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**VOICE OF REVOLUTION**

Publication of the U.S. Marxist-Leninist Organization

May 9, 2014

USMLO 3942 N. Central Ave, Chicago, IL 60634



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**Democracy Means We Decide! : 1-6**



**Stop Mass Incarceration : 7-15**



**Free Puerto Rico : 20-24**

MAY DAY 2014

## Step Up the Fight for a Democracy Where We Decide!

*Voice of Revolution* salutes the many youth and workers across the country and worldwide organizing for May Day actions. We extend our revolutionary greetings to all those fighting for rights here

and worldwide. Defending the rights of workers and immigrants, demanding an end to deportations, fighting for \$15 for the minimum wage and demanding *All Troops Home*

**We Decide • 3**

JOIN NATIONAL WEEK OF ACTIONS MAY 19-25

## Stop Mass Incarceration — a Crime of Genocide

Many youth and prisoners' rights organizations are joining in a National Week of Action May 19-25 to demand an end to the mass incarceration of youth and alternatives that respect rights. About 40 cities are participating, including

Minneapolis, Chicago, and Buffalo. Daily activities of various kinds are planned, including marches, teach-ins, panel discussions and hip hop, poetry and art projects. Issues being addressed include "End

**Week of Actions • 7**

## Puerto Rico's Culture of Resistance

*Luis Nieves Falcón*

*Organizing is going forward for the May 29 actions in Puerto Rico, New York City and Chicago demanding that Puerto Rican political prisoner Oscar López Rivera be released NOW! As part of mobilizing for the actions and strengthening resistance, we reprint below excerpts from a speech given by Dr. Luis Nieves*

*Falcón to the People's Front Public Rally in Toronto on May 26, 2001. Nearly thirteen years later, important achievements have been made, such as the expulsion of the U.S. Navy from the island of Vieques and the freeing of most of the Puerto Rican independence fighters held as political prisoners in U.S.*

**Puerto Rican Resistance • 20**

**OPPOSE CRIMINALIZATION OF THE YOUTH IN NAME OF WAR ON TERROR: PAGE 16**

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*Now!* are part of the many protests being organized. Immigrant workers had the honor of re-establishing May Day as a day of action in the U.S. and they continue to be in the forefront of mobilizing efforts. We salute their fighting spirit and their just stand to refuse to be divided by the various schemes of the ruling circles.

May Day is a day of united action, of working class solidarity. It is a time for all those fighting in the U.S. to stand with workers and oppressed peoples worldwide by defending the rights of all abroad and at home. This especially means rejecting U.S. wars and aggression and defending sovereignty and the right of each country to chart its own path forward without U.S. interference. It means strengthening all the organizing efforts here at home, so as to block the efforts of the U.S. rulers to achieve world empire. It means working out together our own agenda, with aims that serve us, rather than submitting to the dictate of the rich.

An important part of this is addressing the problem of *Who Decides?* For all the many important struggles waged over the past year — such as to oppose deportations, reject privatization and defend the right to education, protect the environment and rise against war abroad and mass incarceration and police brutality at home — youth and workers come up against the reality that we do not decide. Decision-making power lies in the hands of the government and their policing agencies. And their decisions are consistently against the will of the majority.

The majority is anti-war. The majority is for raising the minimum wage. The majority is against racism and imprisoning our

youth. The majority are demanding that the quality of public education be raised, that it be provided equally to all and serve to arm the youth to contribute to solving the problems of today. But these are not the decisions of government. On the contrary, government at all levels increasingly demonstrates that violence and repression are their only response. They do not have solutions to the problems of poverty, racism, environment and war. And they reject the demands of the times, for the people themselves to be empowered.

Solutions lie in the hands of the working class and youth. They lie in organizing for the new and refusing to be stuck replicating the old. A new direction for political affairs is required. A modern democracy, one that reflects the proud traditions and fighting spirit of the working class, is needed. Such a democracy is one that empowers the people to govern and decide. It requires organizing efforts today that provide the social forms for workers and youth themselves to consciously participate in working out the agenda and the means to implement it. Such a democracy is not one of dividing pro and con, but one of looking at reality and analyzing a path forward that unites all.

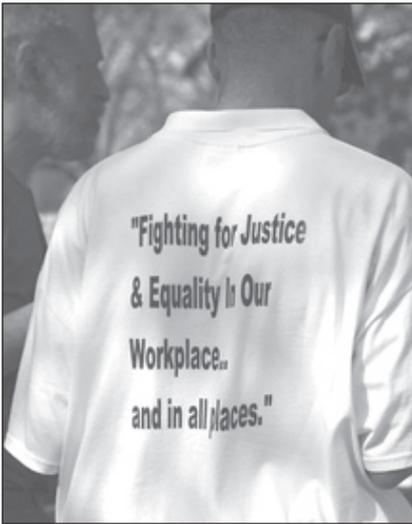
Today is the time to fight for a modern democracy where we decide. The many actions taking place are bringing this problem to the fore and providing space for gaining experience as conscious decision makers. Let all join in learning together and consciously fight for the new that May Day embodies — a new world where the people govern and the rights of all are at the center.

# May Day Actions Across the Country Defend Rights and Reject War

May Day rallies and marches took place in dozens of cities across the country to demand an end to deportations of undocumented immigrants and to take a stand for the rights of all workers. Through their actions workers made clear that they refuse to be split on the question of who does or does not have documentation. Actions also opposed U.S. imperialist war and occupation, environmental destruction, attacks on public education and the privatization of public assets and services.

The actions follow the mobilization across the country on April 5 to stop the deportations of undocumented immigrants. Under the Obama administration more than 2 million people have already been deported and it is estimated that 1,100 are deported each day. Many young immigrants and the children of immigrants are becoming involved in the fight for their rights.

## Washington, DC



In Washington, DC, a large, youthful and energetic May Day march started at Union Station and continued to Capitol Hill, ending at the White House. It was led by youth and immigrant families from Maryland and Virginia, and joined by youth from Georgia, Texas, and Arizona from the Not One More Deportation campaign. This May Day protest followed almost daily protests and acts of civil

disobedience in DC targeting President Obama's deportation record and demanding rights for all immigrants.

Hundreds of protesters, including many students, rallied at Malcolm X Park and marched through the historic Columbia Heights neighborhood to the White House later in the afternoon. Columbia Heights, which is in the midst of a struggle against gentrification, is home to many Latina/o workers, many of whom stood outside their workplaces and homes to watch the march. Among the demands of the march were: stop mass deportations; end mass incarceration (2.3 million people are in U.S. jails); stop imperialist war and stay out of Syria, Iran, Crimea and Venezuela; and health care and education for all.

## New York

In New York City, thousands of protesters rallying for workers' and immigrants' rights marched from Union Square to City Hall and



Zuccotti Park. The action demanded an increase in the minimum wage, fair contracts for city employees; a halt to unjust deportations and national immigration reform. Another demand was for all construction projects to be built with union labor. People began converging in Union Square at noon and the crowd grew to thousands by the time the march began at 5 pm.

In Syracuse, a rally held downtown at Perseverance Park focused on the rights of immigrant workers. It highlighted the local campaign against the severe exploitation of undocumented farm workers who produce dairy products, a major staple of the local and state economy.

## Philadelphia

In Philadelphia, workers, community and labor activists, and students came together for a march and rally. At various stops along the route marchers denounced the privatization of public institutions — from schools and prisons to the postal service, demanded a \$15 minimum wage, and opposed U.S. imperialism and the U.S./Israeli genocide against the Palestinian people.

## Detroit

In Detroit, May Day actions opposed the demand on city workers to take a 4.5 per cent cut in their pensions and make other concessions, as part of Detroit's recent bankruptcy. Thousands of marchers, largely city retirees, blocked downtown traffic and protested inside the corridors of Chase Bank and Emergency Manager Kevyn Orr's residence chanting, "No Pensions, No Peace," "Show Orr the Door," and called on retirees to Vote NO! on any deal.

## Chicago

About 1000 people marched through the streets of Chicago on May Day demanding an end to deportations and full equality now! Chants of "2 Million 2 Many!" and "Ni Uno Mas!" (Not One More!) could be heard throughout the streets as the march traveled from the



Haymarket Memorial through downtown Chicago to an Immigration and Customs Enforcement (ICE) detention center. Undocumented students and youth, along with partners of people who have been deported spoke out at a rally there.

### Milwaukee

More than 1,000 immigrants, workers and family members marched from Milwaukee, Wisconsin's South Side to the County Courthouse demanding: "Stop ICE Raids in the Courthouses!" and "Legalization for All!" In recent months, it has been revealed that the local ICE office has been sending plainclothes agents to municipal and county courthouses to detain any undocumented immigrant who goes there, whether for a birth certificate for their newborn child or to pay parking and traffic tickets.

### St. Paul

In Saint Paul, Minnesota, around 2,000 people marched two-and-a-half miles from the Governor's Mansion to the State Capitol. The march raised four demands: driver's licenses for all, workers' rights, just immigration reform, and no more deportations. The demand for driver's licenses rang out strongly throughout the march because a large number of people who have been deported were first detained for driving without a license. The marchers streamed into the capitol building and filled the rotunda demanding that the legislature approve the bill for drivers' licenses for all in its current session. Another march in downtown Minneapolis demanded action on deportations and immigration reform.

### Albuquerque

In Albuquerque, New Mexico, four May Day marches — organized by trade unions, immigrants rights activists, students and others — converged on Gateway Park. Slogans included: "Capitalism Causes Deportations," "Stop Deportations Now," "\$15 Minimum/Fight For Fifteen," "End Police Cooperation with ICE" and "Equal Pay for Women." A large banner on the stage proclaimed: "Not 1 More Deportation of NM (New Mexican) Working Families."





LAS VEGAS, NEVADA



MINNEAPOLIS, MINNESOTA



ALBUQUERQUE, NEW MEXICO



NEW HAVEN, CONNECTICUT



SEATTLE, WASHINGTON



TUCSON, ARIZONA

### Los Angeles

In Los Angeles, thousands joined in the annual May Day marches, flooding the streets of the downtown to demand an immediate end to deportations and full immigrant rights. One march traveled from Chinatown to the Los Angeles detention center. The march made a call to keep families together, and focused on how sweeping deportations leave families broken, terrorize immigrant communities, and disrupt the very fabric of working people's lives. A second march, organized by immigrant rights coalitions, took place in the heart of downtown as many garment workers were leaving their workplaces. This march demanded an end to deportations and legalization for all immigrants now. The action called for the unity of all, raising the general demand of themovement that *No Human Being is Illegal!*

### Seattle

In Seattle, several thousand people — many of them immigrant workers and their supporters, as well as supporters of a raise in the minimum wage to \$15 an hour — held a march and rally. Spirited chants targeted Obama's policy of massive deportations, demanding *Not One More!*

In Tacoma, Washington, actions kicked off at the Northwest Detention Center where about 200 people chanted "No estan solos" (you are not alone) as a van-full of new detainees were led in chains into the immigration prison. The rally marked 56 days of hunger strikes by human rights leaders in the center to protest the record number of deportations under the Obama administration and the conditions under which detainees are held. The rally ended with a caravan to the Seattle May Day events.



the Sentencing and Incarceration of Youth Without Parole,” “End the Criminalization of Youth Culture and Hip Hop,” and “End the Solidarity Confinement of Youth.”

