

Updates for May 24<sup>th</sup>

## **8 May – What's Time or Money Got to Do With It?**

*In the lead up to a weekend of support for the MOVE 9 in Philadelphia, Phil Africa has written a new piece titled “What's Time or Money Got to Do With It?” and we've pasted it below.*

### **MORE:**

**Ona MOVE!** You may have heard about our family going to the D.A. last year to have murder charges filed against city officials and police involved in the murders of eleven of our family members on May 13th 1985. The D.A.'s office refused to carry out the filing of murder charges against its bosses and murderous racist buddies. A situation very familiar to all of us poor folks and people of color who have ever tried to have officials held responsible for crimes committed against us through out history. Nothing has changed from the older days of slavery til' today. The double standard of how the poor and of color are mistreated compared to Monies & Official people still stands more than ever!

In a system where they still hunt Nazis for war crimes from World War 2, where soldiers are still being killed and killing long after the war created on lies in Iraq is suppose to be over, there are hundreds of people held captive on death rows waiting to be murdered many years after the crimes they were accused of committing have passes, but when it come to going after those who've murdered MOVE folks, the only thing of importance to this system is time, dollars and cents. In a system that is well known for its revengeful, violent attitude of never forget/never forgive and drive to hunt down those it sees as responsible no matter how long it takes or how much it cost when something is sees as wrong is done to it, for it to say our charges were “investigated decades ago” and that it is a legitimate policy decision for the D.A.'s office to save resources by not investigating a matter again” is racist and insane. Neither of the issues sighted by the D.A. and upheld by common pleas Judge Palumbo had anything to do with justice or being right. They both were the pattern response to Black and Poor folks complaints when they are against this system and its agents, that time and money are those in office only concern!

Of course both excuses are crap! This state has over fifty-one thousand people locked up in prison and adding more each day! At a time when other states prison populations are going down, this state is sky rocketing! The federal government stated that all crimes are down across the nation, yet Pennsylvania continues to lock people up and keep them locked up to the point where they have to build even more prisons, costing the tax payer more money.

One of the prisons alone is expected to cost \$127 million, so three would put around \$381 million. This system admits these three new prisons will be filled as soon as they are completed in about three years! And these officials got the nerve to talk about “saying scarce resources” as their reason for not wanting to investigate the murders of 11 move members that includes five children. Everyone should be outrages about this foul injustice.

Like with the case of Oscar Grant out in LA, as long as this system thinks that it can murder Black folks, poor folks at will and get only a slap on the wrist if convicted, they have no motivation to stop. These official criminals that hide behind the labels of Judge/DA/Mayor/Governor/Police Officer and misuse those positions/labels to commit crimes that non-officials go to jail for every day, must be stopped! These officials must be made to realize that they are public servants and when they cease to do the will of the public, the people, when they are exposed as being the same as slave plantation overseers, then they must be removed as any overseer should be removed. Keep in mind what John Africa teach “that just because its legal, don't make it right”, LONG LIVE JOHN AFRICA! That Judge and DA can talk all the legal crap they want, but it don't make their rulings right. It is not right that they try to act like “time” has something to do with justice, that money has anything to do with justice, because they do not. 11 MOVE people were murdered on May 13th, 1985 and everyone knows that any honest investigation must be viewed as a accomplice in those murders. That's how they roll when it comes to poor folks who they claim can hinder an investigation. What's time or money got to do with justice making sure that those who are responsible for the murders of 11 people don't get away! Bringing

the guilty to justice should be the only concern. Clearly that's not how the judges and D.A.'s office feels. Now if it were a cop who'd been murdered we all know the D.A. and Judge would be singing another tune! They would be kicking down doors, having Black males face down in the streets, the Mayor would be on the news vowing to capture those they think are responsible, every cop would be towing the Blue Line of saying they will never forgive or forget and swearing to look for the killer no matter how long it took or how much money it cost. Time or money would never be an issue. But when its Black lives we're talking about, poor people's lives we're talking about.

Folks don't let these people get away with murder! Don't let these same people who have pulled every lie and trick they could invent to put and keep innocent MOVE people in jail for over 32 years at a cost of well over 5 million dollars for crimes this system know that we did not commit, get away with 11 murders and that the world knows that this system committed!

Like I said, Time and Cost got nothing to do with seeing that justice is done! People must demand that those responsible for the murders of 11 MOVE people including 5 children be made to face the charges like all those they hunt down daily for far less!

Let me make this clear, we in MOVE are not looking for justice from this system, John Africa has exposed this system for being completely corrupt with no justice to give, how could it, when it is founded on the foundation of rape, murder, slave, genocide, lies and oppression. People need to see that there is No justice in this system and need to stop allowing this system to ride hard over people as if it is just, fair, balanced, when all this system is, is a LIE! Each time we expose this system for being the racist, unjust monster that it is, we are doing the work needed to wake people up to stop allowing this system to get away with the crimes it constantly commits. LONG LIVE JOHN AFRICA'S REVOLUTION AND DOWN WITH THIS ROTTEN REFORM WORLD SYSTEM! Free All Political & Class prisoners! Unity is Power!

### **9 May – Baltimore City Council Passes Resolution in Support of Eddie Conway**

*We received great news from supporters of Black Panther political prisoner Eddie Conway's support crew. The city of Baltimore passed a resolution in support of Eddie. This will hopefully aid his supporters in their campaign to secure Eddie's freedom.*

#### **MORE:**

Congratulations to everyone on a very successful rally at City Hall today. We were able to get the Baltimore City Council to pass a resolution in support of Eddie. A victory for Eddie is a victory for us all.

According to Doc Cheatham, one of the leading organizer of the rally, "This is the first of 8 steps," and much work remains to be done.

The next step? The Baltimore City Council will request Baltimore City Senators and Delegates to introduce and secure a Senate and House Resolution urging Governor O'Malley to pardon Eddie. Supporters of Eddie need realize that while today's was a very positive development, public officials must have their feet kept to the fire in order for the process to continue.

It ain't over till it's over, so stay tuned.

To hear Marvin 'Doc' Cheatham talk about Eddie on today's Mark Steiner Show:

<http://www.steinershow.org/radio/the-marc-steiner-show/april-19-2011-segment-2>

### **10 May – Oscar Lopez Rivera Denied Parole**

*On the eve of the 30<sup>th</sup> anniversary of the arrest of Puerto Rican political prisoner Oscar López Rivera, the U.S. Parole Commission issued a decision denying his petition to reconsider the February 18<sup>th</sup>*

*ruling denying parole. The Commission justified its decision by assigning him responsibility for conduct he was never accused or convicted of.*

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The decision, erroneously asserting that his release would promote disrespect for the law, ignores the express will of the Puerto Rican people and those who believe in justice and human rights, counting tens of thousands of voices across the political spectrum supporting his immediate release. The Commission ignored the evidence establishing that Oscar met all the criteria for parole, and also ignored its own rules in the process.

Among these many ignored voices are members of legislatures including the United States Congress; the state legislatures of New York, Illinois, Ohio and Pennsylvania; the city councils and county boards of many locales in the U.S. and Puerto Rico; the mayors of many towns in the U.S. and Puerto Rico, including the Association of Mayors of Puerto Rico; bar associations including the Puerto Rico Bar Association, the National Lawyers Guild and the American Association of Jurists; clergy and religious organizations, including the Ecumenical Coalition representing every religious denomination in Puerto Rico; the National Latino Congreso, human rights advocates, academics, students, artists, community organizations, and workers.

