

# CAQ

CovertAction Quarterly

SUMMER 1996 / NUMBER 57 / \$ 5.95 / \$ 6.95 Canada

## TRUTH LIES

Lying for a Living: How Washington Survives and Thrives – A Six-Pack of Lies

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White Collar Crime: Whitewash at the Department of Justice *by* DAVID BURNHAM

Vigilante Justice: Common Law Courts *by* DEVIN BURGHART and ROBERT CRAWFORD

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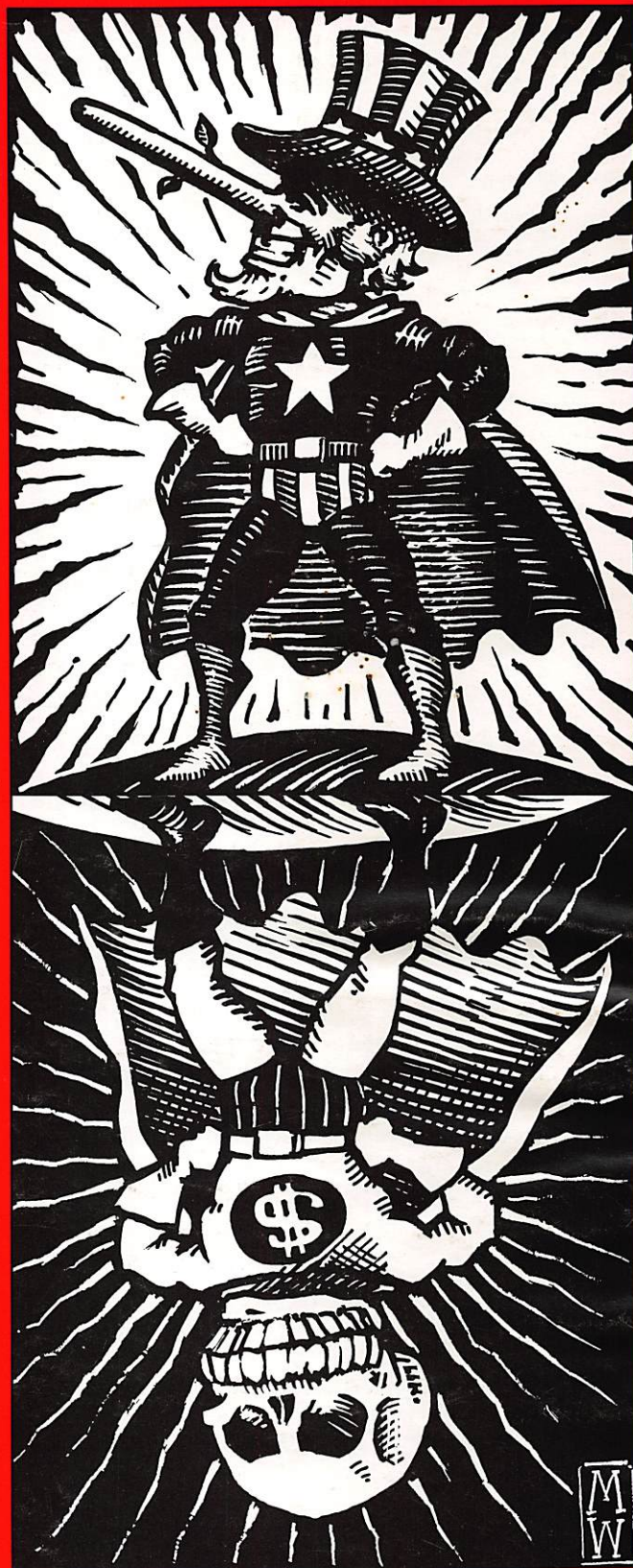


ILLUSTRATION BY MATT WERKER

*Faster than speeding spin control, able to fabricate tall tales in a single sound bite. Look! Up in the sky! It's a bird, it's a plane, it's SUPERPOWER, strange visitation on this planet with powers and abilities far beyond those of mortal man, SUPERPOWER, who can change the course of mighty rivers to make a buck, bend economies to lay hands bare, and who – disguised as a mild-mannered democracy backed by great metropolitan newspapers – fights a never-ending battle against Truth, Justice, in the American Way!*



# CIA Reform: Going Through The Motions, Again

**M**uch of the current discourse on intelligence reform is like a debate on crime limited to deciding what form of capital punishment is more humane—gas, hanging, shooting, evisceration, lopping off limbs, stoning, or injection. The differences in inhumanity are real, but the parameters of discussion automatically preclude a broad examination of options for ameliorating, or even better, preventing the problems. Nor does such a framework allow for the possibility of reassessing and redefining fundamental goals.

Recently three groups have issued reports detailing their recommendations for “reforming” the intelligence apparatus. These latest efforts by the House and Senate intelligence committees, and the Council on Foreign Relations are ineffectual and largely irrelevant exercises in bureaucratic reshuffling. They offer no hope for any substantive change in policy or behavior. Since 1949 there have been 20 such investigations or major reports on the CIA, *et al.*, and little has changed, except that some of the agencies’ methods have gone public and been outsourced. (NED, for example, now openly helps out with manipulating foreign elections and sponsoring news media that promote US interests.)

The response of much of the liberal NGO community and the media to these limp establishment efforts to help “reform” the intelligence apparatus is, astonishingly, disappointment. The kindest interpretation of this reaction is that it recalls Pyle, the pathologically naive spook described by Graham Greene in his novel, *The Quiet American*, as “impregnable with good intentions and ignorance.”

The reason the current cycle of reform is doomed is that the reports fail to call for — or even more important, suggest strategies for — implementing a radical change in US foreign policy aims.

The truth is, the methods used by the CIA, *et al.*, are inextricable from the goals its masters seek to achieve. You do not attain economic, political, and strategic dominance in this world by being Mr. Nice Guy. You do not get to control the labor, markets, and resources of the developing world to the benefit of your corporate/national interests by championing social justice and real democracy. You do not promote world peace by becoming the largest manufacturer and seller of arms on the planet. You do not protect human rights around the world by supporting murderers, assassins, torturers and dictators, or congenital liars either on your own or anyone else’s payroll. You do not enhance democracy by continuously and extravagantly funding a cult and culture of secrecy. You do not reform the CIA by looking to the Congress, the president, the intelligence “community,” or the Council on Foreign Relations for ethical or political leadership.

As if more proof were needed that this route to reform is a cynical sham, the House voted this May to add a 6.3 percent increase — \$2 billion — to the current \$30 plus billion intelligence budget.

**U**ntil there is strong, popular, organized opposition to current goals as well as the methods used to reach them, reform efforts will inevitably flounder. At best, they will bring about a few changes; some will be easily circumvented or simply cosmetic; others may force declassification or restrain the worst abuses. And these, like the difference between death by lethal injection or stoning, will be something. At worst, the reform efforts will help make the agencies more efficient in promoting their heinous goals. They will be like the classic *60 Minutes* focus on exposing Pentagon waste: deploring the \$600 for a toilet seat. Which sparks the impulse to say cynically back to the TV: “Good, flush the money down \$600 toilets, and perhaps there will be less left over for efficient killing machines.”

The danger, then, of promoting intelligence reform without challenging and changing the goals of US policy is that we will get the last thing we all want: a leaner, meaner, more sophisticated, more effectively secret, more focused, more efficient CIA, NSA, etc. Those who really want change should settle for nothing less than a former CIA. If the government wishes to gather information, let it do so using public sources rather than sleeping with torturers in order to hear their nightmares. But reform must start from the beginning, first getting rid of these entrenched servants of US global dominance enthralled with secrecy. As for the method of execution, what could be more fittingly inhumane than severing the funds, budget item by black budget item, until there is nothing left. Nothing. ■

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**PRODUCTION**  
 Tallus Slope Production

**DESIGN**  
 QL Graphics, Burlington, VT

*CovertAction Quarterly*  
 1500 Massachusetts Ave.,  
 NW, #732, Washington, DC  
 20005, 202/331-9763,  
 (fax) 202/331-9751.  
 E-mail: caq@igc.apc.org  
 Website: http://www.  
 worldmedia.com/caq

*CovertAction Quarterly*,  
 Number 57, Summer 1996.  
 Published quarterly by  
 Covert Action Publica-  
 tions, Inc., a District of  
 Columbia Nonprofit  
 Corporation ©1996.  
 Indexed by *Alternative  
 Press Index*, University  
 Microfilms, ISSN 0275-  
 309X. All rights reserved.  
 Printed in the USA.  
 Subscriptions are \$22 a year  
 in the U.S.; \$27 in Canada;  
 \$35 in all other areas. Back is-  
 sues are \$8 per copy; add \$2  
 in Canada/Mexico; add \$4  
 other.

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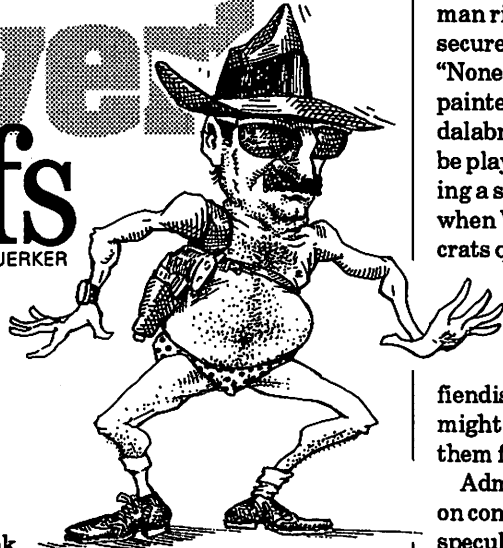


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## Discordant Cuba Policy

First the feds tried to break Manuel Noriega by blasting him out of his sanctuary with rock and heavy metal music. At the six-week-long siege at Waco, Texas, the FBI Top 40 — played to drive out the Davidians — included the sounds of sirens, sea gulls, off-hook telephones, bagpipes, crying babies, dying rabbits, crowing roosters and dental drills, plus Alice Cooper and, in a particularly vicious touch, Nancy Sinatra's "These Boots Are Made for Walking," over and over.

Now the US is trying to bring Cuba to its knees with untuned pianos. Despite the trade embargo, California piano tuner Benjamin Treuhaft was granted a special license to ship 126 old pianos and parts to Cuba for distribution to music schools and promising students. Treuhaft became a common sight in Havana, pedaling his bicycle through the streets making house calls to tune and repair local instruments.

But soon, his "Send-a-Piana-to-Havana" campaign ran afoul of the US government officials who must have been holed up reading Kafka and watching Three Stooges movies during the piano campaign's early stages. They quickly rallied to action.

This April, Treuhaft received a notice from the Treasury Department announcing its intention to slap him with a \$10,000 penalty for violating the embargo on trade with Cuba. "Tuning with the enemy," said his mother, celebrated pinko writer Jessica Mitford, who was hounded by the McCarthy witch hunts of the '50s, "is still punishable by 10 years in prison."

Treuhaft had originally applied to the Commerce Department to export the pianos as humanitarian aid and saw his request rerouted, bizarrely, to the Office of Missile and Nuclear Technology. Apparently, that office failed to recognize the weapons' potential of music and eventually gave him the OK. "Had I asked to ship TOW missiles to Iraq," Treuhaft said, "they probably would have approved it right away. But pianos took a few extra weeks."

In the official forms Treuhaft filled out, he pledged that the exported items would not be "used for the pur-

pose of torture or other human rights abuse." He felt secure in that pledge since "None of the pianos will be painted white, have candleabras placed on them, or be played by anyone wearing a sequined jacket." But when Washington bureaucrats questioned whether pianos were indeed "humanitarian aid" Treuhaft conceded that the fiendish communists just might find a way to use them for military purposes.

Administration officials, on condition of anonymity, speculated that the aim of the policy was actually to protect the pianos since it is a true fact that Cubans torture and abuse their pianos by playing salsa on them which, according to Treuhaft, involves "pounding the keys twice as hard as anyone else."

With the fate of the free world in the balance, US officials are standing firm and the mission of musical mercy is currently stalled. Meanwhile, Treuhaft continues to threaten democracy as we know it from the Underwater Piano Shop he runs in San Francisco, so-named because "I sometimes tune below C level." On the wall is a photo of Fidel, whom he refers to as "a nice old fart."

## Some FBI Agents Like It Hot

It looks like FBI agent Thomas W.W. Ward made a killing on pepper gas. In the last issue, CAQ reported that at least 60 people had died in custody after police sprayed them with the debilitatingly painful chemical.

After the FBI endorsed the spray, more than 3,000 local law enforcement agencies added it to their arsenals. As a method of restraint, it was touted as more humane than a bullet to the brain; as a form of extrajudicial punishment, it was seen as less likely to

create bruises or bad PR than a old-fashioned Rodney King-style beating.



It was also more profitable — at least for FBI agent Ward, former director of the FBI's Quantico Firearms Training Unit and the agency's chief expert on pepper spray. This spring, he pled guilty to a single count felony for accepting a \$57,000 kickback. The payment was made by Lucky Police Products, the manufacturer of Cap-Stun pepper, the country's second largest manufacturer of OC or pepper gas. Ward, who supervised, approved and guaranteed the quality and safety of the pepper spray, also promoted his product in a widely disseminated official FBI training film, *a.k.a.* infomercial.

The FBI said it would continue using Cap-Stun since it was "unaware of any basis for finding that pepper spray is not ... safe and effective." Although eligible for a \$250,000 fine and five years in prison, Ward received two months in prison and three years parole.

### The Phoenix That Rose from Others' Ashes

As the Watergate-era war criminals slowly die off, the nauseatingly hagiographic eulogies are emetic enough to give the Statue of Liberty dry heaves. First Richard Nixon, and now former CIA head William Colby of Operation Phoenix infamy.

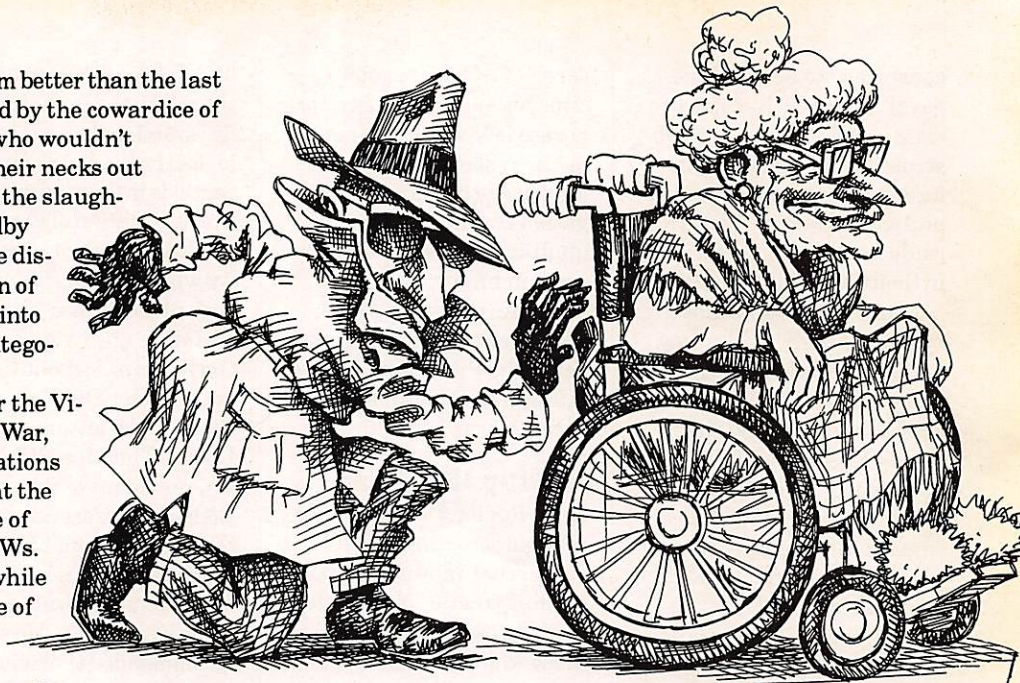
A *60 Minutes* feature, aired while Colby was still missing, showed the old spook admitting that he and the agency had knowingly abandoned to certain capture or death hundreds of South Vietnamese spies it dropped into North Vietnam. It turns out that the infiltration program was itself infiltrated from the start by the North and that the US knew it.

But the bureaucracy of death rolled on, fueled by the arrogance of those who thought they could run the

program better than the last guy and by the cowardice of those who wouldn't stick their necks out to stop the slaughter. Colby had the distinction of falling into both categories.

After the Vietnam War, negotiations brought the release of US POWs. Meanwhile the fate of these non-white employees was ignored, and they languished in prison for up to 17 years without any attempt by the MIA/POW lobby or the agency to intervene. Now the Pentagon refuses even to give them back pay.

Colby blandly allowed that it was all a shame, but had apparently done nothing to redress the wrong. Not surprising for a man who cut his eye-fangs in a CIA covert op to interfere in the Italian electoral process to keep the Communists from gaining power. He then moved on to Vietnam where he rosily spun Ngo Dinh Diem's victory in the 1961 South Vietnam election (rigged by the CIA) as a source of "hope" and "stability." As director of Operation Phoenix, he oversaw a "pacification program" in which 20-40,000 suspected Vietnamese "Communists" were rounded up and executed; some were tortured. He was director of the CIA by 1973, when the agency overthrew Salvador Allende, democratically-elected president of Chile, and set the stage for two decades of brutal military dictatorship. The CIA's Chile operation was, Colby later said, a "prototype or laboratory experi-



ment to test techniques of heavy financial investment in an effort to discredit and bring down a government." No wonder he was the liberals' favorite spook.

But when journalist Orianna Fallaci interviewed Colby a few years later in 1976, she recognized a true believer. After a frustrating interview, she told him, "Had you been born on the other side of the barricades, you would have made a perfect Stalinist." "I reject that statement," Colby replied, "but, well ... it might be. No, no, it might not."

But all is forgotten/forgiven now in eulogies that gloss over or omit entirely the list of war crimes in which Colby was complicit. Instead, the media ring with praise for Colby, the man who "opened up" the CIA and revealed its secrets. In fact, he mostly confirmed to the Congress already compromised or about-to-be-compromised operations — as he was required to do by law.

If the phrase "too little, too late" hadn't already been awarded permanent residence on Robert McNamara's well-appointed walls, it would be a nice epitaph for

Colby. Rather than revealing and redressing those misadventures that he now admits were a shame, the former DCI cashed in on his status by becoming a security consultant. He recently teamed up with a former KGB chief to market a CD-ROM game about tradecraft. Picture the two over Buds and Stoli comparing notes on the finer points of wet-work. One can hardly wait for Henry Kissinger to die — if only to hear the eulogies he will reap.

### Rehabilitate Thyself

Another former CIA head is cashing in on his name and connections. In October 1995, R. James Woolsey joined the board of directors of the Sun Healthcare Group. A \$1 billion company based in Albuquerque, Sun is currently under federal investigation for billing fraud at some of its nursing and rehabilitation homes around the country. Sundance Rehabilitation, the unit under investigation, provides therapy at many of Sun's 145 nursing homes and at 565 other facilities in 30 states.

After obtaining a search warrant to find "evidence of

conspiracy to defraud the government with respect to claims; false claims; and obstruction of proceeding before departments, agencies and committees," the FBI raided a Sun-owned facility in Seattle on July 26, 1995.

In an affidavit obtained by CAQ, Jeffrey A. Stanley, an FBI special agent assigned to the Health Care Task Force, charged that Sun CEO Andrew Turner had issued "a verbal policy" instructing employees to "misrepresent group therapy sessions" and, as a Sun worker quoting Turner reported, "just bill it as individual therapy." For example, a therapist would simultaneously help five stroke victims relearn how to eat and would charge Medicare for five individual sessions. According to Woolsey, Sun received "about 40 percent" of its income from Medicare.

Woolsey joined the Sun board after the raid and after two other board members had resigned. The ex-DCI said he was aware of the fraud investigation when he accepted the seat. "I made a general inquiry and found that there was no reason not to go on board." Asked if he considered that there was a problem working for a company involved in Medicare fraud, he declined to answer "hypothetical questions." He later added that he had no ethical constraints since "almost all companies face investigation."

Asked why he wanted to the board seat, Woolsey said "it is an interesting industry and I am honored."

In addition to the honor, Woolsey estimated his cash compensation at \$35,000 a year plus a generous stock option plan — equivalent to more than two years' pay for most of the people who work in nursing homes.

While he admits to "very little background in health

care," the former spook cites his experience as a corporate lawyer and litigator as the reason he was selected. As the fraud investigation continues, those qualifications will no doubt come in handy.

On the reassuring side, Woolsey is no longer a member of the President's Commission on Federal Ethics Law Reform.

### Making the Grade

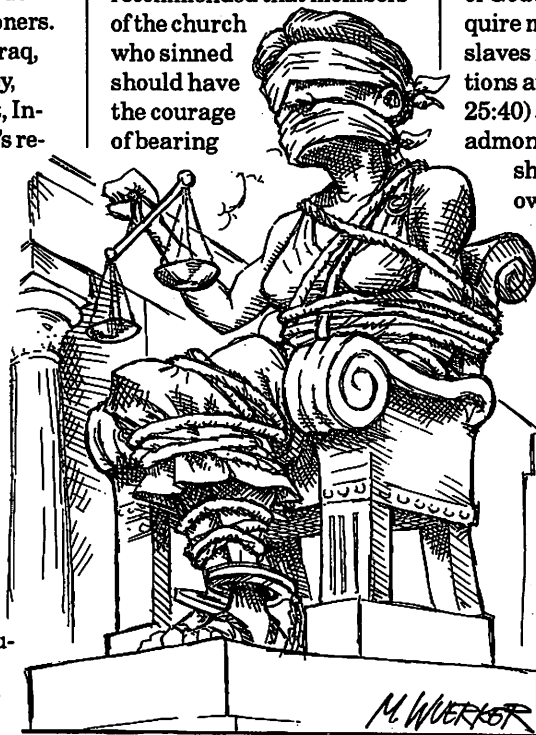
Nigel Rodley, UN's special investigator for torture and other cruel, inhuman or degrading treatment, included the US on the select list of those who commit serious violations against prisoners. It joins company with Iraq, Israel, Pakistan, Turkey, Chile, Colombia, Egypt, India, and others. Rodley's report describes conditions at certain high security prisons in the US as "inhuman and degrading," and singles out for special mention the Security Housing Unit at California's Pelican Bay. (See CAQ, Summer 1993.) "In recent litigation, the federal district court concluded the conditions 'may press the outer bounds of what most humans can psychologically tolerate,'" Rodley noted. "A substantial number of prisoners in [the unit] were said to be suffering from mental illness caused or exacerbated by their confinement in the unit." The UN investigation also cited problems at detention facilities in Texas, Oklahoma and Tennessee.

### Pope Condemns Loose Cannons, or Still Waiting for the Pope to Bear All

In a story for CAQ, Africa Rights heads Alex de Waal

and Rakiya Omar detailed the role of the Roman Catholic Church in laying the ideological groundwork for the genocide in the predominantly Catholic nation of Rwanda.

Already linked to complicity with Nazi Germany, the Argentine military junta and other unsavory regimes, the Roman Catholic Church got a tad touchy. Pope John Paul II, in a letter sent to Bishop Thaddee Ntihinyurwa, president of Rwandan Bishops Conference, said the church cannot be held responsible for wrong deeds of its members who violated church teachings. He then recommended that members of the church who sinned should have the courage of bearing



the consequences of their deeds against God and their neighbors.

### Daddy Is Watching

A new computer program is advertised as helping parents limit the time their kids spend on the computer by shutting off the unit after a set limit. But *Time's Up!* does more than that. It can be little Johnny or Susie's cyber Big Brother. Mommy and Daddy can set up individual dossiers for each fam-

ily member that will keep track of what programs were used for how long and snitch if the kiddies spent time playing games and surfing the net rather than doing their homework.

### The South Will Rise Again

... and when this part of it does, it will still be brain-deep in the toxic sludge of racism. In a speech prepared for a debate over whether to fly the Confederate battle flag over the state capitol, Alabama State Sen. Charles Davidson, he quoted the Bible to justify slavery as part of God's plan. "You may acquire male and female slaves from the pagan nations around you" (Leviticus 25:40) and the senator then admonished that slaves

should "regard their own masters as worthy of all honor" (Timothy 6:1).

"The issue was not race," Davidson protested. "It's Southern heritage. I'm on a one-man leadership campaign to get the truth out about what our Southern heritage is all about." Davidson's Old South was bathed in the happy glow of cheerful slaves and gentlehearted

masters. "The incidence of abuse, rape, broken homes and murder are 100 times greater today in the housing projects," he said, "than they ever were in the slave plantations in the Old South. The truth is that nowhere on the face of the earth, in all time, were servants better treated or better loved than they were in the Old South by white, black, Hispanic, and Indian slave owners."

—Terry Allen



# Lying for A Living:

## How Washington Survives and Thrives

**A** lie is not just the dictionary opposite of the truth. For although what is true and what is false can be subject to interpretation and can change with context and time, lies are something else. They are deliberate efforts to deceive. Some liars lie because it is their job; some lie for personal gain, expedience, or to advance causes they believe in; some believe their own lies and no longer know the difference. We are not talking here about “Your hair looks great, girl” lies, we are talking about a poisonous breach of ethics that rots trust between people, and between people and their elected and appointed officials.

Lies and liars in the body politic are so endemic it is hardly news. It should be. A government that lies to its people will always shrink from openness and fear democracy. In that spirit *CAQ* introduces its Liars’ Lair. Please send along your nominations.

MATT WUERKER





# Lie: The Anti-Terrorism Bill Only Targets Terrorists

by Kit Gage



DONNA DECESARE/IMPACT VISUALS

**Under the Terrorism Prevention Act, these IRA supporters in New York, collecting money for prisoners' families, could get 10 years in prison.**

Calling it "a mighty blow" against terrorism, on April 24 President Clinton signed the Terrorism Prevention Act. He added that the US must "resolve to hold fast against the forces of violence and division by never allowing them to shake our resolve or break our spirit, to frighten us into sacrificing our sacred freedoms or surrendering a drop of precious American liberty."

But the act does exactly what Clinton warned against. The administration, with bipartisan congressional support, has indeed sacrificed "sacred freedoms" and "precious American liberty." The biggest losers are not "terrorists," but all who work to improve conditions in the US and abroad, along with US prisoners, legally resident foreigners, and would-be visitors and asylum-seekers. Since the act does not really affect only "terrorists," then who are its targets and why?

Kit Gage is the Washington representative of the National Committee Against Repressive Legislation (NCARL), a national civil liberties group defending the right of political expression. She writes NCARL's *The Right to Know and the Freedom to Act*.

## Prisoners

The new law effectively guts *habeas corpus*, the long-standing, constitutionally-based right of prisoners to appeal state court rulings to the federal courts. Under this law, the federal courts may no longer overrule state court interpretations of constitutional law. Even when prisoners have compelling evidence of their innocence or of having been wrongly imprisoned, they will now have to prove the state acted "unreasonably" — a new, very tough standard. Further, prisoners now have only a short time, usually one year, to request their single chance at federal review.

This provision has nothing to do with "terrorism" and everything to do with ongoing efforts to strip rights from prisoners. "Terrorism" offenses are federal crimes, and those convicted of them serve in federal prisons. The *habeas* "reforms" are exclusively aimed at inmates of state prisons.

The prisoners who most need *habeas* are the poor and people of color, who are most likely to have had inadequate representation in their cases. Death row

prisoners, too, take an especially hard hit: There can be no effective redress once you have been executed.

The law will, however, certainly increase the number of people in federal prisons under federal terrorism statutes and the amount of time the serve. Acts such as murder, kidnapping, or even property damage, which are uniformly illegal under already existing state laws, may now be prosecuted as federal terrorism offenses, with even harsher sentences.

## Unpopular Foreigners

The law gives the executive branch unfettered and practically unappealable power to label groups "terrorist." In doing so, it virtually begs to be misused for narrow political purposes. Under the act's extremely broad definitions, which encompass even *threats* to do property damage as long as they involve conduct in the US and abroad, groups in any area of conflict around the world could fit the definition.

The historical record makes the application of this provision especially chilling. Under Reagan, for example, the Salvadoran FMLN was considered terrorist, the Contras were not; Nelson Mandela's ANC was terrorist, Jonas Savimbi's UNITA was not; the PLO was terrorist, the Afghan *mujahadeen* were not. Yet, all have resorted to political violence. As in the past, the label will inevitably be used in a selective, politicized way that reflects policy-makers' interests rather than any objective definition of "terrorism."

Any armed revolutionary movement, any national liberation struggle, even any group active in areas of conflict, risks being labeled a "terrorist" organization. In fact, only movements that contest US control or advocate the wrong doctrine are likely to be deemed "terrorist." Movements friendly to US interests will continue to receive aid, support, and encouragement instead of jail.

## Humanitarian Aid

Once the president has labeled an organization "terrorist," providing hu-



manitarian assistance to groups even remotely affiliated with the "terrorists" becomes a federal crime. To make a donation, for instance, to rebuild Hezbollah schools or clinics in South Lebanon would be a criminal offense carrying a 10-year sentence — for foreigners and US citizens alike.

It also turns banks into cops. Banks must, on pain of a \$50,000 fine, identify domestic organizational or individual "agents" (not defined) of "terrorist" groups and freeze their funds, with no right of appeal or provision to unfreeze them. Had this law been in effect a decade ago, CISPES or US supporters of the ANC could have had their organizations destroyed. Again, these provisions virtually beg for selective application by policy-makers and constitute a direct attack on the First Amendment rights of unpopular groups.

### Immigrants

Some of the act's most significant targets are immigrants and visiting foreigners. Now, people can be barred or deported from the US simply because they are members of a prohibited group. They need not have engaged in any criminal activity; instead, they are subject to guilt by association. A nurse at a Hamas clinic on the West Bank, for example, could be barred as a "terrorist" although she spends her days healing, not bombing.

The law also attacks the bedrock of US criminal procedure by allowing the government to deport permanent residents on the basis of secret evidence heard in secret hearings by a special

court. The rights of legal immigrants to confront their accusers has vanished, at least when "terrorism" is involved.

In a particularly cruel provision, the law will turn back desperate asylum-seekers at the border. INS asylum officers may now refuse admission on the spot to people fleeing persecution simply because they failed to document their cases thoroughly or to get proper travel papers from the government they fled.

### Peaceful Dissidents

Two years ago, 12 years of effort by activists and constitutional law scholars orchestrated by NCARL paid off with a

*The habeas corpus reforms have nothing to do with "terrorism" and everything to do with stripping prisoners' rights.*

specific bar on federal law enforcement investigations of peaceful dissent. The anti-terrorism bill explicitly undoes that success, leaving the door open to invasive government intrusion, particularly by the FBI. While not repealing the First Amendment, it sends a chilling message to all who defend the right to advocate political change.

The law also provides a billion-dollar increase in the feds' "anti-terrorism" effort. Given the act's other, repressive provisions, this money will undoubtedly be used to track down and harass peaceful

dissenters, political activists, and members of unpopular foreign groups or causes. With the FBI and other federal law enforcement agencies flush with cash and set loose to "get terrorists," those who exercise the right to dissent or who advocate political change are at risk.

### Consequences

Clearly, the US government wants to cut off funding and political support to selected political movements abroad. Equally clearly, significant movements for political change almost always include both legal and illegal activities, including the use of violence.

By criminalizing previously legal humanitarian activity to prevent financial support for illegal acts, the US will effectively destroy above-ground support for the entire movement. As non-violent, legal supporters of a cause are driven either underground or into passivity, the likelihood of an increase in illegal activity grows. The result could well be more bombs, not fewer.

This law will inevitably chill and disrupt political speech and will scare citizens and foreigners alike away from legitimate political activity. Whoever gives money to any cause abroad must worry that the state will come crashing down on them. Anyone who advocates political change at home or abroad must think twice. Who wants their life and associations subject to federal investigations at the whim of the government? ■



## Lie: The Drug War Is Color-Blind and We Can Prove It

by Clarence Lusane

**"Raw numbers don't show anything."**

— *Nora Manella, US attorney for California's Central District, responding to a query about why, out of 53 federal crack prosecutions in California, not one targeted whites, Feb. 18, 1996.*

Clarence Lusane is professor of political science at Medgar Evers College in Brooklyn and author of *Pipe Dream Blues: Racism in the War on Drugs* (Boston: South End Press, 1991).

If, as Manella and other government officials claim, the US war on drugs is color-blind, the color it is blind to is black. Despite prosecutors' and politicians' lofty declarations that they write and apply the drug laws without regard to race, the data show that in the real world, the "drug war" is waged largely against the black community.

From carefully aimed drug statutes to the racially biased exercise of police, prosecutorial, and judicial discretion,

the system targets blacks. And US Attorney Manella's views notwithstanding, raw numbers show a lot. In fact, they show black drug offenders being arrested, tried, and imprisoned in wildly disproportionate numbers. According to Department of Justice statistics reported by the Sentencing Project last year, while African Americans make up 12 percent of the US population and 13 percent of monthly drug users, they suffer 35 percent of all drug



DONNA BINDER/IMPACT VISUALS

**Chain gangs are back and spreading from here, Limestone County, Alabama, to states including Illinois and Arizona.**

arrests, 55 percent of drug convictions, and 74 percent of prison sentences for drug offenses.

Racial bias has become so evident in California — US Attorney Manella's turf — that federal prosecutors there are facing a legal challenge over discriminatory crack cocaine prosecutions. One California study found rates for young males under supervision by the criminal justice system were five percent for whites, eleven percent for Latinos, and a staggering forty percent for young black men.

The "drug war" is creating a generation of African American POWs. According to the Lindesmith Foundation, a drug policy reform group, by the end of 1994, almost seven percent of black men were behind bars compared to one percent of white males. The numbers are even more grim for young African Americans. In 1990, according to a report released then by the Sentencing Project, 23 percent of all black men between ages 20 and 29 were either in jail or prison, on probation, or on parole. A 1995 follow-up showed that the number has now grown to 32.2 percent.

While, obviously, not all black men in prison are drug offenders, the "war

on drugs" is largely responsible for that growth. In a recent five-year period (1986-1991), the number of black men behind bars on drug charges jumped more than fourfold. Nor have black women escaped the onslaught. During

## Black drug offenders are arrested, tried, convicted, and imprisoned in wildly disproportionate numbers.

that same five-year period, their numbers in prison increased a mind-boggling 828 percent. In fact, in recent years, African American women have become the group with the fastest growth in numbers under some form of criminal justice supervision — a 78 percent increase from 1989 to 1994. This movement into the prisons is almost entirely due to drug crackdowns.

Contrary to the media hype and the ravings of law-and-order lawmakers, most of those being targeted — men and women — are neither violent nor drug dealers. Justice Department statistics show that of the 1.3 million drug

arrests in 1994, one million were for simple possession.

While blacks clearly face discriminatory attention in the War on Drugs, it is the laws aimed at crack cocaine — and their selective enforcement — that

most clearly gives the lie to the "color-blind" argument. Under the Anti-Drug Abuse Act of 1988, five grams of crack gets you five years in prison. No parole, no probation, no judge's discretion — a *mandatory* five years. It

takes 500 grams of powder cocaine to earn the same sentence. Although repeated studies show no chemical difference between crack and powder cocaine, law-makers and drug warriors continue to resort to the "drug war" falsehood that crack is more chemically harmful and that crack users are more violent and destructive to society. The (usually) unspoken subtext is that crack is a black drug, but that, too, is false.