The many facts concerning mass incarceration, including police profiling and “war on drugs” used to target African Americans, make clear that it is a crime of genocide. According to the UN Convention on the Crime of Genocide, it includes any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group: killing members of the group (the many racist police killings are one example); causing serious bodily or mental harm to members of the group (such as racist police brutality, solitary confinement, forcing prisoners to become informants, living with the constant fear that police have impunity to kill African American youth, broad criminalization of African American youth and making them fair game for police profiling and assault); deliberately inflicting on the group conditions of life calculated to bring about physical destruction in whole or in part (such as the conditions of segregation, poverty and violence imposed on African American communities by the rich and their government). It is the racist U.S. state that is guilty of this crime of genocide, with their policing agencies used to inflict it. They are the targets of resistance and must be held accountable for these crimes.

The brutal racism apparent in charging and arresting African Americans, especially youth, is seen in the fact that while African Americans are only 12 percent of drug users, they are 38 percent of those arrested for drug offenses and 59 percent of those in state prison for drug offenses. Prosecutors are twice as likely to pursue mandatory minimum sentences for black people as they are for whites charged with the same offense. New York City’s

notoriously racist “Stop and Frisk” overwhelmingly targets African American and Puerto Rican youth and arrests and jails them, often for non-violent marijuana possession.

Mass incarceration also imposes serious mental harm to the many families of those incarcerated, especially their children. One in forty children in the U.S. has a parent in prison, with the levels even higher for African American children. They are also more likely to be put in foster care when a parent, especially a mother, is imprisoned.

Mass incarceration and the government’s culture of punishment and revenge — reflected in the unjust and racist drug laws show that government at all levels have no solutions to the social problems the people face. Instead of the needed political solutions without use of force, police at home and the military abroad use unjust violence against civilians. And they do so on a racist basis. Violence is used as the weapon of choice to avoid providing economic, political, cultural and social problems with solutions that serve the people.

The actions planned show that the youth reject the efforts to incarcerate them and send them to war. Youth instead are fighting to be part of building a bright future for themselves and all of society. Mass incarceration and police killings are designed to block this advance.

As work goes forward, discussing a new direction for political affairs, one that puts the rights of youth and of all at the center, is important. Let the many teach-ins and panels be an opportunity to discuss organizing against mass incarceration and for an alternative — for political solutions, for a new direction where the issue of *Who Decides?* is addressed and the response *We Decide!* is taken up.

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# The Drug War, Mass Incarceration and Race

## *Drug Policy Alliance*

With less than 5 percent of the world's population but nearly 25 percent of its incarcerated population [1], the United States imprisons more people than any other nation in the world – largely due to the war on drugs.

Misguided drug laws and harsh sentencing requirements have produced profoundly unequal outcomes for people of color. Although rates of drug use and sales are similar across racial and ethnic lines, blacks and Latinos are far more likely to be criminalized than whites. [2]

### **Drug War Drives Mass Incarceration and Racial Disparities**

There were more than 1.5 million drug arrests in the U.S. in 2012. The vast majority – more than 80 percent – were for possession only. [3]

At year-end 2011, more than 16 percent of all people in state prison were incarcerated for a drug law violation – of whom roughly 55,000 were incarcerated for possession alone. [4]

More than 50 percent of people in federal prisons are incarcerated for drug law violations. About 500,000 Americans are behind bars on any given night for a drug law violation [5] – ten times the total in 1980. [6]

People of color experience discrimination at every stage of the judicial system and are more likely to be stopped, searched, arrested, convicted, harshly sentenced and saddled with a lifelong criminal record.

This is particularly the case for drug law violations.

Blacks comprise 13 percent of the U.S. population, [7] and are consistently documented by the U.S. government to use drugs at similar rates to people of other races. [8]

But blacks comprise nearly one-third (31 percent) of those arrested for drug law violations [9] – and more than 40 percent of those incarcerated in state or federal prison for drug law violations. [10]

Widely adopted in the 1980s and '90s, mandatory minimum sentencing laws have contributed greatly to the number of people of color behind bars. [11]

A recent study found that prosecutors are twice as likely to pursue a mandatory minimum sentence for blacks as for whites charged with the same offense. [12]

### **Mass Incarceration Destroys Families**

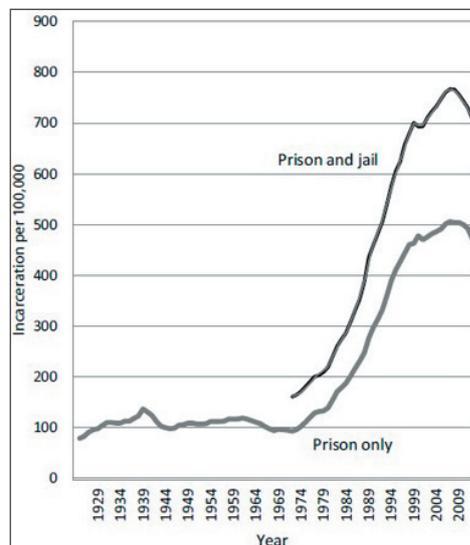
About 2.7 million children are growing up in U.S. households in which one or more parents are incarcerated. Two-thirds of these parents are incarcerated for nonviolent offenses, primarily drug offenses. One in nine black children has an incarcerated parent, compared to one in 28 Latino children and one in 57 white children. [13]

### **Collateral Consequences of Mass Incarceration**

Punishment for a drug law violation is not only meted out by

the criminal justice system, but is also perpetuated by policies denying child custody, voting rights, employment, business loans, licensing, student aid, public housing and other public assistance to people with criminal convictions. Criminal records often

result in deportation of legal residents or denial of entry for non-citizens trying to visit the U.S. Even if a person does not face jail or prison time, a drug conviction often imposes a lifelong ban on many aspects of social, economic and political life. [14] Such exclusions create a permanent second-class status for millions of Americans, and, like drug war enforcement itself, fall disproportionately on people of color. Nearly eight percent of black people of voting age are denied the right to vote because of laws that disenfranchise people with felony convictions. [15]



### **Policy Recommendations**

1. Decriminalize drug possession, removing a major cause of arrest and incarceration of primarily people of color, helping more people receive drug treatment and redirecting law enforcement resources to prevent serious and violent crime.
2. Eliminate policies that result in disproportionate arrest and incarceration rates by changing police practices, rolling back harsh mandatory minimum sentences, and repealing sentencing disparities. [16]
3. End policies that exclude people with a record of arrest or conviction from key rights and opportunities. These include barriers to voting, employment, public housing and other public assistance, loans, financial aid and child custody. (February 2014)

### **Notes:**

- 1) Roy Walmsley, World Population List, 10th Ed. (London: International Centre for Prison Studies, 2013).
- 2) Substance Abuse and Mental Health Services Administration, "Results from the 2012 National Survey on Drug Use and Health," (Rockville, MD: Substance Abuse and Mental Health Services Administration, 2013), Table 1.24B; Jamie Fellner, Decades of Disparity: Drug Arrests and Race in the United States (Human Rights Watch, 2009); Meghana Kakade et al.,

“Adolescent Substance Use and Other Illegal Behaviors and Racial Disparities in Criminal Justice System Involvement: Findings from a U.S. National Survey,” *American Journal of Public Health* 102, no.7 (2012). While national arrest data by ethnicity are not collected, state - level data show that Latinos are disproportionately arrested for drug offenses. California Department of Justice, “Crime in California 2012,” (2013); Harry Levine, Loren Siegel, and Gabriel Sayegh, “One Million Police Hours: Making 440,000 Marijuana Possession Arrests in New York City, 2002-2012,” (New York: Drug Policy Alliance, 2013).

3) Federal Bureau of Investigation, “Crime in the United States, 2012,” (Washington, DC: U.S. Department of Justice, 2013).

4) E. Ann Carson and Daniela Golinelli, “Prisoners in 2012: Trends in Admissions and Releases, 1991-2012,” (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2013), Table 3.

5) E. Ann Carson and William J. Sabol, “Prisoners in 2011,” (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2012).

6) Peter Reuter, “Why Has US Drug Policy Changed So Little over 30 Years?,” *Crime and Justice* 42, no. 1 (2013).

7) Sonya Rastogi et al., “The Black Population: 2010,” (U.S. Census Bureau, 2011).

8) “Results from the 2012 National Survey on Drug Use and Health,” Table 1.24B.

9) Federal Bureau of Investigation, “Crime in the United States, 2012.”

10) Bureau of Justice Statistics, Federal Justice Statistics Program; E. Ann Carson and Daniela Golinelli, “Prisoners in 2012-Advance Counts,” (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2013).

11) Barbara S. Meierhoefer, *The General Effect of Mandatory Minimum Prison Terms* (Washington: Federal Judicial Center, 1992), 20; Marc Mauer, “The Impact of Mandatory Minimum Penalties in Federal Sentencing,” *Judicature* 94 (2010).

12) Sonja B Starr and Marit Rehavi, “Mandatory Sentencing and Racial Disparity: Assessing the Role of Prosecutors and the Effects of Booker,” *Yale Law Journal* 123, no. 1 (2013).

13) B. Western and B. Pettit, *Collateral Costs: Incarceration’s Effect on Economic Mobility* (Pew Charitable Trusts, 2010), 4.

14) Meda Chesney-Lind and Marc Mauer, *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (The New Press, 2011). 19 Christopher Uggen et al., “State-Level Estimates of Felon Disenfranchisement in the United States, 2010,” (Washington, DC: The Sentencing Project, 2012).

15) Christopher Uggen et al, “State-level Estimates of felon Disenfranchisement in the United States, 2010,” (Washington, DC: The Sentencing Project, 2012)

16) The federal government recently indicated its intention to undertake some of these reforms. Eric Holder, “Memorandum to United States Attorneys: Department Policy on Charging Mandatory Minimum Sentences and Recidivist Enhancements in Certain Drug Cases,” (Washington, D.C.: Office of the Attorney General, United States Department of Justice, 2013).

## Some Facts on Mass Incarceration and Government Racism

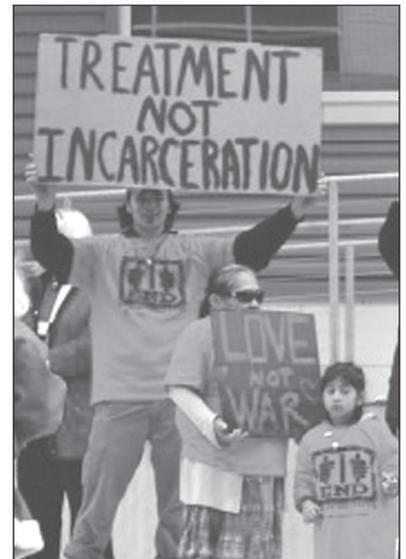
“For decades in the early and mid-20th century, the U.S. prison population was remarkably stable. But that has changed dramatically since the 1970s. In 1973, federal and state prisons in the U.S. held 200,000 adults. By 2009, that number had ballooned to 1.5 million, with an additional 700,000 serving prison time for felonies in local jails, bringing the total to 2.23 million adults. Both in absolute numbers and per capita, America incarcerates more people than any other nation.”

“Half of all federal prisoners are incarcerated for drug related crimes. These aggressive tactics, scorned by many former law enforcement officers, define the enforcement of marijuana laws. In 2010, police made 889,133 marijuana arrests — 300,000 more than arrests for all violent crimes combined — or one every 37 seconds.”

