

# the SHADOW

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**INFORMATION IS STRENGTH • KNOWLEDGE IS POWER**

## THE RE-CRIMINALIZATION OF CANNABIS

By Darryl Cherney



**GREENHOUSES IN HUMBOLDT COUNTY IN 2014.  
[PHOTO FROM THE HUMBOLDT COUNTY SHERIFF'S DEPARTMENT]**

In 1985 I moved from the most paranoid city on the East Coast to the most paranoid town on the West Coast. After 30 years of being a born and bred New Yorker, most it spent as a Chelsea boy, I got fed up with the traffic, the crime, and the broken subways of the Ed Koch administration and pointed my van west, with a room pre-rented in San Francisco.

But a funny thing happened on the way to The Mission. I picked up a hitchhiker heading south on I-5 in Oregon (I took the northern route)—a Cheyenne Roadman and practitioner in the Native American Church named Kingfisher. At 8pm with a beaming smile, he entered my van just ahead of the rain, glad to be dry and moving toward his home in Ashland. After some small talk and learning of my destination of San Francisco to start anew, Kingfisher took a look at me and my belongings stuffed in the back and asked, "What do you want out of life?" I answered, "To live off the land and save the world." He said the words that still ring in my head today: "You should go to Garberville!"

"What's a Garberville?" I said to myself as we drove. Little did I know it was the heart and capital of the Emerald Triangle, the spiritual capital of the largest cannabis growing region of the United States—Humboldt County.

Thirty-two years later, I still live here: the culmination of the back to the land movement which traveled north from San Francisco and spread as far north as Alaska and across the U.S. I became an expatriated New Yorker, now living in the land of my loves: ancient redwoods, the Pacific Ocean, and the sacred herb.

Fast forward to 2018, 32½ years later. The wholesale price of full-term sun grown weed has dropped from \$4000/pound to \$400. The amount grown in the Emerald Triangle—Humboldt, Mendocino and Trinity Counties—along with the rest of California and the United States—has exploded exponentially by a factor of perhaps ten

thousand fold. There is no official statistic except that the market is beyond glutted, the herb has been legalized either medicinally and/or recreationally in more than half the United States and all of Canada, and the once booming, politically radical, underground economy of Humboldt County and the back to the landers which birthed our community clinic, our radio station, our community center, our gamut of environmental and civil rights organizations, Veterans for Peace, our hospice care, our sustainable forestry movement, and much more, is now in an economic free fall, a full-fledged instant depression just on the verge of turning our hippy paradise into a ghost town.

Stores are reporting sales (and sales taxes) dropping as much as 80%, including the farm stores and the auto parts shops. Layoffs are abounding. Land values are dropping well over 50% without a bottom in site. Taxes for schools, roads, environmental protection, social services, et al and disappearing.

All of this has been completely predictable. People sang the praises of legalization from Bob Marley on down, but only to the politically and historically savvy was the future seen: the small farmer always gets the short end of the stick. The pioneers who created sensimilla and isolated CBD's (apart from THC) as a medicinal component of cannabis, are being swept away into the dustbin of history by a Mount Everest of regulations, taxes and fees along with an invasion of moneyed invaders and just plain old-fashioned greedy Earth destroying mega growers. To put it bluntly (no pun intended), the number of gardens in Humboldt went from perhaps nearly a thousand growing 25 to 100 plants each to ten thousand gardens growing 1,000 to 3,000 plants. It's amazing anyone can sell anything at all at any price, and many small farmers can not. It is the end of the world as we know it after 50 glorious years of counter culture

rule in Humboldt.

But the cultural cleansing of the children of the 60's is far from the only casualty of the "green rush" in the home of the tallest trees on Earth. Those redwoods themselves are being clearcut for greenhouses, stream water for fish survival is being diverted to water and then polluted with nitrogen fertilizer run off beyond the pale, wildlife is being decimated by rat poison to stop mice from chewing the ganja stalks for moisture in our hot dry summers (perfect for growing weed), rentals and housing costs quadrupled or simply became unavailable for anyone at any price when they were converted to indoor and outdoor grow operations, courteous driving became a thing of the past, thousands of large supplementally lit greenhouses light up the once graceful night sky, and armed home invasions and outright murders skyrocketed into daily occurrences. It started to feel like I was living in New York all over again. Well, at least I was trained from birth to fend off thieves and drive like I own the road. Oh, did I mention the you can't find a parking spot in Garberville anymore?

But even the horrors that followed the "green rush" as it's called, are now receding as growing pot is no longer profitable and in fact, is outright dangerous to your own freedom and financial solvency, given the army of bureaucrats and law enforcement that has arrived, courtesy of the taxes and fees charged to the few who dare attempt to go legal. As the saying goes, the growers are now paying for the bullets for their own firing squads.

People have invested hundreds of thousands of dollars only to find they can't reach the ever shifting goal posts with a price that has plummeted by 90%, if a farmer can sell it at all, which many can not. The local stores are empty of customers, including the once flourishing farm stores.

While the "white market" farmers are

regulated, the government regulators are not. They are there to create jobs for themselves and, at between \$10,000 and \$80,000 per day per violation (you read that right), they can seize your land, your pot, your possessions, your money, and your ability to survive at all. Now, while some of the players being busted are well deserving of being run out of town for raping the land, running generators 24/7 and turning our culture into thugville, the general rule of law enforcement has always been go for the low-hanging fruit. Statistics now show that for every big, earth destroying grow they tear down, there is a small farmer that goes down as well. The reason is simple: the mom and pop farmers don't shoot back.

The list of the violations you can be raided for now that pot is legal is infinite. Keep in mind none of these regulations apply to growing any other agriculture product. Also keep in mind that the timber industry ruled and raped this land for over a century, killing the fish, the mammals, birds, the redwoods themselves and shall we never forget, the Native Americans, who were slaughtered to make way for it all. Now the pot farmer is supposed to spend, by regulation, the costs of restoring the damage done for a hundred years by "legal" logging. The Department of Weights and Measures is now part of your life. Thousands of trimmers employed each harvest are now wiped out because a sterile environment with a handicapped bathroom is required for workers (many here still have outhouses), leading the way for low-wage, legal sweat shops. Native American archeological studies are required. Your driveway and original main dirt roads are now scrutinized for their steepness. Unpermitted houses (90% of the houses here) are targeted by code enforcement for condemnation. Third-party facilitators who are supposed to help farmers get through regulation can be incompetent and corrupt, taking your money and going out of business. Farmers can't even go out of business and sell their land once the permit process is started because now the land is on radar and federally-insured loans aren't granted for places with cannabis permits.

Surveillance cameras are to be installed at farms and dispensaries, with 24/7 security guards coming up next. Each plant must be tagged as part of track and trace. Paperwork with all kinds of statistics, such as how much weight in leaves did you prune this week, are to be submitted to the government, along with daily water consumption. Farmers must pay 30% taxes before they start growing, with the size of the garden, not the amount of weed, being the taxable target. Put in some vegetables in your garden or have the deer eat it or thieves steal it all, or perhaps you just can't sell it, and you've still got to pay-up front. While I can double the list of impassable obstacles easily, I suggest the reader consider this: this is not the way of the outlaw pirate grower living off grid 40 minutes up a dirt road who disdains the system. And just to really mess with everyone, the regulations are revised or completely changed monthly.

**Continued On Page 8**



# SHADOW EDITORIALS

## MARIJUANA: Legalize or Decriminalize?

By Chris Flash

We at The SHADOW think it's great that marijuana laws are finally beginning to evaporate across the country, enabling people to enjoy the use of cannabis after 80 years of senseless prohibition and criminalization that has ruined the lives of countless people, justifying a "War On Drugs" than has not been and can never be won.

Even president Jimmy Carter said: "Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself; and where they are, they should be changed. Nowhere is this more clear than in the laws against possession of marijuana in private for personal use..."

However, we have a major problem with "legalization" of marijuana. "Legalization" means that the state decides the conditions by which you may buy it, sell it, use it, and grow it and how much of it you can possess. AND, under "legalization," the state gets to TAX you for it.

Marijuana should not be viewed as a revenue source for the state, which has NO right to tell you what you can ingest in your body. The state has NO moral authority to claim that it has our best interests at heart. If so, water would be free of pollution and fluoride, air would be clean, food would be cheap and GMO-free, and medical and dental care would be free or at least genuinely AFFORDABLE. The state, which has subsidized the tobacco industry for hundreds of years, is NOT doing us any favors by allowing the public, under certain conditions, to have marijuana.

We see where "legalization" is going and in some states it has already gotten there: marijuana taxes, affordable to monied consumers and corporate farmers, are funding enforcement of marijuana laws vs. independent growers and sellers who either cannot afford to pay to play and/or who just do not want to pay the fucking state for the right to grow and sell a PLANT that grows on Planet Earth!


Watch for marijuana related SWAT team raids and prosecutions stemming from folks not paying taxes on pot. Do people REALLY want a new form of POLICE STATE under marijuana "legalization"?



Genuine progress would be for legislators to stop wasting time and doing the morally correct thing:

- Marijuana in ALL forms and quantities, should be DECRIMINALIZED, with NO restrictions, not "legalized"
- All persons in jail for marijuana related "crimes" should be released IMMEDIATELY and be compensated for time lost in jail
- Mandatory employment tests for marijuana consumption should be eliminated
- Those with convictions on their criminal records for marijuana-related "crimes" should have their records EXPUNGED

DECRIMINALIZATION is the only way to go in a SANE society....

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This  may be handed you by the friendly stranger. It contains the Killer Drug "Marihuana"—a powerful narcotic in which lurks Murder! Insanity! Death!

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**53 W. Jackson Blvd. Chicago, Illinois, U. S. A.**

**RE-CRIMINALIZATION POSES THE POSSIBILITY OF A RETURN TO THE HYSTERIA OF THE 1930s**

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# GOT LEFTISTS?

By Nikos Evangelos

Got Leftists? System not delivering the former goods? Country's self image falling apart? World no longer believing your bullshit? Did you just create total chaos in the Middle East over a 20-year process of war with millions dead and no end in sight, destabilizing your empire and losing credibility on a global scale? Are many nations no longer fearing your power? Has your power elite lost any vision of the future at a time when your permanent growth industrial system is eroding the basis of your civilization and vertebrate life generally? Thanks to your money-soaked, arbitrary, Reality TV election process and "Electoral College," a sizable minority of yahoos who believe they are the Real Americans actually did elect a sociopathic, money-laundering, scam artist New Yorker (!) and rapist based on a fascistoid, fake-Christian, xenophobic, Know Nothing, violent, racist appeal? Is this demented buffoon not only overseeing the implementation of extremist barbarities by a crew of pirate style billionaires in the cabinet positions, but otherwise doing stupid shit every day, openly accelerating the decay of your 70-year "postwar order"?

### HAVE I GOT A PLAN FOR YOU!

1. Project everything true and bad about the United States and the All American reality of Trumpian neoliberal fascistoid brutality—the reality of American decay, magnified, turbo charged, and minus the fake civility and the exculpatory bullshit—on to a fictionalized RUSSIA. (As if the real plutocratic nativist anti-gay Russia does not suck enough, but that's beside the point.) Enemizing "Russia" has been done in the past, and it's usually worked!

