

By spring of 1992, Tom Posey thought the years of being hounded by his government were over, that his legal battles had ended when the court exonerated him on charges that he violated the Neutrality Act during his efforts aiding the Nicaraguan contras.

Posey headed Civilian Material Assistance (CMA) from 1983 until 1992, shipping civilian supplies to the contra rebels fighting communist troops in Nicaragua. When the

Feds Framed CMA's Tom Posey?

POLITICS OVER PRINCIPLE

by David McElroy

Photos courtesy Tom Posey



Tom Posey, center, with contra leaders Adolfo Calero, left, and his brother, the late Mario Calero, right, at the CMA convention in 1989. Right: Posey caught in red-handed violation of Neutrality Act with a wee Nicaraguan friend who just got a pair of CMA overalls.

Iran-Contra investigations began, Posey's organization came under scrutiny and government prosecutors claimed he had in fact been supplying contra rebels with arms, in addition to clothing and medical supplies.

Posey's wife was actively involved in the organization and has vivid memories of the large loads of clothing that were shipped to Central America. "When Tom was in Vietnam, the kids were what tore him up," Patsy Posey said. "Whenever a child or woman would get hurt, that was the worst for him. Soldiers are expected to get hurt or killed in war, but women and children ended up suffering, too. This was a way he thought he could help out the people down there. We collected lots of clothing for them. I helped sort, wash and dye a lot of clothes."

Because of this Posey was indicted on charges of conspiracy and violating the Neutrality Act in 1987. After

extensive investigation by the FBI and an expensive trial in federal court, a judge ruled there was no reason to think Posey had violated federal law when he and CMA shipped food, clothing and medicine to the contras. Posey regarded the judgment as vindication for doing what he believed was right.

Selling History, Doing Time

Posey, grateful that the ordeal was over, returned to life with his wife and two sons. He began selling World War II and Korean War surplus items at gun shows in the Southeast, mainly as a source of income for his family. Posey sold the surplus items at gun shows in Alabama, Tennessee and Mississippi about five years ago. To him, the items — which were mainly from World War II, Korea and the early Vietnam era — were more than just pieces of moldy LBE. "It was history to me," Posey said. "I felt

like I was trying to help preserve it."

But FBI Special Agent David Heaven let him know that his troubles were just beginning. "He told me in about March or April — sometime in the spring of '92 — that I'd need to watch out because the FBI wanted my ass," Posey said. "I told him to go ahead and try, because I knew I didn't have anything to hide. At the time, I thought he was just being childish. I really thought he was just trying to scare me."

But about 0900 on 16 September 1993 when Posey walked into the post office to check his mail he was surrounded by nine federal agents. "Tom Posey," one of the men said, "you're under arrest."

Less than a year later, Posey entered a federal prison to serve a 24-month sentence on a conviction of

buying and selling stolen military property. Today, Posey still sits in that federal prison in Talladega, Alabama, but he'll tell you that his only crime was disagreeing with the U.S. government. He and his attorney say court documents and testimony clearly show that Posey was a victim of FBI frustration over being unable to convict him for his efforts to help the contras.

It never occurred to Posey that things would turn out this way. A Vietnam veteran, he and his wife, Patsy, have raised two sons during their 27 years of marriage. He coached Little League baseball, has been mayor of the small town where his family lived, worked to help raise money for cerebral palsy and is not bashful about his love of his country.

Posey was charged with conspiracy to steal night-vision goggles. Posey said he had sold some night-vision goggles, primarily at gun shows, but said he had every reason to believe they were legitimate military.

crime computers, military or civilian. Posey decided the goggles were legitimate and bought five pairs.

During September and October, Posey bought about 25 of the night-vision goggles, selling them at gun shows and offering them to various police departments. According to Posey, the Florence, Alabama, PD tried out a pair, using them for a stakeout.

In October, there was a report entered on crime computers nationwide — unbeknownst to Posey — about night-vision goggles stolen from the Army in Texas the previous July.

In late fall 1992, Black told Posey he had 200 more pairs of the goggles available. In addition, Black started talking about other weapons that might be available. "I asked to see the end user certificate [from the U.S. Customs Service] for the goggles since he said they were coming from overseas," Posey said. "He never did come up with the certificate, and when he started talking about things

I knew couldn't be legal, I suspected something was wrong. I didn't know whether this man was a thief or if the government was trying to set me up. Either way, I didn't want anything to do with it, so I called Army CID."

CID agent Bob Gravier told him the government was interested in setting up a purchase to learn if the goggles were stolen, so he arranged a purchase. Posey never was told if the goggles had been stolen.

"Bob Gravier testified in court that he was told by the FBI not to tell me whether the goggles were stolen,"



Tom's son, Marty Posey, passes out jewelry, candy, dolls and other morale items to kids in contra refugee camp, 1990. Before his father's bout with the FBI soured him on the idea, Marty was in college studying for a career in law enforcement.

Posey said. "He couldn't tell me anything about it, so since they didn't tell me anything else, I didn't know what to think."

In February of 1993, Black called Posey again with more goggles available. Posey called Gravier again to see if the government had any interest in the new information. "Gravier said they're not interested," Posey said, "so I thought they were OK."

Posey heard nothing else about the goggles or from the government until arrested in the post office: "...all of a sudden eight or nine FBI agents surrounded me and told me I was under arrest," Posey said. "Bob Gravier was with them and I looked at him and said, 'What's going on?' He just kind of shrugged his shoulders, and I could tell from his body language that he just didn't want to be there."