“Although Blacks and whites use marijuana at comparable rates, Blacks are 3.73 times more likely to be arrested for marijuana possession. In some counties, Blacks are 10, 15, even 30 times more likely to be arrested. More broadly, Blacks represent 12% of drug users, but 38% of those arrested for drug offenses, and 59% of those in state prison for drug offenses.”

“Racial disparities are particularly pronounced in cocaine

sentencing. While crack and powder cocaine are two forms of the same drug, until passage of the Fair Sentencing Act (FSA) in 2010, possessing 100 times less the amount of crack as powder cocaine resulted in the same harsh mandatory sentence. Since most people arrested for crack offenses are Black, this sentencing scheme ensured that Blacks served far longer in prison for the same crime; at one point Blacks served almost as much time in prison for nonviolent crack offenses as whites did for violent crimes. The FSA reduced the disparity to 18:1, but fairness dictates that the ratio should be 1:1. Furthermore, because the FSA is not retroactive, over 8,800 people are still serving extreme sentences for crack cocaine-related offenses based on a racially biased law that Congress





has declared unjust.

“Such harsh and unfair sentencing extends beyond crack cases. Over 3,278 people are serving life sentences without the possibility of parole (LWOP) in the U.S. for nonviolent crimes, almost 80% of them for nonviolent drug offenses, some as minor as possessing a bottle cap smeared with heroin residue, facilitating a \$10 marijuana sale, or sharing LSD at a concert. Such excessive sentences violate human rights law, which has long recognized that punishment must fit the crime. A staggering racial disparity exists in LWOP sentences for nonviolent drug crimes. In the federal system, Blacks are sentenced to LWOP at 20 times the rate of whites. In Louisiana, 91.4% of nonviolent LWOP prisoners are Black.”

“The War on Drugs has failed. The international community, led by America’s poor example, has spent trillions, arrested and imprisoned millions, and destroyed communities — particularly poor and minority communities — in violation of human rights, with no marked effect on drug availability or use. It is time to transform global drug policy into one that treats drug use and abuse as a public health problem, not as a criminal justice concern. Therefore, we recommend the legalization and regulation of drug use, possession, production, and distribution. If unobtainable, we urge the removal of civil and criminal penalties for drug use and possession, or at the very least, decriminalization. Until such reform, we recommend police agencies make drug possession arrests a lowest enforcement priority.”

(Testimony by the American Civil Liberties Union at the 57th Session of the UN’s Commission on Narcotic Drugs, Vienna, March 13-21, 2014.)

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“On April 30, 2014, the National Research Council published a 464-page report, two years in the making, that looks at the stunning four-decade rise of incarceration in the United States and concludes that all of its costs — for families, communities,

state budgets and society — have simply not been worth the benefit in deterrence and crime reduction.”

“The report, commissioned by the National Institute of Justice and the MacArthur Foundation, assesses nearly every facet of America’s “historically unprecedented and internationally unique” rise in incarceration since the 1970s. It synthesizes years of evidence on crime trends, on causes driving the growth in prisons, and on the consequences of all this imprisonment. It argues that the U.S. should revise its current criminal justice policies — including sentencing laws and drug enforcement — to significantly cut prison rates and scale back what’s become the world’s most punitive culture. [...] Spending on incarceration at the state level has outpaced budget increases for just about every other function of government, including education, transportation and welfare. Only spending on Medicaid at the state level has grown faster in the last 20 years. State spending on corrections increased by 400 percent, adjusted for inflation, between 1980 and 2009 (over the same time, state prison populations increased by 475 percent). The rise in corrections spending at the federal and local level has been similarly steep.” [Currently spending on prisons is about \$50 billion for states and another \$30 billion for federal prisons] (<http://www.washingtonpost.com/blogs/wonkblog/wp/2014/04/30/the-meteoritic-costly-and-unprecedented-rise-of-incarceration-in-america/>)

### Mass Incarceration and the Death Penalty

On May 7, 2014, the Constitution Project released a new report, *Irreversible Error*, calling for reforms in many aspects of the death penalty system. The Project’s Death Penalty Committee, which consists of renowned experts on capital punishment, made suggestions for reducing the risk of executing the innocent and improving the fairness of capital cases from arrest and interrogation, through prosecution and appeals, to the execution procedure itself. “Without substantial revisions — not only to lethal injection, but across the board — the administration of capital punishment in America is unjust, disproportionate and very likely unconstitutional,” said committee member Mark Earley, a Republican and former Attorney General of Virginia. ([http://www.constitutionproject.org/wp-content/uploads/2014/05/Irreversible-Errors\\_FINAL.pdf](http://www.constitutionproject.org/wp-content/uploads/2014/05/Irreversible-Errors_FINAL.pdf))

“At least 4.1 percent of defendants sentenced to death in the United States are innocent, according to new research published in the Proceedings of the National Academy of Sciences. As a result, the study’s authors note, “it is all but certain that several of the 1,320 defendants executed since 1977 were innocent.”

“One hundred and thirty eight prisoners sentenced to death since 1973, or 1.6 percent of the total, have been exonerated and released because of innocence. But many other innocent capital defendants are missed, according to the study’s authors.

“The great majority of innocent people who are sentenced to death are never identified and freed. The purpose of our study is to account for the innocent defendants who are not exonerated,”

said Professor Samuel R. Gross of the University of Michigan Law School, the lead author of the study,” (McClatchy Washington Bureau, April 28, 2014).

### Some Information on the Impact of Mass Incarceration on Families

One in forty children in the United States has a parent in prison. Children of prisoners are often present at their parent’s arrest... When someone goes to prison, their family members become invisible victims. The justice system and its procedures are often baffling and frustrating. Maintaining ties between prisoners and their families is difficult at best. Visiting conditions are usually stressful. Prisons are typically located in remote areas, not served

by public transportation. Ties outside blood or marriage may not be recognized by the system. There are relatively few agencies or programs to help these millions of families. There is no government agency charged with specific responsibility for the impact of the criminal justice system on families and children.” (Children of Prisoners Library, <http://www.fcnetwork.org>)

#### Additional Resources:

The Sentencing Project: <http://www.sentencingproject.org>

Center for Constitutional Rights: *Criminal Justice and Mass Incarceration*, [ccrjustice.org](http://ccrjustice.org)

Center for Law and Justice: *Mass Incarceration*, <http://www.cflj.org/new-jim-crow/resources-mass-incarceration>

## Previously-Secret Prison Documents Show Constitutional Violations in Experimental Prison Units

*Center for Constitutional Rights, April 23, 2014*

For the first time, hundreds of documents detailing the Federal Bureau of Prisons’ process for designating prisoners to controversial Communications Management Units (CMUs) are public. The documents had been under a protective order in the Center for Constitutional Rights (CCR) lawsuit, *Aref v. Holder*, since CCR filed the case in 2010.

The CMUs were quietly opened in Terre Haute, IN and Marion, IL in 2006 and 2008, respectively, to monitor and control the communications of certain prisoners and to isolate them from other prisoners and the outside world. But the documents revealed today show that the BOP did not draft criteria for designating prisoners to the facilities until 2009 and that, even then, different offices within the BOP, each of which plays a role in the designation process, have a different understanding of the criteria. Other documents reveal that the reasons provided to CMU prisoners for their designation were incomplete, inaccurate, and sometimes even false. Discovery in the case also shows that prisoners were told they could earn their way out of the CMU by completing 18 months with clear conduct, but upon meeting that goal, their requests for transfer out of the CMU were repeatedly denied without explanation. Other documents show political speech was used as a factor in CMU designation. The documents made public today also show that 60 percent of CMU prisoners are Muslim, though Muslims comprise only six percent of the federal prisoner population.

“The documents revealed today show that CMU prisoners have been denied due process at every step, from designation to review,” said CCR Senior Staff Attorney Alexis Agathocleous. “The CMUs impose harsh restrictions on prisoners, including a ban on even momentarily hugging their families. Meanwhile, the BOP has denied hundreds of prisoners, who are mostly Muslim, the opportunity to understand or rebut the rationale for their placement, or a meaningful review process to earn their way out,”

The documents revealed today also show that decision-makers are not required to, and do not, document their reasons for selecting a prisoner for CMU placement. As a result, it is effectively



impossible for prisoners to challenge their designation.

“I was told the reason I was moved to CMU was because of ‘recruitment and radicalization,’ but wasn’t told anything else. I tried to find out more about these allegations so I could challenge my designation, but to no avail,” said former plaintiff Avon Twitty, who has been released from prison since this lawsuit was filed. “Without knowing what I had allegedly done to land in a CMU, I was helpless to challenge those allegations and had no hope of being transferred out. This lawsuit is my first opportunity to get to the bottom of my placement in a harsh, restrictive, and secretive prison unit.”

In addition to heavily restricted telephone and visitation access, CMU prisoners are categorically denied any physical contact with family members and are forbidden from hugging, touching or embracing their children or spouses during visits. The plaintiffs in *Aref* spent years under these conditions without knowing why and were designated to CMUs despite having relatively or totally clean disciplinary histories; none of the plaintiffs have received any communications-related disciplinary infractions in the last decade.

# U.S. Implementation of International Covenant on Civil and Political Rights

*UN Human Rights Committee*

(The UN Human Rights Committee recently concluded its review of the fourth periodic report submitted by the U.S. concerning its efforts to uphold the International Covenant on Civil and Political rights. The Convention addresses a wide range of issues, including solitary confinement, racial profiling, juvenile justice and the death penalty. The U.S. is a signatory to the Convention and thus required by law to uphold it and make periodic reports. The third report was submitted in October 2005.

The Committee welcomed the report and information provided. It noted several positive steps taken, including Supreme Court recognition of rights of habeas corpus for people held prisoner at Guantánamo Bay, “Presidential Executive Orders 13491 – Ensuring Lawful Interrogations, 13492 – Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities and 13493 – Review of Detention Policy Options, and Support for the United Nations Declaration on the Rights of Indigenous Peoples, announced by President Obama on 16 December 16, 2010.”

The bulk of the conclusions spoke to “Principal matters of concern and recommendations,” and gave specific recommendations. The review makes clear that the U.S. is not meeting its obligations and is in serious violation of numerous human rights. The fact that the UN can do little to enforce the Convention reflects the need to renew its institutions so crimes such as those committed by the U.S. can be tried and punished.

We reprint below excerpts from the UN review with a focus on issues related to mass incarceration, indefinite detention and other human rights violations.)

## **Excessive use of force by law enforcement officials**

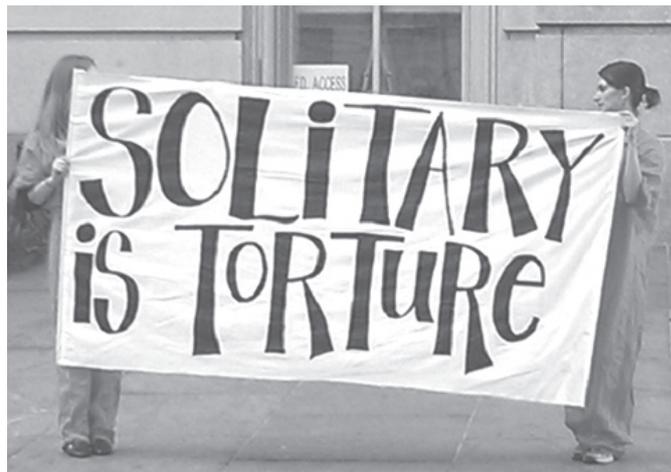
The Committee is concerned about the still high number of fatal shootings by certain police forces, including, for instance, in Chicago, and reports of excessive use of force by certain law enforcement officers, including the deadly use of tasers, which has a disparate impact on African Americans, and use of lethal force by Customs and Border Protection (CBP) officers at the United States-Mexico border (arts. 2, 6, 7 and 26).

