

the SHADOW

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REAL ESTATE PLAYERS PUSH PARK RENOVATION

By Nashua

A small parcel of land on the Lower East Side is getting a big expenditure of city funds later this spring. While some people on the block feel its about time, a few have reservations, especially about the \$717,000 the project will cost and the fate of homeless people who now use the spot. But reverberating beyond the confines of a playground and a coffee bar planned for the site is the role of powerful political figures.

The project began when the First Street Block Association began to clean up the playground and hold meetings to decide the fate of the pie-shaped piece of land stretching from First to Second Avenues between Houston. The owner of a nearby restaurant wanted to open up a cafe on the easternmost tip of the pie at the entrance to the Second Avenue F train station, but the restaurateur found himself competing with a mysterious group of eight investors whose names are still confidential.

Before any bidding for right to sell latte along Houston Street could begin however, the New York City Parks and Recreation Department decided to embark on a huge reconstruction of the whole space with more than \$700,000 dollars coming from Councilmember Kathryn Freed's discretionary budget. This has some residents quietly expressing reservations about the project. Brian Hart is an activist who is deeply involved in helping the homeless with the pacifist and anarchist Catholic Worker, located on First Street. Hart says the City elbowed the community

out of the picture and went ahead with plans more designed to control the homeless than to create a park for the community. He says that a proposed idea to build a washroom in the park to answer complaints of public urination was nixed as soon as it was proposed -- even as New Yorkers are being arrested under Quality of Life laws prohibiting peeing in public in this notoriously public-toiletless city. Maria Botino is a spokesperson for councilmember Freed -- she says the community needs the park renovation and shouldn't be penalized for being well-organized in achieving their goal. According to Botino the Block Association invited Freed to a clean-up day in the park and after participating the Councilmember decided to fund a complete restoration of the site.

East First Street between Second and First Avenues is unusual in its concentration of well-connected political figures and players in community affairs who live in a number of co-ops that in some cases began as squats and homesteads. Hart and others point to several powerful members of Community Board Three, including District Manager Martha Danziger and Howard Hemsley, a major supporter of Councilmember Antonio Pagán. In past stories, the *Shadow* has covered the attempts by CB3 members on the block to change regulations that prevent them from selling their one-time squats on

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NYC POT BUYERS CLUB WINS IN COURT!!

By Chris Flash

Eight months after his arrest on marijuana charges, Johann Moore, coordinator of the New York City Medical Marijuana Buyer's Club, had his case dismissed by the District Attorney.

The Buyers Club had its start as part of the Harm Reduction Committee associated with ACT-UP, later emerging as a free marijuana distribution service in 1994 with a handful of clients. As the demand and number of their clients increased, the service became a wholesale buyers club, with approximately 50 clients in New York City.

The Medical Marijuana Buyers Club provides its clients with marijuana at wholesale prices for medical reasons. Clients include those suffering from AIDS, glaucoma, auto-immune syndrome and psychiatric disorders. Moore told the *SHADOW* of one young woman signed up by her mother who has been able to reduce her Prozac dosage by half since her medical marijuana acquired through the Buyers Club. Moore said, "this is exciting since psychoactive drugs are toxic." The Buyers Club charges \$15 for three grams of wholesale marijuana, with no profit involved. Moore says their objective is to save lives and ease pain.

Buyers Club clients must have a legitimate need requiring medical marijuana treatments. For minimum bureaucracy, the club requires either a letter from a health care provider or an "M11Q" form issued by the NYC Department of Social Services. Clients are referred by various agencies, including Gay Men's Health Crisis (GMHC), cancer organizations and by existing clients. "We don't want customers getting wholesale good quality marijuana to resell at a profit," Moore told the *SHADOW*.

The original model for the NYC Buyers Club is the Cannabis Buyers Club in San Francisco, which has approximately 6,000 members. Moore feels it is better to have several smaller clubs with 100-200 members each, which co-ordinators can then subdivide geographically. Other cities with Buyers Clubs include Washington DC, Santa Cruz, Key West, Detroit, Boston, and Seattle, where the Buyers Club was busted last year by the DEA, despite objections by local police. Moore points out that "some clubs are much more clandestine than others." He told the *SHADOW* that he is now working with activists in Harlem on setting up a Buyers Club there.

On August 21, 1995, after operating the Buyers Club for approximately one year, Moore was arrested as he sold marijuana to a client on the street. He was charged with "Criminal Sale and Possession of Marijuana," which could have resulted in a one year jail sentence. After the arrest, cops realized

that Moore was not just another "dealer" when he explained the Buyers Club to them and a few activists came to the precinct house. Moore was released without bail after spending the night in jail.

Seven court appearances later, Moore accepted an offer by the District Attorney's office of an "Adjournment in Contemplation of Dismissal" (ACOD), which in effect dismissed the case against Moore for good. Moore told the *SHADOW* that he refused to accept the offer when it was originally made months earlier because it had restrictive conditions. Moore told the *SHADOW* that he accepted the latest offer on April 3 because Judge Mogulescu "made a strong statement supporting the merit of my case and pointed out the divergence from the District Attorney's guidelines on first time drug arrests." Normally, the District Attorney would not have made such an offer. The offer Moore accepted was without conditions, and he told the *SHADOW* "this indicates the city is backing down."

Moore feels that the DA's office feared the negative publicity that would have resulted from his conviction as well as the idea of the Buyers Club spreading further. Moore said, "they decided to back down and see where it goes, hoping it's not going anywhere, but it's most certainly going somewhere!"

The resulting publicity from his arrest and subsequent court victory has led to more clients for the Buyers Club. According to Moore, "people are not scared away by the possibility of publicity." He notes that the mainstream press has been respectful and that they have acknowledged he is doing something with good intentions.

Moore's future plans include: expanding the club's coverage area; establishing an advisory board for the Buyers Club; lobbying the powers that be to refuse arrests or prosecution of club providers or members, in order to create "social space" for medical marijuana; guerilla trials to test and defeat the laws against marijuana; long term survival studies for marijuana users with AIDS, psychological problems and glaucoma. Moore says this can be done by doctors and researchers as a "direct action" without risking arrest. Moore would also like to set up a trust fund for buyers of medical marijuana.

As for the ramifications of expanding his Buyers Club, Moore told the *SHADOW*, "I have no control over what the police do. If they choose to intervene, I can only fight on my turf -- in the streets, in the public eye and in the courts."

(Johann Moore and the NYC Medical Marijuana Buyers Club can be reached through: 718-789-9643)



JACK DAWKINS

CB3 "DISTRICT MANAGER" MARTHA DANZIGER HARD AT WORK

EDITORIAL

NEW YORK VOMITS CHIEF BRATTON: ARE WE ANY SAFIR?

By A. Kronstadt

Ex-Police Commissioner William Bratton, who as his cloying Boston accent proclaims, is not from around here, has followed the almighty dollar out of public servanthood. Bratton, a homely man with Napoleonic tendencies, had grandiose ideas about how to beat New York into shape. Armed with an imperial police budget and a legion of 38,000 kops placed in his hands not by Rudolph Giuliani but by David Dinkins and Mario Cuomo, he has waged a 2 1/2 year blitzkrieg against selected segments of New York's population. Equipped with a compliant NYPD public information office he has touted his own horn about the reduction in crime in New York City. By forcibly clearing New York City streets of what "quality of life" advocates call the "visible signs of decay," namely peddlers, panhandlers, hangout scenes, and other signs of poor peoples' culture, Bratton created the stage backdrop for his grand illusion of order restored.

Nobody will deny that it is possible to reduce crime by means of great repression. By all accounts the crime rate of the old Soviet Union was very low. As long as you are not a political dissident, you can walk the streets of Beijing at any hour of the night without fear of getting mugged. So it is hard to say, straight out, that Bratton is lying when he claims that his crackdown on New York street life has reduced crime. On the other hand, the statistics "proving" this reduction are collected by politically interested parties. "Crime" means "reported crime," and who is crime reported to but the police? Nobody, least of all the kops, will tell you that reported crime anywhere approaches the actual incidence of crime. Furthermore, the people who are most likely to be arrested for crime are also the people most likely to be victims of it. Chances are, that kid who gets mugged in Brownsville for his sheepskin and gold chains himself has a warrant for jumping a turnstyle. Will he be more or less likely to approach the kops about his experience, given Bratton's much touted improvements in the checking of outstanding warrants?

Nationally, crime has been dropping from the levels to which it soared during the Reagan revolution. In 1981, when Ronnie took command, there were .0059 violent crimes (robberies, murders, forcible rapes, and aggravated assaults) per person in the U.S., in 1989, when the Gipper left office, there were .0066 crimes such crimes per person. (figures are from the 1996 World Almanac and are based on the FBI Uniform Crime Reports). After climbing nationally to a high of .0075 violent crimes per person in 1992 under the Bush Administration, it has declined ever since -- by 2% between 1992 and 1993 and 4% between 1993 and 1994. So we see that the election of Democrats makes crime go down, or maybe it's the switchover from crack to marijuana, or maybe they're just lying. After all, it's all coming from the same people, and they have an interest in making us think they're protecting us.

In spite of the proclaimed 39% drop in murders during 1994-1995, the news media have experienced no shortage of grisly homicides to report. Second Avenue Deli owner Abe Lebewohl was gunned down around the corner from the Ninth Precinct and his body dumped a parking lot's distance from the kop shop. The killer remains at large and the story has disappeared from the news. The case of Maria Isabel Monteiro Alves, who was raped and beaten to death while jogging in Central Park last year, has also gone unsolved and been forgotten. The Bratton theory about these crimes is that someday, they will arrest a kid somewhere for drinking a beer, jumping a turnstyle, or smoking a spliff, and he will spill the beans about who killed these people. It hasn't worked yet. You may say that these cases are just anecdotes, while the statistics, which come straight from City Hall, for god's sake, are the cold hard facts. You are entitled to your opinion.

William Bratton is a bully, and so is Rudolph Giuliani. Bullies will unite briefly on the playground to kick a weaker classmate, but they are ultimately bound to quarrel with one another because, as bullies, they are unable to share power. With Bratton gone and the timid bureaucrat Howard Safir in charge of the NYPD, Giuliani now has total control over the one aspect of civic life in which he is perceived to be accomplishing something. Nobody is going to vote for Giuliani because of what he has done for education or the subways. The white people who vote for Giuliani voted for him out of fear, prejudice, and backlash. They voted for him because he was going to beat up people of color, particularly young people of color, and force them off the streets where the good white folks would not have to look at them. With Bratton out of the way, Giuliani can claim the credit for this ethnic cleansing.

It remains to be seen what effect the de-Brattonization of the NYPD will have. The "quality of life" program for this spring is vicious and ambitious. Mayor Rudolf Giuliani and the ex-Police Corruptioneer, without consulting the people of New York City or the legislative branch of their own Pig Government, have decided to recriminalize marijuana. By adopting the policy of jailing, rather than merely ticketing persons allegedly caught smoking pot in public, Giuliani and Bratton have set their own penalty for marijuana possession, to be summarily meted out by the police without checks or balances. Of course, now there is no more Bratton. Without him, what will happen with the apocalyptic "Operation Juggernaut," crowning glory of Bratton's blitzkrieg strategy, where thousands of drug kops are to be turned out to ride roughshod over Black and Latino communities in Brooklyn and Queens. It remains to see whether the lukewarm Howard Safir can continue inspiring the kops to the appropriate levels of fascism. All we know is that Giuliani will now be free to play Il Duce without fear of being upstaged by his Commissioner. It is up to us, the people, to make sure that he hangs by his heels. Happy Spring!

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NYPD BRINGS THE WAR HOME

The transition from outgoing chief Bill Bratton to the incoming Howard Safir—the ex-fire commish who presided over devastating service slashes to low-income arson-plagued neighborhoods—comes with a further escalation of municipal militarization in the name of cracking down on drugs. The New York Police Department is putting 3,000 new overtime officers and fancy new weaponry—including sophisticated computer software and hydraulic battering rams—into a new "anti-drug" assault in Bed-Stuy, Brownsville and other neighborhoods of Brooklyn, Queens and the Bronx. The paramilitary offensive mixes undercover "buy and bust" sweeps with new computer-assisted tactics, including extensive monitoring of pirate cellular communications. Nuisance laws will be enforced to close scores of bodegas, smoke shops and nightclubs, and police plan to pick up 1,200 parole violators and 15,000 others with outstanding warrants on the assumption that many of them will just happen to turn out to be drug dealers. Special "ram teams" with steel-plated bulletproof vests and hydraulic door-openers will burst into suspect houses. Roadblocks will check drivers for expired licenses and insurance policies to "scare off potential buyers."

Deputy Chief Joseph P. Dunne told The New York Times: "We are going to surgically attack and take out those people, those locations, those stores that are causing the problems."

This is the rhetoric of the Gulf War—and, once again, the "collateral damage" from these "surgical strikes" will be conveniently invisible.

Yet another case of a killer cop being

rewarded recently reached us from the Bronx. In January 1994, NYC police officers Patrick Brosnan and James Crowe pumped 22 bullets into the backs of Anthony Rosario and Hilton Vega. The Civilian Complaint Review Board substantiated the young men's families' charges that they had been shot while lying face down on the floor. Brosnan, head of the NY Shields, a fraternal order of detectives, is a personal friend of Rudolph Giuliani, who chose him to head his security team during the mayoral race despite his involvement in previous violent incidents. Bill Bratton refused to accept the CCRB report. Brosnan was just awarded a tax-free disability pension, claiming that the killing of Rosario and Vega was a "shoot-out" that caused him "significant hearing loss." The CCRB investigation found that the only bullets fired in the incident were fired by the police themselves. The National Congress for Puerto Rican Rights is protesting the granting of Brosnan's pension.

Such abuses are set to escalate with the new paramilitary program.

This is not the first time the boys in blue have unveiled a "final offensive" in NYC's Drug War. Remember the much-ballyhooed 1980s programs like Operation Pressure Point and the Tactical Narcotics Teams? Dealers just moved out of the targeted neighborhoods, fueling violent turf wars with competing established dealers in adjacent areas.

The new program will cost the city \$20 million over the next three years. Meanwhile, at Safir's old department, budget cutbacks are squeezing out such basic lifelines as fireboxes, the citizen's first defense against arson.

Emperor Nero merely fiddled as Rome burned. Giuliani and Safir are consciously fanning the flames.



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REAL ESTATE PLAYERS....

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the open market. Even the *New York Times* recently ran an expose of political influence-peddling on CB3 and soon after this, almost the entire board was fired by Pagán and Freed. It was the second time in a year that the chair of the contentious board was removed for blatantly courting the influence of local politicians. At least one resident of the block -- Lyn Pentecost -- is on the Board of Directors of Lower East Side Coalition Development, the group that was once headed by now Councilmember Antonio Pagán (which is currently trying to evict squatters from a row of buildings on East 13th Street to make way for an ambitious project). Pentecost is also a long-time crusader against homeless people in the area (see sidebar). Pagán himself is a nearby resident with a city-owned apartment on East Third Street for which he pays less than eighty dollars a month rent. It was the East Third Street block association that called for closing the Third Street men's shelter and formed the nucleus for a local NIMBY group called BASTA or Before Another Shelter Tears Us Apart. BASTA was disbanded after the Third St. Shelter was closed and replaced with a small alcohol rehab center, but the group is back to fight a drop-in center for ex-convicts planned by the Salvation Army for the Bowery. The guiding light behind BASTA is Hemsley, who has been fighting his own personal war against the homeless, squatters and AIDS advocates for years. Another First Street resident and Block Association activist is Nancy Sossman who is has made a national name for herself as an opponent of the Lower East Side Needle Exchange, which provides clean syringes to addicts in return for used spikes curbing the spread of AIDS. The Lower East Side has more AIDS than any other neighborhood in the city and leads the nation in tuberculosis cases that are often related to AIDS.

According to residents who want to keep their identity a secret for fear of reprisals from power brokers on the block, the First Street Block Association began altruistically enough with the goal of caring for the playground that neighborhood children used behind the subway station along First Street. Some parents began accompanying the park workers who count used needles each morning and noted with surprise that as the Needle Exchange grew, they saw a dramatic decrease in discarded syringes in areas where users had often injected drugs at night. This observation brought some of the Block Association members into conflict with the NIMBY element on the block. When an election was held for head of the Block Association, although the woman who documented the decline in dirty needles was a shoe-in, residents say that CB3 District Manager Martha Danziger, who lives on the block in a former homestead, forced a co-presidency with Eric Anderson, a developer building the controversial Hope Community low-income housing project in Harlem.

According to Freed's spokesperson Maria Botino, the renovation of the First Street park will include new playground equipment, benches, a handball court and basketball hoops. She says the plan involves landscaping, a drainage system and a fence to allow the Parks Department to lock up the park at night. Botino says if the site is left open it "tends to collect garbage" although she says it will be "available to the community." Botino adds the community along First Street "is really growing" and although he price tag of \$717,000 seems high she says "its a

worthwhile investment because there are a lot of children there and its a very active community." Botino was even more vague when asked if the fence planned for the park would limit access across the tip of the piece of land near First Avenue where residents use one of the few subway lines that service the Lower East Side. After hesitating, and claiming she did not know, Botino then said that the fence won't block access to the subway station.

In the past few weeks a fence was put up around most of the site in preparation for construction that's supposed to begin in a few months after approval of the expenditure by City Comptroller Alan Hevesi. Botino says homeless people and their fire barrels have been removed and won't be allowed to return. According to the Parks Department the Comptroller has 45 days after the contract is awarded to give it his OK -- construction could begin as early as June.

But while most residents of the block are happy the city is doing something for them, some have a sinking feeling that the community is being taken for a ride by politicians. One resident says the Block Association has been denied a chance to make their own recommendations on types of playground equipment and how the park will be run after the renovations. Pointing to Tompkins Square Park as an example, one active resident says the city is facing multiple lawsuits by parents whose children have been hurt on poorly planned and installed playground equipment, but the city remains stubbornly committed to its own way of doing things.

The coffee bar idea that sparked the city's interest in the First Street park has been delayed until after the October, 1997 construction date, when the Parks Department will probably accept bids for an operator. The "mysterious eight" who came out of the woodwork to challenge the local restaurant owner's own proposal for the coffee bar are still unnamed, although many residents believe they have some connection to the First Street politicians. That answer may never be known. Also unanswered is the fate of a part of the First Street park being used by a local antiques dealer, and whether or not a quid-pro-quo may be involved with the city in return for allowing commercial use of the land. In this time of tight budgets and privatization, neo-conservative politicians campaigning on a so-called Quality of Life platform maybe just hoodwinking the public to benefit themselves.



HOWARD HEMSLEY (Left) WITH COUNCILMAN ANTONIO PAGÁN

SWEAT EQUITY, SWEET PROFITS ON FIRST STREET

First Street Block Association honchos Lyn Pentecost, Martha Danziger, and a group of other homesteaders acquired their building at 52 East 1st Street in 1983 for \$2000 under Section 576, article XI of the Private Housing Finance Law (a sum that amounted to about \$250 per apartment). This law was part of a "sweat equity" program originally intended to help low-income tenants of neglected city buildings to become property owners. However, clauses in the deeds held by Pentecost, Danziger, and their fellow tenants restricting sale of their apartments to "families of low income" will expire in four years, turning these apartments into valuable real estate. In fact, Pentecost and Danziger, who have been instrumental in the machine that elected Antonio Pagán as City Council member, have fought for years against city regulations preventing them from selling their

spaces in 52 East 1st Street at a profit. Pagán himself has been doing the same thing with his nearby city-owned apartment at 7 East 3rd Street, for which he continues to pay \$75 per month. Pentecost has made a career of privatizing low-income housing; she is an official of Lower East Side Coalition Housing, a group noted for sponsoring housing renovations that receive money from the government to build "low-income" apartments which are slated to be sold at market rates by developers in a given number of years. Danziger, the District Manager of Community Board 3, has been instrumental in rallying the right wing in local politics that consolidated around Pagán & Co. to clear homeless people out of the neighborhood. Howard Hemsley, who resides at 41 East 1st Street under similarly comfortable circumstances, is the guiding force in BASTA (Before Another Shelter Tears Us Apart), a local NIMBY group which sued the city in an attempt to close down the 3rd Street Shelter. Hemsley was the manager of Pagán's last campaign for City Council.

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CROCODILE COMPUTERS



STEAL... THIS RADIO!

By Peter Spagnuolo

Lower East Side squatters, activists and radio enthusiasts, inspired by the success of the growing, nation-wide micro-power radio movement, have added their community to the growing list of radical centers with "pirate" (non-licensed), low-power stations on the air. Following the examples already set by established stations such as Black Liberation Radio, broadcasting in a Springfield Ohio housing project, and the Bay Area's Free Radio Berkeley, the Lower East Side's **Steal This Radio** collective formed in September of 1995 to begin acquiring equipment and technical expertise with an eye towards launching a micro-power station that would serve their community.

By early November of last year, STR had purchased components to assemble a five-watt transmitter, some of which came via Free Radio Berkeley's Stephen Dunifer, whose activism in spreading the gospel of grass-roots communication from Central America to Alaska has made him a kind of Johnny Appleseed figure to the micro-power movement. Showing that old squatter know-how, the collective built a radio-frequency antenna entirely out of plumbing supplies, tested its equipment from rooftops, and by Thanksgiving was on the air at 88.7 FM, using borrowed turntables, donated tape decks and mixers, and various equipment of dubious origin. The first few months of the station saw only Friday broadcasts, from dusk until the early morning hours, with hopeful plans to expand.

Moving to a different location every week, the collective quickly became known for the best floating party in town, presenting live music, poetry, fiction and drama every week, in addition to recorded music by an ever-expanding crew of d.j.'s. The station's mobility allowed it to present live events too, such as the ABC No Rio Zapatista Art Show benefit -- though producing a broadcast of live bands presented challenges. Indeed, while most so-called "pirate" stations can be started for \$200 with a working low-power transmitter, a cassette player, and a microphone, from the very beginning **Steal This Radio** had its sights on something more ambitious. Fast Forward, the station's technical chief, describes STR's

mission: "To do the kind of programming that we do -- live drama, covering live events, talk radio with open discussions, dialogue, and the kind of free-form, sound collage our in-house Audio Damage Laboratories features several nights a week -- really requires more than a walkman and a mixer -- say \$500 as a good starting point, and it goes up from there. Still, STR members point out, this is a far cry from the minimum \$60,000 in startup costs the broadcast industry estimates is required for the smallest FCC-licensed station.

Upgrading first to twelve watts in January and again in April to twenty watts, the station has expanded its programming as well. While the radio parties are now a thing of the past, the station has grown rapidly, gaining more diversity in the process. Now broadcasting five days per week, STR presents anarchist news and events, a nightly community calendar, a weekly interview, and talk shows, as well as several hours of Spanish-language programming. "It was always our intention to make our programming as wide-ranging as possible -- not to have people just playing their favorite music, but to have things that spoke to the whole gamut of Loisaida residents -- squatters, low-income tenants, activists and non-activists," says Queequeg, a collective member. "I don't think you can justify micro-power philosophy on any other basis than community need."

It is the realization among activists in general that the concentration of media sources in a few corporate hands -- such as Time-Warner, Turner, Capital Cities and other conglomerates -- each owning vast holdings in radio, broadcast and cable television, movie production, and publishing -- has created the need for communities to take back the airwaves for their own constructive uses. The means for this are within reach. "The airwaves are public, yet the government insists on its strict and exclusive right to regulate this public property, and then deeds away their use to the corporate sector, which is interested only in profits," says Queequeg. This reality, and micro-power broadcasting's answer to it is at the heart of the on-going Federal prosecution of Stephen Dunifer and Free Radio Berkeley. Dunifer's efforts to fight the

\$20,000.00 fine levied against him, with the help of the National Lawyer's Guild's Committee on Democratic Communication, has been nothing short of heroic. (See *Shadow* #37).

