansions on Bank Street today. The spectre is communism. FN has good reason to lose sleep.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
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February 8, 1994

Kellie Gasink
3150 Rochambeau Avenue, #41D
Bronx, NY 10467

Dear Ms. Gasink:

This is to acknowledge receipt on February 7, 1994, of your letter dated January 31, 1994. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this _____ day of _____, 19__." A statement by the notary that the complaint was sworn to and subscribed before her also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,

Retha Dixon

Retha Dixon
Docket Chief

Enclosure

cc: Lenora B. Fulani for President

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UNITED STATES OF AMERICAN
BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 6 1 09 PM '94

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In re :
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Matter Under Review 3938:
.....

MOTION FOR RESUBMISSION OF JUNE 10,1993 COMPLAINT TO COMPLAINANT FOR VERIFICATION, OR IN THE ALTERNATIVE FOR NOTIFICATION TO COMPLAINANT THAT NO FURTHER ACTION WILL TAKEN ON THE BASIS OF THAT COMPLAINT

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Respondents, by counsel, move the Federal Election Commission ("FEC" or "Commission") to consider the legal adequacy of the documents filed by Kellie Gasink, private complainant, in this matter. This motion is filed on behalf of Lenora B. Fulani, presidential candidate, the Fulani For President Committee ("Committee"), Francine Miller and Rachel Massad, the Committee's Treasurers, and Frederick Newman, campaign manager. A designation of counsel for the Committee's Treasurer, Francine Miller, is appended. The other designations were previously filed with the Commission.

At the onset, Respondents note the extraordinary nature of this pleading and that the pleading procedure is not expressly provided for in the Commission's regulations. However for the relief requested to be meaningful, the issue raised in this pleading must be adjudicated prior to the reason to believe determination. Otherwise the respondents are left with the Hobson's choice of responding to massive broadbrush and unverified allegations or risking a possible adverse inference for its failure to respond when the Commission makes a reason to believe determination . In any event the Commissioners have the power sua sponte to review the processing of complaints.

Based upon conversations with the OGC, it appears further dialogue among counsel would be fruitless. In such a situation consideration of an administrative pleading short of a response is appropriate when balancing the real and discernible harm suffered by Respondents with other administrative consideration factors. The basis for respondents' jeopardy is set forth below.

BACKGROUND

The factual crux of the issue presented is whether the Commission has notified the Respondents pursuant to 11 CFR 111.5(a) of one verified complaint or two complaints - one verified *and one unverified*. If it is the latter case, as appears evident from a black letter reading of FECA and the Commission's own regulations, then the inial complaint processing must be commenced a third time with the unverified complaint being returned to the complainant for verification or withdrawal. Otherwise the entire process ab initio and looking forward is procedurally tainted.

Complainant filed three documents on two occasions with the Commission: The first is a one paragraph letter dated January 31, 1994 containing one specific allegation that Ms. Gasink believes that she didn't receive money listed in the Committee's FEC records as having been paid to her. The Committee and the Treasurer reply to this spurious charge in their reason to believe response being filed concurrently with this motion. This complaint was initially submitted without verification, and submitted a second time verified. Without attempted merger with the second letter dated June 10, 1993 to the Manhattan District Attorney it would appear to meet the requirements of 11 CFR 111.4.

Complainant in a barrage of unsubstantiated charges contained within the June 10, 1993 letter covering five pages single spaced alleges civil and criminal wrongdoing by persons not mentioned in the verified one paragraph complaint. The last page of this letter ends "...I ask that you investigate these matters fully." The June 31, 1993 letter was returned to complainant in its unverified condition, and filed a second time by Ms. Gasink without verification.

THE CHARACTER OF THE JUNE 10,1993 LETTER CLEARLY SHOWS IT TO BE A SECOND COMPLAINT

A plain reading of the letter and the call for an investigation clearly demonstrates that it constitutes a second complaint. Moreover, it contains numerous civil and criminal charges not within the first complaint. The only concrete allegation in the January 31, 1994 complaint is that Ms. Gasink "was listed on (the Committee's) campaign records as receiving $500 that (she) never received, nor knows anything about." This is an alleged reporting violation by the Committee, and perhaps the Treasurer.

The June 10, 1993 complaint, on the other hand, is wholly targeted at the campaign manager (who is not named in the January 31, 1994 complaint), and lays out a web of purported intrigue

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involving alleged embezzlement by "payments to Newman organizations, payments to organizations & companies not controlled by Newman, and payments to individuals." page 2 (unnumbered in text). The next three pages of the second letter are devoted to an attempt to describe the embezzlement. One is at a loss on how to characterize this without calling it a complaint, and a second complaint which is not verified at that.

THE COMMISSION IS WITHOUT
AUTHORITY TO ACT ON AN UNVERIFIED COMPLAINT

Section 437g(a)(1) states in pertinent part that a private "complaint shall be in writing, signed and *sworn to by the person filing such complaint*, shall be notarized, and *shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18*, United States Code." 2 USC 437(a)(1)(emphasis added). The Commission's own regulations provide that no action shall taken on the basis of an unverified complaint. See 11 CFR 111.5. On this basis it would be a misuse of the 437g complaint process to permit Ms. Gasink to manipulate the system by triggering a federal investigation on the basis of unverified allegations in the June 10, 1993 complaint against persons not named in the verified complaint.

Such a practice raises serious civil liberty and constitutional questions. To permit complainant to then endrun her problems with an unverified complaint by asserting third party hearsay from a newspaper article (the third document she submitted) in order to provide a springboard for charges that the complainant has no first hand knowledge of is equally troubling. Moreover it frustrates Congressional intent underpinning Section 437g, and permits allocation of scarce Commission resources on allegations which are of dubious value since the complaintant is not willing to verify them. Ms. Gasink should not be allowed to subterfuge the 437g complaint process. This is unfair to respondents.

Ironically, this is unfair to Ms. Gasink as well. Fairness dictates that Ms. Gasink be provided the opportunity to either withdraw or verify the June 10, 1993 charges. If the Commission were to address the allegations contained therein, it could be construed as incorporation by reference of the June 10, 1993 letter into the January 31, 1994 letter, something Kellie Gasink did not do. Arguably this would subject Ms. Gasink de jure to the penalty of perjury contained in Title 18 of the United States Code for the Commission only has jurisdiction as to verified complaints. See 2 USC 437g(a)(1).

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CONCLUSION

For these reasons, all respondents respectfully request that the Commission intervene at this point in the reason to believe process. Fairness to the respondents and to complainant dictates resubmission of the June 10, 1993 complaint to Ms. Gasink for verification.

Respectfully submitted,

Date: 5/6/94

Richard Mayberry

Art Block, Esquire
Richard Mayberry, Esquire
Counsel For Respondents

Suite 500
888 Sixteenth Street, NW
Washington, DC 20006
Telephone: 202-785-6677

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Washington, D.C. 20006

(202) 785-6677
Fax (202) 835-1912

May 13, 1994

By HAND

CONFIDENTIAL ENFORCEMENT MATTER
Trevor Potter
Chairman
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 3938

Dear Mr. Chairman:

I am co-counsel with Arthur R. Block, Esquire, for the Respondents in the above captioned enforcement matter, the Fulani For President Committee; its Treasurers Francine Miller and Rachel Massad; the presidential candidate Lenora B. Fulani; and the campaign manager Frederick Newman. Today is the response date for all of the Respondents except for Miller (whose response was timely filed on May 6, 1994). This letter is in furtherance of the Respondents 'Motion for Resubmission of June 10,1993 Complaint to Complainant for Verification, or in the Alternative for Notification to Complainant that No Further Action Will Taken On the Basis of the Complaint' ("*Motion*").

Specifically, Respondents request that the Federal Election Commission ("*FEC*" or "*Commission*") consider the Motion prior to assignment of the matter to an Enforcement Attorney for preparation of the OGC Report containing its 'reason to believe' ("RTB") recommendation.

This permits bifurcation of the Commission's proceedings in connection with this matter. First, we urge the Commission to pass on the Motion to define the validity and scope of the allegations contained in the Gasink Complaint(s). This is essential to ensure the integrity of the processing of MUR 3938 under Section 437g. As asserted in the Motion, the verification of the documents filed as a complaint are contested and at issue.

It need not be stated that the Commission has the authority, and we would submit the obligation, *sua sponte* (and irrespective of this letter and the Motion) to consider whether the second letter

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dated June 10, 1993 to the Manhattan District Attorney is verified in accordance with the statute before Commission attorneys start evaluating whether it provides a basis for reason to believe that a violation of the Campaign Act has occurred by the Respondents.

Please notify us in writing of the manner, specifically the sequence, in which the full Commission will address the issues raised in the Motion. We would suggest that a Commission decision as to whether there are two complaints or one complaint will shorten, rather than lengthen, the processing of MUR 3938.

If OGC is responding to one specific allegation contained in the one paragraph letter dated January 31, 1994, rather than to a barrage of unverified charges contained within the June 10, 1993 letter covering five pages single spaced which alleges civil and criminal wrongdoing by persons not mentioned in the verified one paragraph complaint, the administrative burden to the Commission is obviously less.

This bifurcated procedure serves the best interest of justice for the reasons set forth in the Motion, is not inconsistent with Section 437g, and protects the constitutional rights of the Respondents.

We thank you in advance for you consideration of this letter.

Sincerely yours,

Richard Mayberry

Richard Mayberry

Arthur Block
Counsel to Respondents

cc:

(1) All Commissioners (Via FAX 202-208-3333)
(2) Lawrence Noble, Esquire (By FAX to 202-219-3923)
(3) Dr. Lenora B. Fulani (By FAX to 212-431-3516)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
MAY 27 1994

MAY 24, 1994

Richard Mayberry, Esq.
Suite 500
888 16th Street NW
Washington, DC 20006

RE: MUR 3938
Lenora B. Fulani, Fulani for President
and Rachel Massad, as treasurer,
Francine Miller, and Frederick Newman

Dear Mr. Mayberry:

This letter is in reference to the motion which you submitted on May 6, 1994 on behalf of your clients, Lenora B. Fulani, Fulani for President and Rachel Massad, as treasurer, Francine Miller, and Frederick Newman. The Commission has considered the motion and on May 18, 1994, decided to deny respondents' motion to require re-submission to the Commission of the June 10, 1993, letter that was referenced in and attached to the complaint. On this same date, the Commission decided to deny respondents' alternative motion to take no further action on the June 10, 1993, letter that was referenced in and attached to the complaint.

If you have any questions regarding this matter, please contact Mary Taksar at (202) 219-3400.

Sincerely,

Lois G. Lerner
Associate General Counsel

cc: Arthur R. Block, Esq.

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J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------X

DR. LENORA B. FULANI, DR. FRED NEWMAN, FRANCINE MILLER, RACHEL MASSAD, and LENORA B. FULANI FOR PRESIDENT,

Plaintiffs,

-against-

FEDERAL ELECTION COMMISSION,

Defendant.