The State Party should:

(a) Step up its efforts to prevent the excessive use of force by law enforcement officers by ensuring compliance with the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(b) Ensure that the new CBP directive on the use of deadly force is applied and enforced in practice; and

(c) Improve reporting of violations involving the excessive use of force and ensure that reported cases of excessive use of force are effectively investigated; that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions; that investigations are re-opened when new evidence becomes available;



and that victims or their families are provided with adequate compensation.

## **Conditions of detention and use of solitary confinement**

The Committee is concerned about the continued practice of holding persons deprived of their liberty, including, under certain circumstances, juveniles and persons with mental disabilities, in prolonged solitary confinement and about detainees being held in solitary confinement in pretrial detention. The Committee is furthermore concerned about poor detention conditions in death-row facilities (arts. 7, 9, 10, 17 and 24).

The State party should monitor the conditions of detention in prisons, including private detention facilities, with a view to ensuring that persons deprived of their liberty are treated in accordance with the requirements of articles 7 and 10 of the Covenant and the Standard Minimum Rules for the Treatment of Prisoners. It should impose strict limits on the use of solitary confinement, both pretrial and following conviction, in the federal system as well as nationwide, and abolish the practice in respect of anyone under the age of 18 and prisoners with serious mental illness. It should also bring the detention conditions of prisoners on death row into line with international standards.

## **Juvenile justice and life imprisonment without parole**

While noting with satisfaction the Supreme Court decisions prohibiting sentences of life imprisonment without parole for children convicted of non-homicide offences (*Graham v. Florida*), and barring sentences of mandatory life imprisonment without parole for children convicted of homicide offences (*Miller v. Alabama*) and the State party’s commitment to their retroactive application, the Committee is concerned that a court may still, at its discretion, sentence a defendant to life imprisonment without parole for a homicide committed as a juvenile, and that a mandatory or non-homicide-related sentence of life imprisonment without parole may

still be applied to adults. The Committee is also concerned that many states exclude 16 and 17 year olds from juvenile court jurisdictions so that juveniles continue to be tried in adult courts and incarcerated in adult institutions (arts. 7, 9, 10, 14, 15 and 24).

The State party should prohibit and abolish the sentence of life imprisonment without parole for juveniles, irrespective of the crime committed, as well as the mandatory and non-homicide-related sentence of life imprisonment without parole. It should also ensure that juveniles are separated from adults during pretrial detention and after sentencing, and that juveniles are not transferred to adult courts. It should encourage states that automatically exclude 16 and 17 year olds from juvenile court jurisdictions to change their laws.

### **Racial disparities in the criminal justice system**

While appreciating the steps taken by the State party to address racial disparities in the criminal justice system, including the enactment in August 2010 of the Fair Sentencing Act and plans to work on reforming mandatory minimum sentencing statutes, the Committee continues to be concerned about racial disparities at different stages in the criminal justice system, as well as sentencing disparities and the overrepresentation of individuals belonging to racial and ethnic minorities in prisons and jails (arts. 2, 9, 14 and 26).

The State party should continue and step up its efforts to robustly address racial disparities in the criminal justice system, including by amending regulations and policies leading to racially disparate impact at the federal, state and local levels. The State party should ensure the retroactive application of the Fair Sentencing Act and reform mandatory minimum sentencing statutes.

### **Racial profiling**

While welcoming plans to reform the “stop and frisk” program in New York City, the Committee remains concerned about the practice of racial profiling and surveillance by law enforcement officials targeting certain ethnic minorities and the surveillance of Muslims, undertaken by the Federal Bureau of Investigation (FBI) and the New York Police Department (NYPD), in the absence of any suspicion of wrongdoing (arts. 2, 9, 12, 17 and 26).

The State party should continue and step up measures to effectively combat and eliminate racial profiling by federal, state and local law enforcement officials, inter alia, by:

(a) Pursuing the review of its 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies and expanding protection against profiling on the basis of religion, religious appearance or national origin;

(b) Continuing to train state and local law enforcement personnel on cultural awareness and the inadmissibility of racial profiling; and

(c) Abolishing all “stop and frisk” practices.

### **Death penalty**

While welcoming the overall decline in the number of executions and the increasing number of states that have abolished the death penalty, the Committee remains concerned about the continuing use of the death penalty and, in particular, racial disparities in its imposition

that disproportionately affects African Americans, exacerbated by the rule that discrimination has to be proven on a case-by-case basis. The Committee is further concerned by the high number of persons wrongly sentenced to death, despite existing safeguards, and by the fact that 16 retentionist states do not provide for compensation for persons who are wrongfully convicted, while other states provide for insufficient compensation. Finally, the Committee notes with concern reports about the administration, by some states, of untested lethal drugs to execute prisoners and the withholding of information about such drugs (arts. 2, 6, 7, 9, 14 and 26).

The State party should:

(a) Take measures to effectively ensure that the death penalty is not imposed as a result of racial bias;

(b) Strengthen safeguards against wrongful sentencing to death and subsequent wrongful execution by ensuring, inter alia, effective legal representation for defendants in death penalty cases, including at the post-conviction stage;

(c) Ensure that retentionist states provide adequate compensation for persons who are wrongfully convicted;

(d) Ensure that lethal drugs used for executions originate from legal, regulated sources, and are approved by the United States Food and Drug Administration and that information on the origin and composition of such drugs is made available to individuals scheduled for execution; and

(e) Consider establishing a moratorium on the death penalty at the federal level and engage with retentionist states with a view to achieving a nationwide moratorium.

The Committee also encourages the State party to consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on the occasion of the 25th anniversary of the Protocol.

### **Immigrants**

The Committee is concerned that under certain circumstances



mandatory detention of immigrants for prolonged periods of time without regard to the individual case may raise issues under article 9 of the Covenant. It is also concerned about the mandatory nature of the deportation of foreigners, without regard to elements such as the seriousness of crimes and misdemeanors committed, the length of lawful stay in the United States, health status, family ties and the fate of spouses and children staying behind, or the humanitarian situation in the country of destination. Finally, the Committee expresses concern about the exclusion of millions of undocumented immigrants and their children from coverage under the Affordable Care Act and the limited coverage of undocumented immigrants and immigrants residing lawfully in the United States for less than five years by Medicare and Children Health Insurance, all resulting in difficulties for immigrants in accessing adequate health care (arts. 7, 9, 13, 17, 24 and 26).

The Committee recommends that the State party review its policies of mandatory detention and deportation of certain categories of immigrants in order to allow for individualized decisions; take measures to ensure that affected persons have access to legal representation; and identify ways to facilitate access to adequate health care, including reproductive health-care services, by undocumented immigrants and immigrants and their families who have been residing lawfully in the United States for less than five years.

### **Criminalization of homelessness**

While appreciating the steps taken by federal and some state and local authorities to address homelessness, the Committee is concerned about reports of criminalization of people living on the street for everyday activities such as eating, sleeping, sitting in particular areas, etc. The Committee notes that such criminalization raises concerns of discrimination and cruel, inhuman or degrading treatment (arts. 2, 7, 9, 17 and 26).

The State party should engage with state and local authorities to:

- (a) Abolish the laws and policies criminalizing homelessness at state and local levels;
- (b) Ensure close cooperation among all relevant stakeholders, including social, health, law enforcement and justice professionals at all levels, to intensify efforts to find solutions for the homeless, in accordance with human rights standards; and
- (c) Offer incentives for decriminalization and the implementation of such solutions, including by providing continued financial support to local authorities that implement alternatives to criminalization, and withdrawing funding from local authorities that criminalize the homeless.

### **Detainees at Guantánamo Bay**

While noting the President's commitment to closing the Guantánamo Bay facility and the appointment of Special Envoys at the United States Departments of State and of Defense to continue to pursue the transfer of designated detainees, the Committee regrets that no timeline for closure of the facility has been provided. The Committee is also concerned that detainees held in Guantánamo Bay and in military facilities in Afghanistan are not dealt with through the ordinary criminal justice system after a protracted period of

over a decade, in some cases (arts. 7, 9, 10 and 14).

The State party should expedite the transfer of detainees designated for transfer, including to Yemen, as well as the process of periodic review for Guantánamo detainees and ensure either their trial or their immediate release and the closure of the Guantánamo Bay facility. It should end the system of administrative detention without charge or trial and ensure that any criminal cases against detainees held in Guantánamo and in military facilities in Afghanistan are dealt with through the criminal justice system rather than military commissions, and that those detainees are afforded the fair trial guarantees enshrined in article 14 of the Covenant.

### **Legislation prohibiting torture**

While noting that acts of torture may be prosecuted in a variety of ways at both the federal and state levels, the Committee is concerned about the lack of comprehensive legislation criminalizing all forms of torture, including mental torture, committed within the territory of the State party. The Committee is also concerned about the inability of torture victims to claim compensation from the State party and its officials due to the application of broad doctrines of legal privilege and immunity (arts. 2 and 7).

The State party should enact legislation to explicitly prohibit torture, including mental torture, wherever committed, and ensure that the law provides for penalties commensurate with the gravity of such acts, whether committed by public officials or other persons acting on behalf of the State, or by private persons. The State party should ensure the availability of compensation to victims of torture.

### **Targeted killings using unmanned aerial vehicles (drones)**

The Committee is concerned about the State party's practice of targeted killings in extraterritorial counter-terrorism operations using unmanned aerial vehicles (UAV), also known as "drones," the lack of transparency regarding the criteria for drone strikes, including the legal justification for specific attacks, and the lack of accountability for the loss of life resulting from such attacks. The Committee notes the State party's position that drone strikes are conducted in the course of its armed conflict with Al-Qaida, the Taliban and associated forces in accordance with its inherent right of national self-defense, and that they are governed by international humanitarian law as well as by the Presidential Policy Guidance that sets out standards for the use of lethal force outside areas of active hostilities. Nevertheless, the Committee remains concerned about the State party's very broad approach to the definition and geographical scope of "armed conflict," including the end of hostilities, the unclear interpretation of what constitutes an "imminent threat," who is a combatant or a civilian taking direct part in hostilities, the unclear position on the nexus that should exist between any particular use of lethal force and any specific theatre of hostilities, as well as the precautionary measures taken to avoid civilian casualties in practice (arts. 2, 6 and 14).