1a. The psychology of denial: This is not "US" doing these things! This is not the US in which all this is happening! It is THEM. It comes from THERE. "Russia" takes on the role of external enemy that Mexico and China occupy in the Trumpian world-view. Not we, but THEY are responsible for this frightening reality. THEY elected a President Trump. He is not the 14-year veteran star of The Apprentice, he is THEIR agent. WE cannot acknowledge that we have been heading in this direction for decades, that earlier versions of this kind of eruption have already happened, with Nixon, with Reagan, with Bush the Lesser. WE cannot acknowledge that Trump won the nomination by speaking to the actual GOP voters as attracted and mobilized by decades of GOP dog-whistle campaigning. We cannot acknowledge Trump is a natural (if not inevitable) product of the American system of power and rule. We cannot acknowledge that his "rise" is a product of kleptocratic capitalism, of a money driven "democracy"; of the intentional mis-education of the people, of decades of propaganda training, of a never ending celebration of assholes and blowhards who are "successful" as measured in money and fame only; of

contempt for the poor and the other and the weak and the non-normal, of contempt for our own typical life circumstances as workers, as average men and women, as schlubs on the lower ends of consumerism; of exceptionalist and hypocritical, fake patriotism, of suspicion of ideas generally, and especially "foreign" ones, of worship of the "Founders" and presidents; or of corporate control of all aspects of everyday life.

Most of us in the 3/4 of the population who did not vote for him don't deserve Trump. The system that produced him as a product alongside his former hangout friends, the Clintons, certainly deserves him.

2. Now associate the total evil of "Russia" with "dividing" America. In practice, the definition of this "division" includes any disagreement that "America is Already Great." America is the great light of the world, the country that created and paid for the global order that sustains peace and prosperity, the country that did so because it is good and noble. The struggle to save this "America" comes from the establishment represented by Clintons, Bushes, old Republicans (as if these were any less willing to organize the racist vote than Trump is), the CIA and the criminal "intelligence community," Pentagon imperialism and wars, the old neo-cons, the more enlightened precincts of Wall Street, the sort of billionaires like Jeff Bezos, and the non-Trumpian corporate media (i.e., most of the corporate media). These are even branded as "Resistance." At the same time, actual resistance to Trump (and to all of the above) is ignored or reviled as "divisive."

3. Indeed, associate this division not so much with the Trumpian followers—who are poor, well-meaning hard-working white people who need our "understanding"—as with the left and with progressive socialist movements in or near the Democratic Party. Jill Stein, Sanders, Ocasio, also a grab-bag of everything from non-voting millennials to BLM to Assange and Snowden. Everyone is the enemy who is falsely blamed for having facilitated the election of Trump by not assimilating fully to Clintonian definitions of reality.

4. Repeat #1, the part about "Russia" taking over the United States, 24/7/365, as if it is self-evident and anyone not fully participating in the chorus at every turn is a fool or a traitor. Say, "mountains of evidence" every four minutes. Any time the media focus is temporarily on the actions of non-establishment liberals or the left, recuperate by repeating #3. Any association with Russia will do, by the way. This works emotionally more than rationally. Slap a hammer and sickle (which has nothing to do with Russia today but evokes a Russia of old) on a picture of your targets and voila: they too are THEM.

Russia Russia Russia! And if it means at risk of nuclear war, so be it.

**POLITICS OF PUNK:  
RADICAL ACTION IN RADICAL TIMES**

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## WHOSE FUCKING PARK?



What do you do when police are used as pawns by the city to assist the forces of gentrification and facilitate demographic modification calling for the **REMOVAL** of long-term low-income residents who tend to demand too much and expect more from their elected "representatives" and who organize effectively to get it, in favor of mindless self-absorbed apolitical pathological monied transients with no community ties who are only concerned with **CONSUMPTION** as they willingly pay exorbitant rents just to be **HERE**, for the short term, unconcerned that whatever it is that has attracted them to **NYC** is being **DESTROYED** by their very presence here?

You **FIGHT BACK**, that's what you do. And not just once, but **EVERY** time the forces of evil are unleashed against you.

And so it was, starting with the July 31, 1988 mini police riot, and the much-larger police riot a week later on August 6, in Tompkins Square Park, that spilled out onto the streets, and on it went over the following three years, when every other weekend brought skirmishes with riot kops in and around our park.

**WHY** did we fight? Because we were **RIGHT**. And when you've got right on your side and you keep up the good fight, you will ultimately **PREVAIL**.

Come to the Riot Reunions in Tompkins Square Park on August 4 + 5 and again on September 8 + 9. Not to celebrate bloody police riots, but to commemorate what has happened to our neighborhood over the past 30 years and to focus on where we are now. And, to honor your **COMMUNITY**.

Because, long after hipsters, hipster-ettes, Euro-trash, yuppies, yuppie scum and other parasitic invasive species split this scene after finding a new place with "edge" and "flavor" that they can co-opt and choke the life out of by way of buying in and displacing residents, or, after they are wiped out by the next big Wall Street crash, **WE** will still be here.

Because we are **ROOTED** here.

Because it's still our community and it's still **OUR FUCKING PARK!!**

## 30TH ANNUAL TOMPKINS SQUARE RIOT REUNION!!



**August 4: 30TH TOMPKINS SQUARE RIOT REUNION**  
Jennifer Blowdryer, Iconicide, Professor Louie, Maximum Penalty, Breakdown

**August 5: 30TH TOMPKINS SQUARE RIOT REUNION**  
Zero Content, DIYing Breed, Skitzopolis, Psycho Sin, Team Spider, CHOK'N VICTIM

\*\*\*\*\*

**AFTER THE SHOW:** A multi-media presentation linking two generations of resistance will be presented at the Museum Of Reclaimed Urban Space (MORUS), 155 Avenue C, starting at 7:00 pm. Comics slide shows by Eric Drooker & Seth Tobocman, with music by Eric Blitz, and others. Screening of *By Any Means Necessary*, a classic documentary about the Tompkins Square Movement. Additional speakers and performers to be announced.

**September 8: 30TH TOMPKINS SQUARE RIOT REUNION**  
(Bands to be Announced)

**September 9: 30TH TOMPKINS SQUARE RIOT REUNION**  
VON LMO  
(More Bands to be Announced)

**September 29: NEW YORK HARDCORE**  
(Bands to be Announced)

**October 29: SPOOKS NIGHT OUT**  
(Bands to be Announced)

For up-to-the-minute information, go to:  
[www.facebook.com/Shows-In-Tompkins-Square-Park/](http://www.facebook.com/Shows-In-Tompkins-Square-Park/)  
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# GENTRIFICATION'S BIG LIE:

## "Affordable" Housing and Donald Capoccia's Swelling Empire

By A. Kronstadt



As described in SHADOWS #59 + 60, Donald Capoccia is a clever real estate developer. He was one of the first developers to seek out Lower East Side "East Village" properties in a big way. By playing ball with ostensible "liberals" in City Hall, Capoccia has helped them to keep up their pretense of trying to address the city's "affordable" housing crisis while enriching himself.

Throughout the 1980s and 1990s, Capoccia's political connections enabled him to acquire city-owned formerly vacant lots throughout the city that had been transformed into community gardens, as well as formerly abandoned city-owned buildings that were occupied by squatters and homesteaders who had transformed them into communal housing.

Capoccia was aided by the divisive tactics of his close friend, poverty pimp and City Council member Antonio Pagán, who counter-posed the interests of squatters with those of low income Puerto Rican residents of the Lower East Side, thereby creating an ideological justification for the violent evictions of gardeners and squatters throughout the 1990s. With Pagán's assistance, Capoccia developed community gardens and squatted buildings into luxury coops/condos/rentals, as well as a few somewhat more affordable apartments that were scheduled to "sunset" and revert to market rate after a stipulated number of years.

### REAL ESTATE'S MAN ABOUT TOWN

In recent years, Donald Capoccia has re-invented himself as a champion of "affordable" housing, philanthropist, and patron of the arts. Like Sinclair Lewis' fictional real estate developer Babbitt, Capoccia is a joiner and a pillar of the community.

To track the activities of Capoccia, one needs to be aware of the many corporate cloaks that he uses. His primary and most public face is BFC Partners, founded in 1985 by Donald Capoccia, Joseph Ferrara, and Brandon Baron, of which Capoccia is the Managing Principal. BFC states on its web site that: "To date, BFC and its principals have concluded over \$1.5 billion in acquisition and development projects and have over \$1 billion currently in development." Other entities that represent Capoccia interests include Preservation Development Partners, Triborough Preservation LLC, and Settlement Housing Fund.

Capoccia is president of the New York State Association for Affordable Housing, a trustee of the American Foundation for AIDS Research [AmFAR], vice chair of the Battery Park City Authority, board member of the Governors Island Preservation and Education Corporation, member of the New York State Council on the Arts, member of the board of governors of the Real Estate Board of New York, and member of the boards of directors of the Building Museum and the Skyscraper Museum.

Capoccia also sits on the boards of the Furman Center for Affordable Housing at NYU, a major think-tank where the

ideology of real estate in New York is nurtured, and the Moelis Center for Affordable Housing, which was founded by his partner Ron Moelis, CEO and founding partner of L+M Development Partners.

Moelis is called the "King of Affordable Housing" in real estate circles and is one of the pioneers of the ideology of tacking on a percentage of "affordable" housing to market rate mega-projects to garner public approval for such developments. BFC and L+M are both major stakeholders in the Essex Crossing project, which is presently transforming the Essex/Delancey Street area of the Lower East Side [see the full story in SHADOW #59] into a mega shopping mall.

BFC is listed as a Development Partner of L+M. The Moelis Institute for Affordable Housing Policy is the current source of ideology for city officials under the deBlasio administration with regard to urban planning and housing policy. The Moelis Institute replaces the right-wing anti-tenant Manhattan Institute, which played a corresponding role under the Giuliani and Bloomberg mayoral administrations. Regardless, gentrification has expanded further, with rents rising faster under deBlasio than under Giuliani.

### FROM "LOW INCOME" TO LUXURY

Capoccia continues to feast on the remains of the old bohemia here in the Lower East Side, even as he expands his "affordable housing" operations throughout the rest of the city. His targets are projects that used to be truly affordable housing -- he then adds "market rate" housing and makes the existing housing more expensive and out of reach of the community. All the while, Capoccia has been hailed as a creator of "affordable" housing.

Under the cover of various corporate entities, Capoccia has lately been acquiring site control and equity over low income housing and housing for the handicapped, as well as former squats [see SHADOW #60] and the SPURA site [see SHADOW #59] that had been ear-marked as low income housing for decades before being acquired by Capoccia and his cronies for luxury development.

