

POLITICAL PRISONERS IN THE UNITED STATES: THE HIDDEN REALITY

By Michael E. Deutsch and Jan Susler*

Geronimo ji Jaga Pratt, a former leader of the Black Panther Party, an African-American organization fighting for self-determination in the 1960's, has served 22 years in prison for a murder the U.S. government knows he did not commit. FBI documents reveal the agency considered him a prime target of COINTELPRO, a U.S. government secret program to destroy the Black liberation movement. The victim's wife identified another man as the killer and was later coached by police to identify Pratt. The FBI withheld surveillance documents which established Pratt's presence at the time of the murder at a meeting 350 miles away from the scene of the murder. Denied parole several times, the state explains he is being kept in prison not because he is thought to be a murderer but because he is still a revolutionary.

Dhoruba al-Mujahid Bin Wahad, another Black Panther Party leader and target of COINTELPRO, is serving a term of 25 years to life, falsely accused of the attempted murder of a New York City policeman. The FBI withheld documents revealing that the prosecutor (now a federal judge) suppressed evidence that the key prosecution witness had initially reported Bin Wahad was not involved and only changed her testimony after extreme pressure by government agents. Twenty years later, after the discovery of the suppressed documents, Bin Wahad is fighting to reopen his case.*

Alejandrina Torres, a 50 year old Puerto Rican woman, is serving a 35 year sentence for seditious conspiracy — "opposing the U.S. government's authority over Puerto Rico by force." The FBI collected evidence against her and other independentistas by planting hidden video cameras in private dwellings and secretly recording all activity. Since her imprisonment, U.S. prison authorities have carried out a six year campaign to break her spirit, including numerous assaults, denial of medical care, sensory deprivation and small group isolation in an experimental Women's High Security Unit.¹

Leonard Peltier, a member of the American Indian Movement, also a COINTELPRO target, has spent 13 years in prison convicted of killing two FBI agents. In spite of the prosecution's concession that it could not prove who shot the agents and in spite of the acquittal of his co-defendants on the basis of self-defense, Peltier has been denied all legal attempts for freedom. The government

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fraudulently extradited Peltier from Canada and put him through a trial fraught with manufactured evidence and perjured FBI testimony. Serving two consecutive life sentences, he spent several years at USP Marion, the most maximum security prison in the United States.

Jean Gump, a mother of twelve, and a grandmother, with four other disarmament activists entered an isolated Minuteman II nuclear weapon silo where they used sledgehammers to try to split and disarm the track used to open the 120 ton missile covers. They cut the electrical sensor equipment, poured blood on the silo covers in the form of a cross, and spray painted "Disarm and Live for the Children" on the silo cover, leaving at the site indictments charging the U.S. government with crimes against humanity and the law of God, for its complicity in the arms race. Sentenced to six years in federal custody for this non-violent protest act, Gump was recently placed in segregation for refusing a humiliating drug urinalysis when staff would not assure her privacy from male guards.

Despite its numerous and vociferous denials, the public record clearly shows that the United States government holds numerous political prisoners in its jails and penitentiaries. These men and women, African-Americans, Puerto Ricans, Native Americans, Chicano-Mexicanos, white citizens and even foreign nationals, have been targeted for their political activities within the borders of the U.S. as well as abroad, and victimized by purposeful, harsh, discriminatory treatment in the U.S. judicial system. In the process of employing the U.S. legal system—including prosecutors, police, courts, judges, and the prisons — for political ends, the legal system has adopted counter-insurgency methods and has become more repressive and undemocratic.

U.S. political prisoners can be roughly divided into three categories: (1) foreign nationals whose political status or political activities against allies of U.S. imperialism (e.g., Israel, Great Britain, El Salvador) result in detention or imprisonment; (2) members of U.S. oppressed nationalities (African-Americans, Puerto Ricans, Chicano/Mexicanos and Native Americans) who are prosecuted and imprisoned for political activities in furtherance of their movements for liberation and justice.² Included in this group are anti-colonial combatants or Prisoners of War - members of national liberation movements who as part of clandestine organizations have employed armed struggle as a means to achieve self-determination and independence for their nation and upon capture have the right, under the Additional Protocols of the Geneva Convention and the U.N. General Assembly Resolutions, to POW status and not to be tried as domestic criminals; (3) white people who have acted in solidarity with the liberation movements of oppressed nationalities and/or in opposition to U.S. foreign or domestic policies.

As to each of these groups the U.S. judicial system has operated to accommodate the political interests of the U.S. government and has detained or imprisoned scores of men and women.

