

## Charging the U.S. with Human Rights Violations in the International Arena - A History

By Bob Lederer (with assistance from Dhoruba bin-Wahad and Tanaquil Jones)

*In 1991, shortly after the conclusion of the International Tribunal on Political Prisoners/POWs in the U.S., this article was originally written for (but never published by) Covert Action Quarterly. It was later published in Let Freedom Ring: A Collection of Documents from the Movements to Free U.S. Political Prisoners, Matt Meyer, ed. (PM Press, 2008). This is a lightly edited version.*

Around the world, 1990 was a year in which political prisoners and prisoners of war (P.O.W.'s) were spotlighted – and in some cases freed. The most celebrated case was that of African National Congress leader Nelson Mandela, released after 27 years, along with seven other anti-apartheid guerrillas. Many other dissidents and resistance fighters – from SWAPO's P.O.W.'s in newly independent Namibia to anti-fascist activists in a nominally “democratic” Chile to dissenters in the former East Bloc European nations – also gained freedom. The U.S. government often cynically applauded the releases, while chastising other governments – particularly those on the left – for continuing to hold political prisoners.

Yet that same government continues its longstanding refusal to acknowledge the vast numbers of political prisoners and P.O.W.'s inside its own borders. The sensitivity with which U.S. officials – Democratic and Republican alike – view this allegation can be seen in the treatment of then-United Nations Ambassador Andrew Young (under President Jimmy Carter), whose 1978 statement that the U.S. holds “hundreds of political prisoners” brought an instant, sharp Administration rebuke and played a role in his firing several months later.

Unfortunately, many progressive activists, journalists and diplomats, both within and outside this country, have tended to believe U.S. government denials. Some think that political repression in the sophisticated “democratic” United States takes milder forms than outright jailing for radical dissent, while others simply lack knowledge of more than the one or two cases that have gained some international notoriety.

Yet by at least two counts, **there are over 100 political prisoners and P.O.W.'s in U.S. detention** – many serving virtual life sentences and some already held for as long as 20 years, thereby probably earning the U.S. the distinction of having the world's longest-held political prisoners. Those incarcerated include Black liberation activists (by far the largest category), Puerto Rican



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SEKOU ODINGA



EDWIN CORTES



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MUTULU SHAKUR



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GEORGE OSTENSEN



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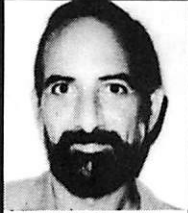
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MUMIA ABU-JAMAL



CARMEN VALENTIN



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JAIME DELGADO



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HERMAN BELL



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FILIBERTO OJEDA RIOS



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DYLCIA PAGAN

# FACE REALITY.

## THERE ARE POLITICAL PRISONERS IN THE U.S.A. FREEDOM NOW!

Campaign for Amnesty & Human Rights for Political Prisoners in the U.S.A.

1560 Broadway #807  
New York, NY 10036

59 E. Van Buren #1400  
Chicago, IL 60605

3543 18th St. #17  
San Francisco, CA 94110



ALEJANDRINA TORRES



RAYMOND LEVASSEUR



DAVID GILBERT



GERONIMO PRATT



ALICIA RODRIGUEZ



RICHARD WILLIAMS



MAFUNDI LAKE



DHORUBA BIN-WAHAD

# POLITICAL PRISONERS IN THE U.S.?

*The government denies it. Yet today there are more than 100 people locked up in U.S. prisons because of their political actions or beliefs.*

The U.S. alone among the world's governments maintains the fiction that it holds no political prisoners. The official position is that all those jailed for politically motivated actions are "criminals." The U.S. tries to hide the existence of political prisoners because they challenge the image that the U.S. is a truly democratic and humane society. These prisoners expose the fact that there are political resistance movements of such potential impact that the government is compelled to use repression against them.

By labeling political prisoners as criminals, the U.S. government has also been able to shield from view serious human rights violations against them. These include:

- excessive prison sentences—example: 8 Black political prisoners will soon begin their third decade behind bars;
- psychological torture;
- assault—example: one Puerto Rican prisoner of war was beaten to death by guards and his death labeled a suicide;
- sexual assault—example: under the guise of security, male prison staff forcibly conducted cavity searches on two women political prisoners at FCI Tucson;
- denial of medical care;
- placement in control units—example: the men's federal prison in Marion, Illinois, which includes several political prisoners among its 400 inmates, has been condemned by Amnesty International for violating international standards on the minimum treatment of prisoners. The men in Marion are locked in their cells 23 hours per day and are sometimes chained spread-eagle to their beds for days at a time.