That most people arrested for crack offenses are African Americans is indisputable, but, as the numbers show, the arrest figures bear little relation to the

racial makeup of the crack-using population. According to the 1991 National Household Survey on Drug Abuse, 52 percent of crack cocaine users are white, 38 percent black and 10 percent Hispanic.

Yet, in spite of this fact, of the 53 federal cases for crack cocaine violations in central California from 1991 to 1993, not one defendant was white. This does not mean, however, that white Californians were not using or selling crack.

During roughly that same period, 222 whites faced crack charges in state courts. Clearly, blacks are far more likely to be prosecuted under the federal crack statutes. And it should come as no surprise that federal laws carry harsher penalties than the state laws.

In recent years there have been two Million Man marches. One took place in October in Washington, D.C. The other takes place daily in the jails and prisons

of this country. One march generated global coverage, endless commentary, and broad concern. The other, quiet march has at best been ignored by most politicians and pundits. At worst, they have cheered it on, disguising an attack on the African American community as a "color-blind" war on drugs. The numbers, contrary to District Attorney Manella's assertion, do tell the story, and it is a grim and racist one. ■



## Lie: Immigrants Drain Resources and Hurt America

by Jeanne Butterfield

Immigration has been a hot-button political issue since Governor Wilson in California began scapegoating immigrants to fuel his 1994 re-election bid. The echoes of his campaign and the companion "Proposition 187" vote in California made their way to Congress in 1995, with the new Republican majority pledging to "solve America's immigration crisis."

The new immigration subcommittee chairs, Lamar Smith (R-Texas) in the House and Alan Simpson (R-Wyo.) in the Senate, quickly introduced broad legislation aimed at immigrants, dramatically increasing sanctions for any violation of immigration laws, and proposing deep cuts in family- and employment-based immigration. Congress has finished action on these bills, which now await conference deliberations and final enactment. The arguments that have fueled the debate have been filled with distortions and outright lies.

• **LIE #1** "Supporting the current system means favoring the admission of aunts, uncles, and cousins before the admission of spouses and minor children — hardly a pro-family position." — Rep. Lamar Smith (*Washington Times*, Sept. 25, 1995). "It's family chain migration, with aunts, uncles, and cousins coming in; over one million a year each of the past five years." — Sen. Alan Simpson (Senate Judiciary Committee, markup, Mar. 28, 1996).

Jeanne Butterfield is director of advocacy at the American Immigration Lawyers Association.

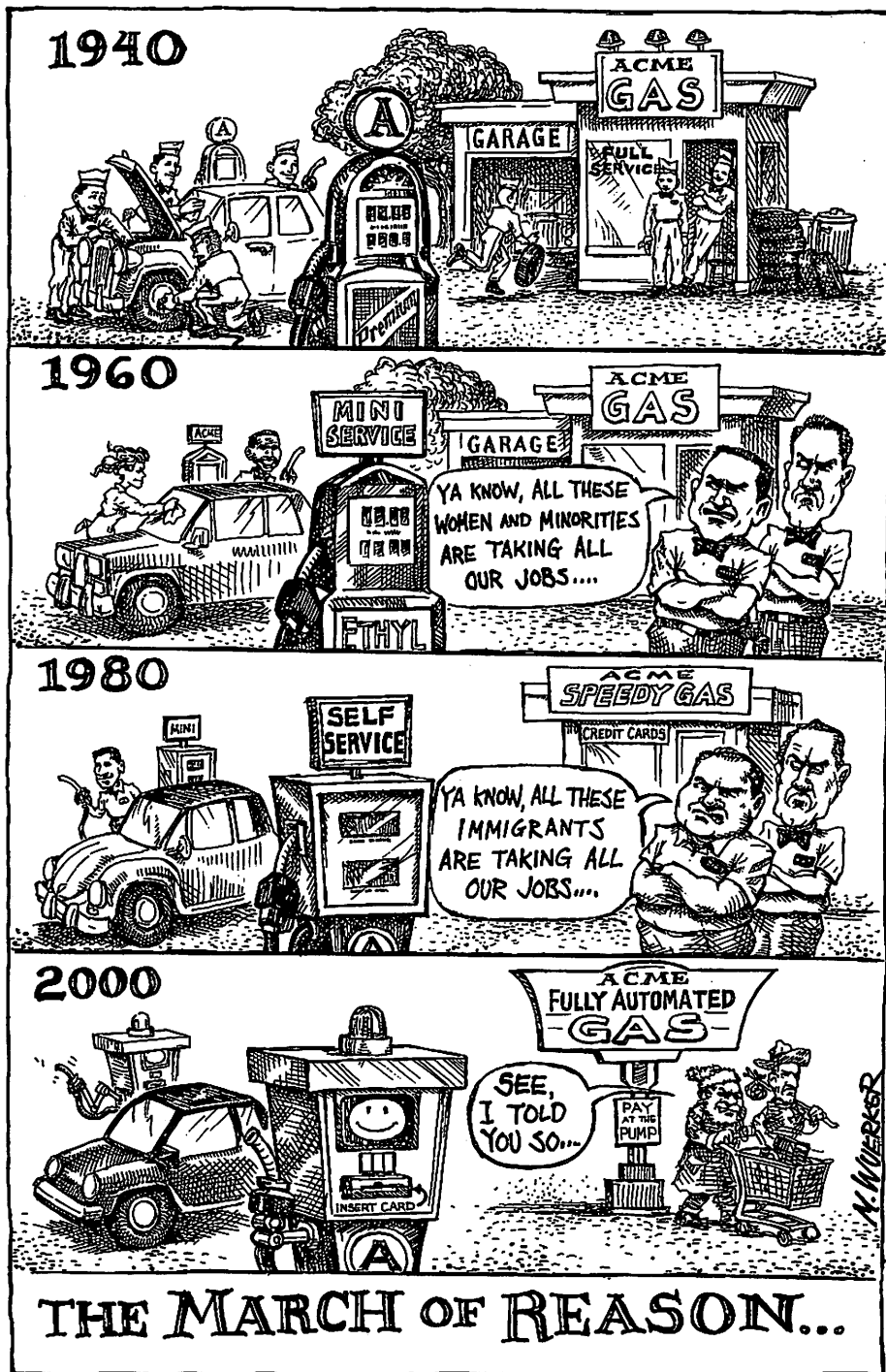


Michael Adeyaju, a Nigerian, and hundreds of others from around the world become US citizens at a swearing-in ceremony in Michigan.

**FACT:** The US legal immigration system currently allows 465,000 family members to immigrate to the US each year. This highly regulated system includes one category for spouses, minor children and parents of US citizens (referred to in immigration law as "immediate relatives"). The system also contains five family preference categories: 1) spouses and minor children of lawful permanent residents; 2) adult unmarried children of US citizens; 3) adult unmarried children of lawful permanent residents; 4) adult married chil-

dren of US citizens; and 5) siblings of US citizens. There are no categories for "aunts, uncles, and cousins."

Far from a rising tide, legal immigration is ebbing. Figures just released by the Immigration and Naturalization Service show that legal immigration declined again for the fourth straight year. Just 720,461 immigrants were admitted in fiscal year 1995, 10.4 percent fewer than in 1994, when 804,416 were admitted. The 1994 total included family immigrants (464,000); employment-based immigrants and their immediate families (123,000); refugees, asylum-



seekers and others, such as Amerasian children (142,000); diversity "lottery" applicants (41,000); and dependents of legalized aliens who had not yet been processed in the previous amnesty program (34,000).<sup>1</sup>

As a percentage of the US population, immigration is at a historic low. Only 7.9 percent of the US population was foreign-born in 1990, compared

with 16 percent in 1910. During the decade of 1905-14, the US admitted one immigrant for every 83 members of the existing population; during the 1980s, the ratio was one for every 400. Today, it is one for every 360.<sup>2</sup>

• **LIE #2** "Legal immigrants are increasingly dependent on public assis-

1. 1994 *Statistical Yearbook of the Immigration and Naturalization Service*, US Department of Justice, February 1996.

2. Bob Sutcliffe, "Immigration and the World Economy," in George Epstein, et al., eds., *Creating a New World Economy* (Philadelphia: Temple University Press, 1993).

tance. Twenty-one percent of all immigrant households receive some form of public assistance. ... [T]here has been a massive, 580 percent increase in the number of immigrants receiving Supplemental Security Income (SSI), a form of welfare, over the past 12 years." — Rep. Lamar Smith (Letter to Colleagues, Mar. 14, 1996).

**FACT:** Among non-refugee immigrants of working age who entered the US during the 1980s, 2.0 percent report welfare income, compared to 3.7 percent of working age natives. To say that 21 percent of all immigrant households receive some form of public assistance is to obscure the fact that many "immigrant households" include US citizen children who may obtain food stamps or AFDC support themselves, even while their immigrant parents are working. Undocumented immigrants are already barred from all major public cash assistance programs: food stamps, AFDC, Medicare, Medicaid, and SSI.

Elderly immigrants who have lived in the US for 20 years are only slightly more likely to receive SSI than elderly natives (8.7 percent vs. 6.9 percent respectively). While many recently arrived elderly immigrants who have not built up a work history in the US do turn to SSI, they cannot obtain this assistance until the expiration of the three-year waiting period needed to qualify. In most cases, their working-age children have paid into the social security system for years before the elderly parent seeks SSI. And even so, legal immigrants on SSI total only 11 percent of all recipients.<sup>3</sup>

• **LIE #3** "With little or no experience with democracy or our free-market system, many immigrants have great difficulty adapting. ... [C]ities with high rates of immigration have significantly higher percentages of poverty, unemployment, and violent crime." — Rep. Bill McCollum (R-Fla.), (*Dallas Morning News*, Mar. 3, 1996).

**FACT:** Recent legal immigrants have incomes only slightly below those of native-born (\$34,800 average household income, compared with \$37,300). Those entering before 1980 have incomes 16 percent higher than natives. Household poverty increased for all groups be-

3. Michael Fix and Jeffrey Passel, *Immigration and Immigrants: Setting the Record Straight* (New York: The Urban Institute, 1994).

tween 1980 and 1990, with the rate for long-term immigrants less than one percentage point higher than that of natives.

• **LIE #4.** "The current immigration system contradicts the will of the American

people. Eighty-two percent of those surveyed [in a November 1994 Times-Mirror poll] wanted the levels of legal immigration reduced. — Rep. Lamar Smith (*Washington Times*, Sept. 25, 1995). **FACT:** Most Americans are unaware that our legal immigration system ad-

mits only about 700,000 people a year, and that the overwhelming majority of these immigrants are the spouses, children, and parents of US citizens. When presented with the facts, the overwhelming majority of Americans agree that legal immigration is good



## Lie: Overpopulation is the Main Cause of Poverty, Environmental Degradation, and Instability

by Betsy Hartmann

**T**he reality: The myth of overpopulation is one of the most pervasive in North American culture, spread by the media, mainstream environmentalists, population agencies, and politicians, with the assistance of both government funds and private foundations. Although its essence is conservative, liberals have embraced it with considerable zeal. This myth has a number of negative consequences:

**1) It encourages demographic alarmism** when in reality population growth rates are declining in virtually every region of the world. While there is a powerful demographic momentum built into our present numbers, the long-term trend is toward population stabilization. Moreover, there is ample evidence from many countries around the world that birth rates decline when people have access to health, education, gainful employment and social security systems outside of the family.

Betsy Hartmann is director of the Hampshire College Population and Development Program, a founding member of the Committee on Women, Population and the Environment, and author of *Reproductive Rights and Wrongs: The Global Politics of Population Control* (Boston: South End Press, 1995). Photo: Sao Paulo, Brazil.



RICK REINHARD/IMPACT VISUALS

**2) It is a smokescreen that obscures unequal power relations.** Blaming Third World poverty on population growth ignores how the North has siphoned resources from the South since the colonial era. According to the UN, global income disparities have doubled

during the last three decades, so that the richest 20 percent of the world's people now receive 150 times the income of the poorest 20 percent. In many places the current "free market" economic model is accelerating this trend.

Third World elites also play an important role in perpetuating poverty. The UN estimates that developing countries spend only one-tenth of their national budgets on human development priorities such as health and education, while military budgets continue to grow. In addition, structural adjustment programs imposed by the World Bank and IMF have forced many governments to slash social spending in order to service foreign debts.

**3) It masks the real causes of environmental degradation** and blames the poor, who in fact have the least impact on the global environment. The industrialized nations, home to 22 percent of the world's population, consume 60 percent of the world's food, 70 percent of its energy, 75 percent of its metals, and 85 percent of its wood. They generate almost three-quarters of all carbon dioxide emissions and are responsible for most of the ozone depletion. Militaries are an-

other big offender. The US military is the largest domestic oil consumer and generates more toxic waste than the five largest multinational chemical companies combined.

Although in some specific places, population pressure contributes to environmental degradation, it is rarely the root cause. In the absence of land reform, poor peasants in Brazil and the Philippines, for example, have been forced to relocate to forested regions. But the deforestation for which they are responsible pales in comparison to that perpetrated by large commercial ranchers, miners, and loggers who export most of the resources they extract.

**4) It serves as a tool of disinformation in national security circles.** As part of the "greening of security" in the post-Cold War era, population pressure on the environment is being touted as a major cause of political and ethnic violence. Timothy Wirth, undersecretary of state for global affairs, has blamed

political strife in Haiti, Rwanda, and even Chiapas, Mexico, in large part on population growth.

Journalist Robert Kaplan, a darling of the Clinton administration, is resurrecting old racist images of Africans as barbarians whose burgeoning numbers threaten our national interest. The focus on population as a security threat conveniently lets the arms trade, dictatorship, superpower geopolitics, and neoliberal economic policies off the hook.

**5) It reinforces the politics of scapegoating within the US.** Conservative groups such as Carrying Capacity Network and Population-Environment Balance are using the population issue as a window through which to promote their anti-immigrant agenda within the environmental movement. They claim that by contributing to US population growth, immigrants are destroying the environment and draining the economy, justifying measures such as Proposition 187 in California.

Many deep-rooted social and economic ills are also being attributed to the fertility of adolescents, poor single mothers and women of color. The result is welfare "reform" measures that punish women and children, and blatant distortion of the facts. Despite the hype, there is no "epidemic" of teen pregnancy; teen births have been declining steadily. What has changed is that more occur out of wedlock than before. And contrary to public perceptions, women on welfare have on average two children, the same as the national average.

Challenging the myth of overpopulation does not mean opposing birth control and abortion. On the contrary, some of the strongest opposition to this myth, and the harmful policies it engenders, has come from the international women's movement. This movement supports women's access to safe, voluntary birth control and abortion services as part of the right to health and self-determination — not as a tool of population control. ■



## Lie: Harsher Sentences Make Us Safer

by Malcolm C. Young and Marc Mauer

“Law and order” politicians and ideologues have long contended that the way to defeat violent crime is to lock up more people in prison for longer terms. The latest salvo in the conservative attack is a January report from the newly-formed Council on Crime in America, co-chaired by Griffin Bell and William Bennett. The Council describes itself as an organization that “seeks to provide rigorous, factual information” and portrays its report, *The State of Violent Crime in America*, by Council member John DiIulio, as a comprehensive analysis of the problem.

In fact, the report actually misrepresents the realities of crime and punishment through a highly selective and, at times, deceptive use of government data. Following are some examples taken from the report's heavily publicized “Ten Highlights”:

Malcolm Young and Marc Mauer are respectively executive director and assistant director of the Sentencing Project in Washington, D.C.

**“More than half of convicted violent felons are not even sentenced to prison.”** Wrong. The Council's own numbers demonstrate that *more than half* of violent felons go to prison. Bureau of Justice Statistics data for 1992 (the most recent year for which data are available) put the number at 60 percent, with an additional 21 percent sentenced to jail terms. In total, four out of five people convicted of violent offenses end up behind bars. Those who do not, tend to be those convicted of less serious assaults.

**“One out of four criminal victimizations in America today is violent.”** True, but misleading. Nearly half of the 10.9 million violent crimes annually are simple assaults without injury, such as barroom brawls or schoolyard fights — not the murders, rapes, and robberies that are of more serious concern.

**“The justice system imprisons barely one criminal for every 100 violent crimes.”** True, but again mis-

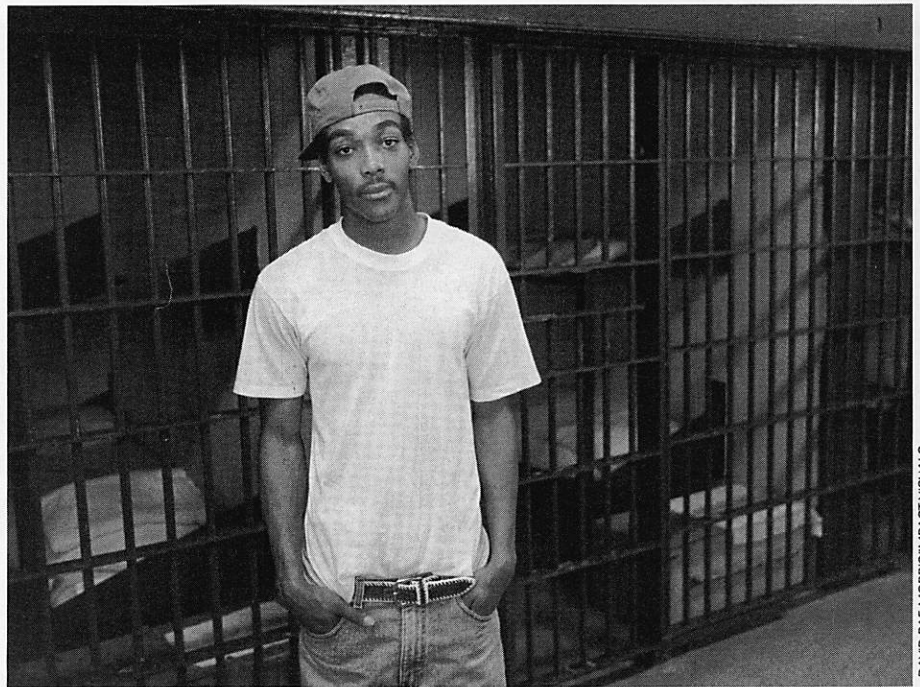
leading, as the Council well knows. Half of all violent crimes are never even reported, fewer than half of those reported result in an arrest, and ultimately, only about two percent of violent crimes result in a conviction. As noted above, most of those convicted are imprisoned. This statistic also inadvertently points out a serious problem with the Council's approach: The criminal justice system is reactive; it comes into play after the harm has been done. Preventing violence in the first place must be an equally important objective.

**“Since 1974, over 90 percent of all state prisoners have been violent offenders or recidivists.”** This statement is a serious distortion because it lumps together Charles Manson (violent) with a check forger who was once convicted of juvenile joyriding (recidivist). Overall, 38 percent of prison inmates have never been convicted of a violent offense, and more than half are nonviolent property or drug offenders.

Further, in the last decade, the proportion of violent offenders in prison has been declining because of a surge in people imprisoned for drug offenses.

**“The average quantity of drugs involved in federal cocaine trafficking cases is 183 pounds.”** A first semester statistics student would know that a few major drug smugglers importing drugs by the planeload will greatly distort the “average” quantity of drugs involved in overall drug trafficking cases. In fact, Justice Department data show that the median amount of drugs seized in cocaine trafficking arrests was less than four pounds—roughly two percent of the 183-pound figure the Council touts. A 1994 Justice Department report concluded that one-third of federal drug offenders were “low-level” offenders. The number is further skewed because federal prosecutors generally choose to prosecute the higher-level drug offenses and leave lower-level offenses for state prosecutors. People imprisoned for drug offenses at the state level are thus likely to include large numbers of low-level offenders as well.

**“Most violent prisoners serve less than half their time in prison before being released.”** Members of the Council, all of whom have extensive criminal justice experience, know that judges impose sentences based on a calculation of how much time a person will serve. If a given state releases most in-



DAVID RAE MORRIS/IMPACT VISUALS

**US prisons are filled with young black men, many of whom are low-level, non-violent drug offenders.**

mates at half their maximum sentence, then judges will impose a ten-year sentence if they think the inmate should serve five years. There is nothing deceptive about this. In fact, the possibility of gaining early release on parole has long been recognized as the most important reward that prison wardens can hold out for good behavior.

Perhaps the most disingenuous aspect of this report, and the conservative barrage in general, is its failure to ac-

knowledge that those making the everyday decisions about community safety are judges, prosecutors, parole officials, and other criminal justice professionals — groups which could hardly be regarded as “soft on crime” except by ax-grinding demagogues.

Criminal justice policy should be based on accurate data and analysis, not misrepresentative displays of data. Unfortunately, that is just what the Council on Crime in America relies on. ■



## Lie: Women and People of Color are to Blame for Nearly Everything

by Holly Sklar

**T**he American Dream — always an impossible dream for many — is dying a painful death. As the real causes go untreated, many local and national leaders are peddling the snake oil of scapegoating. Many people are swallowing it, in anger and desperation.

Holly Sklar is author of *Chaos or Community? Seeking Solutions, Not Scapegoats for Bad Economics*, on which this article is based. Sklar's other books include *Streets of Hope: The Fall and Rise of an Urban Neighborhood* (co-authored) and *Trilateralism: The Trilateral Commission and Elite Planning for World Management*. All are available from South End Press, 1-800-533-8478.

Scapegoating thrives on lies, big and small. Scapegoating camouflages the upward redistribution of wealth. The scapegoating stereotype of deadbeat poor people masks the growing reality of dead-end jobs and disposable workers.

Scapegoating labels like “underclass” and myths like the “culture of poverty” mask undermining and impoverishing economics. “Since 1973,” reports the Children’s Defense Fund, “most of the fastest increases in poverty rates occurred among young white

families with children, those headed by married couples, and those headed by high school graduates. For all three groups, *poverty rates more than doubled in a single generation*, reaching levels that most Americans commonly assume afflict only minority and single-parent families.” (Emphasis in original.) The same was true for college graduates.

White men who are “falling down” the economic ladder are being encouraged to believe they are falling because



RODNEY CURTIS/IMPACT VISUALS

**Unemployment is built into the system. Here, over 1,000 people queue for jobs.**

women and people of color are climbing over them to the top or dragging them down from the bottom. That way, they will blame women and people of color rather than the system. They will buy the myth of “reverse discrimination.”

Scapegoating thrives on misinformation and disinformation. The majority of white Americans in a 1995 national survey said that average black Americans held equal or better jobs than average whites. (Survey respondents also estimated the white share of the US population to be under 50 percent — rather than 74 percent.) In reality, discrimination has not been reversed. White males hold 95 percent of senior management positions (vice president and above). The official black and Latino unemployment rates are more than double the white rate.

The US Constitution once counted black slaves as worth three-fifths of whites. Today, black per capita income is three-fifths of whites. That’s an economic measure of enduring racism. The Latino-white income ratio is even worse.

Women are scapegoated as producers and reproducers of poverty. Never mind that impoverished women don’t create poverty any more than slaves created slavery.

Historically, “women have been viewed as the breeders of poverty, criminality and other social problems,” observes Mimi Abramovitz, professor of Social Policy at the Hunter College School of Social Work. “From the ‘tenement classes’ of the mid-1800s and the ‘dangerous classes’ of the 1880s, to Social Darwinism and eugenics, to Freudian theories of motherhood, to

Moynihan’s ‘black matriarchy’ and today’s ‘underclass,’ society blames women for the failed policies of business and the state.”

Today, liberals have joined with conservatives in the crusade to restigmatize motherhood outside marriage. The awful labeling of children as “illegitimate” has again been legitimized. Besides meaning born out of wedlock, illegitimate also means illegal, contrary to rules and logic, misbegotten, not genuine, wrong — to be a bastard. The word “illegitimate” has consequences. It helps make people more disposable.

Single mothers and their children, especially black women and children, have become prime scapegoats for illegitimate economics.

While more and more men are being impoverished in the current economy, it is even harder for women to work their way out of poverty. Women working full time, year round, still earn only 72 cents for every dollar earned by men. They don’t pay 72 cents on the dollar for rent, food, child care, tuition, or anything else. The fact that many female-headed households are poorer because women are generally paid less than men is taken as a given in much poverty policy discussion, as if pay equity were a pipe dream not even worth mentioning.

Racist and sexist scapegoating have come together most viciously in the rollback of welfare. Scapegoaters have stoked anti-welfare anger by pretending that Aid to Families with Dependent Children (AFDC) is a major drain on public money. The gap between image and reality is vast. A poll of 1994 voters

found that one out of five believed that welfare was *the largest* federal government expense, larger even than the military budget. AFDC spending since 1964 has amounted to less than 1.5 percent of federal outlays. In 1994, it was one percent. One percent and falling. Lies about “welfare queens” have made it easy to chop AFDC benefits repeatedly — as if once you have too little money, it doesn’t matter how little you have.

In the world of stereotypes, the exceptions make the rule: The stereotypical “welfare mother” is a “baby having babies.” For example, in the “Replacing Welfare with Work” chapter of Mandate for Change, the Democratic Leadership Council’s blueprint for the Clinton presidency, the only age reference is to the “15-year-old welfare mother with a new baby.” In reality, 0.1 percent of mothers receiving AFDC are 15 or younger. Less than four percent are 18 or younger.

A 1994 US General Accounting Office report reviewing the 1976-92 period observes: “In 1992, never-married women receiving AFDC were less likely to be teenage mothers. They were also older and better educated than never-married women receiving AFDC in 1976.”

Welfare rollbackers preach strict time limits for “moving from welfare to work.” If you can’t find a job — tough. Never mind that it is the policy of the government to keep millions of Americans unemployed. The Federal Reserve Board doesn’t care if you have a great “work ethic” when it raises interest rates to slow down the economy. It cares about stock and bond investors who want a slow growth economy to maintain low inflation, low wages and high unemployment and underemployment to keep workers in line.

The failed American Dream can give way either to a new American fairness or a neofascist nightmare. The latter happened in Europe. It can happen here. As Sinclair Lewis warned in *It Can’t Happen Here*, through the voice of newspaper editor Doremus Jessup: “The tyranny of this dictatorship isn’t primarily the fault of Big Business, nor of the demagogues who do their dirty work. It’s the fault of Doremus Jessup! Of all the conscientious, respectable, lazy-minded Doremus Jessups who have let the demagogues wriggle in, without fierce enough protest.”

That’s an eloquent commentary on the present. It is time to stop letting the lies of the demagogues wriggle in. ■



# A Real Threat to National Security

# Racism in the Ranks

*With white supremacists aggressively recruiting GIs, links between civilian and military racists are growing. Investigations by Congress and the Army have produced little but rhetoric.*



**Family mourns Jackie Burdern, slain in racist attack allegedly committed by Ft. Bragg GIs.**

by Tod Ensign

**O**n a December night in 1995, three white soldiers from the Army's 82nd Airborne Division at Ft. Bragg, N.C., got into a car and drove around Fayetteville in search of black people to kill. They happened on a couple out on a stroll. Two of the GIs, Pvts. Jim Burmeister and Malcolm Wright, got out of the car and confronted Michael James and Jackie Burdern. Holding a 9mm pistol, Burmeister forced both to kneel and then fired several shots into their heads. Burmeister had told friends that although he had already

been tattooed with a spider, a symbol of having killed for the cause, he wanted to officially earn the racist badge.<sup>1</sup>

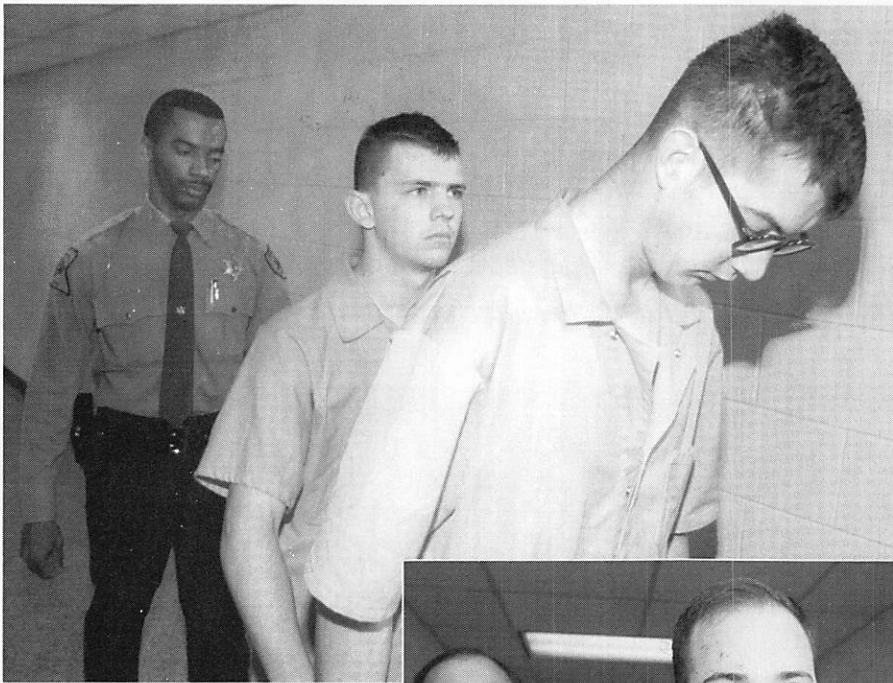
The next morning, Burmeister was arrested as the principal shooter. When police searched his room, they turned up a virtual Nazi shrine, complete with swastika flags, white supremacist tracts, and bomb-making equipment. Co-defendant Wright, also charged with murder, appears to share Burmeister's white supremacist views, while Pvt. Randy Meadows, who had driven the car, was a gullible tag-along rather than a committed fascist.

The heartlessness of the killings and the virulent racism of the killers stirred alarm, once again, about the extent of right-wing extremism in the military.<sup>2</sup> The murders also touched off a brief feeding frenzy by the national media and provoked editorials deploring racism in uniform. But after interest died down, little changed. The Pentagon continued to insist that racism within the military is confined to a few sensational incidents, committed by a small number of individuals or an insignificant number of organized neo-Nazi or skinhead cells. The reality is quite dif-

Tod Ensign is a lawyer and the director of Citizen Soldier, 175 Fifth Ave, New York, NY 10010, a GI/veterans rights advocacy organization.

1. Daniel Voll, "A Few Good Nazis," *Esquire*, Apr. 1996, pp. 102-10.

2. See Tod Ensign, "The Militia-Military Connection," *CAQ*, Summer 1995, p. 13.



**GIs arrested for the racial murder of a black Fayetteville couple. Above, Pvts. Jim Burmeister (r.) and Malcolm Wright (l.). On right, Pvt. Randy Meadows.**

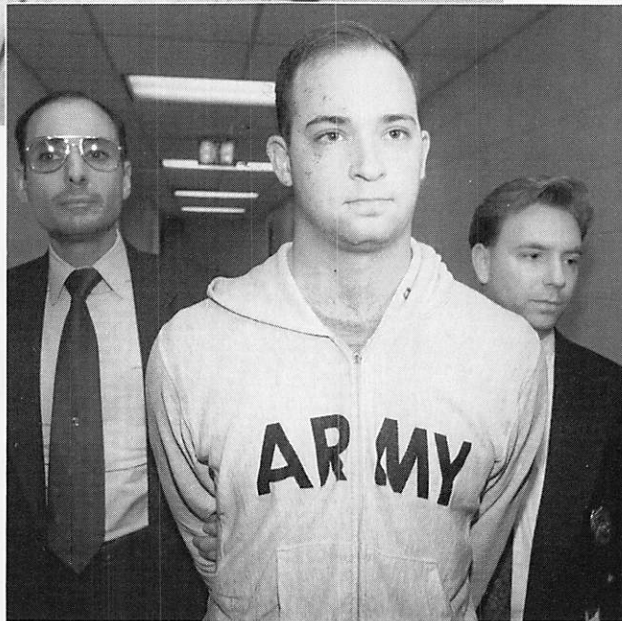
ferent. Rather than isolated anomalies, these occurrences are simply the sensational side of a pervasive problem of institutionalized racism.

### Reading the Handwriting on the Wall

Even before the killings, signs that there was a serious problem at Ft. Bragg were so blatant they could have been spelled out on a billboard. In fact, some were. After the April 1995 bombing of the federal building in Oklahoma City, the West Virginia-based National Alliance, one of the country's largest far-right groups, rented billboard space on the main road to the Army base. The message read: "Enough! Let's Start Taking Back America" and provided a toll-free number. The Alliance boasts in recruiting material that North Carolina "continues to be an excellent recruiting area."<sup>3</sup>

Dr. William Pierce, head of the Alliance, is also the author of the influential novel, *The Turner Diaries*, which endorses terrorism as a way to "take back" the government from oppressive usurpers. Although Pierce disavows

3. Michael Janofsky, "Review at Fort Bragg Finds Few Supremacists," *New York Times*, Dec. 13, 1995. Not all skinheads at Fort Bragg were racist. SHARPs (Skinheads Against Racial Prejudice), for example, regularly fought with right-wing skinheads.



violence, his book includes scenes glorifying the public hanging of Jews and blacks from lampposts, as well as a pivotal event in which FBI headquarters is destroyed by a fertilizer bomb at 9:15 a.m.<sup>4</sup> (There has been speculation that alleged bomber Timothy McVeigh drew inspiration for the 9:02 a.m. attack on Oklahoma City from the book, which he had distributed.) Pierce acknowledges receiving inquiries from active duty GIs, but denies involvement in the bombing.<sup>5</sup> Apparently, at least one of the alleged Fayetteville killers, Jim Burmeister, had been in contact with the Alliance, although local police say he didn't join because of political differences.<sup>6</sup>

4. Andrew MacDonald (William Pierce), *The Turner Diaries* (Washington, D.C.: National Alliance, 1978).

5. Scott Mooneyham, "Bragg Skinhead Attacks Linked," *Fayetteville Observer-Times*, Feb. 24, 1996, p. A4.

6. *Ibid.*

## Commanders Covered Up Skinhead Problems

After the killings, a great deal of evidence surfaced indicating that Ft. Bragg's commanders had ignored or suppressed many incidents of skinhead or neo-Nazi criminality on or near the base.

- On numerous occasions from October 1994 to June 1995, Ft. Bragg-area skinheads attacked college students. Local police reported their suspicions that Ft. Bragg GIs were involved, but Army officials took no action.<sup>7</sup>

- Ft. Bragg officials also ignored a complaint from a Pennsylvania district attorney and the FBI reporting that they had taped a call from Burmeister to his hometown police chief, Tom Rivenburgh. In it, Burmeister, later charged with the December murders, had threatened to blow up Rivenburgh's house because the cop had given a traffic citation to the GI's friend. In the same call, Burmeister boasted that he could smuggle grenade launchers and armor-piercing bullets out of Ft. Bragg.<sup>8</sup>

- On April 1, 1995, Ed Worthington, an Army skinhead, shot another GI skinhead near the base. No Army investigation was launched until months later — after the December 7 slayings.<sup>9</sup>

Other evidence of a problem was in plain sight. Although some racists are secretive about their views and their affiliations with

hate groups, others wear their allegiance on their sleeves — and backs. For identification, racist skinheads wear "high and tight" haircuts, black "bomber" flight jackets, and red laces in their Doc Marten boots. Their jackets sport patches such as Confederate flags, German eagles, "SS" or "88" (neo-Nazi lingo for Heil Hitler—"H" is the eighth letter of the alphabet).<sup>10</sup> Before the Fayetteville killings, military skinheads were often seen around the base and in nearby towns sporting such regalia.