The Commission did not ignore President Clinton's determination in 1999 that Oscar's sentence was disproportionately lengthy and that Oscar should be released in September of 2009. Instead, it held "the Commission is not required to share that assessment." However, the Commission did ignore that Oscar's co-defendants released as a result of the 1999 Clinton clemency are productive, law-abiding citizens, fully integrated into civil society. The Commission also ignored its own July 2010 order to release Oscar's last remaining imprisoned co-defendant Carlos Alberto Torres.

The White House has recently proposed to initiate a process of to resolve the status of Puerto Rico. A true process of self-determination under international law would be accompanied by the release of political prisoners. The Commission's adverse decision is at odds with such an undertaking.

The United States government consistently demands that other governments, in order to establish their democratic credentials, release political prisoners in their custody. The Commission's adverse decision today demonstrates conduct inconsistent with what the U.S. demands of other governments.

Oscar, his family, his attorney, National Boricua Human Rights Network in the U.S. and the Comité Pro Derechos Humanos in Puerto Rico want to express our deepest gratitude for the vast support for his release. We will count on ongoing support as we continue to press for Oscar's release.

**10 May - Corruption Evidences Pile Up in Cuban 5 Case**

*The website [www.reportersforhire.org](http://www.reportersforhire.org) revealed more evidence of the U.S. government's payments to Miami journalists to create a atmosphere of hysteria and bias against the five Cuban antiterrorist fighters unjustly imprisoned in the United States.*

**MORE:**

The website, an initiative by the National Committee to Free the Cuban Five, will publish additional documents exposing the White House's illegal propaganda operation and manipulation of the justice system.

Gerardo Hernandez and Antonio Guerrero, two of the Cuban Five, have filed habeas corpus appeals arguing that their constitutional rights to due process were grossly undermined by the government's media operation.

More than 2,200 pages of contracts between Miami journalists, including those from Radio and TV Marti, have been released thus far to Liberation newspaper through a Freedom of Information Act (FOIA) petition.

The Broadcasting Board of Governors (BBG), an official U.S. government agency, and its Office of Cuba Broadcasting (OCB) have operated Radio Marti since 1985 and TV Marti since 1990, according to a Free the Five release broadcast on Monday.

With an annual budget nearing 35 million USD, the OCB and BBG put on their payroll domestic journalists to broadcast the same message inside and outside the United States on Cuba-related issues, effectively violating the law against domestic dissemination of U.S. propaganda.

A multi-year effort by the Liberation newspaper, the Committee and the Partnership for Civil Justice Fund has uncovered those materials that saturated the Miami media and that was prejudicial to the Cuban Five.

The Smith-Mundt Act of 1948, which regulates U.S. public diplomacy abroad, prohibits funding activities to influence and propagandize domestic public opinion.

Gerardo Hernandez, Ramon Labañino, Antonio Guerrero, Fernando Gonzalez and Rene Gonzalez, detained on September 12, 1998 in Miami, are currently serving harsh sentences ranging from 15 years to double life terms.

The Cuban Five, as they are universally known, infiltrated terrorist organizations based in southern Florida to warn about their plans against Cuba.

### **10 May – Alleged Machetero Norberto González Claudio Arrested on 28 Year Old Charges**

*On May 10<sup>th</sup>, Puerto Rican independentista Norberto González Claudio was arrested, charged in relation to the theft of \$7 million from an armored car depot in 1983. Several days later, the following analytical article was published.*

#### **MORE:**

“Norberto González Claudio has dedicated his life to the struggle for the independence of Puerto Rico. He is a patriot, not a terrorist. Keeping a nation under the colonial yoke is a crime against humanity, according to the United Nations. Thus, the struggle to end oppression and colonialism is patriotism, as has been proved in liberation struggles that all the free countries of the world have waged. We condemn the arrest of this patriot and are in solidarity with him and his family.”

With this convincing stipulation in a press release, more than a dozen independentista organizations convened a protest last Friday May 13 in front of the Federal Court on Chardón Avenue in Hato Rey, while inside the building Norberto González Claudio’s extradition hearing was taking place in magistrate Bruce McGiverin’s courtroom.

When family members entered McGiverin’s courtroom, González Claudio was already there, his hands and feet shackled, dressed in a beige jumpsuit and phosphorescent orange tennis shoes, the uniform of the Metropolitan Detention Center (MDC). His wife, sister-in-law, children and grandchildren were seated on the opposite side of the courtroom. An agent entered and handed the family "an object of value the arrestee had when he was detained," and went on to hand his wife a wedding ring. When his five year old grandson noticed that his grandfather was in the room, he said out loud, "look at Grandpa over there." A little later, the hearing, which would last around two and a half hours, began.

The hearing began with the magistrate denying the request from one of the defense lawyers, Juan Matos, to postpone the hearing because he hadn’t had enough time to meet with González Claudio.

#### **FBI agent gives his version of the arrest**

Assistant U.S. Attorney Warren Vázquez’ first witness was an "FBI special agent" who identified himself as David González. He detailed that he was in San Juan when a task force located in Guavate, Cayey called him to

say they had seen someone they thought was González Claudio. He assured that this group was involved in efforts unrelated to González Claudio's arrest. Later, in response to cross-examination, he said it took him some 25 minutes to get to the place where González Claudio was exercising in a community park on Highway 184, and that he identified him by the one droopy eyelid González Claudio was known to have, and by his left leg being much shorter than his right leg.

The agent claimed to be familiar with the file of the accused, who he identified as a Machetero, an organization he said was founded in 1975, and which in 2005 the U.S. government labeled as terrorist. He added that the charges against him were for conspiracy to commit robbery. He stated that when he approached him to arrest him, he said, "hey mister, look at me, come with me." He said González Claudio took a deep breath, looked behind, and the agent said, "don't do this to me," and that González Claudio moved his head and went toward the steps where the agent told him "sit down." He said González Claudio smiled and said, "you caught me." According to the agent, González Claudio had several false names, including Carmelo Vélez Moya, which he used to get a drivers license at the end of 1990.

According to his story, after the arrest, he was taken to the office of the head of the FBI, Luis Fraticelli. The defense attorney asked why he was taken there, since that isn't the procedure. The agent responded that he'd received orders from his supervisor to do that. He related that while there, Fraticelli asked him if he needed medication, and if he was in good health, and he commented that he looked like his brother Avelino, to which the arrestee allegedly responded, "we're from the same blood." He said Fraticelli asked if he wanted to speak with his family, and that González Claudio said he did. From right there, with the speakerphone on, he called his wife and told her he was in Fraticelli's office, and that he was ok. From there they took him to booking, and when they asked him to sign, the arrestee signed his name as Norberto González.

The government also called probation officer Patricia Encarnación Miranda, who said that when she interviewed the arrestee and told him to sign his name, he wrote Norberto González. The defense argued, and it was corroborated by the agent who conducted the arrest, that González Claudio was never read his rights, not when they arrested him, and not when Fraticelli tried to talk with him, questioning him, which the defense said violated his right not to incriminate himself.