Says collective member D.J. Chrome, "Giving a voice to the people in this neighborhood is our mission -- to make a vehicle for organizing and forging community among the people of the Lower East Side." To this end, Chrome presents a weekly show, *Neighborhood News and Views*, with interviews and talk on issues that are community centered. A recent show broadcast an original interview with Democratic District Leader Margarita Lopez, a long-time Loisaida activist and outspoken opponent of Councilman Antonio Pagán. D.J. Chrome adds, "In a predominantly working class neighborhood like ours, many people don't have the time or energy to be fully informed on the things going on here that affect them -- real estate development, city policies -- or, the information they do get comes entirely from one side. With this show, they can get takes on issues from the people who live in their own neighborhood, and they can also bring their issues to the show, create dialogue."

Ideally, **Steal this Radio's** organizers envision the micro-power station as a sort of giant community drum that people can tune in to. For this to work, says collective member Grace O'Malley, "the station must develop the greatest degree of access for community members to programming -- anyone with an idea about a show they think the community needs, or announcements, or events for the calendar, should feel free to bring their ideas to us -- we're committed to finding a way to fit it all in." The only rules in place about programming, she adds, are "no hate speech," and a willingness to accept the station's legitimate security concerns.

Fast Forward points out the station's enormous potential when he contrasts its listening area with that of other micro-power stations. "We get approximate coverage from the western edge of Williamsburg to about the Bowery, and from Delancey Street to Stuyvesant Town. A station like Radio Free Berkeley may be better situated in a flat, low-rise area for sending a signal very far, while



PETER SPAGNUOLO

our signal has to contend with a dense grid of large concrete and steel obstructions -- but the up side of this is that with all the density of multiple-dwelling units, tenements and such, we have some 75,000 people living in a tight area -- we don't need to send a signal very far to have a large potential listenership." But how many people are listening? "We get complaints from people trying to tune us in," says Fast Forward. "Some of them are on the fringes of our range, so they need to put a better antenna on their stereo receivers, or try moving the boom box to a different location in their rooms. As we upgrade our signal, we hope people keep trying."

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7 PM	<i>DJ P.A.</i> brings you rock en espanol, salsa and afro-cuban rhythms, plus guest spots.	<i>Neighborhood News and Views</i> , with DJ's Chrome, Argo, Pirate Jenny, Towno, and Fastforward.	<i>Voices of the Bread Is Rising</i> , with Carlos and Angel--poetry, humor, jazz and fiction, in Spanish-Ingles.	6:30-- <i>In My NYC</i> , with Argo the Cabbie's crash-course of gutter philosophy from the cock-pit.
8 PM	<i>The Punk Hour</i> with DJ's Homebrew, Chrome, and the D.T. Shaker. Hardcore, old school, crust, and oi from '77 to present.	Interviews, discussion, and calendar on the politics and culture of the LESower East Side.	<i>The Crow Show</i> with Althea. Variety programming, presenting myth, magic, ritual and religion" with music and readings.	<i>The Surprise Hour</i> with Fastforward. Music, drama, news announcements and more.
9 PM	<i>Mr. Peabody's Blues Hour</i> . Old roots, blues, and southern folk--sit back with some moonshine or your favorite 'tater brandy and enjoy!	<i>Loisaida U.S.A.</i> (Universal Soul Awareness) with Cenén. Exploring our universe with poetry, theory, conversation, and music.	<i>Roots of Resistance</i> with Lisa and Donny. Reggae, third world beats, and consciousness.	<i>Sod-busters and Turf-cutters</i> --Grace O'Malley serves up homemade music by regular folk, with guest pickers live in studio.
10 PM	<i>Happy Hour</i> . An easy listening experience of metal, punk, and noize to kill yourself by.	<i>Friday Nite Surf Party</i> with DJ Maxx. Live music and in-studio performers, spoken word, rants, band interviews, and special guests.	Get hip with <i>The Bogus Poseur Show</i> . Featuring local talent and LES bands; Karen Black, Pep Girls, Halfbreeds, G.G. Allen, etc.	D.J. Fernando presents native American music, poetry, songs and discussion.
11 PM	<i>Analog Dream Lullabies</i> brings you electronic fluid transmissions from the outer planetary reaches and beyond.		<i>Free Form with Toto</i> . A variety show of music, readings, and politics.	<i>Concrete Street Beat</i> , with D.J.'s Jesse and Chrome: hip-hop, rap & reggae, with live mixing and guest rappers--call us at the vox-mail to get in on the action!
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Communications Bill Threatens First Amendment

By Paul DeRienzo

*"shit, piss, fuck, cunt, cocksucker, motherfucker and tits" --
From "Seven Dirty Words You Can't Say On TV" by George Carlin*



LYAN ABBEMA

On February 8th US President Clinton signed the Telecommunications Act of 1996 -- a bill designed to open up competition among the nation's telephone carriers, computer on-line services and cable TV. Tacked onto the bill is a measure initially introduced as an amendment by Nebraska Republican Senator James Exon, an amendment that's come to be known as the Communications Decency Act. The CDA makes it illegal to post so-called "indecent" language on a computer network that could be accessed by anyone under eighteen. The Act also criminalizes "annoying" computer or telephone transmissions under so-called anti-harassment provisions and opens the door for the Federal Communications Commission to begin regulating the Internet as a broadcast medium similar to TV and radio. "Indecent" is a legal term that generally means any language referring to sex and excretory functions that may otherwise be protected by the Constitution and legally published in newspapers and magazines.

The signing of the CDA sparked a flurry of protest in cyberspace. Thousands of Internet sites turned their screens to black in mourning for free speech and many thousands of Internet sites are sporting a blue ribbon as part of a campaign against Internet censorship. But despite these campaigns the CDA's sponsors are pushing their measure through the courts hoping to win the most restrictive legislation possible. How did the wide-open Internet come to crossroads?

Senator Exon said he was struck with the need for controlling smut on the Internet when he saw how easily his grandchildren were able to access pornography using their family computer. Exon, who admits he's never been on the Internet himself, embarked on a crusade to force what he considers indecency off the net, a campaign that was picked up by a majority in Congress and signed into law by the president. Recently Exon defended his support of the CDA by making the issue part of the so-called "cultural war" that's been inflaming congress since Clinton was elected. According to Senator Exon, "There is enough of the self-serving philosophy of the 'hands-off elite'. They seem to rationalize that the framers of the Constitution planned and plotted at great length to make certain that above all else, the profiteering pornographer, the pervert, and the pedophile must be free to practice their pursuits in the presence of children on a taxpayer created and subsidized computer network. This is nonsense."

But despite the powerful image of children's need for protection in a dangerous world, a Federal judge ruled,

days after President Clinton signed the Telecommunications bill, that the term "indecent" used in the CDA is "vague" and possibly unconstitutional. Still, most of the CDA's prohibitions remain unchallenged, including provisions criminalizing transmissions using the word abortion or imparting crucial health related information. Although the Justice Department says it will not prosecute anyone under the CDA until after the Supreme Court rules on the issue, officials also warn that after the court rules they may still prosecute Internet users who violate the CDA while the court is considering the case.

Plaintiffs in the burgeoning lawsuits against the CDA say they have been advocating alternatives to censorship on the net from the beginning. A class-action lawsuit coordinated by the Center for Democracy and Technology (including 37 organizations ranging from America Online to the American Library Association and People for the American Way) was combined with another lawsuit sponsored by the ACLU and Planned Parenthood and filed the day Clinton signed the measure. Supporters of the suit are encouraging anyone with a valid e-mail address to sign on as a plaintiff and nearly 30,000 individuals have taken up the call. A three-judge federal court panel has been hearing witnesses in often boring and sometimes contentious proceedings as part of an expedited court schedule written into the Act that includes a direct appeal of the panel's decision, due in late April, to the Supreme Court.

Particularly disturbing to free speech advocates is the CDA's use of the term "indecent" to define material that should be banned from the Internet. "Indecent" is a legal term that applies to material that is sexually explicit and maybe offensive to some in the community, although still protected by the First Amendment. Indecency is not the same as obscenity -- material that has been deemed not deserving of Constitutional protection.

To be obscene the material would have to meet a three part legal test set up by the Supreme Court in a 1973 decision:

1. Would the average person, applying contemporary standards of the state or local community find that the work, taken as a whole, appeals to the prurient interest?
2. Does the work depict or describe in a patently offensive way sexual conduct specifically defined by the applicable state law?
3. Does the work lack serious literary, artistic, political, or scientific value?

Fundamentally the CDA means that language deemed "indecent" that might be legally published in a magazine or newspaper, included in a film or book is now prohibited from the Internet. An example of "indecent" speech are the so-called "Seven Dirty Words," a monologue by comedian George Carlin that was at the heart of a five year court-battle between the Pacifica Foundation and Federal Communications Commission -- more on that later.

To insure that people under 18 can't receive "indecent" material, anyone who puts information on the net that may violate the law would be required to set up a means to prevent teenagers from logging in. In order to achieve that goal, information providers would have to

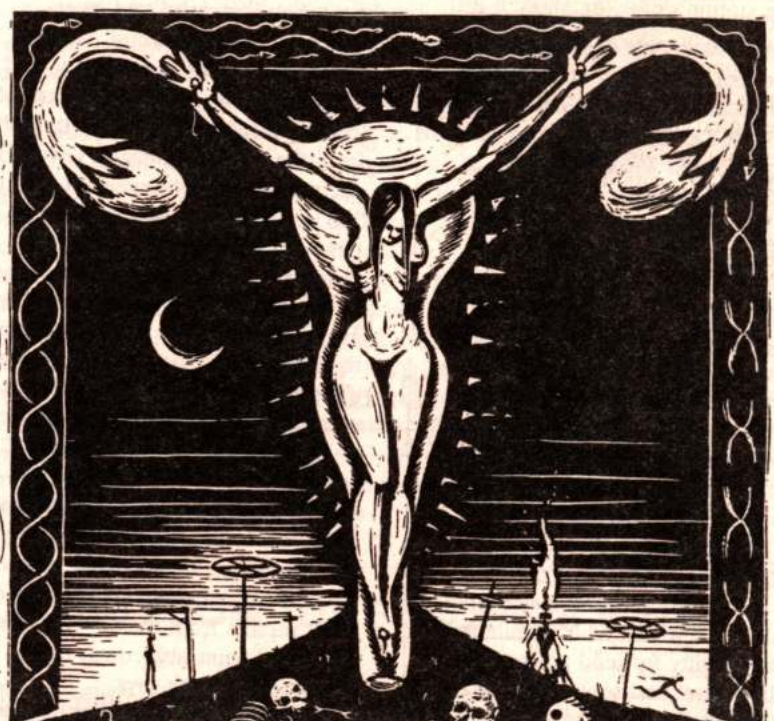
identify everyone who tries to access on-line information -- to screen out those under 18 years. One way to achieve that is to require credit card numbers as proof of age before a netsurfer could access a particular site.

Anti-choice stalwarts included a sneak attack against abortion with the CDA in the guise of the 1873 anti-obscenity Comstock Act making it a crime to send information on birth-control or abortion through the mail. The Comstock Act was used to jail birth control pioneer Margaret Sanger but was revised in 1971 to remove the parts criminalizing the distribution of contraceptive information -- although the parts restricting abortion information remain on the books. Attorney General Janet Reno has officially said the Department of Justice won't prosecute for abortion-related speech on the Internet -- in a letter dated February 9th, Reno formally pointed out the passage of the CDA she wouldn't be enforcing.

Despite Reno's promise not to prosecute, pro-choice groups had already filed a lawsuit challenging the anti-abortion parts of the law. That challenge was part of a broad suit against the entire CDA brought by dozens of advocates, including the American Civil Liberties Union, Electronic Frontier Foundation, Planned Parenthood, major on-line service providers like CompuServe and America On-line and smaller Internet content providers active in AIDS and safe-sex education like Critical Path based in Philadelphia.

Calling the CDA "Medical McCarthyism in the electronic age,"

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Eleanor Smeal of the Feminist Majority Foundation said, "The Telecommunications Act is transforming the Internet from an information superhighway to an information roadblock invoked by high-tech censorship. Ironically, just as more women's organizations are going on-line, Congress is moving to criminalize women's constitutional right to send and receive medical information. The women of this nation will not tolerate an on-line abortion ban, any more than we will allow a ban on abortion services."

The Comstock Act provisions of the CDA amount to an Internet gag rule that would effect pro-choice organizations using the net. Information about abortion services and availability would be prohibited as would support networks for pro-choice doctors and information about drugs like RU-486. The ban would effect bulletin boards and World Wide Web sites and the trade in abortion-related medical technology. The overall impact would affect millions of women. The Feminist Majority on-line alone receives 14,000 calls a typical day and as many as 92,000 calls in one day. These contacts would all end under the CDA.

President Clinton signed the Telecommunications bill, stating that he "objected" to the abortion speech gag rule while claiming the law wouldn't be prosecuted by his Justice Department. It was the second time in a week the President had signed a bill he says he doesn't intend to enforce -- the other bill bans people with HIV from the military.

Former California governor turned radio talk-show host Jerry Brown says the crackdown on the Internet is an attempt by "men with money and power" to "snuff-out any creativity or ingenuity that threatens their hegemony." According to Brown, CDA is ultimately a reaction against demands

See INTERNET On Page 20

CITY HALL MOVES TO GUT LEAD LAW

By Steven Wishnia

Held in contempt by the courts for failing to enforce its current law requiring landlords to eliminate all lead paint in apartments with small children, the city government is now trying to weaken the law.

"It's unenforceable. It's undoable," says Harold Shultz, Deputy Commissioner for Housing Preservation of the city Department of Housing Preservation and Development, of Local Law 1, on the books since 1982. The law requires landlords to remove or seal up all lead-based paint in apartments with children under 7--generally estimated at 200,000 to 250,000 homes in the city. Landlords, complaining about the costs of lead abatement, have lobbied for its repeal for years.

Last month, State Supreme Court Justice Louis York held the city and HPD Commissioner Deborah Wright in criminal contempt for willfully failing to obey a series of court orders to enforce the law.

"The city, HPD, and landlords are being very poor losers," says Lucy Billings of Bronx Legal Services, which filed the original suit in 1985. "They have never tried to comply with the law. They're totally confident they'll never have to comply with the law."

The City Council is now considering two revised lead-paint measures. Intro 385-A, sponsored by Councilmember Stanley Michels, backs off from the total-abatement mandate of Local Law 1 to concentrate on the worst-contaminated apartments, says Michels staffer Steve Simon. The bill requires that landlords remove lead paint from the areas most dangerous to children: window frames and sills, doors and door frames, painted floors, radiators and baseboards, and moldings, as well as any areas with peeling or flaking paint or deteriorated subsurfaces.

It also extends the requirement to schools, day-care centers, playgrounds, and pregnant women's apartments. It mandates that HPD send an inspector out upon receiving a lead-paint complaint, and either fix it through the Emergency Repair Program (ERP) or sue the landlord if the owner doesn't correct the problem. Simon said specific timetables are still being worked out. (The *New York Post* reported Jan. 5 that they would likely be 15 to 30 days.)

A rival measure, Intro 388-A, has been introduced by Housing Committee chair Archie Spigner (D-Queens), who also calls Local Law 1 "not enforceable." Spigner says his first priority is "to protect the children," but declined to give any specifics of his bill on the grounds that they are still under discussion. Last month, the Council's housing committee blocked his original proposal, which would have eliminated landlords' liability for lead poisoning--unless the tenant had sent a certified letter informing the landlord of the presence of peeling paint. That proposal was strongly backed by the real-estate lobby.

Megan Charlop, co-chair of the New York Coalition to End Lead Poisoning and head of the Lead Poisoning Prevention Project at Montefiore Hospital in the Bronx, says she expects the Council to pass a bill abandoning the "lead-free" mandate of Local Law 1 in favor of a "lead-safe" policy. If such a policy is to work, she says, it would have to have "good work and the most stringent enforcement and safety regulations possible," and HPD's response to lead complaints would have to be much quicker and more efficient than it's been in the past.

"You can't have kids living in [lead] situations for months on end and have them stay healthy," she adds.

Harold Shultz's argument against the current law is simple: It costs too much. He estimates that at \$15,000 an apartment, it would cost landlords and the city over \$3 billion to abate all lead paint. Even scraping and painting a five-foot square patch, he says, can cost \$1,300, because of the need to seal the area off with plastic, wash it twice with trisodium phosphate, and test it for lead-containing dust after the work is done. As most of the affected apartments are in low-income neighborhoods like Harlem and Crown Heights, where landlords tend to be marginal, he argues that these costs would seriously endanger the remaining supply of affordable private housing in the city.

"It's not possible to do every apartment," he says. In the meantime, he says, the city has to prioritize. HPD treats every lead-paint violation as a potential emergency repair, he adds, but rejects requiring the city to do so as an "unfunded mandate."

Why is lead paint different from any other major code violation, he asks. "What will be cut to fund \$3 billion?"

For Lucy Billings, upstairs in her South Bronx office, the answer is also clear. "The children of New York City are just asking that the city enforce the law instead of expending resources on fighting the law," she says. At least 15,000 city children have been found to have at least 10 micrograms of lead per deciliter of their blood, the federal standard for potential danger. Of those, 2,000 have been tested at the toxic level of 20 micrograms, and she says that as less than half the city's children have been tested for lead, the true numbers are likely more than twice as high.

Billings contends that HPD's \$15,000 figure is too high, as it is based on total gut-rehab costs; she says most lead-abatement jobs cost under \$1,500. Whatever it costs, she adds, should be weighed against the \$40,000 cost of treating a lead-poisoned child, aside from the human damages. Given HPD's decimated code-enforcement staff (over 500 inspectors in 1989, barely 200 in 1994) and the normal chaos of childhood ("every time a chair is backed into a wall, every time a toy is thrown against a wall"), she says it is impossible to expect landlords to maintain lead paint intact, or to protect children simply by issuing violations for peeling or flaking paint; anything short of completely eliminating the source of lead is inadequate. In any case, she adds, landlords save money in the long run by correcting violations, and the city would be able to recoup the cost of ERP repairs from them. "We've never seen lead-paint abatement cause abandonment," she says.

Michels aide Simon justifies the proposed modification of Local Law 1 on the grounds that it wasn't intended to force removal of "lead paint 30 layers down," and that the law should concentrate on "maximum danger to children" in order to be enforceable. "Instead of going through 200,000 apartments, go where kids are most at risk," he says. He also believes that treating lead the same way as any other C violation, requiring that it be dealt with within 24 hours, is the wrong approach, as lead abatement is a complicated specialty and the 24-hour mandate would encourage shoddy rush-jobs.

Simon estimates the number of lead-affected children at 25,000 to



30,000, and contends that the city can eliminate lead paint in their homes using current resources. The \$15,000 per apartment cost cited by Shultz and the real-estate industry, he says, is "out of whack," and HPD has "millions unspent" and a \$10 million annual lead-abatement budget that could be used for inspectors, ERP, and in city-owned buildings.

"We have the capability to do a decent lead-abatement program, and frankly, it makes more sense to spend it up front than on liability payments," he says.

Of the nine members of the Council's Housing Committee, which will determine what bill emerges, Billings counts three--Spigner, Antonio

Pagan (D-Manhattan), and Thomas Ognibene (R-Queens)--as a solid pro-real-estate bloc, usually joined by Enoch Williams (D-Brooklyn). Two, Michels and Guillermo Linares (D-Manhattan) are pro-tenant, and Martin Malave-Dilan (D-Brooklyn), Helen Marshall (D-Queens), and David Rosado (D-Bronx) are the swing votes.

HPD opposes the Michels bill on the grounds that it "triggers expensive repairs at too-low levels," says Shultz. Billings accuses the department of "bowing down to the real-estate lobby. 'What tenants need to do,' she says, 'is tell the City Council nothing needs to be done--except enforce the current law.'"

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UNABUMMER

Media Spin on the Bogus "Earth First! Connection" to the Unabomber Reveals Corporate "COINTELPRO" Against Greens
By Bill Weinberg

The coverage of the alleged Earth First! connection to the Unabomber is beginning to take on the distinct whiff of a high-level corporate hatchet job. The *New York Times* on April 8 expended several column inches blaming the Unabomber's slaying of Burson-Marsteller exec Thomas Mosser on Earth First!, pointing out that the Unabomber's writing "seems to parallel" anti-corporate screeds in the *Earth First! Journal*. When Burson-Marsteller is first mentioned, the *Times* writes that the public relations titan was "mistakenly" named by the Unabomber as having been hired by Exxon for spin control after the Valdez accident. Only much later in the article does the *Times* inform us that "Although Exxon was a client, Burson-Marsteller has said it did no work for the firm on the Valdez." We are asked to believe that it is merely coincidental that Exxon's image needed a little doctoring after their tanker had dumped 300,000 barrels of crude into Prince William Sound. Two days later, *Newsday* played an identical trick on its readers, reporting that "Burson-Marsteller...has said it did not work on the Exxon Valdez oil spill in Alaska." Are Burson-Marsteller, the master spin-doctors, being allowed to doctor their own spin?

The Earth First! connection is not even the work of the FBI, but of a private spook named Barry Clausen, who told *Newsday*, "Based on all the information we have, it does appear he [Unabomber suspect Theodore Kaczynski] was a follower of Earth First!" Clausen, whom *Newsday* cites as a "former Seattle private investigator, who now serves as a consultant to businesses," is a hot item on the radical right and "Wise Use" lecture circuit out west. The self-proclaimed former drug runner has built a career on his exploits as an Earth First! infiltrator in the employ of timber, mining and ranching interests. His book *Walking On the Edge*, portraying Earth First! as an "eco-terrorist organization", is published by the Washington Contract Loggers Association of Olympia, WA, and distributed by Merrill Press of Wise Use mastermind Alan Gottlieb.

