

ANTI-DEFAMATION LEAGUE

OF B'NAI BRITH

823 United Nations Plaza
New York, N.Y. 10017

MEMORANDUM

To: ADL Regional Directors

From: Jeffrey P. Sinensky and Ann Tourk

Date: February 25, 1993

Subject: San Francisco Investigation

Last month, we alerted you to the investigation of former San Francisco Police Inspector Tom Gerard by the S.F. Police Department and the Federal Bureau of Investigation. We would like you to be aware of some developments in this matter. The story continues to be based in San Francisco and any press inquiries you receive should be referred to Rick Hirschhaut or to us. We are attaching some talking points which were shared with lay leaders at the recent NEC meeting in Palm Beach. These talking points may be used as background to help you in responding to questions from your board or committee members, but should not be distributed in any way.

Law enforcement agencies continue to investigate allegations that Gerard improperly spied on individuals, misappropriated police department files and passed the information to foreign governments. These files allegedly included information on police surveillance of Arab American groups and individuals. As a result, Arab American groups have voiced concern over police conduct and records. They have also asserted that Gerard's alleged investigation of Arab Americans and sharing of information has placed Arab American individuals in danger in this country and abroad. Because there have been news reports that some of this information was found in the possession of an individual who is alleged to have a relationship with ADL, public statements by Arab American groups have targeted ADL as well as the S.F.P.D. with their accusations.

Last Thursday, the Arab American Institute, led by James Zogby, and the National Association of Arab Americans, held a press conference in Washington, DC and denounced ADL for supposed anti-Arab American activities. A so-called "report" was also released to the press citing ADL publications going back to 1975 and falsely implying that ADL worked covertly with Tom Gerard to monitor Arab Americans. Although an AP story went out on the wire, there has been little press coverage. The JTA story on the press conference is attached. (A detailed response to the AAI "report" is being prepared by the Research Department and will be shared with you shortly.)

The files and written affidavits from the police investigation of Gerard are currently under court seal and cannot be released. Nevertheless, information has been leaked to San Francisco media, which has published sensationalized stories on the investigation. ADL has attempted to counter and correct this misinformation, such as allegations that ADL shared police intelligence files with foreign governments.

ADL has also taken the position that files and documents we provided to law enforcement officials to assist in their investigation should be kept under court seal. The San Francisco City Attorney has argued that the information should be made public. The S.F.P.D. has issued guidelines that would allow private individuals to see police files that contain their names. ADL has asserted that our own privacy and First Amendment rights would be violated by disclosure of ADL files.

However, despite our objections, we are aware that the San Francisco Police Department has written to several law enforcement jurisdictions throughout the country advising them that material from their departments has been found in files gathered in connection with the Gerard investigation. This letter has not been shared with us, and so it is unclear whether the letter refers to files found at Gerard's home, ADL files, or other material. We know that the S.F.P.D. contacted the Phoenix and Portland police departments, and other unknown jurisdictions. You should be aware that your local law enforcement may have received such a letter; do not make any independent inquiries regarding this correspondence. If, however, you learn of any contact by the S.F.P.D. in your area, please let us know.

The San Francisco story has also been picked up by the extremist press, with LaRouche's Executive Intelligence Review and The New Federalist, and Liberty Lobby's Spotlight running headlines such as "ADL Caught Spying Again." To give you some idea of the mainstream press coverage, we are attaching some San Francisco news articles, as well as an op ed piece by ADL.

The San Francisco investigation of Tom Gerard has prompted ADL to examine its own fact finding activities to ensure that we continue to operate in an appropriate and altogether legal manner when we gather information and in our contacts with law enforcement. We will of course let you know if there are any changes we want to institute.

We will keep you informed of future developments.

JPS/AT:jb
att.

cc: Rick Hirschhaut
Civil Rights Area Coordinators

TALKING POINTS

Scope of Investigation

The San Francisco District Attorney's Office and the FBI are currently investigating whether there have been violations of law in connection with the dissemination of law enforcement information. It has been alleged that Thomas Gerard, formerly an Inspector in the Intelligence Division of the San Francisco Police Department, has been improperly collecting and disseminating law enforcement information. Inspector Gerard is now in the Philippines. It has been reported that some of the information obtained by Inspector Gerard may have been found in the files of a private individual who is alleged to have a relationship with ADL. Areas of inquiry for the investigation appear to be (1) whether Inspector Gerard improperly disclosed police files or information to foreign governments or private individuals, including an ADL investigator; and (2) whether an ADL-sponsored law enforcement mission to Israel, in which Inspector Gerard participated with the approval of the San Francisco Police Department, was intended to be an improper gratuity or payment to him.

