

# Buffalo Forum



**Local Publication of the  
U.S. Marxist-Leninist Organization**

**Workers of all countries, unite!**

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**August 26, 2016**

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## Demand Lead Testing of Water for Schools and High-Risk Homes

Buffalo contends with one of the highest levels, statewide, of lead-poisoning of our children. We also contend with a situation where testing of homes for lead paint and lead in the water is very limited and does not guarantee the safety of our children. African Americans and poor families face greater levels of poisoning yet less inspection by the city and county. Testing of the water, in particular does not target homes most at-risk. City records indicate that *only one-third* of the samples the city collected came from homes in the five ZIP codes that account for *91 percent* of the reported childhood lead poisoning cases. These neighborhoods are about 66 percent minority.

ZIP code 14211, an area of the city bisected by Genesee Street, neighborhoods that include Martin Luther King and Schiller parks, accounted

**Demand Lead Testing of Water • 5**

## TESTING AND CURRICULUM PRODUCING DRONES, NOT THINKERS

### Oppose Militarization of Education

The Pentagon released statistics August 1 showing the military administered its Armed Services Vocational Aptitude Battery (ASVAB) enlistment exam to nearly 700,000 students in 12,000 high schools during the 2013-14 school year, a 2 percent increase over the prior year.

#### SCHOOL COUNSELORS ADVISED TO KEEP ASVAB RESULTS FROM RECRUITERS

### Coalition Launches National Email Campaign

*National Coalition to Protect  
Student Privacy*

The National Coalition to Protect Student Privacy launched a national campaign to send emails to thousands of guidance counselors across the country to advise them of the recent changes to the military's ASVAB Career Exploration Program and to urge them to take steps to protect the privacy of their students.

The recruiting command has re-written the rules to reverse our success [in  
**Campaign Against ASVAB Testing • 3**

According to the data, 81 percent of the Juniors and Seniors who took the ASVAB during the 2013-2014 school year had their results sent to recruiters without their parents' consent. School officials blocked the release of test results to recruiters for

**Oppose Militarization of Education • 3**

### Students' Information and Test Results Sent to Military Recruiters Without Parental Consent

*Pat Elder, World Beyond War*

Data released by the Department of Defense (DoD) on August 1 shows the military administered its 3-hour enlistment exam to nearly 700,000 students in 12,000 high schools during the 2013-14 school year, a 2% increase over the prior year.

The Military Entrance Processing Command (MEPCOM) administers the exam, known as the Armed Services  
**Student Information Given to Military • 4**

## BUFFALO, SEPTEMBER 4

### Solidarity Run in Support of Political Prisoners

A solidarity run for political prisoners is being organized this year at Delaware Park, coinciding with the national Running Down the Walls! Nate Buckley and Leslie James Pickering, two Buffalo

activists are doing the run and encouraging all concerned to join in. Running Down the Walls is an annual, non-competitive run/walk/ride that raises funds for political

**Solidarity Run • 9**

### Obama Free Oscar Lopez Rivera Now

President Obama in August granted clemency to 214 federal inmates across the country, 67 of them serving life sentences. Almost all were in prison for nonviolent drug convictions. As the White House put it, "All of the individuals receiving commutation today,

incarcerated under outdated and unduly harsh sentencing laws, embody the President's belief that 'America is a nation of second chances.'" While for most of his time in office Obama has been known for giving the fewest com-

**Obama Free Oscar • 12**

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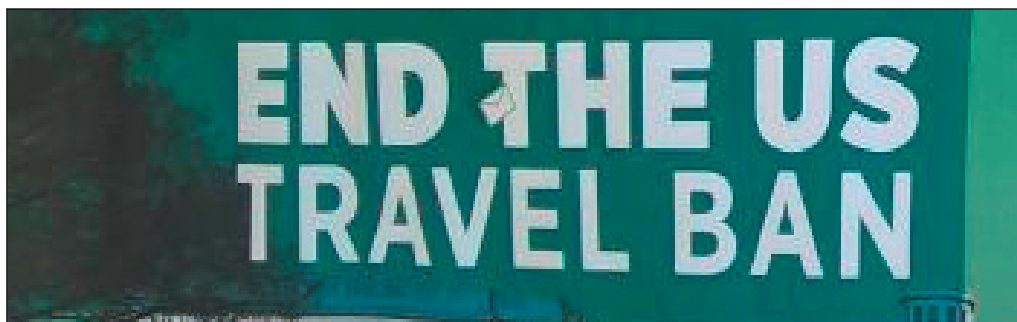
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## *END THE BLOCKADE OF CUBA NOW*



## *VENCEREMOS BRIGADE RETURNS HOME*



**I • OPPOSE MILITARIZATION OF EDUCATION**

the remaining 19 percent. The data also identifies 900 schools that *require* students to take the test, although the number is actually much larger, considering the large number of schools that tested “voluntarily” tested several hundred students. In Buffalo, among the high schools giving the test to dozens of students are Bennett, Burgard, Hutch Tech, McKinley, MST, Olmstead and Performing Arts.

The ASVAB is a grueling 3 hour and 45 minute test. It consists of 9 individual tests on the following subjects: Word Knowledge, Paragraph Comprehension, Arithmetic Reasoning, Mathematics Knowledge, General Science, Auto & Shop Information, Mechanical Comprehension, Electronics Information, and Assembling Objects.

Unless a school district or high school takes measures to protect student privacy, the data from the ASVAB is forwarded to recruiters and to the military’s Joint Advertising Market Research and Studies Program ([www.jamrs.org](http://www.jamrs.org)), a massive database that collects information on approximately 30 million youth from 16 to 24 years of age. Indeed the main purpose of the test is for military recruitment and for a data base that includes young women and men and how best to target them for the military.

Parents and students have the right to refuse the test and to specifically prevent



schools from sending private information about their children to the military. However action must be taken by parents to do so. Buffalo Forum urges all to be informed about these tests, which can be administered at different times, fall, winter and spring, at different schools. We urge students and parents alike to *Refuse the ASVAB*.

These tests are one of the more open ways in which education is being militarized, as the Pentagon organizes to have students in more schools take the test. They have launched a campaign directed at guidance counselors and principals to encourage them to have all high school students take

the ASVAB.

In addition the Common Core and similar standardized testing also contributes to the militarization of education. This is done both through the content, and the requirement to do the testing. Students, teachers and parents are aware of the harm the testing does to education, serving to narrow the curriculum and more importantly to block thinking. Students and teachers are trained to do as they are told and submit, even when they know the testing is harmful, unfair and used against students and teachers. The military culture of shut up and do as you are told is a main feature. The aim is not educating to change the world, but producing submissive drones, accepting of more war and repression — accepting of the current direction of society that is pro-war and anti-social.

Refusing the tests, the ASVAB and Common Core, from the start of the school year and joining organizing that is pro-social and anti-war is a vital part of defending rights today. *Buffalo Forum* along with teachers and students will be organizing teams to inform the public about the dangers of war and militarization of our schools and life in general and to mobilize the anti-war sentiment of the public and generate discussion on the need to strengthen the anti-war efforts of the people.

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**I • CAMPAIGN AGAINST ASVAB TESTING**

requiring parental consent] in high schools across the country. They have launched a massive misinformation campaign directed at high school guidance counselors and other administrators in thousands of schools.

According to a recent story in *Education Week*, “Of the 650,000 tests last year, results from about 400,000 were provided to recruiters as leads.” A quarter-million students (38.5 percent) had their privacy protected by school officials who contacted the recruiting command to demand that the results from the “career exploration program” not be used for recruiting purposes. That figure stood at a few thousand just a few years ago.

Concerned parents across the country can take credit for letting school administrators know it is their duty to protect the

privacy of school children.