WHO ARE THE POLITICAL PRISONERS AND PRISONERS OF WAR?

Oppressed Nationalities

In the 1960's in many oppressed communities within the United States there emerged a more militant resistance to racial and economic oppression that culminated in organized efforts toward national liberation. Mass organizations demonstrated in the streets, and clandestine organizations and armed self-defense groups began to function in the Black community,³ in the Puerto Rican barrios,⁴ among Mexican people in the southwest U.S.,⁵ and on Native American reservations.⁶

It is the militancy and fundamental anti-colonial character of these movements which have been the primary impetus for the implementation of counter-insurgency methods of repression, including special restrictive procedures during trials and the creation of high security/isolation prison units. These liberation movements, which emerge from the struggles for the fundamental rights of survival of the oppressed communities of the United States, pose the greatest potential threat to the U.S. ruling class, which has engendered qualitative repressive changes in the U.S. legal system.

White U.S. Citizens - Solidarity and Resistance

Activists in this category have in common that they are white citizens of the U.S. who cannot stand by as the United States pursues its unjust and oppressive domestic and foreign policies. Beyond these commonalities, the movement is rich in its diversity, ranging from faith-based non-violence to armed resistance. Among the groups and individuals who have been repressed and imprisoned for their political actions are the Plowshare protesters:⁷ non-violent religious activists who have carried out direct symbolic action against war materials, hammering bombers, computers or missile nose cones and pouring blood on documents; the Sanctuary movement: clergy, lay church workers and political activists who have worked with illegal Central American refugees who enter the U.S. without immigration documents and provided them sanctuary from capture and a forum from which to speak out about the war in their homeland;⁸ those who refuse to register for the U.S. military service as required by law;⁹ and clandestine cells of anti-imperialist fighters who have employed armed resistance in solidarity with liberation struggles here and abroad.¹⁰

Foreign Nationals in the U.S.

The U.S. legal system is used not merely to quell domestic dissent and destroy national liberation movements within its borders. It also serves the government's allies in effecting their own counterinsurgency programs. In so doing, it echoes and enforces U.S. foreign policy.

For the last six years Joseph Doherty has been held in U.S. custody, although he is not awaiting trial in the U.S. and has never been convicted of a crime in the U.S. This Irish citizen, a member of the Irish Republican Army, served three periods of imprisonment in Ireland for his activity in support of self-determination. During his trial for the death of a Special Air Service counterintelligence unit soldier, he escaped from British custody. He was captured in the U.S. three years later. The British government has consistently sought his extradition. Mr. Doherty is not safe from extradition in spite of numerous U.S. federal court and immigration court decisions finding he is non-

extraditable.¹¹ After every decision in Doherty's favor, the U.S. Attorney General has intervened and ordered his extradition.

Using immigration laws as a means of implementing its hegemonist foreign policy,¹² the United States detains in large numbers refugees from El Salvador and Guatemala, fleeing repression and war financed by U.S. dollars. Those who make it across the militarized U.S. borders are treated as criminals; those men, women and children who seek political asylum are locked up behind bars and barbed wire fences, barring them from access to legal counsel, preventing detained family members from seeing each other.¹³ As of February, 1989, close to 4,000 refugees were being held in Texas. Immigration and Naturalization Service (INS) documents explicitly acknowledge "the purpose of detention as deterrent."¹⁴ A U.S. court has found that detention is "inherently coercive and often deliberately intimidating."¹⁵

In March of 1986 the United States opened in Oakdale, Louisiana, a federal alien detention center,¹⁶ with a capacity to house 5,000, the largest detention center of its kind in the U.S.

As for Haitian refugees, some are detained in seriously overcrowded facilities, while most are interdicted, that is to say intercepted before they set foot on U.S. soil, and rejected. Interdiction, which occurs outside the jurisdiction of the U.S., permits the government to avoid the obligations of its own law.¹⁷

In early 1987 the INS arrested seven Jordanian citizens and one Kenyan citizen, all residents of the United States. The FBI had surveilled the eight for ten months and detected not a single substantive law violation. Instead they were arrested on immigration charges seeking their deportation based on their alleged membership in or affiliation with a group (the PLO and PFLP)^{17a}, the U.S. government charges advocates world communism or unlawful destruction of property. The essence of the charge was that the eight read and distributed pro-Palestinian literature. Though they had no prior criminal records, they were treated as maximum security cases, held in preventive detention and isolation, later to be released on bond.