Despite visible evidence of extremist sympathy and activities, it was not until the highly publicized racial murders

7. Mooneyham, "Bragg..." *op. cit.*, p. A1.  
8. Voll, *op. cit.*  
9. Mooneyham, "Bragg..." *op. cit.*, p. A1.  
10. Scott Mooneyham, "Symbols Define Skinhead Ties," *Fayetteville Observer-Times*, Dec. 17, 1995, p. A4.

in Fayetteville that the Criminal Investigation Division (CID) at Ft. Bragg launched a general probe. The command announced the results on January 8, 1996: Twenty-two soldiers were identified as active right-wing extremists and would be either discharged or prevented from re-enlisting. Current Army regulations bar soldiers from "active" membership in racist groups—"active" being defined as demonstrating, recruiting, fundraising, or conducting training for such an organization. Department of Defense (DoD) officials have said that they can't prevent GIs from "passive" participation, such as receiving literature.<sup>11</sup>

### **Congressional Warning Ignored**

Nor, it seems, can they prevent passive response by the Army. Even before the Ft. Bragg murders drew national media attention, the Army should have been aware it had a potentially explosive problem on its hands and taken steps to deal with it. In December 1994, the House Armed Services Committee, then headed by Rep. Ron Dellums (D-Calif.), published a comprehensive report on the state of racial affairs within the US military.<sup>12</sup> The committee sent investigators to 19 military bases at home and abroad where they interviewed 2,000 randomly selected GIs. They found that overt racism was "commonplace" at four of the bases and that inadequate training in racial awareness was a widespread problem.

Preceding the Ft. Bragg murders by a year, the committee noted that white supremacist and skinhead activity was ongoing at several bases, with extremist activity at one unnamed base so intense that it "poses a threat to good order." The report concluded that "the frequency of [complaints] related to the grievance system, disciplinary process, career progress [assignment and promotion], equal opportunity training, and cross-cultural understanding points to a need for the Department of Defense to improve their equal opportunity efforts."<sup>13</sup> When the Republicans took control of Congress following the 1994

11. Department of Defense Directive 1325.6, *Guidelines for Handling Dissent and Protest Activities Among Members of the Armed Forces*.

12. *An Assessment of Racial Discrimination in the Military: A Global Perspective*, report, House Committee on Armed Services, Dec. 30, 1994, US Government Printing Office.

13. *Ibid.*, p. 2.

elections, the leadership dropped plans for any further investigation or hearings on the Dellums committee's findings.

### **Putting a Spin on Institutional Racism**

After the Fayetteville murders, intense outrage both in and out of the military spurred Army Secretary Togo West to establish a Task Force on Extremist Activities. Ignoring recommendations to include non-military panelists, he named only high-ranking military officers and civilian military appointees. They sent investigators to 28 Army bases in the US and 12 overseas, where they interviewed 7,600 GIs. Another 17,000 soldiers were given a confidential 94-item questionnaire. The investigation was limited to looking for extremist activity and failed to examine in any detail the problems of institutional racism, including the explosive issues of equal opportunity and racial awareness training.

Nor, say critics, did West take the Ft. Bragg killings seriously enough to or-

**West confirmed off-post cells which "openly boast that they'd like to recruit among our members," and the Army admitted fears that Special Operations units "are targeted by the militia movement."**

der a "stand down" during which all ordinary activities would cease for a day so that the Army could focus on its policies on extremism. (The Navy and Marines had called one-day stand downs in response to the Tailhook and other sexual harassment scandals.) Speaking five months after the Fayetteville killings, West acknowledged that "We do not at the present have any training about extremism groups, about extremism, about the army's policies for that first [training] block when a person enters the army. ... We have lots of blocks of instruction about things that are important to the Army, but nothing about extremism, no training, so we are looking to do that."<sup>14</sup> The Army did, however, announce in April 1996, that it would start tackling racism by empha-

14. Interview, May 1986.

sizing "character development" in its training.<sup>15</sup>

It is likely that the Clinton administration was pleased when West's task force found only "minimal evidence" of extremist activity<sup>16</sup> and was relieved when most media highlighted this spin. The report's own data, however, belie that conclusion. For one thing, 3.5 percent of the GIs who responded via the confidential survey stated that they had been approached to join an extremist group since enlisting. Twice as many (7 percent) said that they knew another soldier whom they believed to be a member of an extremist organization, while 11.6 percent reported that they knew a soldier who held extremist views. Finally, 17.4 percent said they had some "contact" with racist or extremist material.<sup>17</sup> Rather than showing "minimal" exposure, these numbers suggest that far-right outreach among GIs is not isolated to a few cases.

The Task Force report also noted that some senior Army commanders feared that Special Operations units "are targeted by the militia movement." West confirmed that there are "cells off-post of those who openly boast that they'd like to recruit among our members."<sup>18</sup> Apparently they have met with considerable success. Applying these numbers to the half million-member Army, the task force's findings mean that some 17,500 GIs were solicited for recruitment, while 87,000 have had contact with white supremacist publications.

### **Locals Document Patterns of Racism**

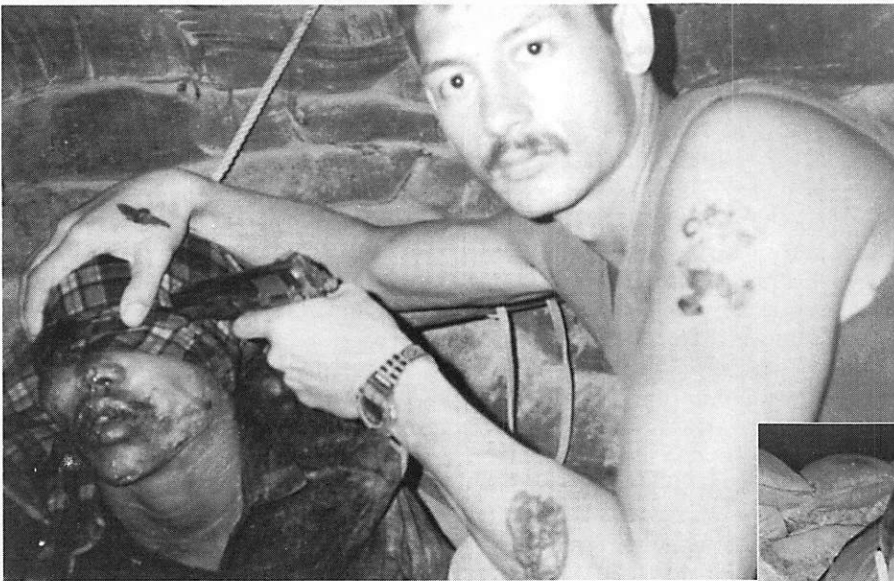
Community groups also responded to the killings. The North Carolina NAACP put together a citizens' task force to gather information about extremists and conducted ad hoc community "speak outs" for active-duty GIs at Ft. Bragg and several other large North Carolina military bases, including the Marine Corps' Camp Lejeune, Seymour Johnson Air Force Base, and the Cherry Point Marine Air Station. Its report, summariz-

15. Grant Willis, "Army hopes character building is answer to extremism," *Army Times*, Apr. 29, 1996, p. 17.

16. The Secretary of the Army's Task Force on Extremist Activities, *Defending American Values*, Mar. 21, 1996, Washington, D.C.

17. *Ibid.*, p. 7.

18. Interview, May 1986.



CANAPRESS PHOTO SERVICE

**Still alive when these trophy photos were taken, Shidane Arone, a Somali civilian, was tortured and killed as a theft suspect by Canadian commandos, including Cpl. Clayton Matchee with whom he is pictured.**



ing testimony by active-duty GIs, detailed numerous overt acts of racism, such as displaying hangman nooses from the windows of pickup trucks and using racial epithets to describe minority GIs.

As did both the Dellums and West investigations, the NAACP found institutional racism. Many minority GIs, it reported, complained of an "old boys' network" within the command which resulted in blacks receiving less favorable assignments and harsher punishment when disciplinary action was taken.<sup>19</sup> A Government Accounting Office (GAO) study released a month before the Fayetteville killings also corroborated the problem of routine discrimination, finding that African Americans are less likely to be promoted in the military. Although the GAO report did not conclude that racism caused this disparity, it did recommend that the Pentagon improve its monitoring of equal opportunity programs.<sup>20</sup>

### Very Special Forces

One of the findings by Secretary West's task force also cut against an optimistic view of race relations. The report noted a "dramatic decrease" in minority participation in the combat arms (infantry, armor, and artillery). This trend toward white-only units is even more pro-

nounced in the elite Special Operations forces. Such racial separatism could lead to problems, the report warned, because it "foster[s] supremacist attitudes among white combat soldiers."<sup>21</sup> In the all-volunteer army, these units carry a certain macho prestige and appeal to the more gung-ho enlistees. "The more you get into the killing trades," writes Canadian military historian Desmond Morton, "the more likely you are to get people from small towns and other back-of-beyond places, who don't have a great education or career prospects otherwise. They're keen on adventure. They're not here to learn a trade."<sup>22</sup>

Unfortunately, the panel did not attempt to analyze why minorities seem to be moving away from combat and Special Forces assignments. One possible explanation is that blacks are more likely to enlist in the first place because of limited job opportunities in civilian life and are drawn to units that teach skills that can be transferred to civilian life. Another is that the white Special Forces members

intimidate or harass minority recruits, thus limiting their numbers.

### Bragging Rights

Whatever the reason, this trend toward lily-white Special Forces units is ominous. Ft. Bragg is considered a world center where elite special forces from armies around the world come for training in combat techniques and leadership. Apparently, not only the macho, "hell for leather" spirit of the 82nd Airborne and Special Forces, but also some of the racism may rub off on the hundreds of international special forces including troops from Germany, France, Great Britain, the Ukraine, and Australia who train at Ft. Bragg for varying periods each year.<sup>23</sup> According to Kenneth Stern, the American Jewish Committee's expert on hate groups, the problem is not confined to the US and Canada. Australia's army "had recent problems with right-wing cells."<sup>24</sup>

The Canadian example, however, is the most dramatic. After members of the 660-man Canadian Airborne Regiment trained at Ft. Bragg, it adopted Confederate flags and perhaps other habits.<sup>25</sup> According to Morton, "the regiment was spending too much time down at Ft. Bragg, picking up the ethos and gung-ho fighting spirit of the 82nd Airborne. This is Americanization," he said. "The Confederate flag is hardly what you would call an enduring Canadian symbol. I think an absolute rule should be that a Canadian soldier be allowed only a single trip to Ft. Bragg. They're taught that they're su-

19. North Carolina Conference of NAACP Branches, *Community Response to White Supremacist Activities: A Report*, Mar. 1, 1996, Greensboro, North Carolina.

20. "Blacks Found Less Likely Than Whites to Be Promoted in Military," *New York Times*, Nov. 22, 1995, p. A20.

21. Army Task Force, *op. cit.*, p. 15

22. Cited in Charles Truehart, "Canada Can't Shake Somali Scandal," *Washington Post Foreign Service*, Dec. 30, 1995, p. A14.

23. In addition to courses conducted in the US, Ft. Bragg-based Special Forces travel around the world to "Africa, Central and South America, and all over" to instruct their international counterparts. Maj. Walter E. Pierce III (Ft. Bragg Public Affairs), interview, May 1996.

24. Kenneth Stern, *A Force upon the Plain: the American Militia Movement and the Politics of Hate* (New York: Simon & Schuster, 1996).

25. Interview, Duncan McWaters, *Esprit de Corps Canadian Military Magazine*, May 1996.

perior beings. They jump out of airplanes and they're given silver wings for it. And then they're licensed to do things criminals do."<sup>26</sup>

Members of the 2-Commando unit of the Airborne Regiment took that license literally while serving in Somalia as part of the international peacekeeping force. Canadians were appalled to learn that regiment members had tortured and murdered a Somali teenager whom they suspected of theft and had photographed the crime.<sup>27</sup> It was one of several illegal killings carried out by the group.

There was no doubt that racism was an important ingredient in the crimes and a persistent component of military life in Somalia. Some of the troops had renamed "Operation Restore Hope," "Operation Smash Niggers."<sup>28</sup> A video taken by another Canadian commando unit which depicted hazing rituals in the elite unit showed recruits simulating anal and oral sex and being forced to eat vomit and bread soaked in their urine. The unit's lone black recruit was put on a dog leash and forced to walk on all fours with the words "I love the KKK" scrawled on his back in human excrement.<sup>29</sup>

In May 1993, the CBC investigative news program, *The Fifth Estate*, broke the story that several members of the unit were known neo-Nazis. Recently,

26. Cited in Trueheart, *op. cit.*, p. A14.

27. *CBC National News*, Toronto, May 7, 1993.

28. Victor Malarek and Fran Pelletier, "The Somalia Mess," *The Fifth Estate*, CBC-TV, Toronto, Oct. 17, 1995.

29. Christopher Dorman, "Scandal, Shame, and a Scapegoat," *Toronto Globe and Mail*, Jan. 21, 1995.

an internal Canadian Army document surfaced which confirmed that some soldiers had been dispatched to Somalia despite a recommendation that their histories of mental instability or potentially inflammatory racist views disqualified them from the peacekeeping mission.

In the wake of a national furor, the Canadian unit was ordered disbanded and an inquiry begun. It continues amid charges of a government cover-up reaching to the highest levels of the Defence Ministry.<sup>30</sup> Duncan McWaters, of *Esprit de Corps*, a Canadian military magazine, expects revelations that will confirm an even closer US link to the Canadian troops involved in the mur-

**The unit's lone black recruit was put on a dog leash and forced to walk on all fours with the words "I love the KKK" scrawled on his back in human excrement.**

ders. McWaters claims that there were "two four-man [US] A-Team Special Forces personnel stationed with the Canadian tour. From the information gathered, they apparently wore Canadian uniforms in an attempt to keep their involvement secret from the lo-

30. Colin Nickerson, "Elitism to Racism: Unit's Downfall Mars Canada's Self Image," *Boston Globe*, Jan. 29, 1995, p. 1.

cal. (It is a violation of military law and regulation for US troops to don foreign uniforms unless given a lawful order by their commanders.) On March 3, 1993, a US sergeant, Robert Deeks, Special Forces, was killed during a mine patrol. On March 4, a Somali civilian was killed allegedly in retaliation for the death."<sup>31</sup> He was reportedly executed by Canadian commandos with a shot to the head as he was lying on the ground.

### Casting a Net

These links are particularly worrisome in light of evidence that organized hate groups within the military may be trying to set up an international as well as a national right-wing network. The

Special Forces Underground, which claims that most of its members are active duty Special Forces troops,<sup>32</sup> publishes *The Resister* in hard copy and on the Internet. The quarterly newsletter advocates "strict constitutionalism, isolationism, individual rights, laissez-faire capitalism, limited government, and republicanism" and "features detailed cri-

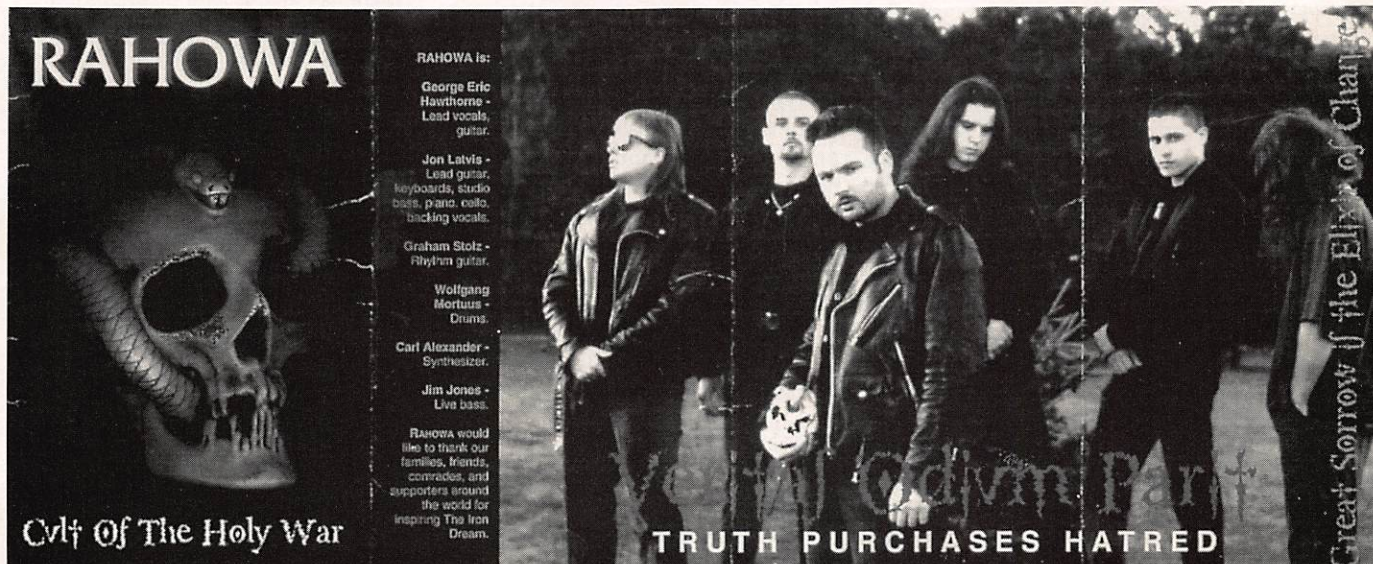
tiques of current US military policies and operations."<sup>33</sup> It opposes what it sees as a dangerous expansion of federal power and US participation in peacekeeping missions abroad. While

31. Interview, Duncan McWaters, *op. cit.*

32. Judy Thomas, "Area Lawyer Aims to Trim Federal Power," *Kansas City Star*, Dec. 20, 1995, p. C1.

33. John Kifner, "Extremist Army Group at War with US Policy," *New York Times*, Dec. 15, 1995, p. A40.

### Favorite listening for the racist right. Cassette cover for Rahowa (Racial Holy War).





DONNA BINDER/IMPACT VISUALS

**Facing a double burden of discrimination, women soldiers in basic training at Ft. Dix. Although the Navy and Marines ordered stand downs to address sexism, the Army has not. Nor has it taken definitive action to combat racism.**

the organization aggressively promotes its views through *The Resister*, by guarding its membership lists, makes it impossible to determine whether it constitutes a significant movement or is just a gathering of a few overheated zealots. Interestingly, the Army, which acknowledges the existence of the group, ruled that the Special Forces Underground was not an “extremist organization” as defined by its regulations.<sup>34</sup>

In any case, a recent issue of *The Resister* attracted attention with its harsh critique of the destruction of the Branch Davidian compound at Waco, Texas, in April 1993. The article asserted that an Army Special Forces unit assigned to Joint Task Force-6 (JTF-6) at Ft. Bliss, Texas, offered direct support and pre-mission training to the BATF forces who took part in the raid and that this role violated federal law prohibiting the US military from performing domestic police functions. According to *The Resister*, JTF-6 provided four kinds of operational support through Operation Alliance: reconnaissance; training; logistics; and research, development, and acquisition. The news-

34. *Ibid.*

letter argues that this integration of military and police forces “has been exploited by federal, state, and local law enforcement agencies to militarize the forces at their disposal.”<sup>35</sup>

### **Did Green Berets Undermine the US Mission in Haiti?**

Another issue of *The Resister*, widely circulated on the Internet, claimed that right-wing Green Berets sympathetic to the Haitian coup government were able to undermine US military goals during Operation Restore Democracy in Haiti.<sup>36</sup> The article begins with a scathing, racist condemnation of Aristide and the Lavalas movement. The far-right FRAPH (Front for the Advancement and Progress of Haiti) is described as “the equivalent of the Veterans of Foreign Wars and the American Legion forming a political party.” The hated “attachés” — armed civilian thugs who worked with local police or military units

35. Eduardo Montes, “Army Unit Denies Targeting Militias,” *Austin American-Statesman*, June 13, 1995, p. B3; see also José Palafox, “Militarizing the Border,” *CAQ*, Winter 1995-96, pp. 14-19.

36. William Sheppard, “Subversion of the Third Amendment,” *The Resister*, Spring 1995.

— are described as “nothing more than a community-watch organization.”

The article’s most explosive claim is that Special Forces members serving in Haiti met with and advised senior NCOs of the now defunct Haitian military, attachés, and FRAPH members:

First, we [told] the most active anti-communist Attachés and FRAPH members to take long vacations ... on the other side of the island [the Dominican Republic]. Second, we informed them about plans and timetables for weapons confiscation and told them how to [hide] their functional firearms. ... Third, we identified the Lavalas leadership, their friends and associates, and collected from [the Haitian army] information about Lavalas they had. Fourth, we told FRAPH members to stay out of politics and...let the communists expose their true agendas. Fifth, we waged a clandestine offensive against Lavalas [details omitted by *The Resister’s* editor] which in our operational areas [drove] the leadership back underground. Finally, we established an escape line

to help [our Haitian allies] under threat of arrest ... to reach relative safety in the Dominican Republic.<sup>37</sup>

When former Army Capt. Larry Rockwood, who served with Operation Restore Democracy, was shown this document, he commented: "It sounds a lot like the views of most of the senior officers I served with in Haiti. They made no attempt to hide their contempt for the average Haitian."<sup>38</sup>

A spokesperson for Brig. Gen. Richard W. Potter, Jr., commander of the Joint Special Operations Task Force in Haiti, told the *New York Times* that he considered *The Resister's* account of military activities in Haiti "ridiculous." But in the wake of the publicity, Lt. Gen. J.T. Scott, Special Operations

## The Army's waning commitment to equal opportunity and affirmative action reflects a process occurring throughout US society.

commander, issued a memo reiterating the rules on extremist groups and ordering a survey of Special Forces troops. Not surprisingly, none of the 1,111 respondents admitted violating Army regulations by participating in extremist groups.<sup>39</sup>

Although many observers find the Special Forces Underground's self-proclaimed activities incredible, the existence and widespread dissemination of the claims are in themselves disturbing.

### Facing Right

It is difficult to evaluate how serious the long-term threat of extremists in uniform is. Obviously, at least some GIs are being actively targeted for recruitment, but it would be easy to exaggerate the danger. As Gary Wills has written, paranoia about paranoids is itself dangerous.

During a recent visit to Ft. Bragg, I observed vehicles on and off base with bumper stickers that implied or stated racist sympathies. Some featured a confederate flag along with slogans such as "The South Was Right"; another had a

37. Richard Crossman, "Field Report: The Truth About Haiti," *The Resister*, Winter 1995.

38. Interview, May 2, 1996. Rockwood was court-martialed and dishonorably dismissed after attempting to report human rights violations occurring in a Haitian prison.

39. Kifner, *op. cit.*

drawing of the US capitol flying a rebel flag with the caption "I Have a Dream." Army technical manuals, such as *Incendiaries or Unconventional Warfare Devices*, which provide how-to instructions on building a booby-trap bomb in your basement, are widely available in stores ringing the base. One clerk reported that sales were "excellent."

Does this mean that dozens of right-wing GIs are hard at work on new fertilizer bombs to bring down symbols of the hated federal bureaucracy or are organizing hate groups armed and trained with taxpayer dollars? It is impossible to say. What is clear is that some groups, such as the Special Forces Underground, are working hard to influence and perhaps recruit new military converts to their cause.

The US military prides itself on its racial policies and, indeed, has made progress since World War II, when all units were segregated. Its waning commitment to equal opportunity and affirmative action is disturbing not only because of its implications for the mili-

tary, but because it reflects a process occurring throughout US society. A federal appeals court recently junked an affirmative action program for admission to the law school at the University of Texas. In 1995, the University of California Board of Regents voted to end affirmative action programs throughout its vast system. Similar decisions are occurring in other regions. The US Supreme Court is expected to address the issue in the near future — with years of racial progress hanging in the balance.

According to former Army intelligence officer Rockwood, Army commanders not only monitor the politics of the troops, but discipline those who hold unacceptable views. For example, "during my four years as an intelligence officer in Central America, if any GI had expressed the slightest criticism of the Reagan Doctrine, they would have been stripped of their security clearance and sent home. So it's a question of what your views *are*, not whether the command knows what's going on. Believe me, they do."<sup>40</sup> The other question is what they are going to do about it. ■

40. Interview, May 2, 1996.

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Six months after his award, J.P. Stevens employee Louis Harrell died of brown lung disease, linked to inhalation of textile fibers.

# White-Collar Crime: Whitewash at the Justice Department

by David Burnham

For many years, business organizations such as the Chamber of Commerce and the National Association of Manufacturers have waged sophisticated propaganda campaigns to convince the American people that the federal government restricts business with unnecessary and heavy-handed regulations.

A central purpose of this crusade, of course, is to persuade Congress to cut

**David Burnham** is an investigative writer and co-director of the Transactional Records Access Clearinghouse, 202-544-8722; e-mail: burnam@epic.org. Material for this article is referenced in his new book on the Justice Department *Above the Law* (New York: Scribner, 1996). Photo: Earl Dotter/Impact Visuals.

back on the series of broad government programs put in place to clean up the environment and improve health and safety. Ronald Reagan — at the time a middle-aged and mediocre actor on the corporate payroll of General Electric — began his amazing political career as one of the earliest and most successful promoters of business' anti-government theme. While GE, a major defense contractor, was delighted to get the massive contracts from the Air Force, it was a good deal less enthusiastic about being accused of endangering the lives of its employees and violating safety and health standards.

More recently, the anti-regulation message of the business organizations and their corporate backers has become a favorite mantra of the Republican Congress, conservative Democrats and, to some extent, the pro-business Clinton administration. The current drive, pumped up by high-priced lobbying and hyped-up public relations efforts, has been aimed mostly at three federal agencies: the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), and the Occupational Safety and Health Administration (OSHA).

Armed with a few anecdotal horror stories, the propagandists and lobbyists



try to persuade media, politicians, and the public that regulations are crippling free enterprise and costing jobs. But even if business wished to present a more comprehensive picture of how the hated government agencies work, it would be hampered by the fact that EPA, FDA, OSHA, and other agencies all have separate record-keeping systems that do not easily yield a good overview.

### The Ultimate Gatekeeper

One critical aspect of government regulation, however, the criminal prosecution of corporate malefactors, produces a wealth of data which is subject to systematic analysis. Based on the centralized records maintained by the Department of Justice, the data show that when it comes to business — contrary to the sad stories told by Ronnie Reagan and the National Association of Manufacturers — the federal government may occasionally growl but rarely bites.

Here's how the process works: When federal agencies find that their regulations have been violated, they are authorized by law to impose administrative penalties. In this kind of situation, the penalties paid by the miscreants — say, a nuclear utility that has not fully complied with a rule of the Nuclear Regulatory Commission — are usually negligible.

When there is evidence that a business or individual corporate manager has violated the criminal law, however, the agencies are almost always required to refer the matter to the Justice Department. The DoJ and its 90-plus independent United States attorneys around the country then become the ultimate gatekeepers. They have sole authority to decide if a crime has been committed; who, if anyone, will be charged; and what specific law will be cited in the indictment. That last element is important because the statute chosen by the prosecutor largely determines the sentence that the judge must impose.

Under Justice Department procedures, the US attorneys are required to submit to Washington detailed information about every matter that has

been referred to them for prosecution by each of the investigating agencies — the FBI, FDA, EPA or OSHA. The records include information on: What was the leading charge of each referral? Did the assistant US attorney handling the referral decide not to prosecute? Why? If the referral resulted in formal charges, was the individual found guilty? What was the sentence?

These tens of thousands of individual records, obtained each year under the FOIA and analyzed by the Transactional Records Access Clearinghouse (TRAC),

In fiscal year 1994, for example, the government indicted more than 51,000 people. It will shock few Americans that more than a third of the cases — 20,000 — involved drugs. Given the commitment by Attorney General Janet Reno and her recent predecessors to fight a federal war against white-collar crime, however, it may come as a surprise how little the DoJ actually does in this area. Of the more than 51,000 federal criminal indictments in 1994, only 250, less than half of one per cent, involved criminal violations of the nation's envi-



provide a unique window on the actual enforcement priorities of the federal government. The TRAC analysis proves that — despite all the heavy breathing of the National Association of Manufacturers and its political allies — the federal government almost never brings criminal charges against business.

**In 1987 alone, 50-70,000 workers died prematurely from on-the-job exposure to toxins — roughly three times the 21,500 people murdered that same year.**

ronmental, occupational safety and health, and consumer product safety laws.

Given the huge number of corporations, the private admission by business lawyers that their organizations often break the law, and a well-documented record of repeated violations, the minuscule number of federal allegations of crime that involving pollution and the safety and health of workers and consumers hardly squares with the corporate view of business as the victim of a federal government run amok. And while the nation has a total of more

than 3,000 criminal statutes and scores of heavily publicized enforcement programs for cleaning up the environment and protecting workers, the data show that individual federal prosecutors are looking elsewhere. They are concentrating their heaviest fire power on small-time drug dealers and immigrants rather than on corporate America.

The tiny number of people charged with criminal violation of environmental, occupational health, and consumer product safety laws is only one indication of the pro-business bias of the federal establishment revealed in the DoJ's own data. The difference in penalties for boardroom vs. street crime also showed a system-wide bias. Several years ago, Susan Long, my colleague at the TRAC, looked at data on the outcomes of all the criminal matters and cases dis-

**In 22 years, OSHA referred 88 criminal cases to the DoJ, which prosecuted 25, and sent one executive to prison. He served 45 days.**

posed of by the Justice Department during a single sample week in 1993. Of the 18 disposals that touched upon the environment and public health that week, not one resulted in a prison sentence. Of the 695 disposals during the same period that were drug-related, almost half the defendants went to prison.

### **Some Crime Pays**

Violations of workplace health and safety standards are similarly downplayed. The 1970 legislation that created OSHA gave it the authority to impose fines on employers who failed to provide safe working conditions. But the DoJ alone was given authority to institute criminal proceedings, and then, only if a worker died because an employer willfully violated federal safety standards. In the years since, the fines have typically been trivial, the criminal prosecutions exceedingly rare, and the human cost incalculable. With an acceptable and largely predictable risk, corporations can build in the cost of violating health and safety standards — all the while decrying overregulation. Under five separate administrations —

beginning with Nixon and extending to Clinton—the DoJ and the 90-plus US attorneys have been lead players in an unstated government policy that abets that calculation. In direct violation of the 1970 law, they have almost always protected from the unpleasant mess of criminal charges even those corporate executives who knowingly exposed workers to conditions that caused death.

Since 1970, ten million workers have suffered non-fatal on-the-job injuries. In 1987 alone, 50-70,000 workers died prematurely from on-the-job exposure to benzene, arsenic, asbestos, coal dust, vinyl chloride, dioxin, and other toxins—roughly three times the 21,500 people murdered that same year.

Here is another perspective. Between 1970, when OSHA was created, and 1992, 200,000 Americans died at

work. While some of these deaths were the consequence of worker carelessness or unavoidable mishaps, a significant number resulted from knowing negligence or greed by the employer.

Nonetheless, according to a 1992 study by OSHA, during those 22 years, the agency referred a grand total of 88 criminal cases to the Justice Department. On the basis of those referrals, federal prosecutors brought 25 criminal cases, and only one business executive was sent to prison. He served 45 days. The final toll: 200,000 dead, one executive in prison.

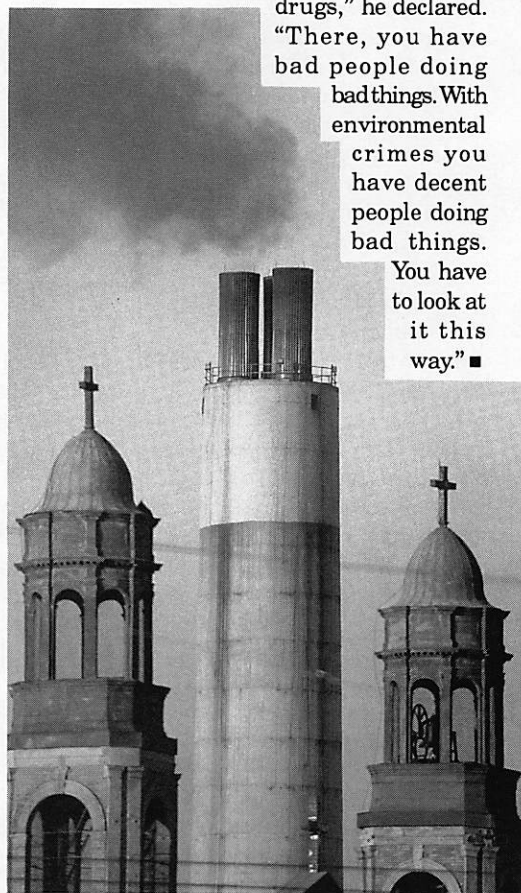
### **Caution: Class Bias at Work**

Seen in this context, the propaganda campaign by business against overregulation is a red herring. It matters less how many unheeded regulations Congress passes than whom and what the law protects. Considered together, the data provide hard evidence of a powerful class bias in the US that works in favor of the rich and powerful and against the interests of workers. Congress covered its butt by passing the Occupational Safety and Health Act of 1970. But the actual impact of the law is greatly reduced by the insertion of a hard-to-enforce criminal section. Operating funds are voted

for OSHA, but are insufficient to provide an effective force of well-trained and well-managed investigators. The Reagan and Bush administrations doubled the number of federal prosecutors, but ignored regulatory white-collar crimes to focus on the nonsensical “war on drugs.”

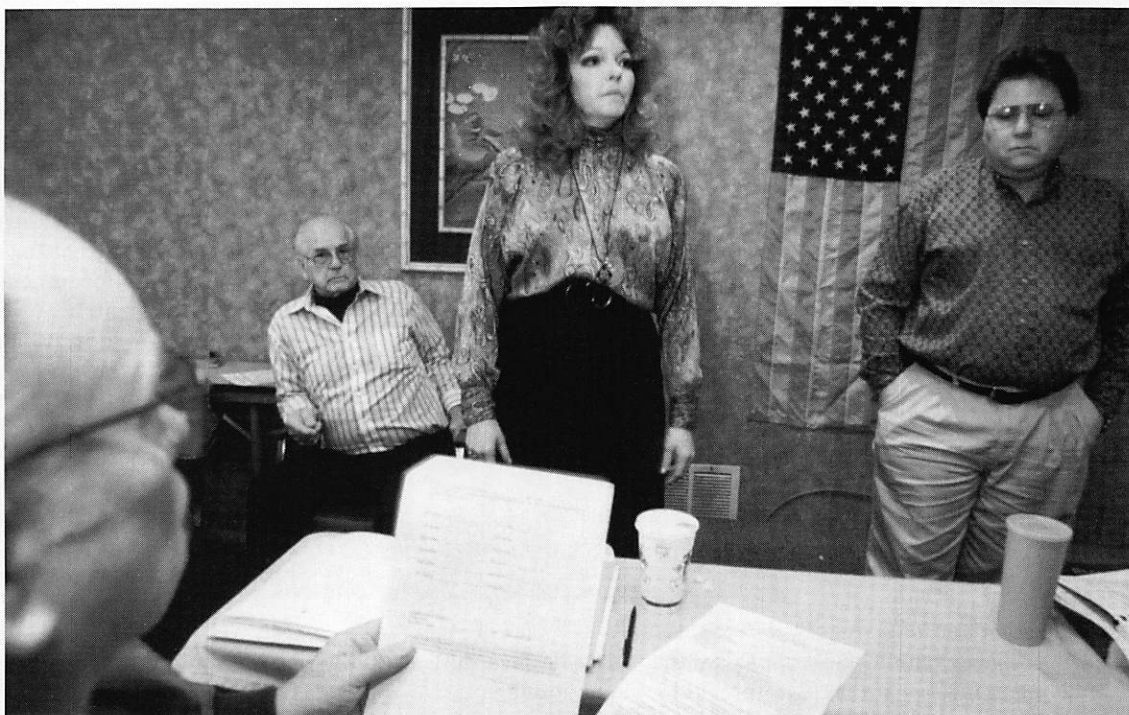
At work is a complex and subtle systemic bias that almost no one wants to acknowledge. Every once in a while, however, probably by accident, one of the troops in America's class warfare blurts out the truth. A few years ago, Barry Hartman was first deputy, and then acting, assistant attorney general for the DoJ's Environmental and Natural Resources Division. The hot issue of the day was why the Department of Justice had stepped in to prevent a federal grand jury in Colorado from bringing criminal charges against the Rockwell Corporation, which had managed Rocky Flats, a government-owned weapons facility near Denver that had spilled massive quantities of dangerous pollutants into local rivers.