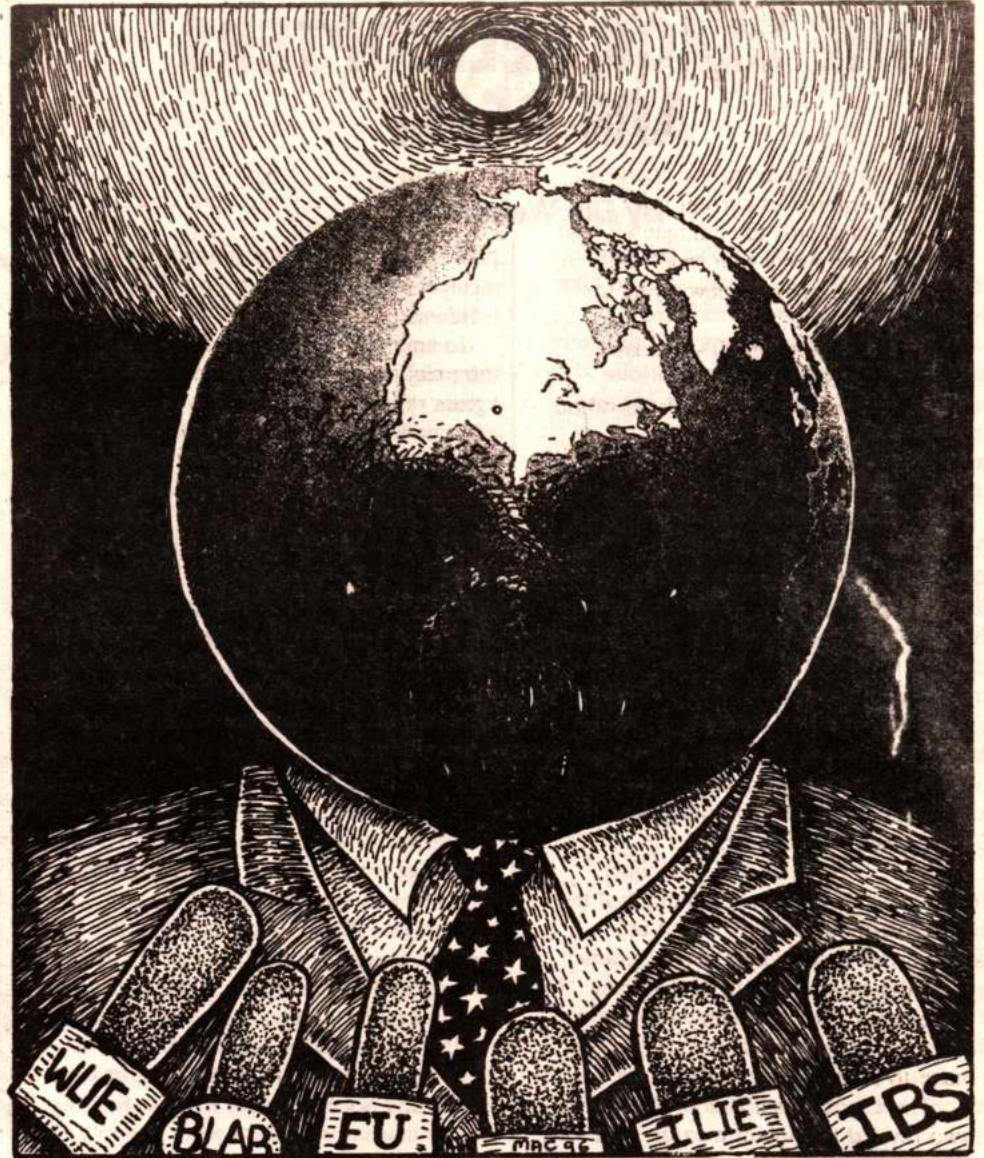
For all the hullabaloo, the closest thing to a concrete link between EF! and the Unabomber suspect that Clausen has been able to come up with is a list of attendees of the November 1994 Native Forest Network Conference held at the University of Montana in Missoula. The list, which Clausen apparently procured through an anonymous "friend in law enforcement", includes both local EF! activists and one "T. Casinski" -- phonetically identical to the Unabomber suspects name.

The good guys and bad guys are pretty neatly reversed in this coverage. Clausen and his anonymous friend are engaged in unaccountable private surveillance of people engaged in above-ground First Amendment protected political organizing. The danger to democracy is less from lone renegades like the Unabomber than from the ongoing privatization of tactics pioneered by the FBI's COINTELPRO twenty years ago.

Further more, the Native Forest Network denies that any "T. Casinski" registered for the 1994 conference. Says NFN co-ordinator Anne Peterman: "This list that Clausen has is a myth. We have the complete list from the conference and Kaczynski's name, in any of its spellings, is not present. This is obviously a Wise Use slander of the Native Forest Network."

The anti-environmentalist Wise Use movement's nerve center is Alan Gottlieb's

MAC MCGILL



Washington State based Center for the Defense of Free Enterprise, whose founding funders include the Northwest timber giants like Pacific Lumber and Boise-Cascade as well as Exxon. Joyce Nelson, author of *Sultans of Sleaze: Public Relations and the Media*, writes that 36 of the corporations that have funded the Wise Use movement in the '90s were Burson-Marsteller clients in the 1980s. The Center for the Defense of Free Enterprise's "Wise Use Agenda" calls for immediate opening of the Arctic National Wildlife Refuge (ANWR) to oil exploitation. The ANWR is adjacent to Exxon's Prudhoe Bay oilfields (source of the crude spilled at Valdez), and the company has long sought to expand their operations into this pristine area. The Agenda also calls for turning operation of the National Parks over to Walt Disney. Burson-Marsteller, hired by the Mexican government to plug NAFTA and currently micro-managing every move of the Mexican regime's public figures, is also a veteran of image-doctoring for Babcock & Wilcox, builders of the failed Three Mile Island nuclear reactor; AH Robbins, producers of the deadly Dalkon Shield IUD; Union Carbide in the wake of the Bhopal disaster; and Hydro-Quebec, builders of the mammoth James Bay power complex on northern Canada's Cree Indian land.

The growing convergence of corporate power and radical-right cowboys in an anti-environmental alliance can be seen in the overlapping connections of men such as Gottlieb and Clausen. Gottlieb is a founder of such militia clearinghouse organizations as the Citizens Committee for the Right to Keep & Bear Arms and the Second Amendment Foundation. He is also a member of the secretive Council for National Policy right-wing think-tank, along with Ollie North, Pat Robinson, Richard Viguerie and Phyllis Schlafly.

Clausen's radical-right connections are even spookier. He co-publishes *Eco-Terrorism Watch* newsletter with one Rogelio A. Maduro, a veteran of editorial work for the Lyndon LaRouche crypto-fascist empire. At an April 1994 speaking gig on countering the eco-terrorist threat in Potlatch, Idaho, Clausen was scheduled to appear with Thomas Carter, a veteran of security at the US embassy in San Salvador, and Dave Chatellier, a veteran of the Pentagon's elite anti-terrorist Delta Force who was recently featured in *Soldier of Fortune* magazine. Following an outcry after a story in the *Spokane Spokesman-Review*, Clausen dropped the two military vets from the speakers' list, and appeared with his usual sidekick Bob Taylor, who runs a security firm contracted by Northwest timber interests. Environmentalists in the Northwest report an escalation of threats and harassment after the Barry Clausen roadshow comes to town.

RECEIVED FROM THE SHADOW'S E-MAIL SITE:

There is growing evidence Dr. Theodore Kaczynski, the Unabomber, was recruited by the CIA while a mathematics major at Harvard University. The Unabomber did not mail any bombs in the U.S. between 1987-1991, therefore, before his identification by the FBI, that agency speculated to the press that he was in prison during those years. However, the *New York Times* reported that according to the Harvard Alumni Bulletin, Dr. Kaczynski's official address in 1990 was in Afghanistan. The U.S. government admitted during opening arguments in the trial of Shiek Omar Abdel Rachman and his associates that the CIA recruited these men and sent them to Afghanistan, where they were schooled in the art and science of making bombs. Did the CIA send Dr. Kaczynski, (not knowing he was the Unabomber) to Afghanistan to build bombs to be used against the invading Soviets, as in the case of the blind Shiek?

--From George Smith

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THE BLACK HELICOPTERS ARE REAL!

By Bill Weinberg

For all of their xenophobic paranoia about United Nations conspiracies to take over America, the militia movement is playing on some fears which are, alas, very real. All those sightings of mysterious unmarked black helicopters, for instance, are not hallucinations. The black helicopters are real. But the enemy isn't the UN, it's Uncle Sam.

That's what Montana tax-resister Calvin Greenup should have realized when an Idaho National Guard chopper swooped down over his ranch last March. He got on the horn to his militia buddies, and within a half-hour some 20 rifle-toting rednecks had arrived to protect his land in the military onslaught that was expected to ensue. But the AH-64 Apache didn't return that day. Officials later said the chopper was on a routine training flight, and overpassed the Greenup ranch by accident.

However, the local Ravalli County Sheriff's Department, upon hearing of the militia gathering at the Greenup ranch, mobilized its own forces and Cal's fears nearly became a self-fulfilling prophecy. All it would have taken was one itchy trigger finger.

Militia members also went to the home of the local federal marshal in Darby, MT. Both sides knew how close to the edge they were. A militia statement in response to the incident read, "Only by exposing these despotic, degenerate maggots to the general public will we be able to live in America without having the New World Order shoved down our throats." Responded Ravalli Sheriff Jay Printz, "They're forcing bad to happen. They're really trying to force it."

Greenup had long been expecting the authorities to serve him a warrant for back taxes, an illegal landfill and an unlicensed elk farm on his property. But more than once, the local militia have scrambled for their guns upon hearing reports of military movements along the Canadian border only to find that instead of invading UN troops, it was the National Guard on joint maneuvers with the INS (immigration and Naturalization Service), Border Patrol and DEA (Drug Enforcement Administration). The threat to Constitutional rights is real. But it is coming not from foreign conspiracies, but from Washington's own War on Drugs.

Last August, the US Military Task Force joined the DEA and Oklahoma state agents, including the National Guard, with two black helicopters for a marijuana raid on an ordinary house trailer in Tulsa County. The raid went wrong when one of the choppers flew into a power line and went down in a ball of flames, killing the

pilot. If not for the fatal mishap, the incident might not have even made local headlines.

In another Oklahoma marijuana raid just the previous month, state and federal agents rappelled from a military helicopter into thickets along the banks of the Red River. Scores of uprooted plants were taken to the Idabel National Guard Armory to be destroyed.

Such military participation in drug raids, legally questionable under the Posse Comitatus Act, which bars the military from participating in domestic law enforcement, is becoming routine.

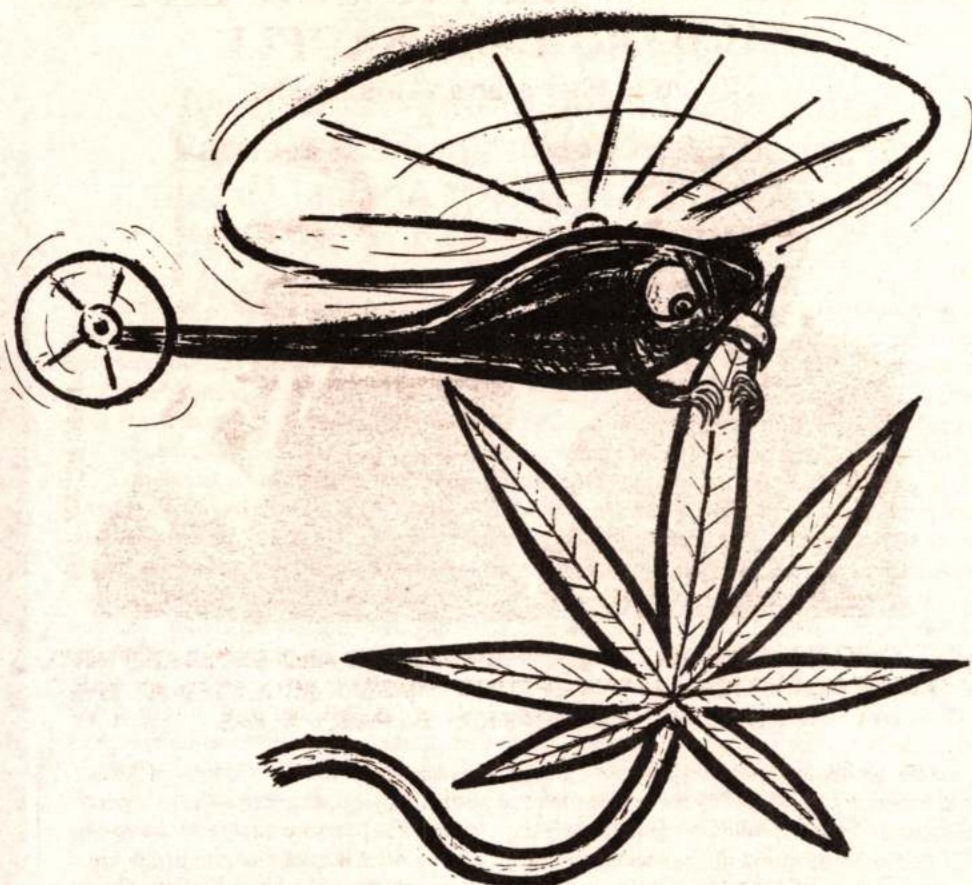
The Defense Department will spend more than \$720 million on domestic counter-narcotics operations this year, and millions more on other assistance to civilian law enforcement. The Pentagon says federal law allows the military to aid civilian police as long as troops do not perform arrests, searches, seizures or other direct constabulary duties. But it appears that in the post-Cold War order, as the vast US military machine begins to pull back its overseas tentacles, the war is coming home.

The chief military anti-drug unit, Joint Task Force 6, based at Fort Bliss, Texas, includes 50 Special Forces troops who train civilian law enforcement agents from around the nation. Just before the Branch Davidian raid in Waco, Texas, in April 1993, ten of these troops gave federal agents urban combat training at nearby Fort Hood, TX.

The Army National Guard's marijuana control program has been providing military helicopters, usually black and sometimes unmarked, to local law enforcement coast-to-coast since the big 1988 federal anti-drug legislation. Up to 90 percent of state National Guard anti-drug budgets come from the Pentagon.

Most of the US casualties in Operation Desert Storm came from friendly fire and military accidents, and such snafus are also taking their toll as the domestic Drug War is militarized. Last August, a New York National Guard UH1 chopper on a training mission crashed into the Hudson River just off the Bronx. The pilot managed to swim to safety.

In December, a marijuana charge against Michigan farmer Joseph Astro was dismissed by Judge Terrence Bronson, who found that authorities raided his house to cover for a helicopter mishap which had destroyed Astro's greenhouse. After their rotor blades got entangled in the greenhouse's plastic roof, the joint federal-county drug task force searched Astro's residence, and found a small quantity of marijuana in a room he rented



SCOTT CUNNINGHAM

to a tenant. Astro is still seeking \$500,000 in compensation, one buck for each of his tomato and pepper plants destroyed in the accident.

California's Placer County has just unveiled a new all-volunteer air squadron armed with a 35-foot turbine Bell helicopter donated by the US military for marijuana eradication, perhaps an effort to co-opt local weekend warrior types into law enforcement instead of outlaw militia activities.

Whose side will the militias ultimately be on? Last year, Northern California militia leader Dean Compton put out a national call for the militias to shut down the Mexican border and turn back the migrants in February. But the White House took the wind out of his sails by ordering the National Guard to do essentially the same thing, and military maneuvers along the Rio Grande continue as **THE SHADOW** goes to press. Violent vigilante attacks on Mexican migrants, including killings and kidnappings, are escalating along the southern border, and the government is capitulating to these elements in order to keep them under control. So, to an extent, even under the demonized liberal Bill Clinton, the far right is already calling the shots in this country.

Anti-drug efforts are also part of the border militarization, and even the liberals are going along. "The Mexican border has become a sieve," says California Democrat Sen. Diane Feinstein, applauding beefed-up helicopter surveillance between Tijuana and San Diego. "It's going to take a lot more money, inspectors, equipment and review. We can't just try to patch things."

And the same enemy, the US Drug War, is also facing Mexicans south of the Rio Grande. In 1994's counterinsurgency war on the Zapatista rebels in Mexico's southern state of Chiapas, the government used DEA-supplied helicopters earmarked for anti-drug operations.

Militant (not to say militaristic) citizen vigilance is indeed needed to protect our Constitutional rights, as well as the human rights of immigrants (legal or not). The use of unmarked black helicopters and military troops and tactics in domestic law enforcement is absolutely inimical to the democratic values the USA was ostensibly founded on. The question is whether the grassroots resistance will ultimately be bought off by the very police state it is ostensibly opposing, and manipulated into an orgy of divide-and-conquer racism while the real political criminals laugh all the way to the bank.

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NOWHERE MAN: THE STRANGE LIFE OF RICHARD CASE NAGELL

By John Harris and Chris Flash



RICHARD CASE NAGELL (Right), HANDCUFFED AND BEING LED INTO FEDERAL CUSTODY AFTER GETTING HIMSELF ARRESTED AT THE STATE NATIONAL BANK IN EL PASO, TEXAS

One of the last and perhaps most important witnesses in the web of intrigues, plots, and counterplots leading up to, and culminating in the assassination of President John Fitzgerald Kennedy, is dead. The enigmatic Richard Case Nagell -- focus of the book *The Man Who Knew Too Much* by Dick Russell (Carroll & Graf) -- was found dead in his home in the Echo Park suburb of Los Angeles on November 1, 1995. An autopsy performed by the L.A. County Coroner's office determined that Nagell had died of a heart attack.

According to an article published in the March 1996 issue of *High Times* Magazine, also written by Dick Russell, the Assassination Records Review Board (ARRB), had mailed Nagell a letter only a day before his already decomposing body was discovered by his landlord.

Russell says that the ARRB sought documentation, which Nagell claimed to possess, concerning the conspiracy to assassinate JFK. A month before Nagell's death, ARRB members decided to pursue Nagell's private files and subpoena him to testify after hearing Russell's testimony before them. After Nagell's death, the ARRB subpoenaed records that he may have had in his house and even sent an investigator to Los Angeles to examine them. It is unknown what, if anything, was discovered and/or removed from Nagell's house by the ARRB investigator.

Though ignored by the Warren Commission, which was set up by President Lyndon Johnson to supersede other Congressional and Senate committees organized to investigate the JFK assassination, Richard Case Nagell was a subject of interest to the AARB. However, like countless other witnesses who were sought for testimony about what they knew in the JFK assassination, Nagell was suddenly dead.

(Created as a response to the public outcry over director Oliver Stone's 1992 movie *JFK*, the AARB was mandated by Congress under the JFK Records Act of 1992 to review for public release secret documents pertaining to the JFK assassination as they are released by government agencies such as the FBI, CIA, the Department of Defense, etc., and deposit them in the National Archives. The AARB's mandate will expire in 1997.)

In *High Times*, Russell cites San Diego researcher Noel Twyman, who spoke with Nagell twice in the months before his death, to the effect that Nagell expressed a renewed fear for his life. According to Twyman, Nagell said that his private files were in safekeeping and that individuals still alive would be greatly embarrassed in the event the materials in them were revealed.

The strange story of Richard Case Nagell begins (or ends?) on the afternoon of September 20, 1963. According to *The Man Who Knew Too Much*, on that date, Nagell walked into the State National Bank in El Paso, Texas, approached a teller's window and asked for \$100 in American Express travelers checks. As the teller placed the checks on the counter, Nagell made no attempt to pick them up. Instead, he drew out a Colt .45 revolver and fired two shots into a plaster wall just below the bank ceiling. He then stepped outside and calmly awaited the arrival of the law. When a policeman finally showed up, Nagell reportedly told him, "I guess you got me, I surrender." The young officer put the cuffs on him and led him back into the bank. As the cop led his prisoner away, Nagell reportedly yelled, "Capitalist swine!"

Years later, the arresting officer, Jim Brundren, told Dick Russell, "I was sitting next to Nagell at one of his preliminary hearings. I don't remember the exact date, but I know it was before the Kennedy Assassination. Nagell looked over at me and said, 'You're a pretty good cop, aren't you? You know, if I didn't want you to, you'd never have caught me.'"

"I said, 'you didn't really want to rob that bank, did you?' [Brundren recounted.] He just looked at me for a minute. He's got that look that's unusual, the penetrating eyes, that scar down one side of his face, and he said, 'What makes you say that?'"

"I said, 'I saw the shots you fired in the bank. With your army training and everything, I just felt like maybe it was some kind of diversionary tactic.'"

"Nagell just smiled and said 'Well I'm glad you caught me. I really don't want to be in Dallas.'"

"I said, 'What do you mean by that?' 'You'll see soon enough,' he said."

Richard Case Nagell enlisted in the army on his eighteenth birthday in 1948. His army career led him to work in S-2, which may have been his first brush with intelligence work. He had a talent for languages, studying Russian at Fort Bragg while taking an extension course at the university of California in Mandarin Chinese. He ended up in a unit, with two South Koreans, which monitored Chinese technical broadcasts.

Nagell was shipped out to South Korea in the fall of 1951. He began to distinguish himself immediately, seeing action on some 175 battle patrols and being the recipient of various service medals, including the Bronze Star. He was wounded on three separate occasions and proved himself a distinguished officer. He ascended through the ranks from private to captain.

On July 1, 1954, Nagell was assigned to the Counter Intelligence Corps (CIC), whose scope, as Nagell explained at his El Paso trial in 1964, was "to investigate any matters relating to treason, subversion, espionage, disaffection, that might be taking place within the military establishment or that might be conducted by civilians which are employed by the corporations, factories or concerns that are under military contract. That is their primary mission. And overseas, when they are overseas, they have police powers...in fact, overseas, they are just like the FBI in some ways."

On November 28, 1954, Nagell was flying back to Fort Holabird in a B-25 bomber. Because of poor weather conditions, the plane miscalculated its approach, struck the top of a steep hill, ripped through some trees and then fell apart on the ground. Nagell was the only survivor, despite suffering a severely fractured jaw, a skull fracture and a severe concussion which left a depression on the left side of his head. Still, he seemed to suffer no permanent neurological damage. He was given a thorough psychiatric evaluation and cleared of any possible "personality changes" caused by his injuries. In May 1955, he returned to his duties at the CIC intelligence training center.

At this point, his intelligence connections took a sinister turn. He was recruited by the CIA as an informant, keeping tabs on military intelligence activities. He was also assigned to the nefarious FOI (Field Operations Intelligence). FOI was the military arm of the CIA. Highly secretive, FOI basically performed "Black Op" assignments, including assassination. Eventually, he transferred back to Tokyo.

It was about this time that Oswald entered the picture. Nagell and Oswald were both in Japan at the same time from late 1957 through mid 1958: Nagell in Tokyo, Oswald at Atsugi Air Force Base. They both seem to have been going through the process of being prepared for some future circumstance.

There are other similarities between

Even though the L.A. coroner's office has certified the death of Richard Nagell as the result of a heart attack, his death has a sickening ring of déjà vu. Many key witnesses to events before, during and after the JFK assassination have been found dead just before they were due to testify or talk about what they knew. Some of the more interesting dead witnesses include:

David Ferrie: A member of the right-wing circle of people surrounding Oswald in New Orleans; military trainer of anti-Castro Cubans; found dead of a cerebral hemorrhage in his home after agreeing to co-operate with District Attorney Jim Garrison's investigation into the JFK assassination.

David Morales: Suspected JFK shooter; underling of Ted Shackley; drinking buddy of mafioso John Roselli; agreed to preliminary interview with Gaeton Fonzi, investigator for House Select Committee on Assassinations (HSCA), after he was heard to say "we got that bastard in Dallas"; found dead of a "slow moving" heart attack in New Mexico.

Sam Giancana: Mafia crime boss who controlled Chicago, with interests in Los Angeles and Las Vegas; murdered weeks before his testimony was due before the HSCA.

John Roselli: Mafia representative of Giancana; his HSCA testimony revealed covert Mafia-CIA efforts to kill Fidel Castro; before he could testify

Nagell and Oswald. Both men came under scrutiny for insubordinate actions against their superiors. They may both have become double agents for the Soviets. And they both seemed to evince genuine leftist leanings. It was during this time that Nagell attended a meeting which included Oswald and a Dr. Chikao Fujisawa, in which plans for a possible Soviet defector were discussed.