In closing arguments, the defense attorney urged that until extradition, González Claudio be placed under 24 hour a day house arrest. But the magistrate said the accused was a "dangerous" person due to "his philosophical vision and that of the political organization he belongs to."

At the end of the hearing, his family, guarded by an agent, was instructed not to leave the courtroom until the accused had left. González Claudio walked by them, leaning his body and throwing a kiss to his five year old grandson, who at the time was two or three steps away. The child responded, shouting, "I love you, Grandpa," and immediately asked the attorney who came after, "Why didn't they let my grandpa go?" The attorney answered, "I tried, but I couldn't. They decided not to let him go." And the child said, as if it were a child's game, "well, you had to hide."

### **Agent claims they found weapons**

Agent González added, in response to the U.S. Attorney's questions, that in the search of González Claudio's alleged residence in Guavate, at his bedside they found two revolvers and a loaded automatic rifle with additional ammunition, in addition to two bulletproof vests. The agent didn't answer defense questions about the number of agents who participated in the operation, as the government objected that it was "irrelevant," and the magistrate sustained the objection. During cross-examination, the defense managed to obtain information that the agent had been working for two years for the U.S. Attorney in San Juan, and that prior to this arrest he hadn't done any other work in that place.

Sometimes the agent, who responded to the government's questions with aplomb and firmness, responded to cross-examination looking more disjointed, confused, and nervous, and asked that questions be repeated. At those times, he looked at the Assistant U.S. Attorney as if he were looking for approval. It seemed as though he

hadn't read the charges against González Claudio.

### **Family embraces the arrestee**

A second government witness was Samuel Santana, who identified himself as a National Security special agent in San Juan, and who claimed to have been investigating the Macheteros since 1995. He said that since then he had references about González Claudio, whose 1985 photo he carried with him. He said he was the one who received González Claudio's wife when she came to the federal building after his arrest. And he said he recognized Norberto's brother Orlando, who he approached and asked if he wanted to see his brother, to which Orlando said he did, because he hadn't seen him in years. He stated that he allowed them both, along with Norberto's brother-in-law, to be present during Norberto's booking. He stated that Orlando hugged Norberto, and that Norberto smiled but didn't otherwise move, as he was handcuffed.

The federal charges against Norberto González Claudio at the time of his arrest on May 10 don't directly tie him to the theft of \$7.2 million from Wells Fargo in Connecticut. Essentially he is charged with the FBI identifying him as a member of the clandestine independentista organization The Macheteros. Many consider that his arrest was an FBI show to improve the agency's image.

### **12 May – Scott DeMuth Lands in Michigan, Ready for Mail**

*Scott DeMuth has been moved yet again, to the minimum security federal prison in Milan, Michigan. We think this is likely to be where he'll be for a while, possibly until his projected release date of July 30<sup>th</sup>. Please send him some mail; he could use the support, especially after all of this being moved around! If you wrote him a letter at one of his previous locations and it got sent back to you, feel free to resend it or just send him a new one.*

His new address for letters, books and magazine subscriptions is:

**Scott DeMuth #11246-030  
FCI Milan  
Post Office Box 1000  
Milan, Michigan 48160**

### **MORE:**

If you would like to send a letter, use the address and register number above. You must include a return address on the envelope. Remember that all letters are opened and inspected - your letter will be read by prison officials, so be smart about what you say.

Books must be sent through the US Postal Service. New books can be sent directly from the publisher or an online bookstore. Scott can also get used paperback books and magazines at his new place! To send a used book or magazine, enclose it in a manila envelope marked "Prison Approved Material: 1 book" (or whatever is enclosed).

Scott put together a shiny new book list, and we put it up here:  
<http://davenportgrandjury.wordpress.com/book-list/>

Books and magazine subscriptions must be addressed using Scott's full information above, including the inmate number. The Bureau of Prisons website notes that publications should not be "detrimental to the security, discipline, or good order of the institution, or facilitate criminal activity." And you know how important all of that is!

Thanks for all of your support, everybody. We and Scott appreciate it so!

### **15 May – Support Anti-police Terror March Participant, Facing 90 Years in Prison**

*On Friday May 6th, over one hundred people, mostly young, poor, and angry, took to the streets in defiance of the Denver Police Department. They participated in a march, called to confront “police terror” in the Denver Metro area. Specifically, they marched to remember the deaths of Marvin Booker and Oleg Gidenko, two people murdered by area police departments in the last year.*

*As the the march ended, a small firework was set off in the street. Police used this act as a justification to chase one alleged participant down an alley, where she was tackled and beaten by police. This person would later be identified as Amelia Nicol, a 20 year old Colorado resident. She now faces outlandish charges including attempted murder.*

Support resistance to police terror!  
Support Amelia Nicol!

We call on all people to support Amelia as she fights these attempts at intimidation and repression, and the police's broader attack on social movements in Denver.

### **Background**

Marvin Booker, a homeless street preacher, died at the hands of five sheriff's deputies in the Van Cise-Simonet Detention Center in downtown Denver on July 9, 2010. He was tackled, beaten, placed into chokeholds, tazed, and kicked. He eventually succumbed to the officers' brutal attack. He was murdered for refusing to leave his shoes in the booking area of the jail.

Oleg Gidenko was shot in the head by Aurora Police Officers. Oleg was in a truck with several friends. They had been hanging out, allegedly drinking in the truck while it was parked in a lonely industrial park in Aurora. Aurora Police Officers approached the truck, armed, supposedly because they suspected the occupants of breaking into cars in the area. As the police aimed their weapons at the truck, one officer shot Oleg in the head. Another occupant, Yevgeniy Straystar. was also shot, but would survive. With two occupants, including the driver, shot and a passenger trying to hide on the floor of the truck as it took repeated fire from police officers, the truck lurched forward, bumping into one of the officers. This action, though it took place after the firing had started, and after Oleg was dead, was used as the justification for the shooting. Many other high profile cases of police terror have been documented in the metro area over the last year, including the beating of whole families, rape and child molestation, and mishandling of evidence. Few, if any, officers are ever punished.

On May 6th, the fourth in a series of marches was held to show direct opposition to the police terror plaguing the metro area. For several hours the crowd snaked through downtown and the arts district. The police response to this fourth march was much heavier than previous marches, and riot police flanked the march for a good portion of the route. Despite the heavy police presence and attempts at intimidation, Amelia would end up being the only arrest during the march.

On Thursday May 12th, news agencies across the metro area reported that Amelia would be charged with a host of felonies and misdemeanors, including two counts of attempted murder of a police officer, criminal arson, possession and use of explosives, and inciting a riot. Police alleged she threw the firework, only now in the news reports the firework had become a “molotov cocktail”, or in some news reports, an “improvised explosive.” The small green firework now became a dangerous implement of attempted murder of two police officers. Amelia is now confined to a jail cell in the Denver County Jail, held on a \$50,000 bond.

Just days previous, on Monday May 9th, Denver Mayor Guillermo Vidal announced that the deputies implicated in the death of Marvin Booker would face no discipline for their use of force. This announcement came after months of public outcry in response to a September 2010 decision by District Attorney Mitch Morrissey to not file any criminal charges in response to Marvin's murder.