In early 2015, L+M Development Partners, along with Preservation Development Partners (the latter a partnership formed by K+R Preservation and Donald Capoccia's BFC Partners), purchased a 50% stake in Albizu Campos Plaza I on East 12th Street, between Avenues B and C, for \$250 million over the first two years, plus another \$100 million over the subsequent 15 years. The building was sold by the New York City Housing Authority [NYCHA] and funded via city issued Multi-Family Rental Housing Revenue Bonds--these developers are not risking much of their own money.

Campos Plaza I, with 270 units and 720 residents, is a project-based Section 8 building where tenants' rents are federally-subsidized so that building owners receive total rents that are many times

higher. The developers will be responsible for investing about \$80,000 per apartment for rehabilitation and general building repairs. Although the city retains control of the land under the housing project, the deal specifies that the apartments may become "market rate" in 30 years.

Since the deal with Capoccia and his partners, residents of Campos Plaza I have reported a vast increase in the number of surveillance cameras within the hallways of the building. Some are convinced that the developers are interested in detecting unauthorized occupants with a goal of starting eviction proceedings against tenants who break rules against hosting additional family members. However, they concede that the developers have carried out renovations that have made their building more livable than the neighboring Albizu Campos II, where NYCHA remains in control.

Capoccia interests, in the form of Triborough LLC, have also purchased a 50% stake in two adjacent formerly NYCHA owned Section 8 buildings, located at 277 and 279 East Fourth Street between Avenues B & C. According to an excellent article by Louis Flores on the Progress Queens web site (<https://www.progressqueens.com>), Triborough LLC is a "Special Purpose Vehicle" [SPV] controlled 50% by NYCHA and 50% by L+M PDP Triborough Preservation LLC, an entity formed by L+M Development Partners (owned by Capoccia and "affordable housing czar" Ron Moelis), K+R Preservation, and Preservation Development Partners LLC, the last of which was formed by Capoccia's flagship company BFC in combination with K+R Preservation.

Thus, the SPV was created for the express purpose of letting Donald Capoccia wet his beak in New York City public housing. Capoccia and the other private investors here stand to acquire "luxury" rents, a fraction of which comes from the tenants themselves, but most of which comes from the taxpayer. Currently, there are two studio apartments in 277 and 279 East Fourth Street renting for \$1,750/month each, three one bedroom units renting for \$2,500/month each, 17 three bedroom units for \$4,400/month each and three five bedroom units for \$5,800/month each.

Under a similar arrangement, Capoccia proxies have purchased Fourth Street Rehab at 269 East Fourth Street, a few doors west of 277 and 279. Long-time SHADOW readers will remember this building as the ABC Community Center, an abandoned city-owned school that Lower East Side activists and squatters took over, with an eye toward creating a community center. ABC was repeatedly evicted by police after being defended and re-occupied several times from 1989-1990.

Again, according to Flores' article, the SPV, embodying the marriage of NYCHA and Donald Capoccia, has also acquired 205 Avenue C, a 269-unit building between 13th and 14th Streets, close to Albizu Campos Plaza I. This particular building includes open spaces in the form of a park and parking lot that may be of interest to the developers as sites for one or more 'fill in' developments which will be partly market rate under yet another privatization scheme being pursued by NYCHA under the deBlasio administration.

Another Capoccia-associated entity, Settlement Housing Fund, has acquired Tanya Towers at 620 East 13th Street, a building intended as subsidized housing for the hearing-impaired that had been administered by a disgraced non profit,

Federation Employment & Guidance Service [FEGS], which went bankrupt due to a mismanagement scandal. Capoccia's L+M Building Corp. wasted little time working out a deal with the deBlasio administration to get inclusionary zoning off site rights in exchange for running the financially-distressed building. These off-site rights will enable Capoccia, or another developer to whom he is allowed to sell, to build additional floors above and beyond what the zoning for a particular area allows, bypassing existing zoning regulations. This is a similar arrangement to what Capoccia worked out with two financially-distressed former squats on East 10th and 13th Streets, as detailed in SHADOW #60.

The treasurer of the Settlement Housing Fund is Marvin Markus, formerly the landlord-allied chairman of the Rent Guidelines Board. Markus, nicknamed "Marvin Markup" for the exorbitant surcharges that his board imposed on rent stabilized tenants, is now an executive at Goldman Sachs, a major financier of Essex Crossing and other Capoccia/L+M projects. In 2017, the Settlement Housing Fund honored Capoccia at its Annual Benefit with the title of "Community Keeper," along with a large number of other corporate sponsors, including Goldman Sachs.

In the deeper reaches of the Lower East Side, in 2015, L+M Partners purchased Lands End I at 257 271 South Street, another "distressed" public housing project built in 1977 as part of the Two Bridges Urban Renewal Area. L+M had already purchased Lands End II at 275 South Street in 2013, having "repositioned" that building as a luxury rental, with units going for \$4,600/month.

### IS ANY OF THIS REALLY GOOD FOR NYC?

The picture that we are seeing here is of a developer who takes over housing occupied by low income residents, turning it into market rate housing, combined with a percentage of "affordable" housing that is not actually affordable for low income or working class people.

Here is an example of the pricing of apartments offered in the "affordable" housing lottery for Essex Crossing 5, a six-block development whose market-rate housing and stores are being developed by Capoccia, along with Ron Moelis/L+M Development Partners, on the former Seward Park Urban Redevelopment Area [SPURA], from which thousands of low income residents were evicted in a 1960s slum clearance project after being promised new and improved affordable housing [see SHADOW #59]:

"Out of 211 rental apartments in the building, 104 will be available to individuals and families who qualify for NYC's affordable housing programs: There are six units for applicants earning 40% of Area Median Income (\$19,680 42,040); There are 53 units for applicants earning 60% of AMI (\$30,069 63,060); There are 17 units for applicants earning 120% of AMI (\$49,338 126,120); There are 28 units for applicants earning 165% of AMI (\$69,326 173,415)." The remaining 107 apartments in the new building will be "market rate."

We already see that the last two categories of people in need of "affordable" housing include those earning six-figure incomes. Although the handful of poor people who will get apartments in Capoccia's buildings will undoubtedly be grateful, this "affordable" housing program is clearly designed to gentrify, rather than to provide housing for the poor.



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# DONALD CAPOCCIA and LA MAMA: THE ART OF MANIPULATING ARTISTS

By A. Kronstadt

In addition to the many boards of directors on which Donald Capoccia sits, he is a member of the Board of Directors of the La MaMa Experimental Theater Club, a pioneer of downtown non-mainstream theater which has existed since 1961. Capoccia is also the Treasurer of La MaMa.

Until 2011, La MaMa founder Ellen Stewart lived on the second floor of 17 Second Avenue, at the corner of East First Street. The three story building, owned by the city, was originally built in 1913 as a "moving pictures" theater by Louis Minsky, a member of the Minsky burlesque family. In the mid 1970s, the city turned control of the building over to Stewart on the condition that she rent units out to artists. Until 2011, the ground floor of 17 Second was occupied by MARS Bar, a neighborhood watering hole frequented by artistic and counter-cultural people.

In 2000, the NYC Department of Housing Preservation and Development [HPD] put 17 Second Avenue into something called the "Asset Sales Program" The building's residents, all old neighborhood characters with few assets, were given the "opportunity" to buy the building for \$650,000, a financial impossibility for them. They then brought in Capoccia, who formed a partnership with them in order to buy the building. Reportedly, Capoccia agreed to work with them to renovate the building, build on top of it or replace it. Next door to 17 Second Avenue stood two other city-owned apartment buildings, one of which was turned over to housing group Urban Homesteading Assistance Board [UHAB].

By 2010, Capoccia had arranged for a special zoning variance from the city allowing for additional square footage for a new building that would occupy the footprint of 9-17 Second Avenue. He cut a deal with residents of 9-15 Second Avenue, whereby Capoccia, through his BFC Partners, would demolish their buildings, along with 17 Second Avenue, in exchange for "limited income" co-op apartments earmarked for the residents of the demolished buildings in his new "luxury" apartment project.

In making his offer to the residents of the three buildings, Capoccia was not being altruistic—this was a clever way of getting them to vacate voluntarily without tying up his project in court. Under Mayor DeBlasio's "inclusionary zoning" scheme intended to favor development, including the original lower-income residents in his new building allowed Capoccia to add floors featuring stunning views of Lower Manhattan, enabling him to command the highest rents in the building.

By 2013, Capoccia's 12-story 65-unit "Jupiter 21" luxury apartment building was ready for occupancy, featuring rents from \$3,000 to \$10,000 per month. (Apparently, Capoccia chose the name "Jupiter" 21 for his project as a play on words—Jupiter is the next planet after Mars, as in MARS Bar.) Nine of the 65 units are now occupied by residents of the demolished buildings, who were allowed to purchase their "luxury" apartments for \$10.00 each.

Ellen Stewart passed away in January 2011 at the age of 91, before the completion of the Jupiter 21 project. Her



**MARS BAR, CIRCA 2010, CORNER OF 1ST STREET AND 2ND AVENUE**

granddaughter, Mia Yoo, now artistic director at La MaMa, purchased the apartment meant for Stewart. By then, Capoccia was a director and treasurer of La MaMa. Capoccia and his Great Jones Realty LLC are listed on La MaMa's Web site as having "contributed" \$50,000 to \$99,000 to the theater.

La MaMa possesses what it describes as a 'campus,' consisting of three buildings, all of which were acquired from the city for nominal amounts under various programs that existed when Manhattan real estate was cheap. Their flagship building is the Ellen Stewart Theater, located at 66 East Fourth Street, which is a few doors from their other building at 74 East Fourth Street.

La MaMa also owns the La Galleria & Rehearsal Studios at 47 Great Jones Street, about a block and a half from the Fourth Street buildings, west of the Bowery. Coincidentally or not, Capoccia's company, Great Jones Realty LLC, is the owner and developer of 45 Great Jones Street, which shares a wall with La MaMa's rehearsal studio. As of this writing, the second, third and fifth floor of 45 Great Jones were each on the market for \$3,000,000, give or take a few thousand.

## EVICION OF MILLENNIUM FILM WORKSHOP

In 1998, Capoccia was appointed to the New York State Council on the Arts by then-NY Governor George Pataki. As a result, he has had great influence over the ability of La MaMa and other non-profit art and performance projects to obtain state government funding.

In 1974, the Millennium Film Workshop, another downtown artistic institution, re-located from St. Mark's Church-In-The-Bowery, where it started in 1967, to the lower level of 66 East Fourth Street, while La MaMa occupied the rest of the building, along with a theater building at 74 East Fourth. At that time, both

died, Millennium was served with eviction papers and La MaMa took over all of 66 East Fourth, converting Millennium's space into a mini-theater.

According to SHADOW sources, Stewart and Millennium's Executive Director Howard Guttenplan had had a handshake agreement, whereby Millennium would be left alone, regardless of funding, as La MaMa didn't need rent money from them. In 2017, a member of La MaMa told the SHADOW that after Stewart passed away in 2011, with Capoccia in position at La MaMa and at the Council on the Arts, "a new regime came in and decided to get rid of them [Millennium]." After 40 years with Millennium, Guttenplan retired in 2011, dying in 2015 at the age of 80. In June 2013, Millennium moved to Brooklyn Fire Proof in Bushwick.