Nagell returned to the USA on July 15, 1958. He had taken a Japanese bride, Mitsuko Takhashi, and settled in Los Angeles. Oswald was about to embark upon his double-agent adventure in the Soviet Union. It was about this time that Nagell, as he would relate to friends, began doubling for the Soviets. On August 31, 1959, he resigned from the army. Two weeks before, Oswald had requested discharge from the marines as a hardship case. Nagell was soon employed by the California Department of Beverage Control. He also began a pattern of intermittently seeking psychiatric help from the Veterans Administration, perhaps to alleviate some of the marital problems he was having, or more curiously as part of some sheep dipping scheme to pass himself off to the Soviets as a disgruntled, unhappy agent, ready to be "turned" by the Soviets. He was to check himself into various institutions several times in the next couple of years. This would ultimately work against him in affecting his credibility as an assassination witness in the years to come. On June 8, 1962, Nagell was fired from his job for "unsatisfactory performance." He continued his working relationship with the CIA throughout this time.

According to *The Man Who Knew Too Much*, in late summer 1962, Nagell was in Mexico City, part of a cast of characters revolving around a mysterious spy hangout called the Hotel Luma. It was around this time that he was assigned to penetrate Soviet intelligence

See NAGELL On Page 13

further, his body was dismembered and found stuffed in a sealed barrel that washed up on a beach.

George deMorenschildt: Russian aristocrat and Nazi spy; connected with the intelligence community; befriended the Oswalds as they returned to the U.S. from the Soviet Union; allegedly shot himself to death just after an interview with author Edward Jay Epstein on the very day that Gaeton Fonzi was to interview him for the HSCA.

In light of these and countless other deaths of JFK assassination witnesses, we must wonder if the AARB is just another cleansing device designed to tie up remaining loose ends and eliminate those still willing to talk 30 years after the assassination. If its mandate is to review JFK assassination records released by government agencies, then why did the AARB subpoena Nagell's records after failing to get his testimony? What did they remove from his house? And how many other remaining witnesses been exposed to potential extermination? Stay tuned -- we have not heard the last of Richard Case Nagell.



ON GOGOL BOULEVARD

By Neither East Nor West

On Gogol Boulevard (OGB) is a news service and update produced by NYC Neither East Nor West, networking alternative opposition groups in the West and former East Bloc, printing news, documents and materials from former Communist countries unavailable in the corporate or "left" media. Incorporating struggles in the "Third" and "Fourth" (land-based indigenous peoples) worlds, with a focus on groups with anti-authoritarian and anti-Stalinist perspectives, OGB is not for anarchists only. OGB is interested in all things promoting freedom: workers'/womens'/minority/gay rights, environmental/self-determination/anti-militarist issues—any struggle pursuing paths outside capitalist and state bureaucratic models. We invite all those with similar perspectives to contribute to *The SHADOW's* OGB section. Please send letters, reports, documents, debates, graphics, photos, etc. directly to OGB at: OGB/NENW-NYC, 528 Fifth Street, Brooklyn, NY 11215.



NYC SQUATTERS & HUMAN RIGHTS ACTIVISTS PROTEST CZECH MISSION IN SUPPORT OF PRAGUE SQUATTERS

By the On Gogol Boulevard News Service

On February 8, squatters from Manhattan's Lower East Side and the activist group Neither East Nor West held a protest at the Czech mission to the UN in support of the Ladronka squatters in Prague. Just as New York's squatters on East 13th Street face the threat of eviction and police raids under the gentrification regime of Mayor Rudolph Giuliani, Czech squatters are threatened with removal by the new gentrification regime of former communist bureaucrats turned capitalist entrepreneurs.

A group of young people associated with the Prague alternative magazine *Autonomy* moved into the 17th century farmhouse at Ladronka, just outside the city, in September 1993, and declared an "autonomous cultural center". Since then, they have established at the house an "Infocaf" featuring video and film presentations, a reading room stocked with alternative publications and environmental and anti-fascist literature, a music rehearsal studio and concert hall, a photo gallery, and lodging space to accommodate young people travelling from abroad.

The first raid on Ladronka took

place in February 1994 at the command of the Prague Council. The Trade Company, the official administrator of the Ladronka site, hopes to develop the building into a tourist hotel. The Trade Company has close connections to members of the Prague Council. The Ladronka squatters were given a month to vacate the building. However, protests and petitions caused the Council to back down, and the deadline passed without incident.

The next raid, in January 1995, was a heavy-handed police action reminiscent of communist police raids on pro-democracy activists in November 1989. 15 patrol cars descended on Ladronka and police thoroughly searched the premises, videotaping everything. Eight squatters were arrested for small-quantity cannabis possession and other minor charges. *Autonomy* editorial collective member Amost Novack was interrogated by the special "anti-extremist" police.

Further action was delayed by the Trade Company's problems in financing the hotel development. But the company now says they hope to begin the development in the spring of 1996, and that if the Ladronka squatters don't leave, "they will be forcibly removed." Furthermore, a new law passed in Prague mandates a two-year prison term against anyone who squats a vacant property. The Pilsner beer company is said to be considering investing in the Ladronka development scheme.

Neither East Nor West and New York squatters are prepared to offer further solidarity to the Ladronka Autonomous Cultural Center should authorities move to evict. The demonstration on February 8 drew more than its share of police—dozens for only 20 demonstrators—and the mission was surrounded by blue barricades. The action was covered by Czech State Radio.

EX-YUGO PEACE OPPOSITION GOES CYBER

By Ivo Skoric

"The media were used to turn people against each other." That's what Eric Bachman, system operator of the new Zamir Transnational Net (ZTN), an electronic link that connects antiwar activists in the former Yugoslav republics, told Germany's *Die Zeit* newspaper. "We are building up a medium that brings people together." Zamir means "for peace" in Serbo-Croatian, the language of what was once Yugoslavia. Before Yugoslavia's violent collapse in 1990, youth in each of the country's six republics fought each other in soccer stadiums, listened to the same music (British), watched the same movies (American), smoked the same hash (Moroccan) and hated the same system (Communist). Rock bands from Serbia and Bosnia filled stadiums in Croatia and Slovenia, and vice versa. But this natural bonding among youth was discouraged by the top brass of the army and Communist Party, who considered rock'n'roll too Western, American and decadent. They hated the idea of letting anybody escape their ideological control. In the late 1980s, the official ideology abruptly switched from Yugoslav Communism to the Serbian, Croatian, Bosnian and Slovenian nationalism which had been taboo under the old regime. The ancient nationalist flags and popular nationalist songs (mostly left over from the Nazi period) became new symbols of patriotism as ex-Communist politicians promised to dismantle Communism while blaming the "other side" for Yugoslavia's economic decline. War became inevitable.

The key to the politicians' success was communication—or, more precisely, the lack of it. The formerly Communist-controlled media in each republic came under the control of born-again nationalists. Independent, alternative-media magazines and low-power FM stations were confiscated by the police if they tried to cross republic lines. Reading newspapers from other republics came to be viewed as unpatriotic. Finally, just before the war started, the Serbian and Croatian governments shut down all communication between the two nations and sealed the borders. The telephone lines in Bosnia-Herzegovina were destroyed when the war spread there in 1991. With the disruption of the postal system, local antiwar and human-rights organizations suddenly found themselves isolated from each other and the outside world. Then, in early 1992, the Communications Aid Project for Former Yugoslavia was initiated by international peace groups, together with local groups like Croatia's Anti-War Campaign and Serbia's Center for Anti-War Action. Modems were distributed and the ZTN was launched. Activists in Croatia, Serbia and Bosnia can now talk over the Internet, with the signal routed through Austria, Germany or Britain.

Thanks to ZTN, nationalist dictators have lost their power to prevent communication beyond the borders of their police states. Now independent pro-peace media like Croatia's *Arkzin* and Serbia's *Vreme* publish their electronic editions on ZTN and are read by the "other side." Bosnian refugees in San Francisco have e-mailed contacts back home and traced lost relatives. When Serbian authorities imposed their own directors on the Belgrade newspaper *Borba* in 1994, the ousted

journalists gave the world their side of the story on ZTN. When Kosevo Hospital in Sarajevo, the besieged Bosnian capital, was in desperate need of antibiotics last year, it issued an appeal via the network and international volunteers got the medicine through. When 10 opposition activists from Split were arrested by Croatian authorities and beaten in prison in 1993, supporters sent out daily reports via the Net. The beatings stopped.

In 1992 a group of young people barricaded themselves in a local bar called the Zitzer Club in the small village of Tresnjavac in northern Serbia, refusing to be drafted for the war in Bosnia. As the Serbian army surrounded the village, they declared independence and sovereignty, assuming the name Zitzer Spiritual Republic in a parody of the ultranationalism sweeping the region ("zitzer" is a local term for a good pool shot). Their anthem was Ravel's Bolero and their coat of arms was a pizza pie surrounded by three pool balls. Peace activists across the border in Hungary spread the word through the Internet, and a New York group, Neither East Nor West, organized a benefit concert in CBGB in November 1993 to raise funds to get the Zitzer draft resisters their own computer. Today the "republic" is on-line at

zsr@ZaMir-bg.ztn.zer.de. One of the main sponsors of the network is international financial mogul George Soros' Open Society Institute, which also funds several alternative and independent media in the region, such as *Arkzin* and *Vreme*, and has poured war-reconstruction money into Bosnia. The Soros agenda mystifies many observers. After quietly funding pro-democracy movements in the Communist world for years, he has recently launched his first political project in the West—the New York-based Lindesmith Center, dedicated to challenging America's War on Drugs (Interview, Oct. "95" *High Times*). Former Yugoslavia is just a part of Soros' financial-aid involvement in ex-Communist Europe. As he likes to put it: "Now they don't call it the Soviet empire any more, they call it the Soros empire."

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In the aftermath of Bill Kunstler's death last September, his partner Ron Kuby has been busy keeping up the good fight that he and Bill fought together. This March 26 interview with SHADOW editors A. Kronstadt and Chris Flash found Ron just finishing a television interview with *Date Line* about his multimillion dollar lawsuit against subway vigilante Bernhard Goetz, while simultaneously trying to obtain a sound permit for Racial Justice Day, taking place two days later at City Hall.

SHADOW: You're not the relaxed Ron Kuby we've known so well over the years.

Kuby: When Bill died, unfortunately all of the oppression that he spent his life fighting didn't die with him. I've moved to this [new] office here with Rabinowitz and Boudin; it's a great group of lawyers—they represent the government of Cuba and worked with me defending conscientious objectors. I have two associates now -- Dan Perez, an NYU graduate who was one of Kunstler's and my last law students. He came in to try a case with Bill when he was a law student and stayed on.

My other associate is Eve Rosahn. Eve came to me through Dr. Allen Berkman [who was jailed on weapons and explosives charges in the 1980s]. I was looking for somebody who really wanted to do this kind of work, so it was a perfect match. She started in February. And Eve, though she may be embarrassed to admit it...[to Ms. Rosahn] you were in jail...

Rosahn: 16 months...

Kuby: ...16 months for refusing to testify in front of a federal grand jury investigating politically motivated bombings. So she's a great asset to this office because people always want to know "How can I trust this lawyer? How do I know this lawyer isn't gonna sell me out?" Well, we know *she's* not because she spent 16 months [in jail] rather than say anything!

Rosahn: [Pointing to Kuby] We're not so sure about *him*!

MIKE SCHAFER



SHADOW: What was the most immediate thing that you and the law firm had to deal with in the aftermath of Bill's death?

Kuby: Bill and I had about 200 active open cases, all of which required work. People were sympathetic, but sympathy only carries so far. Their lives and liberty were on the line, so it was a matter of dealing with what had to be dealt with immediately, adjourning what could be adjourned, and thankfully Dan came on board and started digging us out.

Even when Bill was healthy and working at full capacity, we had too much work to do. Most of it didn't pay anything. If we got a few thousand dollars ahead, we would pronounce ourselves rich and not take any more fee-paying cases until the bank balance hit zero.

SHADOW: Do you feel that you have resolved these cases to your satisfaction?

Kuby: About 3/4 of what was open at the time that Bill died six months ago has been dealt with; another 25% needs to be dealt with.

SHADOW: What sort of cases are you dealing with these days?

Kuby: We're getting ready to go to trial on the Bernhard Goetz case on April

8th--Cabey versus Goetz. [Darrell Cabey was the most seriously wounded of the three men that Goetz shot in the subway in 1985].

I've been dealing with the Scoon case, which involves a Black couple who have been subjected to allegations of child abuse. The hospital wanted to take their infant off the respirator, so I ended up in the unusual company of Cardinal O'Connor. Somebody said to me, "What does it mean when the New York State Right to Life Committee, Ron Kuby, Cardinal O'Connor, and Agudath Israel, the right-wing Orthodox Jewish group, are all on the same side?" Well, one thing it means is that we *win*! As to that legal battle, we did prevail.

I was also with the people from the National Congress of Puerto Rican Rights and the Committee Against Anti-Asian violence when they took over [Brooklyn District Attorney] Charles Hynes' office last week to protest killings by the police.

SHADOW: And also Spencer Tunick.

Kuby: Spencer Tunick is a constant source of nonremunerative legal work. He's the one who takes pictures of nudes on the streets of New York; I'm helping to represent an ex-employee of SPIN magazine who's suing Bob Guccione Jr. for sexual harassment; I've got another young fellow -- soon to be a lawyer actually -- who got arrested for allegedly purchasing a loose joint in Washington Square Park and went through the system; I have a couple of other police brutality suits; I'm also getting ready to file the brief in the Wayne Williams case, the so-called "Atlanta Child Murders" case.

SHADOW: After all these years, you're the only chance he has for getting justice. What do you expect to happen with that?

Kuby: I expect we'll get a new trial.

SHADOW: Will the Klan's participation in the murders be brought out?

Kuby: Well, that depends on whether or not they decide to retry him. If they do, all of the evidence about Klan involvement that was suppressed should come out. It's a little old at this point, but it's new in the sense that it was never presented to the jury.

It's an amazing case for the amount of evidence that was concealed. What happened was a little complicated given the racial situation in Atlanta at the time and given the fear that people had of a race war with Blacks and Whites both arming themselves. That's why they kept this Klan info on such a tight leash.

We're not talking about rumors of Klan involvement, we're talking specific evidence. Somebody claims to have witnessed an interaction between one of the young men who ended up murdered and a Klansman; and a specific threat -- taped conversations talking about getting another little kid. This was a very sophisticated investigation that had gone very far, but when Wayne

Williams came along, it was too good to be true. I don't think people consciously framed him; I just think people saw what they really wanted to see. To have a Black man as the killer of Atlanta's children, it solved everybody's problems, except of course, the murders.

SHADOW: When did you first become politically aware? When did you first decide you wanted to become a lawyer?

Kuby: I remember some milestones in my life. One was the Vietnam war. I was very young then. I'm 39 now. A lot of my friends had older brothers and sisters who were active in the anti-war movement. All of that was trickling down into the junior high schools. Finally, when I was in ninth grade, three of us put out an underground newspaper. It was one of those old hand-cranked jobs--remember the Gestetner [mimeograph]? We talked about issues that were important...

It was called the *Raven*. The response we got, the controversies we created! Suddenly, this newspaper was like a tool of political power at Roosevelt Junior High School in the ninth grade in Cleveland Ohio. That was a moment when I realized that I was political. Another moment came a couple of months later when I got picked up by the police who received information -- *good* information -- that I was supposed to be carrying LSD. And indeed I was *supposed* to be carrying LSD. What the cops didn't know because their information was a little stale was that at the place that I was going to score, there had been a fight and they had closed down for the afternoon, so my connection had split. This was in 1970.

So I came back home muttering under my breath, cursing the injustice of life. The one day I'm gonna finally score some acid! And I'm walking into the lobby of my apartment building and behind me there are these two big white guys with badges and guns. This was in the bad old days before there were clear limits on search and seizure as it applied to the cops. The law was not particularly favorable at this point. It actually got a lot better in the 1970s before it started to get worse again. What I got was searched, patted down, pockets emptied. Then I went through strip search and then a body cavity search. Nobody said "you're under arrest," I was picked up. There were no legal niceties; it was "come with us, get in the car." They were furious because they knew I was supposed to have this acid. They were really pissed that they didn't find what they were looking for.

As funny as this story is now, to be a 14-year old boy in police custody who has just been whisked off the face of the earth as far as anybody knows, bending over naked and having a cop looking up your asshole; it was not a particularly pleasant or soothing experience.

SHADOW: Did that affect your legal career?

Kuby: Not at 14. It's like doing these pot cases in Manhattan Criminal Court. I don't know how many judges get high, but I know how many I've *seen* get high. I can only assume that I haven't seen them all get high, so I think that there are a bunch of them who have at least smoked pot at one time or another in their lives.

SHADOW: What generally happens with these pot cases in Manhattan courts?

Kuby: It's usually a dismissal. It depends on who the person is and what they have at stake. Usually, I just tell people

See DOWN BY LAW On Page 21



JACK DAWKINS

Well, here we are again!! Reports coming in to Kop Watch indicate that cops, in their ever vigilant fight against "crime," are going after "quality of life" crimes more than ever. Instead of merely ticketing "offenders," cops are now making arrests and putting people through the system for these victimless "crimes!!" NYPD commissioner Bratton announced this plan just before he was booted by control freak Mayor Giuliani. So, let's see: higher arrest figures must mean that crime is down, right? Talk about cooking the books!!

Locally, on the Lower East Side, cops have been aggressively busting pot heads. At one smoke shop located on First Avenue between First and Third Streets, cops in an unmarked van have been jumping and busting customers as they exit the store with nickel or dime bags. When the store owner was told about this, he only said "it's a matter of time before they get us." Meanwhile, in Tompkins Square Park, plainclothes cops have been busting people for drinking beers and smoking pot.

On April 15, several skateboarders near the park were hassled, with one beaten and arrested by nine 9th precinct cops. When they went to the precinct to complain about the beating, the cop who did the beating shouted: "Arrest them!!" With that, his buddies beat, stomped and arrested two more skateboarders. The others got away. 72 hours later, those arrested were released, charged with "Obstruction of Governmental Administration," a typical bullshit charge (like "Disorderly Conduct") when cops have nothing real to charge someone with. So much for the 24 hour law!!

If indeed the crime rates in New York City and nationwide are decreasing as cops are claiming, and if indeed that decrease results from an increase in cop aggressiveness, the decrease comes at the expense of incidents like the ones that follow. The info gathered in Kop Watch News Clips is gathered from a wide variety of sources, from the New York Times to the Black press to the Internet. It represents only a fraction of what cops have been doing; ten reports of police shootings, misuse of firearms, constitutional violations, and incidents of racial bias had to be culled through to obtain any one of these news briefs. (Special thanks to Juli Kempner and Bob Witaneck for info gathering):

On January 20, 1996, Leonard Lawton was shot in the face by Officer Francisco Vargas at the Polo Grounds Houses, the uptown Manhattan housing project where Lawton was a resident. The cop claimed that he shot Lawton when he saw him reach into his waistband, though project residents claim to have seen him with his hands up when Vargas fired. No gun was found on Lawton's body.

On December 12, 1995, Transit Police officer Jose Padilla and Auxiliary Police officer Orlando Suarez were arrested for stealing \$10,000 after being caught in a sting operation that began with an anonymous tip of an apartment being used to prepare drugs for sale and store money. Padilla and Suarez were observed breaking into the apartment illegally and carrying the money to a car.

On January 17, 1996, New York City police officers Hilton Velez and Bienveni Rodriguez were arraigned on burglary and drug charges for having allegedly stolen \$10,000 and two kilograms of phony cocaine from an East New York apartment being used in a sting operation. Although Velez and Rodriguez worked out of the 75th Precinct,



which was the scene of a highly publicized corruption scandal investigated by the Mollen Commission, it does not appear that these two cops were involved in the earlier scandal. A civilian NYPD employee was also charged. At the time of his arrest Officer Velez was already on limited assignment as a result of being accused of exposing himself to a young woman.

On January 24, 1996, a Brooklyn grand jury declined to indict Stephen Buffalo for shooting off-duty New York City police officer Rodney Bishop, concluding from 911 tapes that Buffalo shot the cop in self-defense. Bishop had confronted Buffalo in the apartment of the officer's ex-girlfriend, and the 911 tape indicated that Buffalo had reason to fear for his life in a love triangle that turned violent.

Officer Salvatore Vitale of the 17th Precinct was placed on modified duty after having struck and killed an 87 year old pedestrian while backing up a police van on 1st Avenue near 49th Street in Manhattan on February 19, 1996. The incident took place in broad daylight.

On January 10, 1996, police raided the home of Onika Denny, daughter of Egan and Patricia Johnson of East New York. Thirteen cops with shotguns broke through the door and ransacked the apartment, finding neither guns nor drugs. Almost identical raids were conducted on four apartments at 2025 Regent Place in Flatbush on January 18, 1996. On that date, the apartments of Susie Jimerson and Augustina Henry were broken into without search warrants. The tenants were handcuffed and the contents of the apartments were destroyed.

On February 11, 1996, Lebert Folkes, Jr. of Far Rockaway, Queens, was shot in the face by police in an incident involving a parked car that had been reported stolen by his sister but had already been reported recovered. The car had disappeared on January 15 but was returned the next day, and despite three calls by Folkes' sister to the cops, the car had been kept on record as missing. Folkes was sitting in the car in front of his house when two plainclothes officers ordered him to get out. Folkes replied, "I didn't do anything, I live here," whereupon the cops threw him on the ground. Neighbors then heard a gunshot.

On February 15, 1996, the Daily News reported that the neck fracture suffered by a Queens man who died in a struggle with the cops proved that he had been strangled and did not die from a pepper-spray induced asthma attack, according to a pathologist. A city medical examiner had failed to identify the fracture. It now suggests that Mohamed Assassa's neck was forcibly compressed long enough to kill him on December 7, 1995, at his Forest Hills home. Assassa's

wife had called police to report that he was violating an order of protection, and the police had placed him in a choke hold.

New York City Police Commissioner William Bratton was forced to apologize on February 7, 1996 for detectives who had compelled two youths to get in their unmarked cop car and accompany them to the police station to participate as "fillers" in a line-up. Shaka King and Keith Cherry, both 15, were stopped at 96th Street and Broadway and offered ten dollars to participate in the line-up. When they declined, they were forced to enter the car and held for two hours at the 24th Precinct station house. The young men's parents had not been contacted by police to obtain their permission.

Officer Albert J. Melino, an cop lauded in 1995 by the Manhattan District Attorney's office for busting a major drug gang, was himself arrested on February 14 for selling cocaine to undercover police officers.

On February 16, Reverend Ruben Diaz resigned from the Civilian Complaint Review Board after accusations that he tried to coerce a man into voting for his son inside a polling place during a special election. Diaz, a fundamentalist minister appointed to the CCRB by Mayor Rudolph Giuliani, had long been under fire for his outspoken anti-gay bias.

An off-duty police officer fatally shot himself in the head with his service revolver on St. Patrick's Day Eve in the middle of a crowded concert in Manhattan. Officer Christopher Gargan of Merrick, Long Island was visibly intoxicated when told by a security guard to conceal the weapon which he was displaying openly at the concert by the Irish nationalist rock band Black 47. Gargan responded by placing the 9-mm revolver to his head and pulling the trigger. Fragments of the bullet wounded two bystanders seriously enough to require surgery.

The American Civil Liberties Union asked state and federal officials Wednesday to overhaul methods of testing police weapons and to stop using a brand of pepper spray in the wake of an FBI agent's admission in Federal Court that he took \$57,500 from the spray's manufacturer as he conducted research that eventually endorsed its use. According to the Justice Department, Special Agent Thomas Ward was receiving about \$5,000 a month starting in 1989 from Lucky Police Products, the company that then made the incapacitating agent Cap-Stun. At the same time, Ward was the FBI's foremost expert in the use and effects of pepper spray, and based on his research, the FBI decided to purchase Cap-Stun for its agents.