## WHO ARE THE POLITICAL PRISONERS IN THE U.S.?

Coming from many movements for freedom and social justice, they are people who have been imprisoned for their political actions or beliefs.

People of color are most often targeted. Black activists participating in the fight for Black Liberation and against racism are the largest group represented, with over 50 political prisoners. The Puerto Rican independence movement has also been heavily attacked, including the imprisonment of 13 prisoners of war. Other political prisoners in the U.S. include more than thirty white anti-imperialist and anti-nuclear activists.

## FREEDOM NOW!

The government has sought to isolate political prisoners, not only from their friends and families, but from their ability to influence and lead political movements. Freedom Now, a campaign working for the amnesty and human rights for political prisoners in the U.S., is breaking that isolation. Join us in stopping the continued imprisonment and mistreatment of political activists in the U.S.

All of us should speak out against the terrible human rights violations taking place against political prisoners and all prisoners in the U.S. Jails and prisons have abandoned all pretenses of "rehabilitating" inmates, and have become concentration camps for warehousing the youth from the ghettos and barrios in the U.S.

### HERE'S WHAT YOU CAN DO:

- Invite a Freedom Now representative to show a video about political prisoners in your home, at a program, or in a classroom.
- Join the Urgent Action Network of Freedom Now, a letter and telegram campaign to respond immediately to violations committed against political prisoners.
- Make a tax-deductible donation to Freedom Now. Checks should be written to the Northern Illinois Conference United Methodist Church — IPOC.

## Freedom Now!

East Coast  
1560 Broadway, Suite 807  
New York, NY 10036

National Office  
59 E. Van Buren, #1400  
Chicago, IL 60605  
(312)663-4399 or 278-6706

West Coast  
3543 18th Street, #17  
San Francisco, CA 94110

*independentistas* (independence supporters), Native American fighters for sovereignty, Mexicano-Chicano freedom activists, Euro-American (white) anti-imperialists and “Plowshares” antinuclear religious protesters. In recent years, the U.S. has also at times jailed draft registration resisters and providers of sanctuary to Central American refugees. Meanwhile, U.S. authorities have jailed or held in immigration detention centers scores of militant activists fleeing persecution – individually or en masse – by U.S.-backed repressive regimes. Among these have been Palestinians, Salvadorans, Haitians and Irish.

It was precisely to counter the lack of awareness of these cases that Freedom Now! The Campaign for Amnesty and Human Rights of Political Prisoners in the U.S. – a broad coalition formed in 1988 by individuals and groups defending jailed activists – called for an International Tribunal on this issue. In the tradition of the various Bertrand Russell Tribunals on such questions as the Western-sponsored wars of conquest against Vietnam, East Timor and Western Sahara, a panel of distinguished human rights lawyers and experts from eight countries was assembled to hear a detailed exposition of evidence of U.S. violations of international law. After obtaining 88 organizational sponsors and endorsers – representing a broad cross-section of the U.S. progressive and religious community – the Special International Tribunal on Violations of Human Rights of Political Prisoners and Prisoners of War in United States Prisons and Jails convened from December 7-10, 1990, at New York City’s Hunter College.<sup>1</sup>

## **Historical Background**

Since the first brutal armed assaults by European settlers against Native Americans and their land, there have been struggles – employing both armed and nonviolent tactics – for self-determination by oppressed peoples in North America. For centuries, indigenous peoples of many nations (so-called “Indian tribes”) militarily fought the ever-larger land grabs by insatiable Euro-Americans, forcing the British colonies and later the U.S. government to sign a total of 371 treaties granting sovereignty. All have been systematically violated by the U.S., spurring further resistance activities. Despite the mass genocide leading to the final military defeat of Native peoples in the Western U.S. during the 1890s, many-sided opposition to colonialism has continued, dramatically revived by the American Indian Movement in the late 1960s and still very much alive today.

