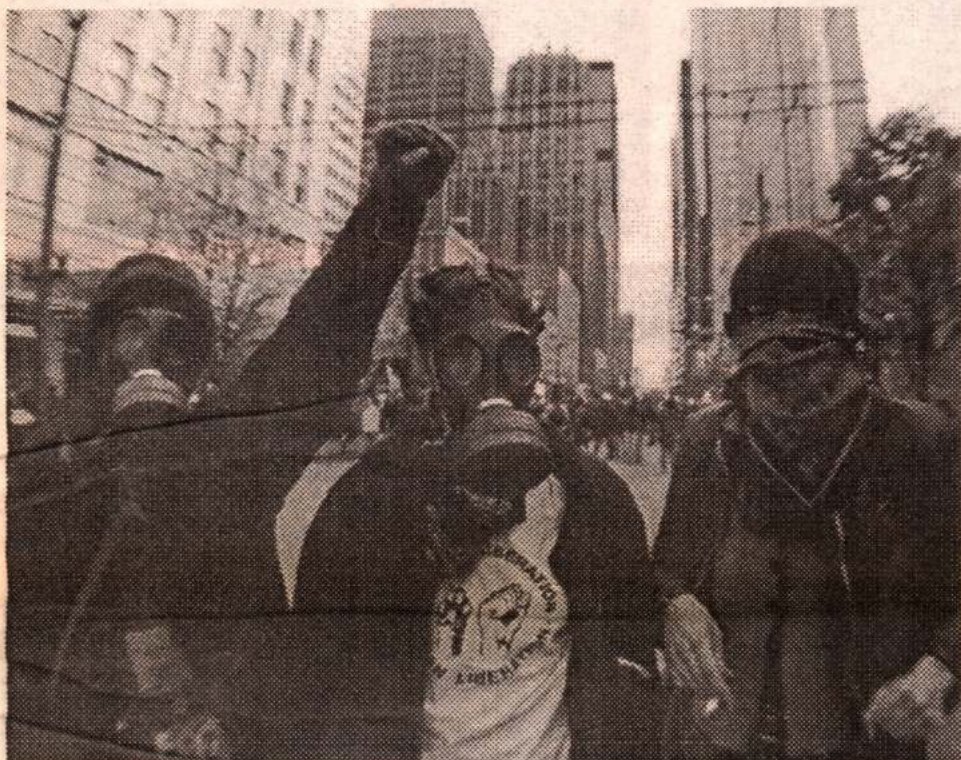


# the SHADOW

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## WORLD TRADE ORGANIZATION PROTESTS ROCK SEATTLE!

*Report from the Battle Lines*  
From Combined SHADOW Sources



In the first week of December, protesters from around the US and the planet converged on Seattle, Washington, to successfully block the Millennial Round of negotiations by the World Trade Organization (WTO). Downtown Seattle was shut down for days and a state of emergency declared as police unleashed tear gas and rubber bullet assaults and the National Guard was called out. The WTO—a global body of appointed technocrats with the power to impose sweeping trade sanctions against any nation which deviates from "Free Trade" dogma—was unable to reach any agreements or further advance its draconian veto powers over public policy in 135 nations. The protests marked an unprecedented alliance between organized labor, environmentalists, farmers and independent alternative media to resist global corporate rule.

### Monday, November 29

The weeks before the WTO arrived in Seattle were filled with dramatic small-scale actions. Protesters scaled flagpoles, climbed construction cranes and rappelled down from an overpass above Interstate 5 to unfurl banners denouncing the WTO. Residents and authorities alike had every reason to believe something big was building.

On Monday, November 29, the day before the Millennial Round was scheduled to open, a downtown McDonalds was besieged by protestors—including José Bové, a French sheep farmer who in August had taken a piece of farm equipment to a McDonalds under construction in the village of Millau, demolishing it. Supporters around the world raised money to bail him out of jail. Owners of the surrounded

Seattle franchise feared the worst, but this time Bové was committing a different act of resistance—distributing French Roquefort cheese he had smuggled into Seattle in violation of US trade policy. The US (following a WTO decision in its favor) had imposed prohibitive tariffs on the cheese in retaliation for a European Union ban on US beef treated with genetically-engineered hormones.

As the merry protesters wolfed down the exotic contraband cheese, a phalanx of riot police appeared with Darth Vader-like full body armor, helmets and visors. But the "robocops" (as the protesters soon dubbed them) were outnumbered and retreated after being encircled.

That evening saw the "hands around the King Dome," with protesters attempting to encircle the sports stadium complex where the WTO delegates were having their opening dinner soirée. The stadium was nearly encircled, although delegates were able to enter.

The serious business was yet to come.

### Tuesday, November 30

On Tuesday, the opening day of the WTO bash, ILWU longshoremen went on a one-day strike—not only in Seattle, but throughout the Pacific coast, from San Diego to Anchorage. Seattle taxi drivers took the afternoon off in solidarity with the protests, and most downtown businesses were closed.

The effort to physically block delegates from entering the Seattle convention center was coordinated by the Direct Action Network, a coalition of groups such as Rainforest Action Network, Art & Revolution and the Ruckus Society—which held a protester training camp at a

farm in the Cascade Mountains called "Globalize This!" These organizations, in turn, were divided into affinity groups—small, close-knit units.

On Tuesday morning, 13 entrances to the convention center were blocked off by affinity groups, who locked arms to prevent the delegates from passing. Surrounding street intersections were occupied. Creative chaos reigned. Protesters locked their arms together in steel pipes and sat down in the street, or erected 20-foot tripods to perch themselves on. Protesters in hard-hats officiously strew "do not cross" tape from street poles across access to the convention center, while others dressed like sea turtles swam through the air. The nearby hotels where the delegates were staying were also surrounded and blockaded. Ravers danced to hip-hop and techno coming over a sound system hidden inside a van blocking an intersection.

Upon this scene, two comparatively mainstream protest marches converged—one led by the big environmental groups, and one by the AFL-CIO. 50,000 clogged the streets. More affinity groups peeled off from these marches to join the blockade, including a contingent of locked-out steelworkers from the Kaiser plant in Spokane, Washington.

Around 11 AM, the robocops started clearing the intersections, opening fire with guns that simultaneously shot tear gas and rubber pellets. There were three different kinds of gas canisters used, including one fired from armored personnel carriers. The most highly potent forced you to run or faint.

Even so, the robocops only managed to take one street each half-hour. Protesters regrouped, chanting "This is what democracy looks like!" and "Whose streets? Our streets! Whose world? Our world!" Rows of peacefully seated protesters were enveloped in thick clouds of gas, taking it Gandhi-style. Having to leave robocops to secure cleared streets, the police soon ran out of troops.

Meanwhile, highly mobile and disciplined units of ski-masked "Black Block" anarchists on the periphery of the action



trashed corporate storefronts with hammers. McDonalds, Niketown, Gap, Banana Republic, Old Navy, Warner Brothers, Planet Hollywood, FAO Schwartz, Bank of America and two Starbucks were all thoroughly ransacked. Fires burned in the intersections.

After the streets were finally cleared and some calm returned, the convention center itself remained surrounded. As the sun set, Food Not Bombs fed the masses.

Just after dark, police unleashed new gas attacks to disperse the crowd at the convention center. Some protesters were ready with gas-masks, others improvised some protection from wet shirts. But the crowd was soon broken into clusters, which police then chased down, using pepper spray for the up-close action.

One cluster was followed back to Capitol Hill, Seattle's east side alternative enclave where many of the protesters were staying. Local residents, appalled at the invasion of their neighborhood by police helicopters, tear gas and concussion grenades, took to the streets. An all-night battle tore through Capitol Hill.

Continued On Page 4





# EDITORIALS

## SEATTLE ROCKS, THE MAINSTREAM MEDIA SUCKS, AND WHERE HAS THE SHADOW BEEN FOR TEN MONTHS?



ALTERED NEWS BOXES IN SEATTLE NOW TELL THE TRUTH

The week of demonstrations in Seattle against the World Trade Organization last December was not just important because activists succeeded in disrupting the WTO convention.

For one thing, the demonstrations brought together a unique coalition of participants, some of whom, under other circumstances, probably never would have agreed on anything.

Another significant, and ominous, development, was the use and experimentation of crowd control, dispersal and torture devices and techniques by police decked out in high-tech riot gear, making them resemble creatures from another planet. The introduction of federal troops and National Guardsmen, who rolled into town with their assault tanks and machine guns, was another in a series of domestic urban warfare training exercises taking place in cities across the U.S., in conjunction with the militarization of local police departments.

But, the most interesting aspect of the Seattle protests was that despite the mainstream media's under-reporting of the demonstrations and down playing of WTO opposition, people from all over the country and the world networking on the internet found out what was really going on in Seattle and why.

Thousands, hippped by the net, ignored the mainstream media and converged on Seattle anyway, putting their beliefs and commitments on the line. It was the 1967 Democratic National Convention in Chicago all over again, except this time, it wasn't just hippies and anarchists against the pigs. It was students, teamsters, farmers, teachers, longshoremen, taxi drivers, and countless others who found a common ground for opposing yet another new world order scheme for corporate and global government.

Over the course of the Seattle demos, participants and alternative media people kept the world informed through numerous web sites with first-hand reports and photographs. This underground media activity was immediate, informative and professional, outdoing the mainstream morons by far.

The internet has provided the means by which the mainstream press can be circumvented and the truth can be

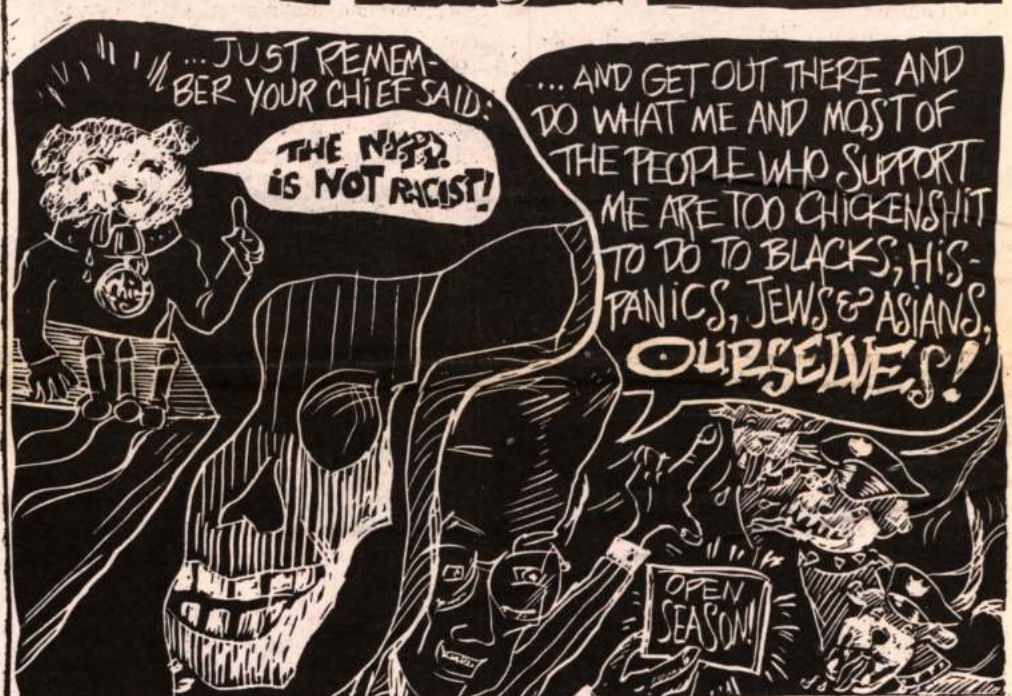
found. No longer must the public depend on the media for meaningful and fully-reported news, which they never get anyway, unless you consider ball game scores or mindless celebrity gossip to be "news." There's no turning back--the genie is out of the bottle!

Which brings us to the SHADOW. We have been publishing since March of 1989, coming out as frequently as possible, usually when there have been enough newsworthy items to report. Because we hate to waste paper and prefer creating quality issues instead of quantities of issues, and because it is so time consuming to create a SHADOW, it has been difficult for us to publish a newspaper as regularly as we would like (our last issue came out in April 1999).

From the beginning, our mission has been to report and disseminate news and information that the mainstream press ignores or distorts. We believe we've done this well over the past 11 years, but it's time to make an improvement. So, we have created a bigger and better SHADOW web site that will report current news quickly with photos and art, and provide links to other sites that can give you more information. Our site also contains an archive of previous SHADOWs for ready reference.

The SHADOW web site enables us to fulfill our mission on a larger scale, while saving precious trees. Of course, there is still something special about a newspaper that you can hold in your hands, and besides, not every one has access to a computer. So, the SHADOW will continue to be published as a newspaper, as often as we can do it. Meanwhile, you can always get the latest SHADOW news on the net. Our web site is: <<http://shadow.mediafilter.org>>

Take a look and let us know what you think.



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## ESPERANZA GARDEN RAZED: GIULIANI SNARES MORE CITY LAND FOR SERIAL GARDEN KILLER

By Chris Flash



CHRIS FLASH

Thirty-one people were arrested on February 15 defending a community garden against a police raid ordered by mayor Giuliani.

El Jardin de la Esperanza (Garden of Hope), located at 223-225 East Seventh Street, was started 22 years ago by the Torres family when next door neighbor Alecia Torres began clearing trash and rubble from the lot. Over the years, it became an oasis of flowers, shrubs, winding paths and a casita, hosting baptisms, ceremonies and other neighborhood gatherings.

In 1998, Community Board Three approved a proposal by politically-connected real estate developer Donald Capoccia and his partners to build a new housing project on two city-owned lots on Avenue C and on adjoining lots he had acquired on East Eighth Street. This approval was given with the promise that the Esperanza Garden, facing the rear of the proposed project, would remain a community garden.

In a letter dated November 13, 1998 from Donald Capoccia and John Murphy, attorney for the Gethsemane Garden Baptist Church, to the Esperanza gardeners, obtained by the SHADOW, Capoccia told the gardeners that as part of his proposed housing project, he intended to retain the Esperanza Garden "as a community garden." Though he assured them that "it will be preserved as a garden in perpetuity," his promise was not worth the paper it was printed on.

Under the city's "80-20" program, at least 20% of Capoccia's proposed housing units would have to be allocated for low or moderate-income residents. However, under the program, those units could be set aside in other buildings, as far away from the new project as the developers wish. After only a few years, those new units would revert to "market rate" rents. Ultimately, the city's program is a privatization scam that eliminates true low-income housing and garden spaces in favor of market rate housing, forcing lower-income residents out of their neighborhoods.

In December 1999, the former People's Warehouse, a garage at 338-40 East Eighth Street which abutted the rear of the Esperanza Garden, was torn down by Capoccia's demolition crew. According to SHADOW sources, Capoccia made a deal with the Gethsemane Garden Baptist Church of New York, that had obtained the site in 1992, enabling him to build on their land. Earlier, Capoccia acquired 342 East Eighth Street, a corner lot also known as 125 Avenue C.

The two remaining city-owned lots on Avenue C sought by Capoccia for his

1998 proposal included Jardin Bello Amanecer at 117-119 Avenue C, operated by Carmen Pabón, an elderly Puerto Rican woman, and a lot at 121-123 Avenue C. SHADOW sources say that in 1999, City Councilperson Margarita Lopez brokered a deal with Capoccia that spared one-third of Pabón's garden while allowing Capoccia and his partners to expand their proposed housing project to include building on the site of the Esperanza Garden.

Lopez' stated reason was the preservation of a mural on the north wall of a building adjoining Pabón's garden depicting Puerto-Rican struggle. But, according to SHADOW sources, Lopez acted to save Pabón's garden as a favor to Pabón, her long time friend. Under this new arrangement, by giving up 1,000 square feet of part of Carmen Pabón's garden, Capoccia would get to use the full 5,000 square feet of the Esperanza Garden for development.

Since this was not the original proposal approved by the Community Board preserving the Esperanza Garden, the new Capoccia/Lopez deal should have gone back to the City Planning Commission for review under ULURP (Uniform Land Use Review Procedures), as mandated by the City Charter, but it did not.

Esperanza attorney Joel Kupferman sought a court order in New York State Supreme Court that the disposition of Esperanza go back through the ULURP process, arguing that the Capoccia/Lopez deal violated ULURP, but Justice Davis ruled that the Esperanza gardeners had no standing to bring an action against the city.

With Lopez' blessing, the new plan to build on the Esperanza site was accepted without Community Board approval and outside of the competitive bidding process. This was confirmed when the Daily News subsequently reported that Capoccia's company, BFC Partners, in partnership with the Gethsemane Baptist Church, had been designated by the city to develop the site of the Esperanza Garden. Lopez, in a written statement, later denied making a deal with Capoccia.

Despite highly publicized public auctions of city-owned land in recent years, Donald Capoccia has been able to obtain other city-owned land outside of the bidding process. As reported in SHADOWs #42 and #43, Capoccia was behind the destruction of several Lower East Side garden sites handed to him by the city for building city and state subsidized yuppie condominiums. Currently, Capoccia, either directly or through his network of partnerships and corporate veils, owns and/or controls dozens of properties on

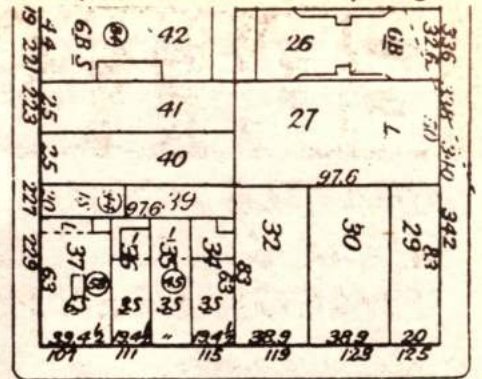
the Lower East Side and in Harlem, on city land given to him for little or no money at all.

Not surprisingly, Capoccia is a long time friend and financial contributor to mayor Giuliani. On more than one occasion, Giuliani has had to return tens of thousands of dollars donated by Capoccia and his partners at BFC over the legal limit. However, Giuliani has been able to keep thousands of dollars in gifts received from Capoccia over the years.

Fully aware of Capoccia's plans for Esperanza, garden defenders maintained a 24 hour encampment against any eviction attempts. The activist group More Gardens! erected a huge frog on a pedestal with room for two to sleep in each night to keep watch through the frog's eyes. The frog, known as a "coqui," which, in Puerto Rican legend, is said to repel attackers, was posted at the garden entrance. Recently, Time's Up and other community groups and activists joined in, stepping up the campaign to fortify Esperanza's defenses. This included a 25 foot steel sunflower with a seat on top with an arm lock-down, a California-style tripod on which someone could sit, and several lock-down devices scattered throughout the garden. Known as Sleeping Dragons, these consisted of cement blocks buried five feet underground with rebar (metal rods used to reinforce concrete), into which people's arms could be locked in place, Earth First! style. Inside the coqui were two more lock-downs.

When the Esperanza Garden received a visit in early February from 9th precinct Deputy Inspector Conroy and "Community Affairs" officer Hernandez, it was clear that a police raid was imminent. Despite their casual demeanor, the true purpose of the police visit was to gather information, to determine who was "in charge" and to assess what level of resistance would meet an attempted eviction of the garden. An offer by Conroy to meet with garden defenders at the 9th precinct was quickly refused.

On February 14, Esperanza attorney Harry Kresky sought a stay pending an appeal of the previous judge's decision, but his motion was denied. Later that evening, cops were seen posting no park-



City plat shows lots acquired by Donald Capoccia and partners, with help from friends, to create 17,000 square foot property to build on.

Lot #27: People's Warehouse site held by Gethsemane Garden Baptist Church

Lot #29: Bought by Capoccia

Lot #30: City-owned lot given to Capoccia

Lot #32: Carmen Pabón's garden

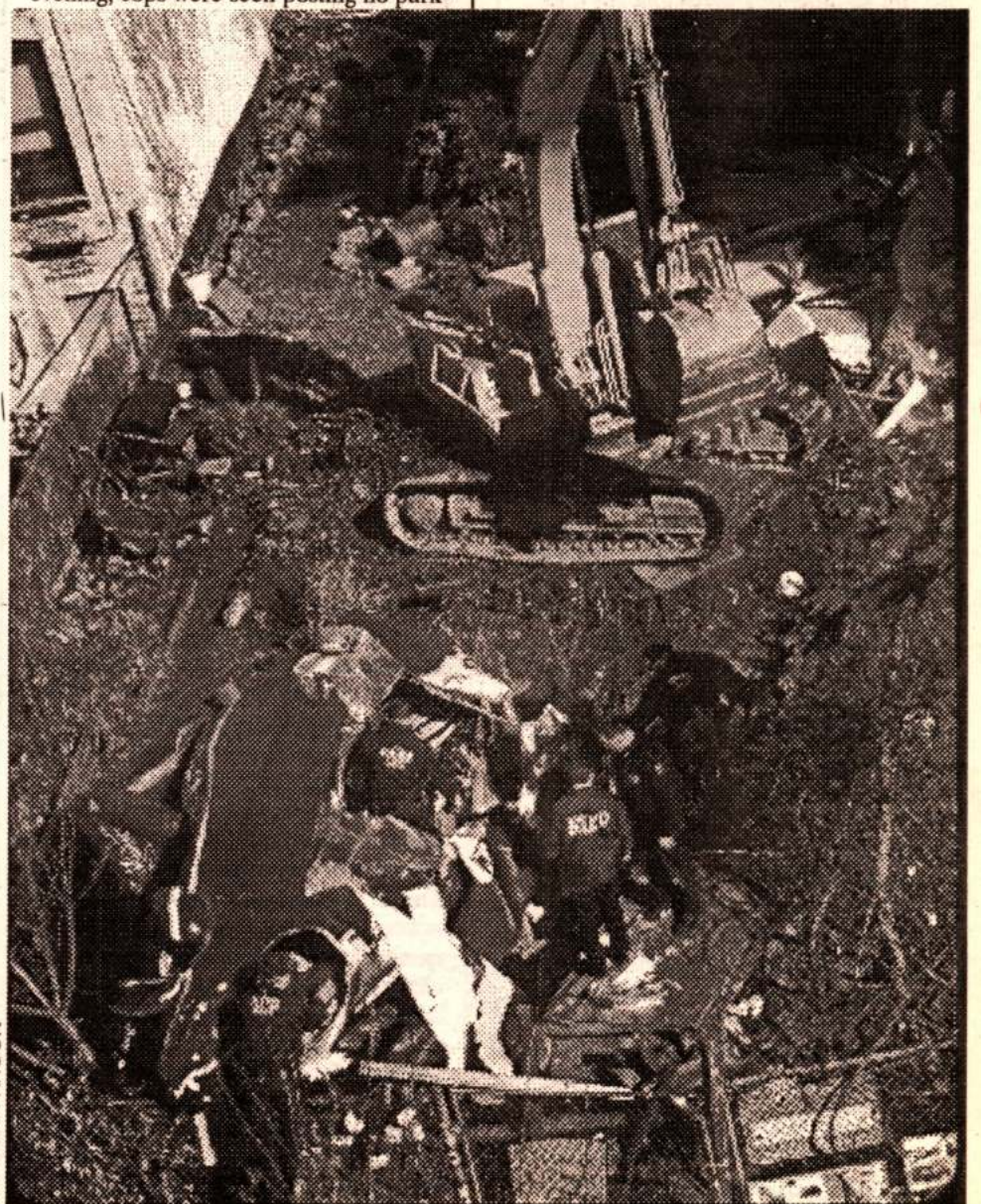
Lots #40 + 41: Esperanza Garden

ing signs on East Seventh Street. Deputy Inspector Conroy, stopped by garden defenders, told them that the raid would be coming the following morning. He promised that cops would be "slow and careful." At about 3:00 am, tow trucks removed parked cars outside the garden. By 7:00, about 150 people occupied the Esperanza Garden. Media and television crews, alerted via cell phone, had arrived earlier, in time for their morning news shows.