The State party should revisit its position regarding legal justifications for the use of deadly force through drone attacks. It should:

- (a) Ensure that any use of armed drones complies fully with its

MAY 19-25

# Week of Actions Against Incarcerating Youth: Buffalo, New York

**Monday, May 19:** *Film Screening: Central Park Five*  
6:30-9pm • Pratt Community Center, 422 Pratt St • presented  
by Prisoners Are People Too

**Tuesday, May 20:** *Teach-In on Restorative Justice and School-  
to-Prison-Pipeline*  
5-7:30pm • Frank E. Merriweather Library, Jefferson and Utica •  
presented by Citizen Action and Alliance for Quality Education

**Wednesday May 21:** *Violence Against Youth*, addressing social  
and economic issues and laws against Saggin Pants  
5:30-7:30pm • Back to Basics, 1370 William St. • presented by  
Stop the Violence Coalition

**Thursday May 22:** *Locked Up*  
6-8pm • Holy Cross Roman Catholic Church Youth Center, 7th  
and Massachusetts • Panel presented by Women Against Violence  
Everywhere (WAVE), Peaceprints and STAR Connection

**Friday May 23:** *Youth Day at Delaware Park*  
4pm • Gather near basketball courts, Parkside St. • Presented by  
Teens in Progress, events for all ages, includes walking, tennis,

golf, flag football, basketball, relay race and 3-legged race

**Saturday May 24 Two Events:**

*Racist Profiling and Mentoring Young Men* Gathering and  
Speak Out

11am-2pm • St. Johns Lodge #16, F.A.M.P.H, 17 Kingsley St •  
presented by B.U.I.L.D. Buffalo, Friends, Inc., Lincoln Memo-  
rial/Metropolitan United Methodist Church, includes food and  
beverages

*Organizing Alternatives to Mass Incarceration* • 3-5pm • Frank  
E. Merriweather Library, Jefferson and Utica • presented by  
Buffalo Forum

**Sunday May 25:** *Stop Criminalizing Our Youth!* Rally and  
March

3pm • Rally at E. Ferry Juvenile Detention Facility, 810 east  
Ferry, then March to MLK Park for Speak Out, Poetry and  
Music (at the statue) • presented by City-Wide Coalition of all  
participants

For More Information Contact Paulette Chatman, Teens in  
Progress, [teensinprogress@gmail.com](mailto:teensinprogress@gmail.com)

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obligations under article 6 of the Covenant, including, in particular,  
with respect to the principles of precaution, distinction and propor-  
tionality in the context of an armed conflict;

(b) Subject to operational security, disclose the criteria for drone  
strikes, including the legal basis for specific attacks, the process  
of target identification and the circumstances in which drones are  
used;

(c) Provide for independent supervision and oversight of the  
specific implementation of regulations governing the use of drone  
strikes;

(d) In armed conflict situations, take all feasible measures to en-  
sure the protection of civilians in specific drone attacks and to track  
and assess civilian casualties, as well as all necessary precautionary  
measures in order to avoid such casualties;

(e) Conduct independent, impartial, prompt and effective inves-  
tigations of allegations of violations of the right to life and bring to  
justice those responsible;

(f) Provide victims or their families with an effective remedy  
where there has been a violation, including adequate compensation,  
and establish accountability mechanisms for victims of allegedly  
unlawful drone attacks who are not compensated by their home  
governments.

## Accountability for past human rights violations

The Committee is concerned at the limited number of investigations,  
prosecutions and convictions of members of the Armed Forces  
and other agents of the United States Government, including private

contractors, for unlawful killings during its international operations,  
and the use of torture or other cruel, inhuman or degrading treat-  
ment or punishment of detainees in United States custody, including  
outside its territory, as part of the so-called “enhanced interrogation  
techniques.” While welcoming Presidential Executive Order 13491  
of 22 January 2009 terminating the program of secret detention and  
interrogation operated by the Central Intelligence Agency (CIA),  
the Committee notes with concern that all reported investigations  
into enforced disappearances, torture and other cruel, inhuman or  
degrading treatment committed in the context of the CIA secret  
rendition, interrogation and detention programs were closed in  
2012, resulting in only a meager number of criminal charges being  
brought against low-level operatives. The Committee is concerned  
that many details of the CIA programs remain secret, thereby creat-  
ing barriers to accountability and redress for victims (arts. 2, 6, 7,  
9, 10 and 14).

The State party should ensure that all cases of unlawful killing,  
torture or other ill-treatment, unlawful detention or enforced disap-  
pearance are effectively, independently and impartially investigated,  
that perpetrators, including, in particular, persons in positions of com-  
mand, are prosecuted and sanctioned, and that victims are provided  
with effective remedies. The responsibility of those who provided  
legal pretexts for manifestly illegal behavior should also be estab-  
lished. The State party should also consider the full incorporation  
of the doctrine of “command responsibility” in its criminal law and  
declassify and make public the report of the Senate Special Com-  
mittee on Intelligence into the CIA secret detention program.

DHS PROGRAM TO INVOLVE COMMUNITY IN SPYING

# Profiling and Criminalizing Youth in the Name of the War on Terror

In April, assistant to the president for Homeland Security and Counterterrorism Lisa O. Monaco spoke in Boston on the first anniversary of the Boston Marathon bombing that killed three people and injured many others. The tragedy was used as an opportunity to announce more government programs and funding for further policing communities and profiling and criminalizing the youth for being “confrontational.”

It will be remembered that as part of the government response to the bombing, the entire city and mass transit were shut down and a curfew imposed, neighborhoods occupied and door-to-door searches conducted by police and FBI. People of the city had to contend both with the bombing and the repression of the government in the days that followed. Two young men were targeted, one killed and the other charged but not yet tried.

Now, a year later, the main focus of the government is not providing an example by eliminating its own terrorism at home and abroad — such as through ending police killings, raids on immigrant communities and drone strikes killing civilians. Instead, there is an effort to further target youth while engaging religious, education and health workers in becoming informants for the government. Actual acts or plans for terrorism are not being targeted. Rather intervention is against individuals who police or their informants in the community decide have “behavior” that *could* mean they are being “radicalized to violence.” Teachers, ministers, counselors, healthcare and social service providers are to join in reporting any such “behavior” to policing agencies. Millions in funding is being provided for people to join such efforts.

Monaco emphasized, “Stemming domestic radicalization to violence has been a key element of our counterterrorism strategy from day one. President Obama has been laser-focused on making sure we use all the elements of our national power to protect Americans, including developing the first government-wide strategy to prevent violent extremism in the United States. At the same time, we recognize that there are limits to what the federal government can do. So we must rely on the partnership of those who are most familiar with the local risks, those who are in the best position to take action — local communities.

“Local communities are the most powerful asset we have in the struggle against violence and violent extremism. We’ve



crunched the data on this. In more than 80 percent of cases involving homegrown violent extremists, people in the community — whether peers or family members or authority figures or even strangers — had observed warning signs a person was becoming radicalized to violence. [...]

“What kinds of behaviors are we talking about? For the most part, they’re not related directly to plotting attacks. They’re more subtle. For instance, parents might see sudden personality changes in their children at home — becoming confrontational. Religious leaders might notice unexpected clashes over ideological differences. Teachers might hear a student expressing an interest in traveling to a conflict zone overseas. Or friends might notice a new interest in watching or sharing violent material.”

In this manner, the many youth joining in support of the struggles of the peoples against the U.S., such as that of the Palestinians, Venezuelans, Colombians, Puerto Ricans and many others — including travel and participation in activities in those countries — can all be said to be “confrontational” and “expressing an interest in traveling to a conflict zone.” Indeed, Monaco is here using a debunked theory on “radicalization,” elaborated by the New York Police Department to justify its broad and illegal spying on Muslim and immigrant communities.

Youth, immigrants and workers organizing anti-war and other protests for rights here in the U.S. have already been branded as terrorists simply for those efforts and no doubt increased efforts to discredit them will occur. Those supporting socialism and communism will also no doubt be a main target, as these too are considered “extremist ideologies.” And of course, “watching violent material” does not include the numerous videos, movies and TV shows where the military and policing agencies carry out aggression, torture, raids and lawless violence of various kinds. Condemning and ending the actual acts and crimes and those that carry them out in the real world are not considered a necessary part of eliminating terrorism abroad and at home.

**Turning Teachers and Healthcare Workers into Informants**  
Monaco further elaborated and how the government plans to integrate people into their profiling and targeting of the youth.

She said, “The government is rarely in a position to observe these early signals, so we need to do more to help communities understand the warning signs, and then work together to intervene before an incident can occur, while always respecting our core commitment to protecting privacy and civil liberties. During the past several years, that’s what we’ve attempted to do.

“We’ve built partnerships and expanded our engagement with communities across the nation, especially those that may be targeted by extremist groups. [...] Still, despite the broader security improvements we’ve put in place since 9/11, despite our outreach to reduce the risk of radicalization to violence, more work remains. We need a comprehensive prevention model that allows us to work with communities and intervene with at-risk individuals before violent extremism takes root. And we need to meet the evolving challenge, including terrorists’ use of the internet to recruit those who are most vulnerable to violent extremist ideologies, whether it be from neo-Nazis or groups like al-Qaeda. [...]

“We will continue to work closely with community leaders, local law enforcement and partners outside government who work with at-risk populations every day. Faith leaders, school teachers, police chiefs — and especially mothers and fathers and families — will always be the best positioned to identify individuals in a community who might be susceptible to radical messages and violence — and to help them resist hateful ideologies.”

Thus, the measures are directed not to actual crimes, or even plans, but to pre-emptive police intervention based solely on what the government determines to be “warning signs” of “radicalization.”

One can readily predict that youth simply challenging injustice, whether in their neighborhoods against police brutality, or schools or anti-war or similar actions, can and will be considered “confrontational,” and subject to government intervention against them.

The Department of Homeland Security (DHS) is “going to make more resources available to officials countering violent extremism in their communities. Every year, DHS offers hundreds of millions of dollars in grant money to local law enforcement.” In the name of preparing for a possible attack, such funds have been used to pay for the militarization of police forces across the country, which now have their own tanks, helicopters, automatic

weaponry, massive spying capacity, and so forth.

Now, in addition, “state and local officials can apply for these grants to explicitly develop models for preventing violent extremism in their communities, drawing on the expertise of social service providers, education administrators, mental health professionals, and religious leaders.” As an example, Monaco brought out that, with support from the Department of Justice, the “Children’s Hospital of Boston is studying why some Somali refugees embrace violent extremism, while others move towards gangs and crime and still others channel their energies into non-violent activism. The answers to these kinds of questions will be essential to developing more effective models of intervention.”

In this manner, public institutions, like schools and hospitals, all routinely desperate for public funds for their actual role in providing education and healthcare, are now getting millions of dollars to become spies and informants against the people they are supposed to serve. And there is already the experience that such funds are used for illegal activities, such as the massive profiling and spying against Muslims by the New York Police Department, that broadly targeted Mosques, internet cafes, libraries, and so forth with no crime, no threat, no probable cause of any kind.

It is also the case that knowledge of the existence of such programs is a form of collective punishment against the youth and refugee and immigrant populations. They have to constantly be on guard as to whether what they say, just struggles they support, joining resistance to attacks on their rights, will all be considered “behavior” that indicates the *potential* for violence. And it cannot be forgotten that the millions in funds the U.S. provided to “name terrorists” in Afghanistan and Pakistan meant that hundreds of completely innocent people were targeted and imprisoned for indefinite periods with no charges, including at Guantánamo. These current programs providing funds to draw on the “expertise of social service providers, education administrators, mental health professionals, and religious leaders,” to be informants and target individuals are designed to achieve the same result — broad terrorism and collective punishment against those resisting U.S. terrorism and attacks on rights and converting public institutions and the people who are supposed to serve the public into police spies and informants. Such programs have no place and must be rejected and opposed.