Detective Patrick Brosnan, one of the cops who pumped 22 bullets into the backs of Anthony Rosario and Hilton Vega as they were lying face down on the floor, has been awarded a tax-free disability pension from the NYPD for alleged hearing loss incurred during the massacre. Brosnan, who is white, was involved in a 1991 incident at a Washington Heights bar in which he and several other "body-builder" cops beat up two fellow cops -- Scott Thompson, an African American, and Antonio Echevestre, a Latino officer. While Brosnan and his cohorts were cleared of all charges in that assault, the Black and Latino cops are still facing departmental charges. Brosnan is well-connected; he was Mayor Rudolph Giuliani's body-guard during the 1993 election and is head of the NY Shields, the detectives' equivalent of the PBA.

On January 12, 1996, at approximately 11:20 pm, 3 plainclothes police officers from a Brooklyn anti-crime unit approached a car in Williamsburg and began questioning the occupants. Minutes later, 15-year old Frankie Arzuega, was sitting in the back seat was dead, hit in the head by a bullet fired through the rear window of the car. The NYPD first told *El Diario* that officers from the 90th Precinct had approached the car because it was parked improperly. While questioning the driver, police spokespeople said, he tried to "escape," hitting the gas, "dragging" Officer Alfred Sanduro. At that point, Sgt. James Hand fired two shots, hitting Frankie in the head. No weapons were found in the car.

A white off-duty Yonkers police officer, Robert Clarke, and his brother Thomas Clark were arrested on March 28 for allegedly beating a Black news writer from NBC television and stealing his wallet. The two drunken men jumped Ernest Campbell from behind near Penn Station, subjected him to a barrage of racial epithets, took his wallet, and continued beating him until they were finally subdued by New York cops. The Clark brothers were exiting a New York Rangers game at Madison Square Garden at the time that they attacked Campbell.

An off-duty police officer was arrested in Queens on March 30 for shooting a woman four times with his service revolver. The officer, Rolando Hernandez, had been on the force less than two weeks when he fired nine bullets at Gayle Hoffman on a Far Rockaway street corner. The two had been drinking in Hernandez' apartment when Hoffman stormed out in the middle of a dispute.

The Internet now contains many valuable resources monitoring police brutality nationally and worldwide. Two of these are the New Jersey based Police Abuse "listserv" or computer mailing list, in which news reports pertaining to police misconduct may be received via e-mail. To subscribe, e-mail Bob Witaneck at bwitaneck@igc.apc.org (warning: you will get lots of e-mail).

And while you're net surfing, check out our Global Kop Watch site on the World Wide Web. You can share your own stories and photos with the rest of the world. The address is: <http://mediafilter.org/globocop>

If you have any Kop Watch reports and/or stories, info, photos, badge or vehicle plate numbers, please send it to: The SHADOW, P.O.Box 20298, New York, NY 10009, Attention: Kop Watch

NAGELL....

by the CIA. Nagell concluded that he was part of a disinformation project designed to provoke a war with the Soviets over the Cuban Missile Crisis.

During the first week of October 1962, Nagell's Soviet contact got wind of a rumor indicating a conspiracy to assassinate JFK. A short time later, Nagell was called to the Soviet embassy (in itself an unprecedented thing to do) to confirm that the rumor was true. Monitoring a potential plot by the Cuban exile group "Alpha 66" to kill JFK was not the only assignment he received from the Soviets. Nagell was also instructed to check out a young "defector" who had returned to the US four months before, Lee Harvey Oswald. Nagell supposedly interviewed Oswald's Russian-born wife Marina about her desire to return to the Soviet Union.

Meanwhile, Oswald, professing left-wing leanings and starting a one-man chapter of the Fair Play for Cuba Committee in New Orleans, continued to surround himself with a decidedly right-wing circle of associates. Nagell also became involved with a man named Vaughn Marlowe, who, like Nagell, had also been in military intelligence.

Like Oswald in Dallas, Marlowe may have been unwittingly considered for recruitment in a plot to kill Kennedy in Los Angeles, where Marlowe also headed a one-man chapter of the Fair Play for Cuba Committee. According to a SHADOW source who knew Marlowe during the early 1960s, despite his associations with the Communist Party and other "left wing" activities, Marlowe (nee Snipes) was often seen in the company of Ted Shackley, a right-winger with ties to the intelligence community. Marlowe claimed Shackley had been on a Polaris submarine during the Cuban Missile Crisis with rockets trained on Moscow. According to the SHADOW's source, Shackley was directly involved in covert operations against Cuba and Laos during the Vietnam Conflict and was the CIA station chief in Saigon. Shackley, subject of the book *Blond Ghost*, by David Corn (Bantam Books), was subsequently removed from the CIA after his involvement with fellow CIA agent Edmund Wilson in running guns and weapons to Libya was revealed.

Marlowe, who was also stationed in Japan at the same time as Nagell and Oswald, told the SHADOW source that he had been an FBI informant, at one point giving names of "radicals" to FBI agents in order to gain his release from a mental hospital.

As laid out in *The Man Who Knew Too Much*, Nagell, Oswald and Marlowe may have been part of a multiple assassination plot scenario set up in different cities, complete with designated shooters (hit teams), sacrificial lambs (patsies), and clean-up crews to remove the patsies, witnesses and other loose ends after killing JFK in whichever of the cities he happened to visit. According to Russell, another such plot may have been set up in Miami where an attempt was made to recruit Garrett Trampnell, who later alerted the FBI and was arrested on another charge. (It is unknown in what other cities these assassination and patsy scenarios were also set up.)

By August 1963, Nagell had become convinced of an exceedingly large operation pointing directly at the elimination of JFK. Between August 23 and 27 he made a tape recording of himself, Oswald and two others: one the mysterious and pivotal "Angel", and the other unidentified, but possibly the equally mysterious "Leopoldo." These two are often referred to in assassination works as anti-Castro Cubans, probably working

for "Alpha 66." The discussion on the tape revolves around killing Kennedy and perhaps other "highly placed officials" of the American government.

According to *The Man Who Knew Too Much*, Nagell was instructed by his Soviet contact to inform Oswald of the plot and to tell him that he was being set up by a right-wing conspiracy. Failing to deter Oswald, Nagell was instructed to kill him, thereby removing the one indispensable part of the plot. Nagell met with Oswald in New Orleans' Jackson Square and arranged for a polaroid snapshot to be taken of the two of them. He claimed to still have this picture as late as 1976. Nagell also mailed a registered letter to J. Edgar Hoover describing the plot and indicating Oswald's and the anti-Castro Cubans' complicity in it. He then headed to El Paso and his appointment with the State National Bank.

Nagell has said that his actions in the bank have been misinterpreted by assassination researchers. He claimed that he did not shoot up the bank to create an alibi in case Kennedy was killed. He said that he did it for the benefit of the conspirators, who he was convinced had sent someone to follow and possibly eliminate him. He thought that once the conspirators became aware of his arrest, having no way of knowing what he would say to the authorities, they would postpone their plans and wait for a reaction. Yet, despite Nagell's warning to Hoover and the FBI, and countless other warnings from other sources, not a tremor was felt in the halls of government or in the Secret Service. In Dick Russell's words: "Richard Nagell cooled his heels in jail as the calendar progressed toward November 22."

In a sense, Nagell spent the rest of his life "cooling his heels." Nagell eventually served four and a half years for the El Paso "bank job." The unusually harsh sentence was imposed by President Lyndon Baines Johnson friend and recent Federal bench appointee Homer Thornberry, who had been in touch with LBJ twice in the weeks following the assassination and who suddenly took over as presiding judge in January 1964. In March 1967, Nagell wrote a letter to his sister Eleanor Gambert. He instructed her to contact New Orleans District Attorney Jim Garrison's office and inform him that he was willing to turn over "proof" of a conspiracy: the tape he made of Oswald. Garrison dispatched William R. Martin, who later advised Nagell that he was ex-CIA. Nagell backed off from Garrison, fearing that all his evidence might be appropriated or destroyed.

Nagell feared for his life even toward the end. Numerous weapons were found by police in his home after his death. His house was sealed off by the Coroner's office pending the arrival of the executor named by Nagell for his estate. According to Russell, the ARRB made contact with Nagell's executor, but what transpired has not been revealed. It remains to be seen what "smoking guns" Nagell had arranged to be divulged in the event of his death.

Nagell wisely choose survival over candor. Perhaps his conscience troubled him more than he cared to admit, however. In 1978 he told Russell: "I was in a quandary in September 1963. I didn't know what to do. There are a lot of people I'm still ticked off at. Somebody tells me, 'who've you got to blame but yourself?' Well, sure, I screwed up man, I know that now. What did I accomplish? Not a goddamned thing. So I'm still hangin' in there, with no guarantee. Only this faith that there've got to be some people in this world who just won't let me fade away."



LAWYERS GUILD RALLY TO SUPPORT MUMIA

By Karen Norden

On April 4, 1968, Martin Luther King Jr. was assassinated in Tennessee. In an ongoing effort to avoid another political assassination -- this one pending in Pennsylvania -- on April 4, 1996 the National Lawyers' Guild sponsored an anti-death penalty rally to show support for a new trial for death row political prisoner and social activist Mumia Abu-Jamal.

In the shadow of both Federal and New York State Courthouses, more than 150 people gave up their lunch hour (with many donating their lunch money) to join in a rally of Jamal supporters in Foley Square in Lower Manhattan. Rallyers chanted "Free Mumia" and signed letters for the "Million Letter Campaign" demanding a Justice Department investigation into the circumstances of Jamal's trial.

In 1981, National Public Radio journalist and political activist Mumia Abu-Jamal was convicted and sentenced to death in the murder of a Philadelphia police officer. The trial was presided over by Judge Albert Sabo, who has sentenced more people to death (31) than any other judge in the United States (all but two of them African-American). The trial was fraught with irregularities and constitutional violations, including the judicial exclusion of key witnesses and evidence (See *Shadow #37* for a full account of the case).

At the spirited rally, speaker Ron Daniels Esq., Executive Director of the Center for Constitutional Rights, denounced the death penalty saying that it "masks the failure of society to deal with the root causes of crime," which he cited as poverty and lack of educational and job opportunities. Daniels was joined on the podium by speakers from the Center for Law and Social Justice, the National Council of Black Lawyers, and the New York City chapter of the National Lawyers' Guild. Also speaking was WBAI talk show host and Free Mumia Coalition Co-chair Safiya Bukhari. Activists from the Lawyers' Guild presented Bukhari with a 2-inch thick stack of letters for the "Million Letters Campaign," which will be presented along with thousands of others to Janet Reno at a massive demonstration in Washington D.C. on May 20.

Mumia Abu-Jamal is now locked in a legal and political struggle with his jailers over his right to access to the media and free speech. On March 26, he filed a \$2 million lawsuit against National Public Radio for violating his First Amendment rights and for breach of contract. In 1994, NPR bowed to an intense right-wing campaign by the Fraternal Order of Police and right-wing politicians and canceled its contract to air Abu-Jamal's commentaries analyzing the U.S. criminal justice and prison system from a radical perspective. In a statement accompanying the lawsuit Abu-Jamal said, "Not only was I and the Prison Radio Project harmed by NPR's action, the listener was denied a perspective that continues to be missing from the airwaves."

Mumia's case is currently being presented to the Pennsylvania Supreme Court. A key aspect of his case involves a demand by Mumia's attorneys that Supreme Court Justice Ronald Castille recuse himself from the case. Castille was the District Attorney of Philadelphia at the time of Mumia's first abortive appeal to the Pennsylvania Supreme Court, and in fact it was he who presented the brief defending the original death sentence.

Mumia Abu-Jamal is the Vice President for jailhouse lawyers of the National Lawyers' Guild. For more information on the struggle to free Mumia, call the New York City chapter of the National Lawyers' Guild at 255-4181 or the Free Mumia Coalition at 330-8029. Also see *Shadow* listings for more Mumia events.

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SHADOW LISTINGS

APRIL 28: SUNDAY IN THE COUNTRY WITH GEORGE: A MASSIVE DEMONSTRATION AT GEORGE PATAKI'S GARRISON ESTATE: Protest Pataki's budget cuts and policies on AIDS, Healthcare, and Welfare. Buses leave at 10:30 a.m. from the Gay and Lesbian Community Center at 7th Avenue and 13th Street (Call: 642-5499) and Housing Works at 594 Broadway (Call: 966-0466, x 141). Buses \$10. Sponsored by ACT UP, Housing Works and WHAM. Rally starts at 12:30.

APRIL 28: RADICAL WALKING TOUR: RIOTS, MURDER AND PROHIBITION: The Rosenbergs, The Industrial Workers of the World, Thomas Paine, the Draft Riots of 1863 and more. Meet in front of the Village Cigars shop at 7th Avenue South and Christopher Street at 1 p.m. 3 1/2 hours. \$6. Call: 718-492-0069

APRIL 30: ALL SHOOK UP: LESSONS AND LEGACIES OF THE 1950s: A radical vision of the 1950s. Speakers include Allen Ginsberg, Paul Robeson Jr., Odette, Calvin Trillin, Morton Sobel and others. Sponsored by The Nation magazine. Town Hall, 122 West 43rd St. 8:00 p.m. \$15. Call: 242-8400 (The Nation) or 840-2824 (Town Hall).

MAY 1: MAYDAY MARCH: Stop the war on the poor! Gather at noon at Union Square (14th St. and Broadway) for a traditional celebration of working class solidarity. Sponsored by the Student Liberation Action Movement (SLAM) and the Coalition for Public Education. Call 642-2549 or attend a SLAM meeting held every Thursday at 6:30 p.m. at Hunter College, 68th Street and Lexington Avenue.

MAY 4: FIFTH ANNUAL LESBIAN HEALTH FAIR: Free services for woman. Massages, health care, pap smears. Childcare provided. Gay and Lesbian Community Services Center, 208 West 13th Street. Call: 462-9189.

MAY 4: CURES NOT WARS 5TH AVENUE PARADE: Start at 11:00 a.m. at The Chrysler building with a rally to support the legalized medical use of marijuana or at CASA (Center on Addiction Abuse) at 152 West 57th Street with a rally to support Ibogaine. Then march down 5th Avenue to a 1:00 p.m. "Rally to Stop the Drug War" at Washington Square Park. Fight AIDS and support safe drug treatment not punishment. Sponsored by the Harm Reduction Coalition 677-7180, <http://www.cures-not-wars.org/>

THROUGH MAY 5: BEHOLD "THE MAN": CHE GUEVARA PHOTOGRAPHY EXHIBIT: Photographs from the 1967 press conference held by the Bolivian government to display the body of Che Guevara, assassinated by the army, to show the world that this symbol of the revolution was gone. Also film and text documenting the events leading to Guevara's assassination. El Museo del Barrio, 1230 5th Ave. at 104th St. \$4 suggested contribution. Call: 831-7272

MAY 9: ALL OUT TO PACK THE COURT! Stanley Cohen Show, live at the Appellate Division -- East 13th Street Squatters case! Oral arguments vs. the City! 2 P.M. New York State Supreme Court, Appellate Division, 27 Madison Avenue (@25th St.)

MAY 11: RADICAL WALKING TOUR OF HARLEM: Black Panthers, Langston Hughes' house, Apollo Theatre, Malcolm X and more. Meet in front of 306 Malcolm X Blvd (formerly Lenox Ave) at 125th Street at 1 p.m. 3 1/2 hours. \$6 Call: 718-492-0069

MAY 18: RADICAL WALKING TOUR OF CENTRAL PARK: Anti-Vietnam War marches, John Lennon, Harvey Milk, and more. Meet in front of the U.S.S. Maine Monument at the S.W. corner of the park (near Columbus Circle) at 1 p.m. 3 hours. \$6 Call: 718-492-0069

MAY 19: ANNUAL NEW YORK CITY RAINBOW PICNIC: Peace, love and potluck. Noon to dusk. Sheeps Meadow (below 72nd St.) in Central Park. FREE (Bring potluck).

MAY 20: MILLION LETTERS FOR MUMIA MAIL DELIVERY: March from Washington, D.C.'s Howard University to the Justice Department building to deliver the "Million Letters" demanding freedom for Mumia Abu-Jamal to Attorney General Janet Reno. 11:00 a.m. Buses from NYC available through the Free Mumia Abu Jamal Coalition. Call: 212-330-8029.

THROUGH MAY 26: KIENHOLZ: A RETROSPECTIVE: Political artist Edward Keinholz's "assemblages": 3 D works recreating brothels, SRO rooms, sleazy diners and political works with unusual and often bizarre twists such as clocks for the faces of people controlled by time and artworks with live frogs, goldfish, and birds. Whitney Museum, 75th St. and Madison Ave. \$8. Free Thursdays 6-8. Call: 570-3676

MAY 31: THE TRUTH AS SILLY PUTTY: AN EVENING OF COMEDY WITH PAUL KRASSNER: Mad Magazine columnist and co-founder of the YIPPIES and the underground newspaper The Realist weaves his brand of social and political satire. Learning Alliance, 324 Lafayette St., 7th Fl. 8 p.m. \$10 and \$15. Call: 226-7171

JUNE 13: THE POWER OF DISSENT: THE 25TH ANNIVERSARY OF THE PUBLICATION OF THE PENTAGON PAPERS: Speakers include researcher Daniel Ellsberg, who leaked the Pentagon Papers in 1971, his attorney Leonard Weinglass (who now represents Mumia Abu

Jamal) and others in a discussion of the papers and the role of civil disobedience in challenging government wrong-doing. Learning Alliance, 324 Lafayette St., 7th Fl. 7 p.m. \$10-\$12-\$15. Call: 226-7171

JUNE 29: RADICAL WALKING TOUR OF GREENWICH VILLAGE: Abbie Hoffman, the abortion and gay rights movements, the NYU student strike and more. Meet across the street from the Judson Memorial church at 55 Washington Sq. South at 1 p.m. 3 hours. \$6 Call: 718-492-0069

JULY 7: RADICAL WALKING TOUR RIOTS, MURDER & PROHIBITION: See April 28 for details.

AUGUST 24 TO 29 -- FESTIVAL OF LIFE: RALLY, CONCERT, MARCH AT THE DEMOCRATIC NATIONAL CONVENTION IN CHICAGO: Each day features speakers, bands, and groups

dedicated to presenting the Democratic National Convention and the rest of the nation with a creative, non-violent platform to stop the Republicans and all other war machines. Events at Grant Park, Chicago, Illinois.

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-- Monday, Aug. 26: Labor Day
-- Tuesday, Aug. 27: Equal Rights
-- Wednesday, Aug. 28: Housing
-- Thursday, Aug. 29: Peace March
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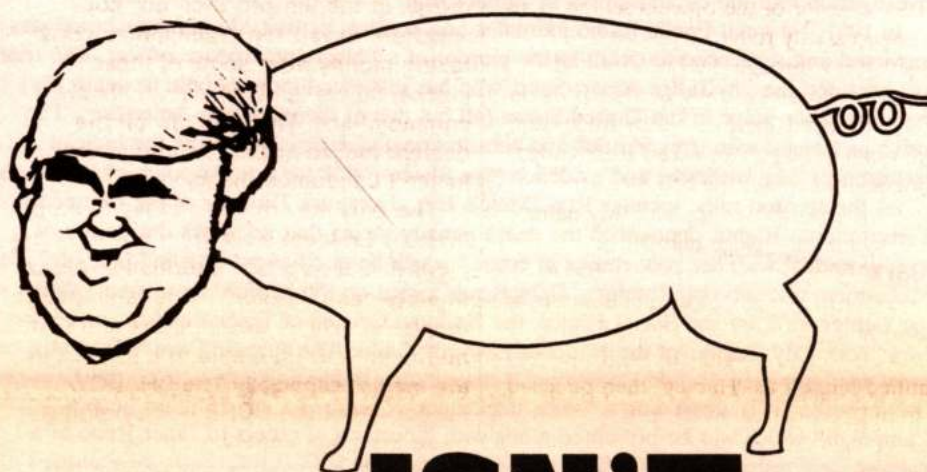
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INFORMATION NEEDED for upcoming urban guerilla handbook to be published by SHADOW Press. How to stuff, police methods of operation, legal info, experiences, battlefield plans, hacking/phreaking info, dos and don'ts, photos, diagrams, illus-

trations, etc. Anything will be appreciated and reciprocated!! Send to: The SHADOW, P.O. Box 20298, New York, NY 10009.

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To The Editor:

On March 11, a friend and I entered a small deli on Avenue B to get a beverage. We made our respective purchases; a Tab for me and a 25 cent bag of peanuts for my friend. As we left the store, we were assaulted by three large males running from the opposite side of the street. They pushed us against a chain link fence and twisted our arms behind our backs. Since they were wearing ordinary street clothing, I was very alarmed and began shouting and trying to get away. As the man holding my arms twisted them harder, I noticed the NYPD Narcotics Division insignia on his jacket. At no time did they identify themselves as police officers as they handcuffed my companion and dragged him the half block back to the deli. I asked the burly officer who had my arms twisted behind my back not to cuff me, as I had severely broken my right arm recently and it wasn't fully healed. He responded by twisting it more tightly behind my back and dragging me down the street as well. I repeatedly asked him to explain what was happening and he sarcastically responded that I would "find out later." Once inside the deli, my pockets were emptied along with my companion's. There were now 7 or 8 officers pulling merchandise from the shelves, going through the cash register, and poking at the ceiling tiles. The guy who had earlier sold us the Tab and peanuts was nowhere to be seen.

The behavior of the officers searching us was unnecessarily rough. When they finished going through the balloons and assorted magic tricks in my friend's pockets (we're both circus performers by trade) and found nothing illegal, we asked their badge numbers and names. The officer who twisted my broken arm replied, "My name is Harvey and my badge number is 181U812." The other officers laughed. At this point, my friend, whose gentle nature is obvious at a glance, said, "This is fucking ridiculous, let us go." The cop who identified himself as "Harvey" then punched my friend, still cuffed, in the eye.

Once again we demanded names and badge numbers. This time a sergeant who said his name was "Golden" said he was responsible for the investigation. He gave me his badge number and shrugged when my friend said that he'd been hit by the other undercover officer. As we left the deli, another of the officers said, "get out of my sight, you pieces of shit."

At no time were we told on what grounds we were being held or searched. We were detained long after being found "clean," and were verbally abused up until the moment we left their custody. My friend ended up with a bruise and a cut above his right eye to remind him of his encounter with New York's Finest.

Does the 9th precinct or any other have the right to grab innocent individuals off the street and treat them this way? An official complaint has been filed with the Citizen's Complaint Review Board (CCRB), but will anything ever change?

Stephanie, NYC



MIKE SCHAFER

Dear Stephanie,

We have heard a lot of stories similar to yours. In the name of the "War on Drugs," these gangs of armed thugs have been involved in countless cases of harassment, arrests, shootings and killings of everyone but the dealers themselves. Sometimes they "freeze" an entire block, searching and fucking with anyone happening to be walking or driving through at the time.

The cops know which bodegas are selling more dope than groceries, but strangely, they prefer to harass the customers, whether they are buying food or drugs. In the 9th precinct, our kop-watchers have seen plainclothes cops taking money from some of these places, so we know that pay-offs are commonplace. The cops rip off the dealers too, re-selling the drugs they haven't consumed themselves.