The ASVAB Career Exploration Program represents a massive and egregious violation of civil liberties. The release of ASVAB results to recruiters circumvents the provisions of FERPA, the *Family Educational Rights and Privacy Act*. ASVAB results mean information is leaving the nation’s schools about our kids without parental consent.

Most guidance counselors in a position to protect student privacy will take steps to do so when they understand what is at stake. They say they like the free career program because it gets kids thinking about what they would like to do in the civilian world of work and it introduces them to various careers. When they are shown military regulations saying the *primary*

*purpose* of the program is to procure leads for recruiters, they are more likely to tell the recruiting command to back off.

The Military Entrance Processing Command realizes one of its most important recruiting programs is seriously threatened so they are dispatching recruiters and civilian personnel to thousands of the nation’s high schools to convince guidance counselors to allow the release of ASVAB test results to recruiters. They are intent on reversing our successes over the last ten years. We cannot let this happen.

Our goal is to send emails to guidance counselors and principals in schools across the country where the test is administered. We will ask recipients to take steps to protect the privacy of their kids taking the test.

I • STUDENT INFORMATION GIVEN TO MILITARY

Vocational Aptitude Battery, (ASVAB). The database was obtained through a Freedom of Information Act request.

An examination of the data raises serious issues regarding student privacy and the integrity of the student testing program in America's schools. The three-hour test is the linchpin of the Pentagon's school-based recruiting program and provides MEPCOM an invaluable tool in prescreening candidates for military enlistment. Students are required to furnish detailed demographic information and their social security numbers before sitting for the exam.

According to the data, 81 percent of the juniors and seniors who took the ASVAB during the 2013-2014 school year had their results sent to recruiters without their parents' consent. School officials blocked the release of test results to recruiters for the remaining 19 percent.

The ASVAB furnishes highly coveted information to recruiters regarding the cognitive abilities of potential recruits. Recruiters already possess detailed files containing personal information on America's youth, gained through scores of commercial data dealers and countless hours trolling social media sites and chat rooms. For instance, recruiters know Johnny has a crush on country singer Rae Lynn, plays Mortal Kombat, works at Jiffy Lube, plays defensive end, and bench presses 180. The ASVAB, however, provides information recruiters can't purchase — or find online. The ASVAB shows Johnny struggles with Algebra I and has a reading comprehen-

sion level of an 8th grader. The ASVAB completes the valuable virtual dossier that assists recruiters before first contact. Military recruiting is a sophisticated psychological pursuit.

The data released by the DoD identifies 900 schools that *require* students to take the test, although the number is actually much larger. For instance, North Little Rock High School tested 680, almost all of its juniors and seniors. All of the data was shipped to recruiters without mom and dad in the loop, while the Pentagon's database reports that the students took the test voluntarily. (70 percent of the students are economically disadvantaged, and the school is 89 percent minority.) Alief Early College High School in Houston tested 500 seniors. The school is 97 percent minority. The database says the test was not required. How do they manage to get 500 teenagers to voluntarily take a military enlistment test?

### Mandatory Military Testing Violation of Student Rights

In 2013 the UN's Committee on the Rights of the Child charged that mandatory military testing was a violation of The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. The Committee found that "Parents and children are often unaware of the voluntary nature of the Armed Services Vocational Aptitude Battery (ASVAB) test organized in schools or its links to the military and that, in some instances, students were reportedly informed that the test was mandatory." In its response, the U.S. denied the mandatory nature of the test.

In March 2016, Shannon Salyer, national program manager for the ASVAB school testing program, told *Education Week*, "It's always voluntary."

In 1974 *The Family Educational Rights and Privacy Act (FERPA)* stood in the way of the DoD's unfettered access to student education records. The law, which is still in effect today, requires a



signed parental release statement before "education records" are released to third parties. The Pentagon says ASVAB results are military records rather than education records, allowing test data to be released without parental consent or knowledge.

DoD officials wash their hands of the privacy issue. "Whether or not a school official seeks students' or parents' or guardians' permission is entirely up to that school, and we don't have anything to say about that at all," said Curtis Gilroy, the Pentagon's prior Director of Accession Policy during an NPR Interview in 2010.

MEPCOM markets the ASVAB in high schools as a career exploration program without revealing its tie-in to the military or its primary function as a recruitment tool. School counselors and administrators encourage students to take the test that many claim assists students in matching their abilities with certain career paths.

Once the test is scored, the recruiting command sends recruiters to the schools to meet with students to discuss "career paths."

In 2010 Maryland became the first state to pass a law prohibiting the release of ASVAB data to recruiters without parental consent. Specifically, the law calls on schools to select ASVAB Release Option 8, which prohibits the transfer of student information to recruitment services without mom and dad signing off. Hawaii and New Hampshire have similar laws.

David McGuire, interim executive director of the American Civil Liberties Union of Connecticut, captures the view of civil rights advocates regarding ASVAB testing. He said, "Students do not leave their constitutional rights behind when they walk through the schoolhouse door."





**MILITARY'S ASVAB TESTING**

## Two Important Items for Families with High School Students

### *Project on Youth and Non-Military Opportunities*

Military recruiters may contact your son or daughter because the school administration has given them your child's name, address, and phone number.

You can avoid this by filling out an "opt-out" form that tells the school it *may not* release your child's personal information to recruiters.

**"Opting out" is your legal right.** There is no penalty for opting out. School officials must comply with your request.

Most districts have their own form. If you do not receive one, immediately contact your student's school. One form is needed for each student. Forms should be signed by parents or a legal guardian.

**But Opting Out Is Not Enough!**

Your child's personal information could be released to military recruiters

if he or she takes the military's ASVAB test at school.

The Armed Services Vocational Aptitude Battery (ASVAB) is a test given in most high schools. If your child is given this test, his or her personal information will usually be given to military recruiters even if you Opted Out.

The ASVAB test was developed by the Department of Defense to measure skills for military jobs. It is now used in approximately 14,000 schools around the country. Department of Defense civilian employees and military recruiters convince schools to give the test so that they can get personal information about students. The ASVAB is also being used by the Pentagon to create a national database on all teenagers.

**The ASVAB is not a mandatory test.** There is no penalty for not taking the ASVAB or for refusing to give this personal information to the military. If you have opted out, or if you do not want the military to have this personal information on your children, contact your local school and inform them that you do not want your child to take the ASVAB test, a test administered and controlled by the military.

Keep your personal information private by refusing to take the ASVAB

For additional information on "opt-out" and the ASVAB, contact:

Project on Youth and Non-Military Opportunities (Project YANO) • 760-634-3604 • ProjYANO@aol.com • www.projectyano.org

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### I • DEMAND LEAD TESTING OF WATER

for almost 20 percent of the children diagnosed with dangerous levels of lead in their blood over the past three years. That is 118 children. The neighborhoods are collectively about 83 percent minority, mostly African American. Nonetheless, not a single home was sampled in 2014 or in 2008 (years data is available). Overall only an average of about 62 homes are tested every three years!

Both the city and county say it is not necessary to test the water, as lead paint is considered the main source for lead poisoning. Experts however state that all sources should be tested as poisoning can come from more than one source and to eliminate a major known source, like water, is unscientific and unsafe. Flint, Portland and other cities have shown this reality. Water systems across the U.S. are highly likely to have problems with lead.

Further water in city schools is not tested for lead. A spokeswoman for the school system said that "we retrofitted all of the schools' plumbing fixtures in 2004." This is not sufficient to eliminate lead in the water, which can also come

from the cities old water lines. The Buffalo Water Board has yet to release the number of service lines – the stretch of pipe of that connects houses with water mains running under streets – that contain lead. The topic has not even come up in any board meeting minutes for at least three years.

Rochester has about 23,000 service lines that likely contain lead. Syracuse has 15,000. But in Buffalo, there is a refusal to report the service lines with lead, something that directly impacts schools.