Is it simply a coincidence that patron of the arts Capoccia promised La MaMa's venerable founder a virtually free luxury apartment, became a director and then treasurer of La MaMa, showered La MaMa with money, and became the owner of the building next to La MaMa's rehearsal studio, setting the pace for luxury development on Great Jones Street? One wonders what Capoccia will do when La MaMa's building has swelled in value to the point where it is no longer feasible to run it as a rehearsal studio for a non-profit theater company. Will he come up with a typically Capoccia-like scheme to build luxury housing above it, while offering the theater company new and improved quarters on the first couple of floors? Is he waiting for the day when he can assemble a parcel for some sort of larger-scale project involving the two properties? The way real estate is going in this city we may find out sooner than we want to.



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# HOW THE "BERNIE OF MEXICO" WON THE PRESIDENCY

By Greg Palast

## This is Trump's nightmare



**ANDRÉS MANUEL LÓPEZ OBRADOR,  
THE NEWLY-ELECTED PRESIDENT OF MEXICO**

[July 2, 2018] I'm writing minutes after the victory of the Bernie Sanders of Mexico, Andres Manuel Lopez Obrador. Everyone calls him, "AMLO." This is actually AMLO's re-election: He first won the presidency in 2006. But back then, the thieving, scheming, blood stained criminal gang that rules Mexico (and I'm being polite), declared AMLO's dissolute opponent the winner.

In 2006, rather than concede to vote thievery, lick his wounds and toddle off on a book tour, AMLO took his supporters into the streets, raised hell, blocked the capital's central square for months, held a People's Inaugural, and vowed to never, ever concede.

And tonight, twelve years later, AMLO has won a crushing, too big to steal victory in Mexico's presidential election.

And while the Good and Great told him he'd be finished if he kept protesting the stolen election, he made counting every vote the very first of his five point campaign platform. He understands that even those with empty stomachs also hunger for democracy.

And there's a lesson here. Are you listening Al Gore? Mr. Kerry and Mrs. Clinton?

### BERNIE OR HUGO?

And AMLO gave the people something to vote for. The rest of his platform included expanding free college education, raising the minimum wage, fighting income inequality and creating a massive infrastructure fixing jobs program.

If that sounds like Bernie Sanders, that's no accident. AMLO, like Bernie, said he is taking his program from that great Mexican hero, Franklin Delano Roosevelt.

Nevertheless, Mexican media blared apocalyptic prophecies that AMLO would be the Second Coming of Hugo Chavez, with mass nationalizations to follow. (The hysteria was parroted in the New York Times, not coincidentally, owned by Mexico's richest man, Carlos Slim.)

I can tell you, AMLO is way more Bernie Sanders than Hugo Chavez (and I've known all three).

Both AMLO and Sanders were mayors who ran their cities as what I'd call "Pothole Populists." It's get the job done socialism with the emphasis on social, not ism.

AMLO proved he could tamp down corruption, keep a stingy hold on budgets while increasing pensions and providing education grants. Mayor AMLO, unlike a certain Mr. Trump, completed major city infrastructure projects—all out of the savings from cutting waste and corruption.

But unlike Bernie, who did his good works in the mean streets of Burlington, Vermont, AMLO worked nothing less than a miracle in Mexico City, which is bigger than New York and ten times as ungovernable.

(And like Bernie, AMLO is a working class kid who worked in the social

movement trenches: Sanders as a SNCC organizer in Chicago, while Lopez Obrador spent six years living with, sharing the lives of and fighting for the poorest Mayan families.)

### BUT THEY ARE STEALING IT RIGHT NOW

Let's not get carried away with our democracy high. This election is being stolen as I write.

Not the presidency. AMLO's poll lead of 52% to 25% for his nearest competitor, is just too much to steal. But every seat of the Mexican Congress is up for grabs, and the Powers that Be, the laughably-named Institutional Revolutionary Party (PRI) and the right wing National Action Party (PAN) are fighting for their lives—and sometimes they fight with bullets.

So, far, 132 officials and candidates have been murdered in this election cycle. I spoke with voting rights activist (and movie star) Yareli Arizmendi in Mexico City, who told me that the old guard politicians were tied up with the Zetas and other drug gangs.

In all fairness, I should note that many victims were not just AMLO allies but also PRI, Green Party and independents who challenged the control of their cities and states by narco traficantes.

Indeed, AMLO's campaign gained fuel when, in 2014, the public learned of the disappearance of 43 students (and 3 investigating journalists). Evidence now indicates they were hacked to pieces and dissolved in acid by the Guerreros Unidos gang—on orders from a politician connected to the ruling party.

Arizmendi reports that ballots have been burnt in gang and ruling party-controlled districts. She sent me a video of a woman pre marking a stack of ballots.

I saw this game up close in 2006 when I was sent by the GUARDIAN and DEMOCRACY NOW to investigate AMLO's shocking loss by just half a percent of the vote.

On election night, AMLO was way ahead when the official count was halted—then resumed with a massive reversal in the final count. Our investigators found massive ballot box stuffing, ballot box dumping and intimidation of voters at gunpoint. There were games with electoral rolls apparently orchestrated by the Bush Administration which, I found, had used the same company that helped Katherine Harris rig the 2000 [US presidential] election in Florida, ChoicePoint, to steal Mexico's entire voter roll! [Watch the Democracy Now! report "Florida con Salsa" from Mexico City at: [https://www.democracynow.org/2006/7/12/florida-con-salsa\\_investigative\\_reporter\\_greg](https://www.democracynow.org/2006/7/12/florida-con-salsa_investigative_reporter_greg)].

And this time, the incumbent PRI hired Cambridge Analytica. Trump's social media manipulators and data thieves were paid \$7.2 million on their promise—I can't make this up—to repeat a Mexican variant of their "Corrupt Hillary" campaign to

# CAMBRIDGE ANALYTICA AIN'T NUTHIN: LOOK OUT FOR I360 AND DATATRUST

By Greg Palast

There are two dangers in the media howl over President Trump's computer gurus Cambridge Analytica, the data-driven psy-ops company founded by billionaire brown shirts, the Mercer Family.

The story is that Cambridge Analytica, once directed by [former Goldman Sachs banker, former executive chairman of Breitbart News and former White House Chief Strategist for Donald Trump] Steve Bannon, by shoplifting Facebook profiles to bend your brain, is some unique "bad apple" of the cyber world.

That's a dangerously narrow view. In fact, the dark art of dynamic psychometric manipulation in politics was not pioneered by Cambridge Analytica for Trump, but by i360 Themis, the operation founded by... no points for guessing... the Brothers Koch.

Mark Swedlund, himself an expert in these tools, explained in the film THE BEST DEMOCRACY MONEY CAN BUY, that i360 dynamically tracks you on 1800 behaviors, or, as Swedlund graphically puts it [see video clip at: <https://www.youtube.com/watch?v=6rZowADxhul>]: "They know the last time you downloaded porn and whether you ordered Chinese food before you voted." Swedlund adds his expert conclusion: "I think that's creepy."

The Koch operation and its competitor, DataTrust, use your credit card purchases, cable TV choices and other personal info—which is far more revealing about your inner life than the BS you put on your FaceBook profile. Don't trust DataTrust: This cyber monster is operated by Karl Rove, "Bush's Brain," who is principally funded by Paul Singer, the far Right financier better known as "The Vulture."

Way too much is made of the importance of Cambridge Analytica stealing data through a phony app. If you've ever filled out an online survey, Swedlund told me, they've got you—legally.

The second danger is to forget that the GOP has been using computer power to erase the voting rights of Black and Hispanic voters for years—by "caging," "Crosscheck," citizenship challenges based

on last name (Garcia? Not American!!), the list goes on—a far more effective use of cyberpower than manipulating your behavior through Facebook ads.

Just last March, Kris Kobach, Secretary of State of Kansas and Trump's chief voting law advisor, defended his method of hunting alleged "aliens" on voter rolls against a legal challenge by the American Civil Liberties Union (ACLU). Kobach's expert, Jessie Richman, uses a computer algorithm that can locate "foreign" names on voter rolls. He identified, for example, one "Carlos Murguia" as a potential alien voter. Murguia is a Kansas born judge who presides in a nearby courtroom.

It would be a joke, except that Kobach's "alien" hunt has blocked one in seven new (i.e. young) voters from registering in the state. If Kobach wins, it will, like his Crosscheck purge program and voter ID laws, almost certainly spread to other GOP-controlled states. This could ultimately block one million new voters, exactly what Trump had in mind by pushing the alien voter hysteria.

The Cambridge Analytica story was first reported by The Guardian and Observer in 2015. Did we listen? Did any US paper carry the story the British paper worked on for years? So, my first reaction reading this story was nostalgia—for the time when I was a reporter with The Guardian and Observer investigations team. We could spend a year digging deep into complex stories, working with crazy insiders. There, in 2000, I uncovered another cyber crime: using database matching to purge felons from Florida voter rolls. (None, in fact, were felons; most were Democrats.)

I moved back to America, but found I had to give up any hope of doing true, deep investigative reports for newspapers in my own country. US papers will sometimes re-report Guardian news, but American media almost never initiates deep investigation. And THAT, fear of digging out the truth, is a greater threat to America than Steve Bannon.

smear AMLO.

It was a hard sell, especially as the wife of the current President, PRI man Enrique Peña Nieto, was caught taking a \$7 million condo from a government contractor.

As I write, it looks like AMLO has crushed the second highest candidate vote two to one and swept the House of Deputies. However, his coalition of parties is, as of the moment, showing poorly in the Senate race, way below pre election polling data.

### AMLO: ARREST TRUMP

Mexicans have had enough of the Trump-ito grifters who have held the Mexican presidency, usually by theft, for decades.

President Peña Nieto made his nation cringe with his invitation to Trump during the US Presidential campaign, boosting Trump's candidacy. And he's not had much to say about the caging of children on the border.

Although Trump's child prisoners and their families detained at the border are not Mexican citizens (most come from Central America), AMLO has called for Trump's arrest for the kidnappings as violating international law.

That's just one indication AMLO's victory is Trump's nightmare. AMLO has shown he is not afraid of privileged pricks, even if they try to make themselves look fierce by staining themselves orange.

### NAFTA

Weirdly, Lopez Obrador has also been called "The Trump of Mexico," simply because they both speak to the

desperation of their nation's working classes. And both have few good words for NAFTA.

But Trump's act, the billionaire turned class warrior, was always a fake. AMLO is for real.

Commerce Secretary Wilbur Ross has demanded that Mexico raise the wages of all auto workers so that the US can better compete within NAFTA.

AMLO is calling Trump's bluff: he said, "yes" — which may come as a shock to Secretary Ross... Ross owns eight of those auto factories.

### HOPE AND DANGER

The slogan of AMLO's coalition is "Juntos Haremos Historia": "Together, we'll make history". But history has a way of bleeding to death in Mexico.

In March 1994, Luis Donaldo Colosio was on the cusp of winning Mexico's presidency. But his political turn to the Left infuriated his PRI bosses. At a public rally where he supposedly had government protection, one assassin, and possibly a second, put two bullets in his head.