----------X

94 Civ. 4461 (KTD) ~~(CBM)~~

COMPLAINT

Plaintiffs, by their attorneys, ARTHUR R. BLOCK and HARRY KRESKY, for their complaint respectfully show and allege the following:

Introduction

1. Although Congress conferred certain law enforcement responsibilities on the Federal Election Commission ("FEC" or the "Commission") in the Federal Election Campaign Act of 1971, as amended (FECA), 2 U.S.C. §§ 431 et seq., Congress severely limited the agency's discretion to decide who, what and when to investigate. Unlike some other federal agencies, the FEC does not have a roving authority to investigate persons engaging in the activity it regulates, i.e. First Amendment speech, association, and electoral campaigning.

2. FECA creates a procedure for private parties to initiate FEC investigations of alleged illegal conduct by filing complaints with the Commission. Congress specifically provided, however, that before the Commission could inquire into the

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allegations made by a private party, the person's complaint must be "signed and sworn to by the person filing such complaint . . . under penalty of perjury." 2 U.S.C. § 437g(a)(1).

3. If a complainant does swear to the truth of his or her allegations, then it triggers an immediate, mandatory FEC review of the substance of the charges. On the basis of this review, the Commission must take a vote on the question of whether or not to open a full investigation into the sworn allegations. At the conclusion of the inquiry and/or investigative process, the Commission's decision and the pleadings in the complaint investigation file are made public.

4. This action comes before the Court as a case of first impression challenging the Commission's practice of asserting jurisdiction over allegations contained in unsworn statements by complainants, and over unsworn allegations in newspaper clippings; and its practice of making individuals the subjects of enforcement proceedings solely based on unsworn allegations against them.

Synopsis of the Case

5. In direct violation of Section 437g, and of plaintiffs' constitutional rights, the defendant has opened an enforcement matter in which it is reviewing allegations contained in an <u>unsworn</u> complaint consisting of a 5-page letter charging the plaintiffs with a litany of civil and criminal violations.

6. The Commission also is reviewing allegations in a newspaper article which names as sources the complainant and a

close associate of hers, even though the complainant has not sworn to the truth of the allegations in the article.

7. Plaintiffs made a motion to the full Commission requesting that the defendant either (a) return the unsworn letter to the complainant with a notice that for the FEC to consider the allegations the complainant must swear to the truth of them; or (b) cease and desist from any review of the unsworn allegations.

8. By letter dated May 24, 1994, the Commission notified plaintiffs that it had considered and voted upon the motion, and it was denied. This constituted final agency action with respect to a determination of the Commission's jurisdiction over the allegations contained in the unsworn letter and in the unsworn newspaper clipping.

9. Plaintiffs allege that the Commission has acted in excess of its statutory jurisdiction, in violation of the First Amendment of United States Constitution, and in a manner that is arbitrary, capricious and an abuse of discretion.

10. It is immaterial whether the Commission's current activities in connection with this enforcement matter are characterized as a review, a preliminary investigation, an inquiry, an investigation or in other terms. Plaintiffs' claim is that the Commission lacks jurisdiction to engage in <u>any</u> enforcement activities whatsoever with respect to the allegations contained in the 5-page unsworn letter and in the newspaper article. It lacks jurisdiction to name persons as respondents to

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an unsworn complaint and to request that those persons submit sworn responses to unsworn charges.

11. The Commission has created this case and controversy by refusing to take the simple step of mailing the unsworn letter and the newspaper clipping back to the complainant with a notice that the FEC only has jurisdiction to review those of the allegations in her 5-page letter (and in the newspaper article that uses the complainant and this same letter as a principal source) to which she will swear under penalties of perjury.

12. Plaintiffs seek, inter alia, a declaratory judgment that the Commission lacks jurisdiction to consider the allegations in the unsworn letter and in the news clipping; preliminary and permanent injunctive relief ordering the defendant to take no further review or investigative actions with regard to the allegations contained in the unsworn letter and news clipping, and to make no use of any information or materials generated in connection with its review and investigation heretofore; and a permanent injunction ordering the defendant to take all necessary steps to expunge from its files and institutional memory all information and materials pertaining to or arising from its review of the allegations in the letter and news clipping.

Jurisdiction and Venue

13. Plaintiffs' claims for relief arise under the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202; the Mandamus

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Act, 28 U.S.C. § 1361; the Administrative Procedure Act, 5 U.S.C. §§ 701-706; and under the First Amendment.

14. Plaintiffs also have a right to judicial review under 2 U.S.C. § 437h, which provides a special procedure to bring a constitutional challenge to any provision of FECA, as amended, including a claim that a provision of FECA is unconstitutional as applied to the plaintiff. Pursuant to this procedure, the district court makes finding of fact and then certifies the constitutional issue to the Court of Appeals for hearing en banc.

15. Federal question jurisdiction is founded on 28 U.S.C. §§ 1331 and 1343. Venue is properly laid in this District under 28 U.S.C. § 1391(e)(3).

Parties

16. Plaintiff DR. LENORA B. FULANI ("Fulani") was a candidate for the office of President of the United States in 1988, and in 1992. In each of these elections, she qualified for and received payments (federal matching funds) from the Presidential Primary Matching Payment Account Act under 26 U.S.C. 9031 et seq. After each of these elections the FEC conducted, and concluded, a detailed audit of her campaign's finances as authorized by law.

17. On or about March 30, 1994, Fulani received notification from the Commission that it had named her as a respondent in a civil enforcement "matter under review," (MUR), based on materials sent to the FEC by complainant Kellie Gasink.

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The Gasink materials contained no sworn allegation that Fulani had violated any law. Nevertheless, the FEC notification to Fulani asked her to respond to the unverified materials, and urged Fulani to make her own response under penalties of perjury.

18. Fulani currently is a candidate for the nomination of the Democratic Party for the office of Governor of the State of New York. In addition to her current candidacy, and her two presidential candidacies, Fulani has previously been a candidate for the offices of Governor of the State of New York (1986 and 1990), Lieutenant Governor (1982) and Mayor of New York City (1985 and 1989). She intends to remain active in electoral politics and other First Amendment activities for the indefinite future. The defendant's unlawful investigatory activities damages and threatens to damage Fulani's electoral activities, associations and other First Amendment activities.

19. Plaintiff DR. FRED NEWMAN ("Newman") was the campaign manager of Fulani's 1992 presidential campaign. He also was the campaign manager of each of her other candidacies, is presently the campaign manager of her 1994 gubernatorial campaign, and intends on remaining active in electoral politics and other core First Amendment activities for the indefinite future.

20. On or about March 30, 1994, Newman received notification from the Commission that it had named him as a respondent in a civil enforcement "matter under review," (MUR), based on materials sent to the FEC by complainant Kellie Gasink.

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The Gasink materials contained no sworn allegation that Newman had violated any law. Nevertheless, the FEC notification to Newman asked him to respond to the unverified materials, and urged Newman to make his own response under penalties of perjury.

21. LENORA B. FULANI FOR PRESIDENT is the name of the authorized campaign committees of Fulani's 1992 presidential campaign. There are two separate entities, the primary election committee and the general election committee. The Commission has named the treasurer of each committee as a respondent. Plaintiff FRANCINE MILLER (Miller) was the treasurer of the Fulani for President primary campaign committee, and RACHEL MASSAD (Massad) was the treasurer of the Lenora B. Fulani general election committee.

22. Each of the individual plaintiffs resides in the City and County of New York, and Lenora B. Fulani for President has its principal office in the City and County of New York.

23. The FEDERAL ELECTION COMMISSION (FEC or Commission) is an independent commission established by federal law which has, inter alia, authority to enforce the Federal Election Campaign Act of 1971, and Chapters 95 and 96 of the Internal Revenue Code (which pertain to federal funding for presidential general and primary election campaigns).

Factual Background

24. William Pleasant is a former long-time supporter of Fulani's political work, and long-time collaborator with Newman in cultural, theatrical and writing projects. Shortly

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after the 1992 election, Pleasant openly broke off his working relationships with Fulani and Newman, and launched a campaign seeking to convince Fulani and others to break off their relationships with Newman.

25. As part of this political campaign, Pleasant has contacted law enforcement authorities and urged them to charge Newman with violations of various laws.

26. Kellie Gasink is a former supporter of Fulani and of Newman. She became an intimate friend of William Pleasant, and broke with Fulani and Newman at about the time Pleasant did. Gasink has assisted Pleasant in his efforts to have law enforcement authorities charge Newman and his associates with illegal activity. Upon information and belief, Pleasant and Gasink instigated an investigation of the 1992 Fulani campaign by the Manhattan District Attorney. Several harassing phone calls from Pleasant to Newman were placed from Gasink's home telephone.

27. Upon information and belief, in support of hers and Pleasant's efforts to cause the Manhattan District Attorney to seek an indictment of Newman, on or about June 10, 1993, Gasink submitted to the Manhattan District Attorney a 5-page single-spaced typed letter containing a litany of accusations against Newman and his associates, and alleging that Fulani's 1992 presidential campaign was not a bona fide election campaign, but was a fraudulent embezzlement scheme of a so-called "cult."

28. On November 5, 1993, the Daily News published a 19-paragraph article (the "Article") reporting a leak from the

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District Attorney's office of an investigation of plaintiffs and the New Alliance Party (NAP) (with which plaintiffs were affiliated), and which identified Pleasant and Gasink as sources of the Article.

29. The Article stated, "The FEC would not comment on whether the agency also is investigating NAP."

30. On or about January 31, 1994, Gasink sent the FEC a set of materials consisting of:

a. An unsworn 1-paragraph letter dated January 31, 1994, signed by her;

b. A copy of an unsworn 5-page letter to the District Attorney dated June 10, 1993, signed by her; and

c. A copy of the Article.

31. Upon information and belief, the sending of the materials to the FEC (which included the reference in the Article to the FEC itself), was an attempt by Pleasant and Gasink to manipulate the Commission into investigating the plaintiffs without Pleasant or Gasink taking any responsibility for making their allegations under oath as required by law. Pleasant did not sign the materials although he, upon information and belief, was an anonymous collaborator in sending in the materials. Gasink signed the 1-paragraph letter and the 5-page letter, but she did not swear to the truth of the allegations in either letter.

32. Gasink's submission to the FEC amounted to two complaints -- the unsworn January 31, 1994 complaint (hereinafter

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the "1-paragraph Complaint"), and the unsworn June 10, 1993 complaint (hereinafter the "5-page Complaint"). The 5-page Complaint specifically requested investigation of its allegations by law enforcement authorities.

33. Under cover letter dated February 8, 1994, the Commission returned these materials to Gasink. The letter notified her that her purported complaint(s) was defective because it was not sworn and notarized. It advised her that she must swear to her allegations before a notary public in order for them to be considered.