It is the obligation of the city and county to go all out to test all the schools and all the high-risk homes, especially those where children have already been identified as having high lead levels. Lead poisoning is a major source for health problems, including permanent brain damage for children, developmental and



behavioral problems, and more.

*Buffalo Forum* urges all concerned to demand testing by the city and county of schools and homes. Safe water and housing are rights the government is duty-bound to meet. Schools should not be left out or the safety of the water taken for granted. As the example given by Portland teachers and staff shows, demands for safe water in schools is a necessity, just as it is for homes.

## Looking for Lead in All the Wrong Places

Dan Telvock, *Investigative Post*

Neighborhoods on Buffalo's East and Lower West Sides are "ground zero" for the worst lead poisoning problems in all of Upstate New York. Lead paint is considered the culprit, but the crisis in Flint, Michigan, has raised questions about the safety of the drinking water in cities like Buffalo.

The testing program used by Buffalo to determine whether drinking water is safe does not target the minority neighborhoods where the lead poisoning problem is concentrated, an analysis by *Investigative Post* has found. Instead, the city has focused on predominantly white neighborhoods in North and South Buffalo that report few, if any, lead poisoning cases.

Consider the disparity: The city collected only five of 300 samples in the past five rounds of testing from homes in the ZIP code located in the heart of the East Side. By contrast, the city collected 41 out of the 300 samples from homes in the ZIP code that covers predominantly white neighborhoods in North Buffalo where not a single child was diagnosed with high lead levels in recent years.

Nevertheless, Mayor Byron Brown said he was not alarmed. "I'm not concerned because our water is good in the City of Buffalo," the mayor said. But *Investigative Post* found serious shortcomings in the city's testing program that extend beyond the racial disparities and call into question the mayor's claim that the city's drinking water supply is safe.

Two national experts who helped bring to light the lead in drinking water crises in Flint and Washington, D.C., said the findings are concerning. They are particularly troubled by the lack of testing in high-risk neighborhoods.

"If you're not sampling in those neighborhoods, how do you know that the water is safe?" said Marc Edwards, a civil engineering professor at Virginia Tech University, who helped uncover the drinking water crisis in Flint last year and one in the nation's capital over a decade ago.

"I certainly would take the position that it is morally highly questionable, if not outright wrong," added Yanna Lambrinidou, a Washington, D.C., activist who helped uncover

that city's lead in drinking water problems and served on a federal Environmental Protection Agency advisory panel that recommended revisions to the federal drinking water regulation that deals with lead.

In addition to the disparity in the sampling program, *Investigative Post* found:

- Buffalo's program appears to be in violation of federal law for its failure to focus testing efforts on the houses considered most at risk.

- Up to a quarter of the homes sampled in 2014 belonged to current or former city employees or their family members. Many of these employees work for the water or public works departments.

- Buffalo has not acted on the federal recommendations to be transparent about the location of lead service lines, which are the chief source of lead in drinking water.

- The Erie County Health Department rarely tests drinking water for lead in homes where a child has been diagnosed a high blood-lead level. [...]

### High Lead Poisoning Rates

Buffalo has the biggest lead poisoning problem in Upstate, with hundreds of children diagnosed each year in black and Hispanic neighborhoods in the East and lower West Sides. The problem dates back years: inner-city neighborhoods accounted for three of the four upstate ZIP codes reporting the most new lead poisoning cases for a three-year period ending in 2012.

"Buffalo is ground zero in the entire country for lead poisoning," said David Hahn-Baker, a local environmental activist who has studied the lead problem for three decades.

A child diagnosed with high blood-lead levels can suffer irreversible harm, such as brain damage and developmental delays. In fact, the Centers for Disease Control and Prevention has determined there is no safe blood lead level in children.

Lead paint in Buffalo's old housing stock is cited as the chief culprit. But the crisis in Flint, where dangerous levels of lead were found in drinking water in February 2015, has raised serious questions about water quality in cities like Buffalo that have older

infrastructure.

Buffalo's aging drinking water infrastructure is part of a growing problem across New York. The estimated cost of repairing and updating the state's drinking water systems is almost \$40 billion.

Houses in Buffalo built before 1940 are more likely to have a lead service line that carries water from the street into the house. Experts say these homes are most at-risk for having lead in their drinking water. "It's like drinking water through a 30-foot lead straw," said Edwards, the national expert. Homes built before 1986 are more likely to have plumbing inside that contains lead — such as in solder used to connect pipes. "I guarantee you: you sample for lead in worst-case Buffalo homes, you're going to find significant levels of lead," Edwards said.

Like all water utilities, Buffalo's is required by federal law to periodically test drinking water in a limited number of homes. All the homes tested are required to have some form of lead in the pipes. In Buffalo, an average of 60 homes are sampled every three years.

### The Disparity

*Investigative Post* filed Freedom of Information Law requests to obtain records for the sampling conducted in 2002, 2005, 2008, 2011 and 2014.

An analysis of the records found that *only one-third* of the samples the city collected came from homes in the five ZIP codes that account for 91 percent of the reported childhood lead poisoning cases. These neighborhoods are collectively 66 percent minority.

Nothing illustrates this disparity more than the sampling in ZIP code 14211, an area of the city bisected by Genesee Street, neighborhoods that include Martin Luther King and Schiller parks. The neighborhoods here are collectively 83 percent minority and accounted for almost 20 percent of the children diagnosed with dangerous levels of lead in their blood over the past three years. That is 118 children.

Nonetheless, not a single home here was sampled in 2014 or in 2008.

**Looking for Lead • 7**



6 • LOOKING FOR LEAD

In contrast, 46 percent of the samples the city collected came from homes in five ZIP codes that account for only 2.5 percent of the reported childhood lead poisoning cases. These neighborhoods are 84 percent white.

The two most tested ZIP codes — 81 of 300 samples — were in North and South Buffalo where not a single child was found to have elevated blood levels in the past three years. Both neighborhoods are overwhelmingly white. [...]

Mayor Brown said any resident can volunteer to participate in the city's sampling program and reminders are inserted in ratepayers' bills before testing begins. "We're not ignoring any neighborhood," he said. "They have the ability to contact us and request that their water be tested."

One resident only noticed the insert after a reporter asked her to check her most recent bills. "It is a little flier with a pretty picture of a boat floating on the lake," she said. "I didn't pay attention to it." McFoy, the Buffalo Water Board chairman, acknowledged that the fliers do not reach tenants whose landlords pay the bills. "We know we have significant renters so we've had to change our tactics up and actually go door to door in those neighborhoods," he said.

#### Possible violation of law

Federal law requires that at least half the homes sampled are deemed most at-risk. *Investigative Post* obtained, through the Freedom of Information Law, the records the city said it used to determine the most at-risk homes and the location of lead service lines. The law requires every home sampled have lead plumbing and at least half must have lead service lines that run from the street into homes, which are "pure 100 percent lead," said Edwards, the Virginia Tech professor.

Of the 62 homes sampled in 2014, *Investigative Post* could only verify lead service lines in 28 households based on the records the city provided. Furthermore, many of the records the city provided are from a century ago, some of which could be inaccurate. For example, most of the records do not indicate if a lead service line had been replaced.

"We ran into this in Flint, Michigan,

where we're learning that the error rate in these records is about 50 percent," Edwards said. [...]

Lambrinidou, the D.C. expert, said "It is time for water utilities to be required to monitor precisely in the highest-risk neighborhoods where people do not have the means to protect themselves."

#### Inaction and 'cheating'

*Investigative Post* found other problems with the testing program.

In February, the EPA directed all water utilities to "increase transparency" by posting on their public websites the locations of lead service lines and updated records on the types of plumbing inside homes. Buffalo has failed to follow this guidance.