The charges now being filed against Amelia are a slap in the face to every person that struggles for justice. The City of Denver has made it clear that the life of a black street preacher is worth less than the relative comfort of

several police officers that may have been scared by a small firework. Murderers with badges receive no criminal charges, while a young woman who allegedly attended a protest to hold those officers accountable now faces over 90 years in prison.

We must rally to support Amelia! The Denver Anarchist Black Cross calls on all justice and freedom loving people to mobilize for the defense of Amelia in the face of these atrocious criminal charges!

There are many ways to show support:

- 1) Attend Amelia's public hearing on Monday May 16th at 9:30 am in Courtroom 2100 of the Denver County Courthouse at 490 West Colfax in downtown Denver.
- 2) Donate to Amelia's legal defense. Denver ABC will be accepting donations on behalf of Amelia's family and friends. You can mail donations to Denver ABC, 2727 W. 27th Ave Unit D, Denver CO 80211. Checks should be made payable to P&L Printing. A paypal account where donations can be made is available through the username [plpress@riseup.net](mailto:plpress@riseup.net)
- 3) Sign up for updates on Denver ABC's twitter account. Our username is DenverABC.
- 4) Send a letter to the Denver DA demanding that the charges against Amelia be immediately dropped. All letters or postcards can be mailed to: Denver DA Mitch Morrissey, 201 W. Colfax Ave #801, Denver CO 80202-5328
- 5) Keep checking the Denver ABC blog at [denverabc.wordpress.com](http://denverabc.wordpress.com) for all news, announcements, and other ways to show support for Amelia and other political prisoners.

We must clearly view these charges as an attack on our movement as a whole. Amelia's fate determines the fate of our social movements active across the metro area, and even the rest of this country and the world. This type of repressive act, if successful, will only work to embolden and strengthen a police force that has openly been waging a war of brutal terror against the people of the Denver metro area. If they can put Amelia in prison for what would amount to the rest of her life for attending a demonstration, then any of us who organize for justice and against oppression could be next.

If you have any questions, offers of support or resources, or want to get involved with the support work, please contact us at [denverabc@rocketmail.com](mailto:denverabc@rocketmail.com)

Until Amelia is free, and all cages are emptied!

### **16 May – Check Out the New “I Am Bradley Manning” Video**

*Bradley Manning is the accused Wikileaks whistleblower who exposed US war crimes while serving in Iraq. He is facing life imprisonment or even the death penalty. Check out the video, share it far and wide:*

<http://youtu.be/o-P3OXML00s>

### **16 May – Without Fear: The Ballad of Alvaro Luna Hernandez**

*Several days after our last letter-writing dinner, which focused on Alvaro Luna Hernandez, a great article came out about him. It appeared on [counterpunch.org](http://counterpunch.org) and we've pasted it below.*

By MAX B. KANTAR

"I will never surrender my pride and dignity nor allow the system to 'cut my tongue' and I will always, without fear, speak out against these war crimes and crimes against humanity, no matter if I spend the rest of my life in a prison cage, and draw my last breath of air laying down in this steel bed surrounded by razor-wire fences and cages, and its prison policies that are designed to destroy one's humanity...."

—Alvaro Luna Hernandez, October 18, 2010, Hughes Unit Prison, Gatesville, Texas.

Locked in solitary confinement in a tiny cage inside one of the most notorious control units in the Texas state prison system, Alvaro Luna Hernandez is immersed in a stack of old law texts, his eyes glancing back and forth

between court transcripts and a thick legal book every few moments. The streaks of gray in his full, and otherwise dark, beard betray his age in spite of his healthy, powerful frame as he reaches towards the ledge of the sink for a lone Styrofoam cup to take a sip of the stale, lukewarm commissary-bought coffee he drinks every morning, when he can afford it.

Just fifteen months shy of 60 years old, Alvaro has a remarkable amount of energy and routinely gets more work done before noon than most attorneys do in an entire day. Today he's putting together the documents to get a new trial on a writ of habeas corpus proceeding for another prisoner who is both indigent and illiterate and feels he has been wrongly imprisoned. After that, it's on to the cases of two other inmates Alvaro is helping out who are each facing several decades behind bars if their appeals fall through before the Texas Court of Criminal Appeals in Austin. Other prisoners know to go to Alvaro for legal help; he has a well-known reputation throughout the state—indeed nationwide, as highlighted in the recent book *Jailhouse Lawyers* (City Lights: 2009) by Mumia Abu-Jamal—as a tenacious and effective "jailhouse lawyer" who has filed and won no small number of civil rights suits over the past four decades.

\* \* \*

Alvaro Luna Hernandez is a political prisoner of the State of Texas and the U.S. government. He is nearly 15 years into a 50 year prison sentence for an "aggravated assault" conviction stemming from a July 1996 incident in which he disarmed a Brewster County Sheriff attempting to shoot him. Alvaro vehemently denies the charge that he assaulted the Sheriff. To Mexican-Americans in the cities, slums, plains, deserts, and prison cages of the Southwest, he is a civil rights hero, a Chicano freedom fighter true to his barrio roots and eternally fearless in the face of injustice. For years, he has been internationally recognized by amnesty movements and human rights lawyers and experts as a U.S. political prisoner, yet inside the United States, the name Alvaro Luna Hernandez remains largely elusive on the lips of progressives and social justice advocates.

\* \* \*

A high-school dropout with no formal education, Alvaro hasn't always been such a capable, and indeed, brilliant, litigator. It was during the late 1970s that he transformed himself from a rebellious, zoot suit-wearing "pachuco" hustler in his youth into a prominent leader in the struggle for racial justice and human rights in the Southwest United States. While serving hard time for a crime he didn't commit, Alvaro educated himself about Chicano history, the prison system, and revolutionary political theory. He founded and headed up prisoners' study groups designed to rehabilitate and politicize other inmates.

With Alvaro in the lead, a powerful prison reform movement swept across Texas' criminal justice system and through the state's federal courthouses in the late 1970s and early '80s. Alvaro diligently studied the law and used his newly found skills to file an impressive array of constitutional and civil rights lawsuits against Texas police, judges, and prison officials. He and other prisoners utilized hunger strikes, work stoppages, yard takeovers, and federal civil rights lawsuits in a concerted effort to compel the brutal Texas prison machine to respect the human rights of its exploding prison population, made up almost entirely of poor men of color. Along with a handful of other prisoner-plaintiffs, Alvaro won a landmark federal civil rights lawsuit against the Texas Department of Corrections (TDC) after a trial that lasted 159 days in 1978 and '79 (*Ruiz v. Estelle*). The court ruled, in a scathing denunciation of the widespread abuse of inmates by the prison system, that the practices of the TDC constituted "cruel and unusual punishment," and ordered a number of substantial reforms.

"Unfortunately," Alvaro says, "most of these 'reforms' were merely cosmetic....Despite these 'prisoner victories' in reforming the system, the federal-nation-state will only go so far because in Texas, the super profits of the state policy of mass incarceration has replaced oil, cotton, and cattle [as the biggest industry in the state]."