People quickly locked themselves down throughout the garden and erected two more tripods. With not enough lock-down devices to go around, people chained themselves to whatever they could. Several escape routes were created to allow people to avoid arrests. Barricades were built in the rear and wood was piled in front of the garden entrance.

Cops broke into three surrounding

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CAROLINA KROON

BULLDOZER DESTROYS GARDEN AS COPS RAID FROG



## SEATTLE ROCKS....



A curfew was declared for 50 square blocks of downtown, and Mayor Paul Schell quickly won City Council approval--with no public hearings, ofcourse--for a state of emergency. The area around the convention center was declared a "no-protest zone." The next day, Councilmember Richard McIver (the council's only African American) would be dragged from his car and thrown to the ground by police at a roadblock. By official decree, it was illegal to sell or possess a gas-mask. Governor Gary Locke also mobilized the National Guard.

The day had seen few arrests--only 68.

## Wednesday, December 1

Protesters arrived back at downtown in the morning with brooms to clean up the broken glass and debris. Hundreds of National Guardsmen, state troopers and police from several municipalities milled around back at the convention center. The Guard were unarmed, but many of the police had rifles and gas-masks. CNN.com reported that 166 active-duty elite Pentagon troops, including Special Forces, had been sent to Seattle to "assist" the police. The Federal Emergency Management (FEMA) established a "staging area" at Lake Union Naval Reserve Center.

Later, the United Steelworkers of America held a rally at the waterfront, dumping faux Chinese steel into the harbor--a Seattle Steel Party to echo the Boston Tea Party. Their banner read, "No Globalization Without Representation."

When the rally broke up, a group went back to the "no-protest zone," and penetrated it. Police followed but didn't use gas--possibly because President Clinton was being moved around downtown at that time. Many sat down in the street and were arrested.

For three hours, police followed the march around the city. When it arrived back in Capitol Hill (away from downtown and the media), police attacked the march without warning, attempting to drive a patrol car through the middle of the crowd, then letting loose with gas and rubber pellets at close range.

Cops took peoples' legs out from under them as they ran, and maced protesters directly in the face. Again, residents came to the streets in support of the protesters. For a second day in a row, a police riot raged into the night in Capitol Hill.

The day saw over 400 arrests.

## Thursday, December 2

The next morning saw a farmers rally

(outside the "no-protest zone"), with participants from around world. Farmer activists from India and Mexico joined consumer advocate Ralph Nader to condemn Monsanto and genetic manipulation of the world's seed stock. Again, groups peeled off afterward to challenge the "no-protest" zone. There was a stand-off with police, and more arrests.

As evening came, few of the now nearly 600 arrested had yet been released. Securing their release became the priority of the protesters. The King County jail at Spring and Madison was completely surrounded--although many arrested protesters had actually been taken to former Sand Point Navy base, a half-hour from downtown. At Sand Point, protesters refused to get off the bus for 15 hours, were handcuffed without food or water or access to their lawyers, and were finally forced off with mace and pepper-spray. Police finally did agree to speed the processing. The next day, most were released--although some with felony charges or outstanding warrants remain behind bars as of this writing.

## Global Solidarity

As gas choked the streets, groups like Public Citizen, Global Exchange and the International Forum on Globalization held seminars about globalization's impacts on ecology, labor standards and human rights--and the prospects for transnational resistance. These were attended by activists from every corner of globe--Mexican *campesinos*, South Korean unionists, and Chinese labor dissidents.

The Independent Media Center, a coalition of alternative media and journalists from across the US, came together to produce a web site <[www.indymedia.org](http://www.indymedia.org)> which was updated virtually in real time, including video. On Tuesday night, the IMC offices were surrounded by police, who barred any entrance or exit.

The Seattle actions were received with solidarity protests across the world. On Friday November 26, a Reclaim The Streets action briefly shut down 44th street at Times Square in New York City. The rave party was violently attacked by police with no warning to disperse. 45 were arrested, and one person was charged with assault on a police officer and held on Rikers Island for two days.

While violence shook Seattle, solidarity marches were held in Portland, OR, Boston, MA, and other US cities. 75,000 took to the streets throughout France to protest the WTO on November 30. Police also attacked a solidarity rally in London. 40 were arrested, and a police van was

torched. "Green Renner" eco-saboteurs even cut power to the WTO headquarters in Geneva on December 3, crashing several computers. Peasants held marches against the WTO throughout India. Hong Kong also saw solidarity protests, although the official Chinese media hardly mentioned the Seattle protests. On December 11, hundreds of striking students in Mexico City marched in solidarity with Seattle. Riot police attacked the march, and 98 were arrested and 10 wounded--including four police. Windows were broken at the US embassy.

The WTO finally met towards the end of the week, only to deadlock on setting an agenda. The threat of protest forced Clinton to insist on bringing the issues of labor and environmental standards to the talks. The Democratic Party's alliance with organized labor was already strained by Clinton's support for China's new WTO membership. This move won Clinton's WTO position the support of AFL-CIO President John Sweeney, but UAW's Stephen Yokich and the Teamsters' Jimmy Hoffa sharply dissented. With 50,000 in the streets of Seattle, Bill couldn't soften his line.

China and Third World countries re-

fused to discuss labor standards. Various Third World countries also protested that the top industrial powers held real power in the WTO, with only their inner circle gaining access to WTO Secretary-General Michael Moore. At week's end, the delegates departed for their respective countries, having accomplished nothing. "The protestors were successful in stopping the negotiations," admitted James Clawson, a member of the US negotiating team.

In the aftermath, public hearings into the violence were held in Seattle, and Police Chief Norman Stamper announced he was stepping down.

One piece of graffiti was painted all over Seattle: "Don't Forget. We are Winning."

(Combined reportage by Vicki Larson, Greg Ruggiero & Bill Times Up. Compiled by Bill Weinberg)

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[For more eyewitness reports and photos on the Seattle protests, check out these web sites: <<http://www.indymedia.org/>>, <<http://www.counterpunch.org/seattlediary.html>>, <<http://www.counterpunch.org/seattle.html>>, <<http://www.seattlewto.org>>, <<http://SHADOW.MediaFilter.org>>]



## WHY THE WTO SUCKS

By Bill Weinberg

The World Trade Organization (WTO) was established at the January 1995 Uruguay Rounds on the General Agreements on Tariffs & Trade (GATT). An arcane, mundane set of trade agreements was transformed into a super-powerful agency of global governance, transcending the sovereignty of nations and enforcing the "race to the bottom" under threat of trade sanctions. GATT's new maximum standards on labor, environment and food safety (written by corporate lobbyists) allowed no nation to impose more stringent laws. The WTO, made up of the member nations' trade representatives, would rule when one government challenged another's laws.

In the first case heard before WTO in 1995, Venezuela successfully challenged provisions of the US Clean Air Act barring the import of gasoline which releases more contaminants than the average from domestic refineries. Rather than face \$150 million in annual trade sanctions, President Clinton ordered the EPA to rewrite the Clean Air Act. The new provisions were identical to those the oil industry had long demanded.

In the next cases, in 1998, ecology fared no better. First, the WTO upheld complaints by India, Malaysia, Thailand and Pakistan against a US law banning import of shrimp caught in nets that entangle endangered sea turtles. The decision slipped through a loophole in GATT's Article XX, which officially exempts laws designed to protect the environment from challenge: the WTO appellate panel ruled there was an *exempt-*

*tion to the exemption*, for laws which are deemed "arbitrary and discriminatory." Because the decision left open the *possibility* of upholding environmental laws, the Clinton Administration actually hailed the striking down of a US environmental law as a victory. The distinction will mean nothing to the sea turtles.

Next, the WTO upheld a US complaint against a European Union ban on import of beef treated with biotech growth hormones. Then-WTO Secretary-General Renato Ruggiero stated openly that environmental standards are "doomed to fail and could only damage the global trading system."

The next conceived step in global corporate governance was the Multilateral Agreements on Investment (MAI), which would give corporations themselves, rather than governments, "standing" to challenge laws and other perceived threats to their investments anywhere in the world. State, local and municipal governments would be bound to comply. National or local governments could be held liable for failing to crush strikes or boycotts.

Last year, the MAI was scuttled following a global activist campaign coordinated over the Internet. However, some of the MAI's worst provisions were proposed to be incorporated into GATT/WTO at the Millennial Round in Seattle. The protests effectively scuttled this agenda. These provisions may be introduced when the WTO meets in January to try again in Geneva.



# RECLAIM THE STREETS LIBERATES TIMES SQUARE!!

By Chris Flash



On November 26, 1999, the day after Thanksgiving and traditionally the busiest shopping day of the year, members of the Reclaim the Streets network, who have staged numerous protests against the cultural crackdowns of the Giuliani administration and the consequent decline of street life in New York City, took to the streets to shake up the holiday complacency.

Flyers had been posted throughout the Lower East Side announcing a Festival of Resistance at Union Square Park at 2:00 pm, and, predictably, dozens of cops and their vehicles were there at the appointed hour. Within half an hour, word passed through the crowd to proceed into the subway at Union Square to the real location, which turned out to be Times Square, where a core group had already taken the streets at 44th and Broadway. The contingent from Union Square swelled the dancing, celebrating multitudes to well over 500. Pedestrians and tourists in Times Square also joined the party, swaying to the beat of a sound truck driven into the square by Reclaim the Streets activists. In the middle of the crowd, a man sat perched on a tripod about 50 feet in the air.

It took 45 minutes for the NYPD to assemble enough cops to break up the rally, and when they finally moved in, they did so with a vengeance, roughing people up and dragging 45 celebrants into vans. By 3:30, the intersection was made safe for the flow of traffic, but 44th Street was blocked by cops patting themselves on their backs for a job well done.

Meanwhile, most of the crowd that had avoided arrest simply relocated to nearby Bryant Park in defiance of mayor Giuliani's unconstitutional park regulation forbidding groups of 20 people or more from gathering in a city park without a permit. For another hour, the party of 300 continued in full swing, with dancing, clapping, drumming, whistles and fire breathing around the fountain. By 4:15, everyone left the park to mount a vigil outside the 7th police precinct, where those arrested earlier had been taken.

Hundreds of cops arrived at Bryant Park with brutal intentions just as the celebrants calmly disappeared into the subway. As usual, it was too much too late!! Two train cars full made their way to the 7th precinct on Pitt Street, where they disregarded threats of arrest and skillfully avoided continuous attempts by cops to pen them behind metal barriers. For about four hours, demonstrators, guided by Times Up, kept up the heat on the precinct--exercising, playing games like "Simon Says," running around the block, dancing and drumming. Finally, their persistence paid off when almost everyone arrested was released.

Reclaim the Streets, born in London in 1995, is a world-wide movement with local branches throwing road parties as both a protest against the corporatization of public space and a living, dancing example of what public space could be. The November 26 street party in Times Square was held in conjunction with the International Day of Action Against the upcoming World Trade Organization.

At the Times Square party, Reclaim the Streets announced: "As the finance ministers and corporate bureaucrats meet in Seattle on November 30th under the banner of the World Trade Organization to continue their assault on the environment, labor, and human rights, over 50,000 students, farmers, workers, environmentalists and labor activists will initiate a massive street protest to shut them down!" Four days later, that's just what happened.

For more information about Reclaim the Streets, check out this web site: <http://ReclaimTheStreetsNYC.tao.ca>



CHRIS FLASH

# "EMERGENCY MANAGEMENT" IN SEATTLE

By Frank Morales

On November 13, 1999, the Executive Director of the Chicago-based Emergency Response and Research Institute (ERRI) issued a "world-wide terrorism advisory" stating that ERRI was "monitoring possible threats concerning an upcoming World Trade Organization meeting to be held in Seattle at the end of November, and the possibility of anti-capitalist street violence...."

Only a few months earlier, the Washington State Military Department had received a request from Seattle Mayor Paul Schell, "for consequence management resources in support of the World Trade Organization Conference." At that time, the Military Department's Emergency Management Division reported that "most resources identified are beyond the capability of the State and will be forwarded to the Federal Emergency Management Agency (FEMA) to be considered by the federal government." FEMA, an "independent" government agency set up to deal with "all types of hazards," including "internal disturbance," trains and finances local "emergency operations" offices around the country. FEMA's Region 10 office, which covers Washington state, noted in a mid-October publication under the heading of "Terrorism," that while "the World Trade Organization preparation meetings are still progressing...at this point in time the security threat at this meeting in Seattle is considered low." By November 1st, the Seattle protest had been upgraded as a "security threat."

According to the local FEMA office, the protest was "designated a 'National Special Security Event' by the National Security Council." FEMA's Federal Response Plan (FRP) provides legal authority for the Federal Government to respond to all sorts of "emergencies," including those that are "man-made." FRP training utilizes "special/extraordinary event exercises" simulating "regional events such as large-scale civil disturbances." The FRP is a work in progress and was last updated in April 1999 in a "Concept of Operations" publication. The FEMA Plan correlates with the Department of Defense Manual for Civil Emergencies (Directive 3025.1-M).

Back in 1997, a "notice of change" was issued by FEMA, adding "a Terrorism Incident Annex to the FRP, which will be used to implement Presidential Decision Directive 39 (PDD-39)." According to the Terrorism Annex, United States Policy on Counterterrorism discusses crisis management and consequence management, and that while FEMA is to implement a "consequence management" operation, "the FBI as the Federal Lead Agency for crisis management," will manage "predominantly a law enforcement response."

Two weeks before the Seattle WTO Conference, the FBI issued its own alert regarding the protests. It stated that "the threat of violent or destructive criminal activity--to include individual and group acts of civil disturbance--is considered a distinct possibility." The Bureau defines terrorism this way: "The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment of it, in furtherance of political or social objectives." For the purposes of the crackdown in Seattle, civil disobedience had become a terrorist threat.

By the time the china began to rattle in Seattle on the morning of December 1st, hundreds of very visible Army National Guard troops from the 81st Infantry Brigade hit the streets. The 81st, which normally trains for combat, "recently requalified in riot-control opera-

tions under a Guard-managed training program." Following Mayor Schell's "Declaration of Civil Emergency," under authority of Seattle's Municipal Code, and Governor Gary Locke's "Proclamation of Emergency" calling out the troops, a full-scale "non-lethal" militarized police assault was initiated. The target: massive non-violent civil disobedience which had succeeded in making its point. The Guard was trained under Civil Disturbance Control Operations. Their "main mission involved patrolling sidewalks and forcing demonstrators out of a 50-square-block no-protest zone."

In addition to the "unarmed," "civilian-soldiers," "more than 160 active duty military personnel" were activated, "including a small number of Special Forces troops." The Joint Special Operations Task Force (JSOTF) present in Seattle were military "counter-terrorist," "crisis management" specialists, designed for rapid deployment both here and abroad. The JSOTF defines terrorism as both a law enforcement and national security threat. According to CNN, they were in Seattle "largely to provide expertise and assist in coordinating a federal response in the event of a terrorist attack during such a high profile event."

Special Forces "expertise" was passed on as a "force multiplier" for the police and other state and federal forces directly employed to suppress protest. The Seattle Police Department, working with nearly two dozen law enforcement agencies, including the FBI, SWAT commands, the Washington State Patrol and the King County Sheriff's Department, constituted a sizable force. With the protesters penned-in, the police unleashed their media-friendly arsenal of "abusable," "non-lethal weapons" which, among other things, "break down the delineation between military and police."

"Block by block, officers fired canisters of gas into the crowds with a terrifying boom. Then they shot rubber bullets into the backs of protesters even as they ran away," *The Seattle Times* reported. A doctor assisting protesters told the *Independent Media Center*: "we had reports of many demonstrators winding up with seizures the next day." He added, "I did see penetration wounds. I did see people bleeding. I did see teeth loss. I did see broken bones. There were children present, there were families present. They were firing upon families, mothers, grandmothers."

During the assault, several local hospitals "were tracking symptoms of patients" who came to their emergency rooms "to see if there is a pattern that indicates any sign of bioterrorism," an effort the hospitals had "been working on with the Department of Defense" for several weeks prior to the demonstration, according to the *Seattle Times*. Perhaps they were advised of the Joint Chief's admonition that "non-lethal weapons shall not be required to have a zero probability of producing fatalities or permanent injuries."

In any case, at a certain point, the police ran out of gas. Guardsmen met with federal agents at the headquarters of Defense Technology Corporation of America in Casper, Wyoming. The *Army Link News* reported that "six members of the Wyoming Air National Guard lent a hand by flying 3,300 pounds of civilian riot control munitions" back to Seattle. And the war continues...

[An edited version of this article appears in the latest *Covert Action Quarterly Magazine*: <http://covertaction.org>]



# PIGS EVICT DOS BLOCKOS SQUAT

By Steven Wishnia



PETER LEVASSEUR

Longtime Lower East Siders dread the sound of helicopters in the morning. They are the airborne omens of doom, the ravens, the murder of crows, the vultures circling over a soon-dead creature. On the Lower East Side, they are the harbingers of yet another eviction.

So it was on the morning of April 27, when police helicopters circling over Avenue C heralded the eviction of yet another squat, Dos Blockos, at 713 East Ninth Street. Over 100 riot police invaded the neighborhood, sealing off Ninth Street between C and D, kicking in doors in neighboring buildings and commandeering rooftops.

You've seen this drama before, you know the drill, the eternal conflict between the disorganized poor, theatrically asserting their moral rights, and the overwhelming military power of the state, enforcing the sacred dominion of wealthy landowners against rebels and heretics. Cries of "You're taking poor people out of their homes" and "the Earth belongs to all of us" versus barks of "Who's missing shields? Line up. Two columns. C'mon, people, let's go" and "we have control of the building."

These days on the Lower East Side, this drama has only one ending. Despite heavy barricades by squat defenders, police were inside the building and had completed the eviction by 1:00, arresting the last squatters remaining. A total of 13 people were busted inside, all charged with obstructing governmental administration.

The Dos Blockos squat, a six-story 22-unit building abandoned in the savings-and-loan scandal of 1989, was one of the rare squats owned by a private landlord rather than by the City of New York.

As reported in SHADOW #44, the building, a former squat bought from the city by a real estate developer in the mid-80s who later lost it through foreclosure, was occupied by the Dos Blockos squatters since 1993. In 1996, the building was sold to "East 9 LLC," a limited liability

company managed by Milton Rinzler of Dominion Management. Failing to sell the building off, the new owner began eviction proceedings in August 1998, with an eye toward creating luxury housing. By March 1999, even as legal efforts to stop the eviction were ongoing, Dos Blockos residents were preparing for the inevitable.

Residents and supporters of "Fort Blockos" spent the weeks before the expected eviction fortifying the building with barricades, obstacles and booby traps. They erected walls, plugged a manhole with cement and steel to prevent electricity getting cut off, encased the fire escape and hung poles over the roof parapet to thwart police cherry pickers, and filled the front room of the building with tons of junk, garbage and debris to deter police efforts to get through the front wall. As they worked daily to secure the building, police helicopters passed by several times daily, monitoring their activities.

April 27: The day began with theatrics. Tipped off that cops and marshals were on their way, protesters were at Dos Blockos by 7:00 am. Cops, arriving at 8:00, were met with a circle of stale doughnuts outside the squat as a "first line of defense." One activist disguised herself as a housewife in a bathrobe and slippers, a purple wig and hair rollers. As cops waited for marshals, some people played see-saw with police barricades while others played soccer.

Soon, police moved in full force, bringing in the usual armada of paddy wagons and Emergency Services Unit trucks, and enough weaponry to convince people that active resistance is suicidal. Cops set up video surveillance, the front door of nearby squat Serenity House was broken down by cops demanding roof access as cops took other surrounding rooftops, and police set up a command center in a children's daycare center across the street. When squatters and demonstrators refused to leave the front of Dos Blockos,

cops pushed them to Avenue C and arrested six people. Three were charged with resisting arrest.

Police still had to get inside the building. ESU cops clad in white bio-chemical protection suits attacked the front with jackhammers, but the squatters had bricked in the doorway and the entrances to the two storefronts with extra cinderblocks. A derelict-looking man vomited beer off the fourth-floor fire escape. Cops sledgehammering through the "Housing Is a Human Right" mural on the front wall only found more cinderblocks behind it. "The cement was extra thick, reinforced," one officer said. "The door, you wouldn't believe."

By 11:30, police were on the fire escape, while a squatter waved a black cocktail dress out a sixth-floor window like a sequined anarchy flag. Floor by floor, they chopped down the "WE THE PEOPLE WON'T GO," banner that adorned five stories of the fire escape. Two columns of armored police marched around the back of the building, and a few minutes later, nine squatters left the building rather than face arrest. It later turned out that in their zeal to thwart a frontal assault on the building, the squat defenders had left the basement entrance wide open, giving cops easy access. Once cops got inside, people cut water lines and flooded parts of the building--the drains had been sealed earlier.

At noon, police began sawing off parts of the third-floor fire escape to arrest the three squatters who had chained themselves to it. Longtime squatter Jerry "the Peddler" Wade was the first one grabbed, taken out onto the roof of an ESU truck that had pulled up to the front of the building and was marched gingerly down a ladder. Police were unable to dismantle the V-shaped cylinder he had locked his arms into.

"They took our home of seven years," he said as he was being perp-walked to



PETER LEVASSEUR

JERRY THE PEDDLER IN IRONS

the paddy wagon. "These cops are doing it all for the landlord." Jerry and the others who locked down were arrested.

"I'm outraged about this," City Councilmember Margarita Lopez said at the scene. "This building was abandoned by the owner and the community took it over. Ten years later, the landlord discovers he can make plenty of money. Do you think they're going to come in here and create affordable housing? Absolutely not!"

Police Chief Allan Hoeft told a rather sycophantic group of corporate-media reporters--they asked questions like "What dangers did your officers face going into the building?"--that his main priority was to make the eviction as safe as possible for his officers "and the demonstrators."

"So you're making the building safe for the landlord to charge \$2,500 a month rent," the SHADOW asked/told him. He looked at the reporter as if he were a cockroach, and then flicked the question aside. "We're assisting the city marshal in evicting the squatters," he replied.



EDDIE WILLIAMS



## FIFTH STREET SQUATTERS WIN IN LAWSUIT AGAINST CITY

By Chris Flash

Almost three years after their eviction, residents of the Fifth Street Squat have won a court victory against the Department of Housing, Preservation and Development (HPD).

