

***A crime is being committed against
the entire Central America
Movement.***

***It's called
THE CONCORD CONSPIRACY
TRIAL***

***and strangely there's only one
defendant
Billy Nessen
and it begins on Monday, May 21
9am in the Martinez Courthouse.***

People all over the world were shocked on September 1, 1987 when the U.S. Navy attacked a small non-violent protest against US aid to El Salvador at its Concord Naval Weapons Station by running over Vietnam veteran and peace activist Brian Willson

Several days later, on September 5, 7,000 outraged people converged on the site and one thousand of them, using simple tools and their bare hands, peacefully tore up 120 feet of railroad tracks and ties.

Six months later, one person, long-time organizer Billy Nessen, was arrested as the alleged 'mastermind' of the track dismantling, and charged with Conspiracy and Property Destruction, both felonies.

On May 21st Billy Nessen will go to trial in Superior Court in Martinez, still the sole scapegoat and sole 'conspirator'. He faces several years in jail for something in which a thousand people took part. He needs your support. If you were one of the thousands out at the tracks, oppose US intervention in Central America or are concerned with justice, you need to be at the trial.

Billy shouldn't stand alone.

Conspiracy charges are a threat to all concerned citizens

The very word *conspiracy* makes most people think of some plot hatched in deepest secrecy. But in the legal domain, it is something quite different. Here criminal conspiracy has a much looser and therefore more dangerous meaning: the simple making of an agreement by two or more persons to commit an unlawful act. In most states, including California, evidence of "overt acts" in furtherance of that agreement is also needed.

The case against Billy Nessen seems nonsensical because he is the only named or indicted conspirator among thousands. Neither the prosecution nor its witnesses have clearly stated when and where, or by whom and by how many this conspiracy was made. According to them, the alleged fact that several people *independently* urged the dismantling of the tracks means that a conspiracy was effected. Furthermore, there is only one real witness, a plainclothes cop, who claims to have followed Billy throughout the day. But, unfortunately, given current political climate the extensive pre-trial motions by attorney Linda Fullerton did not derail the prosecution.

Conspiracy charges have been usually been employed against political organizers in order to hold a few - or in this case one person - criminally responsible for the actions of many. Such charges may also result in escalating the level of the substantive crime - in this case property destruction - from a misdemeanor to a felony and subsequently increasing the severity of the penalty. Further, in the courtroom conspiracy charges relax the normal rules of evidence for the prosecuting authorities.

Additionally, the threat of Conspiracy charges can have a 'chilling' effect both on organizers of extra-legal protests or ones that become illegal and on all participants because it makes everyone potentially liable for any unlawful acts committed by anyone else.

Conspiracy charges have been used periodically against radical activists whenever strong resistance emerges. In the late '60's, conspiracy charges arose out of major anti-war demonstrations in many cities, including here in the Bay Area. In the last 15 years they have rarely been used against the Left, though there have been major cases against revolutionary anti-imperialists, Puerto Rican *Independistas* and Earth First activists for alleged sabotage.

The Weapons Station is central to U.S. intervention in Central America.

During the Vietnam war the Concord Naval Weapons Station supplied 80% of the bombs and ammunition used in Vietnam and is still the major West Coast transshipment point to repressive regimes throughout the Pacific. Over the last ten years it has played a particularly infamous role in shipping much of the weapons, especially bombs, to the El Salvador dictatorship which has killed over 70,000 people there. Documents obtained by the Pledge of Resistance through the Freedom of Information Act show, for example, that one \$6 million shipment in 1985 contained thousands of anti-personnel weapons. This included white phosphorous rockets which are filled with a chemical that burns through peoples flesh to their bones; demolition bombs with fuze extenders that increase the bombs' injuries by sending out hot, jagged shrapnel in all directions; and ammunition for the helicopter-mounted GE machine gun that fires 100 bullets a second. The Pentagon has tried to keep this activity secret but there have also been several sightings of unexploded bombs dropped in Salvadoran villages bearing the inscription from Concord.

Repression against the Central America Movement

The conspiracy case against Billy Nessen is only one part, however significant, of continuing repression against the Central America movement.