Alvaro's principled work to rehabilitate prisoners and enforce human rights standards in Texas prisons earned him the disdain and contempt of prison officials who locked him in administrative segregation, forcing Alvaro to spend almost the entire decade of the 1980s in solitary confinement as part of a campaign of repression aimed at

political prisoners and jailhouse lawyers who threatened to expose abuses in U.S. prisons—including torture, killings, and beatings at the hands, or directions, of prison guards and administrators—and unite inmates under a banner of revolutionary change.

\* \* \*

In March 1991, one year after he was moved out of solitary and back into the general prison population, Alvaro was freed from prison, having served over 15 years, after an investigative journalist for the Houston Post, Paul Harasim, uncovered a gross pattern of systematic prosecutorial misconduct and abuse (which included paying off the lead witness and suppressing physical evidence) in the murder case in which Alvaro was wrongfully convicted, narrowly escaping the electric chair. Certainly no bleeding heart liberal, Harasim nonetheless told readers that "What I learned about the prosecutorial behavior in the trial of Alvaro Hernandez in West Texas made my stomach turn....I wonder if I can support state sanctioned executions any longer."

Settling in Houston with his wife following his release, Alvaro wasted no time throwing himself into community organizing and political activism. He founded, and became National Executive Director of, the National Movement of La Raza, a civil and human rights group dedicated to empowering Mexican-Americans and struggling for social justice. Alvaro also helped organize and form committees to support the families of prisoners and bring about "truces" between Chicano street gangs in Pasadena, Texas following a number of tragic shootings. Spearheading the campaign to stop the execution of Mexican national, Ricardo Aldape Guerra, Alvaro founded and headed up Guerra's defense committee. Following years of tireless campaigning and legal battles, his frame-up conviction for killing a Houston cop in 1982 was overturned and Guerra was freed from Texas' Death Row in 1997.

Alvaro's impassioned and successful activism in the Houston area earned him international recognition. In the spring of 1993, serving as a delegate for an NGO, Alvaro addressed the United Nations General Assembly in Geneva, Switzerland, criticizing the U.S. government for its record of human rights abuses of political prisoners and Mexicans in the Southwest. Alvaro's delegation was headed by Rigoberta Menchu of Guatemala who was awarded the Nobel Peace Prize in 1992 for her courageous human rights activism during the U.S.-backed genocide against Mayan peasants in Guatemala during the 1980s. Upon returning from Europe, Alvaro was invited to speak on national television in connection with the Ricardo Aldape Guerra defense case and began hosting Houston-area radio talk shows to spread a message of racial equality and Chicano empowerment. In the following years, Alvaro worked to inspire and educate young people across the United States, speaking not only at universities and conferences, but also at elementary and high schools, lecturing on an array of social and political issues ranging from human rights and grassroots activism, to American history, the criminal justice system, and the death penalty.

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Following his divorce in August 1995, Alvaro moved back to his hometown of Alpine, Texas, located just 80 miles from the Mexican border. In spite of the fact that Alvaro had virtually zero interactions or confrontations with police in the five and a half years that he lived in Houston, almost immediately the local police forces in Alpine were all over him—arbitrary searches day and night, K-9 drug dogs, and frequent "traffic violation" vehicle stops resulting in no citations.

The police hatred of Alvaro in West Texas, especially in Alpine, is fierce, both personal and political, and decades old. Alvaro has always refused to submit to police authority and abuse; sort of like a rebellious slave in the spirit of Fredrick Douglas, but more like a modern-day Gregorio Cortez. When he was 17 he smashed up some police squad cars as well as the personal vehicle of a racist Sheriff following a police confrontation, a stunt which landed him three years in prison. Years later, in 1976 following an escape from county jail—at which he was awaiting transfer to state prison for the wrongful murder conviction—and subsequent shootout with law enforcement, Alvaro was taken to a windowless "conference room" in the jail where he was beaten within an inch of his life by several on-duty police officers. The cops took turns beating and stomping their handcuffed

captive, causing him to lose consciousness, his face, eyes, and lips swollen and bloodied beyond recognition, his scalp ripped open with blood pouring from his head onto the cold concrete floor. Once the police were finished, they dragged a bloodied and unconscious Alvaro across the jail and threw him in a cell, leaving him for dead. The near fatal beating meted out to Alvaro resulted in federal criminal civil rights indictments of Pecos County Chief Deputy Sheriff Mike Hill and Deputy Sheriff Bill Mabe, culminating in misdemeanor convictions and probation for the officers. For his part, Alvaro was awarded substantial monetary compensation for damages following a civil suit. The convictions of the officers, however mild, ultimately destroyed their careers as policemen, thus earning Alvaro a special animosity in local law enforcement circles for daring to fight back against police on their own terms, both in the streets and in the courts.

Alvaro's persistent defiance against oppression has always stemmed from a deep-rooted thirst for the freedom so cruelly denied to him and millions of other Chicanos in the Southwest United States since the colonization and annexation of the Mexican territories north of the Rio Grande following what is commonly known as the U.S.-Mexico War (1846-1848). In a very real sense, the rural West Texas community of Alpine is like a microcosm of race-relations in the region. Like all of Alpine's Chicano residents, Alvaro grew up on the south side of the Southern Pacific railroad tracks which served as the de facto racial dividing line between Mexican-Americans and whites. Much like the Jim Crow South at the time, the parallel social universe of rural West Texas manifested harsh economic and political means of control to ensure the subordinate position of Mexicans in an Anglo-dominated society. The town's Mexican population was largely impoverished, locked into a near-permanent state of economic subservience to white business interests while the gross disparity in social services and infrastructure served as a very visible reminder of the prevailing racial hierarchy, not only in Alpine, but in the American Southwest in general.

The Alpine police and the Brewster County Sheriff's office were, of course, all white and patrolled the Chicano barrio south of the tracks daily and nightly with a brutality usually reserved only for the town's "meskins."

"People were scared of them," Alvaro writes in a letter from his prison cell, recalling how as a young boy he would go looking for his father or grandfather in the local bars, the Sheriff would often barge in, gun on his hip, to intimidate, arrest, and humiliate Chicano men and elders simply as a means of letting them know "who was boss."

Whether at the pool hall or walking the streets, Chicano youth were routinely singled out for arbitrary beatings and harassment by the cops. Alvaro was a tough kid, a self-proclaimed "vato loco" and product of the "pachuco" subculture. He was often getting into trouble for drinking beer or fighting, and had many violent confrontations with police as a teenager. Once at a high school football game some policemen were trying to arrest another Mexican kid and started beating the young man; Alvaro intervened to stop the assault and the cops turned their attention, and rage, to him, beating and pistol whipping young Alvaro as a hostile crowd gathered around, throwing garbage at the officers. The police busted open his skull, requiring several stitches, but not before taking him to jail, charging Alvaro with "assault on a peace officer." Alvaro's run-ins with the police landed him, at the age of 15, in a juvenile prison run by the Texas Youth Council (TYC) for a year. The juvenile detention centers in Texas had reputations for being extremely brutal and abusive—so much so that the Texas Youth Council was ultimately shut down by federal courts in 1983 following over a decade of lawsuits.