"If utilities are not able to demonstrate that they have made progress in this regard, then we have a serious problem on our hands," Lambrinidou said.

Buffalo used all three "cheats" in its water sampling program.

In June, *The Guardian* newspaper found that at least 33 cities, including Buffalo, used "cheats" that could reduce the amount of lead in drinking water before sampling.

In fact, Buffalo's water utility was one of a handful that "cheated" on all three measures by instructing residents to:

- Flush faucets prior to testing, which removes water that may have been in contact with lead plumbing.
- Clean filter screens inside faucets, which can remove flakes of lead.
- Run the water slowly while collecting samples, which can prevent lead particles from flaking off pipes.

"I don't know how this sounds to residents of Buffalo who are asked and expected to trust their water utility when the utility tells them that their water is safe to drink," Lambrinidou said.

#### Health Department Ignores Risk

One East Side resident reported her great-grandson was diagnosed with a high blood-lead level two years ago. She said county health inspectors checked the window sills and walls, but did not find any lead hazards.

What did the county health department conclude?

"They said primarily they think he was putting pennies in his mouth, coins in his mouth," she said. "That's the best they could come up with." "They didn't check the water," she added.

Another resident had a similar experience after her daughter was diagnosed with an elevated blood lead level. The only difference was that the health department said her daughter's exposure came from the soil. "They never tested the water," she said.

Commissioner of Health Gale Burstein refused an interview request. She said in a prepared statement that the county does not routinely test the water in the houses of children diagnosed with elevated lead levels in their blood.

In her statement, Burstein said county inspectors have identified lead paint "as the primary source of lead in our investigation of elevated blood lead levels."

"If presented with evidence that tap water was becoming an identified source of lead poisoning, ECDOH would absolutely consider modification of our testing protocol to include tap water," she said.

Edwards called Burstein's reasoning "narrow minded," and Lambrinidou said it was "unconscionable."

"It is unethical and it is entirely unscientific," said Lambrinidou.

McFoy, chairman of the Buffalo Water Board, said the city has moved up its sampling program a year ahead of schedule as a result of "heightened awareness" since the crisis in Flint.

He said "We want to simply ensure that we have complete coverage in the city," McFoy said. East Side residents said they are not hopeful that testing will increase in their neighborhoods.



## Portland Teachers Expose Lead in Schools

*Samantha Winslow, Labor Notes*

The school superintendent in Portland, Oregon, has resigned amid a widening scandal, after news broke that the district waited months to tell the public that drinking water at two elementary schools had tested positive for lead.

Even school employees only learned about the elevated lead levels at Creston and Rose City Park when a local newspaper ran an exposé.

“What set all of us off initially was the cover-up,” said Belinda Reagan, president of the union that represents school clerical staff. “They lied about it. They knew.” The first two schools were just the tip of the iceberg. “Now we are finding out, as they are testing more schools, that all of them have the issues,” Reagan said.

The four unions representing teachers, custodians, and clerical employees quickly united to put pressure on the district — and to find out how this problem went unfixed for so long. They are demanding testing of all schools, safety protection for students and employees, and a role in the plan to make schools safe by the fall.

### Outsourced Maintenance

Periodic lead testing showed the presence of lead in Portland schools’ drinking water back in 2001. Between 2010 and 2012, the district found unsafe levels of lead in 47 schools.

Since then, parents and employees had assumed the district was following requirements — including installing and replacing water filters, and where needed, posting signs warning people not to drink the water. It turns out that was not true.

The superintendent has claimed she was unaware of the problem. She fired two managers overseeing school maintenance.

But Portland Association of Teachers (PAT) Vice President Elizabeth Thiel said it has been a struggle just to find out who was really responsible for overseeing building safety. “It feels like a system that has been built in order to divert attention from problems, instead of solving them,” she said.

Part of the problem, said outgoing PAT President Gwen Sullivan, is that over the years the district has cut back and outsourced its maintenance staff, getting rid of the

workers who had “historic knowledge” of the buildings — while administration passed the buck on the ongoing problems.

PAT leaders joined with the other school-employee unions — Service Employees (SEIU) Local 503, a council of trades unions, and the Portland Federation of School Professionals (AFT) Local 111 — and took action. At the June school board meeting, the presidents of the four unions together announced their demands, including that the district pay the cost for any employee who chooses to be tested for lead poisoning, and that it share its plan to ensure schools are safe by the end of the summer.

One demand the unions quickly won was an independent investigation. Results were announced July 18, concluding that higher-ups had shown an “absence of diligent inquiry” on lead safety protocols. The day the report came out, the superintendent announced her resignation.

### A National Crisis

The revelation of poisoned drinking water citywide in Flint, Michigan, has sparked national outrage — and concerns about unsafe levels of lead in many other cities.

In Newark, New Jersey, more than 30 schools have tested positive for high levels of lead. A study showed administrators knew about the unsafe lead levels for six years. In Chicago, district-wide testing has identified 26 schools with unsafe lead levels.

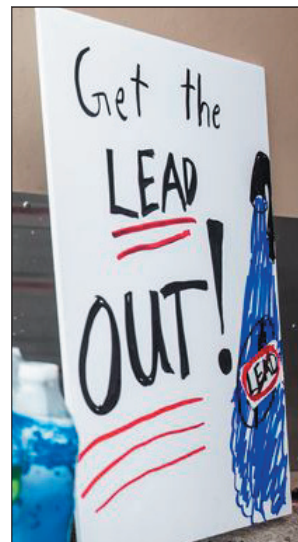
In Baltimore, the water has been shut off for 10 years in nearly all the public schools. The district has so far opted to spend a half-million dollars a year on bottled water rather than the millions it would take to overhaul the plumbing.

While lead exposure is harmful even to adults, for children it can cause permanent brain damage — leading to slowed development, and learning and behavior problems.

In Portland, at first the district paid for students to be tested, but resisted covering employees, even at the schools with confirmed lead problems. It took six weeks of efforts from workers, parents, and the public before the district relented. Two teachers tested positive, increasing the pressure, although it is not confirmed whether their exposures

came from school property.

The board ultimately agreed to allocate \$250,000 for lead testing, and sent a letter notifying all employees that they would be covered.



### Cleanup Takes Money

Like Baltimore, for the 2016-2017 school year Portland will purchase bottled water, an estimated 1.1 million bottles for drinking and food preparation.

But Portland teachers, who in 2014 came to the brink of a strike to bring down class sizes and reduce workload, do not want to see those improvements lost because the district redirects funds to address the lead crisis.

“I hope it would not be pitted against the education that kids need,” Thiel said. “If it comes down to ‘Do you want education or safe classrooms,’ we need both.” [...]

The union is part of the coalition “A Better Oregon,” which gathered 60,000 signatures to put Measure 97 before voters this November. The initiative would increase taxes on out-of-state corporations, generating \$6 billion for schools, senior care, and health care.

Incoming PAT President Suzanne Cohen said the lead crisis has driven home the need for more funding for staffing and infrastructure. “You are not starting school,” Sullivan said, referring to the school board, “until there is a comprehensive plan that students and schools are safe.”

“When we stand united like that and face the school board, they have to listen,” Reagan said of the four unions’ joint demands. “We need more of that.”



I • SOLIDARITY RUN

prisoners — those imprisoned for resisting oppression and exploitation. These funds go directly to the prisoners, which this year include Seth Hayes, Herman Bell and Jalil Muntaqim, (imprisoned here in NY). The funds enable them to afford essentials like healthy food, clothing and postage stamps. This year, Running Down the Walls is aiming to raise \$3,000.