When a small fire broke out on the second floor of 537-539 East Fifth Street on February 9, 1997, squat residents, many not fully dressed and not carrying their IDs or wallets, left the building, told by firefighters that they could return later.

Instead, the squatters were pushed down the block by cops and forced to stand outside in freezing weather and then witness the demolition of their home a day later.

As reported in SHADOW #41, as the wrecking ball was crashing into the building, squatter attorney Jackie Bukowski was in court, seeking an emergency order to stop the demolition and waiting for city attorney Arthur Shaw to show up. After the order was obtained, Bukowski rushed to East Fifth Street to stop the demolition, but was ignored by cops, who almost arrested her. The demolition resulted in the deaths of several cats and dogs and the destruction and removal of building residents' possessions.

As the buildings were ripped apart, with no steps taken to protect the neighborhood from toxic dust and falling debris, Jerry McCarty, of the mayor's Office of Emergency Management, told legal activists on the scene that the city was willing to absorb any lawsuit stemming from the demolition.

The displaced squatters immediately filed suit against the city, seeking \$2.6 million, for \$100,000 per person, for the city's violation of their constitutional rights.

In her December 23, 1999 decision, State Supreme Court Justice Barbara Kapnick found HPD in civil contempt for violating her court orders of February 10 & 11, 1997 demanding halting of the demolition and that HPD return squatters' possessions. Reciting testimony from squatters and their neighbors, Judge Kapnick found that that HPD and its employees destroyed or kept many of the squatter's possessions in direct violation of her order. However, she did not find any party in contempt for demo-

lishing the buildings. Bukowski told the SHADOW: "Although the lawsuit didn't find the mayor responsible, I'm sure he was knowledgeable about the demolition—he's a serial offender who breaks the law and violates court orders with impunity."

As reported in SHADOW #41, in the weeks before the demolition of their building, the Fifth Street squatters were preparing to do battle with People's Mutual Housing Association (PMHA), a so-called housing group that was seeking to take their squat and a vacant building and lot on either side of the squat.

PMHA, which had lined up almost \$3 million in federal and state funds to redevelop the buildings into 29 units of low-to-moderate-income housing, claimed that the squat was empty when they began negotiating with HPD for it in 1994, though they knew otherwise. In fact, the squatters had been in residence since 1982, and had made major repairs to their building. When the buildings were taken down, PMHA cried foul play, but not out of concern for the displaced building residents.

Now, three years later, PMHA's project is finally going forward. A large sign posted on plywood fencing surrounding the still vacant lots lists the owner as United Mutual Houses, LP, a PMHA front group. The address of the contractor, HLS Builders Corp, is given as 320 East Fourth Street, which is another building owned by PMHA around the corner from the squat. Based on recent sales of vacant lots at city auctions, and the proximity of the lots to Avenue A, the three contiguous lots are now worth more than \$1 million.

The issue of monetary compensation was directed to a court-appointed referee for a hearing, but city attorney Arthur Shaw told Bukowski: "Of course, we're going to appeal" Judge Kapnick's decision. Kurt, a Fifth Street Squat resident, told the SHADOW: "Monetary damages cannot bring that [the squat] back, but may be the only avenue of retribution."

[For more info and background on the Fifth Street Squat demolition and lawsuit, see SHADOW #41 and check out this web site: <<http://www.panix.com/~blackout/fifthstreet.html>>]



### ESPERANZA GARDEN....

buildings to take over rooftops and prevent video taping by witnesses. With a helicopter overhead, by 10:00, cops converged on the garden, clipping their way in as neighborhood people yelled and chanted against them. Over the next hour, cops used a chain saw to cut apart the coqui, shovels and "jaws of life" to dig out the sleeping dragons, and jackhammers to break up the concrete blocks, with defenders' arms still locked inside them. Another defender was covered with a wet blanket as cops cut him out of his lock-down with a power saw.

Meanwhile, as the raid was ongoing, a hearing on Esperanza had been set up in State Supreme Court in Brooklyn. For weeks, lawyers for New York State Attorney General Elliot Spitzer had been fighting the city to save gardens built on city-owned lots, including Esperanza, arguing that the gardens should be considered parks that could only be sold after a state environmental review or by an act of the state legislature.

Tipped off by a garden activist that police were mobilizing outside of Esperanza, Spitzer's office contacted the city's attorneys on the morning of the raid to request that the city hold back until the state's motion to get a Temporary Restraining Order (TRO) could be heard in court at 11:00. Susan Amron of the Corporation Counsel (the city's attorneys), refused, telling Spitzer's people "this has been scheduled for a long time."

Garden defenders tried to stall cops until the judge's decision could be heard, but the motion wasn't finished in time because the city refused to delay the raid before the judge could rule.

After everyone had been taken away, the last person occupying the garden was a woman atop the steel sunflower. Unable to get her down, cops convinced her that the defenders had succeeded in court and that the raid was over. Once she unlocked and came down, she was busted. Those arrested were charged with "Obstructing Governmental Administration," "Trespass," and "Resisting Arrest." After being held for 24 hours, all were released.

As Esperanza was being cleared by cops and city workers, angry demonstrators outside the garden shouted their support to those being arrested. Cops tried to push them away from the intersection of 7th and Avenue C, engaging in a shoving match for several minutes. Cops attempted to steer people into waiting pens, but they refused.

Before the last garden defender was removed, Capoccia's demolition crew rolled in with a bull dozer and back hoe, destroying everything in sight. This was the same crew that leveled the Tenth Street Garden for Capoccia in December of 1997. When they were done, they erected a plywood fence around Esperanza and the lots on Eighth Street and along Avenue C, reducing Carmen Pabón's garden to a sliver. Serial garden killer Donald Capoccia now has a neat

17,000 square foot parcel, ready for exploitation.

Mayor Giuliani justified his circumventing the legal process for his good friend Donald Capoccia with a rambling statement: "When people become out of control advocates, they don't live in the real world anymore. The mayor has to live in the real world."

After the destruction of Esperanza, Attorney General Spitzer told the media that Giuliani's raid on Esperanza before he could get a hearing on the gardens was "irresponsible." As a result of the mayor's blitz kreig against Esperanza, an angry State Supreme Court Justice Richard Huttner granted state lawyers a TRO against the city from moving on 630 other gardens on city-owned lots, pending another hearing on March 1.

Mayor Giuliani says he is considering appealing Huttner's ruling, and has announced that the city will transfer title to the Esperanza site to Capoccia and his partners before the March 1 hearing date.

Unfortunately, Judge Huttner did not include the Esperanza Garden in his order, accepting city attorneys' arguments that Esperanza had lost in court the day before and that Esperanza had an appeal pending before another court. Since the Esperanza Garden had already been demolished, Huttner decided it was a moot issue.

On February 22, Kresky filed an appeal arguing that the Esperanza Garden is not a moot issue because title has not yet been transferred to Capoccia and his partners, and that even though the garden has been razed, as long as the land and gardeners are there, Esperanza can be restored. A decision on Kresky's appeal, which included an amicus brief from Spitzer's office, is expected before the title to Esperanza is transferred. Pressure is also being put on the Appellate Division to issue a stay that will prevent title transfer and development of the Esperanza site.

Ironically, the mural facing Carmen Pabón's garden that was saved by Margarita Lopez reads: "Peace, Esperanza, Justice From One Generation To Another, La Lucha Continua."

[Across the street from Capoccia's new acquisitions on Avenue C, a new four and one half story building is rising. Called "Police Service Area #4" and financed by the New York City Housing Authority, this Housing Police sub-station is expected to further facilitate gentrification in the area, including the eventual privatization of the public housing projects along Avenue D.]

(For more info on helping to save the gardens, call More Gardens! at 212-330-6851; Time's Up at 212-802-8222; José Torres/Esperanza Gardeners at 212-505-3568)

CAROLINA KROON

CHRIS FLASH



TOXIC DUST + DEBRIS FALL DURING ILLEGAL DEMOLITION



Pacifica, the non-profit alternative radio network, locked out staff for three weeks in Summer 1999 at its flagship station KPFA in Berkeley, effectively closing down the station and sparking local protests. Meanwhile, a leaked e-mail reveals discussion within the Pacifica board about selling off both KPFA and the network's most valuable station, WBAI in New York City (99.5 FM). The plot is thickened by mysterious shots fired in the night at KPFA's studios, and the apparent involvement of figures from high-level federal spook agencies.

The new Pacifica board chair Mary Francis Berry is President Clinton's appointee to lead the US Civil Rights Commission, a body with federal subpoena power now investigating the swath of police violence in New York City. At the February 28, 1999 meeting of Pacifica's Berkeley-based national board, Berry and the network's Executive Director Lynn Chadwick pushed through a proposal to centralize all power. Members of the affiliate stations' Local Advisory Boards would no longer have seats on the National Board.

The five affiliates (not counting repeater stations and non-affiliates that use Pacifica satellite feeds) are KPFA, WBAI, KPFA Los Angeles, KPFT Houston and WPFW in Washington, DC. Programmers at the New York, Berkeley and Los Angeles affiliates protested the board changes in defiance of Pacifica's so-called "gag rule" barring discussion of "internal" matters on the air.

On March 31, Chadwick dismissed Nicole Sawaya as KPFA station manager, claiming she was not a "good fit." Under the gag rule, KPFA reporters and programmers were forbidden to discuss Sawaya's termination over the air. That night, gunshots were fired at the KPFA studios, apparently from a passing car. The Berkeley police opened an investigation, and Chadwick hired a private security firm to police the premises.

#### KPFA Under Siege

KPFA programmers began reporting on the situation--like the rest of the Bay Area media. Chadwick, now directly running the station, made good on her threat to enforce the gag rule. Veteran reporter and political commentator Larry Bensky was fired on April 9. Longtime music programmer Robbie Osman was fired on June 18. Listeners organized protests. On June 21, protestors occupied Chadwick's office at KPFA. She threatened to do a "citizen's arrest" if the Berkeley police did not remove them. Fifteen were arrested.

The climax came with the July 13 arrest of Dennis Bernstein, (formerly of Undercurrents at WBAI), then host of KPFA's investigative news program Flashpoints. Bernstein had just aired quotes from a press conference held by the arrested protestors on Flashpoints and the nightly news was being broadcast when Garland Ganter, general manager of the Houston affiliate brought in by Chadwick to help manage KPFA, told him he was being placed on "administrative leave." Armed guards appeared to escort Bernstein from the premises. News anchor Mark Mericle interrupted a tape to describe the scene live on the air as Bernstein was manhandled toward the door by guards. Sounds of the scuffle could be heard in the background before Mericle's mike was cut off and KPFA abruptly went dead.

The security men delivered Bernstein to the waiting Berkeley police, who led him away in handcuffs. KPFA was closed down as bewildered listeners spontaneously converged on the station.

Bernstein protested his expulsion and arrest, claiming Pacifica management pulled a bait-and-switch on him: he had been told he could cover what mainstream media were covering about the crisis--and reporters from the Bay Area dailies were at the press conference he

was sacked for covering. He also protested that he was not allowed to reclaim his files from the KPFA premises.

Ironically, KPFA mostly broadcast vintage '60s Marxist rhetoric from the Pacifica archives following the staff lock-out. Pacifica's web site announced that KPFA was "now hiring," but listeners and staff said that any hired replacements would be scabs. Nearly 100 protesters (including seven KPFA staff members) were arrested over the following days, and supporters maintained a permanent camp outside the KPFA/Pacifica building.

Despite repeated denials from Pacifica spokesperson Elan Fabbri that they intended to do so, on July 21, Pacifica installed new ISDN telephone lines at KPFA's transmitter in the hills east of Berkeley, allowing management to broadcast a remote signal from outside the Bay Area. Union workers from Pacific Bell--members of CWA Local 9415, like the purged KPFA staff--refused to cross the picket line that station staff mobilized at the transmitter. Pac Bell was forced to send a management person to install the lines, escorted by police.

Pacifica apparently plans to broadcast the signal from KPFA Los Angeles over the KPFA transmitter until a new local staff can be assembled. KPFA supporters said if KPFA acceded to this, it would become "scab radio." KPFA manager Mark Schubb is already known as "The Gag-

master." Segments of the national Pacifica news program Democracy Now and the media watchdog show Counterspin that covered the crisis at Pacifica were censored at KPFA, KPFT and WPFW. These last two stations now broadcast little more than music and Pacifica satellite feeds.

KPFA's repeater station KFCF in Fresno agreed to start broadcasting Dennis Bernstein's Flashpoints--but he could still not be heard over the airwaves of his hometown Berkeley, historic birthplace of the Free Speech movement.

Following weeks of daily protest and statements of solidarity with the locked-out staff from Bay Area labor unions and national media watchdog groups, the national board agreed to mediation with the KPFA staff. At the end of July, the board agreed to allow the staff back in--but the wiring had been ripped out of the control room, and it wasn't until August 5 that free KPFA returned to the air.

The crisis is far from over, and the limits of free speech on KPFA's airwaves are still being defined. Pacifica is refusing to drop charges against those arrested. Berkeley municipal court judge Jennie Rhine has recused herself from arraigning the 53 protesters. Rhine, a close friend of former Pacifica executive director Pat Scott, was formerly a Pacifica national board member.

The Pacifica board's February 28 pow-

er grab is being challenged in the California courts by members of the local affiliates' advisory boards, who say the move is illegal under state law. The suit also seeks to enjoin the board from selling any Pacifica station or spending subscriber funds on armed security agencies or public relations firms.

The California state legislature also opened hearings on whether the Pacifica Foundation should be audited, and in August, under imminent threat of subpoena, Pacifica finally agreed to turn over financial records to the legislative investigative committee. Pacifica is also in an unseemly public squabble with the city of Berkeley over whether the foundation should be reimbursed for the cost of the security firm. Berkeley police chief Dash Butler maintains that Pacifica has cost the city money by sparking the crisis, not the other way around.

#### The Privatization Agenda

On July 13, the same day Bernstein was arrested and KPFA went off the air, Andrea Buffa, director of the San Francisco Media Alliance who had been arrested at the KPFA protests, received an e-mail from Pacifica National Board Treasurer Micheal Palmer, a Houston real estate developer. The e-mail was addressed to Mary Francis Berry, and had apparently been sent to Buffa in error. It openly urged the sale of both KPFA and WBAI.

Palmer wrote: "I was under the impression there was support in the proper quarters, and a definite majority, for shutting down that unit [KPFA]... Has that changed? Is there consensus among the national staff that anything other than that is acceptable/bearable?"

Arguing that economics demand the sale of an actual affiliate rather than a repeater station, Palmer next unveiled his real agenda: the sale of WBAI. "[A] more beneficial disposition would be of the New York signal as there is a smaller subscriber base without the long and emotional history as the Bay Area, far more associated value, a similarly dysfunctional staff... It is simply the more strategic asset."

Palmer also recommended bringing in "experts (whether from Wall Street, NPR/CPB, Microsoft or otherwise) to get a strong reality check."

The origin of the e-mail was confirmed by the Institute for Global Communications, Palmer's access provider. Pacifica management denies that any sale is planned.

#### Liberal Union Busting

Palmer's "privatization memo" was aired repeatedly over WBAI. So were the final seconds of free KPFA broadcast (with Bernstein's arrest in the background). The "gag-rule" is openly flouted at the New York affiliate, especially on the overnight talk shows. WBAI workers in United Electrical Local 404 have issued a statement in solidarity with the KPFA staff. During the KPFA lock-out the "dysfunctional" staff of WBAI ran the only remaining free station in the Pacifica network.

This may spark the showdown with rank-and-file that has been building since the push to "mainstream" Pacifica began in 1995, when KPFA staff were purged and the national board mandated that all affiliates must run satellite feeds from the national network.

In 1996, after then-Pacific Executive Director Pat Scott gave herself a raise to \$70,000 and drew up a new labor contract withdrawing non-paid staff at Pacifica stations (the overwhelming majority at KPFA and WBAI) from collective bargaining, the network hired the American Consulting Group (ACG) in anticipation of labor disputes. The AFL-CIO calls the



SCOTT CUNNINGHAM

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## STEAL THIS RADIO LOSES FREE SPEECH LAWSUIT!!

By Chris Flash  
(With help from Steal This Radio)

In a 25 page decision received on March 16, 1999 by Steal This Radio's lawyers at the Center for Constitutional Rights (CCR), District Court Judge Michael Mukasey ruled against Steal This Radio's constitutional challenge of the Federal Communication Commission (FCC) licensing scheme and enforcement procedures.

"Given plaintiffs' three-year-long, nearly continuous violations of the licensing requirement, there is every indication that plaintiffs will continue to violate this provision in the future unless restrained by judicial order. Accordingly, the government's request for a preliminary injunction is granted," read Mukasey's decision.

"It's a sad day for freedom of speech on the airwaves" said Robert Perry, one of Steal This Radio's lawyers. According to Perry, Judge Mukasey "misstated the facts of the case, rejected and then misapplied our public forum analysis."

CCR Attorneys Robert Perry and Barbara Olshansky, seeking a stay against the injunction, filed an appeal in the 2nd Circuit Federal Court in late October, but the court upheld Mukasey's decision.

As reported in SHADOW #44, Steal This Radio was visited by FCC agent Judah Mansbach in March 1998. A month later, the station launched a major lawsuit, Free Speech vs the FCC, challenging the FCC's licensing scheme as an unconstitutional free speech restraint. On February 1, 1999, Judge Mukasey denied an FCC motion seeking to prevent Steal This Radio plaintiffs from pursuing its constitutional challenge of the FCC using fictitious names like D.J. Thomas Paine, D.J. Carlos Rising, and D.J. E.S.E.

Last December, STR attorneys filed a petition for a rehearing. If denied, they will seek to renew the writ of certioraria in US Supreme Court. But, as Perry told the SHADOW, "this is a long shot."

Today, Steal This Radio is still off the air, with no prospects of being allowed to broadcast legally. Perry told the SHADOW: "For now, Steal This Radio is subject to the prior injunction against broadcasting."

According to Perry, a recent FCC decision allowing low power stations to broadcast won't help STR either: the decision won't allow stations to broadcast from NYC and it excludes unlicensed micro broadcasters that the FCC has had to get off the air. Perry added that STR is ineligible for licensing in the future.

STR co-founder D.J. Queequeg has vowed that "members of the Steal This Radio collective will continue to fight the FCC's ban on free speech over the people's airwaves, through the courts, through the media, and through all available means."

Meanwhile, it is rumored that a new pirate radio station may be launched from the Lower East Side very soon, with built-in safeguards against FCC raiders.

Stay tuned....

[Steal This Radio's attorneys at the Center for Constitutional Rights can be reached at: 212-614-6434. Steal This Radio can receive mail c/o Black Out Books, 50 Avenue B, New York, NY 10009. STR's web site is: <http://www.echonyc.com/~gargoyle/str/>. To get Radio Free Berkeley's newsletter and parts catalog to do your own micro-broadcasting, call 510-464-3041 or write to them at 1442A Walnut Avenue, #406, Berkeley, CA 94710. You can give the FCC a piece of your mind by calling toll-free: 888-CALL-FCC]

### THE SHADOW NEVER SLEEPS!!

## Free103point9: Still Going Strong

Don't believe the hype! The Federal Communications Commission's January 20 vote to legalize low-power FM transmitting for the first time in over 20 years is just one small step towards taking back the public airwaves. The FCC's decision is the equivalent of opening a few small national parks on a spectrum blighted by a handful of corporations hoisting advertising billboards on the sides of the Grand Canyon, Mount Rushmore, and the Washington Monument.

Some Republicans are already scrambling to take back the little bit of parkland the FCC has created. Obviously, they learned something from the pirates, because they're now waging a multi-front war. Mike Oxley, Congressman from Ohio, has introduced H.R. 3439, which he calls--get this--"The Radio Preservation Act Of 1999." We're not making that up. And rumors swirl around Washington that the National Association of Broadcasters--the puppets that pull Oxley's strings--is about to file suit in D.C. District Court to overturn the new class of low-power FM stations.

Meanwhile, thousands of community groups around the country are organizing to apply for the low-power FM licenses that may be available in rural areas and small cities (not New York) in May. Everybody except Rosa Parks will get to ride in the front of the bus, but the banned pirates are all providing others with the technical know-how and real-life experiences of running a low-power sta-

tion. Most pirates plan to stay on the air, to continue to protest the lack of access to this nation's airwaves.

We here at free103point9 plan to continue our mobile mission too, adding transmitters and antennas throughout Williamsburg Brooklyn this summer. We may even have video capability soon. And we might change frequencies. For now, though, we're going to regroup, put some real audio samples (and eventually a continuous feed) on our website and plan a number of three-year anniversary parties and events at a number of Williamsburg locations. Let us know if you want to host one.

If you live on the Southside of Williamsburg, tune in to 103.9-FM beginning at 8pm, free103point9 will continue to host the "Audio Buffet" each Sunday night at the Diner, at the corner of Broadway and Berry Streets in Williamsburg. This event takes place every Sunday at 10pm and is free.

--free103point9 (mobile microcasting in Williamsburg since 3/9/97)

[Anyone who would like to help free103point9 in any way should visit this web site: <[www.screwmusicforever.com/interaction](http://www.screwmusicforever.com/interaction)> and click on the free103 stuff. Bands, artists, political activists, and party-throwers can email shows, openings, protests and events to: <[free103point9@hotmail.com](mailto:free103point9@hotmail.com)> or post them to the Concert Report at: <[www.screwmusicforever.com/interaction](http://www.screwmusicforever.com/interaction)>]

## A Short Story of Radio Station WJMZ 89.3

By The Buddha Princess

There once was a microbroadcasting station in Williamsburg called WJMZ 89.3. It was power for the people of the community. All was tidings and happiness for a short wick of time. And THEN... The evil fat one named Judah of the FCC rumbled around the 'burg, doing his 9-5 thing. He came looking, peeping around with his detection machines asking people on the streets, "Can you help me find the radio station?"

Those unsuspecting fools directed him to our safe shell. He found the door and rang the magik buzzer, one single school boy was not quite quick enough and let disaster in. Gave names and places and way too much information. We were warned and scorned and got the hell out with all our contraptions. Disturbed and depressed but never completely repressed, the people will be not be kept down. WJMZ is not free any more. Totally shutdown for now. Legalities pending. But don't let this stop or discourage. People! Microradio stations can bloom and multiply like ants, bees, birds, fleas and furry green things. Where there is movement, atoms swirl and twirl, energy is everywhere. Grab tight and hold on. The people will be heard.

They can not stop us. We will not be defeated. Need, desire, a fire to light under the asses of those who will make more. We must not succumb to our daily scurrying about, raising funds to feed the

corporate beasts that are among us. They must be slaughtered like the dragons of by gone days. No, slaughtering dragons is wrong. The tyrants must be bridled, saddled and taught the ways of the buddha princess, that's me. Then all the horses and dragons shall be set free. So beat a drum, yell real loud, block traffic, twirl fire, blow a horn, set up a microradio station, do a toywar, write letters to the powers that be, drive the right stocks down, spend your pennies thoughtfully and be sure to cause trouble. Do not let the day be just another day for them, you or me. What's to be done?