The decision to let Rockwell off the hook, Hartman told a reporter, was totally justified. “Environmental crimes are not like organized crimes or drugs,” he declared. “There, you have bad people doing bad things. With environmental crimes you have decent people doing bad things. You have to look at it this way.” ■



JIM WEST/IMPACT VISUALS

# Vigilante Justice: Common Law Courts



DONNA BINDER/IMPACT VISUALS

*Across the country, far-right activists are building an alternative judicial system. With militias as their enforcement arm, these common law courts are a incubator for trouble.*

by Devin Burghart and Robert Crawford

**W**ith the stand-off between law enforcement officials and self-proclaimed “Freemen” near Jordan, Montana, the volatile white supremacist movement once again has captured the media spotlight. After the March 25 arrest of Freeman leaders LeRoy Schweitzer and Daniel Petersen on fraud and conspiracy charges, some 20 followers dug in for a siege at the ranch they renamed “Justus Township.” Armed for combat with a stockpile of weapons and equipped with a fanatic commitment to battling federal and state jurisdiction, the group holed-up near the small Montana town.

Devin Burghart and Robert Crawford are research analysts with the Coalition for Human Dignity in Seattle. Photo: Common law court in Dallas, Texas.

While the media provided breathless blow-by-blow coverage of the stand-off, it largely has omitted any serious analysis of the social movement to which the Freemen belong. The Freemen’s leadership role in applying one of the movement’s recent tools for struggle — the so-called common law court — remains similarly unscrutinized.

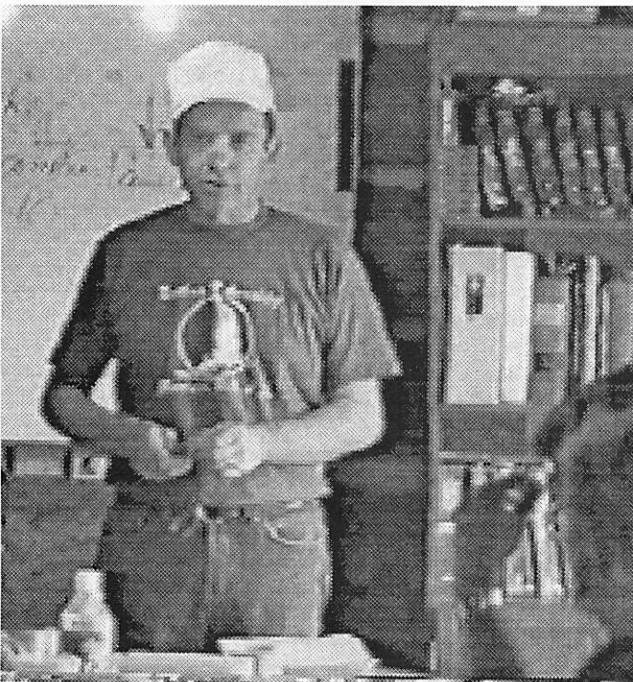
Also known as citizen grand juries, common law courts are self-elected vigilante organizations that claim for themselves the authority of law. The Freemen, along with their fellow travelers in the Christian Patriot movement (see p. 29), use these courts to declare themselves outside the jurisdiction of federal and state laws, issue harassing liens against the property of political oppo-

nents, and proclaim their right to arrest, judge, and even kill their opponents.

Court activists patch the courts together from models provided by “experts” and by improvising. The United Sovereigns of America, a leading national advocate of such courts with links to efforts in at least 13 states, provides one model.<sup>1</sup> In it, a committee formed at a court training session votes to establish “Our One Supreme Court of Common Law” and selects “officers,” typically court clerks, court justices (jurors), and a jury foreman.

Once “impaneled,” the court begins to hear cases. Because it is often a pre-

1. *Our One Supreme Court of Common Law: Establish and Set-up Your Court by These Rules of Order* (Del City, Okla.: United Sovereigns of America, 1995).



**Now in custody, Freeman leaders Daniel Petersen (above) and LeRoy Schweitzer (r.) led financial scam and common law court seminars.**

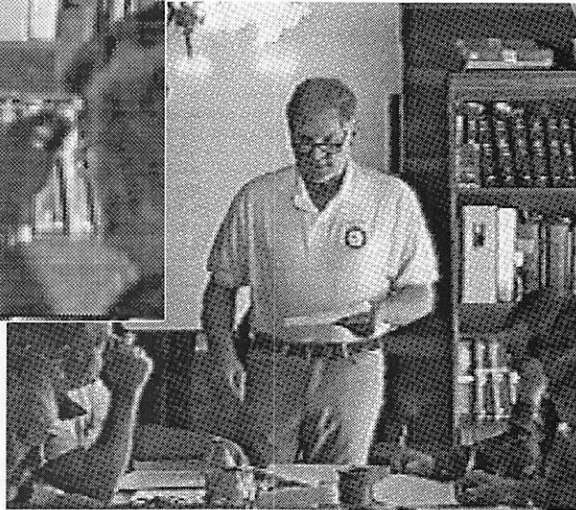
requisite for standing before the court, the most frequent early action is the “quiet title”—a declaration of independence from federal government jurisdiction. Once petitioners have become “sovereign,” they may then use the court as a vehicle to launch paper attacks on private citizens and public officials. When these “sovereign citizens” bring a charge, the court claims power of investigation and calls accused parties to appear. If they refuse, the court generally finds them guilty *in absentia* and issues punishment — liens and threats of arrest, jailing, or death — to be enforced by the militia or “constable.”

### Courts, Patriots, and Militias

Since early 1994, and especially after the bombing of the Oklahoma City federal building last year, common law courts have become a defining feature of Christian Patriot strategy. To date, far-right advocates have set up common law courts in over 30 states. Their threats and harassing tactics are now an ominous part of the political landscape.

In California and Florida, common law court activists face felony charges for veiled death threats to judges and jurors. In the last year, common law courts have issued arrest warrants for judges and prosecutors in Montana and Idaho. They have threatened sheriffs with violent re-

Like many militias, the common law courts seek to establish a white Christian republic on US soil. Their threats and harassing tactics are now an ominous part of the political landscape.



FROM VIDEO BY UNITED SOVEREIGNS OF AMERICA

prisals if they fail to do their duty as interpreted by the militants.<sup>2</sup>

The Freeman, led by Schweitzer, Petersen, and Rodney Skurdal, have played an important role in the development of this strategy, with an enormous impact on common law courts nationwide. According to the Justice Department, 800 people from 30 different states have attended Freeman training seminars — conducted while the Freeman faced state and federal felony charges.<sup>3</sup> In the seminars, far rightists received nuts-and-bolts training in how to set up common law courts.<sup>4</sup> In the year that the Freeman remained fugitives, they became an inspiration to common law court groups nationwide. “We recognize and appreciate the sacrifices and successes of those who have gone before, especially the work of those in Montana and Oklahoma,” said one Oregon common law leader.<sup>5</sup>

2. See press reports and testimonies compiled in Devin Burghart and Robert Crawford, *Guns & Gavels: Common Law Courts, Militias and White Supremacy* (Portland, Ore.: Coalition for Human Dignity, 1996).

3. Cited in Claire Johnson, “‘Justus Township’ was hotbed for teaching scams, study says,” *Billings Gazette*, Mar. 30, 1996.

4. Videotape of Justus Township training seminar given by LeRoy Schweitzer and Dan Petersen, circa Nov. 1995.

5. Bruce Craig, Common Law Supreme Court of Oregon flyer, circa Nov. 1995.

The courts share close ties with another spinoff of far-right traditions, the militias. Like many militias, these courts are, at their core, a tool for furthering the supremacist struggle to construct a white Christian republic on US soil. They weave conspiracy theories that scapegoat Jews and promote racist notions of citizenship. Their rhetorical and physical attacks on public officials and governmental agencies — rather than being a product of “anti-government” sentiment — is rooted in a vision of replacing existing governing institutions with their own.

### More than Militias

That common law courts and militias are closely linked is no surprise; the two emerged from the same far-right terrain. In fact, movement leaders view the militias as the enforcement arm of the common law court. Oregon Christian Patriot figure “Johnny Liberty” (John Van Hove), told a regional movement gathering last fall, “... if the people who are using the laws and restoring the Constitutional courts do so in conjunction with the militia ... the militia will stand behind and defend the writs of those courts. ... That’s a strategy that will work.”<sup>6</sup> In 1994, the Montana Freeman issued a “full alert” to “all our militia” to enforce the edicts of their court. Until a recent factional fight, the Freeman also had a close relationship with the white supremacist Militia of Montana.<sup>7</sup> Meanwhile, Florida common law courts tried to enforce their

6. Johnny Liberty (John Van Hove), *Reclaiming Your Sovereign Citizenship*, audiotope of lecture at Seattle Preparedness Expo, Sept. 23, 1995.

7. Justices Courts in and for Garfield County, *Affidavit of Special Appointment*, Mar. 2, 1994; *Taking Aim* (Militia of Montana newsletter), Jan. 1995.

edicts with threats from the Common Law Constitutional Militia.<sup>8</sup>

A document sold by the United Sovereigns, *Militia Operation Plan American Viper*, details the role of militias in a prolonged guerrilla war against the US government. Militias should engage in "active high-level guerrilla operations" to eliminate "defended targets, larger troop concentrations and key leaders." Targets are to be eliminated by "sniper tactics," "explosives," "ambushes," or "chemical and biological agents." The plan foresees the need to "establish temporary martial law under the Militia" until it can "reestablish original Constitutional government."<sup>9</sup>

The close relationship between militias and common law courts results from their common origins. Both are part of a system of parallel institutions constituting an embryonic alternative government for organized racists and anti-Semites. Like the militias, the courts' historical roots go back to the Posse Comitatus, a racist, anti-Semitic paramilitary organization that targeted farmers in the 1980s. (See p. 31.)

### Blue Book — The Sequel

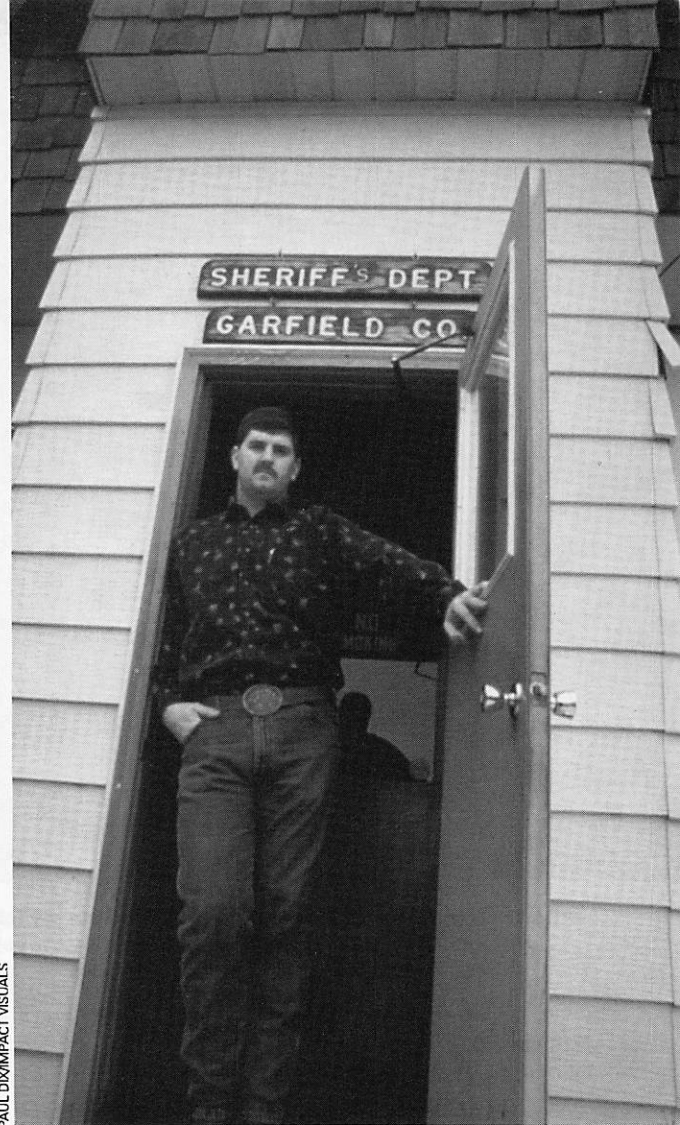
Posse doctrines permeate contemporary common law court thinking. And it is the Posse's lineal descendants — Christian Patriots — who took the lead in forming militias and common law courts. From the Posse's heyday in the mid-1980s to the recent growth of the common law courts, the far right has utilized quasi-judicial and paramilitary bodies. It has done so largely using tactics

provided by the *Blue Book*, written by Posse Comitatus leader Mike Beach.

At the core of Posse thought was the notion that the county is the highest legitimate form of government and "the County Sheriff is the only legal law enforcement officer in these United States of America."<sup>10</sup> If the sheriff failed to enforce the laws as understood by the Posse, it was the Posse's duty to step in and enforce them.

The *Blue Book* spells out the role and process of the common law "grand jury" and gives blueprints for the "warrants of arrest" issued to public officials and political enemies. It also advises that any official who attempts to enforce "unconstitutional" laws is subject to arrest by the Posse and trial "by a Citizens jury." This jury "should be impaneled by the Sheriff from citizens of the local jurisdiction," because "the present method of impaneling juries by the Courts is unlawful and should be repudiated. ..."<sup>11</sup>

Beach minces no words in describing the punishment awaiting "officials of government" who enforce what Christian Patriots have decided is "unlawful legislation":



Montana sheriff Charles Phipps got death threats from the Freemen after trying to arrest members.

He shall be removed by the Posse to the most populated intersection of streets in the township and at high noon hung by the neck, the body remaining until sundown as an example to those who would subvert the law.<sup>12</sup>

12. *Ibid.*, p. 33.

8. Bruce Vielmetti, "Judge Wants Bogus Court Stopped," *St. Petersburg Times*, Aug. 10, 1994; *Americans Bulletin* (newsletter of the Medford [Ore.] Citizens Bar Association), Dec. 1995.

9. *Militia Operation Plan American Viper* (Del City, Okla.: United Sovereigns of America, 1994), pp. 17-21, 24, 31.

10. Mike Beach, *Sheriff's Posse Comitatus [Blue Book]* (Del City, Oklahoma: United Sovereigns of America, 1995), orig. 1969, p. 1.

11. *Ibid.*, p. 18.

## "Christian" Patriotism

Christian Patriot is a term of self-reference for the largest portion of the white supremacist movement in the US. According to the Coalition for Human Dignity,<sup>1</sup> Christian Patriots make up 60 percent of an estimated 25,000 hard-core white supremacists nationwide. Organizations such as the Populist Party draw heavily but not exclusively from a Christian Patriot base.

These fundamentalists, also known as "Freemen" or "Constitutionalists," hold to a literal and selective interpretation of the Bible and the Constitution, and typically believe in a monolithic conspiracy directed against white

Christians. For most Patriots, Jews are ultimately behind this conspiracy, although they may work through a variety of front organizations, such as the UN, the Trilateral Commission, or the Federal Reserve Bank.

Christian Patriots generally recognize two classes of citizens: "white state citizens," who derive their rights from God and the Constitution, and "14th Amendment citizens," meaning people of color, whose rights are a matter of mere legislation. Patriots argue that formally declaring themselves "sovereign" or "state" citizens legally places them outside the federal government's jurisdiction. ■

1. Coalition for Human Dignity, *The Northwest Imperative: Documenting a Decade of Hate* (Portland, Ore.: 1994).

# Wake Up America '95 Michigan Militia Corps



Like the common law court movement with which they share grievances, many militias are part of the broader Christian Patriot movement. Here, farmer speaks at rally.

## The Posse Reborn

Militias and common law courts clearly bear the Posse's mark. As heirs to the Posse's legacy of violence, common law court activists have wholeheartedly embraced intimidation as a political tactic. They also use the Posse's key texts and incendiary language. The United Sovereigns, a leading common law court group, sells the Posse's *Blue Book* and use it as a training manual.<sup>13</sup> The Montana Freeman's "full alert" in 1994 called on "all our militia, our posse in and for Garfield county/comitatus" to give "aid to our special Constables" in enforcing their edicts. A "township" in Littlefield, Arizona, claims to have its own "Legislature, Executive, Judiciary, Grand Juries, Juries (and) Posse." Idaho common law court "notices of arrest," issued to public officials and others, declared that "Pursuant to the law of the POSSE COMITATUS, should you fail in the discharge of your sworn duty (i.e., to arrest those charged by the court), WE the PEOPLE shall bring you to JUSTICE under the Law of the POSSE COMITATUS."<sup>14</sup>

13. United Sovereigns of America, 1995 catalog.

14. *Justices Courts in and for Garfield County ...*, op. cit.; *Findings of Fact, Conclusions of Law and Order*, Desert Springs [Arizona] Township; *Notice of Felony*,

Common law courts also receive guidance from prominent Posse figures. In Smithville, Arkansas, Leonard Ginter reportedly leads a common law court.<sup>15</sup> Ginter was a prominent Wisconsin Posse leader in the early 1980s and is best known for hiding notorious Posse member Gordon Kahl while he was a federal fugitive. Another Posse holdover, Gene Schroder, a leader in the Colorado-based American Agricultural Movement, attended 1982 paramilitary training sessions led by Posse leader William Potter Gale. Now Schroder is close to the United Sovereigns and has been involved in several prominent common law court meetings.<sup>16</sup>

## Dancing with the Mainstream

The ultimate goal of both the Posse and its latter-day descendents—militias and common law courts—has remained constant: an exclusively white Christian republic on US soil. But in their quest to gain political traction, far-right leaders have adapted their pro-

*Notice of Arrest* (Madison County, Idaho), Nov. 10, 1995.

15. Mark Potok, "Common-law Courts take on legal system," *USA Today*, Aug. 28, 1995.

16. Wayne King, "Link Seen Among Heavily Armed Rightist Groups," *New York Times*, June 11, 1983.

gramsto the political issues of the day.

Where the Posse sought to exploit the plight of farmers, modern-day militia and common law court activists seek to capitalize on the political space created by GOP-led attacks on federal environmental and property regulation, affirmative action, and gun control. Such rumblings from the Patriot movement, coupled with the emergence of other right-wing attempts at local control, have helped pull the ruling parties rightward, including support for states' rights — a position historically intertwined with white supremacy and attacks on fundamental civil liberties. At the same time, the opportunity provided by GOP, and to a lesser extent Democratic scapegoating of the poor and people of color has helped militia supporters capture state and federal offices around the country.<sup>17</sup>

It has also carried sympathizers into presidential campaign politics. Until forced to step down after his far-right connections were revealed, Gun Owners of America Executive Director Larry Pratt was one of four co-chairs for Pat Buchanan's presidential bid. Pratt has declared that he works with the Militia of Montana, voiced at least nominal support for common law courts, and attended a string of meet-

Mainstream scapegoating of the poor and people of color helps carry militia supporters into state and federal offices around the country.

17. Friendly congressmembers include Helen Chenoweth (R-Idaho) and Steven Stockman (R-Texas). For success at the state level, see *The Missouri 1st Militia, Republican Politicians and the Violent Right: Tracing the Connections* (St. Louis: Missouri Citizen Education Fund & Missouri Progressive Vote Coalition, 1995); and Montana Human Rights Network, *Human Rights Network News*, Nov. 1995.

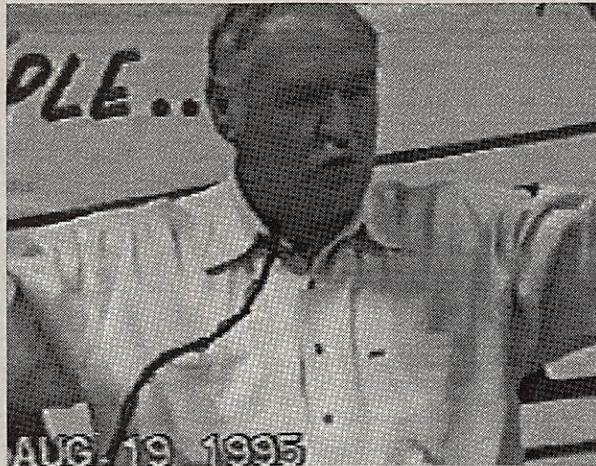
# Sowing Hate: The Posse Comitatus

Embracing a form of populist ultra-nationalism and a will to violence, the Posse Comitatus ("power of the county") movement arose in the West and Midwest. It flourished briefly in the early 1980s until the federal government's concerted efforts and counter-organizing by progressives contained it. Despite the Posse's fleeting existence, its ideas and tactics continue to influence far-right circles.

While the Freemen, among others, draw heavily on the Posse legacy, the Posse in turn fed on the long tradition of the US far-right. Among the leaders was Henry "Mike" Beach, the author of the Posse bible, the *Blue Book*. Years before his Posse ties, Beach cast his lot with William Dudley Pelly's Silver Shirts, an anti-Semitic group modeled on the Nazi brownshirts.

Beach was not the only Posse leader with a racist, anti-Semitic pedigree. According to Daniel Levitas, who is writing a book on the Posse, "while Mike Beach helped launch the early Posse as an organization, credit for inspiring the original concept really belongs with another man, retired Army Lt. Col. William Potter Gale."<sup>1</sup> Gale, who served under Gen. Douglas MacArthur in the Philippines, was an early leader in the Christian Identity movement, which holds that white Northern Europeans are God's chosen race, Jews are the Devil's spawn, and all others are subhuman "mud people."

The Posse's mix of Christian Identity, anti-government fervor, and conspiracy theory proved highly combustible, and the farm crisis of the 1980s, when a full quarter of family farms went under, provided the tinder. For beleaguered farm-



Ex-Posse member Eugene Schroder is now active in the common law court movement.

FROM VIDEO BY COLORADO COMMON LAW GRAND JURY

ers asking who was to blame, the Posse gave the answers: The Federal Reserve Bank — an instrument of an International Jewish Banking Conspiracy — was the main cause of the suffering of white Christian Americans, particularly farmers.

Posse leaders offered phony loan schemes, bigoted conspiracy theories and, when all else failed, armed confrontation as the solution to farmers' problems. In the early 1980s, in a posture reminiscent of the Nazi brownshirts, Posse members made threats, advocated violence to advance the cause,

and ran paramilitary training camps. In Kansas, a man identifying himself as a Posse member threatened to bomb a school unless the sheriff and deputy turned themselves over for execution. In November 1983, over 100 county sheriffs in Kansas received letters demanding the arrest of ten judges for ordering the seizure of private property.

But Posse activities went beyond bluster. In 1983, a Colorado court convicted three Posse members of manufacturing explosives. And in a notorious incident in North Dakota in February 1983, several Posse members led by Gordon Kahl killed two federal marshals in a shootout. Kahl himself died months later in a fiery showdown after state and federal authorities cornered him in Arkansas.<sup>2</sup>

Now, more than a decade after Kahl's death, the Posse's spirit rises once again in militias, common law courts, and supremacist Christian sects across the country. ■

1. Interview, Jan. 11, 1995.

2. For these and numerous other instances of Posse violence, see James Ridgeway, *Blood in the Face* (New York: Thunder's Mouth Press, 1991), pp. 119-20.

ings run by hard-core white supremacists.<sup>18</sup>

## A Theology of Genocide

Whatever issues common law court activists play up, their strategy remains deeply rooted in the white supremacist movement. The Montana Freemen provide a prime example. Speaking in late 1995 at a training meeting at "Justus Township," LeRoy Schweitzer spelled out just who could occupy the seats of government:

This is in the family. Israel. The lost sheep. The select, the elect, the peculiar treasure, the royal priest-

18. See "Larry Pratt and the White Supremacist Movement," Coalition for Human Dignity Background Brief, 1996.

hood, the Aryans, the battle ax. There's some 50 names for God's people in the Bible. This is it. The King's Bench.<sup>19</sup>

Similarly, in a rambling 20-page document written in November 1994, for the Freemen's common law court, Rodney Skurdal spells out his belief in Christian Identity and, echoing Posse founder Gale, concludes: "God is not a God unto the other races, but only that of Israel, the white race"; Jews "were fathered by Satan"; and people of color are the "beasts of the field" of Genesis. Skurdal then appropriates Leviticus

19. Videotape of Justus Township training seminar by LeRoy Schweitzer and Daniel Petersen, circa Nov. 1995.

20:15-16 to argue for the execution of interracial couples: "If a woman approaches any beast [*i.e.*, person of color] and lies with it, you shall kill the woman and the beast; they shall be put to death." He concludes with a genocidal fantasy frequently found in Christian Identity, "nor are we to make any covenants with the other races when we move into a new land, *we are to kill all of the inhabitants of the other races.*"<sup>20</sup>

The Freemen are not alone in their bigotry. A training tape sold by United Sovereigns purports to "expose those who are called Jews and have no genetic or racial ties to Abraham, Isaac

20. "Edict," Our One Supreme Court of Musselshell County, Oct. 28, 1994, emphasis in original.



FROM VIDEO BY COLORADO COMMON LAW GRAND JURY

**Colorado state Sen. Charles Duke (r.) takes a common law court oath. In May, he mediated between the Freeman and the FBI.**

and Jacob” and “are of the synagogue of Satan.”<sup>21</sup> United Sovereigns also sells a tract by a North Carolina Christian Identity leader which reads in part, “from the very earliest records of Scripture, we again have Talmudic Jews ruling over us from behind the scenes.”<sup>22</sup> They also peddle the notorious anti-Semitic tract and long-unmasked forgery, *The Protocols of the Learned Elders of Zion*.

### Second Class Citizens

While Christian Identity is the most virulent dogma expressed by the common law court activists, the most frequent form of Patriot bigotry is its racist definition of citizenship. As the *Free[man] Newsletter* explains, its quest is for “political sovereignty,” described as the “self-determinate will of the organic (white, Adam, Israel, people).” The “We the People” referred to in the Constitution, the newsletter continues, is “the white race and none other”; the 14th Amendment — which extended basic citizenship rights to all — “created a second class of citizen, Blacks and Aliens.”<sup>23</sup>

21. United Sovereigns of America, “The Jews Who Are and Are Not,” circa 1995.

22. Nord Davis, *Star Wars* (Topton, N.C.: Northpoint Tactical Teams, 1993), reprinted by United Sovereigns of America.

23. *Free[man] Newsletter*, July 1995, p. 2.

The bogus distinction between the rights of (white) “state” citizens and 14th Amendment citizens occurs time and again in the documents filed by common law court activists. Many describe the legal basis for the courts as “our organic law,” a reference to the Christian Patriot

## Christian Patriots are not “anti-government” but pro-government — as long as it resembles the pre-Civil War South.

notion that the US should be reconstructed under the “organic” Constitution — the original Constitution and Bill of Rights minus, among others, the 13th and 14th Amendments.<sup>24</sup>

### One Hand Washes the Other

Far from being “anti-government,” militia and common law court activists are decidedly pro-government, if and only if

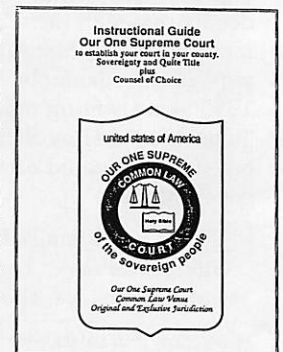
24. See Darrell Frech, *The American Experience* (pamphlet, 1995), pp. 4-5.; Velma Griggs, *Why Call A Constitutional Common Law Jury: Book Two* (Boise: Idaho Sovereignty Association, 1994), p. 43; *The Americas Bulletin*, Dec. 1995, pp. 21-24.

such a government resembles that of the pre-Civil War South. As such, the Christian Patriots’ relationship with the state and status quo is contradictory. Their attacks on immigrant rights, affirmative action, taxation, welfare, and property regulation resonate among broad segments of US society. And their claim that the government has abandoned (white) middle America in favor of an “alien” element (non-whites) is only the frank expression of white privilege usually voiced in coded form.

Noting the pervasiveness of such sentiments, the mainstream political parties seek to co-opt them. By simultaneously adopting core arguments of the racist right, such as the canard that African American teenage mothers are responsible for the “welfare mess,” while attacking overt racism, politicians render respectable a rhetoric more suited to a Klan rally than a presidential campaign.

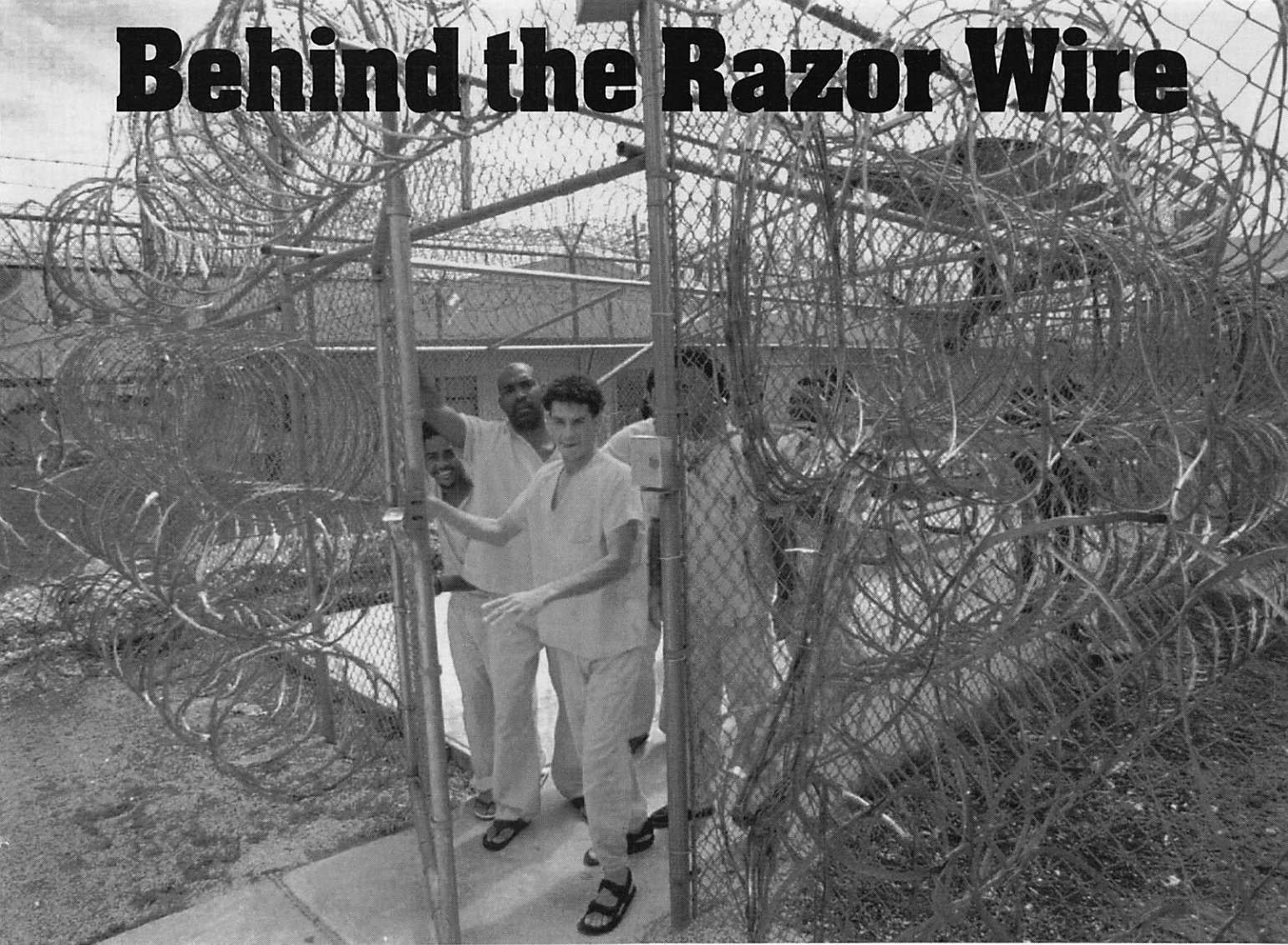
At the same time, Christian Patriots are radically opposed to democratic institutions of any stripe. The present system, though decidedly skewed in favor of the wealthy and the white, grants political rights to women and people of color and allows for political pluralism. For Patriots seeking an exclusively white Christian republic, both parties — veritable bastions of pluralism compared to the Patriots — stand in the way.

The struggle for economic and racial justice in the United States demands a broad and unified opposition to this latest tool of the far right. Progressives must both oppose organized racists as a distinct movement and struggle to erase the more subtle racism that permeates our institutions. ■





# Behind the Razor Wire



## Inside INS Detention Centers

by Mark Dow

*As the federal government cracks down on immigrants, INS detention centers are overflowing —as are the files containing documentation of inhumane conditions and physical abuse.*

*"Personally, I don't know the laws of this country. I would like to know if they have the right to hit me [for] being a Haitian political refugee."<sup>1</sup>*

Mark Dow is a Miami-based writer whose work appears in the current issues of *Index on Censorship* and *New Politics*. For information on a nationwide movement for detention reform, contact People of the Golden Vision, 820 Aldinger Dr., Dallastown, PA 17313, 717-244-8188. Photo: AP/Wide World Photos, pool. Krome prison.

1. Statement of François Lifaite; *Report on Laredo and Port Isabel Detention Centers* (Miami: Kurzban, Kurzban, and Weinger, 1993).

Behind the deafening noise of anti-immigrant hysteria, the Department of Justice's Immigration and Naturalization Service (INS) is quietly going about its business. And "business" is the word. On any given day, the INS has approximately 5,000 "aliens" in its custody. It holds them not only in its own nine Service Processing Centers, and in contract facilities operated by Wackenhut Corrections Corporation and the Corrections Corporation of America, but

also in some 900 local jails across the country.<sup>2</sup> The INS claims that overcrowding in its detention centers is the reason for transfers to other facilities, but detainees claim that the transfers are also used as a form of intimidation and punishment. And while the corrections companies and local jails are prof-

2. Lizette Alvarez and Lisa Getter, "Detention: the Failed Deterrent," *Miami Herald*, Dec. 16, 1993. The nine INS detention centers are in Aguadilla, Puerto Rico; Boston, Mass.; El Centro and San Pedro, Calif.; El Paso and Los Fresnos, Tex.; Florence, Ariz.; Miami, Fla.; and New York City.

iting, the INS is able to diffuse its already meager accountability while it persists in longstanding patterns of abuse and mistreatment of undocumented people.

In 1992-93, during the large influx of political refugees from Haiti, INS transferred hundreds of Haitians from Miami to jails in northern Florida, Texas, and Louisiana. The agency paid the Leon County, Florida, Sheriff's Department between \$40 and \$50 per jailed Haitian woman per day,<sup>3</sup> about the national average. The Sheriff's Department was hoping to get a contract for another 200 refugees, which would bring in \$3.6 million a year, and net a \$2 million profit.