Discovery revealed that the case was a dry run for a secret, interdepartmental "Alien Terrorists and Undesirables: A Contingency Plan," which focused on citizens from seven Arab nations and Iran, and which provided for massive roundups and detentions, and summary deportation.

THE CRIMINALIZATION OF POLITICAL ACTIVISTS: THE NEW REPRESSION

Over the last ten years the U.S. government has begun to employ a counter-insurgency strategy¹⁸ of repression against movements of oppressed U.S. nationalities and other political movements and activists.

The law-enforcement implementation of this strategy occurs primarily through the police power of the Federal Bureau of Investigation (FBI), the prosecutorial powers of the U.S. Justice Department and within the U.S. federal courts and prisons. As a result judicial counter-insurgency methods are gradually appearing within U.S. federal law and judicial procedures. Many of these new judicial developments parallel repressive measures by other western "democracies" faced with insurgent political movements.¹⁹ This new "repression" has the following defining components:

A) SURVEILLANCE AND INTELLIGENCE GATHERING

A key ingredient to the success of any counter-insurgency program is the ability of law enforcement to have sufficient powers to identify potential participants and supporters of insurgency, and to thoroughly surveil the activities of these targets.²⁰

U.S. FBI guidelines released in 1983 by the then Attorney-General William French Smith greatly expanded the power of the FBI to gather political intelligence and infiltrate political groups. Referring specifically to its use in "Domestic Security/Terrorism Investigations",

We must ensure that the criminal intelligence sources which have been brought to bear so effectively on organized crime are effectively employed in domestic security/terrorism cases.

The Smith guidelines allow the FBI to investigate and infiltrate groups which merely advocate unlawful activities without evidence of criminal wrongdoing. These new guidelines provide legal justification for full scale spying and intelligence-gathering on all sectors of political movements organizing against the U.S. government and its policies.

As part of this expanded intelligence-gathering, U.S. government law enforcers have employed sophisticated technology, including miniature cameras and microphones secretly planted in activists' homes, cars and work places²¹ and computers to catalogue and cross-reference data obtained from intelligence-gathering.

B) COMPULSORY POLICE QUESTIONING AND POLITICAL INTERNMENT

Directly related to law enforcement intelligence-gathering and political surveillance is the power to compel citizens to submit to questioning.²²

While U.S. security forces have not moved for the right to compel interviews of citizens, the investigatory methods of the FBI and the use of the federal grand jury's subpoena and coercive contempt power have created a de facto compulsory interviewing power. In efforts to investigate and identify anti-government activists, the FBI has carried out an extensive program of surveillance and of visiting people's homes and work places to carry out interviews. The tactic of repeated visits to homes and workplaces, including the questioning of neighbors and co-workers, has a strong coercive effect, forcing people to submit to FBI questioning.

The Justice Department and FBI have also repeatedly usurped the U.S. federal grand jury subpoena power²³ to compel information in secret proceedings for investigative purposes. After the grant of limited "use" immunity, which strips the subject of all rights to remain silent, the subpoenaee must essentially answer all questions regardless of their political or personal nature or relevancy, or go to jail. This gives the government a power to politically intern political activists who will not provide information about their movements.²⁴

Another new power of political internment prior to criminal conviction is provided by the Bail Reform Act of 1984. Under this new law the government can

hold people in prison awaiting trial indefinitely without any bail if they are found to be a danger to their community or a risk of flight.²⁵

C) SPECIAL LAWS—SEDITIONOUS CONSPIRACY— AND THE CRIMINALIZATION OF ORGANIZATIONS

The U.S. government has recently employed the seldom-used criminal statute of seditious conspiracy against political activists — the charge of agreeing to oppose or overthrow the government of the U.S. by force. In the case of the Puerto Rican Independence Movement the charge is to oppose by force the U.S. authority — and therefore criminalizes membership in groups that fight for the legitimate right of the people of Puerto Rico to self-determination and independence.

The RICO statute (Racketeer Influenced Corrupt Organization Act), a law originally passed to address organized crime influence in the labor field, has also been turned against political activists and their organizations. The law has now been applied to designate as criminal enterprises organizations with political aims and to try members of such groups under broad conspiracy rules which allow for up to 40 years in prison.²⁶ Using the shibboleth of fighting terrorism, U.S. counter-insurgency experts are also planning new substantive laws to criminalize political association and activity.²⁷

D) THE RIGHTS OF POLITICAL DEFENDANTS ON TRIAL

A whole series of serious repressive measures has been instituted and/or refined in the course of recent criminal prosecutions of political activists.