Transformation, a bug in the larvae stage, seems dead, then from seemly nowhere bursts forth into the world as a glorious moth...a chicken from an egg, a big fat baby can pop right out of your pussy if you are so lucky to have one. Keep this in mind. Change, Evolution, Revolution. Be part of the process, the Solution. It's about the trip, the ride, the rollercoaster. Is it all a game? There are no get out of jail cards free anymore. Go to jail to keep the gardens free. There is no sense here. That is inside. Reach in there and pull out that spiritual tumor and go into the world. Throw the tumor in the face of the monster and let it all come pouring out. You know the answer. And get a gas mask, just in case.

--Buddha Princess (currently in hiding)

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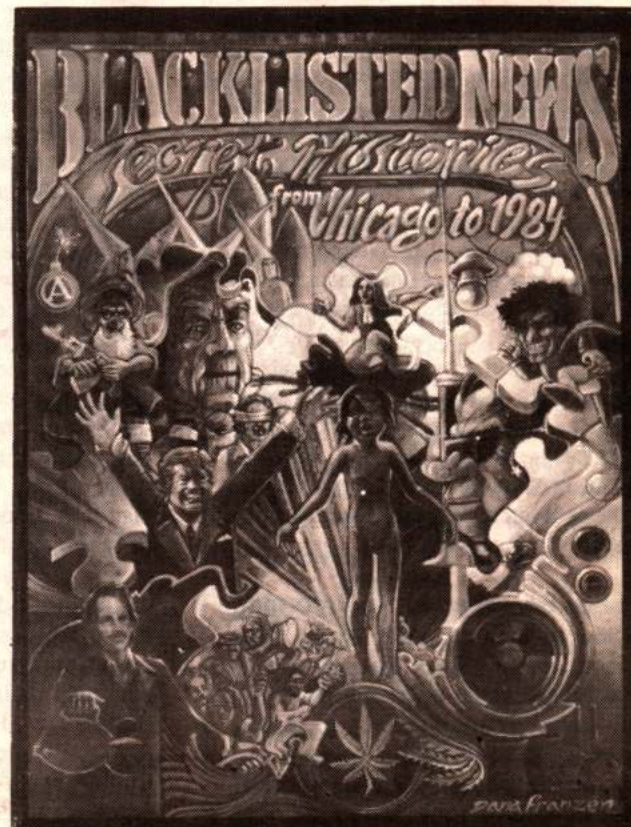
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The cold war practice of using secret evidence to detain and deport immigrants suspected of Communist sympathies has re-emerged in the guise of fighting terrorism. There have been 50 cases in the past six years in which the Immigration and Naturalization Service (INS) has used secret evidence to arrest and deport non-citizens; all those cases involve Arabs and other Muslims. "The government is trying to set both political and legal precedents in using secret evidence," says David Pugh, of the National Coalition to Protect Political Freedom, "applying it to those they perceive as the most vulnerable sections of the population." In recent months, the use of secret evidence has come under growing scrutiny by the courts, and some members of Congress, who are questioning the fundamental fairness of denying defendants the right to confront the evidence against them. Two of the approximately 20 Muslims currently held, Hany Kiarledeen and Nasser Ahmed, have been released following tense legal battles.

Hussein Ibish, a spokesman for the American Arab Anti-Discrimination Committee in Washington says, "time after time, secret evidence is being revealed as evidence that isn't sensitive, but weak." Abdeen Jabarra, a lawyer who represents immigrants held on secret evidence, blames racism and selective prosecution. He says that Americans should not throw away what "we cherish in this constitution in the name of fighting terrorism."

#### A Poisonous Atmosphere

The story of Nasser Ahmed, an Egyptian electrical engineer and court-appointed translator for blind cleric Sheik Omar Abdel Rahman, exemplifies for his defenders all that is wrong with the government's unyielding insistence on the need for using secret evidence. Georgetown University law professor, David Cole, who worked on Ahmed's defense team, wrote in an op-ed for *The Washington Post*: "So once again, the INS freed a man who for years it had said would endanger national security by his very presence. And once again, the INS avoided a definitive ruling on the use of secret evidence. As a result, we can expect that the INS will continue to engage in this practice, despite its consistent string of losses, and despite the fact that every federal court to address the practice in the past decade has declared it unconstitutional. Is this how an agency responsible for law enforcement should treat the law?"

In July, in response to a lawsuit brought on Ahmed's behalf by the ACLU against the use of secret evidence, immigration judge Donn Livingston ordered Ahmed's release, saying that "a poisonous atmosphere created by secret accusation is impossible to completely eradicate." The INS appealed the release order and Ahmed remained in New York's infamous Metropolitan Correctional Center (MCC) until his release on November 29, 1999. Some of the secret evidence used against Ahmed has been made public in the course of the ACLU suit and on November 11, a secret document was revealed showing that the FBI had argued against Ahmed's release because they believed it would improve his credibility among Arabs and people "would be more inclined to listen to him." The documents contained testimony from an unnamed FBI agent claiming Ahmed's "prominence in the community will increase if he is released."

#### The FBI Searches for an Informant

Shortly after the 1993 World Trade Center bombing, Sheik Rahman was arrested and charged with being "the spiritual leader" of a conspiracy to murder Egyptian President Hosni Mubarak and to bomb major New York City landmarks and FBI headquarters. During the trial,

# Secret Evidence Undermines the U.S. Constitution

By Paul DeRienzo and Joan Moossy



NASSER AHMED IN JAIL

Ahmed was hired by the Sheik's defense, with government money, as a translator. Rahman was eventually convicted and sentenced to life in prison, mostly on the word of Emad Salem, a shady informant who had been paid more than a million dollars for his services by the FBI. (See SHADOW #34 for more--Ed.) In a jailhouse interview with the SHADOW, Ahmed said the FBI "has a problem with informants in the Islamic movement," adding that, "once you have someone respected in the community, you know what's going on; the problem is what's going on is protected by the constitution."

According to Jabarra, who was one of Rahman's defense lawyers, during the trial, Ahmed was picked up by INS agents who made him an offer: to inform on New York's Muslim community for the FBI or face deportation. Jabarra says that the INS agents made the ominous threat that Ahmed would know "what will happen if you are deported back to Egypt." A year later, in April 1996, while entering the INS office for a hearing on his political asylum request, Ahmed was again arrested. But this time, instead of going to the INS jail, he was taken to the MCC and placed in "administrative detention," better known as solitary confinement. When his lawyers tried to get Ahmed out of jail, they were confronted for the first time by secret evidence.

Ahmed was locked up in solitary confinement, away from the general jail population, for nearly 37 of the past 44 months because, he told the SHADOW, jail officials claimed he "had been in and out of the building, visiting the Sheik," and knew "the layout." In 1997, Ahmed was shipped without warning to another solitary confinement cell in Otisville, an upstate New York prison. He says guards told him he needed to be in solitary for his own protection. That response, inconsistent with the reasons given at MCC, prompted Ahmed to go on a hunger strike. After collapsing, Ahmed was placed in a hospital, where he remained for seven months. Lawyer Abdeen Jabarra says the "saddest day of the case was visiting Ahmed while he was being force fed in the hospital." But for Ahmed, it was an opportunity to contact his lawyers and help build his defense. He also showed the SHADOW a scarred finger that he claimed resulted from a brutal beating by two MCC guards over his access to an Arabic newspaper while in

solitary. The incident led to a hearing before a judge who ordered Ahmed returned to the general population.

#### A Major Win

INS spokesperson Russ Bergeron says the government was perfectly justified in using what he calls "classified" evidence in Ahmed's case, because "classified" evidence is subject to detailed review by the Attorney General. Bergeron adds that Attorney General Janet Reno agreed that the "evidence said he needed to be detained." Despite the government's seeming intransigence, Ahmed says that all the secret evidence cases scored "a major win," with the October release of a 31 year old Palestinian immigrant, Hany Kiarledeen, from the Hudson County Correctional Center in New Jersey, where he faced deportation for 19 months on the basis of secret evidence. Kiarledeen and his supporters have always maintained that allegations that he had ties to suspects in the World Trade Center bombing were made up and fed to the FBI Joint Terrorist Task Force by a vindictive ex-wife during a bitter custody battle. "I couldn't believe that such allegations were being pointed at me," Kiarledeen said. "Such a use of secret evidence really astonished me." An immigration board decision upheld by the Board of Immigration Appeals ruled that the evidence against Kiarledeen was unreliable, and Federal District Court Judge William Walls ordered his release. David Cole applauded INS Commissioner Doris Meissner for not appealing Wall's decision.

All this gave hope to Ahmed in his brown prison coveralls at the bleak MCC in lower Manhattan. When asked by the SHADOW if he planned to stay in the United States if he's released, Ahmed said with defiance, "Absolutely--they're not going to do that to any other Muslim in the future." Later, he said that his release "has put a nail in the coffin of secret evidence." Some members of Congress agree. Representatives David Bonior (D-MI), and Tom Campbell (R-CA), have introduced the Secret Evidence Repeal Act of 1999 (HR2121). If passed, the law would prohibit the use of secret evidence in current and future immigration proceedings. The bill has been co-signed by about 58 members of Congress and is supported by the ACLU.

#### Limiting the Constitution

The Florida case that moved Representative Bonior to speak out against secret evidence concerns a stateless Palestinian, Dr. Mazen Al-Najjar, who came to the United States in 1981. He was arrested after the FBI investigated a think-tank Al-Najjar ran for Middle East-oriented faculty at the University of South Florida. The government's investigation began after the former director of the World and Islam Studies Enterprise (WISE) left Tampa in 1995 and turned up as the overseas head of a group called Islamic Jihad, which is on a list of terrorist organizations maintained by the U.S. Secretary of State as a requirement of the Anti-Terrorism and Effective Death Penalty Act of 1996. The FBI got a search warrant for the offices of WISE and the home of Al-Najjar's brother-in-law and found fund-raising literature supporting Hamas, another militant Palestinian organization on the State Department's list of banned groups. Classified evidence was not invoked during Al-Najjar's deportation hearing, but the court heard testimony from a federal agent who called Al-Najjar a "mid-level operative in a terrorist front group." After being held without

bail, Al-Najjar asked an immigration judge to review the INS decision. The INS gave the judge secret evidence to review and a one page summary that was later released stated simply that Al-Najjar was "associated" with Islamic Jihad.

Following the terrorist bombings at the World Trade Center and in Oklahoma City, Congress passed the Anti-Terrorism and Effective Death Penalty Act and the Immigration Reform Act, both in 1996. The measure originally gave the federal government broad new powers to investigate and prosecute acts of domestic terrorism, but opposition from conservatives and civil libertarians alike resulted in the removal of most of the provisions dealing with American citizens. The Anti-Terrorism law required the State Department to keep a list of groups deemed terrorist, making it a crime to provide any assistance even to purely humanitarian activities of the listed groups. The Act also allows the use of secret evidence, but includes a provision for providing targets with summaries of the secret evidence used against them. Although none of the immigrants currently facing deportation under secret evidence are being charged under the law, the INS says it's not shying away from enforcing the 1996 law.

#### The Alien Terrorist Removal Court

Russ Bergeron says legal residents of the U.S. may face deportation under the law if their activities are interpreted as aiding a terrorist organization. So far, Bergeron adds, the Alien Terrorist Removal Court, a special court that was created to prosecute immigrants under the 1996 law, has "not been fully established." Although Chief Supreme Court Justice William Rehnquist has appointed judges to the panel who will hear cases brought against immigrants using secret evidence, only those parts of the law banning financial and material support of "terrorist" groups are being enforced. The Alien Terrorist Removal Court is modeled on the Foreign Intelligence Surveillance Court, which approves search warrants in national security cases. (See SHADOW #44 for more--Ed.)

Al-Najjar's case has attracted some powerful defenders, including Reverend Jesse Jackson, as well as Representative Bonior, who chose the anniversary of Al-Najjar's second year in jail to introduce the bill banning secret evidence. Bonior, the House minority whip, has met with President Bill Clinton as well as Attorney General Reno to appeal for Al-Najjar's release. Bonior says Reno was unsympathetic, expressing her "comfort" with the handling of Al-Najjar's case. Russ Bergeron of the INS says that if Congress changes the law, then the INS will "abide by that law." Meanwhile, a group of Al-Najjar's supporters have formed a community group that has been lobbying against the use of secret evidence. Deputy Attorney General Eric Holder's response to the group has been that the evidence is "highly relevant and, therefore, appropriately used."

The government claims it needs a national security exemption to certain constitutional rights in order to fight terrorism, but Rep. Tom Campbell, who was a Stanford University law professor before being elected to Congress, says there should be no simple reason to suspend our rights. "Street crime is pervasive in America, domestic terrorism rare," Campbell says, "Would you give me secret evidence powers to wipe out street crime?" On that count the jury is still out.

[Paul DeRienzo and Joan Moossy host Let 'em Talk on WBAI (99.5 FM) in New York City, Thursdays at 1:30 am. Subscribe to Let 'em Talk's free mailing list at: <<http://www.onelist.com/subscribe/letemtalk>>. For more articles by Paul and Joan, check out their web site: <<http://www.pdr.autono.net>>]



# DOWN BY LAW

## Giuliani's New Street Closings Are No Victory For Vendors

By Robert Lederman

"They won this round in my opinion," Deputy Mayor Rudy Washington said of the armies of vendors yesterday. (Daily News, January 17, 2000, "Vendors Snag a Victory")

"Vendors have a right, but the city must strike a balance"--Rudy Washington (NY Times City Section, January 16, 2000, "To Relieve Sidewalk Crowding, City Trims Street Vendors Hours")

After more than six months of what the City euphemistically called "deliberations," Giuliani's appointees on the Street Vendor Review Panel [SVRP] have announced their latest street closings, attempting to mischaracterize them as a "victory" for vendors. While it's true that rather than close another 400 streets to vending as previously threatened, the panel has only closed 16 streets, this is neither a victory for vendors nor for the future of vending in New York City. The story behind the administration's disinformation is that this is a victory for corporations, for a corrupt City Council member on the vending panel with direct ties to multiple permit food vending companies and for the Mayor himself, who delights in targeting those who oppose his repressive administration. Included in the 16 streets that are being newly restricted are the traditional vending locations for nearly 70% of the City's First Amendment-protected street artists and approximately 50% of the Asian food vendors in Chinatown.

Those familiar with this issue might wonder how the Mayor's panel managed to limit new closings to a handful of relatively obscure streets while leaving thousands of multiple permit corporate food vendors to remain in their prime locations, some of which involve as many as 25 food carts crammed together on a single block. Could this be a rational response to what Giuliani aide Rudy Washington calls congestion? Perhaps the new street closings have more to do with the following facts:

1. The Business Improvement Districts [BIDs] have obtained signed agreements and endorsements from the heads of

some of the City's largest multiple permit food vending corporations supporting a warrant system involving the sale of street vending locations to the highest bidder. This new vending law [not yet passed by the City Council] was written by the BIDs, the Mayor's attorneys and by the staff of a member of the SVRP, and is actually being lobbied for by some of the heads of the City's largest multiple permit food vending corporations. They stand to directly benefit from the new law which returns to them hundreds of vending permits the City Council previously took away.

2. The only elected official who sits on the SVRP, City Council Member Noach Dear, receives contributions from the very vending corporations his vote directly benefits. What's more, as Council Member Dear stated in his June 25, 1998 written submission to the Transportation committee's vending hearing, a key aide of his is part owner of two of these same vending corporations. Dear also just happens to be the chair of the committee in charge of vending for the City Council and is a fervently outspoken supporter of Mayor Giuliani. As he stated on the record during the same hearing on vending, "I'm proud to be called a mini-Giuliani." [For more on Dear's corrupt practices see Daily News, 1/13/2000: "Pol Misused Half-Million In Funds--Feds"].

3. While the City has seen massive vendor demonstrations during the past year, the thousands of vendors who participated in these events were not all protesting the same thing. While hundreds of First Amendment-protected independent street artists and Asian food vendors from Chinatown were attacking the May-

or's vicious war on vendors, the food vending corporations and the thousands of immigrant vendors that are their exploited and often intimidated employees, were actually demonstrating in support of a system they were misled to believe would protect their street vending locations. The most significant feature of the new system is a "warrant" or franchise for each spot [see City Council Intro vending bills #110, #334, #337 and #343]. Undisclosed to these hard working (and in many cases non-English speaking) vendors is the fact that the City has been privately negotiating with the BIDs and with corporations like McDonald's and Disney to eventually sell these very same spots to them, thereby eliminating the City's entire present population of immigrant vendors. That, not a "victory for vendors" is why the Giuliani administration is not closing more streets. To close off more streets would cut into the profits from selling thousands of choice vending spots to these wealthy corporations. When Mayor Giuliani and Rudy Washington say, "Vendors have a right to vend," they mean multiple permit corporate vendors, not the independent immigrant and minority vendors the public associates with traditional vending.

4. Even Mayor Giuliani's most loyal supporters will admit that he routinely engages in revenge in order to silence or punish his enemies. Is it a coincidence that the new street closings specifically target the Mayor's most outspoken critics--street artists? And the one other group of vendors that have dared to personally attack him--the Asian vendors of Chinatown and Dragons Gate Park, also known as Sara Delano Roosevelt Park? Can any reasonable person claim that Mott Street, 53rd Street in front of the Museum of Modern Art or Prince and Spring Streets in SoHo are dangerously congested, but that Broadway or the other streets in the Financial District and in midtown that are the location for thousands of corporate-run food vendors are not?

## Robert Lederman Targeted For Arrest At City Hall Demo

By Gabby Sloan

On February 16, street artists and vendors from 16 streets Mayor Giuliani recently restricted to all forms of vending moved their selling locations to City Hall.

The new restrictions, which went into effect on February 24, eliminate close to 70% of the vending locations presently occupied by street artists. The restrictions also significantly target Chinese vendors working in Chinatown.

On February 15, at a packed emergency vendor meeting held at the Center For Constitutional Rights, angry vendors from a number of groups determined to take their fight right to Mayor Giuliani's door. Robert Lederman, a street artist and vendor activist, made the following statement during the meeting: "We will make City Hall Park, the sidewalks around the park and the two heavily guarded entrances to City Hall itself our new vending locations. We will set up there until Mayor Giuliani backs off on his vindictive and unjustified restrictions. The Mayor recently spent 22 million in tax dollars to renovate the park and the area around City Hall. It's about time the people of this City put that investment to good use."

On February 23, the day before the restrictions were expected to be enforced, vendors held a mass demonstration at City Hall Park.



Giuliani

5. The public hearing that preceded these new restrictions violated numerous legal requirements. Vendors who stood on line for hours before the hearing opened were denied admittance and a chance to testify, while street closing advocates were issued passes and allowed to enter and testify at their convenience. It's worth noting that the only public announcement by the City of the hearing was in the City Record, a newspaper unavailable on newsstands that costs \$500 per year to subscribe to.

6. At the same time, the City is making drastic new restrictions on street artists, thereby eliminating most of their traditional selling locations. Giuliani's lawyers in the Corporation Counsel are arguing before Federal Judge Lawrence McKenna [Lederman et al v. Giuliani, 98 Civ. 2024 (LMM)] that artists remain free to sell on virtually all New York City streets.

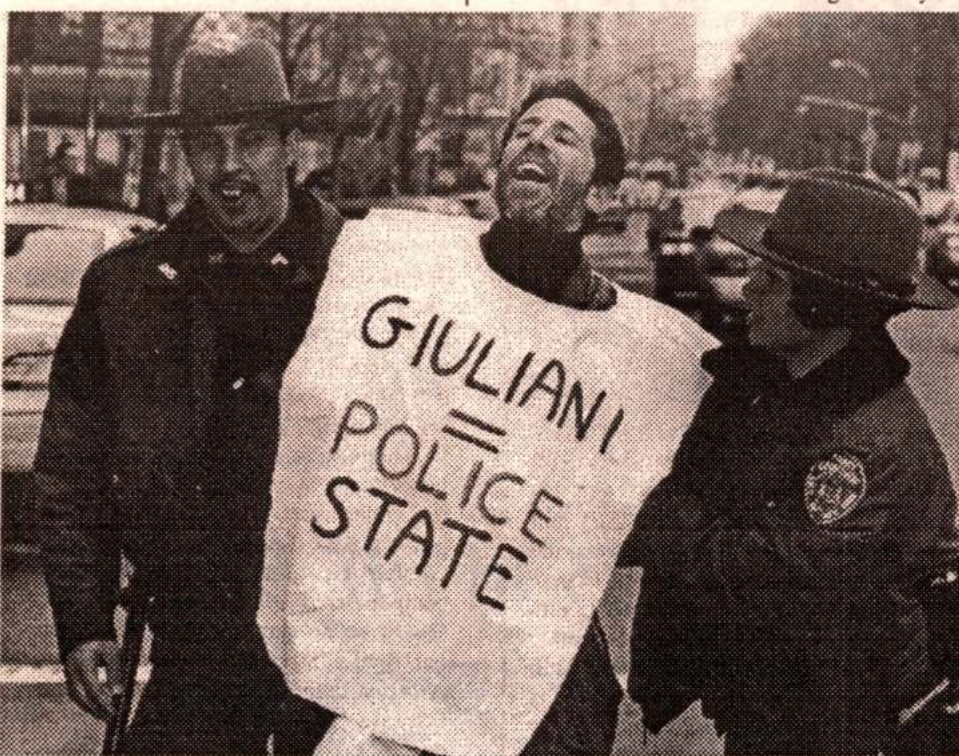
The bottom line is that nothing has changed in the Mayor's war on vendors. It's just as racist as ever, just as intended to benefit corporate interests at the expense of immigrants as ever, and just as corrupt as ever. It's a victory for the Mayor's corporate police state, but certainly not for vendors, who still face being eliminated from the streets. And it's certainly no victory for the public, who in numerous surveys and polls expressed an overwhelming support for vendors and a desire to have vending remain throughout New York City.

At that time, Lederman was arrested, while selling postcard versions of his uncomplimentary portraits of the mayor outside the gates of City Hall. This was Lederman's 41st arrest for his anti-Giuliani activities, and was personally supervised by Deputy Mayor Rudy Washington and NYPD attorney Margaret Shields.

Lederman was also interrogated by detectives from the NYPD Intelligence Division while he was held at the First Precinct. What should have been a routine three hour booking procedure ending in the issuance of a summons became a trip through the system on orders from Police Commissioner Howard Safir's office.

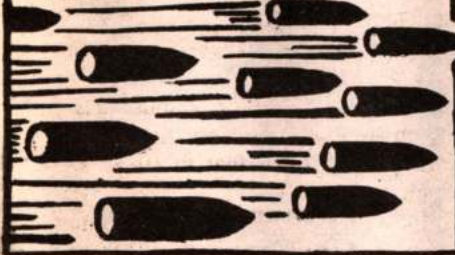
Lederman was charged with violating Section 105b of the Parks Department's rules, which requires a permit for vending within 500 feet of a park. But, in 1998, Manhattan Criminal Court Judge Lucy Billings issued a ruling which declared Section 105b to be both unconstitutional and a violation of the Laws of the City of New York as applied to artists.