I hope AMLO's story will have a happier ending.

[Greg Palast (Rolling Stone, Guardian, BBC) is the author of The New York Times bestsellers, The Best Democracy Money Can Buy and Billionaires & Ballot Bandits, now out as major motion non fiction movie. The Best Democracy Money Can Buy: The Case of the Stolen Election is available on Amazon and Amazon Prime. Read Greg Palast's latest dispatches at: [gregpalast.com](http://gregpalast.com)]



# CHINATOWN TENANTS FIGHT LANDLORD ...AND WIN!

By Amy Neshama

"Everyone has the right to housing," should be very simple and clear. Yet in New York City, this right is threatened every day. As luxury housing is created, affordable housing is diminished. Slum lords scheme with Mayor DeBlasio and city agencies to displace families who have lived and breathed New York for generations. The anger and urgency is justified as folks proclaim that this is a war on the working class, a war on poor people of color.

The eviction of the tenants of 85 Bowery earlier this year could have been another such tragedy, until a surprising victory that proved that this case could symbolize and spark a shift in the citywide narrative. The 85 Bowery tenants are 24 working class Chinese families, mostly of Fujianese descent. Their landlord, Joseph Betesh, is the wealthy owner of the Dr. Jay's clothing brand and owner of sixteen buildings on the Bowery alone.

Finding themselves homeless, the driven tenants organized a fight powered by unity and consistency. With the effort of the Chinese Staff Workers Association and Youth Against Displacement, based on the Lower East Side, along with support from citywide tenants' rights groups, the tenants reached something unheard of for victims of displacement: the right to go home. What started with a few Chinese elders going on a hunger strike now has the groundbreaking power to start a domino effect of success for struggling tenants throughout the city.

The six-month struggle of the 85 Bowery tenants began on January 18, the coldest night of the year. For years, the tenants had been begging Betesh to fix the building's staircase, with no answer. On that day, city inspectors issued a statement informing the tenants that the stairs posed a safety threat, to no one's surprise. The shock came when all tenants were told to evacuate within two hours. The tenants were then forced to register at a local school and move into an East New York emergency shelter. The amount of time given the tenants was inadequate to prepare and pack up properly, let alone enable them to simply comprehend the situation at hand. Uncertainty prevailed as the city issued a deadline of two weeks for the completion of construction. Every passing day made the deadline more and more meaningless, compelling the tenants to organize their first press conference. The fear was that Betesh would drive the tenants out of their rent-stabilized

apartments, replacing them with new luxury housing for new tenants.

The tenants soon announced their first hunger strike, aimed at landlord Joseph Betesh, along with the city's Department of Housing Preservation and Development (HPD), the Department of Buildings (DOB), and Mayor DeBlasio, for his hand in all of this. Their two clear-cut demands were that the building be fixed for the tenants' return, and that their landlord be prosecuted for not fixing the staircase in the first place.

The hunger strike that began on February 8 was received with more than 100 supporters, ranging from age 18 to 85. Seven Chinese aunties and one uncle camped in front of HPD offices, determined to strike, drinking only tea and taking medicine. Regardless of these being elders protesting peacefully, police didn't spare harassment. Activist group Youth Against Displacement shared on social media: "NYPD forced us to remove the cover from the barricades and pole, claiming we were building a structure on the sidewalk. They said they were only enforcing the law. But this is the same City government that let slum lord Joseph Betesh off the hook again and again when he didn't follow the court order and kicked the tenants out. Where was the law then? The city colluded with the landlord to kick tenants out, and then wouldn't allow tenants to have cover during their protest in the cold while Mayor deBlasio talks about Sanctuary City—sanctuary for whom?"

DeBlasio's first response to the hunger strike was to send a commissioner to "speed up" repairs, showing no real effort for a solution. Joseph Betesh, nervous over the nasty coverage exposing his plan to convert the building to luxury condos, agreed to pay the costs of hosting the tenants in a Chinatown hotel. He was also pushed to take all negotiations seriously. Through rain and freezing cold, the elders continued to struggle for the next four days. On the fifth day, the hunger strike was broken for the tenants to prepare for Chinese New Year. Outrage loomed over the fact that not only were the tenants still left without a date to return home, they were also forced to celebrate the most important holiday of the Chinese Lunar Calendar elsewhere. Traditionally, families gather at home for a festive meal and praise ancestral shrines—the tenants were denied the cultural pleasure of all of this.

As they entered the Lunar New Year of the Dog, the 24 families were confronted



**TENANT OF 85 BOWERY STANDS TALL WITH HER TWO CHILDREN AT A RALLY IN FRONT OF NYC DEPT. OF BUILDINGS**

with the reality of homelessness. The DOB then raised the issue of asbestos abatement, stretching the two-week waiting period to two months. Most older New York buildings were built with asbestos, which is only dangerous if airborne. If asbestos were established as justification for eviction, countless New Yorkers would find themselves at risk just like the Bowery tenants. This further expanded the tenants' struggle, which gained even more support and solidarity from anti displacement groups from all five boroughs. More petitions and rallies were held, until another outrage on April 11. Like pouring salt on a wound, the tenants found their possessions thrown out of the building and mixed with trash. Construction workers claimed that they had to move all the tenants' personal belongings in order to complete the asbestos abatement, and they chose the most disrespectful way to do so. Tenants searched through the dumpster for undamaged items, finding significant possessions, such as jewelry and family photos savagely tossed out. Another rally in front of the DOB again proved insufficient, leading the tenants to organize their second hunger strike in front of City Hall.

The second hunger strike was eagerly and desperately launched on May 30, calling on DeBlasio to stop colluding with landlords and developers. Rallies and speak outs were held for three days, giving many anti-gentrification organizers the chance to step up to the microphone and show their solidarity. Ensnared in lawn chairs with red headbands tied tightly, hunger strikers held signs declaring, "Mayor DeBlasio, Friend of the 1%, Enemy of the PEOPLE!" The children of 85 Bowery held their parents' hands, watching the hunger striking elders take this burden upon themselves once again.

On June 1, an informal agreement with the landlord was reached, ending the hunger strike in premature celebration. To much frustration, the tenants would have to continue negotiations with Betesh. Another press conference was held in front of 85 Bowery on Monday, June 18, to announce upcoming steps. Through continued struggle in court and the tenants' unyielding persistence, the tenants of 85 Bowery finally reached an agreement with Betesh. This includes, according to Youth Against Displacement, "the guaranteed

deadline of August 31 with penalty on landlord if passed, guaranteed stay in hotel paid by the landlord throughout the repair, rent-stabilized leases, compensation for property damage, loss of rooms and lawyer's fee, along with no rent increase for repair."

After months of struggle and hardship, this final word seems more like a compromise. However, tenants were overjoyed to crowd into the Chinese Workers Staff Association center on July 15 to celebrate being able to go home. The tenants shared messages of gratitude to all who contributed to the fight. The main woman representing the tenants, a mother of two children who spoke with fiery determination at every rally, urged the community to continue the struggle against displacement, proclaiming, "this is just the beginning!" Anti-displacement organizers once again called upon the Chinatown Working Group Re-zoning Plan to be put into place, emphasizing that it could have prevented this struggle, and that it can still protect all Chinatown and Lower East Side tenants.

The victory of the tenants of 85 Bowery has the potential to be a turning point in the struggle against displacement in New York City. Without any concrete support from the mayor, the tenants defeated slumlord Joseph Betesh through community organizing, direct action and court cases. Anti-displacement groups from the South Bronx, Sunset Park, Brooklyn, and beyond rallied for the tenants of 85 Bowery, knowing that this struggle requires unrelenting unity through all five boroughs.

Together, tenants can rise up against wealth-driven developers and merciless slum lords. Tenants can resist the DOB and HPD, known tools for DeBlasio colluding with landlords and causing citywide displacement. Youth Against Displacement group and Chinatown, Two Bridges and Lower East Side organizers are now expanding their focus by rallying New York City Housing Authority (NYCHA) residents to join the fight against towers going up on the waterfront and advancing the fight for the Chinatown Working Group Re-zoning Plan to secure a new New York reality.

**[PHOTO CREDITS: YOUTH AGAINST DISPLACEMENT]**



**TENANTS ANNOUNCE BREAKING OF FIRST HUNGER STRIKE SO PARTICIPANTS CAN PREPARE FOR CHINESE NEW YEAR**



# MARIJUANA PROHIBITION AND PERSECUTION

By Kimberly Krepp

Let's get into the history of marijuana prohibition in the US and the war declared on We the People. Andrew Mellon of the Mellon Bank, the Bank of New York, and founder of Gulf Oil Corporation, knew that cannabis would threaten the future of his oil company and synthetic fabrics like nylon that were being financed by Mellon and produced by chemical giant Dupont. As Secretary of the Treasury, Mellon created the Federal Bureau of Narcotics (FBN). Mellon recruited his future nephew in law Harry Anslinger as FBN Director. Anslinger used sensational and fabricated articles published by the William Randolph Hearst newspaper chain to push the Marijuana Tax Act through Congress.

The 1937 Marijuana Tax Act criminalized cannabis. The Act was sent to the House Ways and Means Committee. After the enactment, during an unsuccessful appeal, William Woodward, physician and attorney for the American Medical Association, said that he had not come out sooner because he had realized only two days before the hearing that the plant Congress intended to outlaw was cannabis, "a benign substance used in America to treat illnesses for over 100 years".

In 1939, New York City Mayor Fiorello LaGuardia requested the NY Academy of Medicine to conduct an investigation of cannabis. Their 1944 report, entitled "Marihuana Problem in the City of New York," commonly known as the "LaGuardia Report," confirmed that claims about the dangers of marijuana were exaggerated or untrue.

The Controlled Substances Act (CSA) was passed by Congress as the Comprehensive Drug Abuse Prevention and Control Act of 1970. The National Commission on Marihuana and Drug Abuse was created by the Controlled Substances Act to study marijuana abuse in the United States. Assistant Secretary of Health Roger O Egeberg recommended that cannabis temporarily be placed as a Schedule 1 Drug pending the Commission report. Substances listed as Schedule 1 drug have no current accepted medical use in the United States, a lack of accepted safety for use under medical supervision, and a high potential for abuse.

Commission Chairman Raymond P. Schafer presented a report to Congress and the public, entitled "Marihuana: A Signal of Misunderstanding," which advocated de scheduling cannabis (removing cannabis from the CSA) and ending prohibition. The Commission report concluded that "looking only at the effects on the individual, there is little proven danger of physiological or psychological harm from experimental or intermittent use of cannabis." However, 48 years later, cannabis is still listed as a Schedule I drug. Even so, there are many people enrolled in federal medical cannabis programs who receive a monthly can of joints. The United States government currently holds nine patents on cannabinoids.