1) Anonymous Petit Jury. While first appearing in several cases involving jury-tampering in organized crime prosecutions, the use of the anonymous trial jury in the prosecutions of political activists is greatly increasing, particularly where the defendants are accused of associations with clandestine groups.²⁸ The juror, given a number to replace his/her name, is told s/he will not be asked to identify his/her work place or address, because of violence associated with the case. Such a juror can only be seriously prejudiced against the accused by this procedure.

The process of influencing or restricting the independence of the jury — the only real hope for those charged in political cases — is critical to an effective counter-insurgency program. The complete elimination of jury trials for so-called political offenses is a common factor in countries engaged in counter-insurgency campaigns.

2) Courtroom Security. The trials of many political activists in the United States courts have been accompanied by extraordinary courtroom security procedures, which are not related to any real threat, but are calculated to create the public impression that the defendants are dangerous terrorists who should be feared by the jury and the general public.

Metal detectors, concrete bunkers, armed U.S. marshals, sharp shooters on roofs surrounding the courthouse, multiple searches and the requirement of spectators showing identification before entering the courtroom are the usual practices.²⁹

3) **Motions in Limine and Ex Parte Submissions.** While motions in limine are a traditional trial tool to restrict the introduction of irrelevant evidence, in recent political cases they have been used to prevent the jury from hearing any of the political ideas of the accused. Puerto Rican independentistas charged with opposing U.S. authority over Puerto Rico have been disallowed from presenting any evidence about the illegal colonial domination of the U.S. over Puerto Rico.³⁰

Also, in these trials, the prosecution frequently submits documents and other matters to the court, in camera and ex parte, for unspecified "security" reasons. In almost all cases there is no valid security reason for these submissions, but the courts accept them without any meaningful opportunity for the defense to challenge.

4) **Sentencing - Informants.** Political activists convicted in U.S. courts have routinely received draconian sentences, demonstrably higher than non-political defendants and often designed to hold them for life.³¹ Counts are run consecutively with maximum time on each. In some cases in which the accused have claimed Prisoner of War status, refusing to submit to the court's jurisdiction, illegal sentences have been imposed.

5) **Attacks on Lawyers.** As part of the counter-insurgency and use of media strategy to isolate political prisoners, the government has also targeted their lawyers and legal workers. Attorney-client meetings in U.S. prisons have been secretly taped, lawyers' cars and hotel rooms bugged, and the briefcase of a legal worker seized pursuant to a search warrant after a visit with her client.³²

In addition, lawyers have been accused, without any proof or formal charge, of assisting clients in escape plots and acting as couriers. This tactic is designed to discourage lawyers from fighting the government counter-insurgency program and vigorously representing their clients. Those who are not intimidated are then subject to attack and criminalization themselves.

6) **Special Prisons and Special Treatment of Prisoners.** The special and punitive treatment of incarcerated political activists in U.S. prisons clearly underscores their status as political prisoners. Through special, brutal conditions, the government seeks to punish imprisoned political people and make examples of them in such a way as to intimidate others from following in their footsteps, in spite of the basic principle of the United Nations Standard Minimum Rules for the Treatment of Prisoners [Rule AI6(1)] which proscribes discrimination on grounds of political opinion. The U.S. seeks to punish and destroy the revolutionary spirit, the will, the resistance of the prisoners and through them, their movements.

Emboldened by government inspired anti-terrorist hysteria, and the virtual abdication of oversight responsibilities on the part of U.S. Congress and the U.S. courts, prison authorities act with impunity generally, but especially toward the POW's and political prisoners. The arsenal of tactics includes a denial system which uses isolation and special prisons,³³ destabilization through numerous prison transfers, humiliation, denial of medical treatment, physical and sexual assault, and continual harassment and vigilance.

A less subtle form of isolation is the Control Unit, which describes Marion Federal Prison, the most maximum security prison in the U.S. In such Control Units or prisons, the policy is to totally control not merely the prisoner's body, but also the mind. Prisoners are typically confined, indefinitely, to a small single

cell or to small group isolation for 22-24 hours a day in an environment devoid of human contact and sensory stimulation.