Nabbed, Nailed & Jailed

Posey was charged with conspiracy to buy, sell and transport stolen military property. He went to trial in January 1994. "When I came to trial, the attorney I had at the time did a poor job representing me and the judge did a bad job of letting evidence be presented that had nothing to do with me," Posey notes. "The judge [federal district Judge Truman Hobbs of Montgomery, Alabama] allowed testimony about the man who stole the goggles in the first place to be introduced in my trial. I didn't even know the man — his name was Tim Bolen. Things like that made me look guilty even though I wasn't." Posey said he believes the judge was predisposed

Continued on page 79



Pallets of CMA-collected clothes, food and medical supplies ready for loading on plane to go south. Feds claimed CMA also shipped weapons but were unable to offer any proof.

Hot NVGs

The goggles proved to be a costly purchase for Posey. In September 1992, a man named Ray Black approached Posey and offered to sell him night-vision goggles. Posey was suspicious about the goggles being available, so he asked a friend who was a National Guard supply officer to check if any goggles had been stolen from the military. The officer had connections with the FBI as well, and he used those connections to check for any reports of stolen goggles. There were no reports on national

POLITICS OVER PRINCIPLE

Continued from page 45

to believe he was guilty.

"I know that during the course of the trial, FBI agents met with the judge and the prosecutor in the judge's chamber and the FBI told the judge that I had made threats against federal agents," Posey said. "A friend of mine, who is also a friend of the judge, told me that Hobbs told him that." Posey said he had never made threats against federal agents, but he did talk publicly about his concerns with BATF actions at Waco, Texas.

In April of 1994, Posey was sentenced to 24 months in prison. His attorney, Doug Jones of Birmingham, advised him against pursuing an appeal. "Our attorney kept telling us that if we fought it [in appeals court] that they were going to beat us into the ground and make it worse for us psychologically," said Posey.

On 13 May 1994, Posey entered prison at the Talladega Prison Camp.

At about the same time he hired a new attorney, Mike Seibert of Huntsville, Alabama. "I finally remembered Mike from seeing him at gun shows," Posey said. "I should have had him all along, but I just didn't think of him at the time."

Posey and Seibert both believe the charges and the prison sentence are retaliation for his contra activities. "When the government spends \$1 million investigating one individual and can't get a conviction, it's an embarrassment," Posey said. "This is definitely retaliation for my actions against the Sandinistas and the liberals in Congress during the Iran-Contra era."

The three other people convicted in the case received much shorter sentences, with one receiving only three years of probation. Ray Black, who testified against Posey, received only six months.

To this day, Posey contends, the government still believes he was using CMA as a money-maker for himself, and that he knows too much about the government's own activities during those years. "I was not doing this as a money-maker for me,"

Posey said. "The feds keep looking for hidden money, but it's not there."

Seibert said the government is concerned that Posey may know details about government involvement in a drug-smuggling operation that was allegedly run out of Arkansas. It was there that planes were loaded with rice to send to the contras. He said Posey was simply caught in the middle of something and didn't realize what was happening. The government, though, doesn't believe that. Seibert filed an appeal in April seeking to overturn Posey's conviction. He hopes to hear something on the appeal by this spring.

Life, Like At A Transfer Station

"Tom's an honest man who never sought to make money from his efforts," Seibert said. "He's an honest man who was connected with dishonest people. The primary reason the government's after him is that he is outspoken." Posey has a lot of time now to think about the things that have happened to him in the last few years. Time passes slowly behind the walls of a federal prison, but it hasn't

eroded his conviction that what he did to help others was right.

Posey said he is trying to keep a good mental attitude about his experience in prison. "It's been a real education for me," he said. "I'm trying to live it like life at a military transfer station, like I'm waiting to be assigned somewhere. I'm more concerned about what this is doing to my family than anything else."

Patsy Posey said she never believed this could happen. "From the way they've done him, what all I know about it, it makes me very angry," she said. "I didn't think a government would do this to its own people. Maybe they don't like this man or what he stands for, but that's what's made America great. Just because a few people didn't like Tom or what he was doing didn't give them any reason or cause to harass him."

One of Posey's sons, Marty, was in his sophomore year of college planning to major in criminal justice and become a law enforcement officer when his father's troubles changed his mind. "Marty was interviewed by the FBI and he later saw the transcript of that interview," Posey said. "And he saw how things he said were twisted and changed. He wanted to be in law enforcement, but this has left him very bitter."

While Posey believes he will eventually win his appeal, he knows it won't make any difference in his prison sentence. He will be eligible to go to a halfway house for a couple of months beginning in August. After that, he faces home confinement until December, followed by probation for three years. "Even though we'll win, I'm going to have served a year or more in prison by then," he said. "It's a year of my life that they can't replace, and they won't say they're sorry."

For Posey and other ordinary folks the feds go after, the problems are made worse by lack of funds to fight prosecutors who have virtually limitless resources. "I've had to sell the few things I had to pay for my defense," Posey said.

A former newspaper publisher and editor, David McElroy is now an Alabama-based freelance writer.

If you would like to contribute to Posey's appeal, send a check, payable to: Patsy Posey, P.O. Box 3012, Decatur, AL 35602. ✕