The only way to come close to stop them or (at least slow them down) is exposure. Get as much information about them (videos, photos, name tags, badge numbers, vehicle descriptions and plate numbers) and then spread it around to the media, especially The SHADOW. Forget about the CCRB - It's nothing more than a channeling device for absorbing complaints against the NYPD and then investigating those who file complaints!!

Dear Shadow:

I would like to comment on "The Village Voice's Hidden History," written by Upton Roosevelt and Chris Flash (SHADOW #37).

Such a "hidden history" should come as no surprise if you only consider what the basic purpose of a commercial newspaper is: to make money. In any commercial newspaper -- whether it be blatantly mainstream or supposedly "alternative" -- the so-called "news" wraps around the advertising. It is that simple. Once this basic premise is understood, it really doesn't matter who sits on this or that Board of Directors. All commercial newspapers answer to the Almighty Dollar, first and foremost.

In spite of this, however, one would have to agree that there is quite a difference

between the content of the so-called news in the Village Voice and that in the New York Times. When [Voice editor] Karen Durbin fired two long time writers and artist Stan Mack, [Voice reporter] James Ledbetter frequently criticized the decisions in his "Press Clips" column. Even though Durbin's desire to take the paper in "a different direction" did come to pass, they were not done in secret as they have at a "mainstream" newspaper.

No matter what you think of the Voice, they are probably still the only "alternative" paper with a large circulation willing and able to print groundbreaking stories such as James Ledbetter's "The Unbearable Whiteness of Journalism," "The Worst Prison System in America," and "Is the Pope Catholic?" So even though "the look and focus of the Village Voice has been changed, pumping up arts and culture coverage while deemphasizing hard news and investigative reports," at least the hard news and investigative reports are still there.

If the Village Voice's increase in arts and culture coverage brings in readers who might not otherwise even look at the paper, also awaiting these new readers are James Ridgeway's regular dispatches from Haiti and Wayne Barrett's constant coverage of Rudy Giuliani's continuing attempts to bankrupt New York City on the backs of the already poor.

So while the Village Voice may not be what it was originally created to be, it's still better than _____ (fill in the blank). The announcement that the SHADOW is going monthly is encouraging indeed. The SHADOW is in a perfect position to someday become what the Voice once was: a true voice of the street, serving people before profits. Perhaps with a lot of hard work, extra financial support, and a little bit of luck, this may someday come to pass.

Brian Anastasi, Amherst, Mass.

Dear Brian,

Compared to alternative newspapers you are used to in Massachusetts, New York's Village Voice may indeed appear to be a better such newspaper. While the Voice of the past maintained a great staff of investigative and counter-cultural reporters covering and uncovering things other papers avoided, the fact is the Voice has always been nothing more than a cash cow for various non-newspaper type investors throughout its 30 years. Under its latest regime, the Voice is no longer even bothering to maintain that facade, but preferring instead to remove its best (and sometimes most controversial writers) and emphasize empty fashion culture at the expense of real news. This makes for a "safe" advertising vehicle that already has a name that sells, but not a "news" paper!! As for the few true reporters remaining at the Voice, I am sure they are shaking in their boots, waiting for the axe to fall on them next. We do know that morale at the Voice is at an all-time low, nobody in our scene will buy that piece of shit rag anymore, the Voice is suffering from increased competi-

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tion from free papers with better listings sections, and the Voice will now be going free as of April 9th--talk about desperation!! Rather than put out a real newspaper that people will gladly pay for, the Voice would rather put out trash for free!!

Ultimately, we expect the Voice to lose so much money it will again be sold to yet another wealthy investor with bottomless pockets who will then remake the Voice in his image. Some things never change!!

Chris Flash, Editor

Hey Shadow:

I read with great interest your write-up the incident in Bushwick last summer (Pigs Celebrate Puerto Rican Day With Clubs And Mace--SHADOW #36). I now live in Japan, but I was born and raised in Bushwick and my brother is a cop, so I was quite surprised to read about this event. I e-mailed my friend who lives just around the corner from where all this happened and he said he never heard of any riots or anything like what you wrote about. I don't mean to insult your journalistic credentials, but were you stretching the truth when you wrote that article or did you just plain lie? I gather from the tone of your article that you subscribe to a left leaning philosophy. If so, then you will only hurt your cause if you allow your journalism to be tainted by the hyperbolies.

Tony Torres (torres@pobox.com)

Dear Tony,

Not only was a SHADOW reporter on the scene for us and the mainstream press, but the story was covered by television news as well. Our reporter was threatened and barely escaped physical injury from both the police and angry demonstrators to get us this story. I don't know where your friend was, but our detailed report of the truth seems biased to you, then you can keep eating and believing the abbreviated bullshit the mainstream media feeds you. We don't need to lie or distort the facts--the truth speaks for itself!!

Chris Flash, Editor

Dear SHADOW,

I am currently involved in litigation with these people for banning the October 1994 issue of Prison Life magazine throughout the state of California. Ronald Kuby and the much-missed William Kunstler are and were attorneys for Prison Life as well as The SHADOW. I also have a civil rights action started against this prison for disapproving most pornographic magazines even though they are legal (i.e., not "obscene") under state or federal law. The ignorance of my keepers is exceeded only by their arrogance.

Peter Silverbrand, D-98056,
D-1-214, CSP-LAC,
44750 60th Street West,
Lancaster, CA 93536-7619

Greetings:

I am a political prisoner held against my will and forced to work as slave laborer on Southern plantations for no wages and fake food. Any literature, newsletters, books that you can send, please do!

James "Thor" Thornton #631439
Stevenson Unit, 1525 FM 766,
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SUB-CULTURE

By Scott Cunningham

There's a show in Soho you've got to see and it doesn't have one piece of original art in it. Instead, it's filled with yellowing newspapers, tattered posters and crappy little xeroxed zines, but it's got more energy and ideas up on the walls (and running along the room-length shelves) than anything else I've eyeballed this season. Actually, it's the best show I've seen since '93, when the same gallery, Exit Art/First World, mounted an equally huge exhibit on underground comics called *Comic Power*. Once again Exit Art dives into the deep, dark depths of the underground, presenting a 30-year survey of the alternative press in the U.S. If you consider yourself a red-blooded, all-Un-Amerikan radical who regularly reads *The Shadow*, then you should immediately haul ass down to 548 Broadway and review this sizable selection detailing the roots of rebellion in this country. Check it out especially if you're a heavily-tattooed/body-pierced teenage anarchist who has never had a chance to see any '60s underground papers or late '70s, early '80s punk zines.

The show is called "Counterculture: Alternative Information from the Underground Press to the Internet," which sounds pretty high and mighty, but that's just the way you've got to talk to keep those art grants coming in. The material itself, for the most part, is as down and dirty as underground publishing gets (yes, there's even an issue of *Screw* in the show). The large, two-room gallery is crammed with stuff, over 1000 separate items, though it's only a fraction of the material produced. Brian Wallis, the curator of the exhibition, is a writer, independent curator, and editor of the book *Art After Modernism*. During the 1980s, he published the radical arts journal *Wedge*. He decided early on to approach "Counterculture" not from the perspective of a show about publications (though, ultimately, that is what it is) but instead as a meditation on the idea of information itself. "I guess the reason why it's about information instead of publications is I was sort of posing the existence of these countercultural groups, or subcultures, as contestants in a battle over certain types of information," Wallis explains. "So the real question here is whose version of the truth is going to be dominant."

Melissa Rachleff, Exit Art's assistant curator, worked with Wallis assembling the vast amount of material for the show. Both had to become "Counterculture" detectives to track down the many rare and obscure publications on display. In the process, Rachleff has become something of an underground press aficionado and was kind enough to give us a guided tour of the show. "We're not attempting to be all-encompassing. We jump back and forth a lot. The show's not strict chronology, either, it's thematic." Wallis divided the show into three main categories: Freedom of Speech, Freedom of Information, and Freedom of Expression, though Counterculture's Internet consultant, Timothy Druckrey said his section adds "Freedom of Communication" into the mix.

"Within each section there are three subsections," Rachleff explains. "The first subsection is 'Students, Youth and the Rise of the Underground Press.'" The curators start with examples of pamphlets and papers from the FSM (Free Speech Movement), which was

launched in '64 at the University of California in Berkeley. "One of the more important things the FSM was doing was linking up student free speech issues with the civil rights movement in the South. They linked it with the fact that students were being censored and restricted, and not being allowed to express political thoughts and ideas." The early SDS material is publishing at its most minimal: hand-stapled in the corners and printed from the original typewritten pages and peppered with amateurish illustrations. Nonetheless, they have a raw power which comes in part from the urgency of the material and its directness. One pamphlet title that leaped out at me was: "The Student as Nigger".

On the same wall of the exhibit there's an early tract penned by SDS (Students for a Democratic Society) member Jerry Rubin when he was a student at the University of Michigan. "The Port Huron Statement became one of the major pieces of literature produced by the group," Rachleff told us. Exit Art also has later examples of "Handwriting on the Wall," the series of SDS wall posters which reinvent the tradition of broadsheets '60's style. They are much more graphically inventive than the earlier SDS pamphlets.

"This one," Rachleff points, "was made for distribution during the Chicago Democratic Convention in '68" (and includes comics from R. Cobb, a popular underground cartoonist in the '60s and '70s whose work still appears on the pages of *The Shadow*). The wall poster includes instructions on how to put it up: "Stick this thing up all over town so people will read it. Use condensed milk. Lots on front and back. Or use wallpaper paste, powdered. Carry it in plastic bags with sponges for spreading." "There's another one that says 'Use Pet Milk -- it'll stick up forever,'" Rachleff laughs. "It's great that they actually explain how to wheat-paste."

The first underground paper in America is considered to be Arthur Kunkin's *Los Angeles Free Press*, which began publishing in '64. The "Free Press" modeled itself after New York's *Village Voice*, but with one very big difference--a radical focus to its reporting. The *Berkeley Barb* began a year later, started by the owner of a popular Berkeley hangout for radicals. Both were important papers, though visually not that interesting. Then in 1966, San Francisco's *Oracle* started publishing under the direction of Allan Cohen, Steve Levine, Gabe Katz and Travis Rivers. It was the *Oracle* which set the ultimate style for the psychedelic and hippie underground. The *Oracle* was also the first paper to use offset printing, a major technological innovation at the time which also ended up cutting publishing costs significantly, thereby helping increase the spread of undergrounds across the country.

"The *Oracle* discovered the split fountain technique of printing," Rachleff explains. "It's not done with color separations but by literally squirting different colors directly onto the plate to create all these unusual bleeds of color into color." It was an innovation that impressed and influenced many others in the underground press. John Wilcox, publisher of the N.Y.-based alternative paper *Other Scenes*, wrote of the *Oracle*: "[it's] creators are using the color the way Toulouse-Lautrec must once have experimented with lithography."

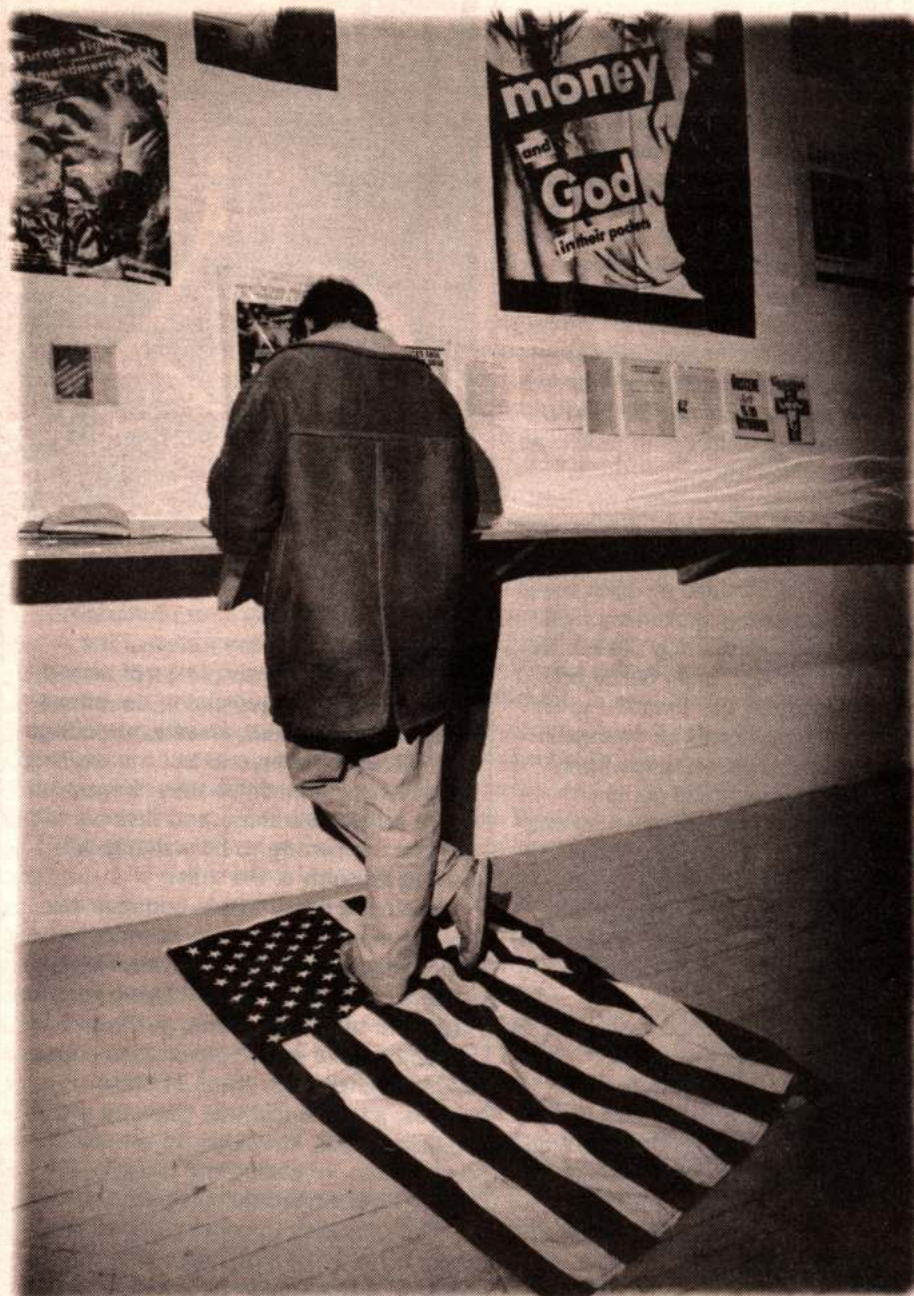


photo André Grossmann

"This paper is like an homage to Allen Ginsberg, Timothy Leary, and LSD. That is what it celebrates," Rachleff says. "This is the first place you start to hear about the Age of Aquarius and 'Be-Ins'. The Haight-Ashbury really gets its hippie reputation from it." Exit Art offers some original copies of the paper as well as the huge deluxe reprint addition you can actually thumb through. "The graphics and use of color in this paper was very influential and people flocked to get copies of it to try to do it themselves," Rachleff continues. "One of the first papers to adopt the same techniques was *The Chicago Seed*. And what happens with the *Seed* is that it adopts this split fountain psychedelic aesthetic and combines it with political reporting. You don't just get the kind of poetic, mystical writing rampant in *The Oracle*."

California got the jump on New York with underground papers, but the *East Village Other* didn't lag too far behind, beginning publication in late '65. It's best known for fusing the arts with radical reporting. In *EVO*'s first editorial it announced: "The editors of this newspaper, who are all working artists, poets, playwrights, etc. have seen fit to expand the role of the artist as creator communicator into the sphere of journalism." *EVO* was the first publication to regularly print the work of underground comic pioneers like R. Crumb, Spain Rodriguez (who later became the art director), and Art Spiegelman. The *EVO* form of subjective reporting was dubbed "New Journalism."

"A lot of the people who started *EVO* were formerly part of the beat movement," Rachleff explains. "One of the patron saints of the paper was Ed Sanders, and the band The Fugs, with Tuli Kupferberg and Ken Weaver. The paper was founded by someone else who sort of came out of beat culture, Walter Bowart. One of the things they

did was the Fugs had a song called 'Slum Goddess of the Lower East Side' so every week they'd pick another 'Slum Goddess'. As I went around interviewing people for the show, many of the women, sometime during the end of the interview, I always could tell when it was coming because they would sort of hesitate, like they wanted to tell me something, they would finally say, 'And I was a Slum Goddess.'

"Also coming from beat culture and satire, we've got Paul Krassner's *The Realist*, which Krassner published in the same offices as *Mad Magazine* with money from *Mad*, as well as Ed Sanders' *Fuck You: A Journal of the Arts* and Tuli Kupferberg's *Fuck for Peace* and Krassner's "Fuck Communism" poster," Rachleff continues. "The word 'fuck' was very radical to use in print at the time."

Exit offers some of Kupferberg's early books of poems and thought-collages like "Birth" and "Newspoons," the latter being comprised of actual newspaper clippings from the mainstream media with Tuli's comments handwritten along the sides of the articles, pointing out the stupidity of typical press statements. "On the back of 'Newspoons' it takes from *The New York Times* the line 'All the news that's fit to print' and Tuli writes 'What are you leaving out you lying bastards,'" says Rachleff.

Kupferberg explains his artistic approach (not aesthetic since "the Left has no aesthetic," according to him) as reflecting one of the main functions of the Left, "which is to critique the mainstream press, although everyone attacks the press. I mean, if you're on the right or you're a Nazi, you'll complain the press is too liberal. But when I actually am collaging stuff from *The New York Times* to attack it, it's to shove it in their face. The things they publish are so ridiculous, its ridiculousness gets lost because it's

Continued On Next Page



photo Andre Grossmann

CARTOONIST MIKE DIANA AT THE EXIT ART SHOW

surrounded by this kind of rationality."

It was "a combination of ego and social-political concerns" which lead Kupferberg to originally begin to self-publish. He points out the best example of early American self-publishing comes from the 19th century: "Most people know Walt Whitman printed his own books, but did you know he also sold them door-to-door? He even reviewed his own book under a different name. More power to him. I think that's hilarious. Because there is such a thing as an establishment in literature and criticism."

"The aim of the counterculture is to become the culture," Kupferberg notes. "No one wants to be underground, we want to be all over. The problem is we don't know how to do this. We don't know how to reach beyond a certain group. This is putting it rather simply, but if you could control the media you can make the revolution, but you can't control the media until you make the revolution. I don't mean 'control' but, you know, to reach all the people you want, not to restrict the other people, of course."

Rachleff feels John Wilcox, who was also based in New York in the late 50's, was the grandfather of the whole underground publishing movement. Wilcox was one of the original founders of *The Village Voice* and was always interested in alternative publishing, printing his own newsletter years before any underground papers began. After being booted off the *Voice* for moonlighting at *EVO*, he decided to start his own paper, *Other Scenes*. "His wife at the time was Amber LaMann, who was really the publisher of the paper. Amber would deal with all the business end of it and John would write it and edit it and hire other writers and artists," explains Rachleff. "His paper had a more creative bent to it. If the patron saints of *EVO* was The Fugs, the patron saint of *Other Scenes* was Andy Warhol. *Other Scenes* reflected Warhol's spirit of pop culture." One endearing feature of Wilcox is his passion for self-publishing. "One of the *Other Scenes* issues from the late '60s was totally and completely blank, where you paste up and design your own newspaper," says Rachleff. "He thought everyone should have his own newsletter." It's the same spirit that informed the zine explosion in the '80s, and not surprisingly, Wilcox's latest incarnation of *Other Scenes* looks like a mini-zine.

While *EVO* and *Other Scenes* were innovative undergrounds, there was a void in N.Y. in terms of hardcore, radical reporting until the emergence of *The Rat Subterranean News* in '68, which was begun by Jeffery Shero, a Southern

who came to New York from Texas. *The Rat* (which serves as a sort of model for *The Shadow*) is one of the real highlights in the show, partly for its essential coverage of the student strike at Columbia University in May of '68.

"Students, many of which were members of SDS, took over and occupied buildings on Columbia University, including the library and the Chancellor's office where they had privy to documents that linked the school's money directly to supporting the war in Viet Nam," Rachleff recounts. "The protesters approach was really radical. They released the documents to the media. They let in the media into the buildings." *The Rat* was on the scene to cover the siege. "It was a very, very dynamic newspaper. Probably the most dynamic newspaper out of all the ones I looked at for this show," says Rachleff.

One issue of *The Rat*, which should speak loudly to anyone who was around Tompkins Square Park on a certain night in August '88, documents how the police assault on the Columbia student strikers in '68 turned bloody. "The police came after these students with billy clubs and started swinging and smashing and cracking heads open and it didn't matter if they were men or women," Rachleff recounts. "In the design of the show, we felt we needed to emphasize the Columbia strike because, unlike the Berkeley Free Speech Movement which was also met with different forms of repression, this was met with out and out violence against the student strikers." It also sets the pace for the painful transition from '67's "Summer of Love" to the grimmer days of decline as the '60s give way to the '70s. In fact, the exhibit illustrates the change with Todd Gitlin's famous article "The End of the Age of Aquarius" on the murders at the Rolling Stones Concert in Altamont, published by *The Rat* only a month after the Woodstock Festival. "It closes the section on the '60s and marks the end of the era of Love and the beginning of the age of Viet Nam and the violence that begins to rise," Rachleff explains.

"Then we see magazines that more aggressively attack society and advocate violence as a means of change, like *Rise Up Angry* and *Ramparts*," Rachleff continues. And the graphics also turns violent as the war in Viet Nam escalates under Nixon. The show includes material covering the Kent State killings and reflects, in general, the growing militancy of the Left with powerful, and historic, images protesting the Viet Nam War.

The section that follows contrasts the two main groups of "Media Guerillas": the Yippies and the Black Panthers. The Yippies material is playful and

jokey, while the Panther's paper is just as savvy about using the mainstream media, but with deadly seriousness. The arresting graphics (no pun intended) of *The Black Panther Party Paper* is the work of designer Emory Douglass, a friend of founding member Eldridge Cleaver. "Basically, what the paper does is keep its readers up-to-date with all the different civil and criminal trials that each Black Panther member was subjected to as well as their work with free clinics and food distribution," Rachleff explains. "There's also this recycling of images to build a community. The two most famous images from the Black Panther Party is Bobby Seale and Huey Newton in front of the San Francisco State Capital and Newton in a chair with the gun and spear." Needless to say, both are on view at the exhibit. In some ways, even more fascinating are the FBI COINTELPRO leaflets featuring calculatingly crudely-drawn cartoons attacking different leaders of the Panther Party. "Bobby Seale is shown kissing up to the local Panther Party, taking their money and then giving information to the 'pigs' for profit," Rachleff notes. "The FBI's idea was to create a level of paranoia within the ranks with these hand-outs." Borrowing similar strategies from the Panther Party Paper are publications from the N.Y.-based Puerto Rican group, The Young Lords, and the America Indian group, AIM.

the first wave of the underground press comes to a close. "By '72 these papers start to drop like flies, and by '75 they're all pretty much dead," Rachleff explains. "Things just become more fractionalized and a kind of apathy sets in. I think that people started to turn away from grassroots movements and youth culture and things became more alienated and nihilistic rather than staying political. The economics change in the country, too, and the recession starts. That's when people like *Processed World* start to talk about a temp world and how technology is replacing workers. And that there's this new system of alienation cropping up. A lot of popular music originating in the '60s become corporate rock. Carlo McCormick (consultant for the Punk section of the show) says the end of the '60s was with the Eagles song 'Hotel California.'"