The federal appellate court which upheld the constitutionality of the Marion regime described the conditions thusly:

As a result of the permanent lockdown, each inmate at Marion is confined to a one man cell (there are no female inmates in the prison) round the clock, except for brief periods outside the cell for recreation (between 7 and 11 hours a week), for a shower, for a visit to the infirmary, to the law library, etc . . . Recreation means pacing in a small enclosure -sometimes just in the corridor between the rows of cells. The inmate is fed in his cell, on a tray shoved in between the bars. The cells are modern and roomy (8'x10') and contain a television set as well as a bed, toilet, and sink, but there is no other furniture and when an inmate is outside his cell he is handcuffed and a box is placed over the handcuffs to prevent the lock from being picked; his legs may also be shackled. Inmates are forbidden to socialize with each other or to participate in group religious services. Inmates who throw food or otherwise misbehave in their cells are sometimes tied spreadeagled on their beds, often for hours at a stretch, while inmates returning to their cells are often (inmates of the control unit, always) subjected to a rectal search: a paramedic inserts a gloved finger into the inmate's rectum and feels around for a knife or other weapon or contraband. Bruscano vs. Carlson, 854 F.2d 162, 164 (7th Cir. 1988).

The Women's High Security Unit at the federal prison in Lexington, Kentucky (HSU), a special small group isolation prison for political women, was designed specifically to destroy the three women political prisoners placed there; Alejandrina Torres, Susan Rosenberg and Silvia Baraldini:

This program sets up a hierarchy of objectives. The first of these is to reduce prisoners to the state of submission essential for their ideological conversion. That failing, the next objective is to reduce them to a state of psychological incompetence sufficient to neutralize them as efficient, self-directing antagonists. That failing, the only alternative is to destroy them, preferably by making them desperate enough to destroy themselves.³⁴

The objectives were to be accomplished by the conditions in this underground prison: a restricted sensory environment, small group isolation, ill-fitting clothing, limited and censored reading material, shackling and handcuffing, strict limitation on telephone calls and visitors, as well as multiple daily strip searches, patdown searches by male officers, voyeurism and general/harassment by staff.

Amnesty International was moved by the similarity of the HSU to the Federal Republic of Germany's dead wings and white cells to accomplish the same goals with respect to the Red Army Fraction (RAF). Amnesty's observer noted of the HSU:

The conditions and regime are deliberately and gratuitously oppressive. The constant and unjustified use of security chains, the repeated strip searching, the almost total lack of privacy, the claustrophobic lack of sensory stimuli, freedom of movement, possessions, choice of activities and incestuously small range of contacts cannot be other than debilitating . . . There is no need for these prisoners to be at HSU . . . There is

overwhelming evidence that the prisoners at HSU have deteriorated physically and psychologically during their custody there. There has to be a prospect that one or more will finally resort to suicide should their custody at HSU be prolonged. I conclude therefore that HSU should close forthwith.³⁵

Amnesty found:

. . . the conditions and placement of the women on the basis of their politics . . . constitute cruel, inhuman and degrading treatment in violation of the Universal Declaration of Human Rights.

A critical aspect of the entire counter-insurgency strategy is the use of the mass media to discredit and dehumanize the political activists. The inflammatory use of "terrorist" and "terrorism" replaces any rational discussion of the issues underlying the actions of those targeted. The government seeks to place the media under its discipline when covering issues concerning political opposition to the government.³⁶

CONCLUSION

While the U.S. has tried to hide the reality of its political prisoners and its politically repressive legal system, the truth cannot be denied. Today, throughout the United States, people who are part of the movements these prisoners represent are organizing, educating, and making demands for the human rights of the prisoners as well as for their unconditional amnesty.³⁷ The U.S. holds political prisoners in violation of international law and its own domestic law. Progressive lawyers, because of the protected right of access to the prisoners, have a special responsibility to monitor and expose their human rights violations. These prisoners should be immediately released and allowed to return to their political work on behalf of freedom, justice and equality.

- 1 The U.S. has one of the largest prison populations in the world, made up almost entirely of oppressed nationalities and poor people. From this same population comes almost exclusively those given the death penalty. The warehousing in overcrowded and inhumane conditions is part of the government's strategy to control potentially insurgent populations.
- 2 The Black liberation movement of the 1960's and early 1970's, from Martin Luther King to Malcolm X to the Black Panther Party ("BPP"), the Republic of New Africa (RNA) and the Nation of Islam, was targeted by the FBI's COINTELPRO program, in a design to "expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of black nationalist hate-type organizations and groupings, their leadership, spokesmen, membership and supporters." The then FBI director, J. Edgar Hoover, viewed the BPP as the "single greatest threat," which should become the subject "of imaginative and hard-hitting counterintelligence measures aimed at crippling the BPP." An FBI memo spelled out the goals of destroying the self-determination efforts of Black people, including "preventing the rise of a messiah," preventing leaders from gaining respectability by discrediting them, and preventing the development of organizations, especially among youth.