## \$\$ and Detention

Detention-for-profit began before the Haitian-Cuban influx and continues today. Avoyelles Parish in Louisiana gets \$45 a day from the federal government for each of its 147 aliens<sup>4</sup> — including Cubans who, because of criminal convictions, the US refuses to release and Cuba refuses to take back. "In a good year — when the parish has housed hundreds of illegals at a time — that adds \$2 to \$3 million to its \$8 million budget," the *New York Times* reported. With that profit, the sheriff has provided ambulance service to the parish, increased his detective force, and given his deputies raises. Dallas County, Texas, is also projecting profits from INS contracts. A Mississippi sheriff said, "We don't always agree with the INS holding them ... but we like the money."<sup>5</sup>

It is not just the fees. Take Louisiana's Oakdale detention center, the largest INS detention facility in the country. Run jointly with the Bureau of Prisons, it opened in March 1986, after



JEFFRY SCOTT

Central American woman held at INS Los Fresnos detention center, near Brownsville, Texas.

heavy lobbying from local officials and citizens. Unemployment in Oakdale had risen to 31.9 percent after a paper mill, the area's largest employer, closed down. The mayor hoped that the detention center would be a recession-proof industry, and expected it to bring 315 new jobs with an average salary of \$24,000 a year for a town with an average annual income of \$7000. It didn't matter that there were no immigration attorneys in Oakdale, or that, according to a survey by the American Civil Liberties Union, only three out of 650 attorneys in the area would be able or willing to offer volunteer services to the detainees.<sup>6</sup>

In 1993, Chinese refugees from *The Golden Venture*, a ship which ran aground in New York, were in the York County, Pennsylvania, prison. (Most of them remain jailed today, at York and elsewhere.) At the time, a county commissioner "joked" that bids need not be taken for certain county works projects, since "We've got the labor force to do it in prison."

6. *Oakdale Detention Center: The First Year of Operation* (Minneapolis: Minnesota Lawyers International Human Rights Committee, 1987).

"You're thinking of those Asian guys," responded another official.<sup>7</sup>

Federal officials are serious about exploiting detainee labor. The US refugee camps at Guantánamo have officially closed, but the Defense Department is apparently considering "a move from a total DoD to a DoD-contracted civilian operation." And part of the plan is to put asylum-seekers to work:

Skilled and qualified migrants will be identified and employed with the goal of rotating the work force to provide equitable employment. Migrants will be paid the Caribbean region wage rate. Payment can be via a centralized accounting system and administratively maintained so as to prevent migrants from having excessive cash money in the camps.<sup>8</sup>

As cheap, controlled labor, perhaps the "migrants" will feel they haven't strayed so far from home after all.

## A Pattern of Abuse

Political refugees may also find their treatment by US authorities frighteningly familiar. A Nigerian held in INS detention in Forest Park, Georgia, "must crawl about on the ground," because he is denied crutches and proper medical care for a spinal condition.<sup>9</sup> For three years, some detainees at the INS Varick Street facility in Manhattan were kept from going outdoors.<sup>10</sup> At the INS's Port Isabel detention center in Texas, a guard kicked a Cuban detainee

7. Elizabeth Cummings, "Commissioners' comments anger attorney of refugee," *York Daily Record*, Aug. 31, 1993.

8. "CONCOPS for the Conversion of GTMO Operations to a DoD Contracted Civilian Operation," unclassified memo from CINCUSACOM (Commander-in-Chief, US Atlantic Command), Norfolk, Virginia, to Joint Chiefs of Staff, Washington, D.C., Mar. 1995.

9. *Kattola v. Reno*, CV NO. 94-4859 Kn (JGx), Third Amended Complaint for Injunctive, Declaratory and Mandamus Relief (Class Action), 1995, p. 5.

10. *Justice Detained: Conditions at the Varick Street Immigration Detention Center* (New York: American Civil Liberties Union Immigrants' Rights Project, 1993), p. 33.

who, after guards did not respond, tried to help a Honduran who was having an epileptic seizure.<sup>11</sup>

In a Pennsylvania jail with which the INS contracts, a Somali woman seeking political asylum after her brothers and father were assassinated was beaten by a female guard. On another occasion, when she asked for a blanket because she was cold, the woman was told to put her request in writing, and then was denied a pencil.<sup>12</sup> And at Miami's Krome detention center, according to a Nigerian detainee, a guard walked into the men's sleeping area, pulled down his pants, and "asked if we're man enough to fuck his ass ... [if not] he'll fuck our ass."<sup>13</sup>

The cycles of repression and resistance common to many of the regimes from which refugees are fleeing are often echoed in INS detention. In March, INS detainees set fires at the Miramar Naval Air Station brig near San Diego to protest conditions. The 174 detainees were there by arrangement between the Navy, the Justice Department, and the Kentucky-based US Corrections Corporation.<sup>14</sup>

In June 1995, the INS contract facility run by the Esmor Corporation in Elizabeth, New Jersey, was closed after an uprising by detainees protesting indefinite detention, inhumane conditions, and guard brutality. About two dozen of the detainees were transferred to the Union County Jail in Elizabeth, where they were subjected to a gauntlet by guards who kicked and punched them, pushed heads into toilets, "and forced a line of men to kneel naked ... and chant, 'America is Number One.'"<sup>15</sup>

11. Statement of detainee in Jonathan T. Jones, *Abuse Report* (Harlingen, Texas: American Friends Service Committee/Immigration Law Enforcement Monitoring Project [AFSC/ILEMP] [Rio Grande Valley], 1996), p. 22.

12. *An Uncertain Future, A Cruel Present: Women in INS Detention* (New York: Women's Commission for Refugee Women and Children, 1995), p. 16.

13. Interview, Feb. 20, 1996. Most Krome detainees interviewed requested anonymity, fearing INS retaliation.

14. James W. Crawley, "Inmate Unrest at Miramar," *San Diego Union-Tribune*, Mar. 30, 1996.

15. John Sullivan, "6 Guards in New Jersey Charged With Beating Jailed Immigrants," *New York Times*, Oct. 13, 1995.

## Guards punched and kicked the men, pushed their heads into toilets, and forced them to kneel naked and chant "America is Number One."

The INS issued a report admitting that it should have had more oversight of the Esmor facility.<sup>16</sup> While the INS's forthright criticism of Esmor was welcome, it only highlights the fact that for years the agency has ignored similar complaints about mistreatment in its own facilities. The list is long and famil-

ilarity at the edge of the Everglades in Miami, has a particularly notorious history of brutality and invisibility. This January, Miami INS District Director Walter Cadman turned down a request by a group of 11 writers and photo-journalists to tour Krome. Spokesperson Lamar Wooley explained that "nothing unusual has happened or is happening to warrant this type of coverage. ... Obviously there has to be a reason to disrupt the routine at the Krome facility." The group, which included representatives of the national and local mainstream media and me, has appealed the decision to INS Commissioner Doris Meissner.<sup>18</sup>



**Attorney Thelma Garcia consults with men from Sri Lanka, India, and China detained by INS at the Bayview Detention Center, Texas.**

iar: physical and sexual abuse, verbal abuse, arbitrary and punitive use of solitary confinement, transfers to remote facilities, inadequate medical care, and interference with attorney-client communication. The categories recur in complaints from around the country.

### **Krome: Hidden From View**

The Krome North Service Processing Center, an isolated<sup>17</sup> INS detention fa-

16. US Immigration and Naturalization Service, *The Elizabeth, New Jersey, Contract Detention Facility Operated by ESMOR Inc. Interim Report*, July 20, 1995.

17. "The isolated location insures that the American public is not aware of the existence of the camps and their conditions ... [and] deprive[s] persons of access to

A few years ago, the INS denied access to a delegation from the Minnesota Lawyers International Human Rights Committee and Physicians for Human Rights. The group had received permis-

lawyers and community support groups, and [is] designed to facilitate speedy deportation" (Bernice Funk, *et al.*, "US Refugee and Immigrant Detention Practices Violate International and US Law," *Journal of Contemporary Law*, 1990, p. 110). In the 1950s, the INS Commissioner "decentralized the INS and *deliberately* placed the new [regional offices] in out-of-the-way places in order to make it difficult for immigration lawyers to access them, and to insulate the agency from the input of individual members of Congress." (Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the INS* [New York: Routledge, 1992], pp. 105-6.)

18. Meissner never responded to the letter. In April, however, Miami INS allowed a pool of five reporters to tour

sion from INS officials in Washington and Miami to enter Krome and speak with detainees. After arriving in Miami, they were told that Miami INS had "countermanded" the initial decision "after consultation" with Washington. As a result, the delegation's April 1991 report — aptly entitled *Hidden from View* — was based largely on affidavits and statements collected by local advocates.<sup>19</sup> The Haitian Refugee Center, with help from the American Friends Service Committee and a small group of private attorneys, had documented charges of abuses at Krome in 1989, 1990, and 1991. The pressure of publicity eventually led to an FBI investigation on behalf of the Civil Rights Division of the Justice Department. Results of the inquiry, which began in May 1990, have never been released.

In fact, a journalist who asked the Justice Department for those results this year was sent only a press release about an incident unrelated to the earlier investigation. But the press release does provide an official acknowledgment of a story that has a familiar ring to advocates. It announces that a Krome officer "has pled guilty to one felony count of ... depriving a [Haitian] detainee ... of his civil rights." Specifically, "after a verbal incident in the cafeteria," the Krome officer, Edward Calejo:

escorted the detainee to the dormitory building and placed him in a small cell. Inside the cell Calejo, without warning or lawful justification, punched Bernard in the head. Calejo then kicked Bernard and punched him multiple times about the head and body. ... Later that day, in an effort to cover up what he had done, Calejo had other guards punch him in the chest and photograph the resulting injury to support a false report claiming Bernard was the aggressor. He also made attempts to persuade a witness to

Krome. Only two of the original group of 11 who had requested access were notified of the tour, and none of the 11 was part of the pool that went in.

Krome is not alone in its reluctance to bear scrutiny. When the ACLU was investigating the Varick Street facility in New York, the INS refused access to the housing areas. A corrections expert and former warden assisting the ACLU said he had "never experienced [that] in over 39 years of professional work in facilities including Alcatraz and Marion." (ACLU, *op. cit.*, p. 13.)

19. *Hidden From View: Human Rights Conditions in the Krome Detention Center* (Minneapolis: Minnesota Lawyers International Rights Committee and Physicians for Human Rights, 1991), pp. 50-54.

support his false report and tried to get the FBI to begin an investigation of the detainee.<sup>20</sup>

## Toothless Watchdogs

The attempted cover-up fits a pattern of "counter-charges" described by Americas Watch (now Human Rights Watch/Americas) in its reports of violence on the US-Mexico border. "[B]eatings or other abuses" by immigration officials often occur after a person is "arrested, handcuffed, and subdued. By charging beating

## Some 1,300 complaints against INS officers to the Justice Department have yielded only nine prosecutions, six guilty pleas, and one conviction.

victims with assault on a federal officer and other felony charges, the agents sought to conceal their own misdeeds."<sup>21</sup>

The press statement goes on to claim that this case "shows the ability of the federal government to police itself when confronted with criminal misconduct." The record suggests otherwise. Since September 1994, the American Friends Service Committee Immigration Law Enforcement Monitoring Project (AFSC/ILEMP) in the Rio Grande Valley has filed 64 complaints — about half of them related to the Port Isabel detention center — with the Justice Department's watchdog agency, the Office of the Inspector General (OIG). Not a single one has even been acknowledged.<sup>22</sup> Of the 35 cases detailed in a recent AFSC/ILEMP report from San Diego, not one has been prosecuted. Some have been referred for "administrative review," says advocate Leticia Jimenez, "which is where we lose track ... [because] we don't know what that means."<sup>23</sup> Unfortunately, many advocates around the country often fail to follow up on their own complaints; but

20. United States Attorney, Southern District of Florida, "News Release: Former Krome Guard Beating Detainee," Jan. 4, 1996.

21. *Frontier Injustice: Human Rights Abuses Along the U.S. Border with Mexico Persist Amid Climate of Impunity* (New York: Americas Watch, 1993), p. 33; *Brutality Unchecked: Human Rights Abuses Along the U.S. Border With Mexico* (New York: Americas Watch, 1992), p. 31.

22. Jones, *op. cit.* Interview with Jonathan T. Jones, Refugee/Immigrants Rights Coalition of the Rio Grande Valley, Mar. 13, 1996.

23. *Abuse Report 1995* (San Diego: AFSC/ILEMP); interview, Mar. 16, 1996.

then, the complaint system seems designed precisely to instill that sense of futility.

The OIG, according to Human Rights Watch/Americas, lacks both resources and independence. "Many OIG investigators are former Border Patrol or INS agents," and "[a]pproximately 98 percent of INS abuse cases eventually are handled by the INS itself, but the outcome of such referrals [from the OIG] is not known to anyone outside the agency." The OIG can decide to refer

cases to the Criminal Section of the Civil Rights Division of the Department of Justice, but the standard for prosecutions (undertaken with local US Attorneys' offices, and investigated by the FBI) is extremely restrictive. "The remarkably small number of cases

brought to a grand jury is striking, even taking into account the high standard of proof demanded in federal criminal prosecutions." Of 1,322 referrals from the INS to the Civil Rights Division from October 1988 through September 1994, only 16 were sent to a grand jury. Of these, nine were prosecuted, resulting in six guilty pleas, two acquittals, and one conviction.<sup>24</sup>

Of course, these numbers do not include all those victims who have been dissuaded from filing complaints, or who decided that it wasn't worth the effort. Incredibly, the INS itself has acknowledged "that even sustained complaints are not considered when INS personnel are under consideration for promotion or transfer."<sup>25</sup>

Publicity about abuses led INS Commissioner Doris Meissner to announce formation of the INS Citizens' Advisory Panel (CAP) in March 1995. But contrary to the original announcement, at its first meeting the CAP decided against receiving specific cases; instead it will refer them to the OIG. The CAP is "allowing the INS to set the agenda," for the meetings, according to Allyson Collins of Human Rights Watch/Americas, who has attended three of the four held so far. The INS wants control of the complaint process, says Collins, and there

24. *Crossing the Line: Human Rights Abuses Along the US Border with Mexico Persist Amid Climate of Impunity* (New York: Human Rights Watch/Americas, 1995), pp. 20 ff.

25. Memo from Allyson Collins, Human Rights Watch/Americas, to members of the INS's Citizens' Advisory Panel, Mar. 18, 1996.

is a danger the panel — even though it is well-intentioned — will endorse the agency's drive for more internal control of the complaint process.<sup>26</sup> That would be consistent with the agency's "insistence on maintaining a system of secret law."<sup>27</sup> The only real solution, as many advocates have pointed out, would be meaningful, independent review of the INS — including regular, surprise monitoring of detention facilities.

### Continuing Abuses

At Krome, the detainees have issued many cries for help over the years, and today they are making themselves heard again. In a letter sent to the INS and to local media in January, more than 150 men wrote of severe overcrowding and unsanitary bathroom conditions.<sup>28</sup> They also wrote of being locked out of bathrooms "like pigs in a sty," and of receiving a change of clothes only once a week (Krome inmates must wear bright orange uniforms).

A subsequent letter from Nigerian detainee Ope-Agbe A. Bariu includes familiar complaints about medical care and abuse by guards: "The officers here talk to and threaten all detainees. They say that they are God over us, and show no sign of respect. They put us through all sorts of emotional distress. If you as



Laura Embry/San Diego Union-Tribune

**Resentment of abusive treatment boiled over at the Miramar Naval Air Station brig in San Diego where, in March 1996, newly transferred detainees torched the facility.**

lying all of this is the basic fact of life at Krome: "The lack of communications on each detainee's case, as well as the long periods for which they are being held is a serious issue. Apart from the mental stress and psychological torture we face every day by the officers, the long periods we have to wait for our case[s] gives us a lot more stress."<sup>29</sup>

Bariu himself spent some 14 months at Krome, and in that time was transferred back and forth to about six county jails in Florida. The day after his name appeared in a *Miami Herald* story on Krome,<sup>30</sup> INS Lt. Frank Ferguson approached him. "You put up a good show ... I saw your handiwork," Bariu

says the officer told him. Bariu was in the clinic for chest pains, and a number of immigration officials came by to see him there, to put a face with the name; Public Health Service employees — technically a separate entity from the INS — pointed him out to INS officials, says Bariu.<sup>31</sup> Five days later, Bariu was

transferred to the Monroe County Jail in Key West.

But "before they did take me, they beat the shit out of me," he said by phone from the jail. A group led by Ferguson and including eight officers "rushed" Bariu when he said he was not a criminal, should not be handcuffed, and asked for time to collect his files from a Krome administrator. He reported injuries to his head, ribs, shoulder, face, and knee. "I didn't provoke it," he said. Then, with his hands cuffed behind his back and legs shackled, he was taken to the clinic, where, says Bariu, an INS officer told a clinic employee "to get the doctors to write ... [that] he got into a fight here, that's why we're shipping him out." He remained cuffed and shackled while he was given an EKG. In the clinic, Ferguson allegedly told him, "The only way you're going to stay here in Krome is over my dead body."

"They intimidate people there at Krome," Bariu said. "That's why none of those guys want to say anything. ... They're scared." In March, Bariu was transferred to the Avoyelles jail in Marksville, Louisiana, his arms and legs shackled for the bus ride. "Well, they have just showed me a new form of their extreme and limitless power," he

(continued on p. 63)

## The INS has not acknowledged even one of 64 complaints filed by human rights monitors in the Rio Grande Valley.

a detainee try to point this out to them, you get transported out of Krome, to any county jail of their choice." Under-

26. Interview, March 18, 1996.

27. "The Secret Law of the Immigration & Naturalization Service," *Iowa Law Review*, 1970. Calavita writes that "[u]nlike most other government agencies, the Immigration Service has relinquished virtually no internal documents since World War II to the National Archives in Washington, D.C., which serves as the official repository of the government's written historical record," and that the INS has even withdrawn records after they were used for a book of which the agency apparently disapproved. (Calavita, *op. cit.*, pp. 12-13, 185n.).

28. "Grievance Letter to the Krome Detention Center," Jan. 29, 1996.

29. Ope-Agbe A. Bariu, letter, "The Atrocious Conditions under which We Live at Krome," Feb. 6, 1996.

30. Andres Viglucci, "Inmates complain of crush at Krome," *Miami Herald*, Feb. 16, 1996.

31. Interviews, Feb. 1996.

# Betting on Boris

## The West Antes Up for the Russian Elections

*Yeltsin's popularity is falling and the Communists are gaining in the polls as elections in Russia near. Enter the leaders of the free world, arm in arm, checkbooks in hand, eager to ensure a victory by the man they have long relied on to carry their free-market water.*

by Fred Weir

**I**n the runup to Russia's June elections, Western leaders have broken normal diplomatic protocol to express strong public support for President Boris Yeltsin and have anted up a total of almost \$14 billion in loans, much of which will be used to bankroll the incumbent's lavish campaign promises. Whether or not these elections take place as planned — and there is much speculation about cancellation or postponement — the extent of foreign influence is noteworthy.

Russia is scheduled to go to the polls on June 16 for the first round of elections to choose a new president. Some 17 candidates are registered, but none is expected to attract the 50 percent of votes required to win outright. The two front runners will face each other in a second round, probably on July 8, which will determine the final winner. Virtually all public opinion surveys predict that the second-round contenders will be

Fred Weir is a correspondent for Canadian Press in Moscow where he has lived for the last ten years.



**On a campaign stop, Yeltsin waters a tree while polls show that all that is really growing — despite the rich fertilizer of Western financial support — is public discontent with his tenure as president.**

AP/WIDE WORLD PHOTOS

Yeltsin and Gennady Zyuganov, leader of Russia's resurgent Communist Party, which led the polls in December's parliamentary elections.

Many in the West have reacted with alarm at the prospect of a Communist comeback in Russia barely five years after the collapse of the Soviet Union. But with Yeltsin's popularity eroded by economic and social decline, the Communist Party appears capable of winning the presidency — if the vote is free and fair.

### Free and Fair vs. Pricey and Packed

These elections are Russia's first experience with the full barrage of US-style campaign techniques, from professional PR operations to negative ads, from promises of universal prosperity to large infusions of cash distributed to key constituencies around the country. And as in the US, these costly tactics will play a large part in determining the outcome of the vote.

Yeltsin has taken to pork barrel politics like a tsar to caviar. He opened his re-election campaign with promises to pay 7.8 trillion rubles (\$1.6 billion) in back wages owed by the federal govern-

## The US, World Bank, London and Paris Clubs, France, Germany, and Japan have responded to Yeltsin's pre-election cash deficit with unprecedented generosity.

ment to public sector workers. He also pledged to make cheap credits available to Russian regions to help clear a staggering \$4 billion backlog of unpaid salaries to workers in privatized industries.<sup>1</sup>

During March, the president signed a string of decrees to raise pensions and student benefits, finance cash-strapped educational institutions, fund scientific research, and rebuild war-torn Chechnya. The initial price tag for these prom-

1. Jim Kennett and Sergey Lukianov, "West Pays Up to See Yeltsin Through," *Moscow Times*, Mar. 8, 1996.



DAVID B. REED/IMPACT VISUALS

**This young Moscow "beezyesmyen" has a stake in the status quo as does a new class of enormously wealthy people desperate to ensure that the font of their riches flows uninterrupted.**

ises has been variously estimated at between \$9 and \$16 billion.<sup>2</sup>

On the campaign trail, as he throws money at potential supporters, Yeltsin mixes what the *New York Times* described as "the hauteur of incumbency with carefully staged demonstrations of compassion and munificence." In early May, he promised a Tatar leader he met on the street \$50,000 to open a new Muslim cultural center. During a visit to a Russian Orthodox convent he gave \$10,000 from his treasury to help cover the nuns' housekeeping costs.<sup>3</sup>

### Friends in Deed

Although some of his promises are so much flimflam, others have been, or likely will be implemented. But even without additional expenditures, Russian state revenues were running far below projections as the country faces a crumbling infrastructure, a shredded

2. *Ibid.*

3. Alessandra Stanley, "Spendthrift Candidate Yeltsin: Miles to Go. Promises to Keep?" *New York Times*, May 4, 1996.

social safety net, and mounting debts. Experts describe tax collection in Russia's lawless marketplace as "abysmal."<sup>4</sup> Income from sales of Russian treasury bills is nowhere near expectations, despite interest rates on the six-month bonds of up to 165 percent.<sup>5</sup>

To make up its gaping budgetary deficit and pay for campaign promises, the Yeltsin regime has turned to foreign sources of financing. And Western leaders have responded with almost unprecedented generosity. In February, German Chancellor Helmut Kohl visited Moscow and offered a special credit of four billion marks (\$2.7 billion), three-quarters of which was extended without conditions on its use.<sup>6</sup> At the same time, he showed support for the current president. "Under Boris Yeltsin's leadership," Kohl told journalists, "despite all the difficulties, Russia has set out on the road to democracy, rule of law and a market economy."<sup>7</sup> Within days,

4. Jim Kennett, "IMF Poised to Approve \$10.3 Billion Loan," *Moscow Times*, Mar. 27, 1996.

5. John Helmer, "Banks Warn on Public Debt Crisis," *Moscow Tribune*, Apr. 19, 1996.

6. John Helmer, "Loans Aim To Buy Votes," *Moscow Tribune*, Mar. 30, 1996.

7. Reuters, "West Hopes Cash and Gestures Can Help Yeltsin," *Moscow Tribune*, Mar. 2, 1996.



FRANCISCO CONDE/IMPACT VISUALS

**Surprisingly strong support for the Communists has alarmed Western powers committed to "reform."**

French Prime Minister Alain Juppé provided Yeltsin an additional loan of two billion francs (\$392 million), paid entirely into Russian state coffers.<sup>8</sup>

In May 1996, a Japanese consortium of major trading houses and shipping firms announced its first large-scale project in Russia since the fall of the USSR. With help from the Japanese and Russian governments, they plan a port development project in Russia's Far East. The aim, said Japanese officials, "is to spur Russia's economy and support the Yeltsin administration ahead of the Russian presidential election scheduled for June."<sup>9</sup>

Secretary of State Warren Christopher dispelled any doubt about where the US stands when he visited Moscow to lay the groundwork for the G-7 summit on nuclear safety held in the Kremlin in mid-April. In an interview with Russian journalists, he made Washington's views on the upcoming election crystal clear:

I am sure that President Clinton will come here to follow basically the line that he has followed ever since the beginning of his presidency. That is to support the reforms and to sup-

port those who are enthusiastic about reform and who are carrying out reforms. That has brought him into strong support for President Yeltsin on prior occasions.<sup>10</sup>

A few days later, on March 26, the International Monetary Fund (IMF) approved a three-year, \$10.3 billion credit to Russia, "front-loaded" to deliver almost half the amount in 1996.<sup>11</sup> The first installment, \$350 million, was paid at the end of March.<sup>12</sup> This IMF loan is the second biggest in history, after last year's \$17.8 billion Mexico bailout. On May 1, the World Bank joined in and approved a \$200 million loan aimed at bolstering Russia's social services. Although the US dominates the Bank and the IMF and often runs roughshod over the other members, in this case it did not have to twist arms. The industrialized countries formed a solid bloc behind Yeltsin.

As is generally the case, IMF and World Bank support ensured special consideration by other lending institutions. A month after the IMF loan, the Paris Club, made up of Western European countries plus the US, Japan, and

Australia, gave Yeltsin a boost with the largest rescheduling deal in the club's 40-year history. And instead of the usual maximum of 18 years, they gave Russia 25 years to pay back its \$40 billion debt. The Club conditioned the agreement on Russia's compliance with IMF guidelines that effectively "lock any future Russian government, even one led by the Communists should they win a presidential election in June, into a reform program."<sup>13</sup>

The IMF agreement also spurred discussions between Russia and the 600 creditor banks which comprise the Club of London. In November 1995, this creditor group had rescheduled 25 years' worth of debt, inherited from the Soviet Union — a total of \$32.5 billion — starting with a seven-year moratorium on repayments. After the IMF decision, the Club of London reopened negotiation for an additional round of rescheduling.<sup>14</sup>

### IMF Futures

While these lenient terms and extensions give Yeltsin some breathing room to deal with economic crisis and mounting debts, the IMF is providing hard cash. Some of the Fund's money is earmarked for special projects, but the bulk

10. Patrick Henry, "Christopher Comes Near to Backing Yeltsin's Bid," *Moscow Times*, Mar. 23, 1996.

11. Jim Kennett, "IMF Chief Seals \$10 Billion Russia Loan," *Moscow Times*, Feb. 23, 1996.

12. Agence France Presse, "West to Bolster Yeltsin With Credit Deal," *Moscow Tribune*, Apr. 26, 1996.

13. Agence France Presse, "Deal on private Russian debt is seen later this year," May 3, 1996.

14. *Ibid.*

8. *Ibid.*

9. "Japanese Firms to Develop Russian Port," *Nikkei Weekly*, Apr. 15, 1996.



goes directly into the state treasury, where it can be disbursed by Yeltsin and the Russian government any way they wish. "It is extraordinary that this money is being rendered for discretionary spending by the government, rather than being linked to specific goals," writes

**Even Sachs, the Harvard economist who designed Russia's "shock therapy," decried privatization's second stage as "a remarkable plunder of state assets."**

Sergei Glazyev, leader of the left-wing Democratic Party of Russia. "And the speed with which it is coming into the country indicates that it will be available for Yeltsin to temporarily increase social spending before the election."<sup>15</sup>

Yeltsin, for his part, saw the cash infusion as nothing less than his due after years of cooperation with US-designed economic reforms. Before the loan was finalized, he made clear he had expected the money: "It would be treason for the World Bank and the IMF not to support Russia at this stage," he said in February.<sup>16</sup>

Michel Camdessus, the IMF chief, brushed aside suggestions the organization was favoring Yeltsin's candidacy in the upcoming election — without actually denying it. "Not to support Russia now also could be viewed as taking sides, and would be equally wrong," he said. "It is our ... moral obligation to support this government."<sup>17</sup>

Putting a finer point on it, Mr. Camdessus warned that the IMF money could be withdrawn if a Communist wins the June election. "If they are consistent with a communist approach," he said, "then indeed agreement would be impossible and then we would have to suspend our support."<sup>18</sup> He specifically warned that any attempts to re-nationalize private industry would halt the flow of IMF credit. The IMF's deal with Russia "states clearly that the government will not re-nationalize or increase the share of the government in privatized companies," and that any attempt to do so would be a breach of agreement, he said.<sup>19</sup>

15. Sergei Glazyev, "Zayom MVF: Palka o dvukh Kontakh," *Pravda*, Apr. 25, 1996.

16. Kennett, "IMF Chief Seals ...," *op. cit.*

17. Jim Kennett, "IMF: Communist Course Risks Loans," *Moscow Times*, Mar. 28, 1996.

18. *Ibid.*

19. *Ibid.*

## Second Thoughts

Limited re-nationalization is precisely what the Communist Party program calls for. Recognizing the enormous social and economic dislocation and the current disrepair of the economy, the

Communists advocate placing raw materials and strategic industry under public ownership. They also propose subjecting some of the most questionable deals in Russia's

two-year-old privatization campaign to legal review. These measures send chills through Russia's new economic elite, which not only has the economic clout to defend its status, but maintains well-armed private armies employing up to 600,000 men.<sup>20</sup>

Many Russian economists have pointed out that the Yeltsin privatization campaign, particularly its hasty and deeply corrupt second stage, transferred some of the country's richest assets to a tiny handful of well-connected plutocrats.

Even the original architect of Russia's "shock therapy" program, Harvard economist Jeffrey Sachs, recently decried privatization's second stage as

a remarkable plunder of state assets. ... The second stage of privatization appears to have delivered literally tens of

20. *Izvestia*, Sept. 21, 1995, quoting Olga Kryshlavskaya.

billions of dollars in state assets in the oil, gas, and metals sector to powerful insiders in the government, the banks and the enterprises.<sup>21</sup>

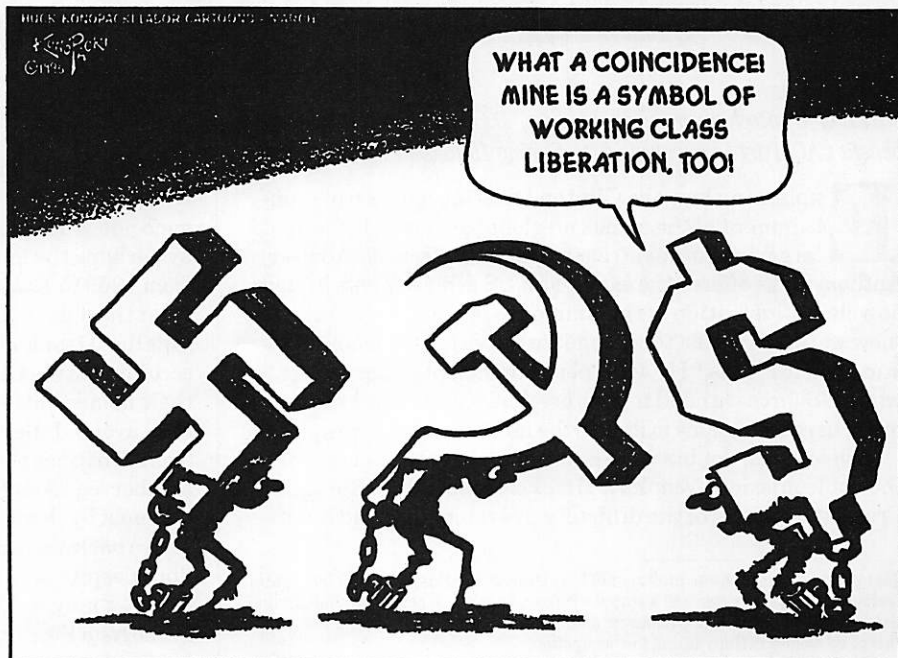
In an unprecedented comment to the English-language *Moscow Times*, the intellectual father of Russia's market reforms called for "a reversal of last year's natural resource privatizations, on the grounds of social equity and rule of law."<sup>21</sup>

By tying its support explicitly to the irreversibility of privatization, the IMF is setting conditions that alienate a wide swath of Russian public opinion, from outraged liberals to tough-minded Communists. Boris Yeltsin, who authorized the privatizations in a series of special presidential decrees, is the only force on the political spectrum with a clear interest in leaving the one-sided division of spoils in place.

But despite some queasiness, Washington is backing Yeltsin all the way. This episode is the latest in a long history of US interference in foreign elections: from Japan in the 1940s, to Italy in the 1950s, to Chile in the 1970s, to Nicaragua in the 1980s, to Russia today. Were the same level of financial and political "aid" used by a foreign power to exert pressure on a US election, it would be denounced as outrageous intervention. In Russia today, it appears to be just the way free and fair elections work — or don't. ■

21. Jeffrey Sachs, "Plan to Revive Reforms," *Moscow Times*, Apr. 6, 1996.

22. *Ibid.*



# Haiti: The “Uncivil” Society

by Noam Chomsky



JACK KURTZ/IMPACT VISUALS

*Part II of a speech given in Washington, D.C. in December 1995 to benefit CAQ. Part I appeared in the Spring 1996 issue of CAQ.*

**E**xplaining how the Clinton Doctrine moves from containment of the attack on global democracies to enlargement of their reach, National Security Adviser Anthony Lake offered the example of US achievements in Haiti as a clear illustration of the “immense opportunities” that the “new world” offers us “to consolidate the victory of democracy and open markets.” He was speaking in September 1994, when US forces landed to “restore democracy” after the failure of harsh sanctions to induce the military junta to resign.

A year later, doubts were emerging about the success of the noble mission. *New York Times* correspondent Barbara Crossette warned of the difficulty in overcoming “old habits

and hatreds” that remain despite our most dedicated efforts to bring democracy and justice. One “cautionary tale” is offered by Cambodia. Here, we entered with “good intentions” when the country was “barely alive after decades of civil war, genocide, and foreign occupation”—but evidently untouched by perhaps the most intense bombing of civilians in history from 1969 to 1975, by some unknown hand, the first phase of what the only independent government inquiry (Finland) calls the “Decade of Genocide,” when 600,000 people were killed, according to the CIA, and hundreds of thousands driven from their homes, flooding Phnom Penh, where reporters carefully avoided their reports of what was happening under the bombs in inner Cambodia. Crossette also warns about Haiti, another “cautionary tale” where our “good intentions” may be undercut by “home-grown distrust, poverty and demagoguery.” These backward Haitians somehow distrust US good intentions despite all the blessings we’ve lavished on them for 200 years — maybe it’s their bad genes. The point was elaborated by the *New York Times*’ leading thinker, Thomas Friedman, the

Noam Chomsky is institute professor of linguistics at the Massachusetts Institute of Technology. He has written and lectured widely on linguistics, philosophy, intellectual history and international and domestic affairs.

Photo: US soldier in Haiti during the occupation.

same day in a column called: "Think Haiti." He says Haiti is "a cautionary tale about limits" of our ability to do good. We "did the right thing in Haiti," he says, but President Aristide may not have "abandoned his populist radical impulses," and he's dragging his feet on handing over Haiti's remaining assets to foreign investors, so we've had to cancel unpaid parts of the promised aid, since obviously we can't tolerate that.

