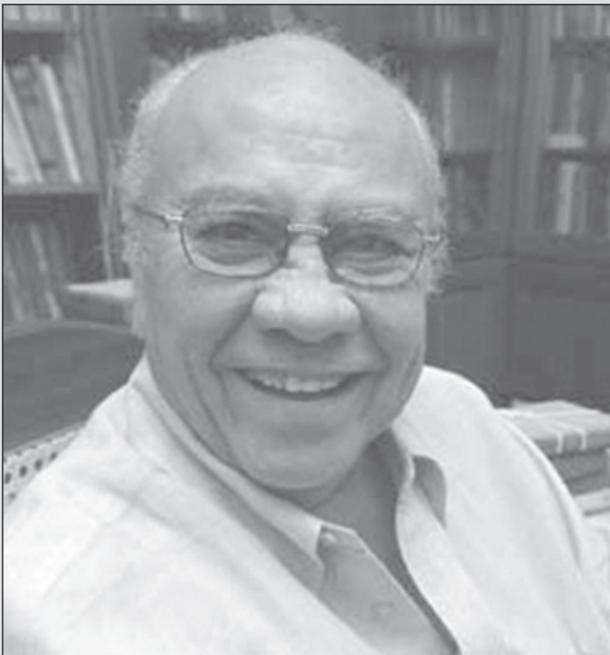




IN MEMORIAM

Luis Nieves Falcón, Staunch Fighter for Puerto Rican Independence, Profound Internationalist and Devoted Organizer for the Rights of All



With profound sorrow, the U.S. Marxist-Leninist Organization (USMLO) regrets to inform you that the beloved champion of the Puerto Rican people, the devoted anti-colonial patriot, human rights organizer and great internationalist Luis Nieves Falcón passed away in Hato Rey, Puerto Rico on March 10, 2014. We convey our deepest condolences to his family, comrades and friends. Comrade Luis was a such a good friend to USMLO and all those in the U.S. fighting against U.S. imperialism and for progress. His social love was such that it filled the room, lighting it with his fire and confidence in the future. His contributions were great and we will miss him dearly.

Puerto Rico is one of those places where the struggle strikes right at the heart of U.S. imperialism and Luis was a powerful force by our side who assisted in so many ways. He was tireless, and worked so hard in these last years to ensure, for example, that the book of Oscar López Rivera's work, "Between Torture and Resistance," was completed in Spanish and translated into English. Without doubt he was a giant in the struggle, an internationalist whose life

In Memoriam, Luis Nieves Falcon • 3

30,000 SAY NO IN NEW YORK STATE

Widespread Refusal of Tests and Common Core

As a result of persistent and broad organizing efforts by parents, students, teachers and staff more than 30,000 students refused New York State standardized tests. In some districts more than 1,000 students refused, in others, like West Seneca, close to 30 percent, or about 890 students did. Buffalo saw about

120 refuse and Williamsville 300, despite repeated efforts by their superintendents to stop them. Some individual schools saw 75-80 percent of students refusing while in others teachers refused to administer the test and joined in supporting parents who refused.

Widespread Refusal of Tests • 19

APRIL 5, 2014

Support National Day of Action to Stop Deportations

A National Day of Action to *Stop Deportations Now* has been called for April 5, with many immigrant rights, anti-war and labor organizations participating. More than 70 actions will be taking place on and around April 5, in cities and towns across the country.

The protesters are targeting President Obama, now known as Deporter-in-Chief for the two million people deported in his six years in office—far more than any other president. Millions more family members, many of them children

Stop Deportations • 12

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Puerto Rican patriot Rafael Cancel Miranda eulogizes Luis Nieves Falcón, Bayamón, Puerto Rico, March 11, 2014.

and work will live on in all of us.

Along with being a much loved teacher, Comrade Luis took up the struggle to free the Puerto Rican political prisoners, unjustly jailed by the U.S. for fighting for independence. He was the voice of those the U.S. tried to silence with long years of imprisonment and solitary confinement — and it was a loud and persistent voice for justice.

It is the right of Puerto Ricans to oppose U.S. colonialism, but instead of affirming this right the U.S. acts to brutally suppress this struggle and persecute all those who organize for independence, both in Puerto Rico and in the U.S. It commonly uses the charge of seditious conspiracy and imprisonment in an effort to repress resistance.

The sedition laws were written at the time of the Civil War, as a means to prevent the Confederacy from seceding. But these laws were never used against the Confederate Generals and those who actually engaged in sedition at that time. Instead they have been directed against the Puerto Rican patriots, defending their rights and the right of Puerto Rico to be free. Luis was instrumental in broadly promoting the injustice against the prisoners, bringing to the fore in Puerto Rico, the U.S. and worldwide the necessity to release them. He became a lawyer to see the prisoners, contending with strip searches and great indignities. And, through long years of work to unite all in their defense, played a major role in securing the release of almost all of them.

Oscar López Rivera remains in jail, with May 29, 2014 marking the 33rd anniversary of his arrest. Despite facing long years of solitary confinement and other torture and

abuse, Oscar's revolutionary spirit has remained firm, in part due to the unflinching work of Luis Nieves Falcon. This work, like that on many other fronts, was an expression of Luis' profound humanity and resistance to oppression of all kinds.

Similarly, he played a main role in organizing an International Tribunal in Vieques, Puerto Rico, in 2001, to charge the U.S. with genocide. The USMLO joined many others in traveling to Vieques and standing with the verdict that the U.S. is guilty of genocide against the Puerto Rican people, including sterilization campaigns against her women. Vieques itself was used as a bombing range by the U.S. Navy, which poisoned the natural and human environment. Through broad struggle and mass actions — including people going right on the bombing range to prevent the Navy from carrying out its crimes — Puerto Ricans finally forced the Navy out. And once again, the work and contributions of Comrade Luis were vital in this success.

Dearest Luis, we are one with your internationalism and with your determination to defend the rights of all. Our deepest condolences go out to the family of Comrade Luis, to his comrades and his many, many friends, to all the people of Puerto Rico, and all those in the U.S. and worldwide who profoundly mourn his loss. With the greatest respect we join in celebrating his life and work and in carrying forward the struggles he waged, for the independence of Puerto Rico, to free Oscar López Rivera, against the crimes of U.S. imperialism, and for the rights and dignity of all.

A Brief Outline of the Life and Work of Luis Nieves Falcon

Luis Nieves Falcón was a sociologist, teacher, scholar, writer, lawyer, and activist for human and civil rights. He was a founder and former chairperson of the Puerto Rico Committee for Human Rights.

Born in Bayamón, Puerto Rico on December 29, 1929, Luis became a leading intellectual and activist in the forefront of every major modern campaign for Puerto Rican sovereignty. His life was totally committed to the struggle for the independence of Puerto Rico, and, particularly, in defense of those who suffered persecution in their quest to make Puerto Rico a free homeland.

As chairman of the Puerto Rico Committee for Human Rights, Luis spearheaded important work that established public opinion in Puerto Rico and internationally for the release of Puerto Rican political prisoners subjected to brutal and inhumane treatment in U.S. prisons because they refused to submit. This worked involved the training of activists who went door-to-door all over Puerto Rico arguing out the importance of their release and the inhuman conditions of their incarceration. Luis often noted that in this historic work they found they had to combat directly the colonial outlook and limitations imposed by the empire on the thinking of the Puerto Rican people. Through this activity of building broad public opinion for the prisoners' release, as patriots who should be embraced as such, Puerto Rico was changed.

Showing his selfless commitment to his homeland and his people he put his life in the service of this important work. In taking up the work for the freedom of the political prisoners Luis became a lawyer in order to be able to visit them and defend them in the courts. As he put it: "When I started visiting these comrades the harassment by the prison authorities was so intense that I decided to study law and became a lawyer in order to be with them." Such was his devotion to securing their freedom. It took him one month to visit the 14 as they were deliberately separated by long distances from one another in jails scattered around the U.S. Luis worked tirelessly for their release.

In September, 1999, U.S. President Bill Clinton was forced to offer conditional clemency to 16 of the Puerto Rican patriots imprisoned in the U.S. Eleven of them accepted the offer, but others, including Oscar López Rivera refused the conditions and to this day he continues serving a 70-year sentence. There continues to be broad support and an international movement that Luis was part of to his dying day, to demand that President Obama pardon him now. A demonstration is planned for May 29, the 33rd anniversary of his unjust arrest, in New York City, to unite all concerned in demanding, *Free Oscar Lopez Rivera Now!*

February of 2000 saw a march of 200,000 people to demand the release of all the Puerto Rican political prisoners and for the U.S. military to get out Vieques. In November 2000, an international human rights tribunal was held in San Juan and

Vieques, bringing together Puerto Ricans, jurists and human rights activists from abroad including a delegation from USMLO. (see article page 10 for report on Tribunal). In the context of the struggle of the Puerto Rican people for their independence and national dignity Luis championed the cause of the demilitarization of the Puerto Rican island of Vieques. The U.S. Navy used the island as a bombing range and site for war exercises. The people of Vieques, many of them fishermen, suffered high levels of cancer and other health problems stemming from these activities, including contamination of the air and waters by toxic materials like depleted uranium used by the Navy. Luis took up the fight to get the U.S. Navy out of Vieques as part and parcel of the people's struggle to affirm their right to decide their own affairs free from imperialist threats and violence.

Comrade Luis was highly educated but always saw his education as a means to contribute to freedom for his homeland.

Luis was a professor emeritus of the University of Puerto Rico where he taught and served as Director of the Center for Social Research, the Center for Educational Research of the College of Education and the Institute of Caribbean Studies. He also spent time as a Visiting Professor at the City University of New York, Hunter College and the University of Wisconsin. He worked extensively with the various organizations in the U.S. working for independence and opposing U.S. crimes against the people of Puerto Rico, including for example the Puerto Rican Cultural Center Juan Antonio Corretjer in Chicago and the development of the National Boricua Human Rights Network (NBHRN) with chapters in major U.S. cities.

He wrote 18 books and published numerous articles and essays in national and international journals addressing topics that included Puerto Rican migration, social and political movements and political sociology, ethics in the practice of law, political prisoners, and the decolonization of Puerto Rico. Two recent books include *Un siglo de represión política en Puerto Rico: 1898- 1998 (A Century of Political Repression in Puerto Rico: 1898-1998)*, and *La Luz Desde La Ventana: Conversaciones con Filiberto Ojeda Ríos (The Light from the Window: Conversations with Filiberto Ojeda Ríos)*. Filiberto Ojeda Ríos was a leader of the clandestine Boricua Popular Army, also known as Los Macheteros, dedicated to the national liberation of Puerto Rico. After spending fifteen years underground, Ojeda Ríos was assassinated at his home in Puerto Rico by FBI agents on September 23, 2005 the anniversary of Grito de Lares, one of the most symbolic dates in the country's anti-colonial struggle. The brutal assassination sparked outrage among Puerto Ricans and progressive people around the world.

Luis had a Bachelor of Arts degree from the University of Puerto Rico, a Master's degree in Educational Sociology from the University of New York, a Doctorate in Sociology from the London School of Economics and Political Science and a law degree from the Inter American University of Puerto Rico.

Tributes Pay Eloquent Testimony to Crucial Role Luis Nieves Falcón Played in the Life of His People

In September 2013, as Luis was fighting for his life, friends created the Facebook page, “Amor por un Gigante [Love for a Giant]: Luis Nieves Falcón.” They wrote: “Luis’s life has been completely committed to our country. He has fought for justice, for human rights, for independence, for the political prisoners with an overwhelming integrity and will to work. He has fought on all fronts....his legacy as a magnificent professor and teacher of many is awe-inspiring. Luis does not just do and do, he does more and more — to meet the needs of his people and their humanity, helping everywhere. He is tireless and always works anonymously; he is not interested in recognition and never asks anything for himself. He is among those in our country who are indispensable.”