After the U.S. seized 50% of Mexico’s territory in the war of 1846-48, the occupation was enforced by state-backed vigilante “policing” and lynchings,

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<sup>1</sup> *Let Freedom Ring: A Collection of Documents from the Movements to Free U.S. Political Prisoners*, Matt Meyer, ed. (PM Press, 2008), pp. 125-236.

which sparked organized Mexicano resistance. In the early 1900s, several armed clandestine Mexicano organizations emerged to fight for self-determination, only to be crushed by military force. Among these was a group led by Juan Nepomuceno Cortina (who led a 15-year guerrilla war in Texas) and the Plan de San Diego (which in 1915 carried out a pro-independence uprising). The 1960s saw a renewed flowering of both armed and peaceful resistance groups of great diversity, some of which continue today.

When the U.S. invaded and seized Puerto Rico in 1898, guerrilla forces fought the military until two years of martial law – enforced with brutal assassinations and jailings – exterminated all resistance. Years of unsuccessful electoral struggle for independence followed. From the 1930s through the early 1950s, the Nationalist Party led mass street protests and armed resistance. This campaign culminated in the paramilitary Jayuya Uprising of 1950 and the proclamation of a Republic in several rural towns crushed with U.S. aerial bombardment, street killings, and hundreds of imprisonments. Since the early 1960s, guerrilla and mass protest movements have re-emerged, fighting both in Puerto Rico and among the large displaced population of islanders living in the U.S.

The legacy of Black people's struggle for freedom in the U.S. goes back to the many armed revolts during the entire slavery period and has included many ideological approaches. Among these were (just to cite a few) the Pan-Africanist movement of the early 1800s, the Black town movement led by Pap Singleton in the 1860s, the huge United Negro Improvement Association led by Marcus Garvey in the 1910s and 1920s, the Nation of Islam beginning in the 1930s and the modern Black liberation movement with its many organizations, both armed and nonviolent, in the 1960s and 1970s – with continuing struggles today.

Through much of U.S. history, Euro-American opposition to government suppression of people of color (either domestically or internationally) has been sporadic and inconsistent. But since the 1960s, a broad range of antiracist, antiwar and solidarity movements have developed, using many tactics, including armed resistance. Meanwhile, many Euro-Americans have participated in a variety of social protest movements alongside people of color, against other injustices such as worker exploitation, nuclear weapons, women's oppression, homophobia, poor health care and environmental destruction.

Whenever militant resistance movements have developed, multi-sided repression has been soon to follow and with it, the arrest and detention of activists and fighters. Thus, the phenomenon of detaining U.S. political prisoners and prisoners of war is by no means new. But in recent years it has become more

carefully planned and scientific as part of a broader scheme of counterinsurgency.

## **Internationalizing the Human Rights Issue**

In recent decades, people of color fighting for self-determination – targets of the most sustained and intense repression – have worked hard to bring these abuses into the international arena. Black activists have been among those at the forefront of such efforts:

- In 1951, activist actor/singer Paul Robeson and William Patterson of the Civil Rights Congress brought a historic, book-length petition titled “We Charge Genocide” to the United Nations, accusing the U.S. of a range of human rights violations against Black people who were “segregated, discriminated against, and long the target of violence. [We] suffer from genocide as the result of the consistent, conscious, unified policies of every branch of government,” the document declared.<sup>2</sup>
- In the early 1960s, Malcolm X, the Black nationalist leader, called upon the Black community to again seek to bring the U.S. before the U.N. on human rights violations charges. “When [we make our movement] a human rights struggle, it becomes international and then you can open the door for all types of advice and support from our brothers in Africa, Latin America, Asia, and elsewhere.”<sup>3</sup> Malcolm X was killed, most likely by assassins working for the Federal Bureau of Investigation, before he could accomplish this.
- In 1976, Jalil Muntaqim, a jailed member of the clandestine Black Liberation Army, became the first political prisoner and first Black combatant to take up this banner.<sup>4</sup> Muntaqim organized other jailed activists into a National Prisoners’ Campaign, which submitted a petition to the U.N. Human Rights Commission in Geneva. Spurred by this effort, a group of progressive organizations, coordinated by Lennox Hinds of the National Conference of Black Lawyers, invited an international delegation of jurists to tour numerous U.S. prisons and interview political prisoners in August 1979. Their findings

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<sup>2</sup> William Patterson, *We Charge Genocide: The Historic Petition to the United Nations for Relief from A Crime of the U S Government Against the Negro People* (New York: International Publishers, 1970).