## According to US policy-makers, rich Haitian families who supported the coup and investors in New York are Haitian civil society, and the renovated state must focus on their interests, not on those of slum dwellers or peasants.

Friedman goes on to say that we can't even be sure that we can trust the police in Haiti, even though they've been "put through US human rights courses," as in Colombia and El Salvador and Indonesia and other paragons of virtue. Like 100 percent of his colleagues, Friedman refrains from giving us a little background about Aristide's "radical populist impulses," which we thought we'd overcome by returning him on condition that he accept Washington's socio-economic program, which is public, though you wouldn't know it from the press. The core element, the core sentence of the program on which he was restored is the following: "The renovated state in Haiti must focus on an economic strategy centered on the energy and initiative of civil society, especially the private sector, both national and foreign."

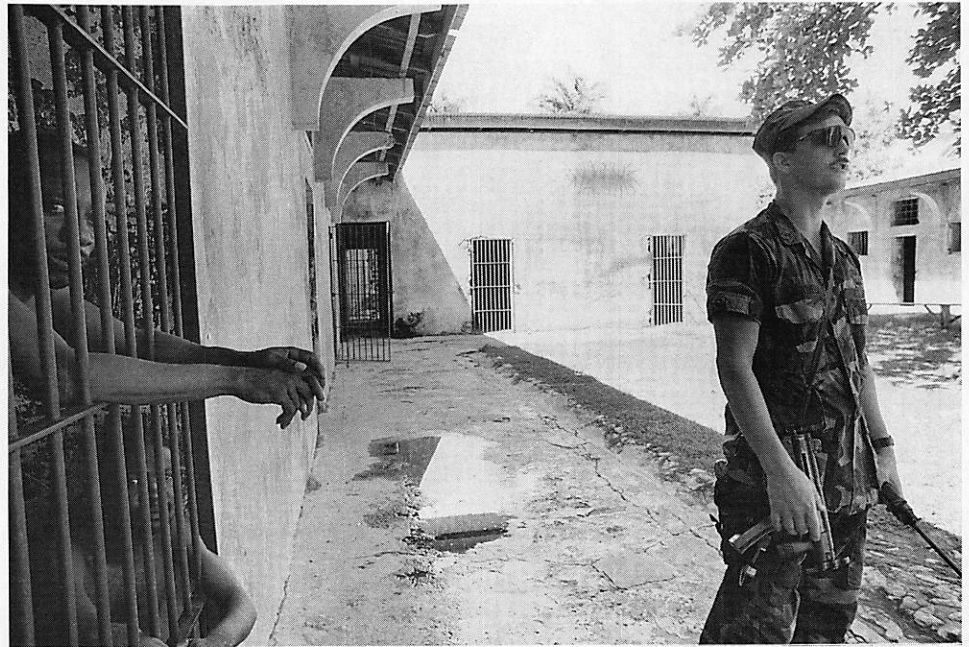
In other words, the rich families living up in the suburbs who supported the coup and investors in New York City are Haitian civil society, and the renovated state must focus on their interests, not on those of the people in the slums of Port-au-Prince or the peasants in the hills, since they are not Haitian civil society. And although he did sign on to this, Aristide's populist radical impulses are still not squelched entirely, so he apparently is dragging his feet a little bit on this forthcoming program.

The people who swept Aristide into office had a different conception of Haitian civil society, and that, of course, has to be beaten out of their heads. They also had an unacceptable concept of democracy. They had this weird idea that the general public actually has a role to play in the way affairs of state are conducted. That's contrary to two centuries of doctrine in the US, which goes right back to Madison and the framing of the Constitution, and is expressed in more modern times by leading Wilsonian liberals like Walter Lippman.

Lippman explained that the "ignorant and meddlesome outsiders," meaning the general population, have to be kept out of the public arena. They can be "spectators" but not "participants." And the Haitians in their ignorant ways didn't understand that, so they needed a few lessons in democracy. That's another unspeakable "enduring truth," in the words of Anthony Lake.

Well, what Clinton has, in fact, done is to restore the situation to what it was prior to the free election of 1990, which was a disaster because the democratic, popular forces actually participated and got their own conception of socio-economic development and their own representative in power. That, then, had to be overthrown by violence, and in fact, the current program is virtually identical to that advocated by Washington's candidate in the 1990 election, Marc Bazin, a World Bank official who received 14 percent of the vote, but is now effectively in power thanks to our restoration of democracy — at least his program is in power.

Well, those are more "enduring truths" which you're not supposed to know about. It's kind of interesting that Haiti, the most impoverished country in the hemisphere, is still dragging its feet. It's among the few countries where people are actually struggling against these structural adjustment-style programs which are also being applied to us. And that's



**Special Forces soldier in Les Cayes at a prison which the US took over.**

a pretty dramatic fact. The idea that we should go to Haiti to teach them about democracy is so ludicrous that one hardly knows how to comment. Maybe we ought to go there to learn something about democracy, but that's about the only relationship as far as democracy goes.

Anyway, we're supposed to see the Haitian experience as a cautionary note about our ability. And what is our ability? Well, in reality, it's our ability to destroy democracy, to intensify miserable poverty and suffering, and to enrich Haitian "civil society" sitting in the wealthy suburbs of Port-au-Prince or in corporate boardrooms in New York. You're going to have

to look pretty hard for the actual facts, which incidentally are not in dispute, I don't urge you to waste your time looking, because you won't find them unless you go way out to the margins.

Honesty requires that we recognize that there is a discordant note in this chorus of self-adulation about Haiti. This discordant note is worth looking at closely because it teaches a lot about how a really well-oiled propaganda system works. In the December 8 *New York Times*, there's an editorial condemning the CIA for undermining Clinton's efforts to restore democracy in Haiti. It refers to a December 3 report on CBS, *60 Minutes*, which confirmed that Emmanuel Constant — the head of the terrorist forces in Haiti, FRAPH, during the military coup years — was a paid agent of the CIA. *Times* specialist on intelligence Tim Weiner mentioned that something similar had already been reported. In fact, it had been discovered and reported by freelance journalist Allan Nairn, who somehow has disappeared from the story, but now it is confirmed in the *60 Minutes* interview with Constant.

Let's look at some of the facts that have somehow escaped the *New York Times*, the *Washington Post*, CBS investigative reporters and others — apart from the fact that their intrepid investigative reporting had a little help from the unmentionable independent journalist who lacks all their resources but made all the discoveries. One fact is that Bush and Clinton did not oppose the military regime. Quite the contrary. The OAS (the Organization of American States) did call for an embargo after the coup, but within a few weeks, Bush announced that US manufacturers would be exempt from it. That was what the *New York Times* called "fine tuning" the embargo to help the Haitians. So trade with the coup regime continued, not quite at the usual level but not all that far below it. Under Clinton, that trade actually increased to not much below the normal level. Even training of Haitian military officers continued, according to Haitian church sources, right through the military coup period.

Well, there's something much more important than that. The crucial element of any embargo, as everyone knows, is oil. And everyone in Haiti could see that oil was continuing to

flow, and, in fact, that the Mevs family and these other rich coup supporters were building new storage tanks. Where was it flowing from? Well, we now know the answer. It was flowing from the Texaco Corporation, which had been explicitly authorized by the Bush and the Clinton administrations to ship oil illegally to the military junta right through the period of the alleged embargo.

To be precise, Texaco was informed that it was illegal for it to ship oil in violation of a presidential directive, but was also told that it could proceed without any concern for legal action or penalty. Texaco even went so far as presenting to the Treasury Department its plan to evade the embargo by legalistic trickery, claiming some other subsidiary was doing it and

so on, and asking whether that would be legal. The Treasury Department replied, no, it wouldn't be legal, but go ahead anyway, nothing will happen if you do it.

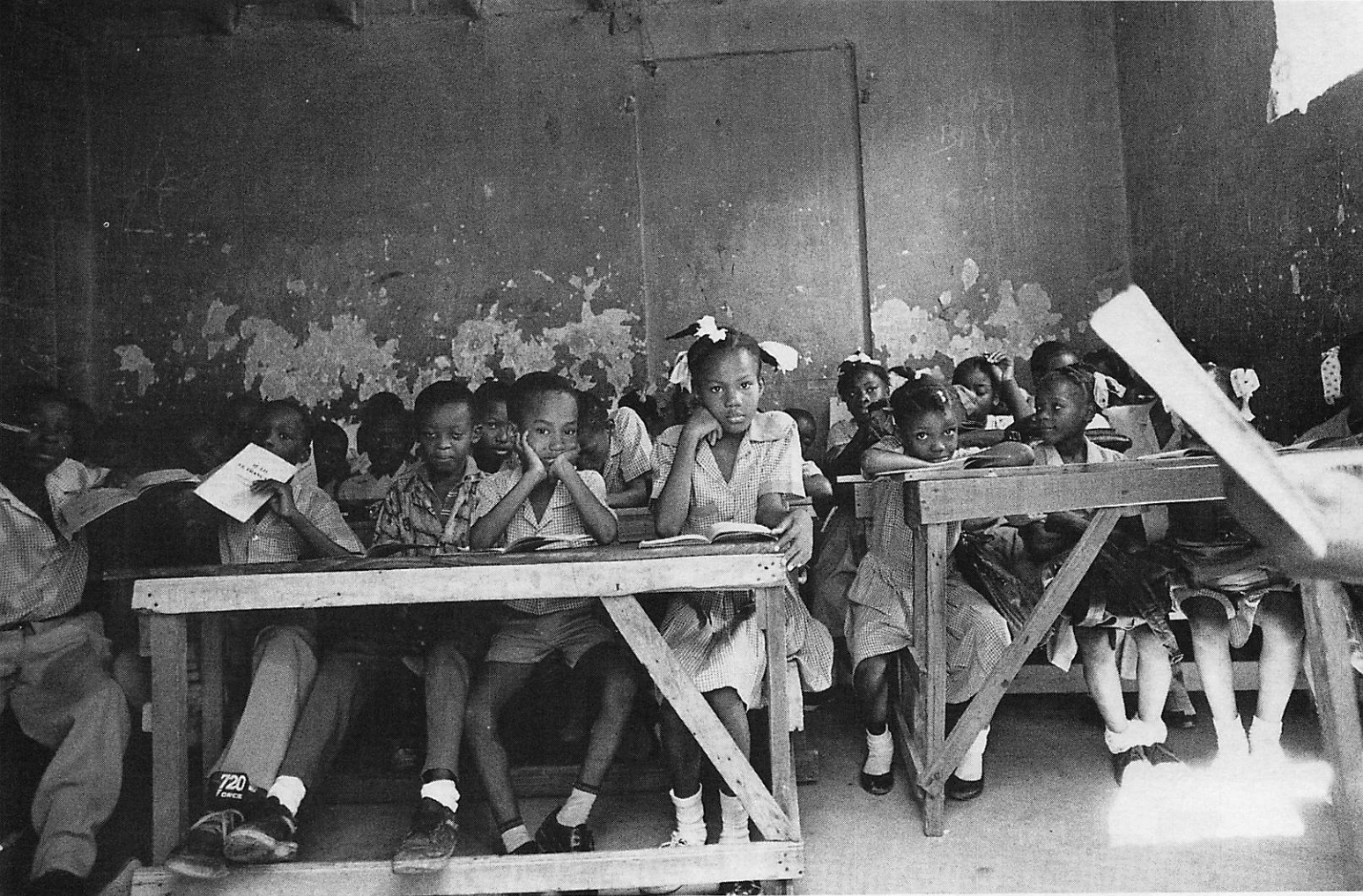
Are those facts deeply hidden? No, they were the lead story on the AP wires on the day when every newsroom, everyone's eyes were focused on Haiti, the day before the US forces landed. The story reported that a leak from the Justice Department (which was later confirmed as accurate) stated that right through the Bush and Clinton administrations — we don't know exactly how late but well into the Clinton administration — the authorization of illegal shipment of oil continued. That was the day before the troops landed. Impossible to miss. In a free press, the headline the next day would have been: "There was no embargo. The United States conspired with the military to continue the terror and to block Aristide from coming in."



**CIA-backed FRAPH thug squads roamed Port-au-Prince before Aristide's return.**

There was great outrage at this new exposure of CIA misdeeds. Sen. Tom Harkin (D-Iowa) was interviewed on *60 Minutes*. He was particularly shocked that the CIA should undercut the US policy of opposing the military regime and restoring democracy. Clinton's ambassador, Lawrence Pezzullo, was amazed to learn that Constant's FRAPH organization was behind the demonstration that had caused Clinton to turn back the *Harlan County*, the ship that went in to Port-au-Prince harbor and then pulled out because of a demonstration, a crucial event in the whole affair. Pezzullo had insisted — in secret — that the *Harlan County* should not have been withdrawn, so the story now goes. And he was shocked that the CIA "scuttled the president's plan to restore Aristide to power" in this *Harlan County* incident. "Did the CIA distance itself from you?" asked *60 Minutes*. "No," Constant answered, eliciting more shock and amazement.

TUEN VOETENIMPACT VISUALS



SUZANNE TOBIAS

**Among the US-bestowed blessings are large aid packages which benefit "civil society," while such basic services as schooling languish. Here, a classroom in Port-au-Prince.**

Like anybody who's interested in Haiti, I was watching the AP wires that Sunday and immediately picked up the story. I wrote an article the next day, but it was for the "alternative" press, so it was going to come out in six weeks. And I therefore wrote in the past tense; I described the story as if

**These backward Haitians somehow distrust US good intentions, despite all the blessings we've lavished on them for 200 years.**

everybody knew it already. So if you look at the article that appeared, it says, as you read already in the papers six weeks ago, such and such. Well, that was kind of naive. It didn't occur to me that even this much could be suppressed by the free press, and I was wrong. It was suppressed. It's still very well hidden. Later, I did a database search on it just out of curiosity, and it's essentially out of history — meaning perfectly well-known, and even obliquely referred to here and there, but out of sight to everyone who does not know in advance what to look for — and in the national media, unmentioned.

What about the *Harlan County*? You know about this frightening demonstration that forced it to be returned, which we now discover with amazement was organized by

Constant. Was that a surprise? Well, it wasn't a surprise to *New York Daily News* correspondent Juan Gonzalez. The day before the *Harlan County* incident, he learned about the plans at a Duvalierist rally also attended by US Embassy personnel, and he published the story on the very day the prearranged plans were executed, namely October 11, 1993. In fact, it wasn't a secret from any other journalist either, and it wasn't a secret from the CIA, and it wasn't a secret from the White House, and it surely wasn't a secret from Lawrence Pezzullo.

What about the President's "plan to restore Aristide"? Let's return to the question asked by the *60 Minutes* reporters: How did the CIA react after Emmanuel Constant "scuttled the president's plan to restore Aristide to power"? Big amazement — the CIA kept helping him. Is the CIA, then, a kind of a rogue elephant or something like that? Well, not as far as we know. What we know is that the White House scuttled the plans or rather never had them, and we know that the media have been suppressing the most obvious and crucial facts, which they *cannot* fail to know. Not only about the fake embargo and the economic program that's being rammed down Haitian throats, as the US proceeds to overturn the results of the democratic election, but even about the specific incident of the *Harlan County*. As for the CIA, it seems to have served as an agency of the White House, as it usually does, at least as far as information is available. ■



# Fabricating Security: The Next Stage in US-Israeli Cooperation

by Graham Usher

*The new "security consensus" has accelerated a full-fledged US-Israel military axis which could not only set the terms of "peace" in the Middle East, but, very likely, create the conditions for its next war.*

A few hours after an Islamic Jihad bomber killed 12 Israelis in a shopping mall in central Tel Aviv on March 4, Israeli Prime Minister Shimon Peres phoned President Bill Clinton. He demanded urgent assistance, both military and diplomatic. Even by the partisan standards of its "sponsorship" of the Middle East peace process, the US response was dramatic.

Graham Usher is an East Jerusalem-based freelance journalist and author of *Palestine in Crisis: The Struggle for Peace and Political Independence After Oslo* (London: Pluto Press, 1995).

Photo: Boy with posters for elections that formalized Arafat's power and set the stage for the final negotiation in the "peace process." Telt Hornbak/Impact Visuals.

A blitz of Islamist-inspired suicide attacks in Israel had precipitated the worst crisis of the Palestinian-Israeli peace process since its inception in 1993. In its ferocious pursuit of Palestinians affiliated to the Islamist movements of Hamas and Islamic Jihad, the Israeli government of Shimon Peres reverted to the politics of "iron fist." This was the tag former Israeli prime ministers Yitzhak Shamir and Rabin, among others, gave to the mass punitive measures Israel routinely used in the occupied territories to crush the Palestinian uprising, or intifada, in the late 1980s and early 1990s.

The support is not new. The US had consistently backed Israeli opposition to Palestinian independence and stood virtually alone in the UN as Israel's unflagging ally. What is new in the current US posture is the explicit way Washington has exploited the crisis caused by the suicide attacks to further both its own and Israel's diplomatic and military ambitions in the region. One of the first concrete steps in this new approach came on March 5, when Clinton authorized the dispatch of eight bomb detection devices to Israel, at a cost of around \$100 million, as well as a team of US "anti-terrorism experts" to as-

semble a "comprehensive package of training, technical assistance, and equipment." The transfer of the military hardware had been on the table for several months but was delayed over Israel-US wrangles about payment. After the suicide operations, the US wrangled no more; it decided to pay for the equipment itself. "Thank you, friend," said Israel's Minister for Internal Security, Moshe Shahal, when the first shipment landed at Ben Gurion airport on March 6.<sup>1</sup>

But Peres' main need was political. The US sends around \$8 billion in aid to Israel annually, much of it used to ensure Israel's "qualitative edge" as the dominant military power in the region.<sup>2</sup> While senior Israeli police officers said they were "impressed by the openness and willingness of the US experts to help" them "in a wide range of anti-terror operations" after the suicide attacks, there was "little if anything the Americans could contribute" to Israel's existing counter-insurgency operations in the occupied territories.<sup>3</sup>

What Peres was demanding from Clinton, rather, was for the US to take a galvanizing role in rallying international support for the moribund peace process and, thereby, garner legitimacy for a more belligerent Israeli posture in the region.

Clinton clearly got the message. The upshot was the unprecedented show of international solidarity for Israel at the "summit of peacemakers" held in the Egyptian resort of Sharm el-Sheikh on March 13. Four days after the call from Peres, the US leader aired the idea of an international "anti-terrorism" conference. By March 9, the venue and composition of the summit had been fixed, thanks largely to the midwifery of the US's two staunchest allies in the Arab world, Egypt's President Hosni Mubarak and Jordan's Prince Hassan. Invitations were sent out to 31 national leaders, 27 of whom eventually attended the summit, including an unprecedented 13 Arab state representatives. Libya, Iraq, Sudan, and Iran were conspicuously not invited. Syria and Lebanon declined to show on the grounds that their pres-

ence would "serve Israel's interests ... and legitimize its occupation of Arab lands."<sup>4</sup> This prognosis turned out to be entirely accurate.

Both Israel and the US were impressed with the summit's symbolic value, since what it augured (in their eyes) was the beginnings of an "anti-terror" coalition in the region which, unlike the anti-Iraq alliance marshaled during the 1991 Gulf War, would place Israel at its very heart. The summit also revived Peres' flagging electoral prospects, which had been badly hurt by the suicide attacks. The sight of so many Arab leaders standing beside Israel in an apparent joint crusade against the scourge of "Islamic fundamentalism" could not but convince Israelis that "peace" had, indeed, fundamentally and massively altered the geopolitics of the region in Israel's favor.

## Clinton approved a \$100 million "anti-terror" package and began immediate negotiations with Israel to upgrade military ties.

But the US and Israel were less enamored of the summit's final communiqué. Emphasizing "peace" over "terror," its main clauses stressed the signatories' "full support" for the peace process and their "determination to promote security and stability" in the Middle East. The communiqué also noted the "special economic needs of the Palestinians" in the occupied territories, an oblique criticism of Israel's blockade. No mention was made of Israel's ongoing military occupation of Gaza, the West Bank, East Jerusalem, South Lebanon, and the Golan Heights. Most observers have cited this occupation as the primary cause of instability and insecurity in the region for the last 28 years.

But sources close to Peres say he and the Israeli delegation were angered by these genteel rebukes of his army's policies in the territories. The Israeli PM had lobbied hard to get the summit to adopt a practical embargo against those states in the region that he al-

leges sponsor Islamist violence. "Terrorism is not anonymous," said Peres at Sharm el-Sheikh. "It has a name. It has an address. It has bank accounts. It has an infrastructure. It has networks camouflaged as charity organizations. And it is spearheaded by a country — Iran."<sup>5</sup> But with the exception of British Prime Minister John Major, who also berated Tehran, leaders at the summit drew back from singling out any one state. Rather they condemned "terror in all its forms, whatever its motivation and whoever is its perpetrator."<sup>6</sup>

### Blaming Iran, Shelling Lebanon

Israel's displeasure was mollified by the US president's "sympathy visit" to Jerusalem on March 14. In a show of partiality excessive even by Clinton's standards, the US leader not only ratified the "free" delivery of the \$100 million "anti-terror" package, he also announced that the US would begin immediate negotiations with Israel to conclude a bilateral agreement upgrading military ties. This relationship does not yet amount to a full-fledged defense pact between the two countries, but that may emerge in the wake

of Peres' visit to Washington in late April. Sources say the principal objective of Peres' trip was to pursue a joint declaration consecrating their close military relations with a formal strategic alliance, committing the US to defend Israel's "security" and enhance its "deterrent capability" against any threat.<sup>7</sup>

Should this pact be realized, it will represent a major advance for Israeli and US ambitions in the region. It will formalize Israel's military hegemony in the absence of any coordinated Arab response to it, a disarray that is the intended fruit of the several bilateral peace processes Israel is currently engaged in with the Palestinians, Jordan, Egypt and, to a much lesser extent, Syria and Lebanon. According to Israeli journalist Zev Goren, US and Israeli "security experts" had wanted an official pact on "counter-terrorist" operations as long ago as 1986, endorsed by an international summit along the

1. *Jerusalem Post*, Mar. 15, 1986.

2. The military aid is not without its ironic side. At the same time as it is sending billions in military aid to Israel, the US also subsidizes selected Arab militaries in similarly staggering amounts.

3. *Jerusalem Post*, March 15, 1986.

4. Syrian government press statement, Damascus, Mar. 12, 1986.

5. Shimon Peres, speech at Sharm el-Sheikh, Mar. 13, 1986.

6. Co-chairmen's statement, Sharm el-Sheikh, Mar. 13, 1986.

7. Interview with Israeli security source.



RUBEN BITTERMANN/IMPACT VISUALS

**Israeli bus blown up by Hamas suicide bomber in Tel Aviv.**

difference — as well as the danger to the peoples of the region — is that a war against Iran is a conflict the US and Israel are certain they can win. “The US is convinced the time has come for our friends and allies in Asia and Europe to reconsider their stance towards Iran,” said US Secretary of State Warren Christopher during Clinton’s visit to Israel. “The evidence is clear that Iran continues to train, fund and provide political support for Hezbollah, Islamic Jihad, and Hamas — all sworn enemies of peace.”<sup>9</sup>

It was this US-led and -manufactured consensus that encouraged Israel, on April 11, to unleash its second full-scale military offensive against Lebanon in three years. Peres had many motives for launching Operation Grapes of Wrath, the least being to ensure the “se-

ended the war on April 26 is no more than a return to the agreements reached after Israel’s 1993 Operation Accountability. This earlier carnage left 100 Lebanese dead and displaced 300,000. But “Wrath” did not thwart the Israeli-US push to a full scale alliance. On May 1, Peres and Clinton signed the US-Israel Counter-Terrorism accord as a first step in “formalizing strategic cooperation.” As for Israel’s actions in Lebanon, these were less ignored by the US president than lauded. Concerning the Israeli army’s killing of 102 Lebanese refugees sheltering in a UN base in South Lebanon, Clinton’s only comment was that the massacre was the result of “Hezbollah’s deliberate tactics in their positioning and firing” near the base.

### Hebrew for Apartheid

In the long run — as the fighting in Lebanon again attests — a US-Israeli pact heightens the risk of war in the Middle East. In the short run, increased Israel-US security “cooperation” threatens to resolve the Palestinian question in ways amenable to Israel’s territorial and military ambitions in the occupied territories. On this front, the impact of the new security consensus is already bearing fruit.

Israeli security sources say that most of the US’s \$100 million “anti-terror” package is being used to fund Israel’s ongoing construction of a two-kilometer “security seam” that runs along the old 350-kilometer “green line” separating Israel from the West Bank. The seam is designed to physi-

**Peres had many motives for launching “Operation Grapes of Wrath,” the least being to ensure the “security” of the residents who live near Israel’s northern border.**

lines of Sharm el-Sheikh.<sup>8</sup> Then US Secretary of State George Shultz shelved the idea on the grounds that, without a resolution of the Palestinian question, such a pact would only damage “US interests” in the Arab world. Today — in a political climate born of the Oslo process and a “security” environment predicated on “Islamic terrorism” — this anticipated Arab resistance is all but contained.

But the strategic aim of the pact is clear, and consistent with the blueprints drawn up in 1986: to quell, by a mix of diplomatic isolation and military force, any indigenous movement in the region that threatens Israeli domination and thereby US interests. In the 1980s, the sponsor of such recalcitrant nationalism was supposedly the Soviet Union. Today the US points to Iran. The

curity” of the residents who live near its northern border. Angered by the Lebanese Islamist Hezbollah movement’s increasing success in hitting Israeli soldiers inside occupied South Lebanon, Israel’s main aim with “Wrath” was to force the Lebanese and Syrian governments to deal with Iran and, through it, Hezbollah. This strategy paralleled the way Arafat, under similar instructions from Israel, has dealt with Hamas.

The operation failed. Despite killing more than 200 Lebanese civilians, displacing a further 400,000 and wrecking Lebanon’s infrastructure, the US- and French-brokered “understanding” that

cally segregate Palestinians from Israelis with fences, electronic surveillance fields, and augmented troop and helicopter patrols. From now on, West Bank Palestinians will be able to get to Israel only via one or another of 18 Israeli controlled terminals.<sup>10</sup> This policy, says former head of the Israeli

8. Zev Goren, “Anti-Terror Agreement,” *Davar*, Mar. 29, 1996.

9. Press conference in Jerusalem, Mar. 15, 1996.

10. Peter Hirschberg, “Semi-Separation,” *Jerusalem Report*, Apr. 4, 1996.



# The War Process

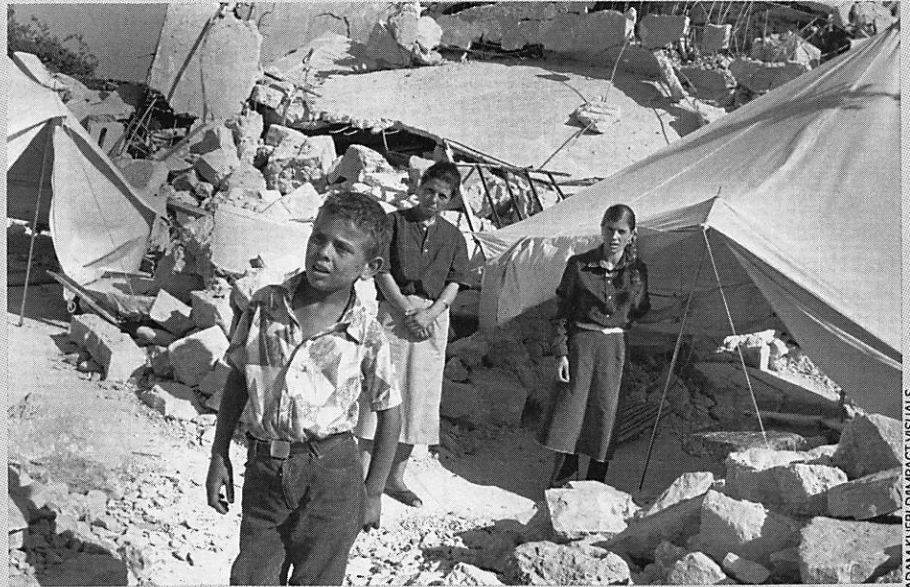
Between February 25 and April 1, Hamas bombers killed dozens of Israelis in a series of suicide attacks on busses in Jerusalem and elsewhere. In response, Israel sealed and demolished nine homes in the West Bank belonging to the families of suspected Hamas and Islamic Jihad bombers and fugitives and closed nine Palestinian educational and welfare institutions in Hebron and East Jerusalem for their alleged Islamist links. In a series of regular and undercover army raids across the West Bank, Israel also rounded up close to 1,000 Palestinians and held many under "administrative detention," that is, without trial or charge.

But the most savage punishment was Israel's "internal closure" of the West Bank which, for 11 days in March, effectively cantonized 1.3 million Palestinians into their 465 discrete villages, towns and refugee camps. The measure created an unemployment rate among Palestinians of 70-80 percent as well as the virtual collapse of Palestinians' basic health, education and welfare infrastructure.<sup>1</sup> In the Gaza Strip, the toll was, if anything, even greater owing to the prolonged blockade of the Strip's four main arteries to Israel and Egypt, causing dangerously low stocks of flour, salt, sugar, dairy products, medical supplies, and industrial raw materials. The "internal closure" was lifted on March 15, but Israel's "normal closure" segregating Gaza and the West Bank from Israel and both from each other continues, probably until the Israeli elections on May 29.

These sanctions violate every international norm and agreement on human rights since they "clearly constitute collective punishment and breach the basic tenet of individual responsibility for criminal offenses," says the Israeli human rights monitoring group in the occupied territories, B'tselem. They are also, according to the same group, inherently racist:

When Israelis attacked Palestinians, such as the massacre at the Cave of the Patriarchs [where, in February 1994, Jewish settler and Israeli army officer Baruch Goldstein shot dead 29 Palestinians], the Israeli government was right in not deviating from the principle that each individual is responsible for his own acts, and refrained from collective punishment against the perpetrators' families. However, the government's response is different when the offender is Palestinian.<sup>2</sup>

And yet, offset by the wave of international sympathy the suicide attacks elicited for Israel, the army's current round of punitive actions in the occupied territories has been met with a resounding international silence. Unlike the sanctions Israel inflicted during the uprising, neither the US nor the European Union nor the UN has called explicitly for the closure to be lifted. On March 30 (*i.e.*, nearly six weeks after the closure was first imposed), UN Secretary-General Boutros Boutros-



ADAM KUFFILO/IMPACT VISUALS

**After their house was dynamited by the Israelis, this Palestinian family lived in Red Cross-donated tents.**

Ghali, wrote a letter to Shimon Peres requesting the blockade be lifted "at least gradually," but with the caveat that he "understood Israel's determination to ensure the security of its people after the horrendous [suicide] attacks."<sup>3</sup>

This deference paid to Israelis' personal security is currently typical and remarkable, given that senior Israeli military figures are quite public in their admissions that neither the closure nor the other measures have anything to do with Israel's "security." Israel's chief military prosecutor during the uprising, Judge Amnon Strashnov, has questioned whether sanctions "like house demolitions" serve as deterrents. "This assumption is not proven with certainty by any empirical evidence. Terrorist acts continued, as we know, notwithstanding the house demolitions," he said. Israel's outgoing army chief in the West Bank, Ilan Biran, has been blunter still. The current closure "will not prevent terror," he said on March 29. "A terrorist unit will not have difficulties by-passing the closure."<sup>4</sup>

So what has changed? Driving this about-face in international opinion over Israel's illegal actions in the (still) occupied territories is a new geopolitical reality which, latent in the Oslo accords, has become increasingly manifest in the aftermath of the suicide attacks. For the bombings and the new "security consensus" manufactured in their wake have accelerated the emergence of a full-fledged US-Israel military axis which, if realized, will not only set the terms of "peace" in the Middle East but, very likely, create the conditions for its next war. ■

1. Interview with UN Relief and Works Agency Commissioner-General Peter Hansen, *Al-Ahram Weekly*, Mar. 29, 1996.

2. "Without limits — human rights violations under closure," B'tselem, report presented to Israel's prime minister, Apr. 2, 1996.

3. *Al-Quds*, Mar. 31, 1996.

4. *Ma'ariv*, Mar. 29, 1996.

General Security Service (Shin Bet, Israel's domestic intelligence service) Carmi Gillon, does not constitute "political separation" between Israel and the Palestinians, since that would preempt any final settlement on borders. But it does make a mockery of the various PLO/Israel economic protocols that underwrite the Oslo accords. The premise of this agreement was "open borders" and "joint tariffs" between the Israeli and Palestinian economies, expediting the free flow of goods and capital (if not of labor). But if the new seam is not a political border, says Palestine Authority (PA) Deputy Economics Minister Samir Hulieleh, then it must be a security border. As such, it means "the economic relationship between Israel and the Palestinians is no longer one of partnership, as it states in the Oslo agreement, but of subordination — with Israel as the occupier." For Palestinians, the US-funded seam thus augurs not so much a sovereignty based on territorial exchange, as a new mode of military control built on demographic and ethnic segregation, or as the Israeli

Peace bloc, Gush Shalom, expressed it, "the exact Hebrew translation of the South African term apartheid."<sup>11</sup>

### Need Repression? Who You Gonna Call?

Also alarming has been the US's unprecedented involvement — in the aftermath of the Hamas-sponsored suicide attacks — in the operations of the PA's 30,000-strong security forces in the West Bank and Gaza. On March 9, PLO leader Yassir Arafat and PA security officials met in Gaza with CIA security personnel, including the agency's Deputy Director George Tenet. Palestinian sources say Tenet demanded that the PA arrest Hamas activists. Arafat requested that the CIA "help" the PA police with the training of "counter-terrorism" techniques such as the deployment of sniffer dogs, explosive detectors and, of course, funds.<sup>12</sup>

It is unclear whether US expertise in this field has improved the PA's crack-

down on Hamas and Islamic Jihad. What is documented is that since February 25, PA security forces have arrested more than 900 Palestinians, raided 30 Islamist institutions and taken over 60 "suspect" mosques in Gaza. According to both Israeli and Palestinian human rights organizations, these actions have been taken arbitrarily, ungoverned by even a semblance of due process. Palestinian legal sources also report that suspected Islamist detainees in PA prisons are being held in "appalling conditions" and are routinely subject to torture.<sup>13</sup> The US State Department has so far declined to comment on this dimension of Arafat's ruthless adoption of Israel's "internal security" agenda in the "self rule" areas.

### No Peace, Only Process

US diplomatic and military interventions after the suicide operations have less to do with "peace" than with sustaining the Oslo "process." The US and

11. *Ha'aretz*, Feb. 2, 1996.

12. *Jerusalem Post*, Mar. 11, 1996.