\* \* \*

Just months after getting released from the custody of the TYC, something happened that would change Alvaro's life forever. It was June 12, 1968. Alvaro was hanging out with his best friend, Ervay Ramos. The two buddies were cruising around Alpine in Ervay's brother's car when red police lights started flashing in the rear view mirror. Ervay was, like Alvaro, 16 years old, but didn't have a valid driver's license. He sped off and the police car gave chase. Fishtailing through a back alley with the wail of the siren growing louder in the distance, Ervay quickly stopped and told Alvaro to jump out of the car. He drove off and struck a nearby fence next to the football practice fields and landed in a ditch. With the cop car getting closer, Ramos jumped out of the car and ran down the alleyway hoping to escape. Alvaro was just feet away and saw with his own eyes what transpired

next.

"The police car, driven by Bud Powers, a well-known cop with a reputation in the barrio for being racist and brutal, pulled up and stopped [behind] the Ramos car," Alvaro vividly recalls. "[Powers] stepped outside, pulled his revolver and shot the fleeing Ramos in the back with his .357 magnum pistol killing him instantly."

The murder of Ervay Ramos was one of a number of similar killings of Chicano youth by police in the Southwest at the time. Officer Bud Powers received a proverbial slap on the wrist—five years' probation—and never served a day in jail. The killing of Ervay Ramos was cited by the U.S. Commission on Civil Rights in their 1970 report to the President entitled "Mexican Americans and the Administration of Justice in the Southwest" as one of several examples of what the Commission referred to as a pattern of "serious police brutality" and "widespread discrimination" suffered by Mexican-Americans at the hands of law enforcement officers and the U.S. judicial system in the Southwest United States.

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So when Alvaro moved back to Alpine in 1995 with political struggle and courtroom justice for his slain childhood friend on his mind, he was met with considerable police opposition. He was working as a freelance paralegal for attorneys throughout the state when Alpine community members began approaching him for help regarding police brutality and other injustices in town. They had seen Alvaro on television when he was in Houston, working against the death penalty and police oppression. They knew about his impressive record of civil rights activism and how he had litigated a number of successful federal and state civil rights lawsuits against Texas police, judges, and prison officials. Moreover, citizens sought out Alvaro for help because, in addition to being a prominent public critic of racial and social inequalities in Alpine, it was well known—both by the general public, as well as by law enforcement—that he was working on re-opening the 1968 Ervay Ramos murder case with the intention of bringing his killer, policeman Bud Powers, into federal court on murder charges.

The response of the Alpine police to all of this was to organize and carry out a sophisticated campaign, in the spirit of the F.B.I.'s "counter intelligence program" (COINTELPRO) of the 1960s and '70s, of surveillance, harassment, and repression against Alvaro. They hired a local heroin addict, Mary Valencia, to work as a police informant, ransacking his legal files and personal belongings while working as a maid at the motel he was staying at. Police followed him around, subjecting him to unjustified searches and harassment.

Worse yet, the police convinced the father-in-law of an Alpine Police Sergeant—a man who was known around Alpine as a local town drunk—to falsely accuse Alvaro of armed robbery—a ridiculous frame-up charge which Alvaro ultimately ended up getting dismissed in court while acting as his own attorney. In the meantime, however, Alvaro bonded out of jail by selling his car to the bail bondsman, but just weeks later the bondsman "withdrew" from the bond, unbeknownst to Alvaro at the time.

\* \* \*

On July 18, 1996 Sheriff Jack McDaniel showed up on Alvaro's doorstep looking to re-arrest him. Brewster County's new sheriff was far from an anonymous cop just "doing his job." McDaniel had been cited in a victorious civil rights lawsuit filed by Alvaro against then-Sheriff Jim Skinner a few years back. Moreover, it was no secret around town that Alvaro was investigating Sheriff McDaniel for corruption and embezzlement of funds from the county treasury—funds that Alvaro alleged were being used at McDaniel's private ranch in West Alpine. Coupled with his work on re-opening the Ramos case and his long history of resistance to local police power, Alvaro argues that the prerogative of the cops was clear: "The police all knew what I was up to and they were determined to stop me at all costs."

When questioned on the legality of the arrest—for which no warrant was presented—an enraged McDaniel pulled his gun on Alvaro. Fearing quite literally for his life, Alvaro disarmed the Sheriff in self-defense before he

could shoot, told McDaniel to leave, and then fled the scene. Nobody was injured. For three days Alvaro was able to evade law enforcement in the rugged countryside of Brewster County during the course of what was one of the most massive manhunts in recent West Texas history. Following a shootout with police at his mother's house, Alvaro was captured and charged with two counts of aggravated assault; one for allegedly pointing the gun at Sheriff McDaniel after disarming him, and another count for allegedly shooting an officer, Curtis Hines, in the hand during the shootout.

At the trial, witnesses testified that Alvaro never pointed the gun at McDaniel. McDaniel accused Alvaro of pointing the gun at his chest—threatening him with a deadly weapon—but Alvaro swears this is a lie. In a live interview on local television on July 18th following the confrontation at Alvaro's house, McDaniel told viewers that Alvaro had only disarmed him and neither threatened nor shot him.

"Days later," Alvaro explains, "when the Sheriff met with the District Attorney he changed his story to say that I had not only disarmed him but had pointed the gun at him—the difference between a minor misdemeanor and a first degree felony offense." The videotape was ultimately kept out of court proceedings; Alvaro's lawyer Tony Chavez is rumored to have potentially struck a backdoor deal with the prosecution. At the time, Chavez was under investigation himself for drug trafficking and was facing many years in prison under a plethora of forthcoming RICO charges. In fact, just months after Alvaro's trial, Chavez immediately took a plea bargain and was sent to federal prison for 30 months and disbarred from the practice of law.

Throughout the trial numerous witnesses, including former law enforcement officers, also testified to the intense, longstanding police hatred of Alvaro. Alvaro was found not guilty on the second count of shooting Officer Hines in the hand (it was determined that Hines was hit by a ricocheting police bullet). Despite considerable public protest, however, the nearly-all-white jury found Alvaro guilty of "aggravated assault" for allegedly pointing the gun at McDaniel's chest—an accusation which Alvaro vociferously and consistently denies to this day.

Alvaro Luna Hernandez was sentenced to 50 years in state prison in the summer of 1997. He will not be officially "eligible" for parole until 2021.

\* \* \*

Though his appeals have all been exhausted, options still remain within the legal system to bring about Alvaro's release. The KOSA TV videotape interview with McDaniel may still exist, and a full review of federal, state, and local files pertaining to Alvaro, and his ex-lawyer Chavez, is likely to shed light on Alvaro's conviction and political imprisonment. Obtaining the pro bono assistance of one or more bright legal minds to help pursue other existing, and very promising, legal avenues to reenter the courts continues to be a top priority and a potential source of hope.

There is one thing, however, that remains clear and undisputed: absent a substantial popular mobilization and grassroots campaign pushing for his freedom, Alvaro faces a virtual life sentence of incarceration in the brutal control units of Texas' state prisons. Yet in the meantime, although buried deep beneath the razor-wire fences, uncounted tons of cold steel, and the rows of soul-destroying concrete cages of Hughes Unit Prison, Alvaro Luna Hernandez remains among America's most fearless political prisoners, incessantly struggling for freedom, locked up but never defeated.