34. Gasink purported to re-execute the 1-paragraph Complaint and have it acknowledged under oath before a notary public. Gasink did not re-sign or swear to the 5-page Complaint. The 1-paragraph Complaint does not specifically incorporate by reference the allegations in the 5-page Complaint.

35. After receiving these materials from Gasink, the FEC did not notify Gasink that her 5-page Complaint was still defective, and did not give her a further opportunity to swear to the truth of her 5 pages of allegations. Instead, the Commission treated all elements of the package as a valid complaint and opened up a Matter Under Review (MUR).

Agency Action

36. Complaints are processed by the Enforcement Division of the Office of General Counsel (OGC) of the FEC. OGC

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named as respondents not only the two treasurers[1] of Fulani's committee, but also Fulani and Newman. OGC joined them as respondents and demanded responses from them, even though the 1-paragraph Complaint does not mention either of them.

37. One of plaintiffs' attorneys contacted a representative of the Enforcement Division and pointed out that virtually all of the allegations were in the unsworn 5-page Complaint, and that Newman were not named in the 1-paragraph sworn Complaint. He asked the Division to reconsider its naming of Fulani and Newman as respondents, and to decide not to consider in its inquiry any allegations or any persons who were not implicated in the sworn 1-paragraph Complaint.

38. Shortly thereafter Lois Lerner, Associate General Counsel in charge of the Enforcement Division, communicated through a representative to plaintiffs' counsel that the OGC had reconsidered the scope of its jurisdiction arising from the Gasink materials. It was stated that the Enforcement Division was considering all of the materials and allegations submitted by Gasink, unsworn as well as sworn. The Enforcement Division's position was that the references to plaintiff Newman in the Article was sufficient to name him as a respondent.

39. On May 6, 1994, plaintiffs filed with the Commission a Motion for Resubmission Of June 10, 1993 Complaint To Complainant For Verification, Or, In The Alternative For

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[1] Committee treasurers are generally held responsible for Committee financial affairs. 2 U.S.C. §432.

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Notification To Complainant That No Further Action Will Be Taken On The Basis Of That Complaint.

40. By letter dated May 24, 1994, the Commission notified plaintiffs that the Commissioners had denied the motion. The letter stated that the action had been taken at a May 18, 1994 meeting of the Commissioners. The meeting was in a closed, confidential session, and the decision not released to the public or entered into any public record. Hence, the first release of the Commission's action to any private party was on or after May 24, 1994.

COUNT ONE

41. The Federal Election Campaign Act, 2 U.S.C. § 437g(a)(1), states in pertinent part that a private

> complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code.

(emphasis supplied).

42. Regulations promulgated by the Commission to implement Section 437g(a) set forth the elements that are needed in a complaint for it to be sufficient to allow the FEC to take any action with respect to it.

43. 11 C.F.R. § 111.4(b)(2) provides, in part:

> The contents of the complaint shall be sworn to and signed in the presence of a notary public and shall be notarized.

44. 11 C.F.R. § 111.4(c) provides:

> All statements made in a complaint are

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subject to the statutes governing perjury and to 18 U.S.C. 1001. The complaint should differentiate between statements based upon personal knowledge and statements based upon information and belief.

45. 11 C.F.R. § 111.4(d)(1) provides:

(d) The complaint should conform to the following provisions:
(1) It should clearly identify as a respondent each person or entity who is alleged to have committed a violation;

46. The 1-paragraph Complaint in the instant case does not name any person who is alleged to have committed a violation of law; it only names an entity, "the Lenora B. Fulani for President '92 campaign."

47. The failure of the 1-paragraph Complaint to "clearly identify as a respondent each person or entity" must be deemed a deliberate omission by the complainant, since the complainant did identify persons as respondents in her <u>unsworn</u> 5-page Complaint.

48. 11 C.F.R. § 111.4(d)(2) provides:

(2) Statements which are not based upon personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainants belief in the truth of such statements;

49. 11 C.F.R. § 111.4(d)(3) provides:

(3) It [the sworn complaint] should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction.

50. 11 C.F.R. § 111.4(d)(4) provides:

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> (4) It [the sworn complaint] should be accompanied by any documentation <u>supporting the facts alleged</u> if such documentation is known, or available to, the complainant.

(emphasis supplied)

51. This provision does not authorize the Commission to rely upon "documentation" to expand the scope of its inquiry beyond allegations that are sworn to in a complaint. Documentation may only used to "support the facts alleged" in the sworn complaint.

52. The Article is not "documentation" within the meaning of 11 C.F.R. § 111.4(d)(4). It is not direct evidence of any relevant fact, but merely a repetition of second hand and third hand allegations. The named sources for these unsupported allegations are Gasink and Pleasant. An unsupported newspaper article reporting on statements by a complainant and the complainant's collaborator cannot be considered documentation "supporting the facts alleged" in the complaint. Having unsworn allegations repeated by a newspaper reporter cannot substitute for the penalty of perjury requirement of Section 437g and 11 C.F.R. §111.4; the allegations must be in a signed writing and sworn before a notary public, not merely recited to a newspaper reporter.

53. The 5-page unsworn Complaint is not "documentation" within the meaning of this regulation. It consists of allegations of unlawful conduct written by the complainant herself and is, therefore, a second complaint.

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54. Even if the Article and the 5-page Complaint were "documentation" within the meaning of the regulation, the Commission could not consider them for the purpose of adding allegations to the allegations contained in the 1-paragraph sworn Complaint. To interpret the regulation to allow unsworn documentation to expand the scope of an investigation by adding new charges, would cause the regulation to exceed the Commission's statutory authority for complaint investigation under Section 437g.

55. The Commission's regulations specifically provide that "no action shall be taken" by the Commission on the basis of a complaint that does not meet the above-stated requirements. 11 C.F.R. § 111.5(b).

56. Instead, the Commission is required to send a notice to the complainant, with a copy to the persons identified in the complaint as respondents, stating the complaint is insufficient. Id.

57. At first, the Commission followed proper procedure with respect to the Gasink complaint. It returned the materials to Gasink with a cover letter stating, in part:

> In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred . . . . We regret any inconvenience these requirements may case you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled.

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(emphasis supplied) Letter from FEC to Gasink dated February 8, 1994.

58. Upon receiving the FEC notification, Gasink swore to the truth of her 1-paragraph letter before a notary public but chose <u>not to swear to the truth of her separate 5-page letter</u>.

59. Pursuant to 2 U.S.C. § 437g(a)(1), and pursuant to its own regulations, the Commission at that point had legal authority to take only one of two courses of action:

a. to take "no action . . . on the basis of the complaint" (11 C.F.R. § 111.5(b)) with respect to the 5-page letter; or

b. to send the complainant a second notification stating that the 5-page letter still was insufficient as a complaint unless she swore to the truth of its allegations, and to take no action unless and until the complainant swore to the truth of the allegations contained therein.

60. The Commission exceeded its jurisdiction by deeming a plainly insufficient complaint to be sufficient, and by proceeding to take action with respect to an insufficient complaint.

61. The Commission had no authority to name persons as respondents and to request that they provide information to FEC investigators, including sworn statements, because the persons are accused of wrongdoing in an unsworn complaint.

62. Defendant's actions not only violate the clear language of FECA and the implementing regulations, they also

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subvert the fundamental purpose of the statute. Congress expressly provided that the FEC, as distinct from many other federal agencies with law enforcement responsibilities, would be denied any roving enforcement and investigatory powers. The FEC's severely delimited jurisdiction reduces the opportunities for politically partisan manipulation of federal law enforcement resource in the electoral process.

63. The instant case is a prototypical instance of the manipulation of federal law enforcement resources for political purposes. The complainant is a person with a self-proclaimed political vendetta against the respondents.

a. First, she went to the Manhattan District Attorney and instigated an investigation of the plaintiffs. She gave the District Attorney the 5-page unsworn letter.

b. Second, she and her collaborator, Pleasant, brought their charges to a newspaper reporter. The newspaper reporter communicated with the District Attorney and with the FEC, asking whether or not they were investigating these charges. According to the Article, a source in the DA's office leaked the information that an investigation was pending. The FEC would neither confirm nor deny.

c. More than half a year after going to the DA, Gasink filed a complaint with the FEC. At that time Gasink was, upon information and belief, a law student and an employee of the Bronx District Attorney, and was familiar with the differences between sworn and unsworn statements. Yet she chose initially to

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submit two unsworn letters to the FEC, one of them being a copy of the same letter she had given to the Manhattan D.A. When the FEC initially rejected the two unsworn letters, she then made a distinction between her 1-paragraph letter, to which she swore, and her 5-page letter which she resubmitted unsworn.

64. The statute and regulations had their intended effect of putting Gasink in the position of putting herself at risk of criminal liability for perjury if she submitted false allegations in a complaint. The legal consequence of her refusal to swear to the truth of the 5-page letter is to defeat any FEC jurisdiction over the allegations contained in the 5-page letter.

65. Because the FEC has disregarded this legal consequence, Gasink has succeeded through her contacts with the DA, the press and the FEC, in manipulating the Commission into bringing to bear its resources against the plaintiffs in an enforcement matter.

66. The FEC's violation of the statute and regulations in this case sets a precedent that opens the door for complainants regularly to file bifurcated complaint documents in order to activate the FEC enforcement machinery against a political enemy while attempting to remain immune to prosecution for perjury. The FEC's practice allows a person to file a one sentence sworn letter accusing one person of wrongdoing, and to enclose another letter by the complainant, unsworn, which goes on for hundreds of lines making false allegations against numerous other persons, and causing the FEC to request responses from all

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of the persons named in both letters to all of the allegations set forth in the unsworn letter.

67. Pursuant to 28 U.S.C. §§ 2201-02, plaintiffs are entitled to a declaratory judgment that defendant has violated 2 U.S.C. § 437g and 11 C.F.R. §§ 111.3 - 111.5.

68. Pursuant to 28 U.S.C. § 1361, the federal Mandamus Act, plaintiffs are entitled to an injunction restraining defendant from acting beyond its jurisdiction in treating the 5-page Complaint as a valid complaint and in considering the allegations in the Article; from abusing their discretion; and from violating plaintiffs' constitutional rights. Defendant has a clear duty under FECA and the Regulations to take no action based upon the unsworn 5-page Complaint; plaintiffs have exhausted their remedies in the administrative process by making a motion to the full Commission, but has voted to continue to act in excess of its statutory jurisdiction.

69. Pursuant to the Administrative Procedure Act, 5 U.S.C. § 701 et seq., plaintiffs are entitled to judicial review of the final agency action denying plaintiffs' motion. The Commission's action denying the motion is a final decision of the Commissioners regarding the scope of the agency's jurisdiction to investigate allegations in the Gasink complaint materials. Plaintiffs are aggrieved by this final agency action because regardless of whether or not the Commission initiates a full investigation, the Commission's enforcement machinery will have been used to investigate the First Amendment activities of the

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plaintiffs and their associates. In the First Amendment area, as contrasted with commercial matters, government investigation of political activity is harm per se, and must be justified by a compelling state interest.