The late '70s punk rock scene brought with it a very different philosophy and aesthetic style. *Sniffin' Glue*, *Punk Magazine*, *New York Rocker*, *No Magazine*, *Bikini Girl* and *World War 3 Illustrated* stressed ripped edges, crude collages, blocky stencils and angry slogans; these publications promoted and defined a punk aesthetic that was distinct from the '60s. Says McCormick: "*Sniffin' Glue*, you're talking about England, '76, right when it's happening. Seeing these zines now you've got a pretty good idea about just how right on they were for the time. It's one of the

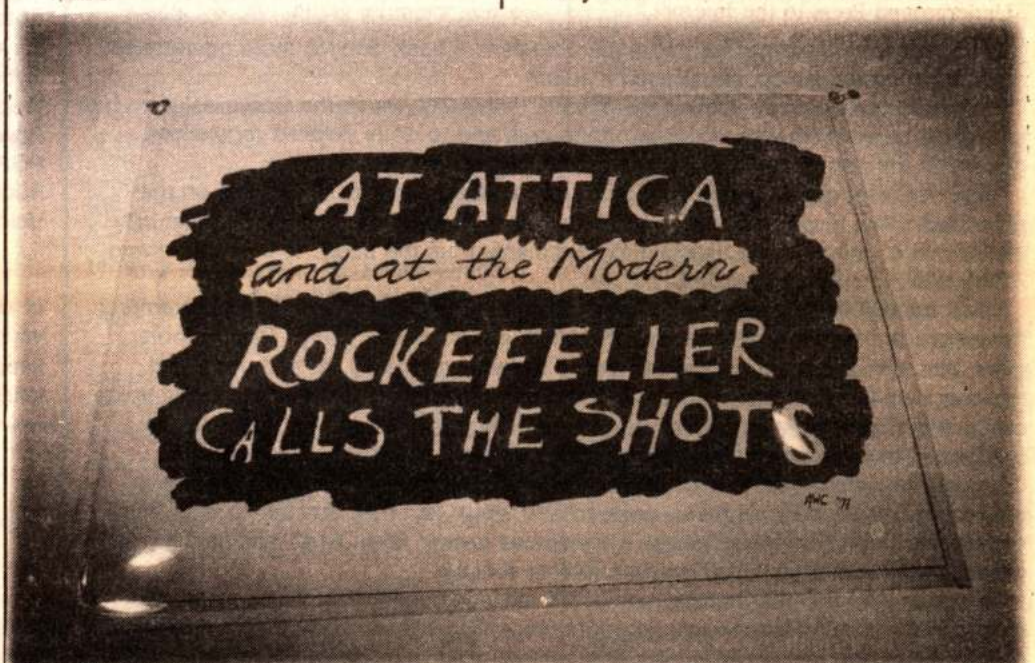


photo Andre Grossmann

The show also has a small Ecology section, with a poster from the first Earth Day in 1970 and a copy of the inaugural issue of *The Whole Earth Catalog* from '69. There's also a bit of material from the emerging Women's Liberation Movement, illustrating how the early publications often grew out of the male-dominated underground papers, like when the women physically took over the offices of *The Rat* in '70, locking the men out, and running it until it folded in '72. Rachleff points to one of the *Rats* from that period: a how-to on changing a tire, with a detailed diagram of a car jack on the cover. "I think it's so funny because it's like, once you know how to do that, you don't need a man," she laughs. There's also early examples of the very influential Washington DC based *Off Our Backs*, as well as the first issue of Trina Robbins' *Wimmen's Comic*. "It was very important for defining some kind of position against the male underground comics that were often blatantly and openly sexist," Rachleff says. From there the show moves into Gay Liberation which helps further define the "personal as political" approach originally articulated by the Women's Movement.

Ironically, as different subgroups of the Left begin to find their own voice,

ones that people who were here from that time go "Whoa, you got *Sniffin' Glue*--that and *Punk Magazine*, they really define the era." The early and rare *Punk Magazines* come directly from the former editor John Holstrom, who now edits the ganja-friendly *High Times* (and yes, there's also early *High Times* in the show for all you pot heads). "We also have a very cool little odd little thing here. It's a zine that Parliament Funkadelic put out. It's nice to have a little flavor in the show," says McCormick.

Other early punk zines include: from L.A., *No Magazine*, *No Vacation* and *Starting Fires*--"these were the more political ones," McCormick notes; and from San Francisco, *Search and Destroy* which later evolved into *REsearch*, a group still producing books on fringe topics.

"*Twisted Image* was great and *Creep*, and *Flipside*, of course, is still existing and that's like the birth of Hardcore. And *Touch and Go* is a big label now: the band The Butthole Surfers came out of there. They were originally a zine before becoming a record label," McCormick observes.

"*Maximunrocknroll* is kind of like a bible for all that kind of shit. We've got *Forced Exposure* when it was still a zine

SUBVERSIVE ELECTRONICS

HOW TO MAKE LONG DISTANCE PHONE CALLS FOR 3 CENTS A MINUTE

By Paul DeRienzo

Voice on the Net is a technology that allows computer users with an Internet connection and a modem to speak with each other over the Internet at a small fraction of the cost of a traditional long distance call. The software is readily available for a small fee or even free from sites on the Internet.

The technology allows the user to by-pass local, long distance and international phone companies by using an on-line service provider. On-line providers can be a small "mom and pop" operation that charges a flat fee of between \$20 and \$30 a month for unlimited access or a major nationwide service that can typically charge \$10 for the first five hours and \$3 for each additional hour. In the case of the larger and more expensive service providers five hours means the user is paying about 3.3 cents a minute. Compare that to the average residential long distance call that costs about 22 cents a minute. Using even an expensive on-line service means that the user can save 85% on the cost on a long distance call.

Considering the exponential growth of the Internet, with the number of people subscribing to an Internet service provider increasing by a phenomenal 30% every month, the possibility of the large long distance carriers being swept into the dustbin of history by a new technology is looming large on the horizon. The long distance providers aren't ignorant of the problem and on March 4th the organization that represents 130 telecommunications companies, America's Carriers Telecommunication Association (ACTA), filed a petition with the Federal Communications Commission asking the FCC to begin regulating providers of so-called "Internet phone" software and hardware. ACTA is seeking a ruling establishing the FCC's authority over interstate and international communications using the Internet. The on-line community has been trying to head-off FCC regulation of the Internet with a lawsuit against the so-called Communications Decency Act and ACTA threatens a back door to more government regulation of this new communication medium.

If the FCC takes up regulating the Internet then ACTA wants the Commission to ban use of the Internet for long distance phone calls and to issue detailed regulations governing the use of the Internet for telecommunications services.

The FCC responded with a required public notice asking for comments on the proposed rules. In what's been hailed as a victory for the Internet phone community the FCC has extended the deadline for comments from the public to May 8th, giving ACTA until June 8th to respond.

Despite ACTA's request for FCC regulation of the net, several heavy hitters among the long distance providers are actually siding with computer users. The computer giant Microsoft is buying up Internet phone software providers left and right, and together with long distance carrier MCI has been supporting a group called the Voice on the Net Coalition (VON). MCI supplies bulk long distance time to many smaller companies that then distribute the service to their own customers. At least one computer magazine reports that MCI is working to develop its own Internet phone technology. While many at ACTA believed MCI would join their attempt to stop Voice on the Net, now they possibly have a formidable enemy. Even AT&T has said it would offer Internet phone as part of its new Internet service.

Another VON member is Netscape which recently began the process of buying shares in several Internet phone software companies. Internet service companies like CompuServe are also installing hardware that will eventually allow them to offer Internet phone service to their subscribers. In Israel, where phone lines are scarce and cellular phones and the Internet are popular, several companies are jumping on the Internet phone bandwagon in collaboration with IBM. Even ACTA itself has a World Wide Web page with a link allowing Internet phone calls to its headquarters.

The Internet phone controversy has generated a stream of praise for the technology from its many users. One story was recounted by a US executive working with a Russian company in a remote corner of Siberia. The writer said phone lines have to be reserved far in advance for a long distance phone call and that between the Russian government and the local mafia every call is monitored. That presented a problem when an employee phoned his company asking them to wire money. After leaving the bank the employee was jumped and robbed by some thugs who had tapped the phone line. Besides a shortage of phone lines and security problems, the cost of a call to the US from Siberia averaged \$6.00 a minute, but the same call over the Internet only cost about six cents a minute.

In the light of the most recent wiretap proposals by the FBI, the ability to make secure phone calls using the Internet may be more important to people who value privacy in less remote areas than Siberia. The Bureau is seeking a massive and expensive phone monitoring system that will allow one percent of all phone lines to be tapped in certain high density urban areas. That's phenomenally greater than current wiretapping capabilities which cover about 1 in 174,000 phone lines. According to the FBI there are about 30,000 phone taps now being authorized in the United States every year. The FBI also wants the ability to monitor digital lines like those that comprise the Internet in addition to traditional phone taps. In 1994, Clinton signed the Digital Telephony Act, requiring telephone companies to add equipment facilitating digital monitoring.

The following list show some of the most recent Voice on the Net software and the location on the Internet for getting more information and downloading test copies:

Internet Telephony:

Software	Location on the Web
FreeTel	freetel.inter.net.freetel
WebPhone	www.itelco.com
IPhone	www.vocaltec.com
Digiphone	www.planteers.com
Speak Freely	www.fourmilab.ch.index.html#speakfree
TS Intercom	www.telescope.com
CyberPhone	magenta.com.cyberphone
WebTalk	www.qdeck.com
PowWow	www.tribal.com
PGPfone	web.mit.edu/network.pgpfone
Audio Wave	www.audiowav.com
Voice E-Mail	www.bonzi.com

Not all Voice on the Net software are compatible with one other. Although this kind of software been used for years, the commercial market is about to explode and the various companies are competing over which standard will eventually be adopted. To keep up with the latest developments contact Jeff Pulver -- his e-mail address is jeff@pulver.com.

HIGHWAY RADAR JAMMING

By Roy G. Biv

Most drivers wanting to make better time on the open road will arm themselves with an expensive radar detector. However, this device will not work against a gun type radar unit in which the radar signal is not present until the cop has you in his sights and pulls the trigger. Then it is too late to slow down.

A better method is to continuously jam any signal with a radar signal of your own. I have tested this idea with the cooperation of a local cop and found that his unit reads random numbers when the car approaches him. It is surprisingly easy to make a low power radar transmitter.

A nifty little semiconductor called a Gunn diode will generate microwaves when supplied with 5 to 10 vdc and enclosed in the correct size cavity (resonator). An 8 to 3 terminal regulator can be used to get this voltage from a car's system. However, the correct construction and tuning of the cavity is difficult without good microwave measurement equipment.

Police radars commonly operate on the k band at 22 ghz or more often on the x band at 10.525 ghz. Most microwave intruder alarms and motion detectors (mounted over automatic doors in supermarkets, etc) contain a Gunn type transmitter/receiver combination that transmits about 10 milliwatts at 10.525 ghz. These units work perfectly as jammers. If you can't get one locally, write to Microwave Associates in Burlington, Massachusetts and ask for info on "gunplexers" for ham radio use.

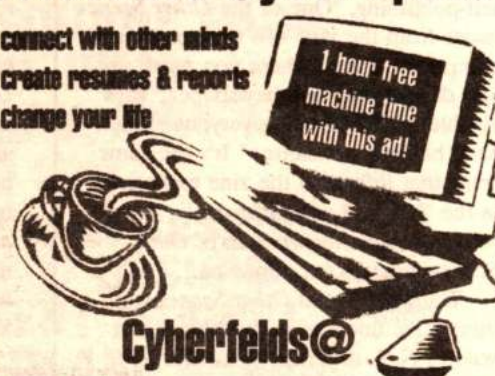
When you get the unit it may be mounted in a plastic box on the dashboard or in a weatherproof enclosure behind the plastic grille. Switch on the power when you are on the open highway. The unit will not jam radar to the side or behind the car, so don't go speeding past the radar trap.

An interesting phenomena you will notice is that drivers in front of you who are using radar detectors will hit their brakes as you approach large metal signs or bridges. Your signal is bouncing off these objects and triggering their detectors!

Got any neat ideas or tricks to share? Send yours to me c/o The SHADOW, P.O. Box 20298, New York, NY 10009

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BOOK REVIEWS

TIMBER WARS

By Judi Bari

(Common Courage Press, 1994)

Reviewed by Bill Weinberg

Earth First! activist Judi Bari was disabled for life when her car was bombed during the 1990 Redwood Summer campaign to save giant trees that were saplings when Jesus was born from the timber industry's chainsaws. "It's hard to write about something when you're still in the middle of it," she says in the introduction to this collection of reports and interviews from the Northern California press. But her exploits are all here: from Earth First!'s civil disobedience actions in the ancient forests, the death threats from anti-environmental paramilitary groups, her courageous efforts to build an alliance with timber workers against their bosses in an Industrial Workers of the World local, the militarization of Ecotopia by the California National Guard's anti-marijuana operations, and finally, the bomb attack and Orwellian nightmare that followed when the FBI tried to frame Judi for blowing herself up.

Timber Wars is a chilling yet joyous read, but the story isn't over. The bombers are still at large, and Judi is now suing the FBI. Stay tuned. (See SHADOW #37 for the story on Bari's lawsuit against the FBI--Ed.)

BLACK HUNDRED

The Rise of the Extreme Right in Russia

(By Walter Laqueur, Harper Collins, 1993)

Reviewed by Bill Weinberg

The tone of Walter Laqueur's Black Hundred is elite and condescending, but its subject matter could not be more timely. The smugness indicates that the author has no serious critique of the prevailing global power structure. Indeed, he is research chief at the Center for Strategic & International Studies, a D.C. think tank notorious for crawling with retired CIA analysts. However, his knowledge of Russia's extreme right is comprehensive, and his story of its reemergence in the chaos of the crumbling superpower is a strange and ominous one.

Laqueur poses a generally more democratic strain in Russian politics which sees the nation as part of the West, or at least aspires to join the West, against a "Slavophile" or "Eurasianist" tendency, which rejects foreign influences and seeks a closed empire. Both of these tendencies can be traced back to the struggle against the Mongols in the 15th century, when Moscow took up the mantle of Rome to rebuild a Christian empire in the East.

In the last years of the Czars,

violent reactionary movements emerged to purge Russia of corrosive foreign influences which threatened the empire. These movements played a critical role in the emergence of European fascism. The Black Hundred, a paramilitary movement controlled by members of the aristocracy, carried out the pogroms against the Jews and called the Russian revolutionaries the tool of a Masonic-Jewish conspiracy to destroy Russia. Laqueur calls the Black Hundred a "halfway house" between the old monarchist conservatives of the 19th century and fascism. Laqueur traces the tortuous story of the "Protocols of the Elders of Zion," the forged tract outlining the Jewish plot for world domination. From its origins in France, it was brought to Russia by Czarist intelligence agents and became the key propaganda tool of the pogroms. After the Bolsheviks took power, the rightist leaders were forced into exile. One Black Hundred exile brought the mysterious document to Germany--where it found its way into the hands of Adolf Hitler and eventually became a propaganda pillar of the Nazi state.

Even as the rightists fumed in exile, the Eurasianist tendency reemerged in the Kremlin under Joseph Stalin, who remains to this day a favorable figure in the Russian right pantheon (seen as more of a nationalist than a Communist). This tendency favored a Eurasianist alliance between Russia and Germany against the West, and continued to advocate this position after the rise of the Nazis. The Eurasianists temporarily gained the upper hand with the 1939 Hitler-Stalin pact--and were bitterly betrayed by Hitler's 1941 invasion of Russia. But Stalin's campaigns against "rootless cosmopolitanism" and periodic witch hunts against evil conspirators continued to scapegoat Jews.

The conspiratorial right found another niche in the Soviet state apparatus after the 1967 Arab-Israeli War. Moscow supported Israel until Leonid Brezhnev decided to play an Arab card against the West. The Communist Party line moved in conformity with the new political strategy. Official "anti-Zionist" propaganda and study groups became a new forum for paranoid theories about Jewish plots to destroy Russia.

Veterans of these "anti-Zionist" campaigns are among the leadership of the new post-Communist extreme right groups in Russia--including the notorious Pamyat. Laqueur presents some great quotes. Pamyat leaders blame a Jewish conspiracy for the Nazi invasion of Russia. They also warn that rock 'n' roll is a Satanist conspiracy, with evil incantations encoded backwards in the recordings.

Pamyat, despite its won internal conspiracies and intrigues, now has its own radio station and a huge publicity machine throughout Russia. Laqueur speculates that it may be covertly funded by elements in the KGB (which, despite a few name changes, has survived the Soviet collapse).

Another mysterious forged document, the "Book of Vias" purporting to be an ancient manuscript from a glorious Aryan civilization that flourished in

Russia in pre-Christian times, has also reemerged in post-Communist Russia. Neo-pagans as well as mystical Orthodox Christians pervade Pamyat. Pamyat's origins actually trace to conservationist groups which campaigned to preserve old buildings and monuments in Moscow. The Cossacks, who fought to conquer Russia's Turkic and Mongol eastern frontier for the greater glory of the Czars, have also re-emerged as a private military order.

These strange developments remind us that fascism, especially in its rise to power, can exploit populism and alienation from technocratic power.

These ominous developments in Russia also have meaning for us in the U.S. Over 100 years before the Cold War, De Tocqueville pointed out that Russia and the United States were on parallel paths to world power, both engaged in a process of conquering and settling a vast frontier. In America, Indians were subdued and pushed from their lands as an empire moved West; in Russia, Turkic and Mongol peoples were pacified and displaced as an empire moved East. Today, in Russia, the empire has imploded, while the American empire survives. But here in the U.S., movements like the new militias may be our own echo of Russia's neo-Cossacks.

Finally, Laqueur explores the "New Nationalist Establishment" and the potential for Vladimir Zhirinovskiy and various other demagogues on the Russian political scene today to unite the militant right and create a new authoritarian state. Laqueur attributes the failure of the right to yet establish such a state to the absence of a charismatic leader with the necessary organizational skills--so far.

Since Laqueur's book was published, the fascist and neo-Czarist right has united with the neo-Stalinist left to oppose Boris Yeltsin in a so-called "Red-Brown alliance." Dropping Pamyat's stodgy old demonization of rock music and youth culture, the new Red-Browns have actually picked up much support from Russian punks, rockers, and post-anarchists--undermining a potential backbone of antifascist resistance. There appears to be as much "Brown" (fascist) as "Red" support behind the Communist Party candidacy of Gennadi Zyuganov.

Laqueur's book deserves attention, but he clearly doesn't realize that intellectuals such as himself who offer no critique of the power relations which fuel fascist movements--no mention, for instance, of the International Monetary Fund programs which have caused such suffering in post-Communist Russia--are part of the problem. As alienation from the ruling power structures is conceded to the extreme right, we go deeper into a nightmarish future in which--as in the NATO assault against the Bosnian Serbs--the only conflict will be between the technocratic global management and militant neo-fascists.



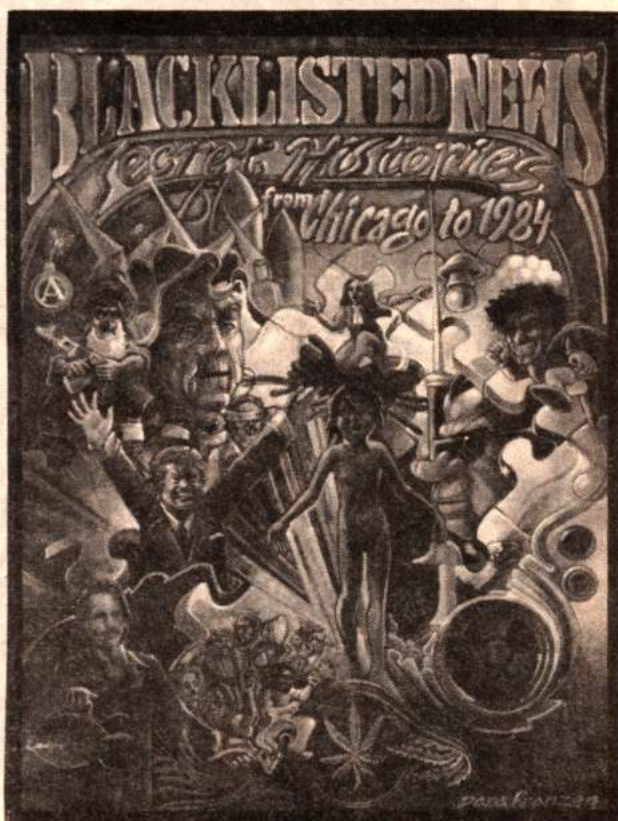
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INTERNET CENSORSHIP....

(Continued From Page 5)

for justice by African-Americans, Native people, women and other oppressed people in America."

The lawsuit against the CDA was heard by Federal District Judge Ronald L. Buckwalter on February 15th, and the judge granted a limited "temporary restraining order" allowing enforcement of the CDA except for offenses that may include "indecent" material. Buckwalter wrote in his opinion granting the TRO:

"Where I do feel that the plaintiffs have raised serious, substantial, difficult and doubtful questions is in their argument that the CDA is unconstitutionally vague in the use of the undefined term, 'indecent.' This strikes me as being serious because the undefined word 'indecent,' standing alone, would leave reasonable people perplexed in evaluating what is or is not prohibited by the statute. It is a substantial question because this word alone is the basis for a criminal felony prosecution."

Indecency -- as opposed to obscenity -- was the issue in 1973 when New York City community radio station WBAI played a recording of a skit by comedian George Carlin called the "Seven Dirty Words" that made fun of America's double standard when it comes to commonly used "dirty words." The part of Carlin's monologue in question was an attack on that hypocrisy while the United States was still carrying to completion the carnage of the Vietnam war. According to Carlin;

"The original seven words were, shit, piss, fuck, cunt, cocksucker, motherfucker, and tits. Those are the ones that will curve your spine, grow hair on your hands and (laughter) maybe, even bring us, God help us, peace without honor (laughter) um, and a bourbon. (laughter)."

After a complaint was filed with the Federal Communications Commission a long legal battle ensued that culminated in a five to four United States Supreme Court decision upholding the right of the FCC to ban language that's normally protected by the First Amendment from the airwaves. In their 1978 majority decision, the five Justices in the majority, lead by arch-conservative Nixon appointee Justice William Rehnquist wrote that, "Our society has a tradition of performing certain bodily functions in private and of severely limiting the public exposure or discussion of such matters." Rehnquist is now Chief Justice of the Supreme Court.

The majority Justices agreed that, since broadcasting was "all pervasive" in society then Carlin's monologue could be seen as an "intrusion into the home." The court held that playing the "Seven Dirty Words" during the afternoon when children could be among the listeners is a case of the "pig entering the parlor, instead of the barnyard" and they argued that if the FCC refused to renew WBAI's license because of the Carlin routine, that wasn't censorship because broadcasting the seven words is a "public nuisance."

One of the counter-arguments made by WBAI and its parent Pacifica Foundation in the legal battle was that the FCC was unfairly reducing adults to hearing only material that's fit for children. But the court's majority ruled that adults had the opportunity to purchase tapes, records or to see an "indecent" performance in the theater. Interestingly, in the 1978 decision the majority argued that since the FCC can't bring criminal penalties against broadcasters, then regulations prohibiting "indecent" material on the

air aren't serious enough to warrant First Amendment protection. But the CDA now mandates fines up to half a million dollars and prison sentences of up to two years for even sending "indecent" material as private e-mail.