Max Kantar is a Michigan-based independent writer and the Midwest representative for the Committee to Free Alvaro Luna Hernandez. For more information on Alvaro's case, visit [www.freealvaro.net](http://www.freealvaro.net)

**17 May – National Conference of Black Lawyers Call on Obama to Release All U.S. Pps**  
*Well, we dropped the ball on this one. This release was issued late last year, but we just found out about it. The National Conference of Black Lawyers, citing international human rights law and the United States governemtn's history of abuse via its COINTELPRO, have called for the release of U.S.-held political prisoners.*

*We've pasted their release below:*

**MORE:**

The National Conference of Black Lawyers (NCBL) urges the U.S. to apply international human rights standards to protect, and ensure the rights of political prisoners.

NCBL presented the plight of the political prisoners in the United States to the United Nations' Human Rights Council in a cluster report as well as an individual report documenting the human rights violations related to U.S. political prisoners. NCBL welcomed the U.S. participation in the Universal Periodic Review (UPR) process as an important step toward protecting human rights at home. In addition to human rights violations of the political prisoners, there are many areas that need significant improvement in the U.S. As part of the UPR process, dozens of human rights groups submitted reports documenting the scale and extent of human rights violations in the U.S. In preparation for a November meeting before the HRC, the U.S. submitted a report in August to the Human Rights Council ("HRC") on its efforts to strengthen human rights commitments and to comply with international human rights standards. The U.S. failed to mention the plight of political prisoners who have languished in U.S. prisons for decades. In the compilation of civil society reports submitted to the HRC in October, the U.S. was urged to free its political prisoners.

On November 5, 2010, the U.S. appeared before the HRC and engaged in an interactive dialogue with other countries of the HRC, as well as other member states in a review of the United States' human rights compliance. During this interactive review the political prisoner issue was raised by member states. After the review the HRC adopted a report with 228 recommendations, including recommendations concerning political prisoners, for the U.S. government to improve the status of human rights in the country. On November 9, 2010, the U.S. published its "Response to Recommendations" of the HRC. Again, the U.S. neglected to address the human rights violations committed by its FBI that resulted in the wrongful imprisonment of dozens of African-American political activists and others.

While the United States consistently denies the existence of political prisoners, these individuals were ensnared in the grips of the United States' repressive Counter-intelligence Program (COINTELPRO) operation as activists who dared to challenge the status quo of America's harsh treatment of black people. Many of these activists were members of organizations such as the Black Panther Party, and were not content to remain silent in a system of de facto slavery, but demanded human rights in many areas, including quality education, healthcare, and an end to rampant police violence against black people. Groups such as the Black Panther Party were targets of government surveillance under COINTELPRO and members were harassed, beaten, falsely arrested and prosecuted in a system bloated with contempt for them and their righteous causes. They were sentenced to unreasonably lengthy prison terms. In cases where death sentences were not imposed, the parole boards, through their actions in repeatedly denying parole, are making certain that they will die in prison. Hence this well-oiled machine continues to operate against political prisoners in America.

A Congressional subcommittee, popularly known as the "Church Committee", was formed to investigate and study the FBI's covert action programs. In its report, the Church Committee concluded that the FBI had "conducted a sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association, on the theory that preventing the growth of dangerous groups and the propagation of dangerous ideas would protect the national security and deter violence."

Even if one were to grant credibility to the FBI's stated reason for its violations of these prisoners' constitutional and human rights, there exists no justification for their continued

incarceration.

These political prisoners are now elderly. There is overwhelming statistical support for the fact that the rate of recidivism for elderly prisoners is virtually nonexistent. Also, several have died while incarcerated due to lack of health care. Governors across this country are unwilling to grant clemency to political prisoners. Parole boards reserve “special treatment” for them, no matter how exemplary their institutional adjustment and impressive the evidence is for successful re-entry into society once released. The United States’ failure to recognize them does not make their existence any less real. The United States’ continued refusal to acknowledge the evidence of their existence is itself a violation of their human rights. These prisoners’ human rights were not only violated by the operations of COINTELPRO and their subsequent arrests and convictions. Their human rights continue to be violated as prisoners with convictions for crimes of the same or less seriousness are released on parole. Given this evidence coupled with their exemplary records while incarcerated, it is absolutely beyond dispute that their treatment stems from the fact of their past political association. This treatment of political prisoners is prohibited by the Convention to End All Forms of Racism and Discrimination (CERD).

The United States has no moral authority to chastise other governments for human rights violations until it addresses its human rights violations including the atrocious treatment of political prisoners. In March, 2011, the HRC will hold its regular session for the formal adoption of the U.S. outcome document. Thus, the U.S. still has an opportunity to address this critical issue.

The National Conference of Black Lawyers in coalition with other organizations will continue to expose this national shame until the United States acknowledges it and takes steps to address it.

### **17 May – Angola 3 Mark 39 Years in Solitary Confinement**

*Herman Wallace and Albert Woodfox have entered their 40th year in solitary confinement in the Louisiana prison system. A series of events in New Orleans last month marked the 39th “anniversary” of their placement in solitary, following the murder of Angola prison guard Brent Miller—a murder for which Wallace and Woodfox were later convicted on highly dubious evidence. The third member of the Angola 3, Robert King, was convicted of a separate prison murder, and released after 29 years in solitary when his conviction was overturned.*

#### **MORE:**

King was among the 39 people who paid homage to Wallace and Woodfox’s four-decade ordeal by spending one hour inside a 6 x 9-foot replica “cell,” constructed by artist Jackie Sumell. The anniversary events, which took place at the headquarters of the organization Resurrection After Exoneration in New Orleans. Other events included the screening of the film *In the Land of the Free*, in which Brent Miller’s widow, Teenie Vernet, expresses her belief that her husband’s killers have not yet been caught. Of Wallace and Woodfox she says: “If they did not do it—and I believe they didn’t—they have been living a nightmare.”

The three men believe they were originally targeted because they were Black Panthers, organizing against conditions at Angola, and Wallace and Woodfox believe they remain in solitary for the same reason. In a 2008 deposition, Angola Warden Burl Cain said Woodfox “wants to demonstrate. He wants to organize. He wants to be defiant...He is still trying to practice Black Pantherism, and I still would not want him walking around my prison because he would organize the young new inmates. I would have me all kind of problems, more than I could stand, and I would have the blacks chasing after them.”

Wallace and Woodfox were recently separated from the prison that made them famous—and from one another—and moved separately to other maximum security prisons. Wallace is now in the Hunt Correctional Center, down the river in St. Gabriel, while Woodfox is in the Wade Correctional Center in Homer, in the far northwest reaches of the state. Both remain in “Closed Cell Restricted” housing, or round-the-clock solitary confinement,

with brief excursions for showers and solitary exercise in a “dog pen.” Woodfox is now in his mid-60s, and Wallace is nearing 70. Both depend upon mail to relieve their isolation; they can be reached at the following addresses:

**Herman Wallace #76759**  
**Elayn Hunt Correctional Center, CCR – D – #11**  
**Post Office Box 174**  
**St Gabriel, Louisiana 70776**

**Albert Woodfox #72148**  
**David Wade Correctional Center, N1A**  
**670 Bell Hill Road**  
**Homer, Louisiana 71040**

### **18 May - Secret FBI Documents Reveal Attack on Rights of Anti-war Activists**

*FBI agents, who raided the home of Mick Kelly and Linden Gawboy, took with them thousands of pages of documents and books, along with computers, cell phones and a passport. By mistake, they also left something behind; the operation plans for the raid, “Interview questions” for anti-war and international solidarity activists, duplicate evidence collection forms, etc. The file of secret FBI documents was accidentally mixed in with Gawboy’s files, and was found in a filing cabinet on April 30. The activists have released the documents.*

#### **MORE:**

The raid at the Kelly/Gawboy home was one of the many coordinated raids at Minneapolis homes and the offices of the Anti-War Committee on September 24, 2010. Two additional homes were raided in Chicago. To date, 23 anti-war and international solidarity activists have received subpoenas to appear in front of a Chicago Grand Jury headed by U.S. Attorney Patrick Fitzgerald.