<sup>3</sup> M.S. Handler, “Malcolm X Seeks U.N. Negro Debate; He Asks African States to Cite U.S. Over Rights,” *New York Times*, August 13, 1964, p. 22.

<sup>4</sup> One of the Black activists known as the “New York 3,” Muntaqim is still in a New York State prison serving 25 years to life. An active community campaign is under way to reverse the New York 3’s questionable conviction on murder charges. [2021 update: Muntaqim was finally released on parole in 2020.]

raised serious questions about the treatment and reasons for confinement of the many political prisoners they interviewed.<sup>5</sup>

- In November 1979, a coalition of Black liberation groups led a march by 5,000 people to the United Nations in New York, accompanying the filing of another such petition.

However, until the 1990 Tribunal, none of these efforts produced a finding by any international body that Blacks in the U.S. constitute a people legitimately fighting for self-determination.

Meanwhile, since the early 1960s, Puerto Rican independence organizations had been making presentations before the United Nations Decolonization Committee and later to the Non-Aligned Movement, raising the political prisoner issue along with broader issues of colonialism and repression. By the 1970s, those bodies began adopting annual resolutions (reiterated as recently as 1990) calling on the U.S. to decolonize Puerto Rico, at times specifically urging the release of all jailed *independentistas*. These efforts dramatically bore fruit in 1979, when after a many-year international campaign, four Puerto Rican Nationalists jailed over 25 years for bringing symbolic armed resistance to the colonizer's capital – and viewed on the island as national heroes – were unconditionally freed by President Jimmy Carter. Perhaps the most thorough airing of the issues of Puerto Rico's colonial status occurred at the Permanent Peoples' Tribunal on Puerto Rico, a successor to the Bertrand Russell Tribunals, meeting in Barcelona, Spain, from January 27-29, 1989, which joined the growing international chorus for decolonization and prisoner release.

Organizations working for Native American sovereignty, notably the International Indian Treaty Council, a U.N.-recognized Non-Governmental Organization, have similarly made presentations before various U.N. bodies since the 1970s. These have included the question of jailed activists.

Meanwhile, various movements worked for several years to urge Amnesty International to investigate U.S. political prisoners. Since the early 1980s,

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<sup>5</sup> J. Soffiyah Elijah, Research Committee on International Law and Black Freedom Fighters, "Conditions of Confinement" (paper submitted to 1990 International Tribunal, and included in *Let Freedom Ring: A Collection of Documents from the Movements to Free U.S. Political Prisoners*, Matt Meyer, ed. [PM Press, 2008], pp. 191-200); see also "Report of International Jurists—Visit with Human Rights Petitioners in the United States." August 3-20, 1979, filed with the U.N. Commission on Human, Sub-Commission on Prevention of Discrimination and Protection of Minorities; and Lennox S. Hinds, "Illusions of Justice: Human Rights Violations in the United States," University of Iowa School of Social Work, 1979, for text of U.N. petition filed by Hinds on behalf of numerous organizations. [Now available at [https://spiritofmandela.org/wp-content/uploads/2019/02/1979\\_REPORT\\_OF\\_INTERNATIONAL\\_JURISTS.pdf](https://spiritofmandela.org/wp-content/uploads/2019/02/1979_REPORT_OF_INTERNATIONAL_JURISTS.pdf) ]

Amnesty has taken up only a handful of individual cases, although in 1987 and 1988, it took a strong stand against brutal U.S. prison control units using behavior modification mainly or partly against activists.<sup>6</sup>

One of those special sub-prisons, the Lexington (Kentucky) High Security Unit, which housed three women revolutionaries for two years under conditions of isolation and sensory deprivation, was closed in 1988 after an international campaign, led by some of the activists who later formed Freedom Now! and supported by numerous legal, religious, human rights, women's, and lesbians' organizations. (In May 1988, at the height of the effort, Soviet President Mikhail Gorbachev raised the issue with U.S. President Ronald Reagan at a summit meeting.)