While the City is appealing this ruling, Judge Billings' finding is the law. Therefore, no Manhattan Criminal Court Judge can find an artist guilty of violating Section 105b, and none has since 1998. Judge Billings, who was regarded as one of the most respected, knowledgeable and intelligent judges in the Manhattan Criminal Court system, was transferred to civil court almost immediately after her ruling was published in the NY Law Journal [August 17, 1998].



[Robert Lederman, President of A.R.T.I.S.T. (Artists' Response To Illegal State Tactics), is an artist and the author of hundreds of published essays concerning Mayor Rudolph Giuliani. Lederman has been falsely arrested 41 times to date for his anti-Giuliani activities and has never been convicted of any of the charges. He is best known for creating hundreds of paintings of Mayor Giuliani as a Hitler-like dictator. Robert Lederman can be reached at: 718-743-3722, or emailed at: ARTISTpres@aol.com. For more background on these and other issues, visit the A.R.T.I.S.T. website at: <http://www.openair.org/alerts/artist/nyc.html> For more information on the Street Vendor Review Panel (SVRP), contact: Deputy Mayor Rudolph Washington at the Department of Business Services: 212-788-0120, SVRP Chief Counsel Andrew Schwartz: 212-513-6428, City Council Member Noach Dear: 212-788-7022, Mayor Giuliani's Press office: 212-788-2958 (Fax: 212-788-2975)]



**KOP-WATCH****41 SHOTS**

SETH TOBOGMAN

**NYPD: Programmed to Kill?**

By Frank Morales

In the early morning of February 4, 1999, Amadou Diallo, 22, was killed in a hail of bullets in the vestibule of his home at 1157 Wheeler Avenue in the Bronx. He was shot a little after midnight by four white officers of the New York City Police Department's plainclothes Street Crime Unit, who confronted him on his stoop during what the police refer to as a "dynamic intervention." Street Crime Unit members, known as the "commandos" of the NYPD, conceive of themselves as "hunters" who "own the night." Unit officers Kenneth Boss, Edward McMellon, Richard Murphy, and Sean Carroll fired a total of 41 shots at Diallo, later claiming they feared Diallo had a weapon, imagining his wallet was a gun. They all would later testify in unison: "I saw a gun." In reality, Diallo was unarmed and was more than likely frightened and attempting to flee the on-rushing plainclothes thugs, seeking the safety of his apartment. He never made it. Diallo, who had come to New York from Guinea two years before and worked on the Lower East Side, was struck 19 times and died on the way to the hospital. An autopsy revealed that he had been shot while on the ground in front of his home.

Within days of the shooting, which many have characterized as an outright assassination, a thousand people gathered in front of his apartment house, the first of a stream of protest gatherings. After months of demonstrations, including the arrest of 1,166 people in nearly daily incidents of civil disobedience in front of police headquarters at One Police Plaza, the four officers were indicted by a Bronx Grand Jury on second degree murder charges which alleged that the officers intended to kill Mr. Diallo. One year later, after the officers and their PBA attorneys had ample time to rehearse their story, the case finally came to trial. The three week charade was a set-up from the beginning. After the predictable one-sided debate concerning jury "impartiality," the trial of the officers was shifted to Albany—a setting more partial to the police. This

move was based on a poll taken by the police themselves. From this point on it was clear that the Bronx DA's "prosecution" was taking a dive. Let's face it, cops don't prosecute other cops.

The four officers' claims, bolstered by police "experts," was that they were only doing what they were trained to do, a variation on the Nazi Nuremberg defense of "I was only following orders."

Once it became obvious that the prosecution never intended to rigorously



cross-examine them, it was clear that the fix was in and the acquittal of the four officers a fait accompli. Even the judge's final "charge" to the jury lacked evenhandedness. According to the *New York Times*, Judge Teresi's "four hour instruction that clearly came down on the defense's side," offering numerous grounds for acquittal, noted that "a police officer should not be considered the aggressor in a situation just because he gives chase or pulls his gun." Some instruction.

The lame prosecution never brought forth crucial evidence nor key witnesses. Like Diallo's housemate, who said that immediately following the shooting, the police ransacked their house and kept asking if Amadou had any enemies, never telling the terrorized resident that it was they who had killed Diallo! The "humanizing" of the officers might not have gone so smoothly if their previous records and

charges of excessive force filed against them had been revealed. Officer Boss killed Patrick Bailey in Brooklyn in 1997. McMellon had five excessive force complaints, including a charge of "racial insensitivity." Naturally, all the charges had been deemed "unsubstantiated" by the CCRB, another wing of the set-up.

No attempt was made to "humanize" Amadou Diallo though. He was cast as the "individual," the would-be "perp," when, by all accounts, he was a sensitive and beautiful human being. The fact that a week before the final court summations, the *New York Times* could predict that the officers would claim "self defense" and the verdict would probably come down on Friday the 25th of February 2000, which it did (!), reveals a deep level of control of the whole affair. As a psychological operation, the authoritarian racist injustice and legal murder was administered most effectively by means of live "court TV" coverage of the Diallo lynching.

A number of reports confirm that across America police killings are up. According to the National Lawyers Guild, in 1990, 62 people died at the hands of the police, while in the first nine months of 1998 the number had grown to 205, an increase of more than 230 percent. Amnesty International recently reported that after a low of 14 deaths (police killings) in 1987, the number of police shootings in NYC started to rise again from the late 1980s onwards, a trend seen also in some other major cities. According to AI, in 1990, 41 civilians were shot dead by NYC police officers, the highest number since the mid-1970s. Despite the fact that there is no national data on police use of excessive force, you can be sure that there has been no let up in the unjustified, criminal murdering of mostly non-white civilians

in which the NYPD radically increased the size of its "weapons detection" unit along with the scope of illegal searches of innocent civilians, usually poor, non-white residents of New York City, thus instituting "racial profiling."

NYPD Commissioner Howard "pinky" Safir, on the anniversary of the Diallo shooting, told the *New York Times* that "generally, when it comes to the use of firearms, we are the most restrained large city police department in the United States." He credited this "gun restraint" to "better firearms training, which includes role playing and video simulators." Notwithstanding Safir's disingenuous reliance upon recent figures, the obvious consequence of public anger and pressure on the police-state to cool it, his raising of the issue of firearms training does bear scrutiny, and should have been an area of scrutiny during the trial.

In fact, the NYPD has a \$76,000 contract (#9316658) with an outfit by the name of Firearms Training Systems Inc. or FATS. They are in the business of firearms training, using video simulation technology. NYPD cops train on the FATS "simulator" twice a year. Given the Diallo trial and verdict, it is noteworthy that the company claims that "FATS systems used by law enforcement agencies are a viable defense tool against liability lawsuits relating to alleged uses of excessive force," given that "the officers training on FATS systems receive the most realistic training available to law enforcement personnel." Recall police "expert" Dr. Fyfe testifying on the issue of training, stating that "police are not trained to think, but to react on instinct."

According to company documents, Firearms Training Systems "is the leading worldwide producer of interactive simulation systems designed to provide training in the handling and use of small and supporting arms." Based in Sewanee, Georgia, FATS operates facilities in England, the Netherlands, Singapore and Canada, generating tens of millions of dollars in revenue each year. FATS systems are currently in use in over 450 law enforcement agencies, including the NYPD, the LAPD, the FBI and DEA. And it's not only police that they train. Since 1984, FATS has specialized in customized firearms training and psychological conditioning of all branches of the US military, including the Army and Marines.

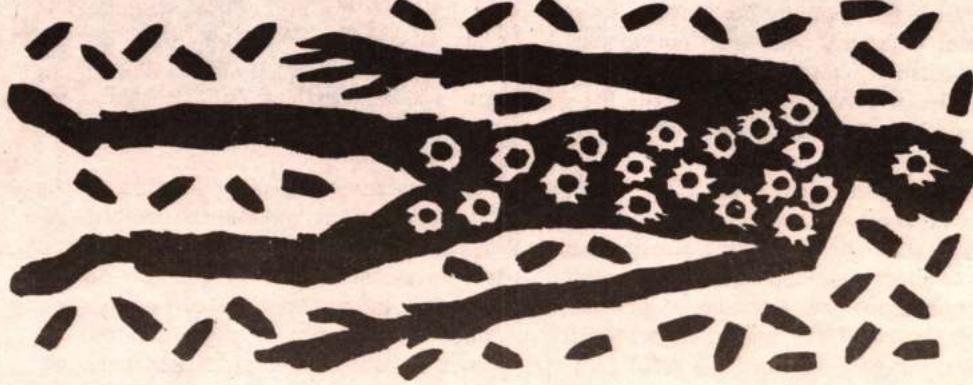
According to a FATS brochure, its simulation systems "enable users in law enforcement agencies and the military the ability to train in highly realistic scenarios through the integration of video and digitalized projected imagery," utilizing "laser emitting firearms that retain the fit, function and feel of the original weapon." The FATS simulator "evaluates each officer on a series of judgement, accuracy and reaction time exercises...which include appropriate use of deadly force."

Ron Hampton, a retired police officer and executive director of the National Black Police Association, told Amnesty International in 1988 that "in a training

Continued On Page 21

by police officers.

It is critical to note that the rise in police killings has taken place during a two-decade long increase in police militarization. Since 1980 there has been a 500% boom in the growth and activity of police-para-military SWAT type units across the country. During this period, police training and acquisition has benefited tremendously through military "technology transfers" to law enforcement, some of which specifically deal with "weapons detection," the presumed object of Street Crime Unit operations. Coincidentally, the federalization of these policies occurred during the same period (1997)

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## NEW YORKERS TRASH THE KLAN!!

### Hooded hoodlums massively outnumbered; NYPD exploits spectacle to increase surveillance

By Bill Weinberg



PETER LEVASSEUR

On Saturday Oct. 23, following a frenzied series of court battles, the Church of the American Knights of the Ku Klux Klan, an Indiana-based faction of the fragmented white supremacist movement, rallied in front of the state court house in New York City's Foley Square. But the fifteen or so Klansmen were outnumbered hundreds-to-one by an ethnically diverse crowd of protesting New Yorkers.

The Klan compromised with the administration of Mayor Rudolph Giuliani—which had first sought to ban the march entirely and then invoked an 1845 state law against wearing masks in public protests—by wearing their hoods, but not masks. The row of Klansmen in what appeared to be pointy white dunce caps were surrounded by a stiff phalanx of cops in full riot gear facing out at the sea of hostile, mocking, multi-ethnic New Yorkers.

The cops predictably tried to break the anti-Klan protesters up into small groups with barricades and bottlenecks—a tactic aided by the fact that Foley Square is the latest city park closed by the administration for renovations. A few anti-Klan protesters were arrested, and one maced, for trying to break through the barricades. One was even arrested for punching a Klansman in the face after bluffing his way through police barricades by pretending to be a Klan sympathizer.

The Giuliani administration typically exploited the controversy to expand controls on access to public space. The Klan sought a permit for 2 to 4 PM at Foley Square. A group of counter-protestors, including State Assemblyman Scott Stringer, State Sen. David Patterson, State Comptroller H. Carl McCall, Rev. Al Sharpton and Jewish leaders also demanded a permit. On Friday, city authorities pulled the Klan's sound permit after a federal appeals court overturned a lower court ruling and barred the Klan from marching with masks. On the morning of the march, the case actually reached the desk of US Supreme Court Justice Ruth Bader Ginsburg, who again upheld the anti-mask law. Stringer's group got the permit for Foley Square, while the besieged Klansmen held a vigil with no permit.

Attorney Norman Siegel of the New York Civil Liberties Union (NYCLU) represented the Klan, and actually secured amicus briefs supporting their right to march on First Amendment grounds from Rev. Sharpton and the weekly *Amsterdam News*, the city's largest black readership newspaper. "Our brief is not for the Klan," Sharpton told the *New York Times*. "It's against the Mayor."

But Sharpton and Stringer ultimately rejected a Siegel-brokered deal to have the Klan and the anti-Klan coalition share a sound permit, with the Klan getting the first hour and the coalition the second.

The Klan group actually tried to cultivate a "politically correct" image during the court battles. Imperial Wizard Jeffrey Berry of Butler, IN, told Long Island's *Newsday*, "We're a nonviolent, Christian civil-rights group... Rodney King said it best: 'Can't we all just get along?'" Meanwhile, the group's website ([www.americanknights.com](http://www.americanknights.com)) boasts of a campaign to overturn an American system that "discriminates against Whites in favor of unqualified and lazy niggers," where "WHITE teachers and students are raped and robbed by niggers and other savages on a daily basis," and where "Jewish bankers and shylocks control the economy with an iron hand." Grand Dragon James Sheeley had actually been an inmate counselor at New York State's Wallkill Prison for 18 years. He was fired in 1997 after white supremacist literature was found in his locker. The inmate population at the prison is 85% non-white.

A second anti-Klan group, the Partisan Defense Committee (linked to a Trotskyist party called the Spartacist League), secured a permit for a park in front of city court at 100 Centre Street, half a block north of Foley Square. The PDC rally led chants of "NO FREE SPEECH FOR RACISTS!"—oblivious to how Giuliani was using precisely this sentiment to further his agenda of keeping all protesters off the city's streets.

As Bhairavi Desai, whose New York Taxi Worker's Alliance had battled the city in court for the right to conduct a cab protest motorcade last summer, told the *New York Post*: "He's denied permits to poor people, black people, working people, gays and lesbians, conscious people of New York City who are protesting his policy. He had a vested interest in denying the permits."

However, by 2:00, when the PDC marched down to Foley Square, the distinction between the two rallies broke down. It was just New Yorkers against the Klan.

The following day, NYCLU's Norman Siegel reported that the NYPD had affixed a Foley Square light pole with cameras and microphones linked to a satellite truck which beamed footage of the rally directly to police headquarters just a few blocks away. Siegel protested that this may constitute a violation of the Handschu Agreement, which establishes guidelines for police surveillance of public protests.

The Agreement was part of a 1985 settlement in a class action suit brought by Barbara Handschu, Abbie Hoffman and 14 other plaintiffs on behalf of New York City political activists. The suit targeted the intelligence-gathering activities of the NYPD's notorious "Red Squad" -- known in the 1960s as the Bureau of Special Services (BOSS), and today officially designated the Public Security Section of the Department's Intelligence Division.

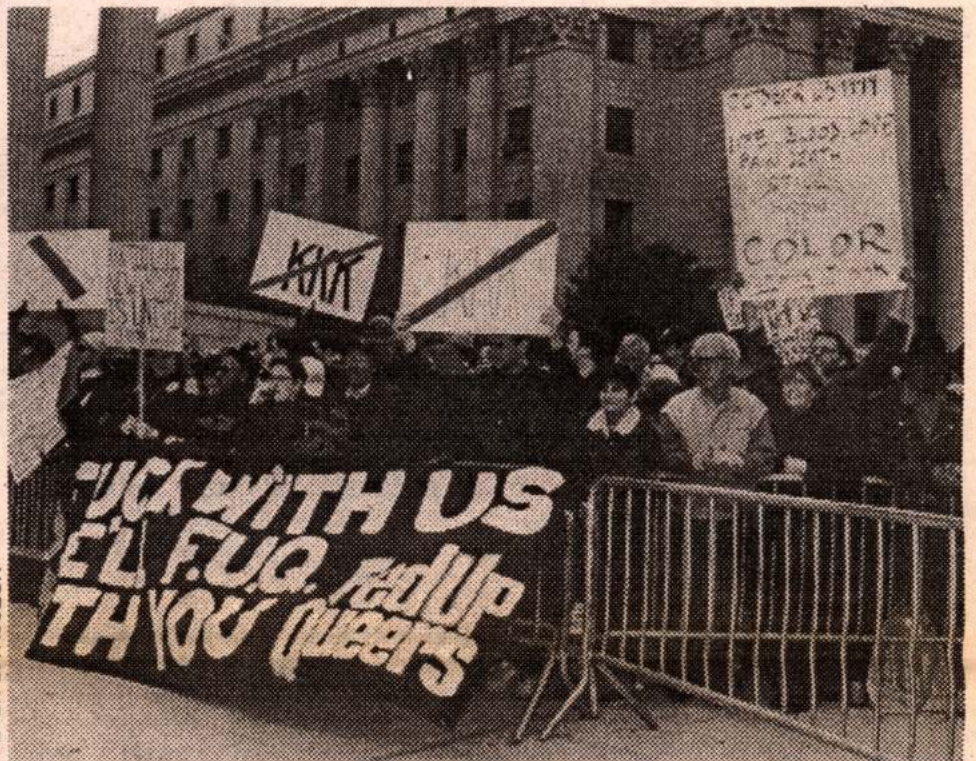
The Agreement establishes a three-person Handschu Authority made up of the NYPD's First Deputy Commissioner, Deputy Commissioner for Legal Matters and a civilian appointed by the Mayor. Under the Agreement, public protests can be videotaped only if there is a likelihood of criminal activity. The use of video tapes must be reported to the Handschu Authority within 48 hours. The settlement was supposed to prevent "videos of peaceful demonstrators being used as a permanent record for files on

political activists," Siegel told *The Shadow*.

"On Saturday I saw them taking a video of me while I was talking to my clients [the Klan], and made a complaint. They came back and said it was within the guidelines."

The NYPD's loophole is the claim that the equipment was only used for a live feed to One Police Plaza. "Handschu is silent on live feeds because nobody was even thinking about that in 1985," says Siegel.

But what is to prevent the cops from making a copy of the live feed? "If it's a live feed and a video, I say that's illegal under Handschu. If they kept a copy, they need to explain it to the Handschu Authority within 48 hours." Siegel says a similar live feed was used at the Sharpton-led April 15, 1999 march over Brooklyn Bridge in protest of police brutality, and at the 1998 Million Youth March in Harlem.



PETER LEVASSEUR

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**MARCH 3: QUENTIN CRISP MEMORIAL CELEBRATION:** 7:00pm at Cooper Union Great Hall, 7th St. + 3rd Ave. Free.

**MARCH 3: WORLD BANK/IMF DIRECT ACTION TRAINING AND TEACH-IN.** Sponsored by Direct Action Network NYC, and Students for Solidarity + Empowerment. 6:30pm at Judson Memorial Church, 55 Washington Sq. South, (Thompson+Sullivan Sts.) Info: 212-725-0381; email: sse@tao.ca

**MARCH 4: ANIMAL DEFENSE LEAGUE NJ AND NJ FOOD NOT BOMBS BENEFIT SHOW:** Over a dozen punk bands start playing at Noon at 155 Ave. C (bet.8th+9th Sts.) \$8.00 or \$6.00 with can of vegetarian food. Info: Isis2082@aol.com

**MARCH 9: ANIMAL DEFENSE ACTIVIST MEETING:** Learn about and get involved in campaigns including vivisection, World Week for Animals in Labs, Ringling Brothers and other animal circuses, P&G Global Day, and more. Free vegan food available. 6:30-9:00pm at Source of Life Center, 22 West 34 St.(5th Fl.) Info: klinjoy@aol.com

**MARCH 11: RADICAL WALKING TOUR:** (Greenwich Village) Meet 1:00pm, MacDougal St.+Washington Sq.North. \$10.00. Info: 718-492-0069; web: http://www.he.net/~radtours

**MARCH 11: FUR PROTESTS:** Meet Noon at 345 Seventh Ave; demo at 1:30pm at Macy's, 34th St.+6th Ave. until 3:00pm. (Also March 25).

**MARCH 15: INTL DAY AGAINST POLICE BRUTALITY:** In 1997, more than 50 groups in 14 countries participated. Info: <seahorse@odyssee.net> or <cobp@hotmail.com>

**MARCH 25: RADICAL WALKING TOUR:** (Greenwich Village) Focus on the 1910s+1960s. Meet 1:00pm at Washington Sq. Park arch. \$10.00. Info: 718-492-0069; web: http://www.he.net/~radtours

**MARCH 26: DISABLED IN ACTION MEETING:** 1:30-5:00pm at Selis Manor, 135 West 23rd St., 1st floor auditorium. Info+access needs: Olga Hill: 718-261-3737. To add items to agenda: Frieda Zames: 212-260-0423.

**MARCH 31: CRITICAL MASS FOR MORE GARDENS:** Costume dress in support of community gardens followed by huge celebration at La Plaza Cultural (9th St.+Ave C). Meet 7:00pm on 14th St. steps at Union Sq. Park. Info: Time's Up: 212-802-8222.

**APRIL 7: BROOKLYN BABYLON CINEMA PRESENTS:** Anti-religious! Sacreligious! Blasphemous! Impious, too! 9:00pm at La Dumba, 57 Jay St., Bklyn. (F Train to York).

**APRIL 8: RADICAL WALKING TOUR:** (Lower East Side) Meet 1:00pm in front of old Jewish Daily Forward Bldg, 175

East Broadway (bet. Rutgers+Jefferson Sts.). \$10.00. Info: 718-492-0069; web: http://www.he.net/~radtours

**APRIL 10: ABC NO RIO STREET FAIR:** In support of alternative media/performance space. All day long, 156 Rivington St.

**APRIL 16: FOLLOW-UP TO SEATTLE WTO PROTEST:** Massive rally+civil disobedience at HQ of Int'l Money Fund (IMF). Info: 50 Years Is Enough Network (Washington, DC): 202-IMF-BANK, or Global Exchange (San Francisco): 415-558-9486 x254.

**APRIL 22: EARTH DAY ACTION/CRITICAL MASS BIKE RIDE:** Dress in festive colors to match your bike; bring noise makers and drums. Meet 2:30pm on 14th St. steps at Union Sq. Park. Info: Time's Up: 212-802-8222.

**APRIL 28: MUSICAL MASS BIKE RIDE:** Followed by screening of film "We Are Traffic." Meet 7:00pm on 14th St. steps at Union Sq. Park. Info: Time's Up: 212-802-8222.

**APRIL 29: RADICAL WALKING TOUR:** (Harlem) Meet 1:00pm in front of 306 Malcolm X Blvd (125th St). \$10.00. Info: 718-492-0069; web: http://www.he.net/~radtours

**APRIL 30: 14TH ANNUAL SQUATTER MAY DAY CONCERT:** Huge rave concert by Arrow and the Black Cat crew; literature tables; and a few surprises(?). 3:00pm on at Tompkins Sq. Park, St. Marx+Ave. A.

**MAY 6: 28TH ANNUAL SMOKE-IN:** Meet in Washington Sq. Park at HIGH noon for the REAL Smoke-In. Do not be misled into joining the phony Millenium Marijuana March to some distant place away from the park. Do not let any phony events at the park make you leave the park. This year we gather in the park, we smoke in the park and we KEEP THE PARK!!