One of his friends wrote at that time of the singular courage Luis demonstrated, saying he was a pioneer who took on things that at the time no one wanted to touch, defending persecuted people that no one dared to defend, and on more than one occasion was the only voice of the silenced.

Speaking of Dr. Luis Nieves Falcón who was a founding member and Chair of the Puerto Rican Committee for Human Rights, his friend and fellow activist and Committee spokesperson, Eduardo Villanueva Muñoz said Luis led his life striving to leave a legacy of love and dedication to his ideals and his causes, and that the book of his life was a beautiful one, illustrated by his constancy. “We will carry on the struggle for the redemption of the Puerto Rican nation and its independence,” he said, calling for all to have the courage to continue the fights that still have to be waged for causes that Luis defended, among them the freedom of Oscar López Rivera.

The Puerto Rican Cultural Center Juan Antonio Corretjer, Chicago also mourned for Dr. Nieves Falcón. Pointing out that Luis was one of Puerto Rico’s most prominent public intellectuals, a renowned lawyer, psychologist and sociologist, the Puerto Rican Cultural Center said it joined the Puerto Rican nation “in mourning the loss of this intellectual giant with the following: A message from our Executive Director José E. López, sent to Puerto Rico and which will be published in *La Voz del Paseo Boricua*; the dedication of the Puerto Rican Cultural Center monthly general assembly to his memory, featuring the prominent Puerto Rican lawyer and activist, Eduardo Villanueva, who will provide a short reflection in the March issue of *La Voz del Paseo Boricua*, with images of Nieves Falcón.

A moving tribute to Luis’ life and work followed from José E. López, Executive Director of the Cultural Center who is also the brother of political prisoner Oscar López: “It is with a sad heart, and the most profound emotions that I share my personal condolences, and that of my entire family, as well as that of the National Boricua



Former Puerto Rican political prisoners at a tribute for Dr. Nieves Falcón put on by the Puerto Rican Bar Association in 2007. From left to right: Adolfo Matos, Elizam Escobar, Edwin Cortes, Luis Rosa and Dylcia Pagán; along with Alejandro Molina of the National Boricua Human Rights Network.

Human Rights Network and the Puerto Rican Cultural Center Juan Antonio Corretjer, on the physical loss of one of Puerto Rico’s towering intellectual figures — Dr. Luis Nieves Falcón.

“Nieves Falcón was not only a teacher of teachers, a psychologist to psychologists, a lawyer to lawyers, and a sociologist to sociologists; he was, indeed, an organic intellectual.

“Nieves Falcón’s life was totally committed to the struggle for the independence of Puerto Rico, and, particularly, in defense of those who suffered persecution in their quest to make Puerto Rico a free homeland.

“He dedicated the past 35 years to freeing Puerto Rican political prisoners — he masterminded the campaign that incarcerated more than a dozen of them in 1999, and continued this quest, until his final hours, to see my beloved brother: Oscar López Rivera, free in ‘nuestra Patria.’

“Everywhere Nieves Falcón lived, he left an indelible mark. He was a world traveler, visiting almost every continent. In each, Nieves Falcón left a part of himself.

“He invested a great deal of his time and efforts in the empowerment of the Puerto Rican Diaspora.

“In Philadelphia, in 1999, he helped to articulate the vision that would ultimately free the Puerto Rican political prisoners through *Ofensiva ‘92*.

“In New York, he pioneered many of the struggles that would improve the quality of life of Puerto Ricans whether in the Bronx or El Barrio or in organizing tribunals around human rights violations and political prisoners.

“In Chicago, he lived among us in the community, shaping and creating some of the most innovative ideas about curriculum and overall educational praxis that would make Clemente High School

a model to be emulated in the 1990s.

“We fondly remember his last visit to Chicago in April 2013 where he made three major speeches, and even sang, with his melodic voice, a song for Oscar’s freedom.

“Nieves Falcón, you will always be our Quixote confronting the windmills of oppression and our Cimarron building a community of resistance, hope and change.”

Dr. Luis Nieves Falcón was Professor Emeritus at the University of Puerto Rico (UPR). Uroyoán R. Walker Ramos, President of the University of Puerto Rico said, “Some years ago, when I was an undergraduate student, I had a conversation with him. He asked me what I was studying. I responded that I was doing mathematics but my parents preferred me to be an engineer. He replied immediately, ‘Puerto Rico also needs good mathematicians.’ That was Luis Nieves Falcón. His intelligence and good judgment always stood out.”

Walker Ramos used this anecdote to emphasize how the late leader of the Puerto Rican independence movement, as a professor, helped to “form thousands of lives.” “We mourn the death of Dr. Nieves Falcón. From the UPR, which was the home of Dr. Nieves Falcón, we send our embrace and solidarity to his family. The work and legacy of this great Puerto Rican will endure for ever,” stated Walker Ramos.

Former Senator and leader of the Puerto Rican Independence Party (PIP) Ruben Berríos Martínez said, “I am deeply saddened by the passing of my good friend and comrade in struggle for our independence, Dr. Luis Nieves Falcón. Luis was a dear and generous

friend, a consistent and committed Independentista and an eminent and prolific intellectual.

“His contributions to sociology, history and political science already form part of the cultural legacy of all the future generations of our homeland. His dedication to the freedom of the political prisoners and to his thousands of disciples is also part of the heritage of the patriot and teacher that Luis was,” Berríos Martínez added. “On a personal level, I will never forget his words of affection and wise advice during the years he accompanied me as executive director of the PIP as well as before and since that time, throughout his life. All of Puerto Rico is mourning the departure of one of its sons who most loved this land.”

Ana Irma Rivera Lassén, President of the Puerto Rican Bar Association, noted: “There are very few people remaining in Puerto Rico like him, who combine legal knowledge with sensitivity, intellectual capacity with concrete action and a zeal for justice with cultural work.”

A former student and colleague at the Center for Social Research shared recollections from his early years at the University of Puerto Rico some 50 years ago, highlighting the pioneering academic work done by Luis to further the anti-colonial cause of the Puerto Rican people at a time when the U.S. as the colonial power was pushing to “modernize” the country in its own image, including through the use of academic institutions to further its anti-national agenda. He expressed appreciation for the efforts Luis made in his capacity as Director of the Center to provide opportunities for the youth, who Luis always had the greatest hope and confidence in.

ADDRESS BY LUIS NIEVES FALCÓN TO THE SEVENTH CONGRESS OF CPC(M-L)

Joining Efforts to Free Puerto Rican Political Prisoners Contributes to the Freedom of All

Ottawa, March 1998

We reprint below an important speech made by Dr. Luis Nieves Falcón at the 7th Congress of the Communist Party of Canada (Marxist-Leninist) held in Ottawa at the end of March 1998, where USMLO also had the honor to participate.

I wish to thank the organizers for inviting us to participate in this Congress. This is a reflection of Comrade Bains’ concept of solidarity. He, for one, resolutely gave us a voice in these halls of yours so that the voice of the voiceless, the voice of Puerto Ricans around whom U.S. imperialism has built a wall of silence could be heard in Canada and from Canada to the rest of the world. Thank you very much for allowing me to share some ideas with you.

I think I should start by saying that the most salient characteristic in the relations between Puerto Rico and the United States is the absolute power of the U.S. Congress. There is no avenue of Puerto Rican life that is not controlled by the United States. The relations have been characterized by a systematic denial of democratic reforms in the island. In addition, for the last 13

years, the UN Decolonization Committee has requested from the United States to initiate the process of self-determination for Puerto Rico. The United States has refused to comply with the request of the UN Decolonization Committee and instead has stated that Puerto Rico is not a colony. Because of this stand of the United States what you see in U.S.-Puerto Rico relations is a continuous effort by the U.S. to cover up the colonial condition of Puerto Rico; what they successfully cover up in the media but are unable to cover up in the minds of the Puerto Ricans is a continuous persecution and incarceration of anti-colonial combatants leading to the continued existence of Puerto Rican political prisoners. And there will be more political prisoners as long as our sovereign power is not returned to the people of Puerto Rico.

What has the colonial situation imposed by the United States meant? For one thing, the most obvious manifestation of this American control is the fact that Puerto Ricans are unnecessary in their own country. And in order to foster this principle, the United States has systematically continued in Puerto Rico a process of sterilization of women. As a result of the massive ster-

IN TRIBUTE TO THE LIFE AND WORK OF LUIS NIEVES FALCÓN

ilization of women, probably the largest mass sterilization in the world, one-third of our women in their fertile years are underproductive. As a result of that process, population growth in Puerto Rico at this moment is not due to the birth of Puerto Ricans, but to the birth of foreigners brought into and encouraged by the United States to come into the Puerto Rican territory. To the genocidal treatment of the Puerto Rican women, particularly women from the poor sectors, one has to add the massive displacement of Puerto Ricans from their own



country to the metropolis; a cycle initiated for economic reasons, in order to move them to ghettos created in the United States where they become the lowest paid and the most discriminated against people. As a result of that, more than one-third of the Puerto Rican population is outside Puerto Rico, so we are exploited not only on the island but also in the entrails of the monster.

To this one has to add that Puerto Rico has become the classic experimental laboratory of the United States. My brothers and sisters, the Agent Orange that was used against the people of Vietnam was put to the test in Puerto Rico, to see what its effects were that could later be used on the brothers and sisters of Vietnam. As well, all the experimental contraceptive pills have been tested first in Puerto Rico. Among these things, one also has to mention that some of the experimental work conducted in Puerto Rico included, as recorded by history, the transplant of cancer cells to healthy patients in order to see how cancer affects healthy patients. So, in this sense, Puerto Rico has been the subject of genocidal treatment by the United States.

But, in addition to this decimation of the population, one also finds the economic control that the United States exercises on Puerto Rico. There is not a single sector of the economy which is not controlled by the United States, to the extent that our tropical country is forced to import many products it itself produces, including oranges and grapefruits from Florida! In Puerto Rico the saying is that we produce what we don't consume and we consume what we do not produce. So in a sense, the control of the population, the control of the economy, has been followed naturally by pervasive conditions of poverty.

In this showcase of "democracy," in this showcase of "American endeavor," more than half of the population lives below the poverty line. More than half of the population! More than half of the population, under the protection of this "democratic" and "civilized" country, depends on food stamps in order to be able to maintain minimum dietary requirements. But it is not only this economic control, these economic conditions, an unemployment rate that, before I left for Canada, was calculated officially at 16 per cent, but

we know that the statistics are underrated by 15 per cent, which leaves an unemployment rate in my country of around 30 per cent. If you take unemployment of 30 per cent, if you take more than half of the population living in poverty, more than half of the population needing food stamps in order to survive, you don't have to think too much in order to know what are the results of this supposedly democratic interference of the United States in my country.

Furthermore, we find in this colonial situation, an increase of all those social indicators, which reveal a kind of social malaise of the people. We have some of the highest rates of criminality, we have some of the highest rates of drug addiction, we have one of the highest rates of interpersonal violence, we have one of the highest rates of suicide and we have one of the highest rates of mental illness. If you are analyzing a country, and you see this level of violence, but violence which has not yet been turned against the oppressor, but instead exists amongst the people themselves, encouraged by the United States, you will conclude that as long as the Puerto Ricans are violent amongst themselves, the oppressor is safe and he can continue ruling.