Nate and Leslie are asking those who defend the rights of prisoners to join in supporting the run. This can be done by:

1) Sponsoring them

Running Down the Walls is typically a 5K, so we are aiming to do two loops around the Delaware Park track, which would be just a little over 5.5K. You can sponsor one or both of us by the kilometer, or make a contribution to the run as a whole. Contributions can be sent them through Paypal to orders@burningbooksbuffalo.com, bringing them by Burning Books on Connecticut during regular hours (11-7, Wed-Sun), or bringing them to the run in person.

2) Joining them!

Nate and Leslie and all others interested will be meeting at Ashker's In the Park (where Meadow Road enters Delaware Park off Nottingham Terrace) at 9AM on Sunday, September 4th. Consider complimenting your running gear by wearing a t-shirt that relates to the Running Down the Walls / Political Prisoner theme, or even making one to wear. Get some sponsorships of your own or sponsor yourself and we'll run down the prison walls together!

Nationally, this year's Running Down the Walls events will take place Sunday, September 4 in New York City and Denver and Sunday, September 11 in Los Angeles. Every year, prisoners and supporters of political prisoners organize solidarity events with Running Down the Walls. In the last few years, there have been runs in Albuquerque (NM), Arcata (CA), Ashland

(OR), Bellefonte (PA), Boston (MA), Denver (CO), Elmore (AL), Inez (KY), Los Angeles (CA), Marion (IL), Pelican Bay (CA), Phoenix (AZ), Tucson (AZ), and Toronto, Ontario.

Proceeds are used to send monthly checks to political prisoners. Funds are collected from the Run and individuals and organizations. Over the last two decades more than \$90,000 has gotten to political prisoners in the United States. Currently, there are ten people who receive a monthly stipend as part of the program:

Joseph Bowen  
Russell Maroon Shoatz  
Alvaro Luna Hernandez  
Herman Bell  
Robert Seth Hayes  
Maliki Shakur Latine  
Ruchell Magee  
Sundiata Acoli  
Hanif Bey  
Malik Smith  
Oso Blanco

This year the big runs will be held in:

1) **New York City • September 4,**  
Prospect Park.

<https://nycabc.wordpress.com/2016/08/10/RDTW2016/>

Donate to NYC run: <https://gumroad.com/nycabc>

2) **Denver, Colorado • September 11,**  
Sunken Gardens Park.

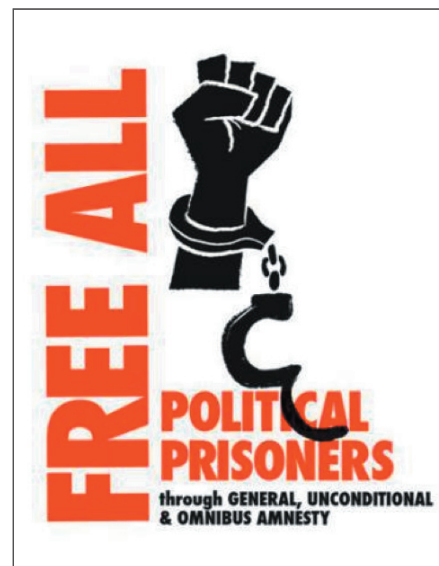
<https://www.facebook.com/events/1593519017612113/>

Donate to Denver run:  
<https://fundly.com/running-down-the-walls-2016#donate>

3) **Los Angeles, California • September 11,**  
MacArthur Park.

<https://www.facebook.com/events/252423718473970/>

Donate to LA run: <https://fundly.com/running-down-the-walls-los-angeles>



Smaller solidarity runs will be held in:

1) **Middletown, Connecticut • September 11**

<https://www.facebook.com/events/544932482361267/>

2) **Lake Worth, Florida • September 11**

<https://www.facebook.com/events/1081765235210636>

3) **Turners Falls, Massachusetts • September 11.** 10am. Contact: 413-768-8190.

4) **Twin Cities, Minnesota • September 11**

<https://www.facebook.com/events/322496764753741/>

5) **Chico, California • September 11**

<https://www.facebook.com/events/598770490303195/>

6) **Seattle, Washington • September 11**

<https://www.facebook.com/events/740121216128555/>

For more information on Running Down the Walls, see:

<http://www.abcf.net/warchest-program/>

*Visit our website: **usmlo.org***

# The Facts Are In: Solitary Is Torture!

*Jason Walker, Prison Writers*

After spending over five years in solitary confinement, I have finally come to realize that solitary confinement is known torture — and the prisoners are not the only ones who know this. There have been extensive studies that have shown that lengthy periods of isolation can cause a number of mental and psychological setbacks.

In a report concerning CIA torture, expert on sensory deprivation, Dr. Albert Biderman, reported: “the effect of isolation on the brain function of the prisoner is much like that which occurs if he is beaten, starved, or deprived of sleep.” Dr. Biderman also noted that the effects of sensory deprivation were similar to, if not worse than, physical torture.

Also noted in a study by Dr. Craig Haney at the University of California Santa Cruz on the effects of solitary confinement: “To summarize, there is not a single published study of solitary or supermax-like confinement in which non-voluntary confinement, lasting for longer than 10 days where participants were unable to terminate their isolation at will, failed to result in negative psychological effects.”

According to Dr. Haney, “Direct studies of prison isolation have documented an extremely broad range of harmful psychological reactions. These effects include increases in the following potentially damaging symptoms and problematic behaviors: negative attitudes and affect, insomnia, anxiety, panic, withdrawal, hypersensitivity, ruminations, cognitive dysfunction, hallucinations, loss of control, irritability, aggression, and rage, paranoia, hopelessness, lethargy, depression, a sense of impending emotional breakdown, self-mutilation, and suicidal ideation and behavior.”

What is sad about the whole ordeal is the fact that these researchers are only doing a study that is limited in range and time of observation. Just imagine what I am going through and what I have observed in the past five years being around the same individuals day in and day out?

One case amongst several that I want to point out is a prisoner I will call “Poo-poo.” This particular inmate has been locked up

for over three decades, with two of them being spent in solitary confinement. The effects of what has happened to him are obviously permanent and only getting worse as the days tick away.

This individual (when awake) spends his days hollering, kicking, banging, pacing and ranting and raving. All it takes is for him to conjecture that something being said or done is against him and the results are: several hours of indecent and vulgar name calling to no one in particular, since what or who he thinks is against him are nothing more than schizoid and psychotic auditory hallucinations. Due to his dysfunctional behavior, staff and inmates alike have developed hatred towards him and, as punishment for his uncontrollable behavior, staff had maintenance remove his electrical outlets to prevent him from doing anything other than being disruptive. Since he has no way of utilizing his power, he cannot listen to the radio or use his fan to ward off the summer heat, so his thoughts of everybody being out to get him are partially true, which intensifies his rage and opens up a Pandora’s box for future events.

Another case I want to elaborate on is that of an inmate I will call “Turbo.” This inmate does not kick, scream or disrupt the environment. He keeps quiet, stays in the dark and, at times of extreme stress, will cut deep gashes in his neck, arms and temple and will quietly bleed to death if a spectating inmate does not bring it to the staff’s attention. I have witnessed his cutting three times and each time staff and medical just put him on suicide watch status for several days and then sent him back to a cell.

This inmate, just like Poo-poo, has spent 10-plus years in solitary confinement and has no outside support or support from staff and inmates. These two cases are different but they are both examples of how solitary confinement has more than one way to suck a victim into its vacuum of ill-fated pandemonium.

Staff and the administration alike have found ways to try and suppress or fabricate the reality of the harmful effects caused by solitary confinement. The most common notion of monomania, that these

inmates behave like this to get attention, is absurd and illogical. Due to humans being naturally social, it would take a fool to believe that being restricted from direct and constant contact with sounds and common themes that are essential to one’s social development and mental stimuli will not have a dramatic affect if they are stripped against one’s will.

