

San Diego Cop Entrapment—Threat to Labor

NASSCO 3 Railroaded

LOS ANGELES—On June 5 a federal district court in San Diego convicted three workers, Mark Loo and Rodney Johnson, supporters of the Communist Workers Party, and militant trade unionist David Boyd of conspiring to bomb power transformers at the giant National Steel and Shipbuilding Company (NASSCO). More than the NASSCO 3 were railroaded that day. This frame-up is a sinister government/company plot aimed at the most fundamental rights of labor. With this case the government declares the legal basis to run search-and-destroy operations in the unions. The state has thrown its murderous secret police behind NASSCO's union-busting drive, using every trick in its dirty book. And now the unionists face 35 years in prison.

The case of the NASSCO 3 is the culmination of sharp battles between the workers and bitterly anti-union bosses. NASSCO is the nation's largest and most profitable shipyard, and it pays the lowest wages. It is notoriously unsafe in a particularly dangerous industry. For years it has tried to bust the Iron Workers Local 627. Last summer NASSCO fired 17 union officials who joined a protest over health and safety conditions. The workers responded with a three-day wildcat, and the company fired more workers. Then on September 2, two workers were found asphyxiated at the bottom of an open unmarked tank on the ship, *Cape Cod*—the same ship where Loo and Boyd had led a work stoppage over noxious fumes only months before. Adding the most hideous insult to the deaths, the federal safety agency OSHA fined NASSCO a paltry \$2,400!

It was after these deaths, the government claims, that the bomb plot was cooked up. But who did the cooking? In court the NASSCO 3 defense showed it was the admitted, paid FBI agent provocateur, one Ramon Barton, who entrapped the others. It was Barton posing as an outraged union member who proposed the idea of bombing NASSCO for revenge. It was Barton who coined the slogan: "Lights Out for NASSCO!" It was Barton who supplied the home manual for bomb-making, *Poor Man's James Bond*, and purchased some of the materials used to construct the pipe bomb found in Barton's 1965 van on September 16 when the NASSCO 3 were arrested. And it was the testimony, the whole testimony, and only the testimony of this same agent provocateur which convicted the three.

In setting up the NASSCO 3 for the company and government, Barton



Defendants Loo, Boyd and Johnson with attorney Weinglass (right). Drop all charges against NASSCO 3!

attended meetings of the Iron Workers wired for sound. He had a microphone taped to his chest, an FBI tape recorder in his right cowboy boot and a police transmitter in his left boot. His van was also bugged (*Newsweek*, 11 May). He gave his information to the FBI, the company, the cops and of course the federal prosecutors for trial. The jurors heard plenty of taped conversations, but a crucial twenty minutes was "missing." A technical malfunction, according to the cops, but a defense expert acoustical technician testified at the trial that the clicks and gaps on the tape showed it had been tampered with.

It may be that the real story of the bomb plot is on the "missing" tape, for David Boyd testified that by September 6, he and the others had dumped Barton's bomb plan. The defense argued that when the defendants were picked up with the bomb, they were on their way to destroy it. And on September 12 they told Barton they were against it. It is this section of the September 12 meeting which is "missing" conveniently for the government. On the existing tape, however, Barton is heard goading Boyd not to quit the project: "You can't quit now, man... you know, then we'd just stand to lose too much." And then after the "missing" portion, Barton harangues the "sell-outs" including Loo and Johnson of whom, the FBI provocateur says: "They better be there, man... 'cause I'm going to be just as [angry] at them as what I am at NASSCO... 'cause a sellout's a sellout no matter which way you look at it" (*Los Angeles Times*, 6 May).

There never was a bombing, and there never would have been a bomb plot were it not for the FBI provocateur. The blatant entrapment was succinctly summed up by defense lawyer Dan Siegel: "No Barton, no book, no bomb." David Boyd testified, "It was a stupid thing to do. It just happened" (*Los Angeles Times*, 21 May). That's putting it mildly! Such actions are also a dangerous diversion from the urgent tasks of the class struggle. Certainly, in the face of the government provocation to set up union fighters, it is the duty of the labor movement to defend the self-admittedly "stupid" militants who fell for the FBI company trap (see "Defend NASSCO Frame-Up Victims!" *WV* No. 269, 28 November 1980). But what does it take to be taken in by Ramon Barton?