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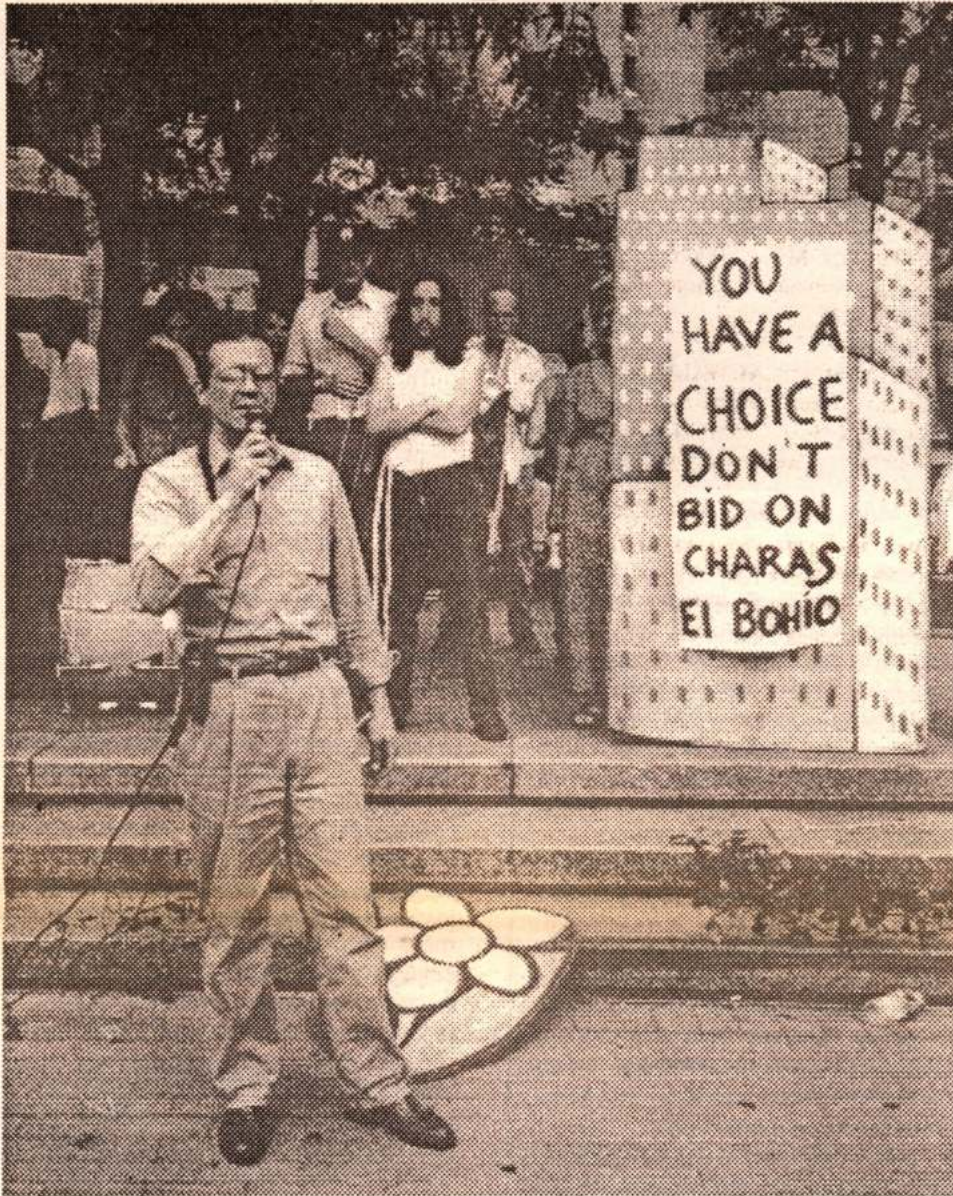




## ARMANDO PEREZ: MARTYR OF LOISAIDA LIBRE

By Bill Weinberg

*Armando Perez, longtime Lower East Side community activist, founder and leader of Charas/El Bohio community center on East Ninth Street off Ave. C, and Democratic District Leader for the neighborhood, was murdered under mysterious circumstances in the wee hours of April 3 outside the building of his separated wife in Astoria, Queens. He was 53 years old. At the time of his death, he was leading a struggle against Mayor Rudolph Giuliani's plans to sell off the old school building that houses Charas/El Bohio and evict the group--a struggle which continues. Charas/El Bohio and City Council member Margarita Lopez are also demanding Armando's murderers be brought to justice, and a \$20,000 reward has been offered for any information leading to a conviction. In this interview, which took place on July 22, 1998 over the airwaves of the Lower East Side micro-transmitter Steal This Radio, Armando speaks about the struggle for Charas and the neighborhood, and the need for community-based democratic oversight of local land use and development.*



**SHADOW:** On Monday, July 20, 25 parcels of public land throughout New York City were sold to developers at an auction down at One Police Plaza, including four community gardens here on the Lower East Side and the Charas/El Bohio Community Center, which apparently went for over \$3 million. Is that correct? [See SHADOW #44 for more--Ed.]

**Perez:** Yes. Three million, one hundred and fifty thousand dollars. I was very outraged at this article that I read where the city bragged about how successful this auction was, that they were able to make over \$19 million in this auction. The city budget is supposedly two billion dollars in the surplus, and they're bragging about \$19 million. I think there's more behind that than meets the eye. \$19 million is nothing. And if we look at what they're selling off, that's peanuts. At Charas, for example, we've been in that building over nineteen years; we estimate we have spent over two million dollars in sweat equity. We have another million dollars we have put in from fund-raisers we have done. And if we look at the programming that we have done throughout the years, we have saved this city a tremendous amount of money. When we deal with our youth and we keep them out of jail--you figure out what that costs, to have one of our youth in jail for just one day, let alone years. And we have been able to do this.

We have a political art space, for theater, for music, for dance. This is the only place around here that has the amount of space that we have available for artists. We have people that are coming from Brooklyn, from The Bronx, from Queens, to rehearse here in the Lower East Side, and it's not because they love the Lower East Side, it's because this is the place where they can get the space affordably.

**SHADOW:** So the implication is that this is not really motivated by budgetary necessities, that there's some kind of other agenda here.

**Perez:** Absolutely. If you look at the fact that we have been forced out of the Lower East Side in the last few years, especially after [ex-City Councilman Antonio] Pagán got into power...

**SHADOW:** When you say "we," who exactly do you mean?

**Perez:** The working class people, poor people, people of color have been forced out of this neighborhood. The last census that was taken shows that there's still a lot of Latinos down here, but we have to look at reality, and the reality is that most poor people are living doubled and tripled up in the Lower East Side. The rents, of course everyone knows, have gone sky-high. And those that are paying those high rents are *also* doubled and tripled up, because they can't afford to pay that kind of rent. So this is the way people are living in the Lower East Side. And it's immoral that people live this way. When I got my first apartment I was 18 years old, many years ago. I was able to pay my rent with no problems. I paid \$35 a month for an apartment right there on East Ninth Street.

**SHADOW:** Woo-hoo! Sounds like science fiction today!

**Perez:** And there's one thing that I got out of that--that most people will not ever experience, the way we're going, is to be able to know what it is to have your own space. It's an experience that everyone should have. And unfortunately that's been taken away from us. Youth who leave their parents in order to start their own families wind up having to move out of the Lower East Side, and some of them even out of the city because they cannot afford the rents. And what is that doing? It's displacing families.

**SHADOW:** The whole agenda ever since

[former Mayor] Koch has been "If you can't afford to live in New York City--move!"

**Perez:** That's it. Now, look at the reality now, look at the fact that this administration has moved so quickly to get rid of all the city-owned land. When the city, state and federal government figure out that there is a housing crisis, they're gonna all of a sudden come up with the money and say, "We have the money to build the housing--but we can't build it in the Lower East Side because there's no land, we don't have land in the Lower East Side. But we have land in Staten Island, in Far Rockaway and we can build it over there..."

**SHADOW:** Are the white middle-class folks in Staten Island going to want a bunch of folks from the Lower East Side moving into their turf?

**Perez:** If we look at Manhattan and what they're after--they don't care about the people that live over there. They're looking at what's happening over here. They're looking to move everybody and anybody out of Manhattan--even those that think that they're safe. They're paying their twelve hundred dollars a month, and I ran into them a year and a half ago in Tompkins Square Park when I was out there trying to get them to sign petitions

to stop the state from doing away with the rent regulations, and they say "Hey, I don't have to worry about that, I pay my twelve hundred a month." And I said, "Don't you understand? Don't you see? You gotta look at the big picture here. And the big picture is that you're next! Because once they get rid of the working class people and the poor people of this neighborhood, they're coming after you!" And you know what? They're coming after them right now. Because those same people are knocking on my door wanting to know how I can help them, because their landlord is harassing the hell out of them...

**SHADOW:** Hoping to get more than twelve hundred a month?

**Perez:** Absolutely. The landlord now knows that he or she can get two thousand, three thousand, and these folks cannot afford it, so they want them out. And they're doing it illegally, but yet they're doing it.

**SHADOW:** Why don't you start at the beginning and tell us what the whole struggle over Charas has been?

**Perez:** We've been in that building for nineteen years now. We actually tried to get the building twenty-one years ago. When we went to the city and told them

what we wanted to do with the building, they kept stalling us. And meanwhile the building was used as a shooting gallery, prostitution, and finally they started stripping the building for anything worth anything. The roof had copper in it, so the roof was torn off the building. But when we saw that the front doors were gone, that's when we decided enough is enough. We went in and we squatted the building. It was about a year later that we finally got a month-to-month lease. This kind of lease actually kept us from getting capital improvement funds, so all the repairs that were done in that building were done by us, through the sweat equity that we put in, the fundraising that we've done.

I found out about two and half years ago that our building was gonna be put on the auction block. And I found out, believe it or not, through the Giuliani administration. I have friends all over, and someone over there told me--and I can say this now because he's no longer working for him--that Giuliani was coming after us and he was coming after us big-time. One of the people who was behind this was our ex-Councilperson Antonio Pagán. When we were put on the auction block the first time, in October of '96, I think Giuliani believed whatever rhetoric was coming out of Antonio Pagán's mouth about us, and we were underestimated. I believe that the mayor thought that the only support that we would receive as an organization would be from the Lower East Side, which is not his constituency, so he really didn't give a damn. But he got a rude awakening when the support came from Europe, it came from South America, it came from Mexico, it came from all over the United States, and it came from every borough in this city. It came from institutions, community-based organizations, art organizations and individuals.

So then they decided that they would take us off the auction block, admitting that we are a needed, viable organization in the Lower East Side, and said they would work with us to get us on better financial standing. That was a lie.

The agreement that we made with the Giuliani administration at that time was that we would come up with a package to present to them in one month. One month they gave us to show how we could obtain the building and how we could renovate it. But because I had learned of this a year before that, we had prepared ourselves for this struggle that was coming. So we already had two solid proposals, which we mailed them a week before the first meeting between our board and the Giuliani administration. We went in and sat down and the first thing they asked us was, "OK, what do you want us to sell you the building for? What are you willing to pay for it?" We said, "Well, we'd like you to sell it to us for one dollar." And they laughed at us. And I says, "What's so funny?" This is something which has been done throughout the years, and most recently Giuliani did this just four month ago for an Italian organization in Brooklyn whose executive director is one of his allies and was one of his biggest supporters in his campaign. This information is in our lawsuit. An article came out about it in the *Daily News*, which we have copies of.

But they said that was absolutely out of the question. The second thing [that] was asked for was [for Charas] to be taken out from under the Department of Administrative Services and be put under the Department of Cultural Affairs. Again, they said absolutely not. And again we asked, why? This has been done before. And they said, "the city wants to get out of the landlord business."

They had to admit to us that they hadn't even read our proposals. This is how arrogant this administration is, and that mayor of ours is. So I just said, "let's

Continued On Page 20



# MAKING 42ND STREET DIRTY AGAIN!!

By Chris Flash

Long after the demise of truly New York adult entertainment in the area, a genuine sex show returned to Times Square for a one night stand on September 25.

West 42nd Street has been known worldwide for generations as a decadent Mecca. Recently, Disney, in cooperation with Mayor Rudolph Guliani, has "cleaned up" the area. Many of the adult theaters, clubs with live shows, and bookstores which were a fixture of the New York sub-culture have disappeared forever.

"Make 42nd Street Dirty Again," a performance art show with installations about the history of 42nd Street and sexual expression, featured more than 40 artists celebrating the history of 42nd Street in a last gasp for what is a soon to be lost cultural phenomenon.

Upon entering the Dirt Show, I saw a huge pile of black dirt in the center of the floor. On boob-shaped screens hanging from the ceiling were dual projections of strange images side by side with sexual films shown by underground filmmaker Nick Zedd, as DJ Delphine Blue (known to listeners of WBAI-FM) spun records. Next to Delphine, Pogo's slides of sex performers in action were shown on the wall. As I looked around, a long-haired man wearing a gag handed out pink envelopes that read "open this when you get home." I took one and stuffed it in my pocket.

Downstairs, I checked out Richard Darrigo's Museum of Porn, where Richard took great pleasure in playing vintage stag flicks from the 1930s on a VCR as a history of porn, from cave drawings to the internet, was presented on his laptop monitor. Nearby, after a performance of Cut-Up, in which Vernita N-Cognita cut most of her dress off with a pair of scissors and screamed "What have I done?" before sinking to the floor, I ran into the topless Maven Peck-Peck, playing her ocarina while showing off her mural. On the wall across the room, I saw Reymard Roxbury's slide show, "Westward Ho: the Obscene Stage Career of Mae West." Unbeknownst to many people, before making it big in Hollywood, Mae West was one of Times Square's sexual pioneers who took many busts for her risqué performances, including a show called "SEX" which she wrote herself.



MAVEN PECK-PECK



WOMAN INSIDE VACU-SUCK

Back upstairs, I observed the Baroness and her "Vacu-Suck" installation. Inside something resembling a large see-through latex body bag, a half naked man (and later a fully nude woman) stood, breathing through a tube as a vacuum sucked air out of the bag. This caused the latex to meld to the participant's body as the Baroness and her assistant tickled, stroked and fondled body parts.

A few feet from the Baroness' show sat Sally Resnick, performing her Clay Ritual. As she explained it to me later, she was encouraging people to mold bowls from clay she provided, asking them what improvements they would like to see in their sex lives, then burning their fears away in the bowls and leaving them with a piece of glass she had blown earlier, as a good luck charm.

Later, I followed two attractive women dressed as airline stewardesses making their way to the rear of the room with a strange guy wearing glasses and a huge boom box around his neck. The gals, known as the Imprints, put on quite a show, giving each other simulated enemas with strange tubes and liquids, much to the delight of the audience.

Soon after, I was temporarily blinded by a flash light aimed at me by non other than the stunning Tara Ball, dressed to kill in a black and cream colored rubber costellette with a zipper and 13 clasps containing her bodacious frontage and criss cross lacing up her sensual back. With a knowing look, she took me by the hand and guided me into the Creep Peep show. Inside the booth, I was treated to the sight of two sexy women bumping and grinding behind a sheet of plexiglass. But, why was there so much water on the floor? I soon found out when one of the babes pressed her lips over a hole in the plexiglass. Luckily, my reflexes were fast and I blocked the spray from her mouth before getting soaked. After me, I saw several guys exiting the booth with large wet stains on their shirts!

As Tara Ball described it to the SHADOW, the Creep Peep show was "not for the typical ho hum amusement of the patron but for the SOUL gratification of the 'peepshow girl.'" Tara added: "Ever wonder what those ladies REALLY wanted to do to you? Here was your opportunity to see the truth COME ALIVE! This was an example of what lurks beneath the bored--give me your money you stupid prick while I smile at you and

pretend I like you surface of every sex worker. At least the ones with a sense of humor. It's all for our own satisfaction, to spit in the face of society... non-conforming to what viewers expect to see, no giving in to the jack who's wacking off while spewing water into a whole...be grateful it was just water! Not for the weak kneed, squeamish, or faint of heart. Hey, we need their money and they need to experience the therapeutic aspects of our charms...why not let the two worlds meet on our playing field with our rules? It's a whole new BALL game....and a winner everytime."

Downstairs again, after paying a hawker a nickle to enter a red lit room, I viewed three sexy paintings: Jolly Iris Miss Vagina, Al Dante, and Tits N Ass Lady, all by K. Conklin Thomas.

Around midnight, I witnessed the Naked Rainbow Bomb, an act I once caught at the Blue Angel show at the now-closed Coney Island High, consisting of naked gals parading under black lights as a guy smeared and splattered them with florescent paint. I could hardly get near the action until a day-glo coated woman pumped a super-soaker full of paint at the others, causing most of the audience to flee as the paint flew everywhere.

Finally, I watched as Moirre Cramer wrapped a willing subject in strips of plaster-drenched gauze to make a body cast of her torso. By the time I left at 2:00 am, he was still wrapping her in the stuff.

Dirt Show curator Amy Shapiro, who developed her sensibility as a performance and installation artist in the warehouse scene in Williamsburg Brooklyn in the early 1990's, told the SHADOW: "Immediately when I saw the venue I knew that the event had to be about the history of 42nd Street and the sociological change that has rapidly redefined the neighborhood. The pile of dirt symbolized more than making 42nd Street dirty again in a sexual way. It was a representation of the shifting earth from which all things emerge and eventually return. My vision was to have people dancing and playing in the dirt as one last gasp of free expression in an increasingly stifling atmosphere in New York City. My first impulse was not a political statement. Artists reflect what happens in our communities. Art and politics are best mixed when it is an organic cocktail and not a forced combination."



THE STUNNING TARA BALL



THE NAKED RAINBOW BOMB

While it was great to see freedom of sexual expression return to Times Square where I hung out as a teenager enjoying the cheap movies, arcade games, peep shows and the general underworld excitement of New York at night, the Dirt Show shouldn't have been all that exceptional. But it was. Amy Shapiro and the participating artists and performers made the Dirt Show something special and memorable. Even passersby were amazed and amused by the sexual images they could see looking in from the street and many came inside to share the experience.

At one point, gagging from cigarette smoke and hungry, I took a walk around the corner to get some air. 42nd Street and Broadway was clogged with out-of-towners, tourists, and gawkers, blocking the sidewalks, lined up and herded like cattle into theme restaurants and multiplex movie theaters. Large chunks of familiar sites and landmarks, long ago removed, had been replaced by construction sites, corporate smut and tourist traps. The outright destruction and removal of homegrown New York culture is the real obscenity in Times Square, and those out-of-towners had no clue. Angry, sad and disgusted, I quickly returned to the Dirt Show.

Ironically, the Dirt Show took place inside 111 West 42nd Street, one in a row of newly-built temporary store fronts that will sooner or later be replaced by something to be called "One Bryant Park," another real estate development that will further add to the ultimate demise of 42nd Street as I once knew it. Amy Shapiro told the SHADOW: "I was given the opportunity to do the show because the manager of the space had seen my previous interactive performance art and installations. The idea for the theme was site specific." If not for the real-estate developer family-connected person providing the space, where else in Times Square could the Dirt Show have been held?

The feeling that the Dirt Show was only a temporary breath of fresh air in an otherwise unrecognizable Times Square was further underscored by the message in the pink envelope I got from the man with the gag, which I opened when I got home. It said: "Welcome to 111 West 42nd Street. This building is about to be demolished. You won't be back. What disappears from the memory of one night in a room? What remains?"

PHOTOS BY CHRIS FLASH



# TACTICAL MEDIA

## PRIVACY ALERT!!

By B. A. Ware

### KNOW YOUR ISP!!

Internet Service Provider (ISP) **Earthlink** is owned by the notorious NET CENSOR and masters of co-optation, the Church of Scientology (Co\$). During 1999, in its quest to acquire greater market share (mindshare) in the ISP market, **Earthlink/Co\$** took over the service provider **Mindspring**.

If you are a subscriber to either **Earthlink** or **Mindspring**, be advised that you are supporting the Co\$ with your money and may be subject to their censorship policies and invasions of your privacy.

### ACTIVIST ALERT!!

Well known progressive ISP **IGC/PeaceNet**, in an effort to downsize its operations and reduce infrastructure costs, outsourced much of its internet services, including dialup access and web hosting, to **Mindspring** in 1999, shortly before **Mindspring** was taken over by **Earthlink/Co\$**.

**Mindspring** has now inherited nearly all of **IGC/PeaceNet's** members, many of whom are unaware that they have been captured by the Co\$!!! If you are a subscriber to **IGC/PeaceNet** or **Earthlink-Mindspring-Co\$** you should seriously consider changing to another ISP!

If you are in the New York area, you may consider moving your dial up access to **Thing.net** a great supporter of art and culture on the net, or to an independent ISP in your area!!!

To those who wish to move their webhosting and email from **Earthlink/Co\$/Mindspring**, **Name.Space** is offer-

ing special rates to make it easy to relocate to a friendly place, and out of the belly of the Co\$ beast! Contact **info@namespace.org** with the subject: **Earthlink** (or **Mindspring**) Evacuation in the subject line of the message. Please include your email address and the services you wish to move (i.e. email and web hosting, domain name).

**Name.Space** is located on the web at: <http://namespace.org>

### KEYSTROKE RECORDERS IN THE WORKPLACE

STOP before you lose control of your data body! Your boss may be recording your every keystroke! Employers own the computers that you use at work and have the right to read your email, monitor every program that you run and log every website that you visit while using their systems.

If you work in an office, whether it be a large corporation or a small office, you are subject to monitoring and should be aware of your company's policy on worker monitoring, and the methods and degree. It is not only important to read the company policy, it is essential to know what means are being used to watch you and record your activities, which may or may not be disclosed.

What you can do: Find out what programs your boss runs and to what degree your computer usage is logged. Beware if your boss uses a "keystroke recorder." Keystroke recorders literally record every key that you type on your

keyboard, including the DELETE key--the whole sequence, from typing to the deletion, can be played back as if you were doing it again, keystroke by keystroke! Your company memos, email to your colleagues, even your **PASSWORDS!** Your entire "session" can be played back, reproducing and creating a report of your every move!

If a keystroke recorder is in use at your workplace, NEVER USE YOUR **PASSWORDS TO YOUR PERSONAL EMAIL OR ENCRYPTION KEYS!** If you do, you risk compromising the integrity of your own personal security and privacy. No amount of encryption can protect you from a keystroke recorder, nor can the deletion of files, even if they are securely erased!

### INVISIBLE DIRTY TROJAN

An electronic surveillance tool known as **D.I.R.T.** (Data Interception by Remote Transmission) that is undetectable by current virus scanners has recently been released as a tool for "law enforcement" to remotely and secretly monitor a subject's computer.

**D.I.R.T.** affects computers running **Microsoft Windows** (including 95, 98, 2000 and NT) and can use all available internet protocols to send out information from the target machine to a remote location. Its capabilities include surreptitious keystroke logging, stealth transmission of captured data, remote screen capture, and selective file deletion.

**D.I.R.T.** is a "worm" or "trojan horse" that can be introduced into a computer running **MS Windows** operating system either remotely over the internet, or by other programs infected with **D.I.R.T.**, or embedded in the autorun feature of a **CDROM**. Once **D.I.R.T.** copies itself onto a target hard drive, it works invisibly to capture keystrokes, screenshots, and scan files for contents. Once it has what it is programmed to retrieve, it transmits the collected information to a pre-determined internet address that is monitored and decoded by the **D.I.R.T.** Command Center Software. Planting **D.I.R.T.** on a subject's computer does not require physical access to the subject's computer.