## Government Claims of “Radicalization” Model Repeatedly Debunked

The now widely debunked concept of a terrorist “radicalization” model was promoted in a 2007 New York Police Department (NYPD) report, “Radicalization in the West.” It was again raised by the Congressional Research Service (CRS) in a 2013 report, “American Jihadist Terrorism: Combating a Complex Threat.” CRS is an influential legislative branch agency that is supposed to provide objective policy analysis for members of Congress. It based its report on the NYPD “model,” which was widely denounced and exposed in 2007 as a fraud. Yet now once again,

despite the discrediting of a “radicalization” model, it is being promoted by the Department of Homeland Security and used to justify involving the public, and especially teachers, healthcare workers and others in enforcing it (see page 16).

The NYPD report purported to describe the process that drives previously “unremarkable” people to become terrorists. According to Police Commissioner Raymond Kelly’s preface, the document was intended “to assist policymakers and law enforcement officials, both in Washington and throughout the

country by providing a thorough understanding of the kind of threat we face domestically.” It theorized a simple four-step process starting with the adoption of a particular set of beliefs to becoming a terrorist, though it strangely conceded that not all terrorists need to go through all, or any of these steps, and that people who did go through the steps would not necessarily become terrorists.

Reflecting the on-going government racism, the report only examined terrorist acts committed by Muslims, and essentially suggested that all Muslims were potential terrorists that needed to be watched, stating that “[e]nclaves of ethnic populations that are largely Muslim often serve as ‘ideological sanctuaries’ for the seeds of radical thought.” It posited a profile of potential terrorist “candidates” so broad that it is no profile at all: within these “Muslim enclaves,” potential terrorists could range from members of middle class families to “successful college students, the unemployed, the second and third generation, new immigrants, petty criminals, and prison parolees.” In other words: anyone and everyone. It identified “radicalization incubators,” including mosques, as well as “cafes, cab driver hangouts, flophouses, prisons, student associations, nongovernmental organizations, hookah (water pipe) bars, butcher shops and book stores.” Commonplace activities for Muslim-Americans and others, like wear-

ing Islamic clothing, growing a beard, abstaining from alcohol and joining advocacy organizations or community groups were all listed as potential indicators of radicalization. This “model” was then used to justify the NYPD’s widespread spying and mass surveillance on people and places in NYC communities, infiltrating student groups in NYC, Buffalo, and New Jersey, and more. Police admitted that the program “never generated a lead or triggered a terrorism investigation. The NYPD radicalization report was quickly denounced by advocacy and academic organizations for its overstated and flawed facts and serious methodological errors.

The fact that an exposed and debunked model repeatedly returns as a guide for police actions is indicative of the method of the rich to use disinformation and the Big Lie to convince the public that government actions are legitimate. The “model” is not about terrorism. It, and the actions it promotes, serves to impose fear and humiliation on a mass scale — as whole communities and those who organize for rights are targeted and branded as potential terrorists — while also justifying police action and potentially indefinite detention on any the government decides are a “potential threat.” Such repression exists in a situation where the government itself is the greatest terrorist and has no solutions to the serious social problems confronting society.

## NYPD Spy Unit Reportedly Shut Down

According to the New York Police Department, its notorious spying unit, known as the Demographics Unit, has been shut down. The unit was notorious in Muslim and immigrant communities in New York City for its massive spying on people guilty of no crime and not even suspected. Whole communities, inside and outside of NYC and in New Jersey, were “mapped.” This included logging where people in traditional Islamic clothes lived, ate meals, shopped, worshipped and community organizations they were part of. It included infiltrating student groups, recording conversations, monitoring professors who attended their classes and using websites and email groups to target any interested in Islam or other activities they government calls “radical,” such as supporting Palestine.

The police also designated entire mosques as supposed “terrorism enterprises,” a label used to justify the illegal police actions such as collecting the license plate numbers of every car in mosque parking lots, videotaping worshippers coming and going, and recording sermons using informants wearing hidden microphones.

Detectives were told to chat up the employees at Muslim-owned businesses and “gauge sentiment” about America and foreign policy. Through maps and photographs, the police kept track of such things as where Albanian men played chess in the afternoon, where Egyptians watched soccer and where South Asians played cricket.

The Demographics Unit was developed in conjunction with the Central Intelligence Agency, which was working directly with the NYPD in 2003 when the unit was formed. The government



readily admits a main goal was to identify the mundane locations where anyone they considered “might” become “radicalized” could blend into society. These included libraries, internet cafes, bookstores, offices of advocacy groups and more.

The Demographics Unit was one aspect of a broad intelligence-gathering effort, so it is likely that widespread spying, use of informants and “mapping” of whole communities will continue. This is especially true given that the Department of Homeland Security (DHS) is now providing millions in grants for precisely this purpose (see page 16).

# NYPD Shuttters Muslim Mapping Unit – But What About Other Tactics?

*Noa Yachot, American Civil Liberties Union*

The New York Police Department (NYPD) is disbanding the unit that mapped New York’s Muslim communities, their places of worship, and businesses they frequent – based on nothing but their religious beliefs and associations. To this we say: Good Riddance.

But the end of the Zone Assessment Unit – better known by its former, more apt name, the Demographics Unit – does not necessarily mean an end to the NYPD’s unconstitutional surveillance of New York’s Muslims.

The NYPD’s discriminatory spying program has many components, of which the Demographics Unit was just one. (The ACLU, along with the NYCLU and CLEAR Project at CUNY Law School sued the NYPD over the program). Before we celebrate the end of bias-based policing, we need to ensure that the other abusive tactics employed by the NYPD meet the same fate as the unit. For example:

- Use of informants: A wide network of NYPD informants have infiltrated community organizations, mosques, restaurants, bookstores, and more to monitor, record, and take notes on innocent people and innocuous conversations. This needs to stop.

- Designation of entire mosques “terrorism enterprises”: The NYPD has used “terrorism enterprise investigations” against entire mosques to justify the surveillance of as many people as possible. That unmerited designation has allowed the police de-

partment to record sermons and spy on entire congregations.

- Discriminatory use of surveillance cameras: Cameras have been set up outside mosques and community events – even weddings – to record community members’ comings and goings and collect license plate numbers of congregants and attendees.

- Radicalization theory: The NYPD must disavow its debunked “radicalization” theory, on which discriminatory surveillance is based. This misguided notion, which we’ve described in detail here, treats with suspicion people engaging in First Amendment-protected activities including “wearing traditional Islamic clothing [and] growing a beard,” abstaining from alcohol, and “becoming involved in social activism” – meaning, basically, anyone who identifies as Muslim, harbors Islamic beliefs, or engages in Islamic religious practices.

- Discriminatory surveillance by other units: The Demographics Unit’s discriminatory mapping activities shouldn’t be carried out by other parts of the NYPD and its Intelligence Division.

The Demographics Unit has sown fear and mistrust among hundreds of thousands of innocent New Yorkers – creating “psychological warfare in our community,” Linda Sarsour of the Arab American Association of New York told the New York Times. Shutting it down is a welcome step, but it is only the first one. New York’s Muslims — and all its communities — deserve more and better from their police force than bias-based policing.

## Lawsuit Exposes FBI Abuse of No Fly List to Coerce Individuals to Become Informants

*Creating Law Enforcement Accountability & Responsibility (CLEAR)*

On April 23, 2014, the CLEAR project (Creating Law Enforcement Accountability & Responsibility) and the Center for Constitutional Rights, ... filed a complaint, *Tanvir v. Holder*, in Federal District Court in Manhattan casting unprecedented light on the FBI’s abuse of the No Fly List to coerce law-abiding American Muslims into working as informants in their religious communities for the FBI, spying on their friends and neighbors.

The lawsuit is brought on behalf of four American Muslim men with no criminal records who were approached by the FBI in an effort to recruit them as informants. Some of our clients found themselves on the No Fly List after refusing to spy for the FBI, and were then told by the FBI that they could get off the List if they agreed to become informants. Our other clients were approached by the FBI shortly after finding themselves unable to fly and were told that they would be removed from the List if they consented to work for the FBI.

As a result of their placement on the No Fly List and the FBI’s unwarranted scrutiny, the plaintiffs have not been able to see wives, children, sick parents, and elderly grandparents overseas for years. They have lost jobs, been stigmatized within their communities,

and suffered severe financial and emotional distress.

“I do not want to become an informant, but the government says I must in order to be taken off the No Fly List,” said Awais Sajjad, a plaintiff in the lawsuit. “How can the government tell me that the only way I can see my family again is if I turn my back on my community?”

The government operates the No Fly List under near-total secrecy and never tells people on the List why they are listed or gives them a meaningful chance to dispute their placement. This lack of transparency and accountability makes the List ripe for abuse by FBI agents who often face pressure from their superiors to recruit human sources. As of 2012, the No Fly List contained over 21,000 names.

“The No Fly List is supposed to be about ensuring aviation safety but the FBI is using it to force innocent people to become informants,” said Professor Ramzi Kassem, supervising attorney at CLEAR. “The practice borders on extortion, but it should come as no surprise when the government is allowed to compile secret watchlists that strip away the freedom to travel without giving people any notice or hearing.” [...]

## I • Puerto Ricans Culture of Resistance

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*jails. The battle now is to free Oscar López Rivera and strengthen the fight for independence! Oscar has remained a staunch fighter for Puerto Rican independence, despite being imprisoned for almost 33 years, including many in solitary confinement.*

*May 29 will mark the 33 anniversary of Oscar's arrest and it is being used as a day to demand his freedom and condemn U.S. colonization of Puerto Rico. In Puerto Rico a march through 33 towns will demand Oscar's release.*

*The Puerto Rican people's indomitable spirit and fight to realize their right to be, as an independent nation, is one of the great national liberation struggles of the modern era. It strikes at the heart of U.S. imperialism and represents a determined culture of resistance to be supported by all.*

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Puerto Rico was under the domination of the Spanish regime for 400 years. During those 400 years there was a continued struggle against the Spanish colonial domination of Puerto Rico. In 1868 we had our biggest confrontation with the Spanish regime, which we call Grito de Lares, which signals our most significant national episode, the question of independence. As a result of those 400 years of struggle, two things were accomplished.

By 1898 you have what you could define or describe as the Puerto Rican nation. What is the Puerto Rican nation? It is one that was formed in the struggle of the native Indians against Spain. Spain decimated the Indian population in three years but the Indians continued the struggle until almost the 19th century. In that struggle against Spain, the Indians were joined by the African slaves that came to the Americas who also started fighting against the domination imposed on them by slavery. In fact, on some of the lesser Caribbean islands you have something called the Black Caribs, which is merely a combination of the Africans and of the groups of Taino indigenous people of the islands. Added to these, a group of poor white settlers who were left by the Spaniards joined in the struggle against the domination of Spain.

So, what you find in the formation of Puerto Rico is a culture of resistance. We resisted the Spanish regime for 400 years, we have been resisting the United States for more than 100 years and it is in our nature to resist any kind of domination. Because, after all, I think that what Puerto Ricans have defended throughout all the years -- with the constant resistance and the constant confrontation with the colonial regimes -- is their sense of dignity and their sense of pride as being different and proud of being different.