Barton, an incredible hulk in his cowboy clothes and long hair, his skull-and-crossbones tatoos, seems to be the spitting image of a Klan-biker. He is such a repulsive character that even the government lawyer, anticipating the jurors reaction to his witness, advised the jury that this "vulgar, loud, volatile" man could be believed even though "they might not invite [him] home for

dinner" (*Los Angeles Times*, 3 June). Why invite him anywhere? Barton arrived on the scene at NASSCO with his *Soldier of Fortune* magazine, his do-it-yourself bomb book, knife-wielding and macho-baiting for violent action. A South African immigrant, he boasted that in the army (from which he was dishonorably discharged) he broke into the armory to steal guns and painted "black power" on the walls to pin it on the blacks. At NASSCO he talked of blowing up his bombs on Mexican independence day so that Chicanos would get blamed (*San Diego Evening Tribune*, 3 June).

That the CWP supporters accepted racist provocateur Barton as an honest, angry worker says more than a volume of polemics about their image of the American working class. After years of capitulating to the most backward prejudices—on busing, the ERA, homosexual oppression, anti-Communism—they capitulate even to Ramon Barton. After politically careening between macho-adventurism and low-level reformism, tragically the CWP supporters were easy prey for the FBI, NASSCO and Barton.

For A Labor Defense of the NASSCO 3

The government's case against the NASSCO 3 was simple and ominous. Following the Reagan/Haig equation, "communism=terrorism," the three were accused of being "predisposed to violence" because they are leftists. Ever since the Greensboro massacre, when Nazi/KKK killers gunned down CWP leaders in broad daylight and catapulted their organization into the national spotlight, the witchhunt of CWP members has been a top priority of the capitalist state's secret police. At NASSCO when Boyd was interrogated by FBI agents he was told that they weren't after him, but after the CWP (*San Diego Union*, 21 May). A NASSCO 3 defense committee spokesman told *WV* that Boyd was offered immunity if he would turn against the CWP for the state. Boyd decently and courageously refused.

The conspiracy to get the labor militants, the "reds" at NASSCO, involved the whole apparatus of state and company secret police: local cops, company spies, naval intelligence, FBI. Of course there are laws against entrapment. Government undercover agents are supposed to be prevented from engaging in criminal activities to secure convictions. But entrapment laws don't mean much, as the present case illustrates. "Surveillance" necessarily leads to violence of all sorts as the recent COINTELPRO exposures made clear. The bourgeoisie has never allowed their laws to stand in the way of defending

their class rule. Their laws are designed to keep the oppressed in line, not themselves. Even as the government prepared to slam the prison gates on the NASSCO 3, Reagan pardoned two FBI agents convicted for COINTELPRO crimes against the left and blacks.

Thus with the case of the NASSCO 3, the Reagan gang has launched a COINTELPRO for labor. With the NASSCO contract coming up, this frameup is an *open* attempt to use the power of the state—its cops, courts, agents—to pick off leftists and intimidate the entire workforce.

On July 14 defense attorneys will present a motion to dismiss the case claiming "outrageous government conduct," but for the government this is all part of the job. Sentencing will be immediate if the motion fails.

The power of the unions must be mobilized to defend the NASSCO 3 and stop this frontal assault on the labor movement. But the Iron Worker leadership placed NASSCO Local 627 in trusteeship precisely to distance themselves from the NASSCO 3. This cowardly refusal to defend their own members has undercut the defense of these brothers. But the local leaders responded by suing the union—in the same courts that are railroadng their members to jail and which put the fascist murderers of Greensboro back on the streets!

The NASSCO defense committee has not one word of criticism of dragging the union before the capitalist courts. Yet if the case of the NASSCO 3 proves anything, it is that the state is an instrument of class rule and class terror. The fight to keep the unions independent of the bosses' state—its cops, courts, secret police—is essential in building a powerful labor/left defense of the NASSCO 3. It must be the principles of



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Gross provocateur Ramon Barton.

the class struggle that guide the building of the defense, not trust in Democratic Party liberals like Ron Dellums and in the capitalist courts to "clean up" the unions. The NASSCO defense committee calls for a "fair trial or drop the charges." This is no choice. The only fair trial in this case would be the trial of Ramon Barton and all the other FBI/company spies before workers tribunals. And that will take nothing less than workers revolution. We look forward to that day of justice when they will be held accountable for their crimes against the proletariat.

Drop the charges against the NASSCO 3. Government, cops, courts, company stooges out of the labor movement! ■

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