Detection of **D.I.R.T.** surveillance on a computer requires a fair amount of skill and knowledge of networking, and some readily available tools for monitoring networks. Tools such as portscanners and packet sniffers can reveal any suspicious network activity from **D.I.R.T.** that may come from an infiltrated computer.

If it is suspected that **D.I.R.T.** is on a machine, it is important to monitor the network load and use a packet sniffer to audit all traffic to and from the suspect host. There is no easy way to detect whether a computer has been infiltrated with **D.I.R.T.**, so it is advised to be extremely aware of your computer at all times, especially when using the internet. To prevent infection from **CDROMS**, turn OFF the "autorun" on the computer's **CDROM** drive.

No amount of encryption in the world can save you from **D.I.R.T.** since **D.I.R.T.** records your **KEYSTROKES** and will capture your passphrase and everything else you type on your keyboard (and will likely capture voice commands as well on systems with voice recognition).

So far, **D.I.R.T.** only affects computers running **Microsoft** operating systems, and is presently not known to affect **MacOS**, **UNIX**, **Linux**, **BSD**, or other varieties of **UNIX** operating systems.

**D.I.R.T.** is produced by **Codex Data Systems, Inc.** of **Bardonia, New York** -- <http://www.codexdatasystems.com>.

### MICRO\$OFT AND NSA CONSPIRE TO SPY ON THE WORLD!

French intelligence agency **DAS** (Strategic Affairs Delegation) recently accused the **US National Security Agency (NSA)** of working with computer giant **Microsoft** to develop software that enables the **US** spooks to spy on global communications.

A report, written by a senior officer at the **DAS**, claims that agents from the **NSA** helped install secret programs into **Microsoft** software that is in use in 90 per cent of computers around the world.

According to the report, a "strong suspicion" of the lack of security in **Microsoft** software and operating systems was aroused by rumour of spy programs built into **Microsoft** products, and by the presence of **NSA** personnel on **Microsoft** development teams.

The **NSA**, once known as "No Such Agency", is tasked with monitoring communications and with "SIGINT" (Signals Intelligence) and providing intelligence info to the **US Department of Defense** and other **US** intelligence agencies. The **NSA** is also suspected of operating "Project Echelon" a global surveillance system that intercepts and monitors all telecommunications and internet traffic.

According to the report, "it would seem that the creation of **Microsoft** was largely supported, not least financially, by the **NSA**, and that **IBM** was made to accept the (**Microsoft**) **MS-DOS** operating system by the same administration." The report also claimed that the **Pentagon** was **Microsoft's** largest client.

### GEEK.SPEAK:

**Databody:** The aggregation of information related to an individual stored in databases; The virtual you; (origin: Critical Art Ensemble)

**Tactical Media:** The use of any and all media towards a goal, usually by grassroots organizations, but increasingly fashionable in corporate culture; public relations; advertising; propaganda. (origin: Next5Minutes, Amsterdam)

**Vaporware Queen:** "Cyber.Yuppie" with a business plan and no tangible product. (origin: NYC)

### CONGRESS TO PASS E-MAIL SURCHARGES?

CNN reports that Congress is preparing to vote on allowing telephone companies to **CHARGE A TOLL FEE** for internet access. Translation: Every time we send long distance e-mail we will receive a long distance charge. This will get costly.

There is also proposed legislation under which the **U.S. Postal Service** will be attempting to bill email users through "alternate postage fees." Bill 602P would allow the federal government to charge a 5 cent surcharge on every email delivered, by billing Internet Service Providers (ISPs) at the source. The consumer would then be billed in turn by the ISP. This would be money paid directly to the **U.S. Postal Service** for a service they do not even provide.

Congressman **Tony Schnell** has even suggested a "twenty to forty dollar per month surcharge on all internet service" above and beyond the government's proposed email charges.

Most of the major newspapers have ignored this story, the only exception being the *Washingtonian*, which called the idea of email surcharge "a useful concept who's time has come" (March 6, 1999 editorial.) Don't sit by and watch your freedoms erode away!

The following web site will allow you to send an e-mail on the subjects of telephone and postal surcharges for your emails and file complaints **DIRECTLY** to your Congressperson: <http://www.house.gov/writerep>

### VIRUS ALERT!!

If you receive an email titled "It Takes Guts to Say 'Jesus'" **DO NOT** open it. It will erase everything on your hard drive. This is a new, very malicious virus and not many people know about it.

Also, do not open or even look at any mail that says "RETURNED OR UNABLE TO DELIVER". This virus will attach itself to your computer components and render them useless. Immediately delete any mail items that say this. **AOL** has said that this is a very dangerous virus and that there is **NO** remedy for it at this time.

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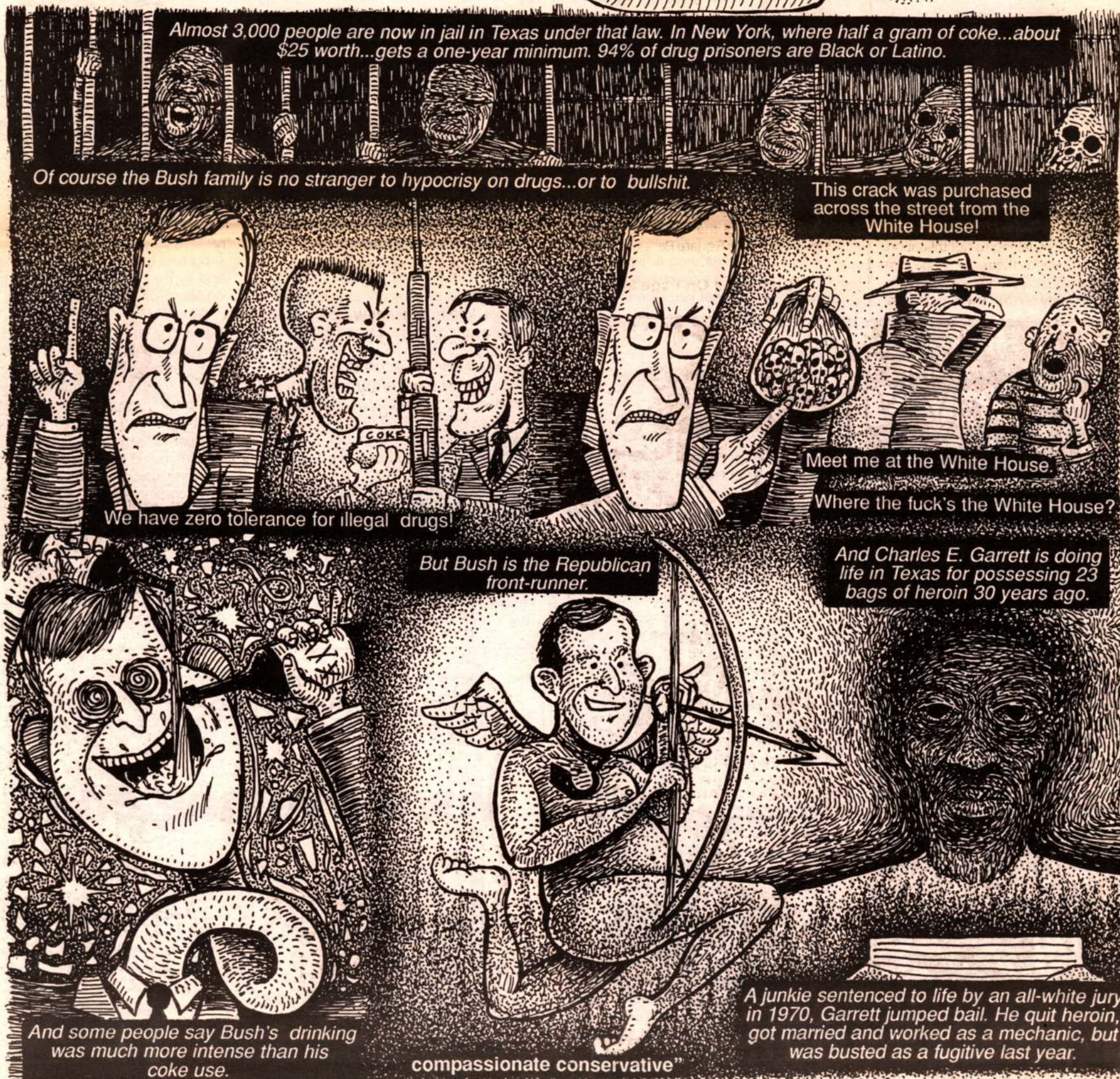
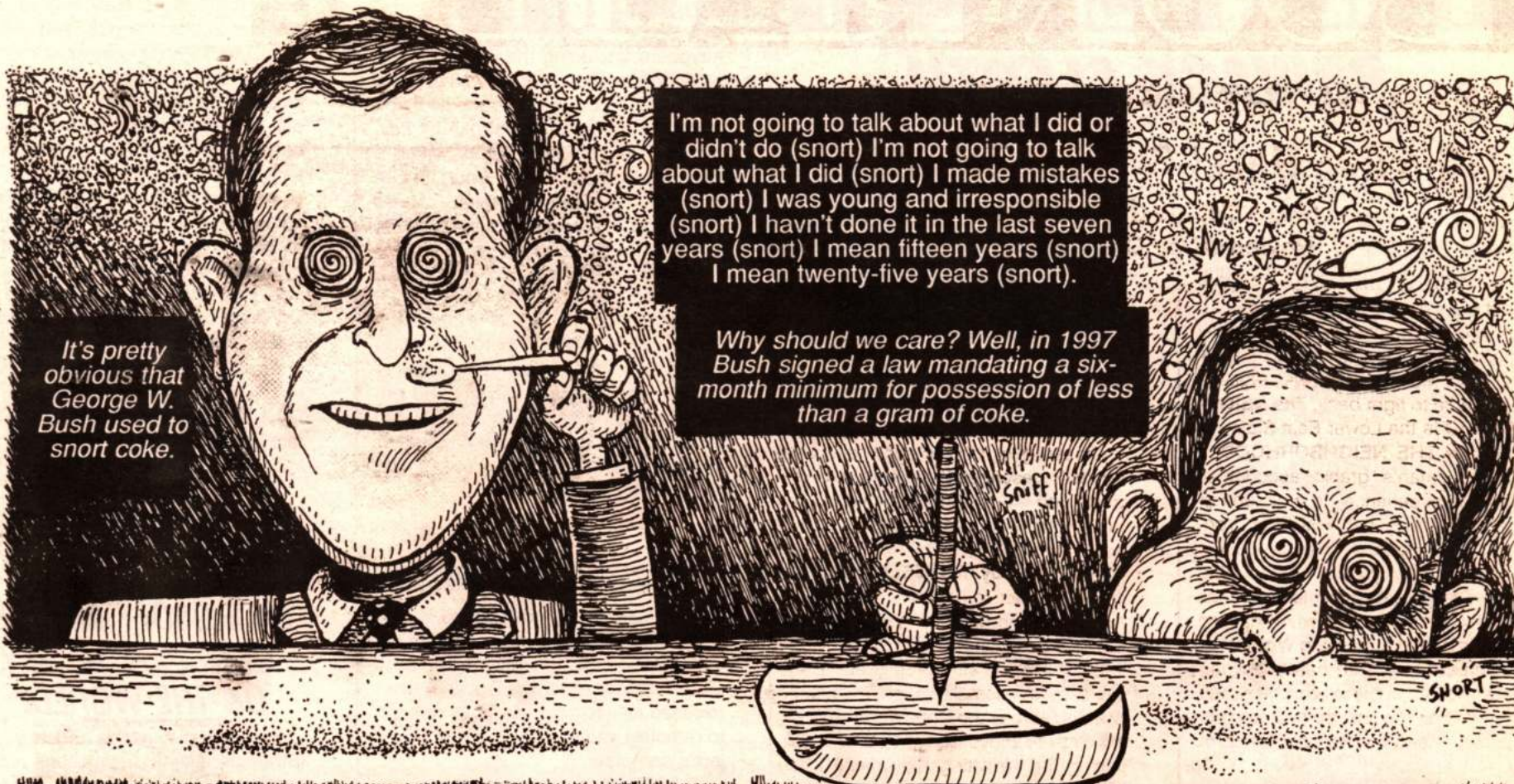
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# George W. Bush Forgets His Lines!

written by: Steve Wishnia illustrated by: mac mcgill





# BOOK REVIEW

## WAR IN THE NEIGHBORHOOD A Graphic Novel By Seth Tobocman

(Autonomedia, 1999)  
Reviewed by Chris Flash

The **WAR** is the ongoing battle against real estate development, speculation and gentrification, facilitated by evictions, illegal demolitions, police violence, and abuse of power against those unable to fight back. The **NEIGHBORHOOD** is the Lower East Side.

**WAR IN THE NEIGHBORHOOD** is Seth Tobocman's graphic account of stories and experiences in a decade of struggle on the Lower East Side, from the 1980s through the 1990s. Not satisfied merely drawing pictures about the people, events and movements he has encountered since 1980, when he and his friends began publishing **World War Three Illustrated**, Seth has been personally involved in these struggles, putting himself on the line, sometimes getting arrested and beaten up in the process.

In **The People United**, Seth describes the birth of the Lower East Side squatting scene in the early 1980s through one couple's story told against the historical backdrop of radical politics on the Lower East Side from the 1800s through the present. Revealing the opposition and hypocrisy of poverty pimps and phony housing groups as legitimate squatters took abandoned buildings for real low-income housing, Seth gives a quick history on the chain of events leading from planned shrinkage to urban decay to squatting to gentrification. By standing up for themselves and persevering, squatters soon created their own community on the Lower East Side,

becoming role models for squatters in other cities.

But Seth doesn't necessarily glorify the squat scene. Telling stories of squats going down, squats being saved in the face of incoming demolition crews, attempts at political organizing and dealing with the activist scene, Seth honestly describes the events as he experienced them. And the players are presented with their character flaws intact.

**The Tragedy of 319 East 8th Street** covers the series of events from the arson fire to the demolition of that squat under a police state occupation in May 1989. Likewise with **Siege**, about the city's quick demolition of a squatted building across the street from 319. This led Seth to move into a squat himself, joining the squatting movement. I had many friends in 319, and got to know the residents of the other squats. Recognizing the people drawn by Seth made me relive what I went through covering these and other stories for the SHADOW from 1989 on. Days of rage, excitement, new alliances and a radical awakening. Through Seth's portrayal of the people involved in these real life dramas, I discovered more about them than I had known earlier.

In **Tent City and House Rules**, Seth tells the story of the homeless men living in Tompkins Square Park who joined

Continued On Page 22



FROM WAR IN THE NEIGHBORHOOD



"Hi. Sander Hicks  
here for Soft Skull  
Press, Inc.

You know, a lot of people say,  
"Yo Sander. If you want to  
smash capitalism so badly why  
did you start a corporation?"

Well, the answer is, we produce  
books. And like all great books,  
these are life-giving, mind-feed-  
ing, inherently revolutionary  
things. Books change you.

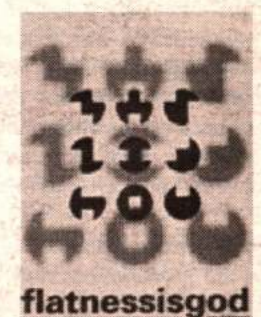
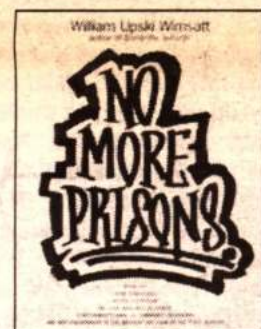
This is why we all work so hard:  
The art of Seth Tobocman. The  
nonfiction of William Upski  
Wimsatt. The art/design of Ryan  
McGinness. And coming in  
Spring 2000, *Saving Private  
Power: The Hidden History of  
the "Good War."* Boy are the  
pigs gonna flip on that one. But  
time's up for those who cash in  
on the old lies. Fuck patriotism  
and the myths of imperialism.

*It's time to create  
the future."*



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# PEREZ....



A. KRONSTADT

just go on, ask us any question you like and we'll answer them." The first proposal was for full community use of the building, we just asked for eighteen months to put the package together. They refused, and we asked for a year. They refused and we asked for six months. They still refused, so we moved on to our second proposal, which was mixed use. Half the building would have been for community use, the other half would have been for market-rate housing.

Under the administration's current 80-20 plan, eighty percent of the building is market rate, and twenty percent is low-income. What they don't say is that then in twenty years, that twenty percent low-income becomes market-rate also. So we're selling the future down the drain. We're selling our next generation's opportunities to get that type of housing down the drain. Under our plan, in twenty years the market-rate section would be gone and we would then have the whole building for full community use. And they looked at this proposal and they said, "this is great, this is do-able." They said they would set up another meeting to further discuss this.

We said, "Great, when is the next meeting?" This was on a Friday. They says, "Monday we'll call you and let you know." Came Monday: no calls. Came Tuesday, we call. They don't call us back. Then we start keeping a log of all the calls that we made. We also sent certified letters. Everything went dead. There was no communication from that point on. They put us back on the auction block for March of '97. We went to the state Supreme Court and put in for an injunction.

**SHADOW:** On what grounds?

**Perez:** On the grounds that they did not deal with us in good faith, as they said they would. On the day before the auction, the state Supreme Court ruled in our favor and we went out of there pretty happy--not knowing that the city turned around and went to the appellate court and had the decision overturned, and we were put right back on the auction block. So that morning we had to scramble down to the appellate court with our lawyers. We weren't able to get the appellate to take us off the auction block, but what we did get was that the city had to say that this was under litigation when it came up on the auction block, and that anyone who bidded on this property would have to know that their monies would be held in escrow. And that's why no-one bidded on the building last year.

Now, this year it was a different story. I should say that from that point on there was no communication whatsoever to our organization from the mayor's administration. We have tried everything possible to get some kind of communication going.

We have a lot more going for us this year than last year. We have a new City Councilwoman, Margarita Lopez, who is behind us one hundred and ten percent. She tried to communicate with the mayor's people on our situation to no avail. They put us back on the auction block without notifying us again. And when we found out that we were back on, we organized to get them to take us off the block and negotiate with us. Remember that first proposal that we said we needed time to put together? [claps hands] That's together! And when we were at the state Supreme Court, the judge asked them, "what would you sell them the building for?" They told the judge they would sell us the building for thirty to forty percent of the upset price, the starting bid, which at that time was \$1.2 million. We have that in place, OK?

**SHADOW:** If you have that in place, why weren't you able to make a bid at the auction on Monday?

**Perez:** There was no communication whatsoever. We tried everything. We sent the Corporate Counsel [the mayor's legal department--Ed.] the proposal. They said they would submit it to the Mayor. No communication. We went down to City Hall with our lawyers--they would not meet with us.

Then, when the Borough President's office found out that the other community center, the Soto Velez center on Suffolk Street and Rivington, was taken off the auction block, [Manhattan Borough President] C. Virginia Fields called to find out why they were taken off and we weren't. The Giuliani administration blatantly lied to the Borough President, telling her that the reason they did not take us off the block was because we did not submit a proposal. And she knows that that's a lie because she received our proposal over three months ago. We sat down with her and went through it, and she loved the plan. She told the city, "Wait a minute, that can't be true, because I have the proposal, I've read the proposal, what are you talking about?"

They then told her, "We'll call you back." When they called her back, they said, "Look, the Mayor made up his mind and he is not going to take it off, and that's that," and they hung up on her. And this again, is the arrogance that the Mayor and his people have. They have no respect for anyone. This is the Borough President of Manhattan, and this is the way they treat her. That's an outrage to me.

Now we're gonna be having a press conference at City Hall next week, and given that [AIDS advocacy organization] Housing Works just won that ruling...

**SHADOW:** ...overturning the Mayor's regulation that barred press conferences of over twenty people from the steps of City Hall...

**Perez:** Right, the courts found it unconstitutional. So we would like to get as many people there as possible.

**SHADOW:** So, who is the purchaser?

**Perez:** The city doesn't want to reveal who it is.

**SHADOW:** It was an open bidding process down at Police Plaza, wasn't it?

**Perez:** Yep, but they say they don't have to disclose who it is until the money is in place. They don't want to reveal it for whatever reasons, and we know what those reasons are, because they know that we will put heavy pressure on whoever bought it. We will denounce whatever organization bought this property. We will name them in any lawsuits that we have coming up.

**SHADOW:** Well, I note the coverage in yesterday's *New York Times* of the auction mentions the notorious "cricket incident," in which ten thousand live crickets were

released at police headquarters when the auction was taking place, in protest of the sale--not only of Charas, but of four community gardens on the Lower East Side, hence the cricket significance, I suppose! It mentions that the sale took place, but it doesn't say who they buyer is anywhere in the article.

**Perez:** Well, we asked the reporters there if they could find out, but they wouldn't tell them neither. The reporter from *El Diario* called me up and she said, "Armando, I tried. They would not tell us who it is." So, they're keeping this really hush-hush. But eventually, we will find out. And we'll expose this organization for being part of the plot of the Giuliani administration to destroy an organization that is doing so much for this community, and has done for the past thirty-three years, in that building for the past nineteen years.

**SHADOW:** Is there some kind of a legal stipulation that the building has to remain at least partly for non-profit use?

**Perez:** Yeah, because of the ULURP [Unified Land Use Review Process] that was put in place, stating that it has to be for community use. That was something that we fought for, say, fifteen years ago. We were happy to get that in, because who would want to buy a building at that time--and remember it was a whole different time, now--for community use? So we felt pretty safe.

Now there were rumors that NYU was interested, and they started getting faxes. I actually got a call from them saying, "please, can you stop this? We're not interested, please stop the faxes!" And I said, "I didn't put that in place." So whatever organization or institution is the buyer, they're going to get protests from different parts of the city, different parts of the country, different parts of the world. We're going to find out who their funding sources are, and we will go after them. Whoever bought this building, don't think that you're just going to come into this community, be a part of destroying this community and that you're going to be accepted. That is not going to happen.

What has taken place here is a political attack on Charas/El Bohio. Giuliani is using his powers as the mayor of this city to destroy this organization, and that's not what he is supposed to do as mayor of New York City. He is abusing his powers, and it is wrong and it's immoral.

**SHADOW:** Why? Why has he got a particular ax to grind against Charas?

**Perez:** A lot of what we do are things that he's against. When we put a show, a production or an art exhibit together, many times it's with a message about social injustice. We did a play called *We Don't Want No Cheese, We Want Apartments Please*, back when the United States was

giving out cheese all over the place. We were putting out the message that cheese is not the answer, that the answer is a roof over peoples' heads. We tackle issues like domestic violence; we did a play *Amor Que Mata*, A Love That Kills. We've addressed closet cases like incest--most galleries don't want to show that type of art, and we showed it, through the eyes of victims that went through this.