70. Plaintiffs are entitled to relief under the APA because the FEC's actions are:

a. arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law;
b. contrary to constitutional right;
c. in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and
d. without observance of procedure required by law.

5 U.S.C. § 706.

COUNT TWO

71. Plaintiffs repeat and reallege each and every allegation of paragraphs 1-70 as if fully set forth herein.

72. Law enforcement investigations of First Amendment protected activity and associations, and especially participation in the electoral process, infringe upon First Amendment rights unless they are justified by a threshold of evidence commensurate with the investigative methods and scope.

73. 2 U.S.C. § 437g(a)(1) is facially constitutional. The initial threshold for FEC complaint investigation enacted by Congress satisfies the First Amendment by requiring that a complainant swear to the truthfulness of her allegations before the agency even opens up an MUR and requests an answer from the respondents with respect to such allegations.

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74. However, as applied by the Commission to the plaintiffs, § 437g(a)(1) is unconstitutional.

75. The defendant has eliminated the penalties of perjury requirement for acting on a complaint by pursuing an MUR inquiry into the allegations set forth in the 5-page unsworn Complaint, and in the Article; by naming Fulani and Newman as respondents even though neither of them is mentioned in the 1-paragraph Complaint; and by naming Massad as a respondent even though the general election committee of which she is treasurer is not implicated in the 1-paragraph Complaint.

76. Congress was sufficiently concerned about the constitutionality of FECA, that it created an extraordinary remedy for expedited judicial review of challenges to the constitutionality of its provisions. Pursuant to 5 U.S.C. § 437h, a party may commence a constitutional review proceeding in district court; the district court takes evidence and then certifies the record to the Court of Appeals which sits en banc to decide the constitutional question. This remedy is available for "as applied" challenges as well as facial challenges.

77. Alternatively, plaintiffs may present their constitutional claims for full adjudication in the district court.

Harm

78. Plaintiffs have suffered harm as a result of past conduct by the defendant that violated their statutory and constitutional rights.

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79. Plaintiffs are suffering harm as a result of present conduct of the defendant that violates their statutory and constitutional rights.

80. Plaintiffs have a reasonable expectation that defendant's threatened future conduct will deprive them of their statutory and constitutional rights.

81. Investigation of plaintiffs' First Amendment activities is harmful to them regardless of whether or not the Commission eventually charges any of them with violations of law.

82. The mere fact that the Commission has named Fulani's campaign manager as a respondent to an unsworn complaint letter, has asserted jurisdiction over a litany of unsworn accusations against her campaign manager, and has requested that her campaign manager respond to those allegations in his own sworn statement, will chill persons from associating with Fulani, and, in particular, will deter persons from serving in responsible positions in Fulani campaigns.

83. The plaintiffs are forced to expend time, resources and energy to respond to allegations that are not even within the jurisdiction of the defendant. This impairs their exercise of their First Amendment rights and chills people from associating with them.

84. The FEC has already completed an exhaustive and detailed audit of the finances of the Fulani for President committees which failed to disclose evidence of any of the charges contained in the unsworn complaint. Plaintiffs expended

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considerable efforts cooperating with the audit. Plaintiffs cannot lawfully be required to use additional resource to respond to unsworn charges made by private parties.

85. The unsworn 5-page Complaint seeks criminal prosecution of the plaintiffs under state and local laws over which the FEC has no jurisdiction. By broadening its enforcement proceeding to consider the unsworn allegations of the 5-page complaint, the Commission is using its resources to gather information that Gasink, Pleasant, and others may seek to utilize to instigate a local or state criminal prosecution.

86. The Commission's actions in this case of opening up an inquiry into a multitude of unsworn allegations and adding allegations and respondent(s) to its inquiry based on a newspaper article has a chilling effect upon electoral activity by plaintiffs and persons who do or who might in the future associate with them.

87. The Commission's actions impair and will impair plaintiffs' exercise of their First Amendment rights.

88. The Commission's unlawful investigatory activities have irrevocably tainted its ability to conduct a fair and impartial investigation limited only to the 1-paragraph Complaint.

89. No prior request has been made to this or to any other court for the relief requested herein.

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Jury Trial Demand

90. Plaintiffs request a trial by jury to the extent available by applicable law.

WHEREFORE, plaintiffs respectfully demand judgment against the defendant as follows:

(1) A temporary restraining order and preliminary injunction ordering the defendant:

a. to stay all proceedings in MUR 3938 pending the final judgment of this Court; or, in the alternative,

b. to cease any enforcement or investigative proceedings arising from or traceable in any way, directly or indirectly, from allegations and information contained in the unsworn 5-page letter or in the Article filed in MUR 3938 by Kellie Gasink; and

(2) A judgment declaring that the defendant has violated 2 U.S.C. § 427g(a)(1) and 11 C.F.R. §§ 111.4-111.5 by proceeding with MUR proceedings on the basis of the unsworn 5-page letter and on the basis of the Article; and

(3) A judgment by this Court, or by the Court of Appeals sitting en banc through certification under 2 U.S.C. § 427h, declaring that as applied to plaintiffs by defendant, 2 U.S.C. § 427g(a)(1) is unconstitutional;

(4) A judgment declaring that defendant has violated plaintiffs' rights under the First Amendment;

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(5) A permanent injunction

(a) barring defendant from continuing any enforcement or investigative proceedings based directly or indirectly upon allegations or information contained in the unsworn 5-page letter or in the Article;

(b) barring defendant from making any use of any information or materials generated in connection with its review and investigation heretofore;

(c) directing defendant to dismiss MUR 3938 in its entirety; and

(d) prohibiting the defendant from disclosing information or materials obtained in the course of MUR 3938 to the public or to governmental officials; and requiring defendant to disclose all such information to the plaintiffs;

(6) awarding plaintiffs the costs and disbursement of this action, including reasonable attorney's fees pursuant to 28 U.S.C. 2412;

(7) awarding plaintiffs such other and further relief as the Court may deem just and proper.

Dated: New York, New York
June 17, 1994

Arthur R. Block (AB 6522)
72 Spring Street
Suite 1201
New York, NY 10012
(212) 966-0404

9 3 0 4 3 8 6 1 1 8 6

Harry Kresky per akes

Harry Kresky (HK6220)
250 West 57th Street
Suite 2015
New York, NY 10019
(212) 581-1516

Richard Mayberry per akes

Richard Mayberry, Esq.
(Admitted, D.C. Bar, not
admitted S.D.N.Y)
Richard Mayberry & Associates
888 16th St. N.W.
Suite 500
Washington, DC 20006

Co-Counsel for Plaintiffs
Dr. Lenora B. Fulani,
Dr. Fred Newman, Francine
Miller, Rachel Massad, and
Lenora B. Fulani for President

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RECEIVED
JUL - 7 1994

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 1, 1994

BY FACSIMILE AND FIRST CLASS MAIL

Arthur R. Block, Esquire
72 Spring Street, Suite 1201
New York, NY 10012

Re: Fulani v. FEC, No. 94-Civ-4461 (KTD) (S.D.N.Y. filed June 17, 1994).

Dear Mr. Block:

This is to confirm your June 30, 1994 telephone conversation with Commission staff attorney Robert Bonham regarding the above-captioned litigation.

As Mr. Bonham informed you, the Commission has received a sworn, notarized statement from Kellie Gasink verifying the allegations contained in her June 10, 1993 letter to the Manhattan District Attorney, which was attached to the administrative complaint in MUR 3938. A copy of that verification is enclosed for your information.

You expressed concern regarding the verification, and requested "full disclosure" regarding the circumstances surrounding its submission. That information is not relevant to this lawsuit and will not be provided.

The submission of the enclosed verification now renders this litigation moot. I therefore ask that you immediately dismiss this suit so that the Commission does not expend additional resources. See Fed. R. Civ. P. 11(b).

Should you have any questions regarding this litigation, please contact Mr. Bonham at (202) 219-3690. Alternatively,

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questions regarding MUR 3938 should be directed to Mary Taksar at the same telephone number.

Sincerely,

Richard B. Bader
Associate General Counsel
For Litigation

Enclosure.
cc: Richard Mayberry, Esquire
Richard Mayberry & Associates
888 Sixteenth Street, N.W.
Suite 500
Washington, D.C. 20006

9304386139

June 29, 1994

Federal Elections Commission
999 E. Street NW
Washington, D.C. 20463
Attn: Ms. Mary Takear

MUR 3938

To Whom It May Concern:

I, Kellie Gasink, do hereby swear and subscribe that the allegations contained in my June 10, 1993 letter to the Manhattan District Attorney's Office are true and accurate.

Signed,

Kellie Gasink

Kellie Gasink

STATE OF NEW YORK)
)ss.
County of Bronx

Grace Ievoli

GRACE IEVOLI
Notary Public, State of New York
03-4890588
Qualified in Bronx County
Commission Expires April 22, 1995

Sworn to Before me this
29th Day of June, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUN 29 11 25 AM '94

9304386119C

FROM:JOSEPH FERRENZI CRIM.CT. TO: 202 219 3923 JUN 29, 1994 11:33AM #525 P.01

ARTHUR BLOCK
ATTORNEY AT LAW
72 Spring Street, Suite 1201, New York, NY 10012 (212) 966-0404

July 22, 1994

VIA FACSIMILE and FIRST CLASS MAIL
Richard B. Bader, Esq.
Associate General Counsel for Litigation
Federal Election Commission
999 E St. N.W.
Washington, DC 20463

Re: Fulani et al. v. FEC, 94 Civ. 4461 (KTD), (SDNY); MUR 3938

Dear Mr. Bader:

This is in reply to your letter to me dated July 1, 1994, regarding the above referenced proceedings.

Plaintiffs' federal action against the FEC is not moot. Plaintiffs will be serving and filing an amended complaint that incorporates events that have occurred since the filing of this action.

It is presently anticipated that the amended complaint will be completed in the first half of August, after I have returned from an out of town stay. Plaintiffs do not expect defendants to answer or otherwise plead to the original complaint.[1] I assume that this information will prevent any unnecessary expenditure of litigation resources by the Commission.

Your letter is unclear as to what the Commission's position is as to the legal characterization of the June 29, 1994 Gasink statement, within the statutes and regulations governing the Commission's processing of complaints. What do you claim to be the legal significance within the Commission's administrative enforcement process of your transmittal to me of what appears to be a photocopy of a facsimile of the statement? Are you claiming a relationship to a previous Gasink complaint? Are you claiming that Gasink has now filed a second complaint? Do you claim that the Commission has complied with the notice requirements of 11 C.F.R. §111.5, and if so, how?[2]

---

[1] This is without prejudice to plaintiffs' right to move for a temporary restraining order or a preliminary injunction at any time that they believe that they are suffering irreparable harm by reason of the Commission's conduct.