So at the end of 1898 with this resistance struggle, with this particular Puerto Rican nation emerging, this forced the Spanish regime to provide Puerto Rico with an autonomous charter. The autonomous charter gave the Puerto Rican people, first, the right to voice a vote in the Spanish Parliament and Spanish courts. Secondly, we had our own coin system, our own postal system, our own telegraph system and we had the right to enter into commercial agreements with any country of the world. If Spain entered into a commercial agreement that in any way affected Puerto Rico, the contract could not go into effect unless it was approved by the Puerto Rican Legislature. So, in a sense, in 1898 we had a lot of autonomy,

which amongst other things tended to preserve the distinct character of Puerto Rico as a nation within the Spanish domain.

### U.S. Colonization

In 1898 we had the Spanish-American War, in which as you know, the United States started war with Spain, allegedly on account of the Cuban revolution against Spain. The truth is that the Cubans never asked for the help of the United States because they knew that if the United States interfered, then their next battle would be against the United States. History proved that they were right and that Martí was right and that the Cuban patriots were right.

As a result of that war in which Spain was a very debilitated empire, in the negotiations for the Treaty of Paris, the United States requested that Puerto Rico be given to the United States as a spoil of the war. Puerto Rico was not part of the war, there was no revolution going on in Puerto Rico, it was going on in Cuba. Spain objected and instead suggested that it would give the United States the Philippines in exchange for Puerto Rico. The American negotiators said, "Oh, no, we also want the Philippines." This was a major blow for the Philippines. There was a revolution going on in the Philippines and as a result of the American intervention, the leader of that revolution was killed by the United States and the Philippines became another colony of the United States.

So that is how Puerto Rico came to be a U.S. territory. We believe that the transfer was illegal. The transfer was illegal because the Puerto Ricans were not consulted and the legal relations, the pact which regulated the regulations between Puerto Rico and Spain, required that any treaty affecting Puerto Rico should be approved by the Puerto Ricans. Needless to say, Puerto Ricans didn't participate in any of the negotiations.

The immediate action taken by the United States was to eliminate the autonomous charter. From that moment until today, we haven't been able to get back the political achievements that we had won in that charter. So in a sense, the political situation of Puerto Rico now, in 2001, is worse than what we had in 1898 as a result of the autonomous charter.

Today the political relation of Puerto Rico with the United States is clearly defined by two decisions of the U.S. Supreme Court. One decision said that Puerto Rico belongs to, but is not part of, the United States. In the other decision, the Supreme Court said that Congress has plenary sovereign powers over Puerto Rico. Inherent to those plenary sovereign powers is the "right" of Congress to discriminate against Puerto Rico regarding its decisions. With these two decisions, the Supreme Court acted to uphold the colonial status of Puerto Rico to the United States and this status has never changed.

In 1952, the U.S. made some attempts to hide this status. There was a lot of international pressure at the time against colonialism -- countries from Africa and Asia had become liberated and had a very strong voice in the United Nations. The U.S. passed a law they called Commonwealth Law 600. This put the label of Commonwealth on Puerto Rico.

My friends, the Commonwealth of Puerto Rico did not alter in

any sense, in any way, the colonial status with plenary control by the United States over Puerto Rico. For example, as of now, 2001, any law passed by the Puerto Rican Legislature can be revoked by the U.S. Congress without giving any explanation to the island. Secondly, allegedly we have a Supreme Court, but all the decisions of the Puerto Rican Supreme Court can be revised by any U.S. federal court. The status of these courts is inferior to the Puerto Rican Supreme Court, yet they decide. This means that all judicial decisions are superseded by U.S. control.

There is not a single facet of the life of the Puerto Ricans that is not controlled by a U.S. institution and by U.S. law. The control is all inclusive. We cannot make trade or business treaties with other countries, radio permits are given by U.S. federal agencies, television permits are given by federal agencies, transportation is given by federal agencies, etc. There is not a single aspect of Puerto Rican life that is not controlled by the United States.

This reality has shown that the 1952 Commonwealth law was a scheme to disguise a truly colonial power in Puerto Rico. This has also been revealed by the UN Decolonization Committee. For 17 years, the UN Decolonization Committee has passed a resolution stating that Puerto Rico has not resolved the issue of self-determination and has requested that the United States, according to international law, establish procedures to ensure that Puerto Rico asserts its right to self-determination. Naturally, the United States has ignored those 17 resolutions through all these years.

### **Puerto Rican Resistance to U.S. Colonial Domination**

If we had resistance against Spain over those 400 years, you couldn't expect less against the U.S. From 1898 on there has been resistance against the colonial domination of the United States. In the '20s and the '30s, this resistance was shown in strikes all over the island by workers from all sectors of the economy. Why? Because at that time, the monopolistic interests of the sugar barons were coming into Puerto Rico. Agriculture as a whole was being dumped in order to establish a monopoly of sugar production by the sugar barons. The small farmers and farmworkers were displaced and other workers as well. So in the '20s and the '30s there was a period of strong resistance. During that period the Nationalist Party emerged.

The Nationalist Party is really the first open expression of rejection of the American colonial domination in Puerto Rico by a political party, and the first expression of a Puerto Rican party that would confront the United States by any means necessary. The leader of that party was Pedro Albizu Campos who some of you may know. After studying at Harvard, he went to Puerto Rico to fight American colonialism. He is one of the most important revolutionary figures of Latin America in the 20th Century.

The party started holding demonstrations, confronting the United States, organizing the workers. In 1937 they organized a peaceful demonstration on Palm Sunday, a religious festivity in Puerto Rico, in Ponce. They had a permit to hold the demonstration. All of them were massacred by the Puerto Rican police which had been militarized by the American Governor of Puerto Rico. The Governor very clearly said, "This is a war. We are at war with the nationalists." Their favorite expression was, "kill the women and children." The American Civil Liberties Union at the time wrote a

## **FREE PUERTO RICAN POLITICAL PRISONER OSCAR LOPEZ RIVERA!**



**Protest the 33rd anniversary of the arrest of Puerto Rican Political Prisoner Oscar Lopez Rivera!**

After a year of actions and events on the 29th of every month for Oscar, Pro.Libertad is calling on all our allies to join us on Thursday May 29th to denounce the 33rd anniversary of the arrest of Puerto Rican Political Prisoner Oscar Lopez Rivera!

Despite 33 years of psychological and physical torture, Oscar Lopez Rivera's revolutionary spirit has never been broken! Oscar continues to be a powerful voice calling for Puerto Rican Independence!

**SHOW OSCAR YOUR SUPPORT!  
THE PEOPLE UNITED WILL  
NEVER BE DEFEATED!**

**Thursday May 29, 2014 at 5pm!**  
**Picket at 26 Federal Plaza, New York, N.Y.**

Take the 4, 5, or 6 to Brooklyn Bridge-City Hall

**BRING YOUR FLAGS, NOISEMAKERS, SIGNS AND BE READY TO CHANT!**

report condemning this massacre.

From then on, there was systematic and persistent persecution and repression of anyone who the U.S. colonial establishment thought was either a sympathizer or a defender of independence. Pedro Albizu Campos was jailed and tried for seditious conspiracy.

If you are acquainted with the legal history of the United States, seditious conspiracy laws were enacted during the American Civil War and they were directed towards the southern States in order to prevent their separation from the Union. These laws against seditious conspiracy were never applied to the institutions of the Confederacy nor its generals. They were never applied until 1937 in Puerto Rico, against Puerto Rican patriots. From that day on, the seditious conspiracy laws have been used as an instrument for the persecution and incarceration of the nationalists, of those fighting for the right of Puerto Rico to self-determination.

The evidence used against Albizu Campos were ten speeches that he delivered in public squares on the island. He was condemned to ten years and served an additional two years because he refused to accept some parole conditions and he wanted to complete his own term. Then, after he came out he started organizing again.

Despite all the persecution of the Independentistas in 1950, we had an armed revolution against the United States, La Revolucion de Jayuya. Jayuya is a town in the central part of the island and the revolutionary movement was led by a woman.

The United States used all its military force; their air force bombed Puerto Rican towns. The revolution was defeated and most of the Independentistas were either killed, incarcerated or had to leave the island in order to survive. It seemed as if the issue of nationalism and the Puerto Rican Independentistas had been quelled and subdued. But you all remember the 1954 attack on Congress. A Puerto Rican group, nationalists, again led by a woman, Lolita Lebrón, attacked Congress in order to show the world the colonial situation in Puerto Rico. One of them was killed, one was sentenced

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## FREE INDEPENDENCE FIGHTER OSCAR LÓPEZ RIVERA

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to die in the electric chair. Due to international pressure, the sentence was commuted to life in prison. When President Carter came to power, he released them. At that time they were the political prisoners who had spent the longest time in jail in the western hemisphere. They had been in jail for 30 years.

As a result of these attacks and arrests by the U.S., the destabilization of the Nationalist Party seemed to be almost complete. How then can you explain that the feeling of resistance still continues to emerge despite everything that the Americans have done to crush it?

In 1980, a group of Puerto Ricans in the United States and in Puerto Rico again began organizing. They too were incarcerated, persecution continued and surveillance of Puerto Ricans increased. The FBI's Cointelpro [Counter-Intelligence Program], part of a strategy of the FBI to destabilize opposition in Puerto Rico, was used against the people. For example, the FBI had bombs placed in the post offices and in the supermarkets. Then they said that the Independentistas were the ones who placed the bombs. We only found out about it many years later through the Freedom of Information Act.

Despite all this, the resistance continues. A new manifestation of that resistance is Los Macheteros. This is a clandestine group which believes in armed struggle. Its leader was charged by the United States because he resisted arrest by the FBI. They had almost an army to arrest him. He exchanged fire with the FBI. He was tried in the Federal Court in Puerto Rico and the 12 Puerto Rican jurists decided that he was not guilty -- that he shot back in self-defense, defending his life and his wife.

Three days after he was freed, the federal agents tried to charge him outside of Puerto Rico, because they knew that outside Puerto Rico they could get him sentenced. But when they came to arrest him, he had already gone underground, into clandestinity. From clandestinity he still continues the struggle against the United States.

The important thing I think to realize is, first of all, the horrendous persecution that has been targeted towards all Puerto Ricans who give a semblance, not only of a feeling of independence, but of a nationalist feeling, of pride in Puerto Rico as a nation. To give you an example, for many years, until 1952, to wear the Puerto Rican flag was a crime. To fight this, what we did was wear a little flag beneath our shirt collar. If we saw some comrade whom we thought was with us, we'd raise it up and we knew then that we were of like mind.

The Puerto Rican anthem was also forbidden, but it was not only the anthem, it was the idea behind the anthem. For example, in 1971 there was a university strike. The police strike force came to beat up the students, so we started singing the anthem. They beat us up. We stopped singing the anthem and started singing "La Marseillaise," they still beat us. Then we started singing "The Star Spangled Banner." They still beat us, because what they were trying to beat down was not the songs, it was the spirit. And that they have not been able to eliminate.

In that struggle against being persecuted because you are Puerto Rican, because we didn't identify with the Spaniards, we do not identify with the North Americans, you can see the

resistance. If you ask any Puerto Rican for his or her nationality, "I am Puerto Rican" is the response.

We don't have a passport. We have to carry the U.S. passport that was imposed on us in 1917. At the time, the Puerto Rican Legislature said, "We don't want the American citizenship." But the First World War was going on and the United States needed resources, especially soldiers for the war. By imposing American citizenship on the Puerto Ricans, they were forced into the army. If you didn't accept being recruited, you were sent to jail for five years. So they were able to use us as cannon fodder for their imperialist adventures.