In 1989 and 1990, joint delegations of Blacks, Puerto Ricans, Native Americans and Euro-Americans submitted material on political prisoners and P.O.W.'s to the U.N. Human Rights Commission in Geneva. So far, no governmental member of the Commission has been bold enough to place these issues on the agenda.

### **1990 International Tribunal Convened**

All of these efforts laid the groundwork for the 1990 International Tribunal in New York. A five-count indictment of responsible federal and state officials was brought on behalf of 92 political prisoners and P.O.W.'s (joined by 88 progressive organizations and scores of individuals). Count I, denial of the right to self-determination, enumerated numerous acts of repression directed against the Black/New Afrikan, Mexicano, Native American and Puerto Rican peoples. Count II, criminalization of Euro-Americans for behavior protected by international law, covered repression of those in solidarity with national liberation movements, as well as those working against nuclear weapons, militarism, racism, sexism and anti-gay oppression. Count III, genocide, applied the U.N. definition of that term to people of color in the U.S. Count IV, deprivation of fundamental rights, listed numerous methods used to convict activists of criminal charges and impose lengthy sentences. Finally, Count V, cruel, inhuman and degrading treatment, details the "variety of conditions in prison designed to break [activists'] will to resist, intimidate them from or punish them for persisting in their beliefs and

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<sup>6</sup> Amnesty International, "The High Security Unit: Lexington Federal Prison, Kentucky U.S.A.," August 1988; Amnesty International, "Allegations of Ill Treatment in Marion Prison, Illinois, U.S.A.," May 1987. Amnesty's policy against adopting as prisoners of conscience those who "advocate or practice violence" has excluded many dedicated activists from consideration in recent years; however, Amnesty has criticized the trial procedures leading to the convictions of, among others, the Wilmington 10 (Black civil rights activists in North Carolina freed in the early 1980s), Native American leader Leonard Peltier, and Black Panther leader Geronimo ji Jaga Pratt. Regarding Pratt, see Amnesty International 1989 Report, pp. 151-52.



affiliations with movements and/or organizations which resulted in their incarceration.” A long list of violations of international law and U.S. constitutional provisions, with citations, was provided.

This indictment was served by mail on all the charged officials with an invitation to offer a defense. Predictably, none responded.<sup>7</sup> The Tribunal convened on December 7, attended by over 1,000 people from around the U.S. and numerous foreign observers (including several United Nations diplomats). Five special prosecutors and two counsel (all noted attorneys who have defended numerous political prisoners and P.O.W.’s) presented the indictment.

Over a two-day period, 22 witnesses testified in person or by videotape, representing the diverse movements from which the prisoners are drawn. Among these were many former political prisoners (including two political exiles testifying by video from Cuba, Puerto Rican guerrilla William Morales and Black Liberation Army member Assata Shakur). Many audience members were especially shocked and moved by the testimony of such ex-prisoners as Alberta Africa, a member of the MOVE organization, who narrated the years of Philadelphia police beatings and murders of her organization’s members and families (including the 1985 bombing which killed six adults and five children); Rafael Cancel Miranda, the Puerto Rican Nationalist fighter who served 25 years in prison, long stretches of it in solitary at Alcatraz and Marion Federal Penitentiaries, and Dhoruba Bin-Wahad, the Black Panther activist whose 19 years of incarceration, many in isolation, ended in 1990 with the overturning of his conviction due to prosecutorial misconduct. In addition, several attorneys and a psychiatrist served as expert witnesses presenting the array of legal and psychological abuses and international law violations that have occurred.<sup>8</sup> Over 1,500 pages of detailed written documentation were also provided, including “dossiers” prepared by Freedom Now! with the cooperation of many political prisoners.

The eight distinguished jurists from diverse countries – most of whom were not experts on U.S. politics – listened attentively and asked numerous questions. They spent the entire day of December 9 deliberating privately over their verdict.

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<sup>7</sup> In response to the Tribunal’s telephoned invitation to the U.S. Mission to the United Nations to send an observer, Neal Waldrop, adviser to the Mission and a member of the U.N.’s Third Commission (which includes human rights concerns), angrily told a Tribunal staffer, “I would never insult my government by attending such a thing. The U.S. has no political prisoners. There are people in prison for violent acts, but no one who’s a prisoner because of political conscience.”