Pursuant to the COINTELPRO program, Panther leaders were murdered and many were framed with criminal charges which have resulted in two decades

of imprisonment. In the 1970's emerged clandestine formations of African-American freedom fighters including the Black Liberation Army (BLA). Many of these cadre were also killed or captured and given long prison sentences, including Herman Bell, Sundiata Acoli, Albert Nuh Washington, Sekou Odinga, Anthony Jalil Bottom.

- 3 The U.S. has a long history of attempts to crush the Puerto Rican independence movement. The independence movement has been a focus of government repression since the U.S. invaded that island nation in 1898. Within the last several years, Puerto Rico has been considered by the government to be "the Achilles Heel of the United States." Over the last 30 years there has emerged a clandestine movement in complement to the mass movement for independence. Numbers of these anti-colonial combatants have been captured, many asserting POW status and refusing to recognize the U.S. courts, others assuming the position of political prisoners.
- 4 Chicano-Mexicano people and their organizations seeking liberty and justice for Mexican people living in occupied northern Mexico have been subjected to a history of discrimination and repression for their demand for human rights. In the early 1970's, seven leaders of the Chicano/Mexican movement in the Southwest were killed and numerous others were imprisoned on politically motivated charges.
- 5 Native American activists likewise have experienced, since the Europeans came to North America, a repression to their resistance that has been of genocidal magnitude. In the 1960's and 1970's, the U.S. government escalated its attack on organized Native forces, the American Indian Movement (AIM), killing and jailing its leadership, and infiltrating its chapters pursuant to the FBI COINTELPRO program, attempting to crush the growing insurgency.
- 6 The name comes from the biblical passage to "beat swords into plowshares."
- 7 In hopes of breaking the sanctuary network, in a series of arrests the government charged clergy and lay workers with harboring, smuggling and transporting "illegal aliens" and with conspiring to do so. In one arrest the government swept up twelve prominent sanctuary workers, including two priests, a nun, and a minister, following an investigation which included a government informant infiltrating bible study groups. The court refused to allow the defendants to present evidence that their work with the refugees was necessary to save lives and to prevent imprisonment, persecution, torture and death.

In sentencing convicted sanctuary workers, some courts imposed alternative sentences — a defendant could choose probation, with the conditions that s/he stop working with Central American refugees and stop speaking about the sanctuary movement to the press or public, or s/he could go to prison.

- 8 Gilliam Kerley was sentenced to three years in prison plus a \$10,000 fine, not merely for the acts of refusing to register but because he persisted in organizing against registration and the draft.
- 9 Two of these groups have been particularly targeted and victimized by the counter-insurgency strategy. The Ohio 7 is a group of working class men and women accused of membership in a clandestine organization which carried out numerous bombings in opposition to U.S. policy in Central America and in solidarity with the world-wide movement against apartheid. They were arrested following a massive counterinsurgency hunt coordinating local, state and federal law enforcement. Their young children were also captured, isolated and interrogated about their parent's activities. In a series of trials the seven faced accusations of political bombings, murder and attempted murder of police. They were then charged with seditious conspiracy, in spite of the fact that most of them were already serving sentences of over 45 years. The other group is charged with conspiracy to bomb the U.S. Capitol in protest of the U.S. foreign policies,

including the invasion of Grenada. These six men and women are long time political activists, virtually all of whom are already serving long prison terms for their acts of resistance and solidarity.

- 10 See, e.g., Matter of Doherty by the Government of the United Kingdom, 599 Supp. 270, 276 (S.D.N.Y. 1984) ("The facts of this case present the assertion of the political offense exception in its most classic form.").
- 11 The U.S. policy is reflected in the percentage rate for approval of asylum applicants. From June, 1983, to September, 1988; from El Salvador, 2.7%, from Guatemala, 2.1%. In contrast, 61.7% of Iranians and 61.4% of Romanians were granted asylum for the same period. U.S. policy is also reflected in the INS Enhancement Plan for the Southern Border (February 16, 1989), which provides: "The INS Intelligence Program will continue ongoing liaison with other government agencies, particularly the CIA, Drug Enforcement Administration, and the Department of State . . ."
- 12 The government reactivated a facility in Arizona that had served as a concentration camp for detining Japanese Americans during World War II. On the Texas border the main Camp at Port Isabel is known as "the Corralon" (the great corral).
- 13 INS Enhancement Plan for the Southern Border, February 16, 1989, at p.8.
- 14 Orantes-Hernandez v. Meese, F. Supp. (D.TX., 4/28/88). See also, Helsinki Watch, Detained, Denied and Deported: Asylum Seekers in the United States (New York: June, 1989).
- 15 Before it was destroyed by a prisoner rebellion in 1987, Oakdale housed 1,000 Cuban "undocumented aliens" and 60 U.S. prisoners. The Cubans, who arrived on the Mariel boatlift, have either completed service of the sentences they received for criminal conduct within the U.S., or have never been brought to trial or sentenced. The detention capacity of Oakdale has since been shifted to Port Isabel, Texas.
- 16 The U.S. Committee for Refugees, Refugees At Our Border: The U.S. Response to Asylum Seekers, Sept. 1989, at pp. 12-13.
- 17 Later amendments to the anti-communist legislation protect all foreign nationals from exclusion and deportation based on beliefs and expression except the PLO.
- 18 The United States pentagon has provided the following definition of counter-insurgency which is generally accepted among so-called experts in the field: Those military, para-military, political, economic, psychological and civic actions taken by a government to defeat subversive insurgency.