[2] My clients inform me that they have not received any notice pursuant to 11 C.F.R. §111.5 on or after June 29, 1994.

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ARTHUR BLOCK
ATTORNEY AT LAW

The Commission's position of refusal to disclose to my clients information and documentation regarding the submission by Gasink of the statement dated June 29, 1994 also needs clarification. We respectfully disagree with the Commission's position that the circumstances surrounding the submission of the June 29, 1994, statement are "not relevant to this lawsuit." That issue can be taken up in discovery in the federal action. However, with respect to the administrative enforcement process, the respondents in MUR 3938 are entitled to receive copies of all materials submitted by Gasink purporting to be in connection with that matter, whether or not they comprise a valid complaint.

This, of course, was the procedure the Commission routinely followed when it first received materials from Gasink. The Commission sent Gasink a letter dated February 8, 1994, in which it returned her materials to her and notified her that these materials were defective for lack of verification. A copy of the Commission's letter and of the unverified Gasink materials was mailed to the Fulani Committee, pursuant to the Commission's regulations.

My clients will be denied their right to respond in the administrative enforcement process if they are not provided with every communication to the Commission from Gasink, and every communication from the Commission to Gasink. This includes not only written communications, but also accurate and complete reports on oral communications.

Very truly yours,

Arthur Block

Arthur R. Block

ARB/bp
cc: Harry Kresky, Esq.
Richard Mayberry, Esq.
Lenora Fulani, Ph.D.
Fred Newman, Ph.D.
Francine Miller, Esq.
Rachel Massad

212901ba.ltl

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AGENDA DOCUMENT #94-80

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

M

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

Jul 8 4 17 PM '94

July 8, 1994

MEMORANDUM

AGENDA ITEM
For Meeting of: JUL 28 1994

TO: The Commission

THROUGH: John C. Surina
Staff Director

FROM: Lawrence M. Noble
General Counsel

By: Kim Bright-Coleman
Associate General Counsel

Lorenzo Holloway
Assistant General Counsel

Rhonda J. Vosdingh
Attorney

SUBJECT: Lenora B. Fulani for President
Repayment to the United States Treasury
(LRA #451)

9304386119 3

On April 21, 1994, the Commission approved the Final Audit Report on Lenora B. Fulani for President ("the Committee") and made an initial determination that Lenora B. Fulani and the Committee repay $1,394 to the United States Treasury. As noted in the Final Audit Report, the Committee submitted a check for this amount payable to the United States Treasury in response to the Interim Audit Report.1/ Attachment 1.

Since the Committee did not dispute the initial repayment determination, it is considered a final repayment determination. 11 C.F.R. § 9038.2(c)(1). Therefore, the Office of General Counsel recommends that the Commission conclude that the initial repayment determination for Lenora B. Fulani and the Lenora B. Fulani for President has become a final repayment determination. Id. The Committee will be notified accordingly.

1/ The first check submitted by the Committee on November 5, 1993 did not clear the bank. On January 3, 1994, the Commission received a replacement check from the Committee, payable to the United States Treasury. See Attachment 2.

RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

1. Conclude that the initial repayment determination for Lenora B. Fulani and Lenora B. Fulani for President has become a final repayment determination under 11 C.F.R. § 9038.2(c)(1); and

2. Approve the appropriate letter.

Attachments

1. Letter from the Committee responding to the Interim Audit Report, enclosing anticipated repayment, November 5, 1993 (w/o enclosures).

2. Receipt from the United States Department of Treasury for a Repayment of 1992 Presidential Primary Matching Funds, January 3, 1994.

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FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

RECEIPT FROM THE
UNITED STATES DEPARTMENT OF TREASURY
FOR A REPAYMENT OF
1992 PRESIDENTIAL PRIMARY MATCHING FUNDS

January 3, 1994

Received on January 3, 1994, from the Federal Election Commission (by hand delivery), a check (#0546) drawn on the Amalgamated Bank of New York, in the amount of $1,394.00. The check is a replacement check for check #0543 received on November 9, 1993, which did not clear the bank. The check represents a full repayment from Lenora B. Fulani for President for non-qualified campaign expenses as requested in the final audit report.

Pursuant to 26 U. S. C. §9038(d), this check should be deposited into the Matching Payment Account.

Lenora B. Fulani for President
Amount of Repayment: $1,394.00

Presented by:

for the
Federal Election Commission

Received by:

for the
United States Treasury

9804386195

ATTACHMENT 2
Page 1 of 2

LENORA B. FULANI FOR
PRESIDENT GENERAL ELECTIONS
200 WEST 72ND STREET, SUITE 30
NEW YORK, NY 10023

0546

1 331/260

12-13 19 93

Pay to the order of U.S. Treasury $ 1394.00

One thousand three hundred ninety four + 00/xx Dollars

AMALGAMATED BANK OF NEW YORK
1/10 Broadway, New York, N.Y. 10019

For repayment Francine Pi

⑈000546⑈ ⑆026003379⑆ 31033576⑈

ATTACHMENT 2
Page 2 of 2

980438611 06

Received in Audit
11/8/93

Rec'd in Audit
via Fax 11/5/93
MLF

LENORA B. FULANI FOR PRESIDENT
200 W. 72nd St., #35
New York, NY 10023

November 5, 1993

Elizabeth Ryan
Martin Favin
Federal Election Commission
999 E St., NW
Washington, DC 20463

Re: Lenora B. Fulani for President

Dear Liz and Marty:

Enclosed please find our amended September and October FEC Form 3P's, reflecting changes in our Schedule DP's required by the interim audit report. In addition, please find a letter responding to the Finding of Apparent Excessive Contributions.

I am sending this by fax and by federal express to arrive on Monday, November 8. I neglected to enclose our check in yesterday's package; thus the check for the repayment amount of $1,394.00 is enclosed in this package.

If you have any further questions, please call me.

Sincerely,

Francine Miller

/fm
Encl.

9304386117

ATTACHMENT 1
Page 1 of 2

LENORA B. FULANI FOR
PRESIDENT GENERAL ELECTIONS
200 WEST 72ND STREET, SUITE 30
NEW YORK, NY 10023

0543

11/4 1993

Pay to the order of U. S. Treasury $ 1394.00

One thousand three Hundred ninety Four + 00/100 Dollars

AMALGAMATED BANK OF NEW YORK
1710 Broadway, New York, N.Y. 10019

For repayment Francine

⑈000543⑈ ⑆026003379⑆ 31033576⑈

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ATTACHMENT 1
Page 2 of 2

FEDERAL ELECTION COMMISSION

OPEN MEETING

THURSDAY, JULY 28, 1994

10:00 A.M.

AGENDA

I. **CORRECTION AND APPROVAL OF MINUTES**

A. Thursday, May 26, 1994
Agenda Document #94-84
To be circulated.

B. Thursday, June 2, 1994
Agenda Document #94-85
To be circulated.

II. **LENORA B. FULANI FOR PRESIDENT REPAYMENT TO THE UNITED STATES TREASURY (LRA #451)**

Agenda Document #94-80
Circulated July 19, 1994.

(Rhonda Vosdingh/Lorenzo Holloway of the General Counsel's Office)

(Marty Favin/Rick Halter of the Audit Division)

(continued)

9304338611 29

III. **ADVISORY OPINIONS**

A. Draft Advisory Opinion 1994-18

Edward J. Sack on behalf of the International Council of Shopping Centers (ICSC)

Agenda Document #94-81
Circulated July 21, 1994.

(Michael Marinelli of the General Counsel's Office)

B. Draft Advisory Opinion 1994-21

William M. Hermelin of American Pharmaceutical Association PAC

Agenda Document #94-82
Circulated July 22, 1994.

(Jonathan Levin of the General Counsel's Office)

C. Draft Advisory Opinion 1994-23

Bradley W. Hertz on behalf of the Northrup Grumman Corporation

Agenda Document #94-83
Circulated July 22, 1994.

(Jonathan Levin of the General Counsel's Office)

(continued)

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IV. **MCFL RULEMAKING: SUMMARY OF COMMENTS AND DRAFT FINAL RULES**

Agenda Document #94-11

Circulated February 10, 1994.

Continued from meeting of July 21, 1994.

(Rosemary Smith/Paul Sanford of the General Counsel's Office)

V. **ADMINISTRATIVE MATTERS**

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RECEIVED
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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

July 29, 1994

VIA FACSIMILE AND
CERTIFIED MAIL

Ms. Lenora B. Fulani
c/o Arthur Block, Esq.
72 Spring Street, Suite 1201
New York, NY 10012

RE: Lenora B. Fulani for President Committee

Dear Ms. Fulani:

On July 26, 1994, the Commission authorized the Office of General Counsel to conduct an inquiry into the Lenora B. Fulani for President Committee ("the Committee") under 26 U.S.C. § 9039(b) and 11 C.F.R. § 9039.3 in order to determine whether the Committee owes an additional repayment to the United States Treasury. The focus of the inquiry is whether the Committee made disbursements that were not in connection with your bid for the presidential nomination. These expenses would be non-qualified campaign expenses under 11 C.F.R. § 9032.9(2), and the Commission may seek a pro rata repayment from the Committee. 11 C.F.R. § 9038.2(b)(2).

On April 21, 1994, the Commission made an initial repayment determination that the Committee owes $1,394 to the United States Treasury. However, on July 28, 1994, the Commission decided to hold the final repayment determination on the Committee in abeyance pending the inquiry under 26 U.S.C. § 9039(b) and 11 C.F.R. § 9039.3. A summary of the legal and factual basis for the Commission's decision to conduct an inquiry under 26 U.S.C. § 9039(b) and 11 C.F.R. § 9039.3 will be provided. 11 C.F.R. § 9039.3(b)(1). You will be notified of the results of the inquiry and be given an opportunity to respond to any additional initial repayment determination. See 11 C.F.R. § 9038.2(c)(1).

9304336120 2

If you have any questions, you may contact Kim Bright-Coleman, Associate General Counsel at (800)424-9530 or (202)219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

cc: Francine Miller, Treasurer

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MUR No.

UNITED STATES OF AMERICA

BEFORE THE FEDERAL ELECTION COMMISSION

DR. LENORA B. FULANI, DR. FRED NEWMAN, FRANCINE MILLER RACHEL MASSAD, and LENORA B. FULANI FOR PRESIDENT,

Complainants,

-v-

KELLIE GASINK,

Respondent.