Taken as a whole, the secret FBI file shows the willful disregard for the rights of anti-war and international solidarity activists – particularly the first amendment rights to freedom of speech and association. The documents make it clear that legal activity in solidarity with the peoples of Colombia and Palestine is being targeted. The documents use McCarthy-era language, which gives one the feel that the 1950s red scare has returned. And finally, the documents show the chilling plans for the armed raid that took place at the home of Kelly and Gawboy on September 24, 2010.

The documents show that public advocacy for the people of Colombia was the genesis of the FBI investigation. The ‘Operations Order’ for the FBI SWAT Team states “The captioned case was initially predicated on the activities of Meredith Aby and Jessica Rae Sundin in support of the Revolutionary Armed Forces of Colombia, a U.S. State Department designated foreign terrorist organization (FTO), to include their travel to FARC controlled territory.”

While we have no way of knowing if it was speaking tours or educational events on Colombia that got them so riled up, there is something we can state with certainty: There is nothing illegal about traveling to Colombia, or visiting the areas where the FARC is in charge. This is something that journalists, including U.S. journalists, do, and we have yet to hear of their doors being broken down. Upon returning from Colombia, Aby and Sundin spoke at many public events about their experiences.

The FBI interview questions for Meredith Aby ask “1) Have you ever met Lilia [sic] Obando? 2) Where? 3) When? 4) Why?” Lilitiana Obando is a well-known Colombian trade unionist who spoke in the Twin Cities at an event organized by the Anti-War Committee. She received a visa to travel in the U.S. from the U.S. government. She spoke about the sickening human rights violations that were being carried out by the Colombian government and its paramilitary allies. While we understand that the Colombian government is the third largest recipient of

U.S. military aid, and that government officials would prefer that that people here in the U.S. don't get a chance to hear about human rights abuses committed with their tax dollars, the fact remains: there is nothing criminal in trying to learn the truth. The FBI is attacking the right of anti-war activists to speak out against U.S. foreign policy.

Likewise, the "interview questions" make a big deal about delegations that visited Palestine. The Israeli authorities try to disrupt these trips because people return from them and expose the gross human rights violations that are carried out in the context of the military occupation. But once again – this is a legal activity that activists have every right to engage in.

The documents show how the FBI investigation expanded outwards, starting with Colombia and soon focusing on Palestine. How did the FBI get involved? The most likely explanation is that a undercover police officer going by the name "Karen Sullivan" infiltrated the Anti-War Committee shortly before the 2008 Republican National Convention. Among the first people she met were Meredith Aby and Jess Sundin, who often spoke at public events about what they saw in Colombia.

Karen Sullivan – the professional liar – then gave her reports to the FBI, paving the road to the September 24 raids.

### **The New McCarthyism**

When Wisconsin Senator Joe McCarthy went on a red-baiting witch hunt in the 1950s, communists, socialists and progressives of all stripes were hounded out of jobs, housing, the entertainment industry and institutions of higher education. More than a few people were jailed for their ideas. The secret FBI documents indicate an investigation is underway that takes its cues from this shameful past.

The FBI documents include 57 interview questions about Freedom Road Socialist Organization, the organization that some of those who were raided or subpoenaed to the Grand Jury are members of. The questions include; "Are you a member?" "How many members are there?" "Who are the leaders?" And on and on and on. It is like pages of the calendar have been turned back 60 years.

In the United States there is a constitutional right to association. Like-minded people are allowed to form groups and political parties that promote their views. FRSO members, along with others, were very active in organizing the massive anti-war protests at the Republican National Convention. They participate in the labor movement, community organizing, and the anti-war movement too. And they advocate that capitalism should be abolished and replaced with socialism. Given the bank bailout, continuous wars and the economic crisis it is not unreasonable to see these activities and views as a breath of fresh air.

### **"Dangerous" raid**

In the documents, the "Operations order" for FBI SWAT for "Operation Principal Parts" the raid on the Kelly/Gawboy home has the word "DANGEROUS" in underlined bold type at the top of the page. FBI agents were told to bring assault rifles, machine guns and two extra clips of ammunition for each of their side arms. Two paramedics were to stand by in the event of casualties. Other documents include photos of Kelly and Gawboy, as well as pictures of stairs leading to their front door and the front door itself.

What transpired on September 24 was this. Gawboy was awoken by the FBI pounding on the door. When she stated she wanted to see the search warrant, agents used a battering ram on the door, breaking the hardware and shattering a fish tank in the process. Gawboy was taken down the front steps in her nightgown while the FBI swat team entered her home.

The justification for this armed home invasion is given in the "Operations plan" – "Kelly is believed to be the owner of an unknown number of firearms which may be at his residence..."

Kelly, who learned to shoot while in Boy Scouts, owns guns – just like a lot of Minnesotans. The “Operation Plan” also claims that Kelly “offered to provide weapons training” – an outright lie that originated with the police infiltrator “Karen Sullivan” or a fiction writer at the FBI office.

The bottom line is this: there can be no justification for the raid in the first place, and still less for it to be done by agents smashing doors and wielding machine guns. This is a recipe for people getting hurt or killed. The events of September 24 and the ongoing grand jury are not about “material support of terrorism,” as any normal person would understand it. What is happening is this: anti-war and international solidarity activists are being targeted for practicing our rights to speak out and organize. We have done nothing wrong. Our activism is making this world a better place.

To view the files, visit:

<http://www.stopfbi.net/sites/default/files/CSFR%20May%202018%20documents%20ALL.pdf>

### **29 May – Join NYC ABC For Our Annual Memorial Day Barbecue!**

**WHAT:** Anarchist Memorial Day BBQ and Flag-Burning

**WHEN:** 4:00pm-Midnight, Sunday, May 29th

**WHERE:** 60 Vernon Avenue (between Nostrand and Marcy Avenues), Brooklyn (G to Myrtle/Willoughby or J/M to Myrtle)

**COST:** No cover, cheap food and drinks!

**MORE:**

Look, we're rarely on time for anything. On the upside, we're usually early. And while we're happy to get an extra day off from work, we're celebrating our memorial day a day early. Fuck your heroes, fuck your flags.

Want to escape the plaguing patriotism? Sunday May 29th, NYC Anarchist Black Cross will be having a barbecue to support our troops, raising funds for anarchists in trouble. Cheap drinks, cheap food and no cover! Bring you friends, burn some flags and party with us.

All Proceeds go to the Anarchist Defense Fund- to bail out comrades who step up the game.

**No BYOB**, but by all means, BYOF (bring your own flag...to burn)!