In order to cope with this situation, the United States has invented various legal referenda, supposedly to solve the political situation in Puerto Rico. We are at the moment undergoing one of these enterprises, a political electoral enterprise of the United States in which the U.S. is considering whether to conduct what they call a "self-determination referendum" in Puerto Rico. But don't let the name fool you. It is not a self-determination referendum. Why? For one thing, the results of the referendum are not mandatory for the United States. The United States has said that this referendum is like a big public opinion poll because, allegedly, up till now, it is unclear what the Puerto Ricans prefer; but the U.S. will not be bound by whatever the Puerto Ricans decide.

It doesn't comply with the basic international requirements for referenda on self-determination. There is nowhere a transfer of sovereign powers to the people of Puerto Rico, so in a sense what you have here is a slave dealing with the master, not in a position of equality, but in a position of subordination, because there is no transfer of sovereign power to the colonial people. In addition to that, a country that has been decimated economically by the United States for 100 years which refuses to oblige itself to offer some sort of economic compensation that will allow the new nation to stand on its own, in order to develop itself and carry on.

In addition, the Americans talk about a Puerto Rico referendum for self-determination but the militarization of the country

PUERTO RICAN PATRIOT, INTERNATIONALIST & DEFENDER OF RIGHTS

is increasing during this whole process. The Southern Command that was in Panama has been transferred to Puerto Rico and the Special Forces that are now in the States are going to be transferred as well. And here, brothers and sisters, those from Canada and those from other countries worry very much about the implications for their revolutionary movements because the Americans might send their marines. Brothers and sisters,

Americans don't have to send their marines to the island. There are 13 American bases in Puerto Rico surrounding the whole population. So you can ask, is it possible to have a democratic referendum with this military pressure on the people of Puerto Rico?

Furthermore, the United States has encouraged the migration of foreigners to Puerto Rico, some of them the most conservative elements from the countries from which they have come and those people have become American citizens and in the referendum for self-determination, all American citizens are allowed to vote! This means that those foreigners can decide the future of Puerto Rico and at this moment their numbers, their presence in the Puerto Rican population will immediately tell you that they will be the ones who will decide what will be the alternative that will be selected in such an electoral process.

The solutions to the colonial status of Puerto Rico that are being discussed are impossible solutions; they are solutions really designed to ensure the continuation of the status quo and the colonial condition. Why do I say that they are impossible solutions? Independence? Sure independence for a country that has been under American colonization for 100 years with no obligation on the part of the United States to assume financial responsibility for at least the years necessary to ensure that the new nation can develop in a healthy way.

What of statehood? Well, the only way that statehood is possible for Puerto Rico is if Spanish ceases to be its main language and English becomes the official language of the island. In fact, a law has just been approved by the U.S. House of Representatives that specifically states that in order to aspire to statehood, they have to ensure that every Puerto Rican child is fluent in English by the age of ten.

Brothers and sisters, this systematic attack on our language and culture began with the arrival of the United States in Puerto Rico in 1898. Since 1898, our culture and language have been



Militant rally in Puerto Rico welcomes home freed political prisoners, September 1999.

under continuous attack. From 1898 to 1952, we could not speak Spanish in our schools. We had to learn all the academic subjects in English and as a result there was very little that we could learn because it was a language, which in culture, in experience, in its linguistic format, was so different from ours. So I have the impression that this impossible independence and this impossible annexation is just a façade, is just a

story, to ensure that the continued colonial condition of Puerto Rico is not altered.

To further ensure that it is not altered, there is a systematic persecution of every Puerto Rican who either fights for independence or sympathizes with independence. In the past, I have expressed here in Canada the horrendous conditions which our 14 brothers and sisters experience in the U.S. prisons. They are 14 brothers and sisters whose only crime has been to believe in and to struggle for independence in Puerto Rico.

Very briefly, to summarize some of those conditions, I can mention first the disproportionate sentences. All of them were convicted for seditious conspiracy that is for conspiring to overthrow the legal power of the United States over Puerto Rico. Their sentences are ten and twelve times longer than the sentences imposed on the most horrendous crimes committed the year that they were sentenced. They range from 25 years to 105 years meaning that most of them in fact, because of their political beliefs, have been condemned to practically a life sentence in the American jails.

In addition to the disproportionate sentencing, you must add the condition of exile. There is a U.S. jail in Puerto Rico and even though the American judicial system says that a person detained should be incarcerated in the prison closest to his or her family in order to avoid the disruption that incarceration can promote between the person in jail and their family, all of them are so remote from their parents, from their communities, from their friends that it is impossible for them to get the moral and spiritual support they need.

To give you an example, Elizam Escobar, one of the most distinguished Latin American painters, is in jail in Oklahoma. His mother lives in Puerto Rico and he has a son who lives in New York. He is thousands of miles away from his closest relative. As a result his son and his mother can visit him at the most once a year. The same thing happens with every one of the political prisoners.

IN TRIBUTE TO THE LIFE AND WORK OF LUIS NIEVES FALCÓN

Let me tell you this, brothers and sisters; as their lawyer, it takes me one month to visit these 14 persons because of the way they are scattered throughout the United States. And let me tell you one more thing: I was not a lawyer before, but when I started visiting these comrades the harassment by the prison authorities was so intense that I decided to study law and became a lawyer in order to be with them. (Applause)

In addition to their exile, you find them suffering the most horrendous conditions. There are six women amongst this group of 14. All of them have been sexually violated in the prison by their jailers. All of them are subjected to sensory deprivation. All of them are subjected to extreme conditions of isolation. Oscar López Rivera, one of the prisoners, was alone in a small cell, painted white, with 24-hour-a-day lighting for five years. He didn't have anybody to talk to. Even his meals were pushed through a hole in front of the outer door of his cell.

These comrades have resisted in spite of all sorts of tortures. You are also acquainted with strip search. A strip search is a search of all the cavities of the prisoners — the nose, ears, mouth, their armpits, the penis, the vagina and the rectum. In many cases, such strip searches were performed on the women by male personnel. Three months ago, they used to perform four strip searches on Oscar López Rivera before he had a visit and four more strip searches after the visit. What does this tell us about the defender of human rights and of democracy in the world? It is a mockery. The United States is the principal violator of human rights not only in its own

country but also outside of it. (Applause)

So what you find, brothers and sisters, is that the United States is laying down the foundations for a new confrontation with the Puerto Rican people. There was a massacre in 1957. There was a massacre in 1954. There was a revolution in 1950 when masses of Puerto Ricans were also massacred and I think they are laying the foundations for a new confrontation not only with the independence sector but also with a very small, though very systematic and persistent clandestine sector that has harassed the Americans and whom they fear. They are afraid of them because of the influence they can have on the Puerto Ricans in the United States as well as the Puerto Ricans at home and the damage this influence will cause them.

Brothers and sisters, at this moment this is the situation in Puerto Rico and the situation for these compatriots of mine who are incarcerated. Now as in the past I come here and I ask you, I beg you, to use your voice and ask the womanizer President of the United States, who is the only one at this moment who can free them, ask President Clinton, ask the American nation to free the Puerto Rican prisoners. Because after all, brothers and sisters, solidarity also is a sharing of the pain, a sharing of the hurt that one feels when these things happen to our compatriots. I feel that their incarceration is representative of the incarceration that we all experience in this continent controlled by imperialism and by capitalism. So once more, I ask you, I beg you: Let's join in the effort to free these Puerto Rican political prisoners because in freeing them, we are all contributing to our own freedom.

Soulmate

Luis Nieves Falcón

This poem written by Luis Nieves Falcón was dedicated to the memory of Hardial Bains, the late founder and leader of the Communist Party of Canada (Marxist-Leninist) at the Party's 7th Congress in Ottawa in March 1998. With the passing of Comrade Luis, the deep sentiment of common struggle and social love conveyed in these eloquent verses are an equally fitting tribute to his life and work, and a means to convey the same sentiment to Comrade Luis' friends, family and fellow fighters.

I return to this country of yours,
which is also mine,
and
I feel the pain of your absence.
Never has anybody been so dear
in such a brief time.
Thank you for your total generosity
which will never be forgotten
for your deep comprehension of our colonial problem
for bringing forward unprecedented avenues of understanding
for your brotherly affection
for feeling my pain as if it were yours.
Today,
wandering alone

amongst the comrades of this Congress
where the strength of your presence is felt,
I know that you have not left us
You are here
in the loving smiles
in the warm embraces
in the vibrant handshakes
in the conveying of the commitments
in each of the comrades.

I feel, my brother, that solidarity is born anew
that which is yours and everlasting
that of the cause
that of the Party.

Dearest friend and Comrade

You live forever.

Soulmate

you have never been away.

I feel your presence,
in every effort to transform reality
in every struggle for justice
in every act of resistance
in every victory wrenched from the oppressor.

Soulmate/Compañero

Always amongst us.

Ever present.

U.S. GUILTY OF CRIMES AGAINST PUERTO RICAN PEOPLE

International Tribunal Puts Fight Against U.S. Colonialism Center-Stage

(We reprint below material from Voice of Revolution, January 14, 2001 on the International Tribunal held in Vieques, where Dr. Luis Nieves Falcon played a major role. The tribunal greatly contributed to making known the crimes against the Puerto Rican people and the successful struggle to get the Navy out of Vieques.)

* * *

The International Tribunal on Violations of Human Rights in Puerto Rico and Vieques by the U.S., found the U.S. guilty of “multiple and gross violations of the human rights of the People of Puerto Rico and particularly the population of the Island of Vieques.” The Tribunal was held on the Puerto Rican Island of Vieques from November 17-20 and concluded in San Juan, Puerto Rico, November 21, 2000. A panel of eight international judges heard testimony on nine charges of human rights violations. Dozens of international and national observers attended. A press conference on November 21 announced the unanimous guilty verdict. Each of the judges expressed their commitment to make the verdict widely known in their countries and to continue to call on the U.S. government to end its human rights violations.

This Tribunal was the first time that the all-sided crimes of U.S. imperialism against the people of Vieques were put on trial for all to see. The testimony from a broad cross-section of women, youth, workers, and religious leaders from Vieques provided a chilling account of the brutal crimes of U.S. imperialism. U.S. genocide — resulting from the decades-long military bombardment and terrorism of the population, especially women and young girls, and the economic, environmental, health and cultural devastation of colonialism — were systematically exposed. The courage of the witnesses, united against U.S. occupation, was inspiring to all present. Putting Vieques center-stage also strengthened the determination of the people of Vieques and Puerto Rico as a whole to carry forward the struggle to end U.S. occupation. The all-sided character of the charges and testimony brought to the fore that the struggle of Puerto Ricans for their national and human rights is a single whole, aimed against the source of all the problems, U.S. colonialism.

Organized by the Puerto Rican Committee On Human Rights and the Committee for the Rescue and Development of Vieques, the Tribunal was opened on Friday, November 17 in Vieques. Dr. Luis Nieves Falcon, head of the Committee on Human Rights, spoke to the packed crowd at the Yaureibo Cultural center in Fort Count Mirasol. He emphasized that the holding of the Tribunal served to defend the dignity and humanity of the Puerto Rican people and showed their contributions to affirming the humanity of the world’s people. A number of people from Vieques, who were present in large numbers, were introduced. The group of five People’s Lawyers presenting the case against the U.S. were also introduced, as were the panel of judges. The judges, all human rights activists

or jurists, came from Canada, East Timor, Germany, Puerto Rico, South Africa, Spain, and the U.S.