Nationally, there have been break-ins at CISPES offices, informants and FBI agents have worked within CISPES and the Sanctuary movement in the latter case leading to criminal prosecution and long-term jailing of religious activists. Locally, there has been a similar pattern of break-ins at homes of activists connected to the anti-CIA/Southern Air Transport campaign and surveillance by government and private spying agencies. And extensive police violence at a wide variety of protests (including several at Concord) over the last ten years has sent dozens to the hospital with serious and permanent injuries and nearly killed several people.

There has also been 'legal' harassment and intimidation of activists and activist organizations. In response to numerous civil law suits against the police, the local and federal authorities have subpoenaed activists, under penalty of months in jail, to testify in front of grand juries and judges. They appear to be trying to draw a personal and political map of the Central America movement, for questions have never been limited to the police incidents in dispute. Instead they have focused minutely on individuals' histories of political involvement, their friends' involvement, their relations to various activist organizations, and the activities of these organizations. Additionally, authorities have demanded that staff people turn over their groups files and notes. In sum, the government is trying to make the Movement pay a high price for seeking legal redress against State violence.

Resistance at The Concord Naval Weapons Station

The Weapons Station (also known as Port Chicago) has a long history of protest against it. There was a mutiny of black sailors at the end of World War II when a large quantity of munitions exploded killing hundreds, almost all black who were, as usual, doing the 'dirtiest' job. During the Vietnam War there were innumerable protests including a three year daily vigil.

Since the escalation of U.S. support for the El Salvador dictatorship in 1980, both large and small demonstrations have taken place. For example in 1983, over five thousand protested and three hundred were arrested during two joint actions by the Livermore Action Group and CISPES. Over the next few years several affinity groups conducted months-long vigils there. In June of 1987, the Pledge of Resistance, anarchist affinity groups and other organizations brought out thousands to blockade the base. Fueled by the maiming of Brian Willson on September 1, 1987 and continuing daily to the present day, dedicated activists have turned a daily vigil into an heroic round-the-clock protest that has blocked every train leaving the base, resulting in more than 500 arrests. Since Fall 1987, The Pledge of Resistance, Cispes and Nuremberg Actions along with other groups have held periodic mass actions of up to 2000 people.

Billy Nessen

Billy is 33 years old and has been politically active since the seventies, initially in anti-war protests and in support of the black movement. In the late 70's and early 80's he was an organizer in the anti-nuclear movement with the Coalition for Direct Action at Seabrook, and against nuclear power plants and weapons-testing on the West Coast. For the past seven years Billy has been an organizer in many bay area movements including those concerned with Central America, apartheid, homelessness and squatting, Palestinian solidarity, radical ecology, and labor strike support. He has been arrested (at least one too) many times, banned from the UC Berkeley campus on several occasions, and received his share of lumps and threats from local police forces. He has co-founded a number of activist organizations as well as several collective businesses.

The U.S. government should be on trial, but it isn't. Billy Nessen is, and he urgently needs your support

We need you to join Ron Dellums, Brian Willson, CISPES, The Pledge of Resistance, Food not Bombs, Prairie Fire Organizing Committee, Nuremberg Actions, Slingshot Newspaper, Phil Agee and many others in demanding that the charges against Billy Nessen be dropped.

To that end, immediately, you should call the Contra Costa District Attorney - Gary Yancey at 646-4500 or send a note to his office at P.O. Box 670, Martinez, CA 94553.

A letter to U.S. congressperson George Miller, 367 Civic Drive, Pleasant Hill, CA 94523 attn. Carol Hatch asking his office to talk to the DA would also be helpful.

After that we ask several things of you: come to the trial yourself, tell people about it and encourage and organize them to attend, provide any photos you might have of the September 5 demonstration, and call us if you are interested in testifying about the events of that day. The trial will probably run several weeks, depending on the length of jury selection and the admission of testimony about the underlying issues concerning Central America and the maiming of Brian Willson. Tony Serra, assisted by Nedra Rulz and Larry Lichter, will be conducting the defense.

Car pools from both San Francisco and the East Bay will be going each morning and possibly each afternoon. If you can help in any way, or if you want more information - call or write:

**The Concord Conspiracy Defense 601-6101
984 57th st, Oakland, Ca 94608**

From San Francisco, Berkeley or Oakland take 80 North to the exit for Highway 4 going east (about 12 miles north of Berkeley). Go about 10 miles to the Martinez Alhambra exit. turn left, keep going about 1 1/2 miles until you get to Ward st. turn right. go several blocks until you reach the Superior Courthouse 1040 Ward (corner of Court st.)