The US Constitution is the "law of the land" and protects our freedom by limiting the power of the government to take them away. There is nothing in the Constitution that gives the government any power to decide what substances we use, cultivate, possess, buy or sell. The Fourth Amendment protects us from unreasonable search and seizures, the Tenth Amendment specifically forbids the government from assuming that power, and the Ninth Amendment makes it clear that all of the freedoms enjoyed by the people at the time of ratification should still be in effect. Nowhere in the Constitution do We the People give the government the authority to do most of the things that they do.

There are those who claim that as the US is party to international treaties, the US is morally bound to prohibit drugs, but these treaties and the war on drugs are resting on questionable grounds. Court cases already on record, and little known laws can seriously undermine the suspicious legal maneuvering of the drug war industry.

It is a little known fact that The

Marijuana Tax Act was overturned in 1969 in [Timothy] Leary v. United States -- the Act was repealed by Congress the following year, being deemed unconstitutional as per the Fifth Amendment. Since an unconstitutional law is null and void, general principles relate that it imposes no duty, grants no rights, creates no office, awards no power or authority on anyone, while affording no protections, and justifying no acts performed under it. A void act cannot be legally compatible with a valid one. An unconstitutional law cannot operate to take the place of any existing valid law, indeed, no one is required to follow an unconstitutional law, and no courts are bound to enforce it. But they will try.

## JURY NULLIFICATION

Judges will tell you the law is for them to decide: wrong! The Doctrine of Jury Nullification relates that members of a jury can disregard either the evidence presented, or the instructions of the judge in order to reach a verdict based upon their own conscience. Jury Nullification promotes the concept that jurors should be the judge of both law and fact.

Informed Jurors can safeguard you from bad laws, by citing nullification to address either unpopular laws, or the overzealous application of them. American jurors have a proud tradition of saying "Not guilty" when bad and corrupt laws are used against We the People. Some examples are: the Alien and Sedition Act, the Fugitive Slave Act, Prohibition, and Vietnam War protests.

In one such case, Doug Darrell, a Rastafarian in New Hampshire, was on trial for cultivating marijuana. His lawyer Mark Sisti argued that a conviction would be unjust due to his medical and religious uses. Judge James O'Neill instructed the jury that "Even if you find that the state has proven each and every element of the offense charged beyond a reasonable doubt, you may still find the defendant not guilty if you have a conscientious feeling that a not guilty verdict would be a fair result in this case." Darrell was acquitted. Robert (Ed) Forchion (NJ Weedman), acting as his own counsel, was also acquitted on marijuana distribution charges in 2015. Jury nullification is the last line of peaceful defense of our freedom and our liberty.

The paradigm of lawful vs. legal is that the concept of 'lawful' examines the substance of law, where 'legal' hints at the form of law. The authors of the Constitution understood that power always corrupts. That we must retain, understand, and use all the processes to defend ourselves. The 4th, 9th and 10th Amendments of the Bill of Rights make it clear that government has no authority to own or manage our bodies. Individual ownership rights include decisions for our bodies, defense of our bodies, health care choices, privacy, body decoration, alternative medicine, supplements, vaccinations and more. We, not the government, own our bodies. Laws claiming government ownership of our bodies indicate that the greatest threat to liberty and human rights is always from ones' own government.

As of 2014, New York State enacted one of the Nations' most restrictive medical marijuana programs. Approved forms of cannabis are liquids/oils for vaping and capsules, ointments, lotions and patches. Because of federal prohibitions on prescribing Schedule 1 substances, there is no Medicaid or Medicare coverage for the purchase of medical marijuana - any out of pocket costs you incur will not apply towards your deductible under part B, or a Medicare Prescription Drug Plan. It is prohibited to either grow or smoke pot, and to make your own edibles, or oils. Currently, areas where approved medical marijuana dispensaries are located have formed drug task forces, such as "Urgent" in Ulster County, which has declared that marijuana arrests are their top priority.

The New York State Marijuana Regulation and Tax Act (MRTA) is the potential law that will legalize cannabis in New York

# RE-CRIMINALIZATION OF POT, CONT'D.

Continued From Page 1

Before you start playing the world's tiniest violin for the plight of the unknown formerly rich grower who charged thousands a pound for the product, consider this: none of this would have been the case in the first place if our federal government, not to mention the world's governments hadn't decided that the people who smoked and/or grew cannabis had to be reigned in with draconian laws as part of creating a society submissive to the state. The prohibition of sacred herbs and the government-encouraged insertion of addictive drugs and alcohol into native cultures goes back for thousands of years. Terrence McKenna's classic Food of the Gods: A Radical History of Plants, Drugs, and Human Evolution is the definitive read on this subject.

While many of these observations are about the farmer, it is crucial not to forget how this affects the consumer. Everyone knows that the price of weed was inflated radically by storm troopers descending from helicopters to squash the twenty five plants Joe and Josephine Hippy were growing. But to prohibit them from growing and selling it at whatever today's fair market value is, even at \$100/pound, is to disrespect and crush the very people who store the library of knowledge on how to grow the best organic herb. Speaking of organic, the consumer can forget about organic labeling many would desire because that is issued by the federal government, which considers cannabis in the same category as heroin. So buyer beware. Your weed is being grown indoors or with supplemental lighting in greenhouses burning massive amounts of climate changing fossil fuels instead of in the full sun as Gaia intended. To sum it up, a friend recently said to me, "Do you know any product that became better with mass production?"

There is a solution to the sticky trap of legalization, however. Just as small vegetable and fruit farmers can pay \$30/year for a farmer's market permit for a one-hundred plant garden with no inspections or regulators spying on them from drones in the air or by paying them armed visits by land, so can the weed market become

diversified and the small farmer who knows how to grow the organic, sticky, purple Kush be put back in business.

On a positive note, with the unemployment of hundreds of former small farmers, the growers who wish to remain in the hills are remembering that weed wasn't always the only way to make a living. Our labor shortage is now being remedied by people looking for work, our rental shortage is turning around, vegetables are being planted again, the traffic is slowing down, and people are remembering what back to the land really meant.

With property prices plummeting, perhaps a new generation of Earth lovers will snatch up some of nature's beauty and get back to the land themselves without the hassle of being in constant fear of arrest amidst the splendor of it all.

The old Buddhist saying comes to mind: "This too shall pass." And so it is that the 60's is officially coming to an end in this remote but distinguished capital of sixtiesdom. This saga continues to be played out in the hills of north California, where the redwoods grow so tall. To my fellow New Yorkers, I say there may not be much you can do about it from the Big Apple, but when you do come to "legalize" it in your neck of the woods, see what you can do to not create the quagmire that Humboldt fell into. At the very least, say a little prayer or a few kind words for us the next time you burn one.

**[Darryl Cherney has been an Earth First! organizer and singer/songwriter for the redwoods. He produced the award winning documentary, WHO BOMBED JUDI BARI?, now available on YouTube, based on he and Judi Bari being car bombed, falsely arrested for the crime in 1990 by the FBI and Oakland California police, and then successfully suing them. He challenged Jill Stein for the Green Party candidacy for President in 2016. He is now 62 and lives happily in Southern Humboldt on 123 acres with his chickens, rabbits, dogs, cats, apple trees, his 6 year old daughter and Mother Nature.]**

State. Interestingly, the ridiculously high marijuana specific tax will be used to form a Marijuana Revenue Fund. Only 15% of this fund will be shared in combination with the Division of Criminal Justice for re entry support services, the Offices of Drug Abuse Prevention and Treatment Programs, and the Department of Labor for apprenticeship and job training. The remaining 85% of this revenue will go to the general fund, where for the first five years, 10% of the annual proceeds will be provided to the State Liquor Authority for program administrative costs.

The MRTA also states that if you are a specific felon (Class A,B,C,D,E) you cannot participate in the retail industry as owner or employee, unless you have a certificate of relief of civil disability from the courts that have convicted you. The home cultivation regulation is a six plant limit (3 mature, 3 vegetative) grown in an enclosed, locked space, not open to the public, while the MRTA promotes and endorses continued criminalization for adults and those 18 years and under who do not follow their

pre set guidelines, or choose to manufacture oil for their own oils and concentrates.

Currently, the FBI reports that every 48 seconds, a pot smoker is arrested. Overwhelmingly, 86% of the arrests are minority youth. While 29 states and Washington, DC have legalized medical cannabis, nine states have legalized recreational cannabis, and all of them have different regulations. Federal prosecutors routinely file motions "in limine" to prevent cannabis defendants from using their state's medical/recreational marijuana laws as a defense in federal court. Because medical marijuana laws provide no defense, these motions are granted by federal judges, and defendants often feel they have no option other than to take a plea, deal, hence the front page headlines extolling black market arrests.

We the People must demand that cannabis be removed from the DEA's Controlled Substances Act, and that all federal, Sstate, and local criminal and civil penalties be repealed and nullified.

Make it Lawful NOT Legal.

## Capitol District Cannabis Consortium



Exempt, De-Schedule, Nullify and

**Repeal Cannabis Prohibition**

JURY NULLIFICATION



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## GOV. BROWN PROPOSES TASK FORCE TO INVESTIGATE BLACK MARKET CANNABIS

By Bill Weinberg (Global Ganja Report)

[May 15th, 2018] California's Governor Jerry Brown has unveiled a special investigative force to go after unregistered cannabis growers. This is certainly bad news for the many growers who have failed to register with the state because they consider the taxes and regulations burdensome. In the face of disappointing tax revenues from legal cannabis, is the state using the stick of enforcement rather than the carrot of lower taxes and more favorable regulations to bring more growers in from the shadows?

On May 11, Gov. Brown proposed creating new teams in the California attorney general's office to investigate the black market in cannabis production and sales that has persisted in spite of legalization taking effect in the state with the start of this year.

The Los Angeles Times reports that the proposal came after registered cannabis companies complained that they are being undercut by illicit growers and vendors.

Gov. Brown's office says that the governor has allocated \$14 million to "target illegal cannabis activity with an emphasis on complex, large scale financial and tax evasion investigations." The teams are also to focus on "reducing environmental and other crimes associated with the illegal cannabis market." Four investigative teams are to be located in Los Angeles, Sacramento, Fresno and San Diego. A fifth team, focusing on interdiction, will also be based in Sacramento.

The governor's proposal was openly welcomed by state-licensed firms. "We have consistently maintained, since full implementation of the licensing and regulatory framework in January, that additional enforcement is essential to addressing illicit activity," Amy Jenkins, a legislative advocate for the California Cannabis Industry Association, told the L.A. Times.

However, Jenkins acknowledged that the state needs to also address "barriers to entry" to the legal industry, including what she called "high taxes and regulatory fees." She also cited a complete absence of local authorization in many areas. She characterized these factors as "significant

impediments to compliance in the regulated marketplace."

Indeed, full annual licenses for cannabis businesses are still not available from state authorities, and some 1,150 of the temporary applications have been rejected—overwhelmingly due to failure to win the required approval from local authorities. The L.A. Times has also noted in recent coverage that the expense and bureaucracy of procuring a license is a "headache" for many applicants due to high fees and requirements for upgrades to meet security and testing standards.

The L.A. Times' report on Brown's proposal noted that the threat of federal interference in California's regulated cannabis industry is an obvious incentive to state enforcement.