ADL's Cooperation With the Investigation

ADL has been working with the San Francisco Police Department, the District Attorney's Office, and the FBI in connection with the ongoing investigation. Among other things, ADL has provided certain documents and information to law enforcement officials.

Press Coverage and Interest by Arab Groups

Leaks of inaccurate information from San Francisco law enforcement officials and from Inspector Gerard to the San Francisco press have resulted in some sensationalized press coverage of the investigation in the San Francisco newspapers. ADL has aggressively worked to correct the inaccurate information and erroneous impressions provided in the newspaper articles by communicating with the press both on and off the record. As a result of the inflammatory articles, some Arab groups and others who are concerned that they may have been improperly targeted for investigation by the San Francisco Police Department Intelligence Division have been calling for disclosure of the materials obtained in the recent investigation. These materials are currently sealed under court order until at least completion of the investigation.

ADL Relationship with Law Enforcement Generally

ADL has a long history of working with law enforcement agencies, including the San Francisco Police Department, to investigate and expose racism, anti-Semitism and extremism. Through its fact-finding department, the ADL has conducted in-depth investigations of extremist groups.

One of the ADL's principal missions is to educate the public about the threat posed by extremist groups through its publication ADL On The Front Line, as well as various special investigative reports, books and other materials. ADL's published materials have been regularly used by the FBI and other

law enforcement agencies in their training programs. In compiling these reports, ADL relies upon various sources of information, including the fruits of its own research and investigations of extremist groups. Where appropriate, we have shared information on extremist groups with law enforcement agencies and have fostered good working relationships with the law enforcement community.

ADL Fact Finding

We conduct our investigations by monitoring the publications and activities of extremist groups and cooperating with journalists and recognized authorities on extremism, including academics and other professionals. We also receive unsolicited reports of anti-Semitic and racist activities from members of the public.

While much of ADL's investigative work consists of gathering literature and public background information about extremist groups, the fact finding department has, throughout its history, relied upon individuals who have been willing to come forward and provide information about these groups. While the ADL does not deny that it has many sources of information, as a matter of policy, we do not publicly confirm or deny whether any individual has been a source of information for the ADL. This policy is intended not only to protect the confidentiality of ADL's sources, but in some cases, to protect the safety and security of these sources. Despite published reports concerning some of

ADL's sources, it would be inappropriate to comment further during the pendency of the San Francisco investigation.

The Missions Program

There was nothing inappropriate or improper about Inspector Gerard's participation on an ADL mission. As you know, ADL has long maintained a program of missions to Israel to educate community and government leaders about the unique problems faced by the State of Israel, as well as to sensitize these individuals and groups about the concerns of the American Jewish community. ADL has sponsored many such missions.

In this regard, in 1991, ADL sponsored a mission for law enforcement personnel from across the country. This mission, which occurred at the height of the war in the Persian Gulf, was designed to increase awareness by law enforcement officials about the threat within the United States posed by various extremist or terrorist organizations, and the manner in which their Israeli counterparts deal with such threats abroad. Inspector Gerard participated in this mission with the express approval of the San Francisco Police Department. In a letter to ADL prior to the trip, Captain John Willett, the Commanding Officer of the Special Investigations Division of the San Francisco Police Department and Inspector Gerard's supervisor, noted, "I am happy to advise you that your invitation to Inspector Thomas Gerard to participate in a one week training mission to Israel, May 19, 1991, has been officially approved by the San Francisco Police Department" (emphasis added).

The Future

We will continue to assist law enforcement officials in connection with the San Francisco investigation and we are confident that our assistance will foster an even better relationship between ADL and the San Francisco law enforcement authorities. Until the investigation is completed, however, it would be inappropriate for me to comment further on the specifics of the investigation.