On Saturday, the testimony of Lolita Lebron and Alicia Rodriguez, both former political prisoners, was the highlight of the day. Lolita Lebron, one of Puerto Rico’s most renowned patriots, gave a militant indictment of U.S. imperialism and its crimes against the Puerto Rican people. Arrested in the U.S. in the 1950’s for successfully leading a group of patriots into the U.S. Congress and opening fire directly on these representatives of colonialism and genocide, jailed for 25 years, she and her family harassed and terrorized for her entire lifetime, Lolita Lebron deeply moved all present with her unflinching stand against U.S. imperialism, for independence and for the dignity of all Puerto Ricans.

Alicia Rodriguez, who was imprisoned in the U.S. for 19 and half years for her stand against U.S. colonialism, emphasized that the attack on her and all the Puerto Rican prisoners was a political one. All were given extraordinarily long sentences and kept in jail because they refused to recognize the legitimacy of the U.S. government and stood firm for independence. She explained that she was able to sustain her own dignity as a human being by strengthening her political convictions. Throughout her confinement, she, like all the other political prisoners, were told they would be released if they would abandon their principles and renounce their political views. All refused. It is this quality of being political that the U.S. jailers systematically attacked, in an effort to eliminate her humanity, she said.

The first day of testimony also brought out the significance the patriotic movement in Puerto Rico gave the Tribunal. Well known veterans of the movement, such as Lolita Lebron, Juan Mari Bras and Noel Colon Martinez were all present, as were eight of the nine recently released political prisoners now living in Puerto Rico. The day’s testimony fully revealed the long history of U.S. aggression and colonization of Puerto Rico, the wrecking and domination of the economy, militarization of the island, especially Vieques, and the political repression and criminalization of all those fighting for their rights.

On Sunday, the testimony of the people from Vieques put its mark on the Tribunal. A powerful combination of eye-witness accounts of rape, terrorism and murder by the U.S. military, of families and communities devastated by high rates of cancer and lead and radiation poisoning, resulting from the on-going Navy bombardment, as well as factual material on the destruction of the economy and environment, moved everyone present. Few knew the full extent of the U.S. genocide against the people of Vieques. None would forget the dignity and courage of the women and youth, fishermen and ministers, who testified to the U.S. crimes against the people of Vieques and to the people’s continuing battle to get the Navy out.

Monday morning, testimony of the forced migration of Puerto

Ricans to the U.S. and the genocide against women was brought out. Illinois Congressman Luis Gutierrez, born and raised in Chicago, spoke of the fierce struggle of the 3 million Puerto Ricans in the U.S. to defend their language, culture and national rights. He elaborated on the necessity of Puerto Ricans everywhere to fight to affirm their national identity and resist the pressures to abandon their language and culture. He and others addressed the discrimination and higher levels of unemployment and poverty faced by Puerto Ricans in the U.S. The testimony on crimes against women brought out that Puerto Rican women have one of the highest rates of sterilization in the world, a clear crime of genocide as elaborated in UN documents, which list “imposing measures intended to prevent births within the group” as an act of genocide.

During the evenings, Tribunal participants were treated to lively performances by local bands, singing traditional music and songs of protest. On one evening a vigil was held at the on-going peace camp in Vieques, across from a fenced entrance to the land occupied by the Navy. Various activists spoke and slogans demanding that the Navy get out rang out repeatedly. On Monday afternoon, participants boarded the ferry and made the trip back to San Juan. It was brought out that the ferry trip is almost twice as long because of Navy restrictions of the waterways.

In the evening, the Puerto Rican Bar Association hosted a reception for all Tribunal participants. The People’s lawyers presented closing arguments, summarizing the wealth of evidence documenting all nine charges of U.S. human rights violations. They emphasized the significance of an International Tribunal taking



a stand against U.S. colonialism, bringing out that this is a time when worldwide the issues of democracy and human rights are on the agenda. A guilty verdict on the clear and convincing evidence would provide an important weapon in the on-going struggle for Puerto Rican independence.

At the Tuesday morning press conference the verdict was presented: U.S. guilty of systematic human rights violations against the people of Puerto Rico. Judge after judge stood up to express their outrage at the crimes committed and the dignity and courage of the witnesses. It was brought out that the guilty verdict has a significant political and moral impact on the U.S., especially given the current political crisis in the U.S. It serves to undermine U.S. standing internationally and its efforts to legitimize its colonial rule over Puerto Rico. All those present were called on to take the verdict far and wide and to join in circulating a letter to President Clinton, calling for immediate amnesty for all remaining Puerto Rican political prisoners and the immediate end to all Navy bombardments of Vieques. There is no question that the Tribunal inspired all present to vigorously support this struggle.

The Charges

- Violation Of The Right To Self-Determination and Independence Of Puerto Rico;
- Repression, Persecution, Criminalization and Incarceration of Opponents of the US’s Colonial Policies In Puerto Rico;
- Extensive Violations of Human Rights of the People of Vieques that are Tantamount to Genocide;
- Increased Militarization of Puerto Rico in Violation of International Law and World Public Opinion;
- U.S. Economic Domination, Exploitation, and Dependency Preventing Development of Puerto Rico’s Economy;
- Displacement Of The Population;
- General Environmental Degradation of the Archipelago of Puerto Rico;
- Crimes Against Women, Crimes Against the Reproductive Rights of Women;
- Crimes Against the Puerto Rican Language and Culture.

The charges are based on violations of numerous UN

declarations and resolutions and instruments of international law, such as the Conventions on Genocide, Racial Discrimination, and Civil and Political Rights, the UN Charter and Universal Declaration of Human Rights, numerous resolutions of the UN Decolonization Committee, etc.

UN Convention on the Prevention and Punishment of the Crime of Genocide

Article 1: The Contracting Parties confirm that genocide, whether committed in time of peace or in war, is a crime under international law which they undertake to prevent and punish.

Article 2: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group
- (b) Causing serious bodily or mental harm to members of the group



Mass rally for Puerto Rican political prisoners and to get the Navy out of Vieques, August 1999

- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

- Article 3:** The following acts shall be punishable:
- (a) Genocide;
 - (b) Conspiracy to commit genocide;
 - (c) Direct and public incitement to commit genocide;
 - (d) Attempt to commit genocide;
 - (e) Complicity in genocide

The Verdict of the International Tribunal

According to the evidence presented before this Tribunal through direct testimonies, expert witnesses, this Tribunal concludes that the United States has committed systematic violations of human rights regarding Puerto Rico's right to self-determination; has persecuted opponents to United States colonial policies; has increased militarization on the islands and, thereby, threatened peace in the region; has continued the economic exploitation; has forced the displacement of much of the population of Vieques; has caused the economic and political repression of Puerto Ricans in the diaspora; has caused a general degradation of the environment; has committed abuses against women and against the cultural rights of the population.

This Tribunal urges that the United States of America take the following steps without any further delay.

1) Transfer all sovereign powers to the People of Puerto Rico, without any conditions or reservations, to enable Puerto Ricans to exercise peacefully and freely their right to self-determination, in the manner Puerto Ricans deem most appropriate, and to secure

the integrity of their national territory.

2) Release the remaining political prisoners and cease all forms of repression against those working against colonialism.

3) Take immediate steps to end the military exploitation and colonial oppression of the people of Puerto Rico, including the immediate cessation of bombing in and around Vieques and the removal of all military installations from the territory of Puerto Rico.

4) Redress all damages caused to the natural wealth and resources of Puerto Rico and Vieques, caused by of the military activities of the United States, and to provide for full reparations for the injuries caused to the people of Vieques, and the damage to their environment, including all measures for the complete decontamination of the island, and surrounding air and waters, and for the economic recovery and development of the island.

Only in this manner will the People of Puerto Rico be in a situation to fully exercise their right to self-determination and freely pursue their economic social and cultural development.

Tribunal Judges

Dr. Dennis Brutus, South Africa, human rights activist, poet and former political prisoner under apartheid; **Dr. Manuel Ramon Alarcon Caracuel**, Spain, Dean of the Law School of the University of Seville; **Dr. Rainer Huhle**, Germany, human rights activist; **Attorney Aderito de Jesus Soares**, East Timor, human

rights activist; **Chief's Designee F. Ryan Malonson**, Wampanoag Tribe of Gay Head/Aquinnah; **Dr. Antonia Pantoja**, Puerto Rico, Congressional Medal of Freedom 1996; **Dr. Grahame Russell**, Canada, human rights activist; **The Most Rev. Walter F. Sullivan**, U.S., human rights activist, bishop head of Pax Christi

1 • Stop Deportations Now

are being impacted by this brutal attack on immigrant workers.

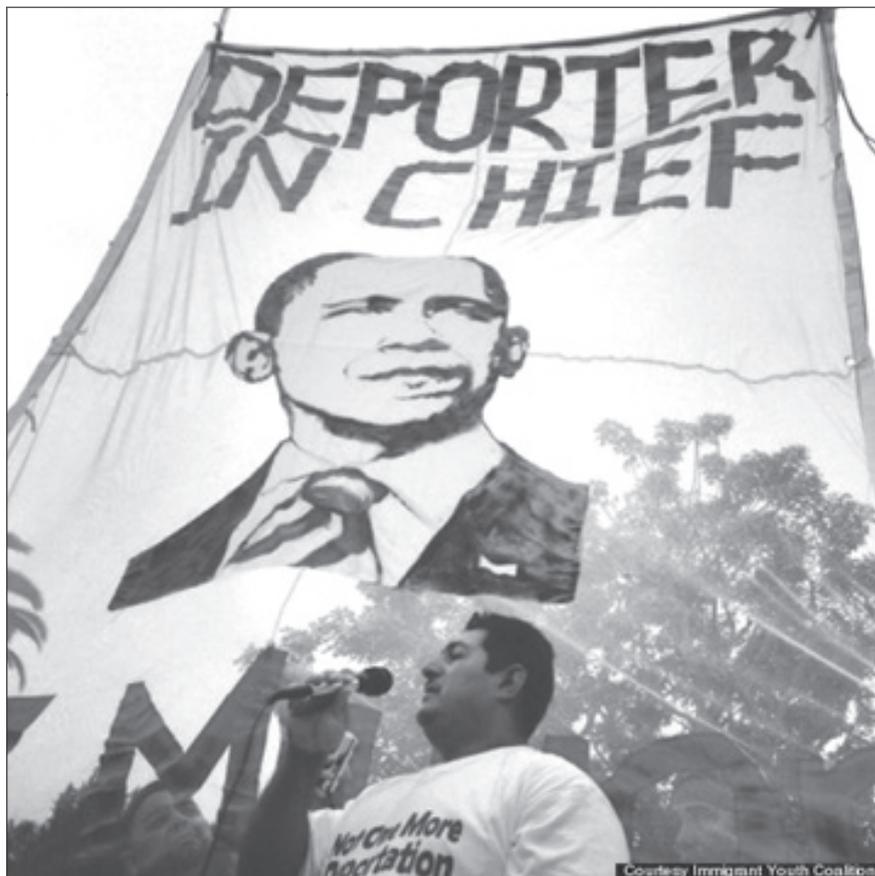
The deportations are part of the growing use of force and violence against the people in an effort to both terrorize and divide the working class. Immigrants are being criminalized, with many detained for minor infractions like traffic tickets and many others deported despite living and working in the country for years and being guilty of no crime. The increase in deportations and continued militarization of the border indicate that U.S. rulers have no solutions to the problems facing the people — including imperialist-imposed poverty and wars, a main source for migration. They are showing themselves unfit to rule, as their only response to problems is more and more use of force and repression.