A perhaps more cynical motive may be indicated by a May 10 report in the San Francisco Business Journal that cannabis tax revenue totaled a "disappointing" \$34 million in the first quarter of the first year of Golden State legalization. So California is not nearly on track to rake in the \$175 million initially predicted for the first half of the year by Brown's office. This reality was noted by the Legislative Analyst's Office, a body that advises the state legislature on fiscal matters. It said in a somewhat wry statement: "Based on this quarterly tally, we think that 2017-2018 revenue likely will be somewhat lower than the administration's January estimate."

The Business Journal notes that legal cannabis sales are slapped with a hefty 15% excise tax by the state, as well as an additional sales tax of 8 to 10%—which medical marijuana users don't pay. And that doesn't include local taxes that run from 5-15%. Oakland's sales tax rate is 9.25%, while Berkeley and Richmond sales taxes are at 5%. San Francisco is one of the municipalities that choose to not impose a local tax. But by state average, consumers are paying up to 45% in taxes when purchasing legal "recreational" cannabis. This means that buyers as well as producers have an incentive to stick with the black market that Proposition 64 was supposed to eliminate.

## DENNIS PERON: 1945-2017



FELLOW MARIJUANA ACTIVISTS JACK HERER (AUTHOR OF "THE EMPEROR WEARS NO CLOTHES") AND DENNIS PERON

Longtime California cannabis crusader Dennis Peron, who probably did more than any other one human being to bring about legalization of medical marijuana, died January 27 at a San Francisco veteran's hospital, following a battle with lung cancer. He was 72. Peron was the prime mover behind San Francisco's Proposition P, the 1991 voter initiative that made the city the first government entity in the US to officially embrace medical marijuana, de-prioritizing police enforcement for medicinal users.

Peron followed through by opening the Cannabis Buyers' Club, at a downtown location just off Market Street—the first openly operating medical marijuana dispensary in the country. By 1996, it had 10,000 members and moved into a big storefront right on Market.

That same year, he teamed up with California NORML [National Organization for the Reform of Marijuana Laws] to draft the statewide Proposition 215, and campaign for its passage. He did so even while battling criminal charges against him following a raid on the Buyers' Club by state narcotics agents.

Prop 215's victory made California the first state to legalize medical marijuana. This was the first significant crack in the edifice of American cannabis prohibition that has been crumbling ever since.

Bronx-born Peron first experienced cannabis when he served in Vietnam, and arrived in San Francisco after he was discharged in 1967—the heady year of the Summer of Love. He quickly became a prominent figure in the city's (overlapping) gay and cannabis communities. For several years, he operated a "Marijuana Supermarket" out of his Castro Street apartment, widely known as the "Big Top"—resulting in several run-ins with the law. In one raid on the Big Top, he was shot in the leg by police.

The AIDS crisis had a sobering effect on Peron. It was the death of his longtime companion Jonathan West from the disease in 1990 that inspired Peron to launch his crusade for medical marijuana.

While remaining a revered figure in the cannabis community, both in California and nationally, Peron was increasingly seen as something of a gadfly in recent years. He drew controversy because of his opposition to California's new legalization policy, and actually campaigned against Proposition 64 in 2016, fearing domination of a legal market by big money.

Peron is survived by his husband John Entwistle.

-- Bill Weinberg [Global Ganja Report]

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# A NEW CHANCE FOR MUMIA

Story & Art : Seth Tobocman  
Legal info : Rachel Wolkenstein

**1986**  
EX-MARINE  
RONALD  
CASTILLE  
BECAME  
PHILADEL-  
PHIAS  
DISTRICT  
ATTORNEY.

PROSECUTORS  
WORKING  
FOR HIM,  
PUT MANY  
BLACK  
MEN  
BE-  
HIND  
BARS.

THE FRATERNAL  
ORDER OF POLICE  
GAVE HIM THEIR "MAN  
OF THE YEAR" AWARD.

MANY OF CASTILLE'S CONVICTIONS  
WERE APPEALED TO STATE  
COURT BUT IN 1994  
CASTILLE BECAME  
A STATE  
SUPREME  
COURT  
JUDGE.

SO JUDGE RONALD  
CASTILLE COULD  
RULE THAT RONALD  
ATTORNEY  
CASTILLE  
HAD BEEN  
RIGHT ALL  
ALONG.

IN 2016, ONE OF THOSE CASTILLE  
DEFENDANTS, TERRANCE WILLIAMS,  
SENTENCED TO DEATH FOR KILLING  
2 MEN WHO'D SEXUALLY  
ABUSED HIM AS A CHILD,  
CHALLENGED HIS  
SENTENCE IN U.S.  
SUPREME  
COURT.

CASTILLE CAN'T BE BOTH MY  
PROSECUTOR & MY JUDGE.

HEY, I WASN'T IN  
THE COURTROOM FOR THE  
WILLIAMS TRIAL. HUNDREDS  
OF CASES WENT THROUGH  
MY OFFICE, HANDLED BY  
MY PROSECUTORS.

TO PROVE THAT CASTILLE WAS  
"PERSONALLY INVOLVED", WILLIAMS  
PUT INTO EVIDENCE A DOCUMENT  
IN WHICH CASTILLE AUTHORIZED  
HIS PROSECUTORS

TO SEEK  
THE  
DEATH  
PENALTY

WILLIAMS DEATH SENTENCE  
WAS VACATED. THIS  
CASE ESTABLISHED  
THAT "PERSONAL  
INVOLVEMENT"

IS  
THE  
CRITERION  
FOR  
PROVING  
JUDICIAL



FOR WILLIAMS, BIAS.

NOW OTHER CASTILLE DEFENDANTS WANT TO APPEAL THEIR CASES, AMONG THEM, MUMIA-ABU-JAMAL, A GREAT WRITER, FALSELY CONVICTED OF KILLING A COP IN 1982.



MUMIAS TRIAL TOOK PLACE YEARS BEFORE CASTILLE BECAME D.A.

IN 1986,

WHEN MUMIA FILED HIS FIRST APPEAL,

DISTRICT ATTORNEY CASTILLE SENT HIS PROSECUTORS INTO COURT TO UPHOLD MUMIAS CONVICTION.

CASTILLE WON!

BUT MUMIA WOULD FILE MANY MORE APPEALS. YEARS WENT BY.



AS A JUDGE, CASTILLE WOULD DENY MUMIAS APPEALS AGAIN & AGAIN. MUMIA ASKED HIM TO RECUSE HIMSELF BUT CASTILLE INSISTED HE WAS OBJECTIVE.

IN 1990 CASTILLE SENT A LETTER TO THE GOVERNOR SAYING "I URGE YOU TO SEND A CLEAR MESSAGE TO ALL POLICE KILLERS THAT THE DEATH PENALTY ACTUALLY MEANS SOMETHING." THIS LETTER PROVES HIS BIAS.



THE CASE HAS GONE ON FOR YEARS, MUMIA HAS GROWN OLD AND SICK IN PRISON.



THE STRUGGLE TO FREE MUMIA OF THE CORRUPTION LONGLE REVEALS THE CORRUPTION. IF MUMIA CAN PROVE JUDICIAL BIAS HE MAY FINALLY GET A NEW TRIAL.



JOIN US IN COURT AUG. 30 IT'S TIME TO BRING THIS BROTHER HOME!

more info: [www.freemumia.com](http://www.freemumia.com), Come to court! August 30th : BUSES LEAVE AT 5:30 AM from International Action Center, 147 W. 24th Street, \$25 (some scholarships available), 212 330-8029, 212 633-6646



# DOWN BY LAW

## The NYPD Sucks What? You Heard Me.

By David Thompson

On August 6, 2014, the NYPD's chief of department Philip Banks issued a memorandum to all NYPD officers, telling them not to arrest people who use their cell phones to photograph or record the officers doing their jobs.

What if I told you that this event – seemingly a good thing, or at least innocuous – was proof positive that the NYPD suck at what they do; that they suck big fat dangling donkey balls at their job of being law enforcement officers?

And no, I'm not talking about the fact that Philip Banks is being investigated for allegedly accepting what the New York Post called "an inordinate amount of cash" as bribes while serving as an NYPD executive.

What makes the NYPD so donkey ball sucking bad and what they do is their inability to perform any basic police function lawfully and competently.

The 2014 memorandum is a good starting point simply because there's no ambiguity here. It's not unlawful to photograph or film police. Therefore cops can't arrest people who do. If the NYPD ever had any doubt about this, that doubt was resolved in 1977 by a court order in a case called *Black v. Codd* [73 cv.5283 (S.D.N.Y.)], which ordered police not to arrest people for photographing them. The City of New York and the NYPD even agreed (as part of a settlement) that they would be bound to follow that order of the court forever after.

So, if it was settled as long ago as 1977 that the police shouldn't arrest civilians who simply photograph or film them, why was it necessary for the chief of department of the NYPD to issue a general order in 2014 telling the police to stop making such arrests? This is the part where we get to the NYPD sucking donkey balls. The thing is, the police never obeyed that order. Despite their consent to be bound by the judgment of the court, despite the fact that people photographing the police are committing no crime and arresting them is unlawful, the police continued to make those arrests year after year by the thousands. Such unlawful arrests were well-documented at the 2004 Republican Convention protests, and throughout the year of Occupy Wall Street (2011-2012). The CCRB documented more than two hundred incidents in a 2017 report. Any civil rights attorney who does police misconduct cases can tell you that a frequent theme in their clients' stories is police destroying cell phones or arresting civilians who film them.

Two years after Philip Banks issued his 2014 memo, the NYPD legal bureau issued a memo of its own, yet again instructing officers not to unlawfully arrest people who film or photograph them. If you're asking yourself why would they issue another memo on the same subject, the answer is because no one was obeying the 2014 memo. Then-police commissioner Bill Bratton – who has not yet been indicted – responded to his own legal bureau's memo with anger, calling civilians with handheld cameras "an epidemic." If civilians with cameras is an epidemic, then we must look for a cure, right? Cops think so – the unlawful arrests continue.

But, you might say, this is just one little thing, this isn't big donkey balls sucking, it's small donkey balls sucking. And you would be right, if this were the only thing. But it isn't. Oh sweet Mary Jane, it sure as hell isn't.

Mention Mary Jane, and it brings to mind another department wide memo: one issued by then-police chief Ray Kelly – not yet indicted – in 2011. Here's the background: under New York law, if you have marijuana in your pocket it's a summons level offense; if you're displaying it in plain view it's an arrestable misdemeanor or worth up to a year in jail. Police had a well documented pattern of thousands of arrests in which they encountered someone, told them to take whatever they had out of their pocket, and, if they took marijuana out of their pocket, arrested them for displaying it. Each such arrest was unlawful, and involved perjury on the part of the officer who failed to report that the person arrested was obeying a police command when they "displayed" their pot. In his 2011 memo, Ray Kelly told police officers to stop making these arrests. You'll be shocked to learn that the practice continues to this day.