More precisely, the torturous effects of solitary confinement were given scientific study by the CIA and military in efforts to refine its application as a deliberate torture technique. This was exposed by Alfred McCoy in an exhaustive exposé following, and in response to, the 2004 military CIA torture scandal. McCoy revealed that this method of torture was studied and refined as part of a \$1 billion a year CIA torture research and development project spanning from 1950 to 1962.

One of the earlier experiments was conducted under CIA contract by Dr. Donald Hebb at McGill University, where he found that hallucinations and severe mental breakdown could be consistently induced within 48 hours by cutting a person off from external sensory stimulation which is, in effect, what solitary confinement does.

In a 1951 study, Dr. Donald Hebb tested his theory that sensory deprivation could break a person in a matter of days. He hoped to observe his subjects [paid male university students] for six weeks, but the majority of them lasted no more than a few days in isolation — and none more than a week.

From Hebb’s study: “The individual’s thinking is impaired; he shows childish emotional responses; his visual perception becomes disturbed; he suffers from hallucinations; his brain-wave pattern changes.”

Just by one inmate screaming, kicking and being disruptive day-in-and-day-out for years can drive the most sane inmate crazy, as he is forced to witness such insensible doldrums without a way to block them out.

Due to the fact that the administration and the government are aware of the effects of isolation and still refuse to acknowledge it goes to show that solitary is torture.



CHICAGO ACTION TARGETS GOVERNMENT IMPUNITY

## Protests in Ferguson Inspired Chicago's Freedom Square

Derrick Clifton, *Chicago Reader*, August 9, 2016

On a recent afternoon in “Freedom Square,” Chicago, pedestrians take refuge from the scorching heat in a hospitality tent stocked with campaign petitions, snacks, and a cooler of bottled water. A few kids dabble in watercolor painting, while adults empty trash and slice meat and vegetables for grilling. Curious community members approach to ask what has compelled activists to brave the summer elements as long as they have.

For nearly three weeks, protesters and their supporters have encamped on this vacant west-side lot, across the street from the Chicago Police Department's Homan Square facility. An investigation by the *Guardian* last fall revealed that police had “disappeared” more than 7,000 people at the site, conducting off-the-books investigations and torturing and abusing detainees. Organizers describe Freedom Square as “a community block party and occupation to imagine a world without police.” The occupation will continue indefinitely, they say, until city officials meet their demands—including shutting down Homan Square; revoking a proposed “Blue Lives Matter” ordinance [that criminalizes protest]; defunding police and funding communities; and releasing reports about the death of 16-year-old Pierre Loury, who was fatally shot by police in April.

“It's important for activists to take their ideologies out of the meeting room and into the block,” says Kristiana Colón from within the hospitality tent. Colón is co-director of the #LetUsBreathe Collective, one of the groups involved in the occupation. “Part of being out here is having the autonomy to construct a village where we live our values every day and have the courage to resolve conflict without calling police,” she says.

A passerby on the sidewalk catches Colón's eye. “Would you like a bottle of water?” she asks, launching an exchange that ultimately wins another supporter for the occupation and its demands. Her attention frequently shifts from coordinating volunteers and accepting donations to tidying up the area and sharing lighter moments with kids at play.



Colón and her brother, Damon Williams, drew inspiration for Freedom Square and their collective from the 2014 protests in Ferguson, Missouri. They traveled to Ferguson two years ago this month and watched as the Ferguson group Lost Voices vowed to occupy a protest area near Ferguson police department headquarters until officer Darren Wilson was arrested for the fatal shooting of Michael Brown. Colón and Williams dedicated crowdsourced funds to ensuring that the camp remained livable and sustainable. On the 47th day, police officers forcibly ended the occupation. (A grand jury did not indict Wilson for the shooting.)

On July 20, Chicago-based Black Youth Project 100 organized a human blockade of Homan Square, during which 13 demonstrators were arrested. Earlier that day, before leading a march in support of the action, #LetUsBreathe pitched seven tents on what is now the occupation site. The tents were originally meant to create a visual spectacle, Colón explains, and to represent seven vital areas where resources could be redirected away from policing: restorative justice, education, employment, mental health, housing, arts, and nutrition. (They later added an eighth area, addiction treatment, after input from North Lawndale residents.)

But on the night of the march, children

from the neighborhood suggested another use for the tents.

“They asked, ‘Are you all staying here? We want to camp with you,’” Colón says. “That was the first sign of a desire for that kind of consistent engagement from the community.” After hearing from the kids, organizers went home that night pondering what would come next.

In the conversations that followed, they drew inspiration from a few other concurrent events. Some of the Ferguson protesters would soon arrive to attend a final rehearsal of Colón's play reimagining their experiences, *Florissant & Canfield*, named for a Ferguson intersection near where Brown was killed. That same weekend, groups in North Lawndale commemorated the 50th anniversary of Martin Luther King Jr.'s Chicago Freedom Movement, which rallied for open housing, quality education, and economic opportunities. These events sparked what organizers describe as an “overnight decision” to plan a longer occupation of the site.

Freedom Square now feeds more than 200 people each day, fueled by the labor of organizers and volunteers, as well as in-kind donations. At any given time, well-wishers drop off packs of bottled water, meat for grilling, fresh fruits and vegetables, first

**Chicago's Freedom Square • 12**

## Twenty-Ninth of Every Month for Oscar

### *ProLibertad Campaign*

Inspired by the “5th of every month for the Cuban 5” campaign and the 33 x Oscar initiative in Puerto Rico, The ProLibertad Freedom Campaign has decided to dedicate the 29th of every month to Oscar Lopez Rivera! Why the 29th? Because Oscar was arrested on May 29, 1981!

In 2014, ProLibertad organized various actions for Oscar on the 29th of each month. We organized pickets, twitter campaigns, call in days, and educational workshops.

In 2015, we sponsored a monthly National Call In Day to President Obama.

Each month, a guest endorser lent their name and support to the National Call In Day. Former Political Prisoners Rafael Cancel Miranda and Ricardo Jimenez were two of our endorsers.

This year, we are asking people to support our monthly Twitter Campaign! Building off the success of Oscar’s birthday Twitter campaign, which reached nearly 8 million people, we are asking Oscar’s supporters to support this *monthly* Twitter campaign to remind President Obama that Oscar’s supporters will not quit until he is

free and walking among us!

On Monday August 29, let President Obama know that Oscar has the support of the people!

Tweet this message to President Obama:

@BarackObama I add my voice to the thousands demanding: Free Oscar Lopez Rivera NOW! #FreeOscarLopez

Ask your friends, family, co-workers, church members, classmates or union members, to support this campaign! United our voices can make freedom happen!

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### I • OBAMA FREE OSCAR

mutations, now as he nears completion of his term he is presenting himself as someone concerned about “unduly harsh” sentences and “second chances.” He has now granted clemency to 562 prisoners, more than the previous nine presidents combined. Of these 197 were serving life sentences.

These numbers do not in any way change the racist character of the U.S. state and its racist mass incarceration that has put millions unjustly in jail, many for non-violent drug offenses like marijuana possession. Nor do they change the continuing jailing of youth, especially African Americans and Puerto Ricans, for such minor offenses and government crimes like stopping and brutalizing youth for no reason and police killings.

Obama’s claim of rectifying “unduly harsh” sentences however does raise a vital question. Why not grant clemency

to Puerto Rican political prisoner Oscar López Rivera, who was also convicted of a non-violent offense and never charged with killing or harming anyone. His sentence is far out of proportion to the conviction on a seditious conspiracy charge — a civil war era law used since then only against Puerto Ricans, like Oscar, fighting for independence. As President Clinton said when granting clemency to Oscar’s co-defendants, “The prisoners were serving extremely lengthy sentences — in some cases 90 years — which were out of proportion to their crimes.” He added, “Our society believes ... that a punishment should fit the crime. Whatever the conduct of the other FALN members may have been, these petitioners — while convicted of serious crimes — were not convicted of crimes involving the killing or maiming of any individuals.”