The actions are calling for an end to deportations, demanding *Not One More! 2Million2Many!* These are part of the stand of the people that no human being is illegal and all have rights. The many local activities occurring as part of the protest include demonstrations, vigils, forums, workshops, meetings and more in every region of the country, including: Washington, DC; Alabama, Florida, Georgia, Louisiana, North Carolina, Tennessee, Texas and Virginia; Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island; Illinois, Iowa, Kansas, Minnesota, Missouri, Ohio, Wisconsin; Arizona, Colorado, New Mexico, Utah; California, Oregon, and Washington State.

People from all walks of life are organizing and participating. Some are walking many miles to detention centers, which are purposely placed outside the cities to make it more difficult to visit and organize. Others are demonstrating at local Immigration and Customs Enforcement (ICE) offices, city halls and police departments, calling on local governments and police not to join in enforcing federal immigration law.

In Washington DC, families and undocumented immigrants opposing deportations and refusing to remain silent about the suffering imposed on them will begin a daily presence in Lafayette Square, right across from the White House. They are demanding that Obama take action to stop deportations and detentions. Many have friends and relatives being unjustly and indefinitely detained, blocked from a court hearing although they have committed no crime or only small misdemeanors. These organizers refuse to wait for legislation and demand that Obama use the discretion ICE and the Customs and Border Protection (CBP) have to stop deportations and instead act to protect the rights of immigrants.

Many bring out that the U.S. uses its discretion in an arbitrary



and politicized manner. For example, when it comes to Cubans, special executive regulations have been formulated so that any Cuban reaching the U.S. automatically gets to remain and receive preferential treatment. Others the U.S. has brought into the country also see discretion used, such as former U-S- backed contras from Nicaragua, or those responsible for crimes in Chile, or Vietnam. When it comes to protecting reactionary, often criminal pro-U.S. forces, deportation is not imposed. When it comes to workers and their families and those fighting for rights, force and violence is imposed.

Deportations are used as a weapon, to terrorize, humiliate and divide. The detention camps and border militarization are also used to justify a massive increase in policing agents to be used against the people. CBP and the Border Patrol, with roughly 43,000 agents and officers, now constitute the country's largest enforcement body. They are commonly not held accountable for their arbitrary actions, including killings of unarmed teenagers at the border, racial profiling and going to schools to grab parents "suspected" of being undocumented, while leaving the children behind and alone.

It is the actions of the government that are criminal and inhumane and the broad organizing taking place that contributes to the security and well being of the people. Voice of Revolution joins all those standing to say *Stop the Deportations Now! No to Criminalization! Yes to Rights!*

TACOMA, WASHINGTON AND CONROE, TEXAS

Hunger Strikers Demand End to Deportations

Immigrants being held at privately run detention camps went on hunger strikes in March to demand an end to deportations and just treatment for those detained. In Tacoma, Washington, at the Northwest Detention Center (NWDC) run by GEO Group, more than 1,000 people went on hunger strike, with some remaining on strike more than two weeks. One sustained his efforts for 25 days, despite being placed in solitary confinement.

The people being detained took up their strike after an action in February by immigrant rights organizers to stop the NWDC buses carrying those being deported. The action prevented 120 deportations that day.

Those inside took up the fight against deportations with their hunger strike, and also demanded justice for those being detained, often indefinitely. Many people were detained after being stopped for minor infractions, but not yet found guilty. One person, for example, was stopped for “suspicion of driving under the influence,” with the charges dropped as he was not the one driving. Even so, he has been indefinitely detained. Many of those detained in what are basically concentration camps have been living and working in the country for many years, and have families that include U.S. citizens.

The hunger strikers are also standing up for their dignity as human beings, demanding an end to overcrowding in the cells, better medical care, food with nutrition in it, and lower commissary and calling prices. Families of those detained report that the “pods” where groups of people are kept can have 48 people in one pod, with only two toilets for everyone. Others report that those with infected and open wounds were given only painkillers – nothing to clean or disinfect their wounds.

As word of the strike spread, there were support actions and petitions by immigrant rights organizations and many others, joining in the call to *End Deportations Now! Not One More!* Families of those detained have played a major role in defending and promoting their actions, and demanding that President Obama act now to end deportations.

Conroe Texas Strike

After the NWDC strike continued for 11 days, 120 people at the Conroe Texas detention center, near Houston, also went on hunger strike. Those in Tacoma sent their support and both forces raised similar demands. Both made ending deportations central, along with demands for just treatment and better condi-



tions inside the detention camps.

The Joe Corley Detention Center in Conroe is also run by GEO group, notorious for its rotten conditions and numerous violations. Families of those detained report that the “pods” where groups of people are kept can have 48 people in one pod, with only two toilets for everyone.

Those in Texas are also contending with retaliation by ICE, with several strikers being placed in solitary confinement. ICE is demanding that the strikers sign voluntary deportation papers. Officials at the detention camp continue to claim there is no strike, even though lawyers and family members have confirmed the strike. Family members and supporters have demonstrated outside the facility and Houston will be joining April 5 actions to demand an end to deportations and defend the rights of those held in detention.

Strikers and their supporters at the two facilities and from across the country bring out that federal law currently requires the Department of Homeland Security (DHS) to meet a daily quota of about 34,000 detention beds — or it will not receive funding. In addition, federal law requires certain categories of people to be indefinitely detained, with very high or no bail, until their case can be heard. Some have remained in these privately run, for-profit concentration camps for more than a year and longer without going to court. Others are detained after having served time for minor infractions, as ICE places a hold on them and then puts them in detention — a practice known as double jeopardy, which is illegal.

The federal programs like “Secure Communities” and others, along with the bed quota and mandatory detention, have

contributed to massive numbers of immigrants being deported and/or being held in detention. The federal government is handing the private prison monopolies like GEO billions every year for immigration detention.

As well, with the criminalization of immigrants, more than 50 percent of all federal felony convictions are now for immigration violations. These violations had long been civil, not criminal violations, often dealt with using only a fine. But now, for example, anyone who has been deported and is then found to be back in the country is given a felony conviction — even if they have done nothing criminal and are returning to reunite their families. The effort to have people sign “voluntary” deportation papers is precisely so they can then be charged with

a felony on returning.

The many who participated in the hunger strikes, their families and many more rights activists from across the country are joining the April 5 demonstrations occurring in dozens of cities and towns across the country. These include actions in Washington, DC; Alabama, Florida, Georgia, Louisiana, North Carolina, Tennessee, Texas and Virginia; Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania; Illinois, Missouri and Ohio; Arizona, New Mexico, Utah; California, Oregon and Washington State.

Voice of Revolution salutes all these organizing efforts and joins in demanding *End the Deportations Now! Close the Detention Camps! No One is Illegal!*

ICE INTIMIDATION EFFORTS FAIL

Hunger Strikers Gain Release from Solitary Confinement

April 4, 2014

On April 4, federal immigration authorities were forced to release hunger strikers from solitary confinement at the Northwest Detention Center (NWDC) in Tacoma, Washington. A number of strikers had been placed in solitary confinement as punishment for their actions and as an example to others to stop their resistance. Instead, the strikers gained release and further support for their just demands to end deportations and provide the living conditions they require, including ending overcrowding and providing medical care and nutritious food.

The ACLU of Washington (ACLU-WA) and Columbia Legal Services (CLS) filed a suit April 2 seeking a court order to prohibit Immigration and Enforcement (ICE) from retaliating against the hunger strikers exercising their right to free speech. About 20 hunger strikers were placed in solitary confinement March 27, where they are locked in isolation for 23 hours a day.

“Rather than respond to the concerns expressed by detainees,” the motion says, “United States Immigration and Customs Enforcement (ICE) threw individual hunger strikers into solitary confinement after falsely promising them that they would meet to talk about the detainees’ concerns. ICE’s arbitrary, retaliatory actions continue to violate the First Amendment rights of the Plaintiffs and other detainees who remain in segregation.” They sought for and gained an immediate release from solitary confinement and a prohibition of “any further retaliation against detainees engaging in protected speech.”

The lead plaintiffs in the lawsuit are Andres Ramirez-Martinez, Manuel Uriostegui, and Ericson Gonzales but relief is sought on behalf of all who are held in solitary for engaging in protected free speech, including engaging in a hunger strike. Others in isolation include Jesus Gaspar Navarro who was removed from medical isolation to solitary immediately after ending a 25-day hunger strike; Ramon Mendoza Pascual who was just “convicted” of charges stemming from the fast in a hearing in which one ICE officer served as translator, witness and adjudicator; and Army Vet Hassall Moses, who is charged with inciting a work stoppage.



Work is compensated at \$1 per day and ICE and Geo, the owner/operator of the NWDC, allege that the work is voluntary.

Mr. Uriostegui says in his sworn statement, “On Thursday, March 27, 2014, several corrections officers entered the F-3 unit while many of us were on hunger strike. They told another detainee to come with them for a meeting with an assistant warden. The detainee left with the officers.”

Then the officers returned. Mr. Uriostegui continues, “Many of the remaining hunger striking detainees in the unit asked the officers if they too could join the meeting because they had their own reasons for joining the hunger strike and wanted to have the same opportunity to convey those reasons as the detainees who were selected to attend the meeting. A corrections officer agreed and then started to identify detainees who would also be allowed to attend the meeting.” Mr. Uriostegui was among those who asked to speak with the assistant warden.

Mr. Uriostegui was tricked. “As soon as we were outside of the F-3 unit, I was handcuffed and placed in administrative segregation where I am locked in an isolation cell for 23 hours a day. My cell has a bed, sink, and toilet and is not very big. . .

I am also only allowed to shower three days a week and cannot participate in programming. I was not told why I was placed in administrative segregation, or if or when I would be released from segregation.”

Eventually all three were given an administrative detention order without the required supporting evidence that charged them

with being a “security risk” to themselves or the facility. The forms for all three state that they were identified by the staff as intimidating others to engage in the hunger strike.

Despite these efforts to intimidate the hunger strikers, they remain firm in their demands to end deportations and that they be treated with dignity as human beings.

AT LEAST FORTY-TWO KILLINGS SINCE 2005

Killings by Border Agents Have Little Public Accountability

Bob Ortega and Rob O’Dell, The Arizona Republic

An Arizona Republic investigation found there is little public accountability in Southwest Border killings by Border Patrol agents.

A ghost is haunting Nogales.

His face stares out from shop windows. It is plastered on handbills and painted on walls under the shadow of the U.S.-Mexican border fence here. Candles and doves are stenciled onto steel posts of the fence itself in his memory, each a promise not to forget the night, 14 months ago, when teenager Jose Antonio Elena Rodriguez was shot 10 times in the back and head by one or more Border Patrol agents firing through the fence into Mexico.

Similar specters haunt other border towns in Arizona, Texas and California, with the families of the dead charging that Border Patrol agents time and again have killed Mexicans and U.S. citizens with impunity.

An Arizona Republic investigation has found Border Patrol agents who use deadly force face few, if any, public repercussions, even in cases in which the justification for the shooting seems dubious.

Since 2005, on-duty Border Patrol agents and Customs and Border Protection officers have killed at least 42 people, including at least 13 Americans.

These deaths, all but four of which occurred along or near the southwest border, vary from strongly justifiable to highly questionable. CBP officials say agents who use excessive force are disciplined. But they will not say who, when, or what discipline, with the exception of a short administrative leave. In none of the 42 deaths is any agent or officer publicly known to have faced consequences — not from the Border Patrol, not from Customs and Border Protection or Homeland Security, not from the Department of Justice, and not, ultimately, from criminal or civil courts.