### **The Struggle to Free Puerto Rican Political Prisoners**

Currently, one of the main struggles against the persecution of the Puerto Rican people is the struggle to free the political prisoners, many of them arrested in the 1970s and '80s. The conditions of the prisoners have been horrendous. Never could you imagine that an alleged democratic country, that an alleged civilized country, could impose such conditions on human beings.

For example, Alejandrina Torres, sentenced to 35 years, was 48 when she was arrested. The Americans constructed a maximum security prison 12 feet underground in Lexington, Kentucky. There was a campaign to close Lexington some time ago on the grounds that its conditions were inhuman. This is where Alejandrina Torres was imprisoned, in a small room with lights on 24 hours a day. She was not allowed visits from family, no one except the lawyers, no books, no one to talk to her. She was raped three times by the guards in the prison while she was there. I recall that once when I went to see her, she had lost about 40 pounds. You remember those children from Biafra, famine children with their skin just touching the bones. That was the condition of Alejandrina. She was in a dying tomb. She was kept isolated.

The jailers said, "You have the key to change the situation, and the key is to renounce independence and tell us who your collaborators are." For 20 years she refused and resisted. We managed with an international campaign and the help of human rights people from all over the world to force the United States to take her out of Lexington and move her to a different prison. Finally, she was one of the ones who was liberated in 2000.

Another example is that of Oscar Lopéz Rivera. He was kept in solitary confinement for eight years. This is what solitary confinement means, brothers and sisters. He was kept in a very small room with the light on 24 hours a day, no books, no visits. Only his lawyer could visit and each time the lawyer was subjected to strip searches.

The ordeal of going to see the prisoners was also horrendous. I studied law in order to become their lawyer so I would be able to visit them without the whole prison bureaucracy. Every time I went to see him, a strip search. In fact sometimes I had four strip searches going in and four strip searches after I left him. The whole point was to humiliate and intimidate us.

Again we initiated a campaign. We finally were able to modify his conditions of solitary confinement. Oscar refused President Clinton's pardon because the conditions for him were

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## PUERTO RICO'S CULTURE OF RESISTANCE

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Carlos Alberto Torres returns to Puerto Rico, July 26, 2010.

not acceptable.

We succeeded in freeing 11 people in the year 2000 on conditions that were unbearable but that, with continued struggle, we have been able to change. We also organized to help these comrades who came out to adjust to their new life -- to see the Puerto Rico that they had kept in their souls and in their minds. All I can tell you is when these comrades arrived in Puerto Rico, the whole island came to the airport to greet them as heroes because we really consider them heroes. [Applause] Eight of them decided to stay in Puerto Rico.

We are now working for the liberation of Oscar, Carlos Alberto Torres, who was not pardoned by President Clinton, and for Haydeé Beltrán, who didn't want to be part of any process requesting pardon for her. The three of them have still between 25 to 30 years to do. Bear in mind that with this new Bush administration, the road is very hard. But we are going to get them out. We are not going to stop and we are going to continue fighting for their liberation. [Applause] [Haydeé Beltrán was freed April 14, 2009; Carlos Alberto Torres was freed July 26, 2010. Also facing arrest in 1985, Avelino González Claudio evaded U.S. authorities until 2008. He was sentenced to a seven-year prison term in 2010 and released in 2013 — VOR Ed. Note.]

### U.S. Navy Out of Vieques!

Alongside the long-standing political persecution in Puerto Rico was the military establishment that the Americans imposed on the island. The U.S. established 17 bases on the island, which is just 100 miles long by 35 miles wide. There are excellent roads connecting the military network. The roads were not made to help the Puerto Ricans. The roads were made because they need to move fast from one base to the other.

In the framework of using Puerto Rico itself as a military base, the U.S. decided that Vieques, an island municipality of Puerto Rico, was an excellent place for them to carry on military exercises. Initially they developed what we have called the "Dracula Plan." The "Dracula Plan" required that all the people living in Vieques be moved out of Puerto Rico. It also required that all the corpses in the cemetery be moved out so that the Vieques residents would not have any reason to come back. It was just too much, this "Dracula Plan," they could not carry it out. Instead, in 1941 they expropriated two-thirds of the land of Vieques. They took the eastern third and the western third of the

island and they left only the middle for the people of Vieques. Many of the people of Vieques were displaced to St. Croix or to other parts of Puerto Rico.

The expropriation process was terrible. People were given 24 hours to abandon their homes. If they didn't, bulldozers razed the place to ensure that nobody remained. The testimonials of that experience are terrible. On account of the tension and the forced move, pregnant women had to give birth on the grass. Women and men that resisted were horribly beaten up by the Navy officials conducting the expropriation.

Then Vieques became a place where things happened that not even the Puerto Ricans on the island knew about. It was very "hush-hush," very secret. The Navy decided that on the weekends during exercises, they would give furlough weekend passes. Every weekend 1,500 Marines would land in Vieques for recreation. What that meant was that the people of Vieques had to shut themselves in their houses and not come out because any woman or any young man found on the street was subject to sexual attack by the Marines. The Marines would break down the doors of the houses and there were weekends when all you saw was an open battle between the Marines and the people of Vieques. The struggle got so strong and the people of Vieques got so angry that eventually the Marines had to drop the furloughs. But continuous harassment remained.

The military exercises involve shooting from the west to the east and from the north to the south, as well as bombings. People in Vieques experience that shooting constantly when the military exercises are going on. The fishermen cannot fish.

The people of Vieques started going into the target areas to obstruct the military bombings and practices. They had small boats and the Navy used speedboats to displace the small boats. The people of Vieques developed two tactics to fight the speedboats. One was fishing nets. They put a big iron chain on the net and threw it in the water. The chain would get in the speedboat propeller and force it to stop. The other one is in a sense biblical. The people would put a piece of iron on a sling shot, take a good look and, "Bam!" the driver of the speedboat was hit and they were forced to go.

So that same spirit of resistance was there but at the time, during the '90s, it was mainly limited to the people of Vieques. Then in April 1999, in a very negligent act, the Navy dropped two bombs near a sentry house. A Puerto Rican was at work there and it killed him. The people said this was the last straw. They started another campaign, developing another strategy, a strategy of civil disobedience. Civil disobedience was the means they had at hand to struggle against an empire as strong as the United States.

### Building the Movement Against Colonialism, Oppression and the Denial of Human Rights

Keep in mind that these two issues, the issue of the political prisoners and the militarization of Vieques, are nothing but overt manifestations of colonialism. But in addition to being overt manifestations of colonialism, they are also a manifestation of oppression and wide spread denial of human rights. What is

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happening in Vieques, this oppressive condition, has been globalized by the imperialist powers. This kind of oppression you can also see in other parts of the world. But some times we don't see what is going on. We have made the connection and we also have learned that when we are fighting against the oppression and abuses of human rights and dignity in Vieques, we are fighting for the elimination of oppression and indignity in all parts of the world. In fact, when we are fighting for the dignity of the people of Vieques, we are also fighting for our own dignity.

In addition to these examples, how are the people of Vieques and Puerto Ricans on the main island now responding to all the indignities imposed by the U.S. colonizing power? There is a growing consciousness of the illegitimacy of the institutional regimes. People are realizing that in working towards the solution of their problems they have to go beyond the structures of religious organizations and government institutions, beyond the structures of existing political parties. These traditional institutions have persistently contributed to maintaining a division among the people favorable to the dominating political and economic interests and consequently preventing the people from developing their own empowerment.

How do we overcome this since the colonial domination has developed such a negative attitude towards the name, the label, of Independentista? We knew that we had to deal with the meaning attributed to this label and not let this categorization tie our hands in the work we were doing. We found that although the people rejected the label Independentistas, they did not reject individual elements that comprise the total concept. For example, they thought Puerto Ricans should have more control of their economic situation. They thought that the Puerto Ricans should have more control of their cultural situation. So the elements inherent in the concept of independence, the individual elements, these were not rejected by the people.

We developed our work, realizing that what happened to Vieques or what happened to the political prisoners was really a violation of human rights and a violation of the dignity of the people. We brought together a group of about 60 people, from ages 17 to 65. We trained them on the meaning of human rights, elaborating what the concept of dignity means in terms of the recuperation of individuals. We trained them intensively and then we said "Now this is the test." We went door to door throughout an area. We went every weekend, the whole group. We went to a municipality and everyone went knocking: "I am a member of the Human Rights Committee. Will you allow me to talk to you about the Puerto Rican political prisoners?" Generally the people let us talk about it. We distributed written material and also called on people to sign our petition. We did this throughout the entire island, in all sectors.

I can tell you it is one of the most beautiful experiences that I have had. For example, we started in an area that was a very central town, a very remote kind of situation. We went on Sunday and we waited outside a church as the people started leaving. Then we started talking with the people. The priest came along and asked, "What are you doing?" We explained and he started calling people over. The Mayor was one of the people there and

he said, "I want to call my daughter and her fiancé so they will help you go around the town."

So we know now that it is false to say that the people don't really have any ideological commitment. It is there. You just have to develop it. We have to bring it out and we did that throughout our work.

Then we went to the White House to present the petition on behalf of the political prisoners. They themselves would not sign as part of their refusal to recognize the authority of U.S. government over Puerto Rico. They would not ask for their release, so we went there. We had 250,000 signatures. The same day, we published a quarter-page ad in the New York Times and the Washington Post. When we went to see the Attorney General, she already knew about the newspaper ads and she already knew about the thousands of bundles of petitions that were in her office calling for the liberation of the Puerto Rican political prisoners.

This work on the petitions allowed us to make the people conscious. A person doesn't have to believe in independence in order to support the liberation of these people because here the issue is a grave violation of human rights and human dignity, regardless of what you might think otherwise. We managed to get very reactionary people in terms of political affiliations and beliefs to side with us. In a way, we managed to start to develop a consensus and the people managed to start seeing that they could grapple with and deal with an issue outside the traditional institutions of society.

I believe that because of this ideological ground work that we did, the U.S., using the Puerto Rican statehood party, tried to pass a law to make English the official language. English had been the official language in the school system. When I was in school I was forbidden to speak Spanish. If I did, I was punished. In 1952 the Secretary of Education circulated an internal memorandum that made Spanish the language in the public schools, though not the private schools. Now the government wanted to make English the official language again.

The people massively came out in protest. The people were more advanced than the leaders of the existing political parties. These leaders got frightened and they passed the official law -- which we are going to repeal in one or two years. But the demonstration by the people was really something incredible.

After this, and after presenting the petitions to the White House, we called a march in support of the political prisoners. This was still considered a taboo topic because the U.S. always tries to say the prisoners are terrorists. But we felt we had dealt with this, so we called a march in November 1999. People told me, "Luis, we are not going to have more than 1,000 people. I don't think this is good because it will show how weak we are."

I tell you we worked. In one week, we covered the whole country, going to all 77 municipalities, to all the universities and to all the labor leaders. We really worked hard. We had 150,000 people in the demonstration. The largest march to date in the history of Puerto Rico. [Applause] Two weeks after the march, 11 of the political prisoners were released. Although the assistant to the President said the march had nothing to do with it, we think that the march had a lot to do with it. [...]