To be consistent and fair Obama should

immediately release Oscar, who has been imprisoned more than 35 years and faced the torture of solitary confinement. There is broad support for his release across Puerto Rico, from all the political parties, human rights organizations, lawyers and many others. Now is the time to grant him clemency!

The U.S. has so far refused to release Oscar because he has remained principled and steadfast in his convictions that Puerto Ricans have the right to oppose U.S. colonialism and to fight for independence, as he has throughout his life. He has refused to submit to U.S. demands to renounce his convictions and has repeatedly stood with political prisoners in the U.S., Palestine and worldwide in demanding justice and their release. Revenge on such a principled man in his seventies has no place in a modern society. Let Obama’s legacy be Freedom for Oscar López Rivera!

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### II • CHICAGO’S FREEDOM SQUARE

aid kits, and other supplies to keep the grounds stocked. Organizers send daily alerts over social media detailing the donations they need.

The space is also an extension of the collective’s Breathing Room programming, which offers free food and clothing, books, performances, and other vital resources, all of which are donated or exchanged. More than 20 children from North Lawndale — some of whom joined the occupation with family members

— show up daily to paint and draw in the arts and crafts space, play basketball, and attend educational workshops.

Ferguson activists have also stuck around to help. “Even though I’m not from here, the support and energy has been overwhelming,” says 25-year-old Dante Carter. “Everyone has embraced me and shown me more love than I ever expected. . . . We’re here to help the community, to feed people, to smile, and to give the kids new experiences too.”

“We never imagined we’d be able to hold off police interference for this long,” Colón says. “And when people ask about how long we’ll be out here, we say, ‘As long as we need to be, and as long as we can.’” (Freedom Square continues and organizers are persisting in the demands to Close Homan Square torture facility, reject legislation criminalizing dissent and to defund police and fund rights, such as education, arts, jobs. — BF Ed. Note)



## The Case of Oscar Lopez Rivera

Jan Susler, People's Law Office

*"The U.S. government categorically denies it has political prisoners in its gulags. It does it primarily to cover up the nefarious, barbaric and even criminal acts and practices it carries out against us and other regular prisoners, and to do it with impunity. It uses the denial as its license to violate our most basic human rights by subjecting us to isolation and sensory deprivation regimens that are nothing less than cruel and unusual punishment. It uses it to hoodwink its own citizens to believe that it doesn't criminalize dissenters or opponents of its wars and other imperialistic practices. It does it to perpetuate the lie that it is the ultimate defender of freedom, justice, democracy and human rights in the world. And it uses it at times to further criminalize the political prisoners and/or our families and to disconnect us from our families, communities, supporters and the just and noble causes we served and try to continue serving." — Oscar López Rivera*

### Introduction

In the 1960's and 70's, the Puerto Rican community in Chicago, like so many other communities in the United States, was rebelling, resisting the violence and brutality of colonialism, racism, and exploitation. Its young leaders sought not only to battle against and expose these evils, but to help the community take control of its institutions, to instill a sense of hope. It was a time when anti-colonial, national liberation movements had prevailed throughout the world and anti-imperialist movements were fighting for independence and self-determination. It was a time when young men — including Oscar — were being drafted to fight the Vietnamese people's war for liberation. It was a time when the Black Panther Party advocated armed self-defense, when police in Chicago assassinated the party's young leaders.

Men and women such as Oscar López Rivera led these community struggles and were influenced by events, not just in their immediate neighborhood, but in the world, as they founded institutions that continue to serve the community today.

In Puerto Rico during this era, several armed clandestine political organizations formed and carried out actions to protest the presence of United States repressive forces. In the U.S., the FALN (Armed Forces of National Liberation) began during this period. Between 1974 and 1980, the FALN claimed responsibility for bombings of military, government and economic sites, mainly in Chicago and New York, to call attention to the colonial case of Puerto Rico and to demand the freedom of the Nationalist prisoners serving long sentences in U.S. prisons for their pro-independence actions in the 1950's.

### Arrest and its Aftermath

In 1980, eleven men and women were arrested and later charged with the overtly political charge of seditious conspiracy — conspiring to oppose U.S. authority over Puerto Rico by force, by membership in the FALN, and of related charges of weapons possession and transporting stolen cars across state lines. Oscar was not arrested at the time, but he was named as a co-defendant in the indictment. His co-defendants were sentenced to terms in prison ranging between 55 and 90 years, consecutive to state court sentences for the same underlying conduct. The judge stated his regret that he did not have the power to give them the death penalty.

In 1981, Oscar was arrested after a traffic stop, tried for the identical seditious conspiracy charge, convicted, and sentenced by the same judge to a prison term of 55 years. In 1987 he received a consecutive 15-year term for conspiracy to escape — a plot conceived and carried out by government agents and informants/provocateurs, resulting in a total sentence of 70 years.

Upon arrest, Oscar took the same



position his co-defendants had taken, asserting that under international law, U.S. colonial control over Puerto Rico was a crime against humanity, that the courts of the U.S. had no jurisdiction to try him as a criminal, and that he should be remanded to an impartial international tribunal to have his status judged. While this position was recognized by international judicial bodies and other international fora, the U.S. government refused to recognize it and proceeded to try him for criminal offenses. As his co-defendants had done, he presented no defense and pursued no appeal.

### Disproportionate Sentences

Oscar, like all Puerto Rican independentistas in U.S. custody, is punished for his beliefs and affiliations, for who he is, not for any act he committed. Government statistics evidence that those who commit non-political criminal offenses receive far lower sentences than do independence fighters. For example, in 1981, the year Oscar was sentenced for seditious conspiracy, the average federal sentence for murder was 10.3 years. Though he was not accused or convicted of hurting or killing anyone, his sentence was more than five times the average sentence for murder.

His 15-year sentence for conspiracy to escape is even more disproportionate. Conspiracy to escape is apparently so rare that the government does not even maintain statistics, so we are left to compare his sentence to those for actual escape: Oscar's

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sentence is more than 8 times longer than the average sentence for escape.

Not surprisingly, Oscar has been held in prison far longer than those convicted of violent felonies. By the mid 1990's, the average time actually served in prison by those convicted in federal court of violent felonies was just above four years; by the late 1990's, for federal convictions of murder/manslaughter the average time served was 10.8 years.

Oscar's imprisonment for more than 31 years in prison [now more than 35 years] gives him the unique and unenviable distinction of being the longest held Puerto Rican political prisoner in the history of the nation's independence movement.

### Politically Punitive Treatment

The U.S. has not been satisfied with merely incapacitating Oscar by holding him all those years in prison. Prison officials immediately labeled him a "notorious and incorrigible criminal" and the FBI, using informants/provocateurs, targeted him in attempts to further criminalize him and legitimize his transfer to the most maximum security prisons, where he was subjected to isolation and sensory deprivation, labeled as a predator, and "the worst of the worst."

For more than 12 years, he was held at the notorious high security U.S. Penitentiary at Marion, Illinois, and its successor, the Administrative Maximum Unit [ADX] at Florence, Colorado. At ADX, Oscar writes, "some of us were subjected to a sleep deprivation regimen that was pure and simple torture. I experienced it for 58 days and my sleeping patterns were so badly damaged that I still have serious problems sleeping."

At Marion and ADX, he was also the target of constant harassment such as cell searches, confiscation of reading and art materials, and placement in hot cells where there was contraband in order to issue us infractions, send us to the hole, and force us to start the "stepdown" program [to win transfer to a lower security prison] all over again.