VERIFIED COMPLAINT

ARTHUR R. BLOCK

Attorney for Complainants

72 Spring Street
Suite 1201
New York, NY 10012

(212) 966-0404

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 17, 1994

Arthur R. Block, Esq.
72 Spring Street, Suite 1201
New York, NY 10012

RE: MUR 4032

Dear Mr. Block:

This letter acknowledges receipt on August 10, 1994, of your complaint filed on behalf of your clients Dr. Lenora B. Fulani, Dr. Frederick D. Newman, Francine Miller, Rachel Massad, and Lenora B. Fulani for President alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4032. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

9304336120 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 17, 1994

Kellie Gasink
3150 Rochambeau Avenue #41D
Bronx, NY 10467

RE: MUR 4032

Dear Ms. Gasink:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4032. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9304386120 7

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

AUG 31 1 59 PM '94

August 31, 1994

Federal Elections Commission
999 E. Street NW
Washington, D.C. 20463
Attn: Ms. Alva Smith

Re: MUR 4032

Dear Ms. Smith:

I respectfully request an extension of the time allowed to respond to the complaint sent to me by the Lenora B. Fulani Campaign. I received this complaint on Monday, August 22. I will not be able to respond by Sept. 6; however, I would be able to respond by Sept. 16. My situation is that I am a law student and I started my fall classes on August 22. I have been very busy with the first week of classes. In addition, I work full time during the day and attend classes in the evening. I will have to seek legal consultation and prepare a response. I would very much appreciate your assistance in this. My work number is (718)590-2553. My home number is (718)231-8148. My fax number is (718)681-1129, and my address is 3150 Rochambeau Ave. #41D, Bronx, NY 10467. Thank you.

Sincerely,

Kellie Gasink

Kellie Gasink

9304336120 3

FROM:JOSEPH FERDENZI CRIM.CT. TO: 202 219 3923 AUG 31. 1994 1:08PM #768 P.01

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 1, 1994

Kellie Gasink
3150 Rochambeau Avenue #41D
Bronx, NY 10467

RE: MUR 4032

Dear Ms. Gasink:

This is in response to your letter dated August 31, 1994, requesting an extension until September 16, 1994 to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on September 16, 1994.

Additionally, during our telephone conversation of August 26, 1994, you indicated that the copy of the complaint you received was missing Page 13 of the complaint and Page 23 of Exhibit A. After reviewing the original copy of the complaint, it appears that Page 13 of the complaint was omitted during xeroxing; therefore, a copy of Page 13 is enclosed. However, there is no Page 23 in Exhibit A, Page 22 is followed by Page 24 in the complaint received.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Page 13 of Complaint

9304386120 9

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

September 2, 1994

SEP 2 12 23 PM '94

Federal Elections Commission
999 E. Street NW
Washington, D.C. 20463
Attn: Ms. Alva Smith

Re: MUR 4032

Dear Ms. Smith:

I wish to have all the details of the complaint and investigation against me made public.

Can you please fax to me, page 13 of the complaint against me at (718)681-1129 ?

Also, is it legal and proper for me to give a copy of my letter to the Manhattan District Attorney's Office to a NY Times reporter? (This letter had been made public prior to my filing a complaint with the FEC.) Is there a legal problem with me telling this reporter that I was a volunteer worker for the campaign and that I received no money from the campaign--that the campaign fraudulently lists me as receiving money? Can I tell this reporter what I know about the campaign, for instance, that there are others so listed who didn't receive money? Please let me know if this violates any confidentiality requirements of federal election law, because I do not so understand the law.

Please call me at (718)590-2553. Thank you.

Sincerely,

Kellie Gasink

Kellie Gasink

9304386121C

FROM:JOSEPH FERDENZI CRIM.CT. TO: 202 219 3923 SEP 2. 1994 11:56AM #780 P.01

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

September 11, 1994
New York City, NY.

Federal Election Commission
Office of General Counsel
Washington, DC 20463

Re: MUR 4032
Dear Sirs:

I, William Pleasant, being duly sworn, depose and say:

My name is William Pleasant. I am currently the City Editor for the DAILY CHALLENGE, NYC's only Black daily newspaper. I have been a journalist for nearly 10 years.

I have had a political relationship with Frederick Newman and Lenora Fulani since May 1985. I was the Senior Editor of the NATIONAL ALLIANCE newspaper and Executive Editor of the arts journal known as STONO until October 1992. Likewise, I was a Central Committee member of the International Workers Party (IWP), a clandestine, self-declared conspiratorial Marxist/Leninist organization chaired by Newman. Its existence is denied by all of its current members, including its chairman Frederick Newman. Lenora Fulani is also a Central Committee member of that group. The IWP is the body which staged the 1988 Lenora B. Fulani Campaign for President and the subsequent 1992 Fulani Campaign. All of its policies and activities are directed soley by Frederick Newman.

In late 1992, after a prolonged ideological struggle, I broke with Newman. Subsequently, I wrote a series of personal Letters to Newman and Fulani, expressing my feelings of betrayal and humiliation at the hands of Newman. I likewise urged Fulani to break with Newman for the sake of her sanity, career and reputation. Newman chose to publish these letters in the NATIONAL ALLIANCE in 1993. Those letters would have remained private communications if Newman had not used them in his newspaper to attack me within the IWP. I contend that Newman used the membership of the IWP, either actively or passively, to fleece the treasury of the 1992 Fulani Campaign.

My charges against Newman are very straightforward. Aside from political betrayal, I charge him with soliciting contributions from thousands of citizens and embezzling that money, augmented by Federal Primary Matching Funds, and consuming it through personal use. The basis of this

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accusation lay in reports given to me in my role as a journalist by past and present members of the IWP, my investigation of Newman's various public financial statements, including the FEC matching fund filings, and my own personal knowledge. I have used the information that I have gained to write three articles--one was submitted to THE NATION and rejected, two were published in the DAILY CHALLENGE(8/94). These pieces were written and submitted after several articles had already been published raising issues with the 1992 Fulani Campaign finances.

Going back to March 1992, journalists have charged that FEC monies were being collected by the Fulani Campaign and then disportionately disbursed to companies either owned, controlled or directed by Frederick Newman. I am familiar with such pieces which have appeared in EMERGE, THE NATION, THE NY OBSERVER and the NY NEWSDAY. They made no use of any of my material, nor quotes from me.

I did not appear publicly as an informant until I was quoted in a January 1993 article written by Marina Ortiz in the NY PLANET. Her article was the first to draw upon direct evidence of fraud supplied by ex-IWP members. Subsequently, I was quoted in two October 1993 articles appearing in the weekly CITY SUN and The NY DAILY NEWS. After October 1993, I was not an informant until contacted by Benjamin Wittes of the Washington CITY PAPER, in May 1994. I was briefly quoted in his July 8 article, "The Money Go 'Round." Nonetheless, I gave Wittes a number of leads in his investigation. Wittes is a competent journalist, so he checked them out. He published his results and communicated with other journalists and officials as he saw fit.

I have had no contact with law enforcement officials other than the Manhattan District Attorney's office. I, along with several others, I believe, were questioned after Kellie Gasink submitted her complaint. Likewise, until this moment, I have not made any complaint to law enforcement or regulatory organizations regarding my charges against Frederick Newman, though I have always had cause to. I believed that was not necessarily my role as a journalist.

As a journalist, I seek to have my work published and I participate in the free exchange of ideas and information between journalists.

In the case of the 1992 Lenora Fulani Campaign, I uncovered evidence of wrongdoing, like several other writers. I have worked to make this evidence public knowledge; that is my profession, afterall. The process of making my findings public is a separate issue from what law enforcement agencies may or may not do with my information. It is not possible for me to attempt to try and convict Frederick

9 8 0 4 3 3 6 1 2 1 2

Newman in a newspaper article. But I can, as a writer, urge regulatory and law enforcement agencies, in the public interest, to dig deeper into a matter and determine if there really is some wrongdoing present, and to seek legal redress. At least 80,000 people donated money to the 1992 Fulani Campaign, and I believe that it is in the public interest to point out that their money may not have been used for the purposes that they had intended. That is one of the ways that investigative journalism works. There is a relationship between journalism and government institutions. They mutually inform each other and attempt to influence each other. Arthur Block asserts that there is something sinister in this.

It is for this reason that I believe that Arthur Block, on behalf of Newman, Fulani, et al.(and under Newman's orders, for he is also an IWP Central Committee member), is engaging in a time-honored Newman tactic of legal harrassment and stalling in his complaint against Kellie Gasink. Block's charges have no merit if they are based upon painting me as the leader of a conspiracy to falsely accuse Newman of organizing a conspiracy to commit embezzlement, fraud and forgery, and then planting these charges in the press, and likewise seeding law enforcement agencies with the same accusations. I, nor any other journalist, can impel government agencies to investigate anything unless there is some substance to my findings. If such is Block's contention, then it is a fantasy. If I did all of these things, then the least I would be guilty of would be libel. But, not surprisingly, Newman has been remarkably reluctant to bring a libel suit against myself or any other journalist in this matter. Afterall, I have accused him of being a crook on record. Newman is quite fond of using lawsuits to harrass and silence critics. And he has declared that my accusations and those of other writers are baseless lies. Why no suit? Maybe his reluctancy stems from the fact that the ultimate defense against libel is the truth, and the truth may implicate Dr. Newman is some rather ugly affairs.

The "we" that Block refers to in his complaint amounts to nothing more than the ex-IWP members and supporters who have come forward in public to state that they believe that Newman has and is engaging in illegal and unethical activity. Does that group include me? Yes. Is Kellie Gasink a person who went to authorities and spoke to the press about the matter? Yes. And she did so prior to making a complaint to the FEC. And so have at least a dozen other people, in their own way and under their own power, without my sinister hand, stepped forward. In respect to the Manhattan DA, neither I nor Arthur Block have any idea who has given information about the financial innerworkings of Newman's organization. And quite frankly, I, personally,

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know very little about them myself other than what has been related to me by people who have left or remain with Newman.

It is my job to uncover the facts and to allow the public to judge. Other people in the "we" category might have other motivations. The fact of the matter is that Frederick Newman has abused, manipulated, fleeced and otherwise hurt scores of people who were once his supporters. He has made a number of those people quite upset. And one means of retaliating against him has been to expose him. I am not the first--Dennis Serrete was once second only to Newman in the IWP hiererchy and he has spent almost ten years denouncing Newman--nor am I the last. My reasons for exposing Newman are well-documented in the private correspondence Newman chose to make public. If there is a conspiracy against Newman, Fulani, et al., then it has been a conspiracy that they have been fully aware of in its motivations, contents and form. That hardly makes a conspiracy, does it? In fact, it looks more like Newman desperately attempting to use me to retaliate against Kellie Gasink and to stall a reported investigation by the FEC.

