

# *Mtn. Lakes Frameup: Fine, 2-Yr. Probation*

MORRISTOWN, N.J., Aug. 6 — Two NCLC members, National Executive Committee member Costas Axios and Daniel Wasserman, were sentenced to a one year suspended sentence, two years' probation, and a \$1500 fine each by Judge Bertram Polow in Morris County court today, as a result of a 1973 weapons frame-up perpetrated by the FBI and the Law Enforcement Assistance Administration (LEAA). The third victim of the frameup, Elijah Boyd, was acquitted by a jury June 27.

Appeals of the convictions will be filed on at least three grounds: (1) the refusal of the judge to disqualify himself because of prejudice resulting from his extensive LEAA connections; (2), the judge's denial of a defense motion to suppress evidence resulting from the illegal search of the defendants' car; and (3) the rigged jury selection procedure, under which a New Jersey judge does all the questioning of potential jurors, and in which Judge Polow refused to question jurors about possible LEAA connections.

Before sentencing was pronounced today by Judge Polow, Axios reaffirmed the defendants' innocence before the court and charged that the case was the result of an FBI frameup. "This was a COINTELPRO operation," said Axios. "With the investigations being pursued by the Senate and House Select Committees, no one should be surprised that the CIA and the FBI engage in such operations.... In spite of the prosecutor's insinuations during the trial, our organization is not a violent or terrorist

organization. We are organizing the masses of working people around our program for expanded production and world trade; we are organizing people against the depression."

Polow, who was squirming uncomfortably during Axios' statement, could no longer control himself. Struggling to maintain his "cool," he uttered, "The greatest favor I could do for you would be to incarcerate you, so you could feel the martyrdom you desire so much." Polow was no doubt under orders not to impose a sentence too obviously out of line with prevailing practice; otherwise he would have liked nothing better than to send Axios off to prison for a couple of years. (Maximum sentence for this offense is seven years imprisonment.)

Polow then ranted on about his inability to "disabuse you (Axios) of the idea that this is an FBI conspiracy, that the police here are part of an FBI conspiracy, etc. etc."

### **Other Actions Planned**

The NCLC will continue the fight to exonerate Axios and Wasserman and to expose the actual FBI-LEAA conspiracy as it operates in New Jersey. Two Federal Courts suits will be filed in coming weeks in New Jersey, one action against various local police departments, the State Police and the LEAA for violations of the U.S. Labor Party's civil and electoral rights, and the other a Federal suit against the FBI based on the FBI's use of brainwashed informer Anthony Banks against the USLP.

In addition, Axios, Wasserman, and Boyd will be taking steps to force disclosures of files and surveillance on them, by the New Jersey State Police LEAA units as well as by the CIA, FBI, LEAA, and other federal agencies. In a series which appeared recently in the Newark Star-Ledger, it was revealed that the Central Security Unit of the State Police maintains files on radicals which are so secret that not even the Governor is allowed to see them. The Security Unit uses "highly sophisticated surveillance methods" financed by the Federal government, according to the Star-Ledger, and coordinates closely with local police departments throughout New Jersey. In the probable event that the State Police will refuse disclosure, the suit will be filed by the three NCLC members to force disclosure.

At the time of the Mountain Lakes frameup in December 1973, the NCLC was exposing and publicizing illegal gun-running in ghettos by LEAA and LEAA-controlled youth gangs. With the recent exposures of FBI-LEAA operations in Reading, Pa., Hartford, Conn., and elsewhere, these charges have been fully confirmed. It was to discredit the NCLC's charges of LEAA gun-running that the LEAA set up the 'weapons possession' frameup in New Jersey.

Funds are urgently needed to appeal the Mountain Lakes conviction. Estimates are that the appeal will cost at least \$4,500 in attorney's fees and transcript costs.