<sup>8</sup> Issues of international law concerning political prisoners and resistance to state crimes were presented by Francis A. Boyle, Professor of Law, University of Illinois College of Law. For general background see his articles, “Preserving the Rule of Law in the War Against International Terrorism,” 8 *Whittier Law Review* 735 (1986); “The Right of Citizen Resistance to State Crimes” (1990); and “The Hypocrisy and Racism Behind the Formulation of U.S. Human Rights Foreign Policy in Honor of Clyde Ferguson,” 16 *Social Justice* 71 (1988).

On December 10, International Human Rights Day, the jurists presented their findings at a press conference. (Predictably, no mainstream media covered any portion of the proceedings, despite ample notification.)

After reviewing the testimony and the voluminous but far-from-complete documentation, the judges expressed their shock at learning of what they deemed racist and inhumane government policies. They determined that such a tribunal indeed had jurisdiction over this issue under international law. Their findings, presented in a 26-page verdict, upheld the major contentions of the indictment. The judges found that the Black, Puerto Rican, Mexicano-Chicano and Native American peoples each constituted a unique people with the right to self-determination. For Blacks and Mexicanos, this was the first time any international body had ever made such a finding. The decision on Black people, after decades of unsuccessful activist efforts to gain United Nations recognition of the colonial nature of Black oppression in the U.S., was a particularly historic breakthrough. In terms of both Blacks and Native Americans, the Tribunal found the U.S. guilty of genocide, as defined by international law. In accordance with previous U.N. resolutions finding Puerto Rico to be a U.S. colony, the jurists agreed that Puerto Rican combatants should be treated as prisoners of war.

Significantly, this tribunal was the first international body to acknowledge the existence of political prisoners and P.O.W.'s from a variety of nationalities in the U.S. Without reservation, the jurists called for the release of all U.S.-held activists from any nationality working for self-determination or protesting U.S. violations of international law.<sup>9</sup>

The Tribunal's verdict may be presented to the U.N. Human Rights Commission at its February 1991 hearings, the International Human Rights Conference (sponsored by U.S. and U.S.S.R. governments) in Moscow in July, and other international fora. In addition, it will be the basis for an intensified campaign by Freedom Now! and other organizations to broaden public awareness and media coverage among diverse communities in the U.S., Puerto Rico and abroad.

Most important will be the effort to reconnect the jailed activists with the movements and communities from which they emerged and to which they have devoted their lives. With the 1979 freedom of the Puerto Rican Nationalists in mind as a model of grassroots international organizing, activists believe that even those facing life sentences may yet see the light of day.

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<sup>9</sup> *Let Freedom Ring: A Collection of Documents from the Movements to Free U.S. Political Prisoners*, Matt Meyer, ed. (PM Press, 2008), pp. 213-236.

*Bob Lederer is a progressive print and radio journalist, longtime queer anti-racist and anti-imperialist activist, and member of the grassroots collective Resistance in Brooklyn. He has extensively covered and supported U.S. political prisoners for over 35 years and contributed to the book Let Freedom Ring: A Collection of Documents from the Movements to Free U.S. Political Prisoners, Matt Meyer, ed. (PM Press, 2008).*

*Dhoruba bin-Wahad is a former Black Panther who was railroaded into prison in 1971 through COINTELPRO-instigated murder charges for a crime he did not commit. In 1990, six months before the International Tribunal, the years of legal and investigative work by bin-Wahad and his legal team led to a court finding that his conviction was illegal because of prosecutorial misconduct. He was released on his own recognizance, and has been organizing, speaking and writing on justice issues and Pan-Africanism ever since, from his homes in the southeastern U.S. and in Ghana, West Africa.*

*Tanaquil Jones was a prominent anti-apartheid and Black Liberation activist who met bin-Wahad in prison and later married him. She was a leader of the campaign to release him and to prevent his attempted reincarceration, and a key organizer of the 1990 Tribunal. Currently a high school teacher in New York City, Jones is co-editor of Still Black, Still Strong: Survivors of the US War Against Black Revolutionaries (Semiotext(e), 1993).*