Internal discipline is a black hole. There have been no publicly disclosed repercussions — even when, as has happened at least three times, agents shot unarmed teenagers in the back.

That appearance of a lack of accountability has been fed by a culture of secrecy about agents’ use of deadly force.

CBP leaders refuse to release their policies, calling them law-enforcement sensitive. They will not disclose the names of

agents who use deadly force. They will not say, in any instance, whether deadly force was justified. The lack of transparency goes against the “best practices” that national police organizations recommend for dealing with deadly-force incidents.

The Republic found the vast majority of Border Patrol agents and Customs and Border Protection officers respond to conflict with restraint. Even when facing potentially deadly force, most agents and officers do not turn to their firearms. But agents who killed mostly did so under circumstances virtually identical to hundreds of encounters that other agents resolved without lethal force and without serious injuries to either side.

In the last four years, rock-throwing incidents accounted for eight of the 24 instances in which agents killed people. The Border Patrol considers rocks deadly weapons that justify lethal force, even though it is rare for agents to be injured in “rockings,” as they call them, and even though, as agents’ reports showed, several less-lethal long-distance weapons are highly effective against rock-throwers, *The Republic* found.

The vast majority of rockings take place in a few, well-known, mostly urban spots along the border. But the Border Patrol does not require agents working in those areas to carry or use less-lethal alternatives.

And when agents use deadly force, investigations by CBP and the FBI can take years to be released, yet can be perfunctory, and are typically opaque.

The Republic reviewed nearly 1,600 use-of-force cases by the Border Patrol and CBP between 2010 and May 2012 — some 12,000 pages of documents that it took the agency nearly a year to release. *The Republic* also examined many other documents relating to use-of-force deaths and use of firearms by agents since 2005. (CBP includes both Border Patrol agents, who work between ports of entry, and Customs and Border Protection officers, who work at ports of entry.)

The investigation offers the most comprehensive look to date into the use of force by CBP and the Border Patrol, which, with roughly 43,000 agents and officers, comprise the country’s largest law-enforcement body.

Border Patrol agents do face dangers. Of the 22 who died in the line of duty in the last nine years, most died in vehicle or training accidents. Four died in direct conflicts with aggressors

— including one case in which Border Patrol agents fired on one another.

Of the 42 use-of-force fatalities, some — such as the five cases in which agents shot and killed people who fired at them first — provoked little dispute.

But in nine of the 24 use-of-force deaths since 2010, agents' accounts were contradicted by other witnesses or by other law-enforcement officers. In three cases, widely distributed videos conflicted with agents' reports of what happened.

In reviewing these incidents, *The Republic* filed more than 120 *Freedom of Information Act* and public-records requests

(and many appeals) with six federal departments or agencies and seven states.

Often, records were heavily redacted and incomplete. For example, *The Republic* documented, through other sources, four deaths at the hands of agents that were not included in CBP's nearly 1,600 use-of-force incident reports. In many reports, the information is so incomplete that it is impossible to determine what happened. [...]

Border Patrol Chief Michael Fisher insisted agents will continue to use deadly force against rock throwers, because rocks are potentially deadly weapons. [...]

The Rise of Federal Convictions for Immigration Issues

Michael T. Light, Mark Hugo Lopez and Ana Gonzalez-Barrera, Pew Research Center

(As part of its criminalization of immigrants, since 2005 Border Patrol and Immigration and Customs Enforcement (ICE) have stopped allowing voluntary returns of undocumented individuals it stops, without penalties or criminal convictions. Entry and re-entry for work or reuniting families were civil matters and did not involve convictions of any kind. Now the federal government is charging those returning, or stopped for a second time, with “unlawful re-entry,” which has been made a federal felony crime. In addition, for the many people being detained, often without having committed any crime but instead being racially profiled, or stopped for traffic violations, the government demands that they accept deportation or face indefinite detention. Then when these immigrants, many long-time workers in the U.S., attempt to return to their families, they are charged with “unlawful re-entry” and sentenced to prison.

As a result of this criminalization of undocumented immigrants, there has been a huge rise in federal convictions, as the following data brings out. As an organizer to stop deportations and detentions brings out, “At a time when the President says he will review his deportation policies, he’ll also need to revise the extent to which immigration itself has been criminalized. The administration says it is targeting criminals but uses a sleight of hand to reclassify most immigrants with that label. People who are coming back to the only home they’ve known or the place they’ve settled with their family are treated as priorities for removal simply because they’ve had their families and their lives divided.”)

* * *

Dramatic growth over the past two decades in the number of offenders sentenced in federal courts has been driven primarily by enforcement of a particular immigration offense — unlawful reentry into the United States — according to an analysis of data from the United States Sentencing Commission (USSC) by the Pew Research Center.

Between 1992 and 2012, the number of offenders sentenced in federal courts more than doubled, rising from 36,564 cases to 75,867. At the same time, the number of unlawful reentry convictions increased 28-fold, from 690 cases in 1992 to 19,463 in 2012. The increase in unlawful reentry convictions alone

accounts for nearly half (48%) of the growth in the total number of offenders sentenced in federal courts over the period. By contrast, the second fastest growing type of conviction — for drug offenses — accounted for 22% of the growth.

Immigrants charged with unlawful reentry — now a federal crime — have entered or attempted to enter the U.S. [without documentation] more than once. They may also have attempted to reenter the U.S. after having been officially deported. Many of those charged with unlawful reentry were apprehended at the U.S. border by the U.S. Border Patrol (Rosenblum, 2013).

As unlawful reentry convictions increased, the demographic composition of sentenced offenders changed (Lopez and Light 2009). In 1992, Latinos made up 23% of sentenced offenders; by 2012, that share had grown to 48%. Over the same period, the share of offenders who did not hold U.S. citizenship increased from 22% to 46%. Among federal sentenced offenders in 1992, 12% were unauthorized immigrants. By 2012, that share had increased to 40%.

Nearly all of those sentenced for unlawful reentry in federal courts received a prison sentence. On average, the sentence length for these offenders was about two years. As the number of offenders sentenced in federal courts for unlawful reentry increased, so too did the number of immigration offenders incarcerated in federal prisons. Between 1998 and 2010 alone, growth in the number of immigration offenders accounted for 56% of the increase in federal prison admissions (Mallik-Kane, Parthasarathy and Adams, 2012).

The data for this report comes from the USSC and covers all federal felony and misdemeanor cases between 1992 and 2012 for which the offense category is known and the offender is sentenced in federal courts.⁴ These data include all criminal immigration offenses sentenced under the U.S. Sentencing Guidelines, but do not include civil immigration charges that are heard before U.S. immigration courts.⁵

More Convictions, Fewer Voluntary Returns

Unlawful reentry convictions in federal courts are part of a broader stepped up enforcement effort from the U.S. Border Patrol begun in 2005.⁶ Prior to this change, immigrants

STOP DEPORTATIONS AND INDEFINITE DETENTION

apprehended at the border were largely allowed to voluntarily return to Mexico — without any penalty.

Since 2005, however, the Border Patrol has reduced voluntary returns for immigrants it apprehends, while increasing the use of other strategies. These include criminally charging immigrants apprehended at the border with unlawful reentry and increasing the use of expedited removals (which do not require a judicial review). And for those immigrants who are apprehended at the border and removed, the Border Patrol has used remote repatriation as an additional strategy, sending deported immigrants to border ports many miles away from where they were apprehended, or, in the case of Mexican nationals, repatriating immigrants into the interior of Mexico (Rosenblum, 2013). [...]



Operation Streamline

Many immigrants convicted in federal courts of unlawful reentry in recent years were processed under a Border Patrol program called “Operation Streamline.” This program, implemented in five Border Patrol Southwest sectors in conjunction with federal courts and attorneys, allows up to 40 unauthorized immigrants charged with unlawful reentry to be prosecuted at the same time. This program alone has accounted for nearly half (45%) of all federal immigration-related prosecutions in Southwest border districts between 2005 and 2012 (Rosenblum, 2013). [That is, the judge involved does not examine each individual case and decide it on its merits, as is necessary for due process and equality before the law. Rather, decisions about groups of 40 people are made, with lawyers having to defend all forty in what is often just a few minutes before the judge. *VOR Ed Note*]

Border enforcement efforts have increased even as the number of apprehensions at U.S. borders declined. Between 2005 and 2011, the number of border apprehensions fell by more than half, from 1.2 million to 340,000.

Since 2011, though, border apprehensions have begun to rise again, reaching 421,000 in 2013. Much of the recent increase is among non-Mexican immigrants (Passel, Cohn and Gonzalez-Barrera, 2013).

The federal government has deported nearly 400,000 unauthorized immigrants a year since the start of the Obama administration. [...]

Criminalization of Immigrants

The rising number of convictions for unlawful reentry has altered the offense composition of federal offenders. In 2012, immigration offenses — of which unlawful reentry is the largest category — represented 30% of offenders, up from 5% in 1992.

Unlawful reentry cases alone accounted for 26% of sentenced federal offenders — second only to drug offenses in 2012. This is up 13-fold since 1992, when offenders sentenced for unlawful reentry made up just 2% of sentenced offenders. These trends match the population growth in the Federal Bureau of Prisons system. [...]

Among unauthorized immigrants sentenced in federal courts in 2012, 68% were convicted of “unlawfully entering or remaining in the United States,” 19% were sentenced for drug offenses, 7% were sentenced for other immigration related offenses and the remainder (6%) were sentenced for other crimes.

In 2012, 74% of all unlawful reentry cases were sentenced in just five of the nation’s 94 U.S. district courts. All five were located along the U.S.-Mexico border: the Southern and Western Districts of Texas, the District of Arizona, the District of New Mexico, and the Southern District of California. [...]

Non-U.S. citizens sentenced in federal courts were more likely to receive a prison sentence than U.S. citizens — 97% versus 86%.

Unauthorized immigrants were somewhat more likely to be incarcerated after conviction than immigrants who were in the U.S. legally — 98% versus 91%.

Hispanic offenders are more likely than non-Hispanic offenders to receive a prison sentence in 2012 — 97% versus 87%.

1 • Widespread Refusal of Tests

Despite efforts to block resistance, it was the united organized efforts of those standing up for rights that prevailed. Across the state, the numbers of parents and students refusing were far higher than last year. *Voice of Revolution* salutes the organizing efforts and urges all to continue this vital work to *Refuse the Tests* and *Stop the Common Core*. The second round of tests takes place at the end of the month so now is the time to keep the initiative in our hands and raise the numbers even further! And once testing is over for this year, to step up the work against the Common Core by further involving students and strengthening our united stand to ensure the right to public education is guaranteed equally for all. It is a positive time to assess the organizing efforts and further develop discussion on a key problem increasingly recognized by all concerned — that it is students, parents, teachers and staff that must be decision makers on all issues of education.

Governors and legislatures are not going to solve these problems. Refusing the tests was a means to affirm our right to say no, now is the time to go further and advance our right to say yes to the schools we want and need, yes to ourselves becoming decision-makers!

Great efforts were made by Education Commissioner King, the monopoly media, some district superintendents and principals to discourage and disinform resistance. In Buffalo, Williamsville and elsewhere, for example, parents were repeatedly told they were not allowed to refuse. Organizers made clear parents have every right to protect their children from harm and make decisions about their education, as do students. Both districts, like many others statewide, also imposed “sit-and stare” on the students as punishment for their refusal, forcing them to sit, without reading or engaging in any activity, for the entire test period of 50-70 minutes a day over three days.