Insurgency is defined as: a condition resulting from revolt or insurrection against a constituted government that falls short of civil war. In the current context subversive insurgency is primarily communist inspired, supported or exploited. Dictionary of the United States-Military Terms for Joint Usage

- 19 A key defining characteristic of a counter-insurgency strategy is the assumption that the resistance of oppressed sectors of the population is inevitable and continuing. Therefore, the strategy of security forces, rather than react to individual acts or periods of heightened resistance, must be one of permanent repression directed against broad public sectors of a political movement. Even in periods of relative calm or inactivity, counter-insurgency principles mandate that the repressive forces be active identifying potential leaders and supporters of resistance, gathering information and building dossiers about them, as well as infiltrating political and community organizations.

In subsequent periods, as insurgent activities begin to emerge, counter-insurgency tactics suggest the use of law and the legal system as a key tool to attack and destroy the insurgent movements, while at the same time maintaining the appearance of the law as impartial and non-political.

- 20 In his treatise "Peace Keeping in a Democratic Society", Lt. Col. Robin Eveleigh, former commander of British occupation forces in Northern Ireland, argues that "population surveillance, including the right to question, photograph, fingerprint all members of a population affected by insurgency are the fundamental legal powers necessary for the police and army engaged in the suppression of insurrection. Eveleigh also advocates that the population carry identity cards and the development of a computerized intelligence system linking all the identity cards.
- 21 See, e.g., *U.S. v. Alejandrina Torres, et al.*, 83 CR 494 (N.D. Ill.); *U.S. v. Victor Manuel Gerena, et al.*, Crim. No. H-85-50 (D. Conn); *U.S. v. Oscar López, et al.*, 86 CR 513 (N.D. Ill.).
- 22 In "Peace Keeping in a Democratic Society", Eveleigh argues that the power to conduct "compulsory interviews" is an essential tool of counter-insurgency programs:
What then would be the objects of such an interview? They would be first the simple ones of finding out who lived in the terrorist-affected area, where they lived and what they looked like. These compulsory interviews would also enable the Security Forces, with a certain degree of error, to categorize the population into 'pro-government', 'neutral' and 'anti-government'. In security operations, as in most human activities, it is important to know who are your friends and who are your enemies. This information would be valuable not only from the point of view of security operations, but also as an indication to the government of what policies would be acceptable or unacceptable. (p. 21)
- 23 The U.S. federal grand jury, composed of 23 private citizens and modeled after a similar body in England, theoretically decides whether the government has sufficient evidence to require an accused to stand trial. While it is supposed to act as a protection to the accused the grand jury has been transformed into a rubber stamp of the prosecutor and used as a tool of investigation with the power to compel cooperation. See Deutsch, "The Improper Use of the Federal Grand Jury: An Instrument for the Internment of Political Activists," 75 *Journal of Criminal Law and Criminology* 1159 (Winter 1984).
- 24 See, e.g., *U.S. v. Julio Rosado, et al.*, 728 F.2d 89 (2nd Cir. 1984); *In re Cueto*, 443 F.Supp. 1081 (S.D.N.Y. 1977); *U.S. v. Watani Tyehimba*, (Los Angeles, CA 1986).
- 25 Puerto Rican independence leader Filiberto Ojeda Ríos was detained over four years without trial and anti-imperialist activist Laura Whitehorn has been detained over three years.
- 26 See, e.g., *U.S. v. Sekou Odinga, Silvia Baraldini, et al.*, 82 CR 312 (S.D.N.Y.)
- 27 Already a very expansive definition of terrorism has been placed in the U.S. federal law. In a statute providing for rewards to informers about terrorism, the law defines terrorism as an "act of violence" (including violence against property as well as persons) which violates criminal law "and appears to be intended . . . to influence the policy of a government by intimidation and coercion." With this broad definition of terrorism, further federal laws directly criminalizing other political conduct as terrorist is much more likely. One statute proposed several years ago, but withdrawn in the face of strong opposition, was an effort to punish anyone providing aid to or soliciting aid for a terrorist movement, organization or nation. Under the legislation, the designation of a terrorist movement, organization or nation would be determined by the Secretary of State, and the defense to a charge of aiding or soliciting aid would permit no challenge to this designation.
- 28 See, e.g., *U.S. v. Julio Rosado*, 728 F.2d 89 (2nd Cir. 1984).
- 29 In a District of Columbia federal courtroom, where six white anti-imperialists will be tried for conspiracy to use force to alter U.S. foreign policy, the government constructed a thick plexiglass wall between the well of the courtroom, where the defendants will sit, and the spectator area. Cameras have been installed to monitor