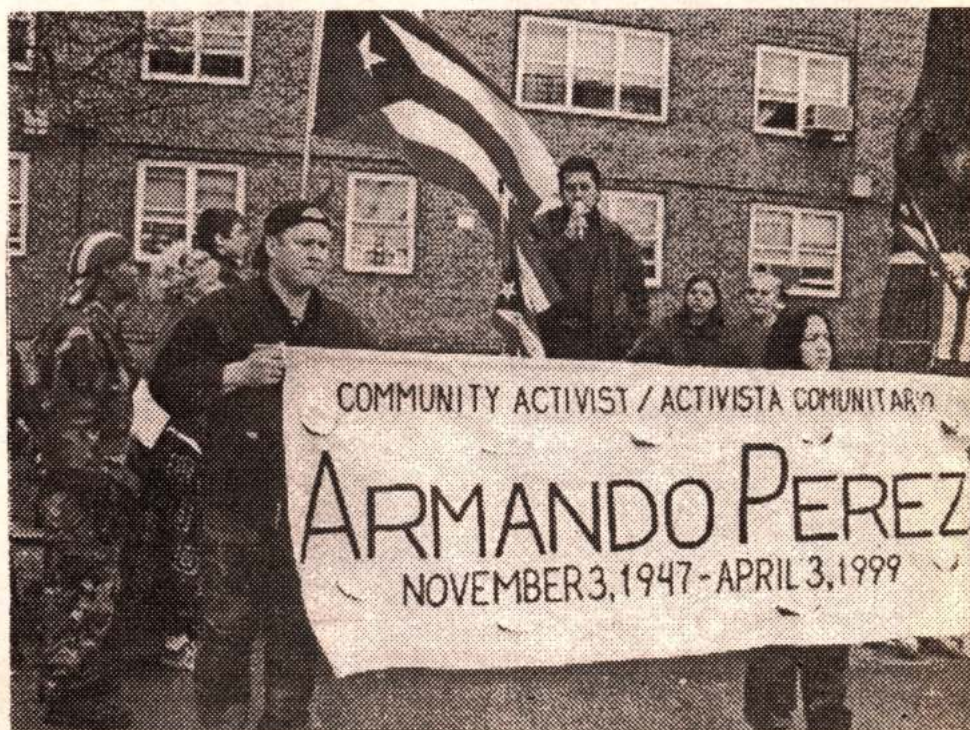
**SHADOW:** The inflated prices that some of these community properties have been going for has suggested to some that there's some kind of master plan for redevelopment of the neighborhood here.

**Perez:** Absolutely. I have no doubt about that. About two weeks ago we had a meeting at Charas of about sixty people from the community to strategize on what we would do if the auction did go forward. And I said that we can take Charas off the auction block, but that is not the answer here. The answer is to stop this auction from going forward. Because we can save Charas, but if Charas is here and you're not, then what good is it? I mean, I don't want to be an organization for a bunch of rich people. I want my people--and when I say my people, I mean the people of the Lower East Side, not just Puerto Ricans, all the people of the Lower East Side. This is our constituency, and this is our home, and we cannot allow this to continue. If they continue to sell all this land, we're all going to be gone, and we have to stop it now. Because when they sell these gardens, they are not going to be building affordable housing. That I can guarantee you.

**SHADOW:** So is there still litigation outstanding over the sale of Charas?

**Perez:** Yes, it is still under litigation, and we are looking for other avenues, other lawsuits, other actions. We're going to call in the leaders of this community and come up with other plans--demonstrations, rallies, marches. We want to continue sending letters to Giuliani telling him that this is an outrage and that we are not going to stand for this any longer, that our land here in the Lower East Side and other parts of this city should not be sold. A moratorium should be put in place so that we can have the opportunity in the future to build affordable housing where it's needed, and not somewhere in the boondocks where they can't see us but yet close enough so that we can commute to work for the rich. And I believe that that is the plan. And that's not acceptable. We here in this city have got to wake up and start fighting, 'cuz if not, we're gonna be outta here...

Continued On Next Page



EDDIE WILLIAMS



## PEREZ....

**SHADOW:** There's talk of developing some kind of community-based, perhaps even inter-neighborhood land development plan. Because obviously the plan which is in place--if it is a plan and isn't completely haphazard--has not been drawn up with any kind of democratic input from the people it's going to affect.

**Perez:** I think we have to look at the whole process, everything that is taking place. I'll give you a perfect example of where we can start. We can start looking at our Community Board. Now, I'm on that board. I've been a member of that Community Board 3 for over eight years now, and I've gone through hell. That's the right word. It's been very painful. A lot of people ask me, "Armando, why the hell do you stay on that board? Are you a masochist or something?" And I says, no, I stay on the board because I'm a voice and I can try make sure that these folks that are on the board are held accountable one day. Unfortunately, that's not yet the case. It is a very conservative board, and has voted against the wishes of this community for the past six years and this is why the Lower East Side has

been gentrified in such a speedy way. We cannot continue to recognize this body as representatives of the people of our community. So one of the first things we should do is not recognize it at all. And let the Borough President know, and let our elected officials know that we do not recognize this body. Because it does not, in reality, represent our community.

And how do we do that? We just go over the head of the Community Board, and go directly to whoever we have to deal with, whether it is the Borough President or HPD--whatever department we have to deal with, we should just go as the community. We do that by demonstrating in front of their offices: this is what we want, this is what we don't want. And not let the Community Board send a message saying, "We support market-rate housing."

We have to get rid of people working in community-based organizations who are not doing the work that they should be doing. For example, we have this woman by the name of Zulma Zayas who is executive director of Lower East Side Coalition Housing Development. And I

say her name, and if she wants to try to sue me, that's fine, because everything that I'm saying is true, and I have it on record. At a Community Board meeting she made a statement that we need market-rate housing on the Lower East Side. Now this is the director of a Lower East Side housing organization that's supposed to advocate for low-income housing and she's making this statement!

**SHADOW:** I guess the argument is that it'll raise the tax base for the neighborhood and some of the money could be put into housing projects. Wasn't that what the old Cross-Subsidy Plan was supposed to be about?

**Perez:** The Cross-Subsidy Plan--that's another joke. This is what we're stuck with now. We're stuck with the 80-20 plan, when what we need is one hundred percent affordable housing. And I when I say affordable housing, I really mean affordable, I don't mean the kind of "affordable" that they're talking about, an "affordable" apartment for five or six hundred dollars a month and the family is making ten thousand dollars a year and they have three kids--that's not affordable. So I mean looking at the whole problem and making it one hundred percent affordable.

**SHADOW:** Well, I'm with you one hundred percent on it, but most people are going to say, you can't turn back the clock, it's not the 1970s anymore, it's a new New York City now, it's a new Lower East Side--it's not the Lower East Side anymore, it's the East Village or NoHo or whatever...

**Perez:** This is why we need to put this moratorium in place. We cannot continue to deal with a Cross-Subsidy Plan that was put in place when things were different on the Lower East Side. As I say, things have changed, and we have to revisit that and say, "this is not going to work..."

**SHADOW:** What's changed since the mid-1980s when the Cross-Subsidy Plan was drawn up that makes it no longer valid?

**Perez:** Well, first of all, they didn't build the affordable housing that they were supposed to build, OK? Second, the folks in the affordable housing that they did build are now doubled and tripled up, and there is no more affordable housing available in the Lower East Side. Yet, there's an abundance of market-rate housing that is available. So that is our argument. Now, the president of the United States in his state of the union address said what we need in the United States is affordable housing. So what I say to the president of the United States is, put your money where your mouth is. This is what we need. We need the money in place to build the housing that we need. And we should get it from the state, we should get it from the city, and we should get it from the federal government.

**SHADOW:** Well, it sort of flies in the face of the prevailing ethic today that you leave everything up to the free market and things will just sort of take care of themselves. Meanwhile, the money has not actually transferred yet for the sale of Charas...

**Perez:** According to the reports we have gotten, no it has not, and I think they're just stalling at this point. They may want to wait until the lawsuit is dealt with, hoping that we'll lose. But I'm gonna tell you this. Whoever purchased this property, they have to know that they are not going to be welcomed in this community. They ought to be ashamed of what they are doing. I could understand it if we were an organization that hasn't done anything. I could understand if we were doing something like Zulma Zayas is doing. But we're not. We have a tremendous amount of different areas that we tackle all the time--community education, recently I was dealing with the Latin Kings who came to me several years ago asking me for a meeting space. We have people from this community that have no money, groups that are fighting for better housing, fighting against the destruction of the gardens--they meet at Charas, and they meet there for free because we know that they don't have the money. So you're going to destroy, or be a part of trying to destroy, because I'm not giving up, they are not going to destroy us, we're gonna fight them all the ways...

And I'll tell you this: they will have to kill me before they throw me out of that building. And I mean that literally. I am not joking here.

**SHADOW:** So if you fail through the courts and the legal system, you're prepared for actual physical resistance...

**Perez:** As I said, they will have to kill me. I am not one to make threats, and I won't make any. I don't even want to look that far down the line, that we will lose. I believe that we will win. But I just want to send a clear message to whoever bought this property that they don't know what they've gotten themselves into and that if they were smart they would pull out. They would pull out right now.

**UPDATE:** Since this interview, it has been revealed that the purchaser of the building that houses Charas/El Bohio is Gregg Singer, a developer who owns condominiums in Yorktown and malls in Westchester. The title for the building has already been transferred to Singer, who plans to convert it into a youth hostel, but Charas continues to fight in both state court and city housing court, staving off eviction.

Four men were arrested in connection with Armando's death in June. Two were released without bail while a grand jury investigation is pending. The other two remain behind bars on unrelated charges. Unless new witnesses come forward, the grand jury is likely to adjourn without bringing any charges.

## KOP WATCH....

video, every criminal portrayed is black." Little is known about the connection between the rise in police killings and the growing use of "simulation" technology. That is why this powerful behavior modification process, utilized by the military and the NYPD to develop a quick-shoot reflex in the soldier/cop must be exposed. Was it not some kind of quick-shoot reflex that was so horribly demonstrated in the Bronx? The people need to know: Are racist police being conditioned to kill? After all, according to company documents, Peter A. Marino, who was until recently Chief Executive Officer of Firearms Training Systems, trainers of the NYPD, held various senior positions between 1970 and 1986 at the Central Intelligence Agency, including chief of the Technical Services Division. The Technical Services Division implemented the MK-ULTRA program, an early CIA behavior modification operation.

As we go to press, an aroused citizenry is responding to the sham verdict, the racist conditioning of the NYPD and the militarization of law enforcement which is seeking to legalize an expanded "rules of engagement."

On February 26, well over a thousand people gathered at Grand Army Plaza to protest the verdicts. The crowd was a true cross-section of New Yorkers: population: black, white, hispanic and asian; male and female; straight and gay; old and young. Everyone was there in a spirit of mutual solidarity. With no speeches or

"leaders," they spontaneously marched downtown to City Hall, heavily guarded by riot cops.

Together we must get justice for Amadou! We must also make the issue of police violence an anti-war issue, because as the military becomes the police around the world, the police are becoming the military at home. Fight back!



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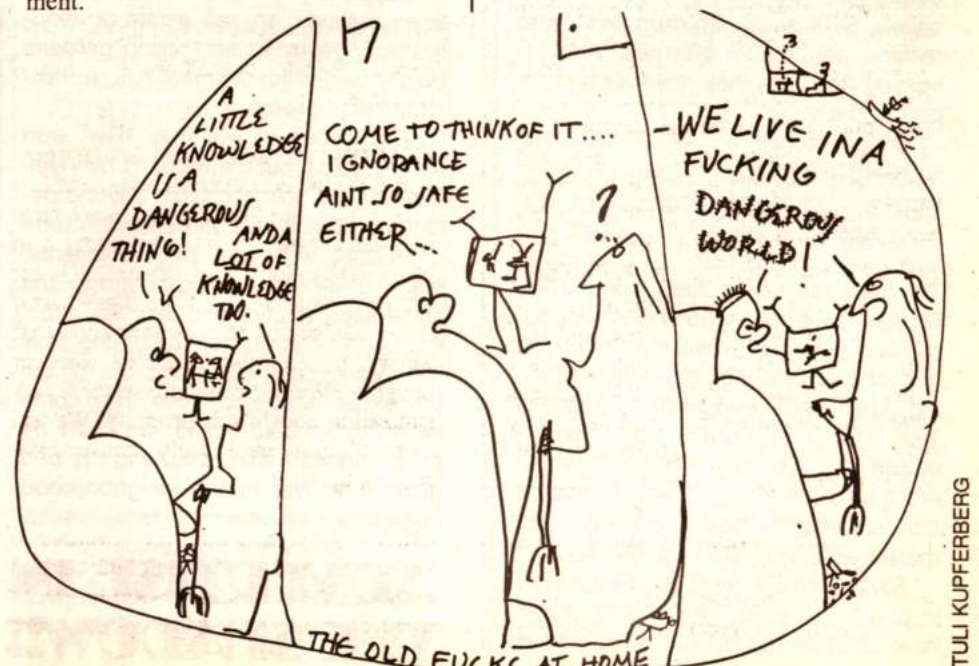
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# KPFFK....

ACG professional "union-busters," hired by RJR Nabisco, Union Carbide, General Dynamics, Dupont, Sony, Coca-Cola, TRW, the LA Times and other firms to outmaneuver striking workers or attempts to organize the workforce. In 1997, a National Labor Relations Board decision mandating union representation for non-paid staff at WBAI was appealed by Pacifica.

## Federal Spooks in the Shadows

The involvement of federal spooks in the crisis has caused some to speculate that the shots fired at KPFA are a COINTELPRO-type government provocation.

Pacifica has turned over 2,000 listener letters and e-mails to the authorities investigating the shooting. Letters protesting the closing of KPFA are now in the hands of the Berkeley police and possibly FBI.

On June 23, the KPFA News broadcast allegations that Mary Frances Berry had personally called Attorney General Janet Reno to pressure the Berkeley police to crack down on the protests. Berkeley Police Chief Dash Butler admitted to a KPFA reporter that Reno aide Joe Brann had called him "to inquire why Berkeley police didn't more aggressively pursue arrests against protestors outside of Pacifica's offices." Brann is director of COPPS, the Justice Department program that awards funds to local police departments. Chief Butler said Brann told him Reno had asked him to call after being phoned by a friend about the situation. When asked if that friend was Berry, Butler said that "may have been the name mentioned by Brann."

IPSA International, the elite security firm hired by Pacifica to police KPFA, boasts on its web site of that its "law enforcement professionals" are recruited "from local, state or federal agencies." (IPSA specializes in "professional management of workplace violence" and "hostile terminations" through a strategy of "controlling the environment" to reduce the "frequency for armed intervention.")

Columnist Alexander Cockburn reports in *The Nation* that Berry and Chadwick worked out their plans for Pacifica's restructuring under the direct "guidance" of Robert Coonrod, president of the Corporation for Public Broadcasting (which,

together with listener memberships to affiliate stations, provides Pacifica's budget). Coonrod, who apparently threatened to withdraw funding if "reforms" weren't made at Pacifica, is former deputy director of Radio Marti, the federal government's Cuba destabilization program.

## "Politically Correct" Masquerade

Whether the mysterious shots were fired by provocateurs or mere yahoos, the Pacifica crisis is beginning to smell like a federal strategy to shut down or gut the nation's strongest alternative media voice. Of course this can only be done by a liberal administration--and in the name of "diversity."

Pacifica mouthpiece Elan Fabbri was recently replaced with an expensive San Francisco public relations firm, Michael Fineman and Associates. The savvy "spin" is that Pacifica is attempting to broaden the listenership of affiliates too long dominated by middle aged white guys. Dissidents like Bernstein and Bensky are easily portrayed as aging white lefties.

However, in the August 1995 purge of KPFA staff in the name of "professionalism," shows on Latin America, Indian struggles, gay rights, women's issues and labor were all cancelled, along with Spanish language programming. Similar purges were executed at the LA and Houston stations. Veteran activist Angela Davis and author Alice Walker spoke out in support of the locked-out KPFA staff, and the protesters represented the full spectrum of Berkeley's diverse community. A successful Berkeley Community Theater benefit for Friends of Free Speech Radio, the listeners' group that supports the KPFA staff, drew Joan Baez and Utah Phillips. Even the media watchdog group Fairness & Accuracy in Reporting (FAIR, producers of Pacifica's Counterspin) have called for Berry and Chadwick to resign.

Under the leadership of the late program director Samori Marksman, WBAI's programming and staff became intensely multicultural--while Pacifica mandated the station broadcast the syndicated talk show of Jerry Brown, a middle-aged white guy who is former governor of California and has since become mayor of Oakland. Marksman, a pan-Africanist and Marxist, died unexpectedly of heart failure at the age of 51 on March 23, four days after an explosive meeting with Chadwick over the Pacifica board structure changes.

# WAR IN THE NEIGHBORHOOD....

forces with squatters, punks and activists in 1989 after riots and angry demonstrations in and around the park against abuses by police. After a massive police raid on the coldest day of December 1989, during which the homeless burned their tents rather than let the pigs take them, some Tent City residents tried but failed to settle into squats. Seth deals with drug problems, racism, personality disputes, and infighting--the truth that, however ugly, is part of the story.

Other stories in **WAR IN THE NEIGHBORHOOD** are dealt with in the same way: **Kicking in Joan's Door**--violence against a woman in a squat and how the residents failed to address it; **The Defense of the ABC Community Center**--conflicts between diverse people occupying and defending the takeover of an abandoned city school building; **May Day Provocation**--a peaceful 1991 Tompkins Square Park concert erupts in a full-scale riot after people react to a planned police provocation that results in the closing of the park for more than a year. And there's more.

Since Seth put these stories together in one book, many of the people in it have died or moved on, squats have been lost, the homeless have been scat-

tered, our neighborhood has been flooded with yuppie dives as far east as Avenue C, and rents have continued to skyrocket. Yuppies, Eurotrash, wealthy college kids and other monied transients keep pouring in, fueling the high rent that makes it harder to live here and displacing those who can no longer afford to stay. With the cost of buildings now at an all-time high, real estate developers are now eying and taking gardens on city-owned land to create more maximum rent housing.

The forces of evil may have won some battles, but the war isn't over yet. The war has now escalated beyond defending squats and gardens to include organizing with rent paying tenants, many of whom are experiencing the same illegal eviction and demolition tactics used against squatters. Long after the wealthy carpetbaggers tire of the Lower East Side and move on to some other fashionable scene, we'll still be here, and we'll still be fighting the bad guys. The War in the Neighborhood continues....

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# SHADOW

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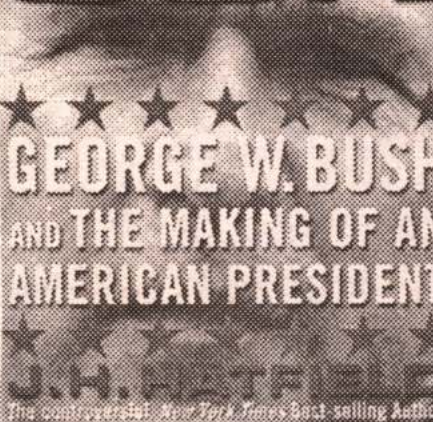
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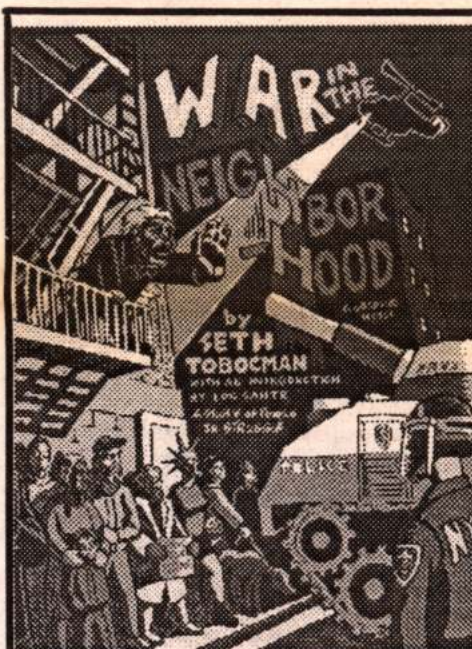
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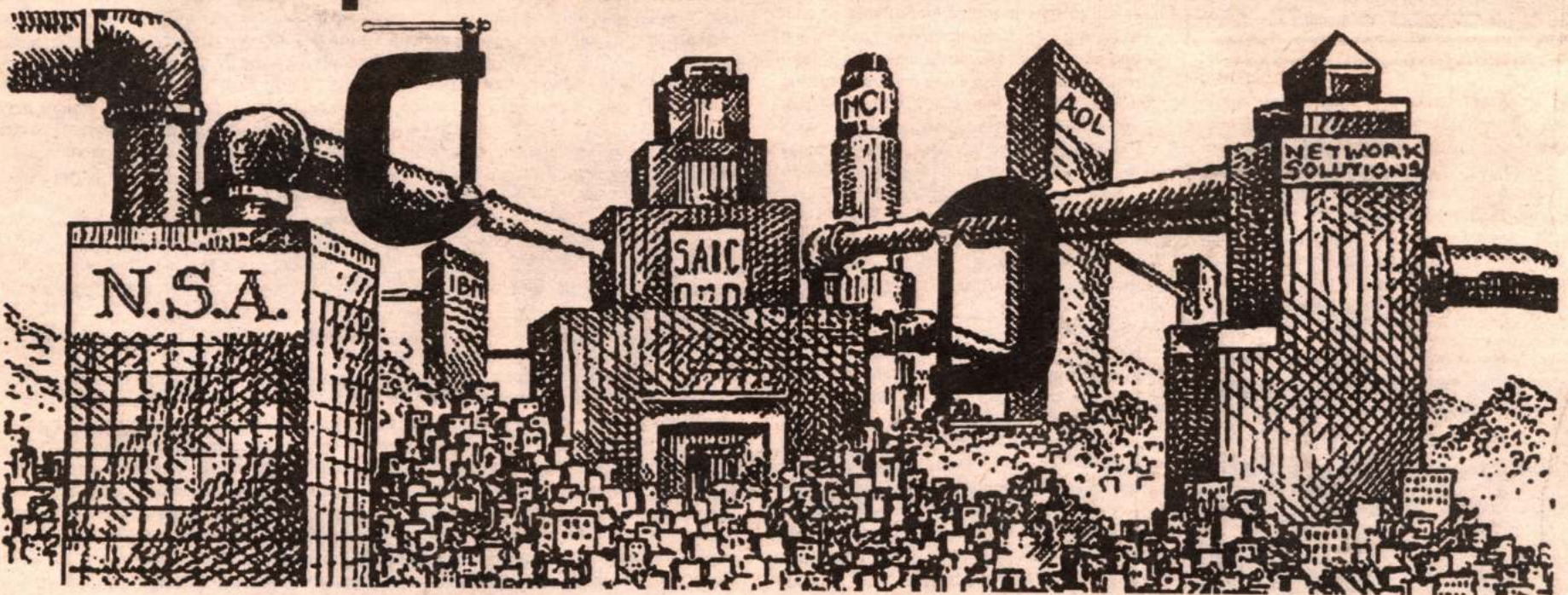
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