Many students rejected the efforts by various officials to



intimidate them and instead refused the tests and encouraged their friends to do the same. As one parent reported, her son, a fourth grader woke up on the second day of testing and said, “Day 2 of fighting against Common Core!” The mother told him how refusal numbers were higher than had been anticipated and would likely get higher. To that he responded, “Yes!! All because of us! I love fighting for student rights!”

Another reported that everyone at school was talking about the many refusing the test. Having refused last year, he said there were “way more than last year” and “even the cool kids were doing it.” He added, “I think I helped spark a revolution since I wore my ‘refuse’ pin for the last several weeks! Kid Power!”

The fighting stance of the students affirmed that they have a vital role to play in increasing the numbers refusing and in discussing the role of education in assisting the youth to change the world. As many recognized, participating in advancing the fight for student rights brought forward their enthusiasm for learning and joining with others to ensure education serves the fight to change the world.

Treated Like a Criminal? Girl, 13, Suspended for Opposing Common Core

Jeremiah Horrigan, Times Herald-Record, April 04, 2014

A 13-year-old student at Orange-Ulster BOCES (in Sparrowbush, in the Poughkeepsie area, near the Pennsylvania state line) believes she was suspended from school this week as a result of telling other students they did not have to take the Common Core English test Tuesday.

The girl, eighth-grader Seirra Olivero, was suspended for two days for insubordination. While she acknowledges the charge, she contends in a complaint filed with the district that she felt bullied by three administrators because she told other students they did not have to take the test.

Her mother, Carin Beauchesne of Sparrowbush, said Thursday that she felt her daughter had done what students are told to do when they are being bullied. “She walked away! She felt she was being treated like a criminal. She’s a 13-year-old girl. What would you do?”

William Hecht, Orange-Ulster BOCES’s superintendent, said the girl’s complaint, which was filed under the state’s Dignity for All Students Act, was being taken seriously. He said it was against school policy to discipline students for opting out of the controversial test, and that Seirra’s suspension came as the result

of her refusing to obey the administrators. He declined any further comment on the matter.

In her complaint, Seirra says that on Tuesday morning, the day of the test, she told a student he did not have to take the test if he did not want to. A teacher told her to “shut my mouth and keep walking.” She later told other friends they were not required to take the test, telling one that “the test is set up for the kids to fail.”

Still later that morning, she was summoned to the principal’s office where she says she was asked rudely “why she was telling students they did not have to take the test.”

“I replied and said, ‘I did some research and it said they don’t have to.’” The principal then asked if she’d researched “both sides” of the issue. The girl said in her statement that she grew increasingly upset with the principal but when she asked to call her mother, the principal refused.

“Then she started to ask other questions and that is when she started to interrogate me and I felt like I was being treated like a

criminal.” The girl stalked out of the office, slamming the door behind her. Walking quickly down a hall, she said she refused to stop when another administrator demanded that she do so “four or six times.” That administrator, she said, told her “I had no business telling the kids that they don’t have to take the test and if I wanted to tell them I (could) out of school.”

“(T)hen I said, ‘I can tell them whatever I want (and) to mind his business’ and he said ‘No, it is his business.’” Seirra’s mother said she was withdrawing the girl from the school and that she’d been welcomed by her home district of Port Jervis.

The Dignity for All Students Act became law in 2012. Its aim is to provide elementary and secondary students “with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function.”

It covers school employees and volunteers as well as other students.

Boycotts of Standardized Tests Protest the Harmful Effect on Our Education System

Chris Cerrone, Buffalo News Opinion, April 1, 2014

An editorial in *The Buffalo News* criticizing families who boycott the New York State assessments mischaracterizes the actions of parents and the testing program. Parents who opt out of the testing do so to protest what high-stakes standardized assessments have done to our education system.

Some families began to boycott the assessments as the *No Child Left Behind* policies began to narrow the school curriculum. As a result of the rating of schools via *NCLB* and its test-and-punish philosophy, the focus of many elementary classrooms shifted primarily to subjects of English language arts (ELA) and mathematics. History and science instruction became limited or ignored as schools focused on building skills in the tested subjects of ELA and math. The arts and physical education have been hit with major cutbacks due to the focus on core topics and misguided budget cuts. As standardized assessments become high-stakes for adults, our children are no longer receiving a well-rounded education in their elementary years.

As New York forced local districts to alter their teacher evaluation systems and adopt the Common Core, more families decided to take action to save their children’s educational experience. These new reforms have significantly raised the pressure to increase exam scores. Many schools have further narrowed their focus to tested subjects and have neglected other disciplines. The amount of time spent on test preparation and

exam skill-building is taking away from critical thinking and creativity. Many people do not understand that raising standardized test scores does not necessarily equal increased learning. Even children who are successful on the state assessments are harmed by this flawed system as they are not receiving the diverse educational experiences they deserve.

The editorial makes the same misleading statement that some education officials claim: The state assessments provide useful evidence of student progress for teachers and parents. Families receive a score report months after the testing that contains little information to determine their child’s specific strengths or weaknesses. More shocking is that educators receive only a vague set of data from the state assessment results. Teachers and families cannot see the entire test or the students’ actual answers to assist them in helping children. Educators are not allowed to discuss the actual test questions or they could be fired. How does this secretive assessment system help our children’s education? It does not.

Opt-out families are not trying to shield their kids from high standards, but saying they want a challenging, well-rounded experience for their children that the current high-stakes standardized testing system limits.

Chris Cerrone of Springville is a main organizer for refusing the tests in the Western New York area and co-founder of New York State Allies for Public Education.

Visit our website: usmlo.org

As Refusal Movement Builds Among Parents, Educators Play a Growing Role

Patrick Wall, Chalkbeat, April 2, 2014

For Jia Lee, a critic of the state’s standardized tests who teaches at the Earth School and has a son there, the decision to opt her child out of this year’s exams was a “no-brainer.” But Lee felt she could do more, so she and two of her colleagues at the East Village public school decided to refuse to administer this year’s state tests.

The teachers had already drafted a letter to the schools chancellor explaining their decision when they were called into their school office last week. Enough families had opted their children out of the tests, the teachers were told, that they did not need to proctor the exam — the teachers’ planned boycott was trumped by their students.’ So on Tuesday, the first of six state-exam days, all but a handful of Lee’s students worked on a project about immigration instead of taking the test.

As the number of parents who “opt out” their children grows, and as test scores play a role in teacher evaluations for the first time, educators like Lee are being drawn into their protest. Some are simply providing logistical information to parents; others are sharing their concerns about over-testing; and still others, including Lee, are opting out their own children or, in some cases, even encouraging other parents to.

“We’re hoping that more teachers will realize that there’s empowerment in saying, ‘We don’t want to be a part of this,’” Lee said.

The number of city families opting out of state tests this year is poised to hit a record high, one year after new tests tied to the Common Core standards resulted in vastly lower scores. While just 276 students opted out citywide last year, nearly 640 students have already opted out this year just among six schools in Brooklyn and Manhattan, according to parents and teachers. The advocacy group Change the Stakes estimates that 1,000 students or more may decline to take this year’s tests — a tiny portion of the city’s test-takers, but a huge increase from years past.

Many families are opting out despite pushback from their schools. At least 50 parents told Change the Stakes that school administrators discouraged them or told them children who skip the tests might be penalized, according to parent leader Nancy Cauthen. Responding to the growing tension within schools, Chancellor Carmen Fariña — who herself has expressed reservations about test boycotts — last week told principals to “respect the parents’ decision” if they decide to keep their child from taking the tests.

But at many of the opt-out hotspots, educators are offering support — both explicit and tacit — to families that are choosing to have their children sit out the tests.

Several schools held information sessions for parents who expressed interest in opting students out of the tests. In most cases, educators at those schools were “scrupulous” about offering information about testing while remaining neutral on the question of opting out, said Jessica Blatt, a parent at Brooklyn’s Arts and



Letters Academy, where 83 percent of third graders are not taking the tests.

But educators’ comments at the meetings signaled that they were sympathetic to testing concerns — and emphasized that there would likely be no significant consequences for families who opted out, according to people who attended and records of the meetings.

Parents at the Earth School organized meetings where middle school principals explained that students’ lack of test scores would not be held against them in the admissions process, Lee said. At another forum for parents, Lee and other teachers described the impact of testing on their classrooms, she said. Some 57 percent of Earth School students are not taking this year’s tests.

At Brooklyn New School, where 80 percent of students are opting out, Principal Anna Allanbrook shared a litany of concerns about the tests at public forums and in letters to parents this year. The tests last too long, cost too much, do not provide useful data for educators, and can “affect the careers” of teachers, she said at a meeting in September. In January, Allanbrook told parents that other schools with large opt-out numbers “were not punished” and that “children who opt out will not have a negative impact” on teacher evaluations, according to the minutes of parent meetings in January. Last year, when Allanbrook was less outspoken about the tests, only four families opted out.

A presentation by Arts and Letters staff noted that teachers will still have data from “ongoing, authentic assessments” even if students skip the state tests.

And at a public forum on testing at Manhattan’s Institute for Collaborative Education (ICE) in February, a teacher described problems with the state tests for both students and teachers, according to minutes of the meeting prepared by parents who attended. Then the teacher added, “Opting out is a great way to have our voices heard,” the minutes say.

About 75 percent of students in ICE’s testing grades opted out of this year’s tests. [...]

Teachers Refuse to Administer NYS Standardized Tests

Valerie Strauss, *Washington Post*, April 4, 2014

Three teachers from P.S. 364 Earth School in New York have informed their administration and Chancellor Carmen Fariña that they will not proctor Common Core New York State (NYS) standardized tests this year — or ever — saying in a letter (see below) that they “can no longer implement policies that seek to transform the broad promises of public education into a narrow obsession with the ranking and sorting of children.” They join a small but growing number of educators who are taking a strong stand against high-stakes testing, in Seattle last year, Chicago this year and in other places.

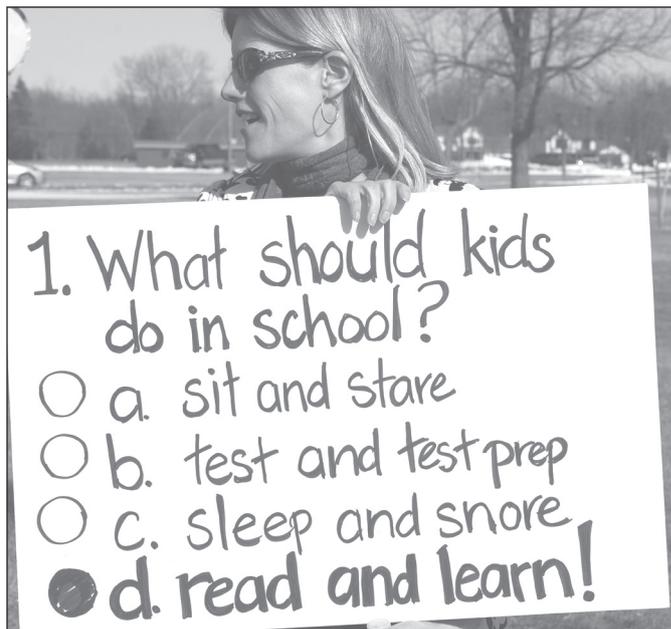
The three teachers — Colin Schumacher, Emmy Matias and Jia Lee — are part of a group called Teachers of Conscience, who have issued a position paper (which you can see at their webpage, Teachers of Conscience, <http://teachersofconscience.wordpress.com>). The three have the outspoken support of their principal, Alison Hazut, and of parents opting out their children from the tests (and more than half of the families at P.S. 364 are doing so). Hazut has assigned these teachers to work with students who are opting out on independent writing, math, reading, and art projects during the tests. Contrast that with the “sit and stare” policies some other principals have enacted, which essentially force kids who are opting out to sit in their chairs during the test administration and do nothing but look around.