Laws with similar intent regulating Dial-A-Porn sex phone lines don't go nearly as far as the CDA which actually criminalizes speech between two adults in a non-commercial conversation. The DA also has anti-harassment provisions that may chill political expression by prohibiting "lewd, lascivious, filthy, obscene, or indecent" speech when it is intended to be "annoying" even when that speech is normally protected by the Constitution. "Annoying" speech could be a letter someone writes to their Senator about their vote on the CDA, that might be intended to annoy them to express a political view.

In FCC vs. Pacifica Foundation, there were also opinions presented by the four dissenting Justices. Justice Brennan accused the majority of limiting the First Amendment to "social values of five members of this court" and of trying to "shut off discourse solely to protect others from hearing it." Brennan argues that the "radio can be turned off" and maintained that the courts decision could "lead to the banning of Shakespeare, Joyce, Hemmingway... and the Nixon tapes." The famous Watergate tapes included multiple statements by the former President excised with words "expletive deleted" in their place.

Justice Brennan argued the majority decision against Pacifica reflected "majoritarian tastes" that prevents an "unoffended minority" from receiving a program. Brennan added that George Carlin's seven dirty words are important parts of the speech of many subcultures in the United States including what Brennan called the "black vernacular" and that banning their broadcast "interferes with communication with listening audiences that don't share the court's view." Brennan then includes in his opinion the following passages from the Bible that could be banned from the airways as "indecent":

I Samuel 25:22: "So and more also do God unto the enemies of David, if I leave off all that pertain to him by the morning light any that pisseth against the wall"

II Kings 18:27 and Isaiah 36:12: "[H]ath he not sent me to the men which sit on the wall, that they may eat their own dung, and drink their own piss with you?"

Ezekiel 23:3: "And they committed whoredoms in Egypt; they committed whoredoms in their youth; there were their breasts pressed, and there they bruised the teats of their virginity;"

Ezekiel 23:21: "Thus thou calledst to remembrance the lewdness of thy youth, in bruising thy teats by the Egyptians for the paps of thy youth."

-- The Holy Bible (King James Version) (Oxford 1897).

Mike Godwin is staff council for the anti-censorship Electronic Frontier Foundation. He says the CDA is an attack on free speech, adding that "we're going to see a lot of efforts at both the Federal level and the State level to try and make government feel comfortable about the immense power the Internet gives to individuals." A problem for the government is that the decentralized format of the Internet, with a myriad of information providers and a mass of users of that information,

makes it difficult to regulate. This has forced the powers-that-be to introduce the CDA with its strict criminal penalties to force identification requirements on people who use the net, through the use of credit cards and other means to insure that users of a particular site are not minors. But according to Godwin, the Internet is "a very bottom-up network and top-down approaches to regulating it almost always are doomed to failure."

Godwin says, rather than relying on over-broad regulation, authorities should focus on the problem they want to solve. In the case of children's access to the net, Godwin suggests "the effective approach is to empower parents to make choices for their children. The threat of a US Attorney's prosecution is not going to effect someone in Thailand or Singapore who is mailing offensive material over the global Internet."

Steve Chase, the head of America Online Inc., the largest computer on-line service in the United States, told the National Press Club in March, "This censorship issue is going to be one of the hot issues over the next year or two." Case says AOL and the other large on-line services favor giving parents new software products that allow them to better control what their

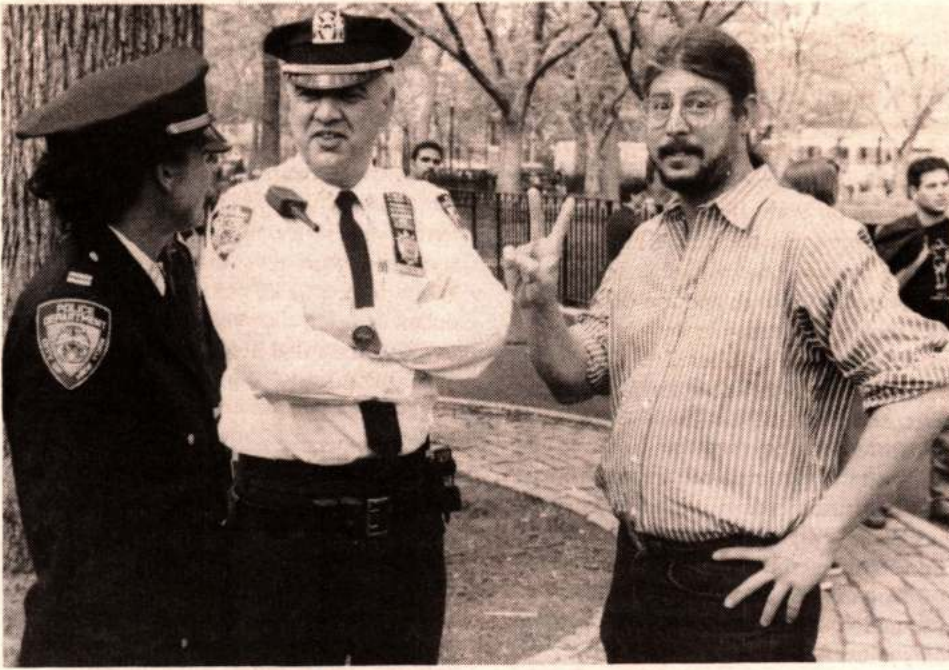
kids see in cyberspace.

The use of software blocks was the issue earlier this year, before the CDA was passed by Congress, when the German government pressured Compuserve, another large on-line service, into imposing a temporary ban on worldwide access by its customers to a number of sites that carried mostly softcore pornographic pictures. The company recently restored access to most of the targeted news groups after providing software controls that let parents restrict the on-line activities of their kids.

EFF's Godwin says that the root of the controversy lies in governments' traditional role to "be able to control content in mass media" -- he adds, "every country in the world has some kind of control over broadcasts, and many control content even in one-to-one telephone communication." According to Godwin, "here we have this medium, the Internet, that empowers individuals just with laptop computers to reach large audiences, and governments are kind of troubled by this, especially in countries that don't

See INTERNET On Page 22





JACK DAWKINS

DOWN BY LAW....

(Continued From Page 11)

to plead it; pay their 25 dollars and get the fuck out of there. But when people have a city job or something like that, then it's a bit more of a problem. Unless you're very certain that you're not going anywhere in life where it matters, you want to try to avoid taking a conviction for anything, even for pot.

SHADOW: Why do you think the government has this obsession with enforcing marijuana laws?

Kuby: Well, people who grow a lot of dope and who deal smoke generally tend to be more nonviolent. Most of them are high.

It's funny, I was doing this interview with Dateline about Bernie Goetz. One of the issues was Goetz's statement when he stood up in public at his building meeting and said that the only way to clean up New York is to get rid of "all the spics and niggers." Goetz finally offered to explain that -- he said that he was high on angel dust at the time. I don't know a lot about the pharmacology of angel dust, but it's the only drug I ever heard of that makes you a racist.

SHADOW: Have you ever been a member of a paramilitary organization?

Kuby: I was in the Jewish Defense League.

SHADOW: How did that come about?

Kuby: My father was a gung-ho Zionist. Remember, at that time, Zionism was not generally perceived as a right-wing political movement, except by the most sophisticated thinkers. People like Rabbi Kahane, whom I actually knew -- we got arrested in Washington in 1970 -- were able to use the rhetoric of the left and the civil rights movement to bring people into the JDL, basically portraying the JDL as the Jewish equivalent of the Young Lords or the Black Panther Party.

A lot of people were taken in with the notion that Zionism was somehow progressive, and I was one of them. In 1967, after the Six Day War, Jews were no longer people to be pushed around, that they were ferocious Biblical warriors. It was an incredible thing to be a young Jew at that time. Instead of using it in a progressive direction, people like Kahane played on those emotions and turned people into little Jewish nazis, Jewish haters and terrorists and killers.

I was being groomed for that position, but then I went to Israel myself and started smoking hash and hanging out with the very Arabs that I was being trained to kill. I discovered that I liked them a lot. I liked their hash, I liked their yogurt deserts. And before I knew it, I was hanging out,

talking with people, and smoking dope, not wanting to kill anybody. Terrible, I know; I would have had a great career as a Jewish terrorist if it wasn't for hashish!

SHADOW: At what point did you decide that being a lawyer was the way to go?

Kuby: I don't think I've decided that yet, actually. I don't know if I've made that decision at all. When I was in school I wanted to be a cultural anthropologist. I lived in the West Indies and worked on a tugboat for Hess Oil in St. Croix. My interest in cannabis prompted an interest in herbal medicine and I would talk to the West Indian seamen who were always brewing up these potions from herbs. I became more interested and studied anthropology seriously. I got a fellowship to study folk medicine in the West Indies, but nobody was interested in financing my postgraduate education. When I was turned down for a Danforth fellowship, it was because of my attitude which was characterized as "condescending and arrogant." So I went back to the bar where I was working and the bartender said "you should go to law school, they like guys like that there."

What finally persuaded me to go was an anti-apartheid demonstration at the University of Kansas where I was holding a divestment banner and the police broke my arm trying to make me let go of the banner. I couldn't find a lawyer to sue them. I'm still not convinced that being a lawyer is the best way to change society; it's probably the best way I can change society. It's something I seem to be able to do reasonably well.

SHADOW: When did you first meet Bill Kunstler?

Kuby: I was going to law school in Cornell and I met Bill in the summer of

1982. I was a law student at prisoners' legal services in Ithaca. One of the lawyers working for Bill had previously worked there and I thought that maybe I could get an internship. I sent a resumé, a writing sample and all that shit, didn't get an answer, and sent a bunch of more stuff that was never answered. I finally found all that stuff -- it was wedged under an air conditioner, unopened. Eventually, I started calling and I guess it was decided by all parties that it was more of a hassle to keep telling me not to come than to let me come, so I did.

The first day, in late June of 1982, Bill said "Come tomorrow, I got a big job for you." I was incredibly nervous and showed up at 8:00 on the dot. The house door flies open, his hair is uncombed and he's clearly in a hurry, but he's *naked* from the waist down. He asks me if I want coffee, he pulls me in, asks how I take the coffee and I can't believe a half naked William Kunstler is making me coffee -- it's not what I imagined! From that moment on, we had a great time.

SHADOW: At what point did you and Bill become partners?

Kuby: After about nine or ten years, I would suggest things like "Don't you think 'Kunstler and Kuby' would sound better?" After a lot of discussion, we decided that it was time for me to be a partner. That was 1993.

SHADOW: What were the more interesting cases that you and Bill handled as a team?

Kuby: The Mayday cases, Colin Ferguson, the Islamist cases, Quibilah Shabazz, the flag-burning cases.

SHADOW: What's your favorite Bill Kunstler story?

Kuby: It was in 1989 when we were in court with Al Sharpton and Vernon Mason and Alton Maddox out in Brooklyn at one of the Day of Outrage cases. Things went from very bad to very much worse, very quickly.

By 10 in the morning, there were 150 supporters of Maddox, Mason, and Sharpton in the courtroom, surrounded by about 150 court officers. The judge (Judge Nadell) had scampered off the bench, and me and Bill and a couple of other lawyers were left to try to deal with this. It was sort of a courtroom occupation. The only reason it wasn't a full occupation was that nobody told us to leave, not that they *would* have left.

We were there for hours and hours and things were getting more restless. The officers had a funeral to go to for a court officer who had died in the line of duty -- it was a fishing accident.

They were getting tired, it was 5:00. I don't recall the spark that set off the conflagration, but it was pretty extreme. They came in beating the shit out of everybody, including Vernon Mason. There was no way to exercise control over what was going on. There were hundreds of court officers going wild. I

get arrested and thrown over a railing. I almost broke my back. I hear Bill say "you can't do that, he's a lawyer" and the next thing I know Bill is being slammed down on the ground and both of us are knocked around, kicked and dragged off to a holding cell. Then we are all being put through the system.

We walk in to the central booking area and there's about 50 real tough looking young Black and Latino kids, the day's catch. Suddenly, my white middle class fears spring to the fore; this was the end mother always predicted -- beaten to a pulp by the very people that I profess to love and try to help. So we walk in, and one of them says "hey, those are Larry Davis' lawyers." Bill says, "that's right, how are you, brother?" He gives him a big hug, and it's like "make room for the lawyers." Bill and I traded legal advice for cigarettes all night long.

SHADOW: Bill often warned about the erosion of our constitutional rights. What do you see as the biggest threats or dangers facing us in the 90s and beyond?

Kuby: Bill and I always disagreed on this notion of the erosion of civil rights and liberties. Bill tended to see things in a more linear way: things are bad, they're getting worse, they will be worse yet. Much of the left views the world in that way.

We've been sliding downwards a long time, but we never seem to hit bottom. Any objective view of civil rights and liberties has to acknowledge that there's been a lot of swings in the past 30 or so years. People who harken back to 1968 as a golden era of american individual rights focus on the existence of a movement, but in terms of the enemy, they were much worse in 1968 than the enemy is now. COINTELPRO was in full swing, Black Panthers were being systematically murdered, the movement was infiltrated, under attack. You had then-Assistant Attorney General William Rehnquist talking about imposing qualified martial law in Washington DC in 1971. You had the draft, you had tremendous mechanisms of repression that were in effect in American society. I think people who look at civil rights in that context tend not to see that *because* the existence of a movement gave everybody hope.

Probably the biggest threat to American liberties in the 1990s is the utter absence of any movement on the left to stand up and combat anything. We sit around dithering in incredibly unproductive conversation, particularly in light of the fact that we have no movement, we have no alternatives. And that's what scares me the most.

SHADOW: Do you see yourself doing anything besides lawyering as time goes on?

Kuby: Tending bar. I have visions of myself tending bar. I used to be a bartender.

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INTERNET CENSORSHIP....

(Continued From Page 20)

have a long tradition of civil liberties, into thinking maybe we should order them to shut down." He points to Germany as a country without a long tradition of democracy, where the government's first choice was to pressure providers into blocking objectionable material.

Surprisingly, in the United States, the push to control content on the Internet came in part from members of Congress who had long reputations as supporters of free speech. *Wired* magazine covers on-line issues, and its reporters tried mightily to get responses from erstwhile congressional liberals who voted for the CDA but were reluctant to discuss the reasons for their votes.

Representative Patricia Schroeder, a liberal Democrat from Colorado, has opposed the anti-abortion speech parts of the CDA but has also voted to keep the prohibitions against indecent language in the Act. Schroeder says, "I voted for the 'no indecency for kids' provision because, in my view, all doubts about the competing provisions had to be resolved in favor of children. I'd be the first to say that the options before us weren't perfect, and the process was abysmal. The House had no hearings on this issue, no committee deliberation, and no floor debate. A better process would have given us better options. My requests for a more open process were ignored -- not too surprising from a Republican majority, which rushed through too much legislation by a similarly slipshod process."

Jerry Berman is the director of the Center for Democracy and Technology, and he agrees that offensive and dangerous material is present on the Internet and should be controlled, "The information highway has a lot of material on it which is very troublesome and which our children should not get a hold of." But Berman adds the CDA isn't the answer, "The problem is that we should not try to put forward solutions that are really fig leaves that will not solve the problem." Berman says software controls that allow parents to block objectionable material from their own computers with a readily available program like "Surfwatch", and others called Net Nanny and CyberSitter, are part of a solution that will "...let us really look at the user end of the Internet, what kinds of technologies can we bring on line to make it possible for parents to screen out and control what they see or what they interact with on the Net and what their children interact with?"

During hearings in a Philadelphia courtroom, held before a three-judge panel, including Judge Buckwalter, in late March, lawyers for the government sparred with free-speech advocates over the potential for controlling access to "sexy" Internet sites. Government lawyers used a popular program to illustrate their contention that the Internet is dangerous to children. They searched for the words "little" and "women" and got a screen pointing to a

World Wide Web site featuring "Hot Pictures of Naked Women." ACLU lawyer Stefan Presser called the governments tactic "a pretty obvious attempt to try and shock the court -- one with minimal effect."

Robert Croneberger, director of the Carnegie Library, said making sure all resource materials in his library weren't offensive would entail inspecting his entire online card catalogue manually. He estimated it would take 180 additional staffers to search 2 million entries. Trying to name a research subject that wouldn't be affected by removing all references to sex, government lawyer Patricia Russotto asked Croneberger about gardening.

"Plants procreate" Croneberger said, eliciting an outburst of laughter from the courtroom, including the three judges.

"What about Abraham Lincoln?" she tried next.

"Actually I have read many journals about his sex life -- or a purported lack thereof," he said.

"Geology?" Russotto asked.

"Well," Croneberger said. "Probably only if you put the rock together with roll."

As courts in the United States are set to try and regulate the Internet, officials in Great Britain have concluded that legislation will never in itself control the global Internet. According to a report by the BBC, Great Britain is proposing a voluntary regulation of the Net led by the industry itself.

British Science and Technology Minister Ian Taylor told a recent conference that, "An imposed regulatory regime is not likely to solve all our problems," he said, "The British government's preference is for a voluntary approach. It is in the commercial interest (of industry) to meet public concerns." Taylor said the Internet's explosive growth has been largely the result of its freedom from legal controls, adding that Britain is concerned that new laws may stunt further development of the Internet's commercial potential. According to the BBC, the European Parliament is looking at harsher media laws and the European Council of Ministers is deciding on a common European approach in June. But, the BBC goes on to report that the Council, along with the European Commission are generally opposed to wider Internet legislation.

In France the death of President Francois Mitterand was followed by the publication of the book "Le Grand Secret" by Mitterand's personal physician, claiming the French President had secretly suffered from prostate cancer for 11 years prior to his death from the disease in January. The French courts banned the book, prompting an Internet enthusiast, Pascal Barbraud, the owner of the Web Cafe in Besancon, to hold an "Internet party" where all 190 pages of the book were scanned onto his Web site.

Barbraud's Web site was flooded by an estimated 7,000 computers per hour

trying to download the file. Commenting to reporters, Barbraud said "It's only a small step between banning books and burning them in public. That's where the real danger lies." Attempts by the French to take the book off the Net were thwarted when "Le Grand Secret" was put up on Web sites around the world, prompting some officials to threaten drastic action such as encrypting the entire national network. Even repressive Singapore and Indonesia have had to face the difficulties of trying to police the Internet and are resigned to allowing criticism of their governments to be posted on the Net even as newspapers and broadcast media are tightly censored.

In the United States the Internet has also been used effectively to circulate information repressed by major tobacco companies. A box containing 4,000 pages of internal documents from Brown and Williamson, the third largest tobacco company in the United States, was sent to a researcher at the University of California, San Francisco, medical school with the return address, "Mr. Butts" (the pro-smoking character from *Doonesbury*). When the documents were made available at the UCSF library, private investigators hired by Brown and Williamson -- makers of Kool, Pall Mall and Lucky Strike -- camped out in a lobby monitoring anyone who used the materials.

The company claimed the papers had been stolen but California courts ruled that since the documents sent to the school were not the originals but

photocopies, the library couldn't be prosecuted for the theft of the originals. After the decision, library officials put the documents on the University's "Tobacco Control Archives" Web site where it became an instant hit for thousands of Internet users who downloaded messages like a letter to Brown and Williamson, signed by movie star Sylvester Stallone. In the letter the action film hero agrees to a half million dollar deal for allowing characters in five of his movies to smoke Brown and Williamson cigarettes.

The head of research for the UCSF library is Robin Chandler, she says the explosive growth of the Internet "gives a new avenue of publishing available to people." Referring to Daniel Ellsberg, whose release of the Pentagon Papers in the 1970's was almost blocked by the courts and who had to rely on the *New York Times* to publish the once secret internal history of the Vietnam war, Chandler says, "now, essentially if you have a scanner, and if you have a server, anyone out there can put up any information that they want to."

Whether or not the Communication Decency Act can shut down the free-wheeling Internet will put Chandler's observations to the test.

Paul DeRienzo can be reached at pdr@echonyc.com or check out his web page at www.wbai.org. Paul also has a radio show called Let 'em Talk on WBAI-99.5-FM in New York City every Wednesday night (early Thursday morning) at 1:30 AM.

SUB-CULTURE

(Continued From Page 17)

before it became more of an arty rag." There's also a small side wall devoted to *Paper Magazine*, where McCormick still works as a senior editor.

While early punk zines are presented in a fairly orderly fashion, once you turn the corner and enter the back room of the gallery, you'd better brace yourself. "That's the wall that shows the explosion of zines in the mid '80s to mid '90s, when everyone started doing it," McCormick explains. True to his word, the wall is a dense mass of over a hundred individual zines, including a number of rarities like convicted cartoonist Mike Diana's *Boiled Angel*.

On the wall across from the AIDS graphics Wallis has assembled material from N.Y.'s alternate art spaces during the late '70s and early '80s, covering much the same ground as in the concurrent show at The Drawing Center, "Cultural Economies", which was designed to complement the "Counterculture" exhibit. In particular, Wallis has focused on Lower East Side artists whose work at that time took on "a strong sense of activism around the issue of homelessness," he explained. "In this larger context (of the show) it may have been a somewhat awkward way of presenting that material, but I think it was an important component of what visual artists had done in relation to those issues. It's really the flip side to the negative press that people have developed about the East Village and artists, you know, that it's just a story about gentrification." Included on that wall are artistic artifacts from the big Real Estate Show in 1980 and a powerful poster on squatting by *World War 3 Illustrated's* co-founder Seth Tobocman.

Caged in the back corner of the gallery with a wire mesh fence are two computer terminals hooked up to the Internet. Timothy Druckrey, the Web

consultant for the show, explains his contribution to "Counterculture": "It was kind of a last minute decision to do the Network component. To the extent we could in the short time, we've made the show available on the Net." Background on the show comes up as text and Druckrey has also scanned in a number of covers from various alternative papers. "The other thing we've done is set up a series of links to alternative publications on the Net. There's any number of magazines started many years ago in print media that have now mutated into the electronic realm. So we start to suggest the availability of the scope of the material represented there on the walls here on the Internet."

From Exit Art's computers one can access other Web Sites like ACT UP, WAC (Women's Action Coalition), the Black Panthers, Media Filter (an alternative media site), as well as a civil rights site that has resources from that era which include video, sound and images. Also available is the pro-active hackers zine *2600*, and according to Druckrey new links are being added every day. If that's not enough of a Network for you, from within the different linked sites there are other linked sites which can be branched off, creating connections to almost an infinite amount of alternative information via the Net.

"Counterculture" offers its audience many things to think about and a hell of a lot to look at. It's up through May 25th. If you dare miss it, then you should only be allowed to read the *New York Times* until the day you die.

Paul Krassner, editor of one of the funniest and longest running underground mags around, The Realist, will read from his book The Winner of the Slow Bicycle Race: The Satirical Writing of Paul Krassner on May 30th at 7 p.m., at the gallery.

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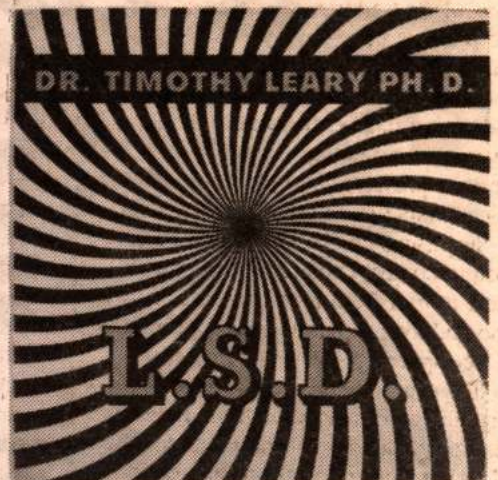
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