13. Interview with Palestinian lawyer on condition of anonymity.



Islamic Jihad in Gaza,

HENRIK SAXGREN/IMPACT VISUALS

Israel are firmly committed to this process which has enabled the US to begin to construct in the region an Israeli-led coalition more susceptible to its hegemony than at any time in the modern era. The threat of Islamist suicide attacks, then, is not simply the carnage they cause in the cities of Israel, but the impact such actions have in undermining Israeli public support for the peace process. More importantly, movements such as Hamas, Islamic Jihad and Hezbollah articulate, via religious discourse, nationalist aspirations against Israeli, and US hegemony in the Middle East. It is because of these aspirations, rather than the "terrorism" they sometimes employ, that for Israel and the US, they and Islamism generally have become "the next threat." US political analyst Noam Chomsky explains why:

The US always had a certain strategic perception of the region in which the main concern was control over oil; not so much oil but the profits from the oil which go back to the US and Britain and are not distributed to the people in the region. ... [It is a perception that has] been implemented over the years; there have been all sorts of tacit agreements of various kinds with the Saudi dictatorship and Israel. ... There was a kind of three-way relationship. And I think the idea (with the Oslo process) is to try to bring that [relationship] to the surface because that is much more efficient. The general arrangement the US would like to implement is to ... subdue the Palestinian problem, which has been an irritant. It's been hard for the [Arab] dictatorships to bring the deal with Israel out into the open. As long as the Palestinian issue isn't settled, they face problems with their populations. But, if they can put that to one side and leave the job to the PLO, then they can move to bring to the surface the tacit relationships that have existed all along. That's the possibility. This is part of the reason why the US is so intent on making sure [Oslo] works. They have been trying to do this for the last fifty years.<sup>14</sup> ■

14. Interview with Noam Chomsky, *Race & Class*, Oct.-Dec. 1995.

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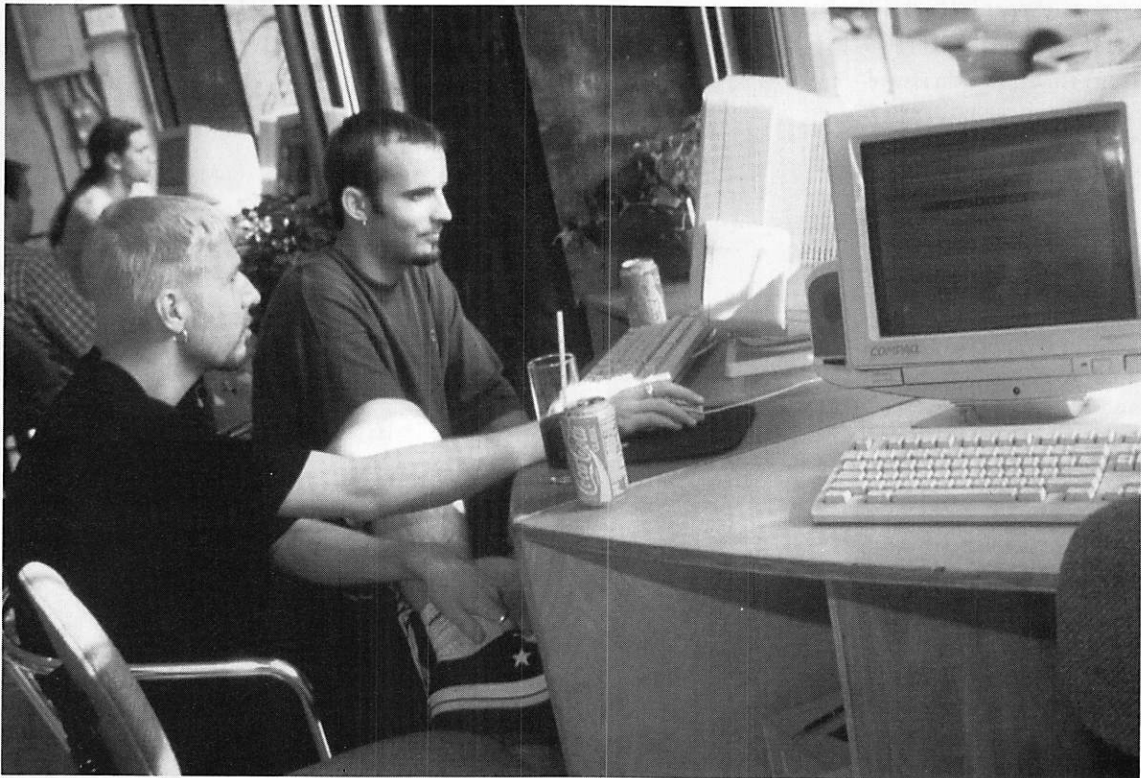
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# Are the Feds Sniffing Your Re-mail?

by John Dillon

*The rules of privacy are changing with electronic communications, the eagerness of government to pry into our personal communication, apparently, is not.*



STACY ROSENSTOCK/IMPACT VISUALS

**E-mail users like these patrons of a cybercafe, probably assume that when they use re-mailers, they ensure the anonymity of their correspondence.**

**F**oreign and domestic intelligence agencies are actively monitoring worldwide Internet traffic and are allegedly running “anonymous re-mailer” services designed to protect the privacy of electronic mail users.

The startling claim that government snoops may be surreptitiously operat-

**John Dillon** is a Vermont journalist who specializes in covering energy and environmental issues. For the last nine months, he has attended the Massachusetts Institute of Technology under a Knight Science Journalism fellowship.

ing computer privacy protection systems used by private citizens was made earlier this year at a Harvard University Law School Symposium on the Global Information Infrastructure. The source was not some crazed computer hacker paranoid about government eavesdropping. Rather, the information was presented by two defense experts, Former Assistant Secretary of Defense Paul Strassmann, now a professor at West Point and the National Defense University in Washington, D.C., along

with William Marlow, a top official at Science Applications International Corp., a leading security contractor.

Anonymous re-mailer services are pretty much what the name implies. By stripping identifying source information from e-mail messages, they allow people to post electronic messages without traceable return address information.

But Strassmann and Marlow said that the anonymous re-mailers, if used properly — and in tandem with encryption software — pose an unprecedented

national security threat from "information terrorists." Intelligence services have set up their own re-mailers in order to collect data on potential spies, criminals, and terrorists, they said.<sup>1</sup>

Following their Harvard talk, Strassmann and Marlow "explicitly acknowledged that a number of anonymous re-mailers in the US are run by government agencies scanning traffic," said Viktor Mayer-Schoenberger, a lawyer from Austria who attended the conference. "Marlow said that the [US] government runs at least a dozen re-mailers and that the most popular re-mailers in France and Germany are run by respective agencies in those countries."<sup>2</sup>

Mayer-Schoenberger was shocked by the defense experts' statement and tried to spread the news by sending an e-mail message to *Hotwired*, the online version of *Wired* magazine. Although the story did not make headlines, his note quickly became the e-mail message relayed 'round the world, triggering over 300 messages to Strassmann and Marlow. It was followed by the electronic version of spin control.

Strassmann quickly posted a denial. In an interview, he said the Austrian completely misunderstood what he and Marlow had said. "That was false," Strassmann said of Mayer-Schoenberger's message. "That was the person's interpretation of what we said. ... We did not specifically mention any government. What we said was that governments are so heavily involved in this [Internet issues] that it seems plausible that governments would use it in many ways."<sup>3</sup> (Marlow did not return a call for comment.)

But Harvard Law School Professor Charles Nesson, who heard the original exchange at the Harvard conference, recalls the conversation as Mayer-Schoenberger described it.<sup>4</sup> Mayer-Schoenberger also stands by his story. "I remember the conversation perfectly well," he e-mailed from Vienna. "They said a couple of additional things I'm sure they don't want people to remember. But the statement about the re-mailers is the one most people heard and I think is quite explosive news, isn't it?"<sup>5</sup>

1. E-mail message from and interviews with Viktor Mayer-Schoenberger March 4, Apr. 19 and 26, 1996.

2. *Ibid.*

3. Interview, Apr. 8, 1996.

4. E-mail message, Apr. 3, 1996.

5. E-mail message, Apr. 19, 1996.

"Marlow said that actually a fair percentage of re-mailers around the world are operated by intelligence services," Mayer-Schoenberger recalled in a subsequent interview. "Someone asked him: 'What about the US, is the same true here as well?' Marlow said: 'you bet.'"

The notes for the Harvard symposium, posted on the World Wide Web, also lend credence to Mayer-Schoenberger's account. "The CIA already has anonymous re-mailers — but to effectively control [the Internet] would require 7,000 to 10,000 around the world," the notes quote Marlow as saying.<sup>6</sup>

### @ Ease With Eavesdropping

Prying into e-mail is probably as old as e-mail itself. The Internet is notoriously insecure; messages are kept on computers for months or years. If they aren't stored safely, they can be viewed by anyone who rummages through electronic archives — by searching through the hard drive, by using sophisticated eavesdropping techniques, or by hacking in via modem from a remote location. Once e-mail is obtained, legally or not, it can be enormously valuable. Lawyers are increasingly using archived e-mail as evidence in civil litigation.

## Experts privately acknowledged — and publicly denied — that US and foreign spy agencies are covertly running re-mailers.

tion. And it was Oliver North's e-mail (which he thought was deleted) that showed the depths of the Reagan administration's involvement in the Iran-Contra affair.

Moreover, it's easier to tap e-mail messages than voice telephone traffic, according to the paper written by Strassmann and Marlow. "As e-mail traffic takes over an ever-increasing share of personal communications, inspection of e-mail traffic can yield more comprehensive evidence than just about any wire-tapping efforts," they wrote. "E-mail tapping is less expensive, more thorough and less forgiving than any other means for

6. Harvard Symposium on the Global Information Infrastructure notes, available at: <http://ksgwww.harvard.edu/~itbapp/gii2note.htm#strassman>

monitoring personal communications."<sup>7</sup>

### @ Risk

Two kinds of anonymous re-mailers have evolved to protect the privacy of users. The first, and the less secure, are "two-way database re-mailers," which maintain a log linking anonymous identities to real user names. These services are more accurately called "pseudonymous" re-mailers since they assign a new name and address to the sender (usually a series of numbers or characters) and are the most vulnerable to security breaches, since the logs can be subpoenaed or stolen. The most popular "pseudonymous" re-mailer is a Finnish service at "anon.penet.fi".

"I believe that if you want protection against a governmental body, you would be foolish to use anon.penet.fi," said Jeffrey Schiller, manager of the Massachusetts Institute of Technology computer network and an expert on e-mail and network security. Last year, in fact, authorities raided anon.penet.fi to look for the identity of a Church of Scientology dissident who had posted secret church papers on the Internet using the supposedly private service.<sup>8</sup>

The second kind of re-mailers are "cypherpunk" services run by computer-savvy privacy advocates. Someone desiring anonymity detours the message through the re-mailer; a re-mailer program removes information identifying the "return address," and sends it on its way. Schiller says that a cypherpunk re-mailer in its

simplest form is a program run on incoming e-mail that looks for messages containing a "request-re-mailing-to" header line. When the program sees such a line, it removes the information identifying the sender and "re-mails" the message.<sup>9</sup> Some re-mailers replace the return address with something like "nobody@nowhere.org."

Further protection can be obtained by using free, publicly available encryption programs such as Pretty Good Pri-

7. William Marlow and Paul Strassman, "Risk-free Access Into The Global Information Infrastructure Via Anonymous Re-Mailers." Paper presented at Harvard Symposium on the Global Information Infrastructure: Information Policy & International Infrastructure, Cambridge Mass., Jan. 28-30, 1996.

8. Ron Newman, "The Church of Scientology vs. The Net" (World Wide Web page at <http://swissnet.ai.mit.edu/~6805/articles/int-prop/scientology.html>).

9. E-mail from Jeffrey I. Schiller, Apr. 14, 1996.

vacy and by chaining messages and re-mailers together. Sending the message from re-mailer to re-mailer—using encryption at each hop—builds up an onion skin arrangement of encrypted messages inside encrypted messages. Some re-mailers will vary the timing of the outgoing mail, sending the messages out in random sequence in order to thwart attempts to trace mail back by linking it to when it was sent.

### @ Issue: The Right to Privacy

Linking encrypted messages together can be tricky and time-consuming. So who would bother? A. Michael Froomkin, an assistant professor of law at the University of Miami and an expert on Internet legal issues, says anonymity allows people to practice political free speech without fear of retribution. Whistleblowers can identify corporate or government abuse while reducing their risk of detection. People with health problems that are embarrassing or might threaten their ability to get insurance can seek advice without concern that their names would be blasted electronically around the world.<sup>10</sup> Abattered woman can use re-mailers to communicate with friends without her spouse finding her.

The Amnesty International human rights group has used anonymous re-mailers to protect information supplied by political dissidents, said Wayne Madsen, a computer security expert and co-author of a new edition of *The Puzzle Palace*, a book on the National Security Agency. "Amnesty International has people who use re-mailers because if an intelligence service in Turkey tracks down [political opponents] ... they take them out and shoot them," he said. "I would rather err on the side of those people. I would rather give the benefit of the doubt to human rights."<sup>11</sup>

Strassmann and Marlow, on the other hand, see the threat to national security as an overriding concern. Their paper, "Risk-Free Access into the Global Information Infrastructure via Anonymous Re-mailers," presented at the Harvard conference, is a call to electronic arms. In it, they warn that re-mailers will be employed in financial

fraud and used by "information terrorists" to spread stolen government secrets or to disrupt telecommunication, finance and power generation systems. Internet anonymity has rewritten the rules of modern warfare by making retaliation impossible, since the identity of the assailant is unknown, they said. "Since biblical times, crimes have been deterred by the prospects of punishment. For that, the criminal had to be apprehended. Yet information crimes have the unique characteristic that apprehension is impossible. ... Information crimes can be committed easily

The public should not have to justify why it needs privacy. The question shouldn't be what do you have to fear, it should be why are they listening in?

without leaving any telltale evidence such as fingerprints, traces of poison or bullets," they wrote.<sup>12</sup>

As an example, they cite the Finnish re-mailer (anon.penet.fi), claiming that it is frequently used by the ex-KGB Russian criminal element. Asked for proof or further detail, Strassmann said: "That [paper] is as far in the public domain as you're going to get."<sup>13</sup>

At the Harvard symposium, the pair provided additional allegations that anonymous re-mailers are used to commit crimes. "There was a crisis not too long ago with a large international bank. At the heart of the problem turned out to be anonymous re-mailers. There was a massive exchange around the world of the vulnerabilities of this bank's network," Marlow said.<sup>14</sup>

But David Banisar, an analyst with the Washington, D.C.-based Electronic Privacy Information Center (EPIC) downplayed this kind of anecdote, saying that such allegations are always used by governments when they want to breach the privacy rights of citizens. "I think this information warfare stuff seems to be a way for the military trying to find new reasons for existence and for

various opportunistic companies looking for ways to cash in. I'm really skeptical about a lot of it. The problem is nine-tenths hype and eight-tenths bad security practices," he said. Already existing Internet security systems "like encryption and firewalls could take care of the problem."

The public should not have to justify why it needs privacy, he said. "Why do you need window blinds? Privacy is one of those fundamental human rights that ties into other human rights such as freedom of expression, the right to associate with who you want, the right to speak your mind as you feel like it. ... The question shouldn't be what do you have to fear, it should be 'Why are they listening in?' With a democratic government with constitutional limits to democratic power, they have to make the argument they need to listen in, not the other way around."<sup>15</sup>

Froomkin, from the University of Miami, also questioned Strassmann and Mayer's conclusions. "First of all, the statistics about where the re-mailers are and who runs them are inaccurate. I can't find anybody to confirm them," he said. "I completely disagree with their assessment of facts and the conclusions they draw from them. ... Having said that, there's no question there are bad things you can do with anonymous re-mailers. There is potential for criminal behavior."<sup>16</sup>

Banisar doubts that intelligence agencies are actually running re-mailers. "It would entail a fairly high profile that they tend to shy away from," he said. However, it is likely that agencies are "sniffing"—monitoring—traffic going to and from these sites, he said.

### @ Work Sniffing the Net

Not in doubt, however, is that the government is using the Internet to gather intelligence and is exploring the net's potential usefulness for covert operations. Charles Swett, a Department of Defense policy assistant for special operations and low-intensity conflict, produced a report last summer saying that by scanning computer message traffic, the government might see "early warn-

10. A. Michael Froomkin, "The Internet As A Source of Regulatory Arbitrage." Paper presented at Harvard Symposium on Global Information Infrastructure, Jan. 19, 1996.

11. Interview, Apr. 18, 1996.

12. Marlow and Strassman, *op. cit.*

13. Interview, Apr. 8, 1996.

14. Harvard Global Information Infrastructure symposium notes, *op. cit.*

15. Interview, Apr. 15, 1996.

16. Interview, Apr. 19, 1996.

ings of impending significant developments.” Swett added that the “Internet could also be used offensively as an additional medium in psychological operations campaigns and to help achieve unconventional warfare objectives.”<sup>17</sup> The unclassified Swett paper was itself posted on the Internet by Steven Aftergood of the Federation of American Scientists.

The document focuses in part on Internet use by leftist political activists and devotes substantial space to the San Francisco-based Institute for Global Communications (IGC), which operates Peacenet and other networks used by activists. IGC shows, Swett writes, “the breadth of DoD-relevant information available on the Internet.”

The National Security Agency is also actively “sniffing” key Internet sites that route electronic mail traffic, according to *Puzzle Palace* co-author Wayne Madsen. In an article in the British newsletter *Computer Fraud and Security Bulletin*, Madsen reported that sources within the government and private industry told him that the NSA is monitoring two key Internet routers — which direct electronic mail traffic — in Maryland

## The National Security Agency is also actively “sniffing” key Internet sites that route electronic mail traffic.

and California.<sup>18</sup> In an interview, Madsen said he was told that the NSA was “sniffing” for the “address of origin and the address of destination” of electronic mail.

The NSA is also allegedly monitoring traffic passing through large Internet gateways by scanning “network access points” operated by regional and long-distance service providers. Madsen writes that the network access points allegedly under surveillance are at gateway sites in Pennsauken, N.J. (operated by Sprint), Chicago (operated

17. David Corn, “The Pentagon Controls the Net,” *The Nation*, Mar. 4, 1996.

18. Wayne Madsen, “Puzzle Palace Conducting Internet Surveillance,” *Computer Fraud and Security Bulletin*, June 1995.



by Ameritech and Bell Communications Research) and San Francisco (operated by Pacific Bell).<sup>19</sup>

Madsen believes that NSA monitoring doesn't always stop at the US border, and if this is true, NSA is violating its charter, which limits the agency's spying to international activities.

“People familiar with the monitoring claim that the program is one of the NSA's ‘black projects,’ but that it is pretty much an ‘open secret’ in the communications industry,” he wrote.

Electronic communications open up opportunities to broaden democratic access to information and organizing. They also provide a means and an opportunity for governments to pry. But just as people have a right to send a letter through the post office without a return address, or even to drop it in a mail box in another city, so too, electronic rights advocates argue, they have the right to send an anonymous, untraceable electronic communication. And just as the post office can be used maliciously, or to commit or hide a crime, remailers can be used by cruel or criminal

19. *Ibid.*

people to send hate mail or engage in “flame wars.” And like the post office, the highways, and the telephone, the Internet could be used by spies or terrorists. Those abuses, however, do not justify curtailing the rights of the vast number of people who use privacy in perfectly legal ways.

Robert Ellis Smith, editor of the *Privacy Journal* newsletter, said government agencies seem obsessed with anonymous re-mailers. “They were set up by people with a very legitimate privacy issue,” he said. “Law enforcement has to keep up with the pace of technology as opposed to trying to infiltrate technology. Law enforcement seems to want to shut down or retard technology, and that's not realistic. Anonymous remailers are not a threat to national security.”<sup>20</sup> ■

20. Interview, Apr. 10, 1996.

CORRECTION: Because of an editing error, it was incorrectly reported in the Spring 1996 CAQ, that the Sierra Club was part of a multimillion dollar suit against Cambior, the Montreal-based owner of Omai Gold Mines Ltd. Although Sierra Club strongly opposes environmentally destructive mining projects such as Omai, it is not a participant in the legal action.

# Risking the World

## Nuclear Proliferation in Space

by Karl Grossman

**D**espite enormous danger, huge expense, and a clear alternative — solar power — the US government is pushing ahead with the deployment of nuclear technology in space. In October 1997, NASA plans to launch the Cassini probe to Saturn. Carrying 72.3 pounds of plutonium-238 fuel — the largest amount of plutonium ever used in space, the probe will sit atop a Lockheed Martin-built Titan IV rocket. This same kind of rocket has undergone a series of mishaps including a 1993 explosion in California soon after take-off which destroyed a \$1 billion spy satellite system and sent its fragments falling into the Pacific Ocean.

*Space News*, the space industry trade newspaper, reported that “the high risk and cost of the Cassini mission to Saturn troubled NASA Administrator Daniel Goldin so much that he would cancel the program if it were not so important to planetary science.”<sup>1</sup>

But it is not science alone that is driving the project or causing scientists, politicians, and the military to discount the risks. NASA Chief Scientist Frances Cordova acknowledges that the Titan IV “does not have a 100 per-

**Karl Grossman**, professor of journalism at the State University of New York/College at Old Westbury, has written extensively on nuclear issues. He is the author of *Power Crazy* (New York: Grove Press, 1986) and *Cover Up: What You're Not Supposed to Know About Nuclear Power* (Sag Harbor, N.Y.: Permanent Press, 1980). He wrote and narrated the 1995 TV documentary: *Nukes In Space: The Nuclearization and Weaponization of the Heavens*.

**Photos:** Dr. Strangelove, Movie Still Archives and Cassini mock-up, National Aeronautics and Space Administration (NASA).

1. Liz Tuzzi, “Goldin Subjects Cassini To Cost, Risk Reductions,” *Space News*, Mar. 14, 1994, pp. 1, 21.



ent success rate” and admits that using it for Cassini “is truly putting all your eggs in one basket — your 18 instruments on one firecracker.” She says, “We can’t fail with that mission. It would be very, very, damaging for the agency.”<sup>2</sup>

To say nothing of the Earth and the life on it if something goes wrong. Plutonium has long been described by scientists as the most toxic substance known. It is “so toxic,” says Dr. Helen Caldicott, founder of Physicians for Social Responsibility, “that less than one-millionth of a gram is a carcinogenic dose. One pound, if uniformly distributed, could hypothetically induce lung cancer in every person on Earth.”<sup>3</sup>

In addition to the specter of radioactivity spread by an accident on launch, another, potentially more lethal, scenario is causing concern. Because Cassini does not have the propulsion power to get directly from Earth to Saturn, NASA plans a “sling-shot maneuver” in which the probe will circle Venus twice and hurtle back at Earth. It will then buzz the Earth in August 1999 at 42,300 miles per hour just 312 miles above the surface. After whipping around Earth and using its gravity, Cassini would then have the

## “Remember the old Hollywood movies when a mad scientist would risk the world to carry out his particular project? Well, those mad scientists have moved to NASA.”

velocity, says NASA, to reach Saturn. But during that Earth fly-by, if Cassini comes in too close, it could burn up in the 75-mile-high atmosphere and disperse plutonium across the planet.

Dr. Michio Kaku, professor of nuclear physics at the City University of New York, explains the catastrophic consequence of such a fly-by accident:

[I]f there is a small misfire [of Cassini’s] rocket system, it will mean that [it] will penetrate into the Earth’s atmosphere and the sheer friction will begin to wipe out the

2. *Ibid.*

3. Helen Caldicott, *Nuclear Madness* (New York: Norton, 1994), p. 81.



KARL GROSSMAN

**NASA’s dangerous gamble has sparked anger and protest.**

heat shield and it will, like a meteor, flame into the Earth’s atmosphere ... This thing, coming into the Earth’s atmosphere, will vaporize, release the payload and then particles of plutonium dioxide will begin to rain down on populated areas, if that is where the system is going to be hitting. [Pulverized plutonium dust] will rain down on people’s hair, people’s clothing, get into people’s bodies. And because it is not water soluble, there is a very good chance that it could be inhaled and stay within the body causing cancer over a number of decades.<sup>4</sup>

Indeed, NASA says in its *Final Environmental Impact Statement for the Cassini Mission*, that if an “inadvertent reentry occurred” during the fly-by, approximately five billion of the seven to eight billion people on Earth, “could receive 99 percent or more of the radiation exposure.”<sup>5</sup> As for the death toll, which NASA labels “health effects,” the

4. Interview in *Nukes In Space*, 1995. EnviroVideo, Box 311, Ft. Tilden, N.Y. 11695, 1-800-ECO-TV46.

5. *Final Environmental Impact Statement for the Cassini Mission*, Solar system Exploration Division, Office of Space Science, NASA, June 1995, pp. 4-76.

agency says that only 2,300 deaths “could occur over a 50-year period to this exposed population” and these “latent cancer fatalities” would likely be “statistically indistinguishable from normally occurring cancer fatalities among the world population.”<sup>6</sup>

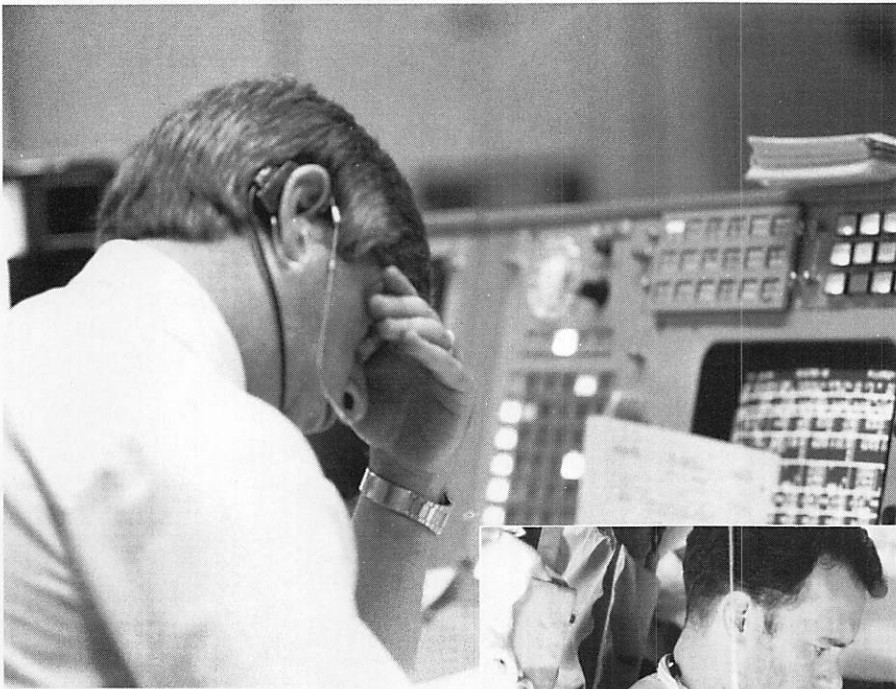
However, after reviewing the data in the NASA report, Dr. Ernest Sternglass, professor emeritus of radiological physics at the University of Pittsburgh School of Medicine, concluded that NASA “underestimate[s] the cancer alone by about 2,000 to 4,000 times. Which means that not counting all the other causes of death — infant mortality, heart disease, immune deficiency diseases and all that — we’re talking in the order of ten to twenty million extra deaths.” The actual death toll, then, the physicist warned, may be as high as 30 to 40 million people.<sup>7</sup>

Dr. Horst Poehler, for 22 years a scientist for NASA contractors at the Kennedy Space Center, commented on the Cassini mission: “Remember the old Hollywood movies when a mad scientist would risk the world to carry out his particular project? Well, those mad scientists have moved to NASA.”<sup>8</sup>

6. *Ibid.*

7. Interview in *Nukes In Space*, *op. cit.*

8. Marilyn Meyer, “Risks of plutonium launch debate, scientists again line up to oppose 1997 blastoff,” *Florida Today*, May 21, 1995, p. 17A.



While the movie crew of *Apollo 13* worried only about their own plight (r.), the real mission carried enough plutonium to kill thousands if it had broken up in the atmosphere. (Above) Mission Control Center.

### Ignored Options

Madder yet is that the deadly plutonium on Cassini is unnecessary. It will be used not for propulsion — that will be done by a chemically-fueled rocket — but to power three radioisotope thermal generators (RTGs) to generate a modest 745 watts of electricity to run instruments — a task that could be accomplished with solar energy. In 1994, the European Space Agency (ESA) announced a “technology milestone” — development of new high-performance silicon solar cells with 25 percent efficiency. According to ESA, the cells have “the highest efficiency ever reached worldwide, ... [and] could profitably be used in deep space missions.”<sup>9</sup> “If given the money to do the work, within five years [ESA] could have solar cells ready to power a space mission to Saturn,” said ESA physicist Carla Signorini.<sup>10</sup>

But NASA, the Department of Energy’s (DoE) national nuclear laboratories, and the corporations that have been involved in producing nuclear hardware for space mission insist on sticking with nuclear on Cassini.

9. “New solar cells with record efficiency,” Press Information Note No. 07-94, European Space Agency, Paris, Apr. 29, 1994.

10. Meyer, *op. cit.*



### Russian Roulette

While refusing to embrace European technology for Cassini, with the end of the Cold War, the US chose Russian-made reactors for other space activities.<sup>11</sup> The Air Force is currently ground-testing six Russian Topaz II nuclear reactors — originally purchased for use in the Strategic Defense Initiative or Star Wars — at its Phillips Laboratory in New Mexico. A flight test scheduled for December 1995 was postponed after complaints from US astronomers.

The members of the governing council of the American Astronomical Society “emphasized they were not opposing the mission or the use of nuclear reactors in space. ... Instead, they wanted to put pressure on” the government to use a “more powerful rocket” that would put

11. For an explanation of the issue see Karl Grossman, “Nukes for Sale,” *The Nation*, Mar. 2, 1992.

the reactor into a higher orbit “to avoid any interference with current or planned astronomy missions.”<sup>12</sup> Astronomical interference could occur because Topaz II “would leave a trail of nuclear particles.”<sup>13</sup>

### In the Unlikely Event of a Water Landing ...

In fact, the Topaz II reactor could leave more than that. According to a Sandia National Laboratories’ safety report, if an accident occurs on launch and the reactor falls into the water, it could undergo a runaway nuclear reaction; if it falls from orbit it “may break up on

reentry.”<sup>14</sup> Physicist Ned S. Razor, who has worked on US space reactor development, argues that because Topaz II “will go critical — meaning an uncontrolled nuclear reaction — if immersed in water; [it] is therefore unsafe for launch according to both US and Russian safety standards.” Also, he points out that “no Topaz II system has been operated in space.”<sup>15</sup>

12. John Noble Wilford, “Reactor Test in Orbit Is Opposed,” *New York Times*, Jan. 13, 1993, p. C7.

13. Vincent Kiernan, “Topaz Reactor Test May Foul Up Gamma Ray Observatory Work,” *Space News*, Sept. 7-13, 1992, p. 9.

14. Albert Marshall, “Status of the Nuclear Safety Assessment for the NEPSTEP (Topaz II) Space Reactor Program,” Sandia National Laboratories, Albuquerque, NM, 1993. The report’s acknowledgments note that it was funded by the Strategic Defense Initiative Organization and, in addition to Marshall, contributors include seven other scientists from Sandia; six from Los Alamos National Laboratory; three from Advanced Sciences, Inc.; and two from the University of New Mexico.

15. Ned S. Razor, “Topaz, More Topaz,” *Space News*, letter, Apr. 4-10, 1994, pp. 18-19.

While the lack of actual experience in space worries Raser, those interested in the military potential of space are eager to start testing in the field. Proponents of orbiting battle platforms for Star Wars look to reactors like Topaz II as a future power source for hypervelocity guns, particle beams, and laser weapons on battle platforms.<sup>16</sup> As Lt. Gen. James Abrahamson, head of the Strategic Defense Initiative Organization, warned the Fifth Annual Symposium on Space Nuclear Power and Propulsion in 1988, "Without reactors in orbit [there is] going to be a long, long light cord that goes down to the surface of the Earth" bringing up power. Abrahamson said: "Failure to develop nuclear power in space could cripple efforts to deploy anti-missile sensors and weapons in orbit."<sup>17</sup>

Indeed, Star Wars as conceived by the US national nuclear laboratories and military has had a large nuclear component. Work proceeded secretly through the 1980s, at a cost of \$800 million, on development of rockets propelled by nuclear power to loft "giant weapons and other military payloads into space."<sup>18</sup> From the start, scientists calculated the risk in lives and took the gamble. A flight-test of a nuclear rocket, code-named Timberwind, was planned, mostly across Antarctica to avoid areas of human population, but the route also took the rocket over New Zealand. Sandia National Laboratories projected the likelihood of the atomic rocket crashing there at 1 in 2,325.<sup>19</sup>

### Clinton Carries On

Despite some expectations that the Clinton administration would put an end to the Reagan/Bush administrations' vision of Star Wars, it has continued to budget \$3 billion annually for the endeavor. And a 1993 White House policy statement asserted that "space nuclear power and propulsion systems can contribute to scientific, commercial and national security space missions."<sup>20</sup>

16. Initially, the US intended to use the SP-100 Space Nuclear Power Plant designed by the aerospace division of General Electric Co. (GE also developed the RTGs. In 1992, that division merged with Martin Marietta and is now part of Lockheed Martin.)

17. Byron Spice, "SDI Looks to Nuclear Power," *Albuquerque Journal*, Jan. 12, 1988, p. 1.

18. William J. Broad, "Rocket Run by Nuclear Power Being Developed for 'Star Wars,' Secret Pentagon Program Revealed in Documents," *New York Times*, Apr. 3, 1991, pp. A1, B6.

19. *Ibid.*

20. Statement issued by the White House, "National Policy on Space Power and Propulsion," Aug. 17, 1993.

Later that year, the Department of Energy placed a notice in the Federal Register announcing that it sought to "fund research and development studies directed at ... identifying innovative approaches using nuclear reactor power and propulsion systems for potential future NASA, DoD, and commercial space activities."<sup>21</sup> Not to be outdone, the Republican congressional majority under Newt Gingrich has been seeking a major Star Wars revival as promised in its "Contract With America." And former Senate Majority Leader Bob Dole is demanding a revived "missile defense." In fact, since the end of the Cold War, the biggest change in the program has been in name: from the Strategic Defense Initiative to Ballistic Missile Defense.

The commitment to nuclearize space continues. Last year, Terry Lash, director of the Energy Department's Office of Nuclear Energy, told the subcommittee of the House Committee on Appropriations that the "purpose" of his agency's "Space and Defense Power Systems program is to produce radioisotope power systems for US civilian space missions and national security terrestrial missions. Radioisotope power systems have

## Since the end of the Cold War, the biggest change in Star Wars has been in name: from the Strategic Defense Initiative to Ballistic Missile Defense.

been used for three decades and are proven, reliable, and maintenance-free power supplies that are capable of producing up to several kilowatts of electricity for tens of years. ... Radioisotope power systems are the cornerstone of the Nation's space nuclear energy program. ... In addition, the program provides support for terrestrial Radioisotope Thermoelectric Generator applications for national security missions."<sup>22</sup>

21. "Invitation for Proposals Designed To Support Federal Agencies and Commercial Interests in Meeting Special Power and Propulsion Needs for Future Space Missions," Department of Energy, *Federal Register*, v. 58, n. 231, Dec. 3, 1993, p. 63931.

22. "Statement of Dr. Terry Lash, director, Office of Nu-

Nuclear technology is being incorporated into a wide variety of scientific and military space projects. Among them:

- Sandia National Laboratories is embarking on a project to develop nuclear-powered satellites to transmit "high-definition, multichannel television" signals. It is intended to be a pathway to make the US a global telecommunications superpower, and would pair controversial space nuclear power with entertainment and communications on demand. Sandia's Roger X. Leonard, who unveiled the project at the 11th Annual Symposium on Space Nuclear Power and Propulsion in Albuquerque in 1994, said a "constellation of five such satellites, powered by high-energy reactors and strategically located in orbit around the Earth" could be in place by 2000. He dismissed concerns about using nuclear technology in space, exclaiming: "Look, space already is highly radioactive."<sup>23</sup>

- NASA is planning to launch a pair of plutonium-fueled space probes for a mission to Pluto in 1999.