Here is the letter to Fariña:

Dear Chancellor Carmen Fariña,

We are teachers of public education in the City of New York. We are writing to distance ourselves from a set of policies that have come to be known as market-based education reform. We recognize that there has been a persistent and troubling gulf between the vision of individuals in policymaking and the work of educators, but we see you as someone who has known both positions and might therefore be understanding of our position. We find ourselves at a point in the progress of education reform in which clear acts of conscience will be necessary to preserve the integrity of public education. We can no longer implement policies that seek to transform the broad promises of public education into a narrow obsession with the ranking and sorting of children. We will not distort curriculum in order to encourage students to comply with bubble test thinking. We can no longer, in good conscience, push aside months of instruction to compete in a citywide ritual of meaningless and academically bankrupt test preparation. We have seen clearly how these reforms undermine teachers’ love for their profession and undermine students’ intrinsic love of learning.

As an act of conscience, we are declining the role of test administrators for the 2014 New York State Common Core Tests. We are acting in solidarity with countless public school teachers who have paved their own paths of resistance and spoken truthfully about the decay of their profession under market-based reforms. These acts of conscience have been necessary because we are accountable to the children we teach and our pedagogy,



both of which are dishonored daily by current policies.

The policies of Common Core have been misguided, unworkable, and a serious failure of implementation. At no time in the history of education reform have we witnessed the ideological ambitions of policymakers result in such a profound disconnect with the experiences of parents, teachers, and children. There is a growing movement of dissatisfied parents who are refusing high-stakes Common Core testing for their children and we are acting in solidarity with those parents. Reformers in the State Department of Education are now making gestures to slow down implementation and reform their reforms. Their efforts represent a failure of imagination — an inability to envision an education system based on human development and democratic ideals rather than an allegiance to standardization, ranking, and sorting. State policies have placed haphazard and burdensome mandates on schools that are profoundly out of touch with what we know to be inspired teaching and learning. Although the case against market-based education reform has been thoroughly written about, we feel obliged to outline our position at length to address critics who may see our choice of action as overstepping or unwarranted. You will find a position paper attached to this letter. We are urging you, Chancellor Fariña, to articulate your own position in this critical and defining moment in the history of public education. What will you stand for? What public school legacy will we forge together?

Sincerely,

Colin Schumacher, 4th/5th Grade Teacher, P.S. 364, Earth School

Emmy Matias, 4th/5th Grade Teacher, P.S. 364, Earth School

Jia Lee, 4th/5th Grade Teacher, P.S. 364, Earth School

Why Opt Out of NYS Standardized Tests?

Change the Stakes

Here are 12 reasons!

1. When students, teachers and schools are rewarded for high test scores and punished for low ones, the tests themselves become the focus of education. Class time is devoted to test prep, which robs children of their natural desire to learn.

2. The state exams test only two subjects: English and math. That encourages schools to give less time to social studies, music, art, world languages, physical education, and even science.

3. High-stakes testing undermines important learning. In its 2011 report to Congress, the **National Academy of Sciences** reviewed America's test-based accountability systems and concluded, "There are little to no positive effects of these systems overall on student learning and educational progress."

4. State exams are loaded with poorly written, ambiguous questions. A recent statement signed by 545 New York State Principals noted that many teachers and principals could not agree on the correct answers.

5. Testing is part of school privatization. Common Core-backer Bill Gates and Joanne Weiss, Chief of Staff to United States Secretary of Education Arne Duncan, have promoted national standards and tests by touting that they "will unleash powerful market forces" and create a national market for vendors.

6. While New York State is paying Pearson millions of dollars, it is massively underfunding NYC public schools. This is part of a national trend: states cut funding to public schools while pouring millions into new computer systems designed for Common Core tests.

7. Despite its high costs, high-stakes testing is designed to make education more "efficient" by machine-sorting students and teachers. Teachers deemed excellent are likely to be "rewarded" with higher class sizes. By focusing on tests and technology, the state aims to cut labor costs.

8. High-stakes tests do not help students learn or teachers teach. The results come too late for that. The tests are largely punitive: they punish teachers, students, and schools that do not perform. Low test scores can be used to hold good students back and rate strong teachers as "ineffective" despite high ratings by their principals.

9. High-stakes testing undermines teacher collaboration. Teachers are judged on a curve, which discourages them from helping students in another teacher's class.

10. High-stakes testing encourages "teaching to the middle." Educators are pressured to focus on the "2" and "3" students, where the most progress can be made on scores, and ignore the 4s (where gains are not measured) and 1s (whose needs are too great to raise scores easily).

11. Many middle school admissions offices are ignoring state tests. Many NYC principals signed a letter last year stating that they would no longer be considering test scores. Most schools already have practices in place for admitting students who do not have scores.

12. One-size-fits-all tests punish and discourage students who are already vulnerable, including students of color, English-Language Learners, children with special needs, and students from families living in poverty.

BIG DATA, THE COMMON CORE, AND THE GLOBAL GOVERNANCE OF EDUCATION

What is Data-Driven Decision Making?

Dr. Mark Garrison, markgarrison.net

What Does Data-driven Decision Making Mean? In speaking to a friend the other day, I quipped: "I actually really like data, but I never let it drive my car." We laughed. It is easy to poke fun at this oft-heard slogan, one educators are compelled to repeat like an incantation at Hogwarts. But current education policy is as close to being "research-based" as New York's Education Commissioner John King is willing to listen to parents.

There is little vetted research that supports Federal and State imposed reforms: growth of charters, the adoption of test-based teacher evaluation, so-called turnaround models, high stakes testing, and, as well, there's little in the annals of research to support the Common Core Standards regime. There is much in the annals of research to suggest that these policies will not improve the quality of education; much evidence exists to warn us that these policies are destructive in nature.

No matter how much our existing stores of data and its

scientific analysis reveals that poverty and attending social problems are key sources of the difficulty many schools and communities face, no matter how much our existing stores of data and its scientific analysis reveal the disintegrating effects of funding cuts and school closings, no matter what the facts are, the Doctors of Reform continue to prescribe the same medicine despite the fact that the patient is now on life support as a result of their "help."

So, what does "data-driven decision making" actually mean, if it doesn't mean basing policy on research? What exactly is this federally mandated approach about?

As I continue work for this [issue], the meaning of "data-driven decision making" has become much clearer: it means removing decision-making power from the practice setting. The key to the present "data-driven" agenda is "big data" and the algorithms that are developed to make sense of this data. This

issue here is not big data per se, but the ideology — the aim — that guides the development and use of that technology.

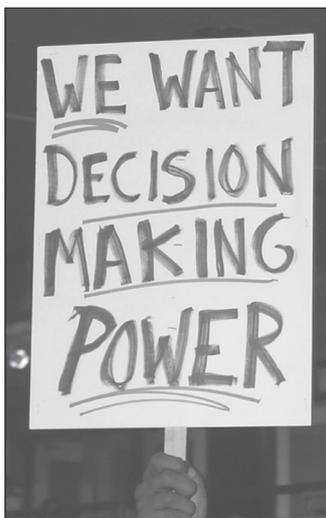
Algorithms using very large cloud-based education datasets, containing information that has been gathered on us, our children, our friends and our fellow co-workers, largely without our consent, will be used to make decisions “for us.” Where ever a teacher or principal once used professional judgment, based on her classroom observations, tests, knowledge of students and the community, etc., learning analytics will be flown in take over. Like drones, these “personalized learning” systems will be controlled from a far away office, possibly in another country, and likely guarded by a private security firm. Its operators will know little to nothing about education, and absolutely nothing about the children and teachers they lord over.

The “Big Data” McKinsey report makes this aim clear. They write that big data will be used to “replace ... human decision making with automated algorithms.” In their words:

“Sophisticated analytics can substantially improve decision making, minimize risks [to whom they do not exactly say], and unearth valuable insights that would otherwise remain hidden. Such analytics have applications for organizations from tax agencies that can use automated risk engines to flag candidates for further examination to retailers that can use algorithms to optimize decision processes such as the automatic fine-tuning of inventories and pricing in response to real-time in-store and online sales. In some cases, decisions will not necessarily be automated but augmented by analyzing huge, entire datasets using big data techniques and technologies rather than just smaller samples that individuals with spreadsheets can handle and understand. Decision making may never be the same; some organizations are already making better decisions by analyzing entire datasets from customers, employees, or even sensors embedded in products.”

Of course, the decisions to be replaced with algorithms are not those made by executives. They deliberate, not only based on information, but ultimately based upon what serves their interests. Data-driven decision making works so that no one in the practice setting will make the “wrong decision” because the framework for decision making is tightly controlled by those who control the data. No worries that the teacher or principal might make decisions that would interfere with the bottom line. No worries that educators might decide something in the student’s interest, despite its cost.

Yes, big data may enable better decision making. The question is, better decisions for whom? Does anyone really believe that their interests are served by being excluded from decision making about things that directly affect them, with their will, their agency, replaced by an algorithm? Does anyone really believe a computer and 400 data points (the number of data points reportedly used by inBloom) are a substitute for conscious human beings working together in a particular historical and cultural moment? Teachers and students make thousands of decisions every minute in a classroom,



a process that cannot be replaced by a machine, because decision making properly understood requires consciousness and an aim!

The McKinsey report does not focus on education, but as Core architect David Coleman and Core implementation guru Sir Michael Barber both worked at McKinsey before playing their current education policy roles, there is no doubt that education is a key target of the big data agenda. The big data inBloom dataset, the role Pearson plays in the so called learning registry and the use of all of this to develop “personalized learning” is clear.

A Vision of Educators as McPearson Behavior Compliance Managers

Big data-driven decision making means everyone is to be singularly mobilized on the basis of data from test scores and other types of “benchmarks.” Simply put, data-driven decision making is the pseudo-clever, Harvard Business School-esque moniker for teaching to the test.

This regime does not need real teachers to accomplish the task of teaching to the test; computers and McPearson classroom behavior compliance management drones will do just fine. Hence the effort to reduce the requirements for becoming a teacher.

Seen in this light, the scripted lessons, the Core aligned modules, and robotic instructional videos, are not aberrations, the result of poor implementation of a good idea. The Core standards, Core curriculum and Core assessments have all been taken care of for educators by non-educators; few decisions remain for educators to make. Schools are becoming mazes, where students and teachers are to chase the data cheese, and “do nows.” The agenda to establish massive student sorting, ranking and tracking apparatus based on student potential for “added value” calculated on the basis of their “personal characteristics” as represented in the massive data cloud, is hidden by the glowing utopian reform rhetoric. But nothing could be less personal than “personalized learning” via big data regimes.

Thus, this is not about educators using data to improve teaching and learning; it is about regulating those working in the practice setting, about mechanizing that work so that virtually (pun intended) anyone could do that work, thus vastly reducing the cost in terms of salaries and benefits, making more funds available to the techno-sharks “driving” reform. This is conscious work to reduce the quality of education.

I’ll leave readers with this understanding of “personalized learning,” drawn from a U.S Department of Education document entitled, *Transforming American Education Learning Powered by Technology*: Personalized learning is defined as the tailoring of pedagogy, curriculum, and learning environments to meet the needs and goals of individual learners through the use of technology.

The passive voice says it all. The “tailoring” is accomplished by the algorithm and big data, and thus those who control the data and the algorithm will make decisions about the pedagogy, curriculum and “learning environment”. No professionals needed.