The extreme, prolonged isolation, which causes psychological and physical deterioration, has been widely condemned

as violating international human rights standards. Indeed, the United Nations Special Rapporteur on Torture has declared that "segregation, isolation, separation, cellular, lockdown, Supermax, the hole, Secure Housing Unit... whatever the name, solitary confinement should be banned by States as a punishment or extortion technique," and that "indefinite and prolonged solitary confinement in excess of 15 days should also be subject to an absolute prohibition."

In 1998, after more than 12 years in total isolation — with his mental faculties and sense of humor very much intact, and with his self-taught art skills quite honed, despite every effort to break him — he was finally moved to a regular maximum security prison. Prison officials, however, imposed a special condition, requiring him to report his whereabouts every two hours to prison guards. The condition, which was to last for 18 months, has now been in place for a record-breaking 14 years.

In spite of prison policy permitting bedside visits and attendance at funerals, and ignoring letters of support from ministers and elected officials, prison authorities refused to let Oscar attend the bedsides of his ailing mother, father or older sister, and refused to let him attend any of their funerals. During those trying times, prison authorities even refused to allow him to purchase extra telephone time, limiting further his already restricted contact with his family.

Since 1999, the Federal Bureau of Prisons has denied all media requests to interview Oscar, in spite of policy allowing for media interviews of prisoners, in spite of allowing media interviews of other prisoners, and in spite of having allowed Oscar to be interviewed many times previously, without incident. Each rejection has used the identical, unsubstantiated excuse that "the interview could jeopardize security and disturb the orderly running of the institution."

In 2011, the FBI actively intervened to prevent his release on parole, hijacking the hearing by anti-terrorist fear-mongering in order to influence an adverse decision, all the while attempting to humiliate Oscar. Eight prison officials — an exaggerated and

intentionally intimidating presence — hovered near a chained and handcuffed Oscar as the hearing examiner improperly allowed live testimony from four people he wrongly characterized as "victims" — a wounded survivor and

family members of people who died in a 1975 explosion in New York — who spewed FBI-sown hatred in Oscar's face. Knowing full well that Oscar was never accused or convicted of anything related to the explosion, this testimony formed a significant basis for the parole commission's order denying parole and ordering a reconsideration hearing 15 years hence, in January 2026, when Oscar will be 83 years old.

The decision to deny parole was immediately denounced by the leaders of Puerto Rico's political and civil society. Puerto Rico's non-voting U.S. congressional representative — a supporter of statehood for Puerto Rico — said, "I don't see how they can justify another 12 years of prison after he has spent practically 30 years in prison, and the others who were charged with the same conduct are already in the free community. It seems to me to be excessive punishment." His concerns were echoed by the president of the Puerto Rico Bar Association, leaders of the Puerto Rican political parties, labor and the religious sector.

Although on the eve of his 70th birthday Oscar admits, "the calendar is not my friend," his resilience, his commitment, and his love are unflagging:

"The last 14 years I have spent in this

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gulag, Terre Haute. And the harassment has not stopped. Several times my art materials have been confiscated or lost, art work destroyed, family visits stopped, and I still have to report to the jailers every two hours. In those 14 years, in spite of all the provocations and harassment, the jailers haven't been able to accuse me of committing any infractions. But that doesn't stop them from doing what they've been doing to me for the past 31 years. And I'm fairly certain the other political prisoners continue experiencing the same treatment and conditions. It could be argued that government's denial of our existence has worked. But our wills and spirits are strong enough to continue resisting and struggling."

**Use of Pardon Throughout the World**

The people of Puerto Rico on the island and in communities throughout the U.S. and their allies are waging a campaign asking President Obama to exercise his constitutional power of pardon to commute Oscar's punitive sentence and grant his immediate release.

The campaign faces a significant challenge, as President Obama has racked up the stingiest record for commutations and pardons in modern history, and the U.S. Department of Justice Office of Pardon Attorney is guilty of rampant racism and misrepresentation in the recommendations it passes along to the president.

At the same time, governments across the world routinely recognize and utilize the healing power of pardons, especially at holiday times. This year, prisoners — including political prisoners in some countries — have already been released in countries large and small, often at the urging of the U.S. government. President Obama and his Secretary of State have both recently stated publicly that "a single political prisoner is one too many."

Some of the countries that have released prisoners this year (2012) include Iran (at least 130 political prisoners), Syria, Russia, Gambia, Ethiopia (1,900 as part of the country's annual new year's mass amnesty), Thailand, Afghanistan, Pakistan, Azerbaijan, and Belarus. In Burma, 500 hundred prisoners, including political prisoners, were released in

September as the president embarked for the United Nations, describing the move as an effort to "bring tranquility and perpetual peace" to the country. Hundreds more were released on the eve of Mr. Obama's November visit to that country, as part of that country's efforts to win international favor and lift sanctions.

Mr. Obama, on the other hand, has granted one sentence commutation and 22 pardons, not counting the annual Thanksgiving turkeys. Half of the people he pardoned never served any time in jail, and most of them had been released years ago. He has denied 1,019 pardon petitions.

Critics, including a lawyer who served as Pardon Attorney under both Republican and Democratic administrations, have widely encouraged him to more liberally exercise the constitutional power he holds.

**Conclusion**

There is significant precedent for Mr. Obama to commute Oscar López Rivera's disproportionate sentence. As a result of international campaigns waged by the Puerto Rican people and their allies, three United States presidents commuted the sentences of Puerto Rican political prisoners: President Harry Truman in 1952 commuted the death sentence of Oscar Collazo; President Jimmy Carter in 1977 and 1979 commuted the lengthy sentences of Andrés Figueroa Cordero, Rafael Cancel Miranda, Lolita Lebrón, Irving Flores and Oscar Collazo after they served 25 and 29 years in prison; and President Bill Clinton in 1999 commuted the disproportionate sentences of Oscar's co-defendants Edwin Cortés, Elizam Escobar, Ricardo Jiménez, Adolfo Matos, Dylcia Pagán, Luis Rosa, Alberto Rodríguez, Alicia Rodríguez, Ida Luz Rodríguez, Alejandrina Torres, and Carmen Valentín, after they served more than 16 and 19 years behind bars, and also commuted the sentence of Juan Segarra Palmer after he served 19 years in prison.

At the time of their release, Clinton offered to release Oscar on the condition that he serve an additional ten years in prison. The president's offer, however, failed to include two others.

While Oscar encouraged his compañeros/as to accept the commutation, he decided he could not accept, as he did not want to leave anyone behind. Had he accepted the offer, he would have been released in 2009. Those not included in the offer have since been released on parole, leaving Oscar as the sole remaining political prisoner from that case.

In granting the 1999 commutations, President Clinton determined that "the prisoners were serving extremely lengthy sentences — in some cases 90 years — which were out of proportion to their crimes." The fact that none of them had been convicted of hurting or killing anyone was a factor mentioned by the president:

"Our society believes ... that a punishment should fit the crime. Whatever the conduct of the other FALN members may have been, these petitioners—while convicted of serious crimes — were not convicted of crimes involving the killing or maiming of any individuals."

President Clinton acknowledged being moved by the support from "various Members of Congress, a number of religious organizations, labor organizations, human rights groups, and Hispanic civic and community groups" along with "widespread support across the political spectrum within Puerto Rico," and thousands of letters requesting their release. He also indicated he was moved by "worldwide support on humanitarian grounds from numerous quarters," pointing specifically to Former President Jimmy Carter, Nobel Prize Laureate South African Archbishop Desmond Tutu, and Coretta Scott King.

Those same reasons still obtain, and that support has only continued to grow in the years since Oscar's co-defendants were released. With your support — and hopefully in short order — President Obama can take his place in this line of history, and grant Oscar's release, so that he may live out the rest of his years in the comfort and warm embrace of his family and his people.

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## BUFFALO'S PUERTO RICAN DAY PARADE