- NASA intends to have a plutonium-powered heating system on board the Mars Pathfinder which is scheduled for launch this December.

- The US Air Force has been studying the use of nuclear reactors to "provide power and propulsion for military satellites." The "bi-modal" nuclear spacecraft would serve both as a "propulsion system and for electric power."<sup>24</sup>

- What *Space News* described as "an aerospace industry alliance" of seven companies, including Lockheed Martin and a Russian firm, has come up with a scheme to build a "high-powered" nuclear communications satellite.<sup>25</sup>

clear Energy before the House Committee on Appropriations Subcommittee on Energy And Water Development," Mar. 14, 1995, pp. 13-14.

23. Lawrence Spohn, "Sandia studies nuke-powered TV satellites, the project has the potential to dominate the entire communications industry, one scientist says," *Albuquerque Tribune*, Jan. 15, 1994, pp. A1-2. Spohn spoke at the 11th Annual Symposium on Space Nuclear Power and Propulsion in Albuquerque.

24. Theresa Foley, "Air Force Launches \$2 Million Study of Space Reactor Needs," *Space News*, Feb. 6, 1994, p. 12.

25. Theresa Foley, "Firms Consider Nuclear Power Plant In Communications Satellite Concept," *Space News*, Jan. 10, 1994, p. 1.

Meanwhile, NASA is moving ahead with plans for a nuclear-powered colony on the moon.

## Not Over My Planet

As the number and variety of programs increases, so does the potential for disaster. A worldwide coalition is challenging the use of nuclear power in space: The Global Network Against Weapons and Nuclear Power in Space was formed at a meeting in Washington, D.C., in 1992. Bruce Gagnon, one of the coalition's co-coordinators, declared:

Our concern is that the United States military and major weapons corporations view space as a new market, ultimately to profit from. They are using taxpayers' dollars to put a new round of the arms race in space. At the same time the nuclear power industry views space as its new market, a place where they can put plutonium and other radioactive sources, whether it's military missions or civilian inter-planetary missions. ... What is needed now is for the American public to speak out.<sup>26</sup>

Local groups around the world have. On the island of Kauai in Hawaii, for ex-

Expelling radioactivity into the atmosphere would "creat[e] an important public relations problem if not an actual physical hazard." —Robert McNamara

ample, a series of test launches — now dubbed "Stars" launches — has been met with protests that have included civil disobedience resulting in arrests. Polaris missiles are being fired along a range that ends at the Kwajalein Atoll 2,200 miles to the west. Ancient Hawaiian burial grounds and important natural habitats on the island are in the "evacuation zone" set up by the military in case launches go bad. Suzanne Marinelli of the Sierra Club of Hawaii, one of those arrested in the protests, warns that an accident on launch could be "catastrophic, raining burning debris

26. Interview in *Nukes In Space*, op. cit.

and hazardous waste."<sup>27</sup> "We are enslaving our own people for the empowerment of particular individuals and programs, and it's a sin."<sup>28</sup>

Meanwhile, the Global Network and others are digging in and insisting that the policy-making process be "opened up" to re-examine basic fundamental assumptions," declared Network co-coordinator Bill Sulzman. One of those core assumptions — that the development of US nuclear superiority in technology and weaponry is essential to national security — began with the Manhattan Project. That crash program to build the atomic bombs dropped on Japan also created the base for spreading nuclear power to space. But, declared Sulzman, "The Manhattan Project needed to end [with] World War II. We don't need it still alive and controlling our national security apparatus."<sup>29</sup>

Instead, with an impressive half-life of its own, the nuclear establishment easily survived the end of the war. The military men and scientists, the government officials and corporate contractors of the Manhattan Project sought to do more with nuclear technology in order to perpetuate the vast enterprise that had been created — to hold their jobs and contracts. More nuclear weapons could be built, and tens of thousands were. But what else could be done to keep the new nuclear establishment going?

In 1946, the Manhattan Project became the Atomic Energy Commission (AEC) which "hastened to build a number of new atomic toys," according to *Nukespeak*. "The commission had an early interest in nuclear-powered planes, and the Nuclear Energy Propulsion for Aircraft project was begun in 1948. Atomic-powered airplanes would make long-distance bombing easier, since the planes were expected to be able to circle the globe without refueling." More than \$1 billion (in 1950s dollars) was spent on this scheme before it was canceled by the Kennedy administration in 1961. Washington was concerned about an atomic plane crashing and — as then

27. Gar Stoller, "Star Wars in Paradise, Hawaiian missile firings raise safety concern," *Condé Nast Traveler*, July 1994, p. 46.

28. Interview in *Nukes In Space*, op. cit.

29. *Ibid.*

Secretary of Defense Robert S. McNamara told Congress — because nuclear aircraft would "expel some small fraction of radioactive fission products into the atmosphere, creating an important public relations problem if not an actual physical hazard."<sup>30</sup>

## Snap, Crackle, Boom

An early program to develop nuclear rockets began in the 1950s at Los Alamos, *Nukespeak* relates, "with the development of the Kiwi reactors, inauspiciously named after the flightless New Zealand bird." In fact, even after the expenditure of \$2 billion for such programs as NERVA, and Projects Pluto, Rover, and Poodle, no nuclear rocket ever got off the ground. There were government concerns about a nuclear rocket crashing. And there were no military orders then for nuclear rockets.

A 1961 editorial in a special edition of the trade magazine *Nucleonics* heralded "The Nuclear Space Age — the joining in inevitable matrimony of two of contemporary man's most exciting frontiers, nuclear energy and outer space." The nuclear rocket, it continued, "gives this country its only chance to catch up with — indeed to surpass — the USSR." However, neither the Air Force nor Navy had requested nuclear rockets, a situation which *Nucleonics* deplored because there would be an "easier flow of development dollars" if there was "a clear-cut military requirement."<sup>31</sup>

Meanwhile, starting in 1961, General Electric's RTGs were put into use for space satellites — until a 1964 accident in which a SNAP-9A (Systems for Nuclear Auxiliary Power) fell to earth, burning up in the atmosphere. According to a 1989 report by European nuclear agencies, the satellite's 2.1 pounds of plutonium-238 "vaporized" and "dispersed widely." After conducting a worldwide sampling, scientists found "SNAP-9A debris to be present at all continents and all latitudes."<sup>32</sup> Dr. John Gofman, professor emeritus of medical physics at the University of California at Berkeley, an M.D. and Ph.D. and a

30. Stephen Hilgartner, Richard C. Bell, and Rory O'Connor, *Nukespeak, The Selling of Nuclear Technology In America* (New York: Penguin Books, 1983) pp. 47-49.

31. *Ibid.*

32. *Emergency Preparedness For Nuclear-Powered Satellites*, Report of Organisation for Economic Co-Operation and Development Nuclear Energy Agency and Swedish National Institute of Radiation Protection, Stockholm, Apr. 24-28, 1989, p. 21.

co-discoverer of isotopes of plutonium and uranium as a member of the Manhattan Project, has long attributed an increased rate of lung cancer to the SNAP-9A incident.<sup>33</sup>

Although the SNAP-9A accident spurred NASA to develop and use solar photovoltaic technology for the satellites, the agency continued to employ nuclear power for space probes and also as a power source on the Apollo moon missions. Indeed, noticeably absent from the blockbuster 1995 movie *Apollo 13* was mention of a nuclear device aboard the mission — a SNAP-27 carrying 8.3 pounds of plutonium.

While omitted from the film, concern over the SNAP-27 breaking up and spreading plutonium as it came down along with the astronauts took up three pages in the book on which *Apollo 13* was based. In *Lost Moon: The Perilous Voyage of Apollo 13*, mission commander Jim Lovell and his co-author write: "On the surface of the moon, the tiny generator posed no danger to anybody. But what, some people worried ... would happen if the little rod of nuclear fuel never made it to the moon? ... Now [SNAP-27] was on its way home, heading for just the fiery reentry the doomsayers had feared."<sup>34</sup>

As Apollo 13 struggled to regain control, NASA jettisoned the plutonium-laden reactor. According to a 1980 NASA document, SNAP-27 "was successfully targeted to deposit intact in the Tonga Trench in the South Pacific [off New Zealand], where it is effectively isolated from man's environment."<sup>35</sup>

### Risky Business

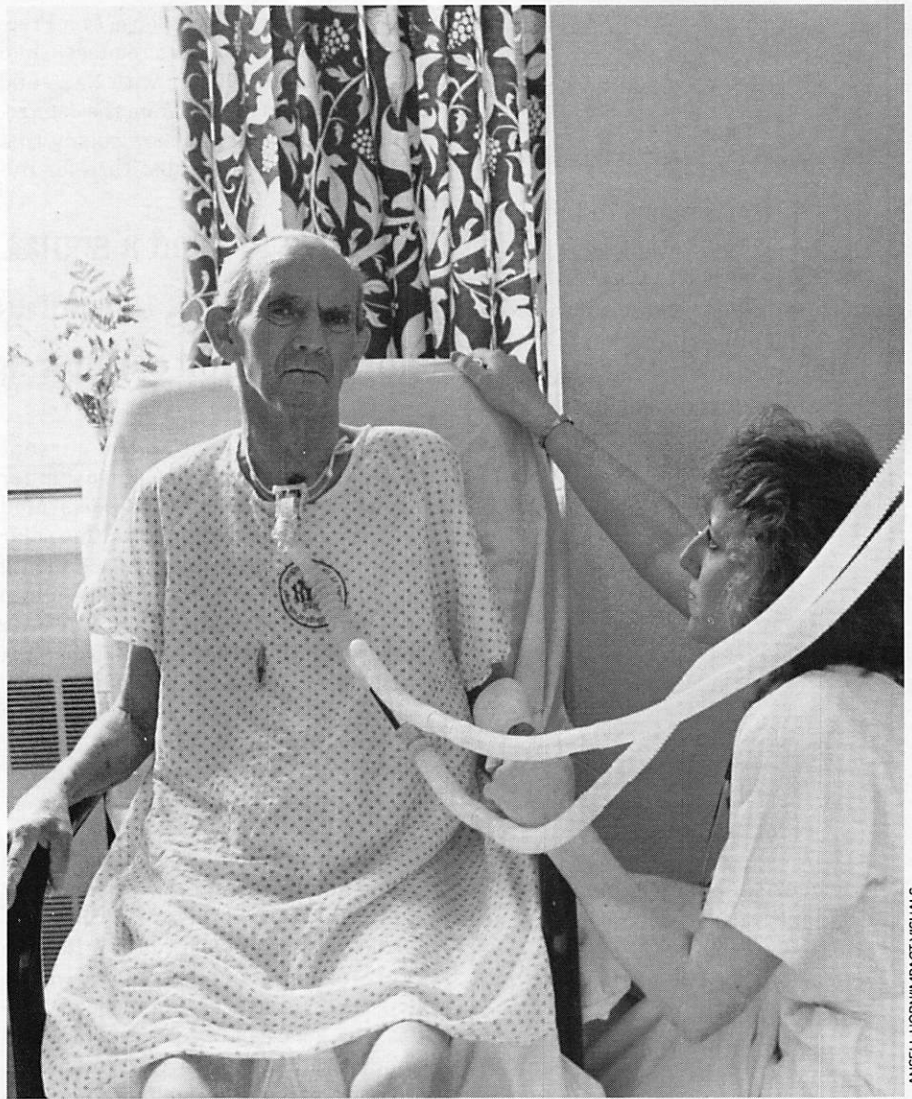
There have been three accidents out of the 24 known US space missions involving nuclear power. The Soviet failure

**Radioactive debris from SNAP-9A, present on all continents and at all latitudes, has been linked to an increased rate of lung cancer.**

33. Interview, Aug. 1988.

34. Jim Lovell and Jeffrey Kluger, *Lost Moon, The Perilous Voyage of Apollo 13* (Boston: Houghton Mifflin Company, 1994), pp. 294-96.

35. *Final Environmental Impact Statement for the Ulysses Mission (Tier 2)*, Office of Space and Applications, Solar Systems Exploration Division, NASA, June 1990, p. 205.



ANGELL HORN/IMPACT VISUALS

**On a ventilator, this patient at a New York hospital has lung cancer.**

rate is even higher: six of their 39 nuclear missions failed. In 1978, a Cosmos 954 satellite disintegrated as it crashed to Earth over northwest Canada leaving a 124,000-square kilometer swath of nuclear debris.

The most recent US missions involving RTGs lofted many times the plutonium of the earlier flights. The Galileo, launched in 1989, carried 49.25 pounds of plutonium fuel on a mission to Jupiter; the 1990 Ulysses took 25 pounds on its orbit around the sun. Those missions had been postponed after the January 28, 1986 Challenger explosion. The Florida Coalition for Peace and Justice and other parties brought lawsuits to block the nuclear launches and organized

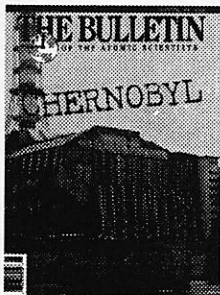
protests at the Kennedy Space Center. Even so, "[t]he American people don't realize that on the very next mission after the Challenger accident, the Ulysses spacecraft, was supposed to be sent into outer space with 25 pounds of plutonium," notes Dr. Kaku. "Now imagine that very same Challenger with the Ulysses spacecraft exploding on our television screens."<sup>36</sup> Had that rocket blown up instead of the Challenger, far more people than seven astronauts could have perished.

Despite the enormous danger, NASA is committed to nuclear technology in space. And despite advances in solar power, it continues to insist — in fact, its witnesses swore in court — that Galileo could only be completed with plutonium RTGs. Yet, two weeks after

36. Interview in *Nukes In Space*, *op.cit.*

# Who Should You Believe?

No one seems to know who or what to trust about the Chernobyl accident. The Soviet authorities who gave the world false fallout measurements? The Ukrainians who say that the remaining units at the plant are safe? The workers on duty the night of April 26, 1986?



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the 1989 launch, in response to a Freedom of Information Act request I had filed two years earlier with NASA and DoE, I received reports from the Jet Propulsion Laboratory acknowledging that solar energy could substitute for nu-

## We have to send a signal that we're not going to tolerate the nuclearization of outer space.

clear power. "Based on the current study, it appears that a Galileo Jupiter orbiting mission could be performed with a concentrated photovoltaic solar array power source without changing the mission sequence or impacting science objectives," one report began.<sup>37</sup> A year later when Ulysses was launched, NASA actually admitted in its pre-launch Final Environmental Impact Statement that solar could substitute for nuclear power but would require a "redesign."<sup>38</sup>

### Nuclear Madness

Driving this seemingly mad policy is a combination of corporate, bureaucratic, and military interests. By the early 1980s, with the advent of the Reagan Star Wars program, the military was no longer resisting ordering nuclear rockets, as *Nucleonics* had complained about two decades earlier. And NASA, with the end of its Apollo man-on-the-moon flights and fearful of decreased funding, jumped into bed with the Pentagon: The shuttle was developed in large part to fulfill military missions. NASA, DoD and DoE in 1991 set up a joint Office for Nuclear Propulsion.

Also, NASA and DoE moved to limit the US government's financial exposure in the event of the inevitable: further accidents involving nuclear space hardware. In 1991, the agencies signed a "Space Nuclear Power Agreement" restricting death or damage benefits from an accident caused by a US space nuclear device to the limits of the Price-Anderson Act. That law, passed in 1957, supposedly on a temporary basis, now caps US payouts at \$7.3 billion and as-

37. "Memorandum of Understanding between the Department of Energy and the National Aeronautics and Space Administration Concerning Radioisotope Power Systems for Space Missions," signed July 26, 1991, by NASA Administrator Richard H. Trily and DoE Secretary James D. Watkins.

38. Interview in *Nukes In Space*, *op.cit.*

signed a mere \$100 million for all damage to other countries and their people.<sup>39</sup>

"Nuclear energy in outer space," says Dr. Kaku, is the linchpin of the US space program and the key to the militarization of space. "We have nuclear weapons on the land. We have nuclear weapons in the ocean. We have nuclear weapons in the air." And now, Kaku warns:

What we are headed for is a nuclear-propelled rocket with nuclear-propelled lasers in outer space. That's what the military and that's what NASA would really like to do. With a Timberwind rocket, a booster rocket to hoist large payloads in outer space, we are talking about the ultimate goal of all of this madness. First, we have small little reactors called the SNAP reactors. Then, we have the RTGs and Galileo and Cassini. Then we have the big Timberwind projects. And ultimately what they would like to do is have nuclear-powered battle stations in outer space. That's what all of this is leading up to.

Kaku went on to say that it is up to environmentalists, activists, and concerned citizens, "to stop this now before it reaches the point of militarization of outer space."

We have to stop these Cassinis. We have to stop these Ulysses now before we have full-blown Timberwinds, before we have Alpha lasers, before we have genuine nuclear booster rockets and nuclear power plants in outer space. That's why we have to send a signal to Congress. We have to send a signal to NASA, and a signal to the United States Pentagon that we're not going to tolerate the nuclearization of outer space, and it stops now.<sup>40</sup>

The Global Network Against Weapons and Nuclear Power in Space intends through a variety of planned actions — from organizing protests to circulating petitions to political activities — to press on sending that signal, to "continue the resistance," says Gagnon, "to this sheer and utter madness."<sup>41</sup> ■

39. *Ibid.*

40. *Ibid.*

41. *Ibid.*

wrote from Louisiana. Referring to the "revolving door" of immigrants at the jail, a secretary there said, "it's not good to let them stay in the same place together for long ... they tend to want to get their heads together."<sup>32</sup> Soon after, Bariu was deported to Nigeria.

### Racism and Unaccountability

The persistent lack of accountability at Krome is as clear as ever. Frank Ferguson, the officer who targeted Bariu, has been the object of complaints before. In 1991, Nigerian Tony Ebibillo was among a group of detainees who lined up to show their blue plastic identification cards to an officer who was checking to see who was eligible for release. When Ebibillo reached the front of the line, he later said, Lt. Ferguson told him, "Get the fuck out of my face. You Nigerians, I can only help you to stay in Krome and not to get out."<sup>33</sup>

Today, Bariu's accusation sounds familiar: Ferguson "dislikes Africans but hates Nigerians in particular, with a passion," he wrote. "His reason being that Nigerians feel like they know it all and they are a little bit too smart for themselves. These are his words to the Nigerian detainees at Krome."<sup>34</sup>

In February, there were nine Nigerians held at Krome, according to the

"I had a staff person at Krome tell me how we don't like to [release] Nigerians because they lie — it's part of their culture."

A Liberian at Krome said recently: "There's a lot of politics going on here in Krome against the Africans. We have no one here to fight for us. ... We are being rejected here as we are all over the continent [of Europe]." He fears the repercussions of speaking publicly, and added, "We are really scared here because our life is just nothing to them here."<sup>35</sup>

The discrimination extends to INS officers who try to help Africans. Archie L. Graham worked as an INS investigator in Philadelphia in the 1980's. He told the *New York Times* that he felt particularly uneasy with two agents called "the African killers" because they singled out black immigrants from Nigeria and Sierra Leone.

They went out specially for them, and they'd tear up their papers and throw them away. I didn't go along with it. I'd say, "That's not right." They'd say: "You don't like it, go back where you came from. Go back to Africa. We'll deport you."<sup>36</sup>

At different times, different groups have been especially vulnerable to the

INS. But anyone who falls into INS custody is in danger of disappearing into a culture of brutality and discrimination. While individual guards — often badly trained and poorly paid — are responsible for their actions, they are carrying out policies that officials at the highest levels have condoned by mouth-

ing politically expedient anti-immigrant sentiments and by remaining silent about well-documented patterns of abuse.

When told of the INS's refusals to grant access to the press and other investigators, one Nigerian at Krome gave this assessment: "That means the same thing that's happening in my country is happening here," he said. "You try to stand up for anything, they knock you down." ■

## Anyone who falls into INS custody is in danger of disappearing into a culture of brutality and discrimination.

INS. Randolph McGrorty is the supervising attorney at the Haitian Catholic Center Legal Project, which represents one of those Nigerians. "I think that Nigerians have become the new despised group — or Africans in general," said McGrorty at a recent Miami forum on the plight of immigrants in detention.

32. Interview, Mar. 22, 1986.

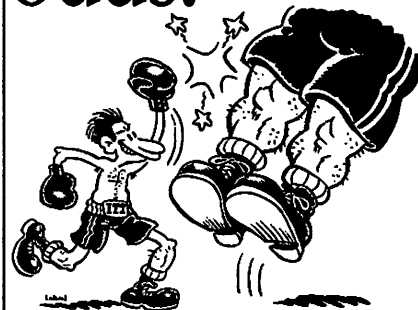
33. Statement of Tony Ebibillo, Aug. 30, 1991. After Ebibillo resisted deportation attempts because he feared persecution back home, INS officials had him restrained in the Krome clinic, where he was forcibly tranquilized. Airline officials refused to transport him because he was drugged, straight jacketed and gagged. In 1993, the INS deported Ebibillo and 73 other Nigerians on a chartered plane.

34. Bariu letter, *op. cit.*

35. Interview, Feb. 19, 1986. The man's attorney requested that his name be withheld, fearing INS retaliation.

36. Deborah Sontag, "Black Officers in INS Push Racial Boundaries," *New York Times*, Oct. 30, 1994.

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# Off the Shelf:

CAQ'S BOOKS OF INTEREST

## The FAIR Reader:

An *Extra!* Review of Press and Politics in the '90s

edited by Jim Naureckas and Janine Jackson

WESTVIEW PRESS, 1996, ENDNOTES, APPENDICES, INDEX, 254 PP., \$17.95 PB.

**F**AIR, Freedom and Accuracy in Reporting, has been around for a decade now, and its work is invaluable. Against a steady drumbeat of complaints about "liberal media bias," FAIR is there with a reality check. These media watchdogs work from the premise that the corporate-owned mass media just might have an agenda other than "objective" journalism. FAIR has consistently exposed the media-corporate connections and their consequences. With close content analysis and a savvy political understanding, the folks at FAIR have established themselves as formidable media critics.

And they have become a force to be reckoned with. Among recent coups, they punctured talk radio's leading gasbag with *Rush Limbaugh's Reign of Error*, in which they debunked claim after ludicrous claim. The group's magazine, *Extra!*, the source of the articles reprinted in this book, does similar work on a monthly basis. It offers uniformly well-written and cutting analyses of the media, dissecting, for example, how the *New York Times'* corporate ideology skewed its NAFTA coverage or how *Nightline* stacks its guest lists. What better way to celebrate the media watch group's success than an anthology of some of its most incisive, penetrating work?

The articles were written as commentary on contemporary events and have not been substantially revised. Still, they do not seem dated; the issues they address and the biases they report, for the most part, still bedevil us. Jim Naureckas' "Media on the March: Journalism in the Gulf," for instance, should

be required reading in every journalism school and newsroom in the country. He provides a textbook analysis of the media dynamics that made Gulf War reporting a low point in US journalism. If the coverage of Israel's two-week war on Lebanon or the recent Cuban small plane shootdown is any indication, when it comes to "our boys" fighting and dying, the US mass media fall in behind the official line like so many good soldiers.

But the supine performance of the media at war is relatively easy to spot; structural biases that influence coverage of social and economic issues are more subtle. *Extra!* deserves congratulations for its outstanding efforts to document these distortions as well. Along the way, it offers insightful, devastating, even morbidly humorous critiques of the media stance on the issues of the day. From welfare to warfare, crime to health care, *The FAIR Reader* is essential reading.

## Holy Terror: Armageddon in Tokyo

by D.W. Brackett

WEATHERHILL, 1996, PHOTOS, APPENDICES, BIBLIOGRAPHY, 225 PP., \$24.95 HB.

**D**.W. Brackett is a journalist and former US Air Force intelligence officer specializing in counterterrorism, clandestine intelligence collection, and intelligence analysis, with decades of experience in East Asia. He brings this baggage with him in this first English-language account of the Japanese cult Aum Shinri Kyo and its deadly gas attack on the Tokyo subway system.

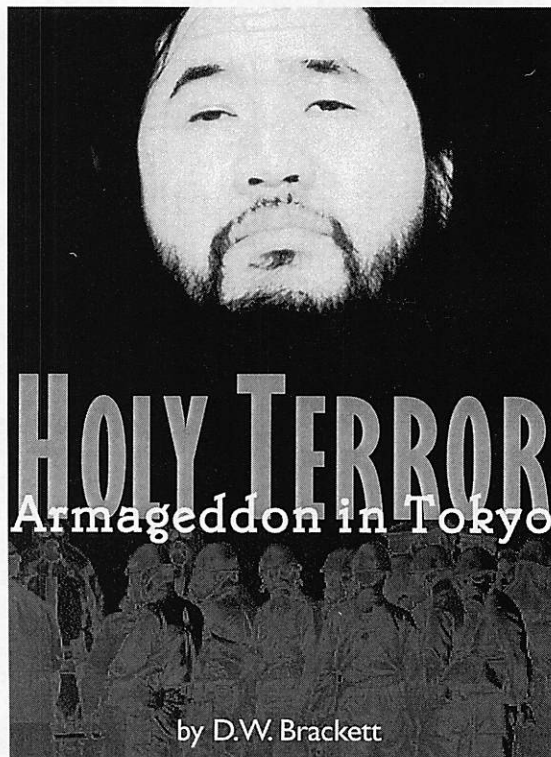
By training and apparent predisposition, Brackett is inclined to hype "the terrorist threat." In Aum and its charismatic leader, Shoko Asahara, he certainly has the right vehicle. The sect took to murdering its foes early on and was frenetically establishing a world-wide arms acquisition network so it could do so on a massive scale. As Brackett details, only a few blunders kept it from killing hundreds, possibly thousands, in the subway gassing, instead of the final toll of 12 killed and 5,000 injured.

Still, as a terrorist organization, Aum is something of a

fluke, a group thrown up from the ferment of post-war Japanese religious dissidence. It has no connections with international terrorist networks, at least that Brackett can nail down, although its global reach stretched to cash-starved Russian scientists and eager-to-deal US chemical and high tech companies. What is really chilling in Brackett's account, and what is perhaps the most frightening lesson in the Aum adventure, is that with enough money, anyone can buy just about any weapon on earth.

But because of the sect's unique provenance, not much else about it provides grist for Brackett's anti-terrorist mill. The only concrete recommendation Brackett can make is for Japan to tighten its laws governing religious freedom. Brackett documents official Japanese reluctance to go after Aum Shinri Kyo in spite of early signs that trouble was brewing, and argues that the non-response stemmed from fear of interfering in the constitutionally-protected religious sphere. He fails to note, however, that this protection is a reaction to bouts of religious persecution in Japan's past. Without a change in Japan's laws and official culture, he says, cult-based terror could happen again.

Brackett's fears art probably overstated, but in making his case, he provides an engrossing narrative portrait





of the sect's trajectory, inner workings, and messianic impulses, as well as a close, critical analysis of Japanese (and other) police and intelligence responses to Aum. Its mostly misplaced security concerns and sensational marketing strategy aside (the title speaks for itself and the cover features an eerie portrait of a bearded, glowering Asahara superimposed over a ghostly army of gas-masked police), *Holy Terror* is an entertaining, well-informed account of one of the world's most bizarre acts of terror.

**East Timor:**  
Genocide in Paradise  
by *Matthew Jardine*

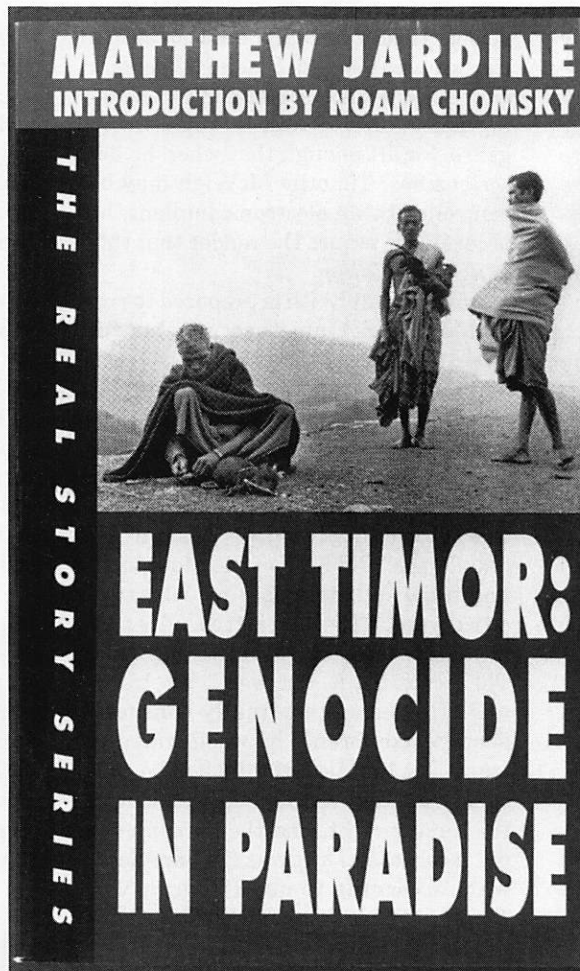
ODONION PRESS, 1995, ENDNOTES, INDEX, 95 PP., \$6 PB.

Odonion Press is to be commended for its "The Real Story" series, to which this book belongs. "The Real Story" books are concise, well-written, highly informative introductions to contemporary issues ranging from a JFK assassination primer to a guide to anti-environmental organizations; from a look at Burma to a set of Noam Chomsky's political analyses. Matthew Jardine's *East Timor* is a welcome addition.

One of the most underreported stories of the last 20 years, the Indonesian occupation and annexation of East Timor remains an ugly stain on the world stage. Jardine tells the story of Indonesian atrocity and US, Australian, and other Western complicity with verve and passion, yet without stepping over the line that separates reporting from propagandizing.

He also relates the story of Timorese resistance to occupation, a tale of steadfastness and ingenuity in the face of one of the worst genocides in proportion to population since World War II. Since the invasion, some 200,000 of East Timor's 700,000 people have been killed or died as the result of occupation. But, Jardine notes, the resistance continues, and he explains its intricacies and prospects.

The book is also graced with an introduction by Noam Chomsky, who dissects the role of Western governments and mass media in hiding the story of East Timor from the world. Chomsky lifts the "veils of deceit" that obscure the cozy, mutually beneficial relation-



ship between Indonesia's Gen. Suharto and the foreign services, lenders, and natural resource companies of the West.

**Bolivia and Coca:**  
A Study in Dependency  
by *James Painter*

**Political Economy and  
Illegal Drugs in Colombia**  
by *Francisco E. Thoumi*

**Mexico's "War" on Drugs:**  
Causes and Consequences  
by *Maria Celia Toro*

**Unintended Consequences:**  
Illegal Drugs and Drug Policies  
in Nine Countries  
by *Lamond Tullis*

**Marijuana in the "Third  
World:"** Appalachia, USA  
by *Richard R. Clayton*

THE UN RESEARCH INSTITUTE FOR SOCIAL DEVELOPMENT AND THE UN UNIVERSITY: STUDIES ON THE IMPACT OF THE ILLEGAL DRUG TRADE, VOLS. 1-5 (AVAILABLE FROM LYNNE REINNER PUBLISHERS; FROM \$25 TO \$48.)

The first half of a projected ten-volume series (the remaining titles will cover Peru, Thailand, Burma, Laos, and Pakistan), this set of studies should become standard references on the global drug trade and its consequences. Undertaken by an international team of social scientists and economists, they present a scathing indictment of the current international drug control regime.

Not that the authors would say so out loud. Their conclusions are carefully drawn, heavily qualified, and couched in academic equivocation, but the writers cannot flee from their own data. The data uniformly show that international drug control efforts are at best ineffective; at worst, terribly destructive of entire countries and cultures. From Colombia and Mexico, where international drug prohibition efforts have created monsters in the form of wealthy, violent trafficking enterprises — the misnamed cartels — to the US, where massive marijuana eradication programs breed only corruption, disdain for the law, and an unending flow of non-violent prisoners, these volumes describe a drug control regime that can

only be qualified as a dreadful failure.

They also uniformly show that the US is (and always has been) the motive force behind the international "War on Drugs." The studies of Colombia, Bolivia, and Mexico all elucidate how unstinting pressure from the US has persuaded policy-makers in all three countries to bow before the Colossus of the North, often with results inimical to their own societies and polities. In all three, the US-organized drug war has created criminal enterprises that have the capacity and the will to threaten the integrity of the state.

Unfortunately, none of the volumes adequately addresses how the "War on Drugs" succeeds; how it advances global US police, military, and intelligence objectives, a role increasingly important since the fall of the Soviet bloc removed that pretext for the projection of US power. This narrow focus on international drug prohibition becomes a blinder that prevents these scholars from undertaking a broader analysis of the functions served by a "War on Drugs."

Except for the overview volume by project leader Lamond Tullis, the studies are full of statistical data from every available source, and for this alone they merit careful study. But the authors also take extremely careful looks at the data's validity and reliability—an essential exercise in a field where the numbers are, at best, educated guesses.

For the general reader, however, Tullis' *Unintended Consequences*, which compares and summarizes the entire series, will probably suffice. Interestingly, it is Tullis who comes closest to uttering the policy that dare not speak its name: legalization. Through his thoughtful and wide-ranging discussion of "harm reduction" as an organizing principle for a new drug control regime, Tullis bravely hints that even legalization would be better than the status quo.

**OKBOMB!:**  
Conspiracy and Cover-up

by Jim Keith

ILLUMINET PRESS, 1996, ENDNOTES, INDEX, 237 PP., \$14.95 PB.

Jim Keith has long prowled the uncanny terrain of contemporary con-

spiracy theory. In fact, the author of *The Gemstone File* and *Black Helicopters Over America* is one of the most engaging and smartest writers in this strange genre. Smart enough that when he describes how Timothy McVeigh may be controlled by an electronic implant, he is careful to assure the reader that this is *just speculation*.

Indeed. But Keith is prepared to run with any rumor, any theory, no matter how ludicrous. Advertised as "the truth behind the Oklahoma City bombing," what *OKBOMB!* really offers is a compendium of every known conspiracy theory about the bombing. In so doing, Keith seems to harken back to that granddaddy of conspirators, Hassan Al-Sabah, the "Old Man of the Mountain" and father of the assassins, who supposedly said, "Nothing is true; all is permitted." For Keith, too, anything goes: The Arabs did it. (Or was it the Iranians? He seems terminally confused about the difference between Iraq and Iran.) The lunatic right did it. The government did it. Or the Iranians/Iraqis, the lunatic right, and the government did it together. Or it was the Japanese, who, according to one Deborah Von Trapp, did it in revenge for the Tokyo sub-

way gassing, which, she says, the CIA engineered.

Many of Keith's sources do not exactly inspire confidence. Beside Von Trapp, the roster includes inveterate conspiracy scammer Michael Riconiscito, the Liberty Lobby's *Spotlight*, Lyndon LaRouche's *New Federalist*, a variety of Christian Patriot publications, professional crank Sherman Skolnick, and space alien-CIA conspiracy writer and Linda Thompson associate William Cooper.

The official line, though, always deserves scrutiny, and Keith does cite material from more reliable sources, including the mainstream press, which under close analysis yields discrepancies and raise nagging questions about the bombing: Whatever happened to John Doe #2? Did McVeigh and Nichols have militia co-conspirators? Could a single fertilizer bomb really have wreaked such devastation? And how does a VIN number show up on an axle? In the hands of Keith's primary sources, however, such seeds of doubt grow into mighty stands of twisted, tangled logic supported only by fevered speculation.

— Phillip Smith

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