Signed

William Pleasant

SWORN TO BEFORE ME THIS
13TH DAY OF SEPTEMBER, 1994

CASILDA E. ROPER
Notary Public, State of New York
No 24-4908128
Qualified in Kings County
Commission Expires February 28, 19[illegible]

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UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 22 12 42 PM '94

September 12, 1994

Federal Election Commission
999 E Street NW
Office of General Counsel
Washington, DC 20463

RE: MUR 4032

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In answer to the complaint against me by the Lenora B. Fulani campaign, I offer the following:

The primary allegation against me is contained in Paragraph #3 of the complaint, stating that I violated 2 U.S.C. Sec. 437g(a)(12) and 11 C.F.R. Sec. 111.21 by disclosing information about, and documents filed in MUR 3938. The complaint further alleges that the Washington CITY PAPER published a cover story based upon my allegations contained in papers that I filed with the Commission in MUR 3938; the author of the article, Benjamin Wittes, states that "Gasink released a copy of the complaint to the Washington CITY PAPER." Sections #1-2 and #4-17 do not contain any allegations against me. Section #18-25 contain additional allegations in regards to information that I gave Benjamin Wittes of the Washington CITY PAPER that is claimed to violate the confidentiality rights of the respondents in MUR 3938.

I did not release a copy of my complaint to the FEC to

anybody. I did give Wittes my notarized letter to the Manhattan District Attorney's Office. This letter was also included in my complaint to the FEC, but does not constitute my "complaint to the FEC." When Wittes wrote that I had released a copy of my FEC complaint to the Washington CITY PAPER, he wrote inaccurately, because I did not give him anything else that I turned over to the FEC nor did I give him anything the FEC had sent me. I did not tell Wittes anything said to me or asked of me in phone conversations with the FEC.

The letter that I gave Wittes had been made public prior to my filing a complaint with the Federal Election Commission. See NY DAILY NEWS article (Nov. 5, 1993) that was submitted with my complaint-MUR 3938. By giving Wittes this letter that had already been made public to the press, I did not make public any notification or investigation done by the Federal Election Commission. 2 U.S.C. Sec. 437g(a)(12)(A). I also did not make public a "complaint filed with the Commission, nor any notification sent by the Commission, nor any investigation conducted by the Commission..." 11 C.F.R. Sec. 111.21(a).

Arthur Block's interpretation of the concept of "releasing confidential information about an investigation" is much too broad to even be plausible. How could public documents become "clothed in secrecy" by the mere filing of a complaint with the Federal Election Commission? What if I had given Wittes a copy of the NY DAILY NEWS article that I filed with my complaint? Would that have been a violation of confidentiality? Clearly Wittes can

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obtain a published news article easily in many ways and there is no confidentiality attached to this publicly distributed article. My letter had also been publicly distributed and written about in the press prior to the filing of the FEC complaint. See also Ortiz's article in THE NY PLANET and Rivera's two articles in the CITY SUN.

In reference to Paragraph #25 of the complaint, although I told Wittes that I had filed a complaint with the FEC, I most certainly did not give Wittes any information about "enforcement proceedings by the Commission in MUR 3938." Neither 2 U.S.C. Sec.437g(a)(12)(A) nor 11 C.F.R. Sec. 111.21(a) prohibit me from telling somebody that I have filed a complaint with the Federal Election Commission. The relevant part of 2 U.S.C. Sec. 437g(a) states that "Any notification...shall not be made public...by any person without written consent of the person receiving such notification or the the person with respect to whom such investigation is made." This means that if I wish to make public that I have received notification of a verified complaint filed with the Commission, I may. As to enforcement proceedings by the Commission, I do not know anything about FEC enforcement proceedings to tell. In fact, I do not know if the FEC is even investigating my allegations. The Fulani campaign's complaint against me contains more information about "enforcement proceedings" of the FEC than I have known heretofore.

Paragraph #26 states that I have been on a campaign seeking maximum press exposure for my accusations against Fulani. I have not been. William Pleasant and Marina Ortiz, who are journalists,

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have made tremendous efforts to increase public awareness of Frederick Newman's corruption. I have merely responded to reporters who have questioned me. I have never contacted any reporters. Since I did volunteer work on the Fulani campaign and that campaign lists me in publicly filed documents as receiving money that I did not receive, I am entitled to tell everyone that this is the case. As to the allegation in Paragraph #27 that I was a major source of Wittes' article, Wittes used my letter as a source for his article, but most of his article comes from FEC records that are public papers. Wittes examined the expenditures and checked them out. Wittes interviewed people listed in the records as having received money from the Fulani campaign. Wittes researched the companies listed in the record as receiving money. Wittes published the results of his extensive research.

Block writes in Paragraph #28, with no factual basis, that I have disclosed to persons other than Wittes my complaint and other communications in regard to MUR 3938. Not only did no complaint nor other FEC communications pass from me to Wittes, but I believe that Block's assertion betrays a flawed understanding of confidentiality law. As I interpret 11 C.F.R. Sec. 111.12(a), a complaint filed with the Federal Election Commission cannot be made public by anyone except the person making the complaint. To read that section as gagging the person who filed the complaint is overly broad and would violate the First Amendment right to free speech. What I wrote in my complaint, I could legally write, publish and tell to people because it is true and therefore not slanderous or libelous.

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My freedom of speech is not curtailed by having filed a complaint with the Federal Election Commission.

11 C.F.R. Sec. 111.12(a) is clearly intended to keep confidential any information about how the FEC is investigating a pending matter. The Federal Election Commission and FEC employees are clearly prevented from making public anything in regards to an ongoing investigation. Although the language speaks broadly of no person or entity making public a complaint, this applies to everybody except the person who makes the complaint. A complainant who is also a witness is entitled to reveal to others his/her experiences. If, for instance, I had merely written a complaint to the FEC and stated that I was not paid for services rendered, and then a reporter called and I told the reporter that I was not paid, I have not breached a duty of confidentiality: I cannot be charged with having revealed the contents of my complaint. The government has completely different obligations of silence and confidentiality than citizens. To reach a different result would mean that a person could write a statement to the FEC and file it as a complaint and would then have to rewrite the same statement, perhaps using the exact same words, to give to somebody else so that the statement would not be the complaint filed with the FEC. What would be the use of that? The provision is intended for everyone except the person who files the complaint.

Paragraph 28 (b) alleges that I disclosed notifications sent to me by the Commission. The language of 2 U.S.C. Sec. 437g(a)(12)(A) provides that I may disclose notifications sent to

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me, though I have not done so. The relevant part of 2 U.S.C. Sec. 437g(a) is that, "Any notification...shall not be made public...by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made." This means that if I wish to make public that I have received notification of a verified complaint filed with the Commission, I may.

Paragraph 28 (c) alleges taht I have disclosed documentation sent by me to the Commission. As I discussed above in this answer, I have the right to reveal to others what I have sent to the Commission. As I understand the confidentiality provisions, I can reveal my complaint and other documentation that I turn over to law enforcement agencies, however, law enforcement agencies cannot make public any information about an ongoing investigation.

As to allegations in Paragraph #29 that I am a law student and that my "public disclosure of the complaint was done intentionally and with knowledge at the time...that it was unlawful," is untrue. I am a law student with no knowledge of federal election law, except that it is very plain to me that falsifying records and embezzling money is unlawful. It is also unlawful for an attorney to assist a client in embezzling money. The only knowledge I had of election law came from working on federal campaigns and through the brochure sent to me from the Federal Election Commission, "How to file a Complaint." The brochure states that confidentiality means that, "The law requires that Commission activity concerning the complaint be kept strictly

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confidential until the case is resolved...a case file is made available to the public in the Press Office and the Office of Public Records within 30 days after the parties involved have been notified that the entire matter has been resolved." This is my understanding of confidentiality. This statement to the public clearly makes "Commission activity" confidential. I had no knowledge of and did not reveal anything about Commission activity.

If there were strict secrecy obligations imposed upon citizens who file FEC complaints, then I would expect that the FEC would have included that information in its brochure to me. If there are any confidentiality obligations imposed upon citizens I would expect the brochure to include that, but the brochure does not state that a citizen is prohibited from showing someone else the contents of a complaint filed with the Federal Election Commission. Any ordinary person would think that a liability as great as the possibility of imposition of serious penalty fines would be made known to the general public in the process of filing a complaint. The statement in the brochure implies that it is only the FEC that has the obligation to keep an investigation confidential until the matter has been resolved. The brochure does not state that a complainant may not reveal the nature of the complaint to others, because it is perfectly appropriate for a complainant to do so. Nobody at the FEC or elsewhere ever indicated to me in any way or told me that I must be keep my complaint confidential.

There is no particular reason to impose upon me the obligation of having read and researched every aspect of federal election law,

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since I had merely volunteered to work for a federal campaign as many uninformed citizens do. I would never had even been involved with the FEC or these federal laws if the campaign had not wrongfully used my name to forge checks and embezzle money. So, on the one hand, why should I be penalized for having brought this to the attention of the authorities, and on the other hand, why should the Fulani campaign benefit from their wrongdoing by using this complaint as a means of harassment and intimidation?

Paragraph #30 alleges that my activities are part of a concerted effort to damage and harass Dr. Newman and Dr. Fulani. All that I have done is turn over information in my possession regarding criminal activities by Dr. Newman and Dr. Fulani to the Manhattan District Attorney and the Federal Election Commission. I have also spoken truthfully to reporters who have called me and I have sent to them my written statement. This is in no way harassment.

William Pleasant's letters, referred to in Paragraph #31, have nothing to do with me. The letters are not about me nor reflect upon me or my intentions. Newman and Fulani published William's letters to them and never asked that William not write to them or communicate with them.

William and I are not "working in concert," as alleged in Paragraph #32. I work at the Bronx District Attorney's Office and William is a journalist. I suppose that Arthur Block means that we are working together "to get Fred" or some such nonsense, although usually "working in concert" applies to criminal activity. As to

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phone calls Block attributes to Pleasant or others, I do not know anything about this and I did not make any phone calls. The calls were not made from my phone, but were made from Bob Cohen's phone. I had been using Bob's line in January, 1994 when I filed the complaint with the FEC. However, in February, 1994 I got a new phone line and home number (718) 231-8148. Newman's abusive therapeutic methods are largely responsible for those phone calls. William, Bob and I are former patients of Newman. Newman, who is not a licensed therapist, uses his therapy groups to recruit people into the IWP and then Newman convinces his patients to give over all their money and worldly possessions. The five women Newman currently lives with as "wives" are his former therapy patients: Hazel Duran, Deborah Green, Gabrielle Kurlander, Diane Stiles, and Gail Elberg. The phone calls may have been made by any abused former patients. In any case, I have nothing to do with those phone calls. I also have nothing to do with William's letters and to connect me to those letters by a reference to "we" that could have been Marina Ortiz or any other number of people is entirely spurious. I have nothing to do with William's letters or journalistic work.