and record all conduct in the courtroom. U.S. v. Whitehorn, et al., No. 88-145 (D.C., D.C.).

- 30 In a trial of clergy and lay religious workers of the sanctuary movement charged with smuggling and harboring "illegal aliens," the defendants were forbidden from mentioning a host of terms which would have exposed the United States' war against the people of Central America as the basis for the flow of refugees and the need for the church to provide sanctuary. U.S. v. Maria del Socorro Pardo de Aguilar, et al., CR 85-008 (D.AZ.)
- 31 Susan Rosenberg and Timothy Blunk, white anti-imperialists and clandestine fighters were both sentenced to 58 years in prison for conspiracy and possession (not use) of a quantity of weapons and explosives and false identification. Their sentence is sixteen times longer than the average sentence meted out in federal court to weapons-possession offenders and twice in the average for first degree murderers. Oscar López Rivera, Puerto Rican prisoner of war, received his 55 year sentence for seditious conspiracy from the same judge who, in an earlier case sentencing López' co-defendants to terms of 55 to 90 years, had stated that he would have given them the death penalty if he could have under the law. See also, Marilyn Buck (50 years); Mutulu Shakur (60 years); Silvia Baraldini and Sekou Odinga (40 years); Leonard Peltier (two consecutive lives); and Dhoruba Moore (25 to life).
- 32 U.S. v. Oscar López, et al., 86 CR 513 (N.D. Ill.)
- 33 The government intentionally places the prisoners in prisons far away from their families and communities and has banished Puerto Rican independence activists, taking those convicted of pro-independence activity from their country and forcing service of prison sentences inside the U.S.
There is further isolation from attorneys, ranging from denying legal visits to opening mail that is, by U.S. law, confidential between attorney and client, to electronically eavesdropping on supposed confidential legal visits. At Marion prison (see *infra*), video cameras monitor all legal visits, and another camera on the ceiling directly above focuses on the table to capture images of papers exchanged and notes written.
In addition to seeking to demoralize them in this way, the U.S. also seeks to preclude the prisoners from effectively preparing their cases for presentation to domestic courts, international tribunals, and other forums.
- 34 The development of psychological syndromes resulting from isolation has been documented in the 19th and early 20th centuries in Europe and with U.S. prisoners of war in Korea. See Stuart Grassian, A Review and Delineation Of a Clinical Syndrome (unpublished). Such brainwashing techniques have also been used in Korean and Chinese prisons. See Richard Korn, The Effects of Confinement in HSU, August, 1987, 15 Social Justice 8-19 (Spring, 1988).
- 35 Amnesty International, the High Security Unit, Lexington Federal Prison, KY, August, 1988. See also Baraldini v. Meese, 641 F.Supp. 432 (D.C. 1988), rev'd. 884 F.2d 615 (D.C. Cir. 1989).
- 36 The government also affirmatively uses the media to put out its own propaganda. Immediately after the 1985 arrest of thirteen Puerto Rican Independence activists, the head of the FBI and the Attorney General of the U.S. held press conferences denouncing the accused as terrorists and claiming that they were assisted by the government of Cuba. Public statements equating the independence movement as Cuban controlled and terrorist are constantly being made by government officials.
- 37 E.g., Freedom Now! Campaign for Amnesty and Human Rights for Political Prisoners in the United States, 59 E. Van Buren, Suite 1400, Chicago, IL 60605.