Block's methodology seems to be to say that I am responsible for everything that is done by people who oppose Newman, because "we're all connected" somehow and after all we were all quoted in the same articles. This is simplistic. I made reports to the Manhattan District Attorney and the Federal Election Commission, and I have spoken to reporters who have called me and asked for a

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statement. I have also sent these reporters my written statement because I want this matter reported accurately. I am not responsible for the fact that other former IWP members have done and are going to do different kinds of things. I am not legally responsible for these activities. I have not supported any of these people in doing these things, except to support them to speak to law enforcement officials. This is no easy task since these people are intimidated by Newman. I certainly have not supported them in making phone calls to the Castillo Cultural Center or in writing letters to Newman and his associates.

In Paragraph #39, Block writes that the "Gasink-CITY PAPER thesis is that federal matching funds disbursed to the Fulani campaign must have been misspent because they were not spent to garner votes for Fulani in the general election campaign." This may have been Wittes' thesis, but Block knows very well that this is not my thesis, although I am sure he wishes it were. My thesis is much simpler and perfectly accurate as a matter of law. My thesis is that the Fulani campaign funds should have been spent on the Fulani campaign and not pocketed. Campaign employees should not have fraudulently listed expenditures, drawn checks, forged them, and cashed them in order to steal from the campaign. A second grader could get the concept really and I don't think Arthur Block is confused, just dishonest. Paragraphs 40-44 do not add anything to the allegations against me.

Arthur Block has filed this complaint because he wishes to silence me. What I have been saying has been extremely damaging to

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Newman and Fulani and to those people, including the attorneys, who have assisted and supported Newman in his corruption. This situation is of Newman's own doing. Newman's actions have caused the damage to his reputation, not my having spoke the truth. Despite Block's allegations to the contrary, I am sure the FEC can impartially evaluate the facts of the campaign's finances. I also trust that the Commission can see that this complaint was filed against me in retaliation. Please believe that I have done nothing maliciously or knowingly in violation of the law.

All of the above is true and accurate to the best of my knowledge.

Signed,

Kellie Gasink

Kellie Gasink

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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September 29, 1994

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

SUBJECT: MUR 4032
Waiver of Confidentiality--Kellie Gasink

The respondent in this matter, Kellie Gasink submitted a waiver of confidentiality on September 2, 1994. Ms. Gasink is the sole respondent in this matter.

By making this waiver, Ms. Gasink has requested that the Commission not apply the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) to this matter. That section, however, simply provides that the Commission shall not make public any notification or investigation without the written consent of the person receiving notification or the person with respect to whom the investigation is made. By its terms, Section 437g(a)(12)(A) imposes no affirmative duty on the Commission, at this time, to publicize this matter as it pertains to Ms. Gasink.

Therefore, this Office will respond to requests for information subject to the following considerations. First, requests for information must be in writing. Second, such requests would be considered by the Commission subject to the provisions of the Freedom of Information Act, the Government in the Sunshine Act, and all relevant privileges which would limit or preclude the release of such requested information.

Ms. Gasink is also requesting guidance from the Commission in relation to prospective activity. The Enforcement Division referred Ms. Gasink to the Policy Division regarding a possible Advisory Opinion Request. Ms. Gasink submitted a request on September 12, 1994 which has been designated Advisory Opinion Request 1994-32.

RECOMMENDATION

Approve the appropriate letter.

Attachment
Waiver

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE J. ROSS
COMMISSION SECRETARY

DATE: OCTOBER 4, 1994

SUBJECT: MUR 4032 - MEMORANDUM TO THE COMMISSION DATED SEPTEMBER 29, 1994.

The above-captioned document was circulated to the Commission on Thursday, September 29, 1994 at 11:00.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Potter	XXX
Commissioner Thomas	_____

This matter will be placed on the meeting agenda for Tuesday, October 18, 1994.

Please notify us who will represent your Division before the Commission on this matter.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 7, 1994

SENSITIVE

OCT 18 1994

EXECUTIVE SESSION

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

SUBJECT: MUR 4032- Letter to Kellie Gasink

On September 29, 1994, a memorandum regarding Ms. Gasink's waiver of confidentiality in the above-noted matter was circulated to the Commission. This memorandum has been objected to and placed on the October 18, 1994, agenda.

This Office received a request from a Commissioner's office to circulate a copy of the letter to be sent to Ms. Gasink acknowledging her waiver of confidentiality. The acknowledgment letter for a waiver of confidentiality is a form letter. See Attachment 1. This Office has completed the form letter as it applies to Ms. Gasink and has attached the letter for the Commission's information. See Attachment 2.

Attachment
1. Form for Acknowledgment Letter
2. Acknowledgment Letter to Ms. Gasink

Staff Assigned: CED

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 4032
Kellie Gasink -- Waiver of	)	
Confidentiality	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 18, 1994, do hereby certify that the Commission decided by a vote of 6-0 to approve the appropriate letter be sent to respondent Kellie Gasink pursuant to the discussion of this matter in the Commission meeting.

Commissioners Aikens, Elliott, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision.

Attest:

10-19-94
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1994

Kellie Gasink
3150 Rochambeau Avenue #41D
Bronx, NY 10467

RE: MUR 4032

Dear Ms. Gasink:

This is in response to your letter dated September 2, 1994, wherein you waive your right to confidentiality in the above-captioned matter, pursuant to 2 U.S.C. § 437g(a)(12)(A). The waiver is hereby acknowledged by the Federal Election Commission.

The Commission will consider requests for information concerning this matter subject to the following considerations. First, requests must be in writing. Second, such requests will be considered by the Commission subject to the provisions of the Freedom of Information Act, the Government in Sunshine Act, and all relevant privileges which limit or preclude the release of such requested information.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) Enforcement Priority
)
)

GENERAL COUNSEL'S MONTHLY REPORT

I. INTRODUCTION

This report is the General Counsel's Monthly Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 22 cases which do not warrant further pursuit relative to the other pending cases.[1] A short description of

1. These matters are: PM 305; MUR 3976; MUR 4023; MUR 4026; MUR 4031; MUR 4032; MUR 4036; MUR 4050; MUR 4051; MUR 4052; MUR 4055; MUR 4056; MUR 4058; MUR 4063; MUR 4068; MUR 4072; MUR 4073; MUR 4075; MUR 4078; MUR 4081; MUR 4082; and MUR 4083.

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each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 1-22. For the Commission's convenience, the responses to the complaints for the externally-generated matters and the referral for the internally-generated matter are available in the Commission Secretary's office.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 9 cases that have remained inactive and assigned to the Central Enforcement Docket for one year and which it believes do not warrant further investment of significant Commission resources.[2] Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. However, for the Commission's convenience, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are also available in the

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2. These matters are: MUR 3828; MUR 3829; RAD 93L-73; RAD 93L-75; RAD 93L-78; RAD 93L-83; RAD 93L-84; RAD 93L-88; and RAD 93L-91.

Commission Secretary's office.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective February 21, 1995. By closing the cases effective February 21, 1995, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record for these cases.

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective February 21, 1995 in the following matters:

1) RAD 93L-73
2) RAD 93L-75
3) RAD 93L-78
4) RAD 93L-83
5) RAD 93L-84
6) RAD 93L-88
7) RAD 93L-91

B. Decline to open a MUR, close the file effective February 21, 1995 and approve the appropriate letter in PM 305.

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C. Take no action, close the file effective February 21, 1995, and approve the appropriate letter in the following matters:

1) MUR 3828
2) MUR 3829
3) MUR 3976
4) MUR 4023
5) MUR 4026
6) MUR 4031
7) MUR 4032
8) MUR 4036
9) MUR 4050
10) MUR 4051
11) MUR 4052
12) MUR 4055
13) MUR 4056
14) MUR 4058
15) MUR 4063
16) MUR 4068
17) MUR 4072
18) MUR 4073
19) MUR 4075
20) MUR 4078
21) MUR 4081
22) MUR 4082
23) MUR 4083

2/13/95
Date

Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	Agenda Document
Enforcement Priority	)	#X95-14

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on February 28, 1995, do hereby certify that the Commission took the following actions with respect to Agenda Document #X95-14:

1. Decided by votes of 6-0 to

   A. Decline to open a MUR and close the file effective February 28, 1995 in the following matters:

      1) RAD 93L-75
      2) RAD 93L-78
      3) RAD 93L-84

   B. Take no action, close the file effective February 28, 1995, and approve appropriate letters in the following matters:

      1) MUR 3828
      2) MUR 4026
      3) MUR 4031
      4) MUR 4032
      5) MUR 4056
      6) MUR 4058

(continued)

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7) MUR 4068
8) MUR 4083

Commissioners Aikens, Elliott, McDonald, McGarry, Potter, and Thomas voted affirmatively on the decision with respect to each of these matters.

2. Decided by a vote of 5-1 to decline to open a MUR and close the file effective February 28, 1995 with respect to RAD #93L-91.

Commissioners Aikens, Elliott, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner McDonald dissented.

Attest:

3-2-95
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1995

Arthur R. Block, Esq.
72 Spring Street, Suite 1201
New York, NY 10012

RE: MUR 4032

Dear Mr. Block:

On August 10, 1994, the Federal Election Commission received your complaint filed on behalf of your clients Dr. Lenora B. Fulani, Lenora B. Fulani for President, Dr. Frederick D. Newman, Francine Miller, and Rachel Massad alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondent. See attached narrative. Accordingly, the Commission closed its file in this matter on February 28, 1995. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary L. Taksar (#29

Mary L. Taksar
Attorney

Attachment
Narrative

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MUR 4032
KELLIE GASINK

Authur Block, Esq. filed a complaint on behalf of Dr. Lenora Fulani, Lenora Fulani for President Committee, Dr. Frederick Newman, Francine Miller, and Rachel Massad alleging that Kellie Gasink released confidential information regarding a matter under Commission review to the Washington City Paper.

In response to the complaint, Kellie Gasink states that she did not provide a copy of her complaint filed with the Federal Election Commission to anyone and that the statement in the newspaper article that "Gasink released a copy of the complaint to the Washington CITY PAPER" is inaccurate. Ms. Gasink states that she provided Benjamin Wittes, the author of the article in the Washington City Paper, with a copy of her notarized letter to the Manhattan District Attorney's Office, a letter which she included with her complaint to the Commission. Ms. Gasink states that her letter to the Manhattan District Attorney had already been made public in an article that appeared in the New York Daily News on November 5, 1993. According to Ms. Gasink, she told Mr. Wittes that she had filed a complaint with the Commission but she did not release any information regarding the enforcement proceeding to Mr. Wittes.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1995

Kellie Gasink
3150 Rochambeau Avenue #41D
Bronx, NY 10467

RE: MUR 4032

Dear Ms. Gasink:

On August 17, 1994, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on February 28, 1995.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (AES)

Mary L. Taksar
Attorney

Attachment
Narrative

9304338612239

MUR 4032
KELLIE GASINK

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4032

DATE FILMED 3/11/98 CAMERA NO. 2

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