Mention stopping people, and it brings to mind Stop and Frisk. NYPD's version of Stop and Frisk involved taking a sometimes lawful practice and performing it indiscriminately on a massive scale, violating the constitutional rights of hundreds of thousands of New Yorkers. It's okay to stop and frisk someone who reasonably seems like they're involved in a crime. It's not okay to stop and frisk every fifth black person that walks down the street. Ray Kelly and Bill Bratton – neither of them yet indicted – assured us all that the NYPD could not keep us safe without stopping and frisking every fifth black and brown person. This in itself was a confession of incompetence – a law enforcement agency saying it couldn't perform its job without violating the Constitution.

Talking of numbers brings to mind CompStat. CompStat is the number crunching crime fighting "bat computer" of the NYPD. Ray and Bill assured us that CompStat is the reason crime has fallen. It's well documented over the last 15 years, however, that the NYPD is fudging the numbers. Crime falls in part because each precinct, wanting to keep its numbers low, simply doesn't take reports of crimes. I personally know someone who recently reported a burglary only to have the precinct erase any record of it. The newspapers recently reported the widespread failure of NYPD to record rape complaints. You can read similar stories going back 15 years. Because CompStat touches everything the NYPD does, if NYPD is fucking that up, then they're fucking up everything.

This is just a sample: we haven't gotten to ticket fixing, unlawful surveillance, Handschu violations, testifying, phony discon arrests, routine excessive force, etc. Just the examples above have created injustice and broken the law, disrupting the lives of hundreds of thousands of New Yorkers (most of them minorities), inflicting real misery in the form of incarceration, lost jobs, evictions, etc. The NYPD adds to human misery every day they suit up. That's why I say the NYPD sucks the biggest, dangliest donkey balls that ever slapped Ray Kelly's chin. The NYPD suck at what they do and should be abolished.

**[Unfortunately for him, David Thompson is a civil rights attorney in Donald Trump's America, which is basically James Buchanan's America, but with cell phones. Complain to him about your problems at: attorneydavidthompson@gmail.com.]**

## HOW TO MAKE AN INNOCENT CLIENT PLEAD GUILTY

### The plea bargain trap

Imagine you're a public defender in a criminal justice system that penalizes people who want their day in court. What do you do?

By Jeffrey D. Stein



The conversation almost always begins in jail. Sitting with your client in the visitation room, you start preparing them for the most important decision the person has ever made. Though the case is just a few days old, the prosecution has already extended a plea offer that will expire within the week. And, because local laws might require detention for certain charges at the prosecutor's request, or because criminal justice systems punish those unable to pay bail, your client will have to make that decision while sitting in a cage.

Your client is desperate, stripped of freedom and isolated from family. Such circumstances make those accused of crimes more likely to claim responsibility, even for crimes they did not commit. A 2016 paper analyzing more than 420,000 cases determined that those who gained pretrial release were 15.6 percentage points less likely to be found guilty. Not surprisingly, prosecutors commonly condition plea offers on postponing hearings where defendants may challenge their arrests and request release.

In what little time exists before the plea expires, you dispatch your overworked investigator to identify, find and interview witnesses. In federal and in many local courts, the prosecution is not obligated to reveal its witnesses before trial. You and your investigator do your best to assess whether the case rests on unreliable eyewitnesses, faulty assumptions or witnesses with reasons to fabricate an account, which you cannot fully explore because – remember – the prosecution has not even disclosed who they are.

Why not ask your client for leads? That might work if the person were guilty. Innocent clients are generally the least helpful, because they often cannot tell you what they don't know.

You lay out options for your client. You could go to trial, but that might mean waiting in jail for months, if not years, before a jury hears the case.

The idealist in you – the one who enrolled in law school to "change the system" and to fight for justice on behalf of those who need it most – hopes your client will proclaim a decision to go to trial. But a wary voice in the back of your head reminds you of the risk and life altering consequences of losing.

You think back to a man who once visited your office for help getting the record of his sole conviction sealed. Before the conviction, he had a job, a girlfriend and a new-born daughter. Then he lost a drug case in which a pistol was found nearby. At sentencing, the judge acknowledged the inappropriateness of the five year mandatory minimum and even asked the prosecution to consider dismissing the charge that carried the mandatory time. It didn't. When he eventually got out, you couldn't even help him seal his record so he could move forward with his life because, in your jurisdiction, felonies can never be sealed.

The other option, you explain to your client, is to accept the plea offer. In some cases, the sentencing difference between accepting a plea and losing at trial can be a matter of decades. It's no wonder 95 percent of all defendants accept plea offers. Or that, according to the National Registry of Exonerations, 15 percent of all exonerees – people convicted of crimes later proved to be innocent – originally pleaded guilty. That share rises to 49 percent for people exonerated of manslaughter and 66 percent for those exonerated of drug crimes.

You tell your client that they would probably win at trial, but if they lose, they will go to prison. The plea promises some meaningful benefit: getting out of jail sooner, avoiding deportation, not losing a job, seeing a daughter before her next birthday. But your client would have to accept responsibility for a crime they may not have committed.

The final stage happens in court. Your client has signed the paperwork admitting to something you believe in your gut they did not do. Maybe they acted in self defense. Maybe they were standing near the actual perpetrator and were presumed guilty by association because of the color of their skin. Maybe they were the victim of an honest misidentification.

The judge turns to you and asks, "Does either counsel know of any reason that I should not accept the defendant's guilty plea?" You hesitate. You want to shout: "Yes, your honor! This plea is the product of an extortive system of devastating mandatory minimums and lopsided access to evidence. My client faced an impossible choice and is just trying to avoid losing his life to prison."

But you stand by your client's decision, which was made based on experiences and emotions only they can know. You reply: "No, your honor."

The marshals lead your shackled client to a cage behind the courtroom. And the judge moves on to the next case.

**[Jeffrey D. Stein is a public defender in Washington, D.C.]**



**REPORT  
SUSPICIOUS  
ACTIVITY**



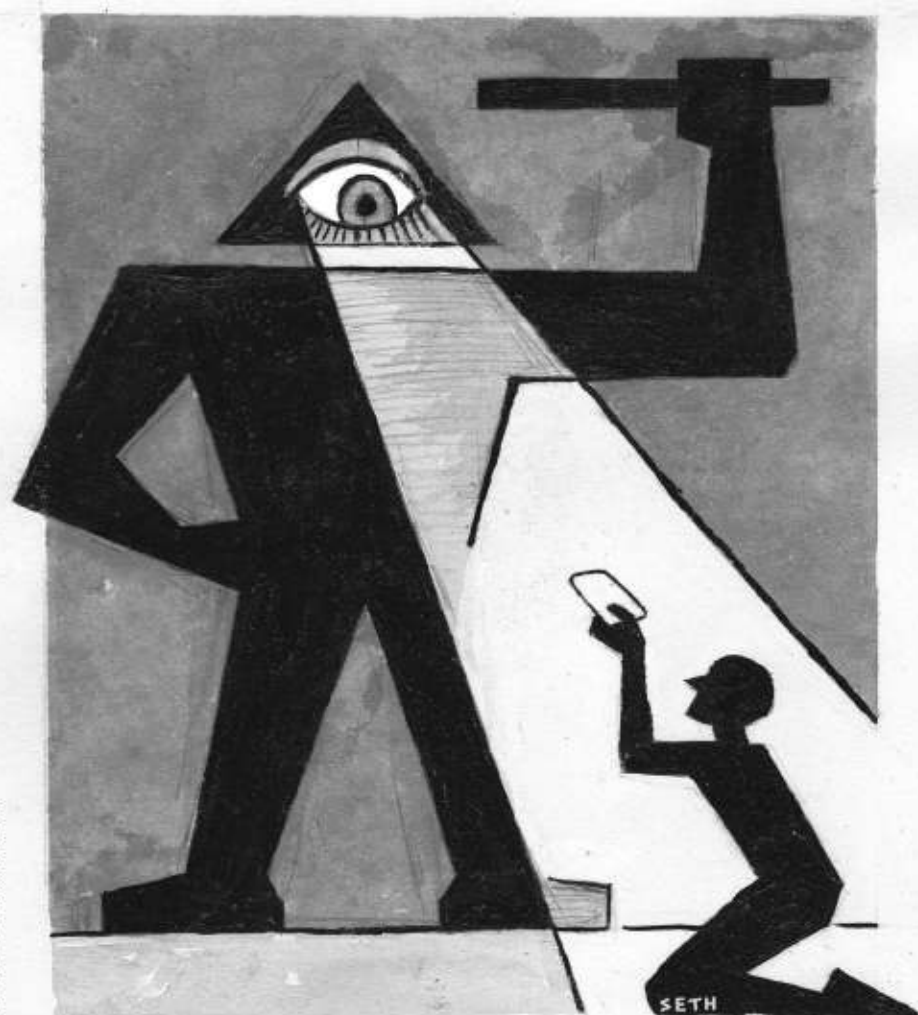
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# BITTEN BY A DEAD BEE: SEPTEMBER 11TH AND THE "REAL ID" PROGRAM

By Bill Not Bored

SETH TOBOCMAN



In Howard Hawks' classic movie, *To Have and Have Not*, Eddy (played by Walter Brennan) asks Marie (Lauren Bacall), "Was you ever bit by a dead bee?" The joke is that dead bees can't "bite" or sting their victims, because stinging them causes them (the bees) to die. "Were you?" Marie responds. Yes, Eddy says, he reckons he's been bitten by dead bees "a hundred times."

Consider the following analogy: the terrorizing attacks that took place on September 11, 2001 are a dead bee. Everyone, except for the mis-named "conspiracy theorists" and "911 Truthers"—and how many of them are still active today?—have moved on. The "sting," as it were, has gone out of "September 11th." But dead or not, September 11th continues to sting America's flesh and has done so hundreds if not thousands of times over the course of the last 17 years. It may yet sting it to death.

Here's a case in point: the REAL ID Act. Passed into law in 2005 as Public Law 109 13, Title II, "Improved Security for Drivers' Licenses and Personal Identification Cards," this Act was created in response to a recommendation included in the final report of the 911 Commission, which was released the prior year. According to the Commission, what the Federal government needed to do was "set standards for the issuance of sources of identification, such as driver's licenses." According to the Department of Homeland Security (DHS), which was established in 2002 and placed in charge of the implementation of the Act's provisions, "the REAL ID Act establishes minimum security standards for license issuance and production and prohibits Federal agencies from accepting for certain purposes driver's licenses and identification cards from states not meeting the Act's minimum standards." The activities covered by the Act are "accessing Federal facilities, entering nuclear power plants, and boarding federally-regulated commercial aircraft." In other words, once the Act came into full effect, which was scheduled to take place three years later, in 2008, Federal security guards would be prohibited "from accepting for certain purposes driver's licenses and identification cards from states not meeting the Act's minimum standards."

Note well that, when it created the DHS, Congress made clear that the new agency could not create a national ID system. In September 2004, then DHS Secretary Tom Ridge stated: "The legislation

that created the Department of Homeland Security was very specific on the question of a national ID card. They said there will be no national ID card." The Act itself states that "Nothing in this Act shall be construed to authorize the development of a national identification system or card."

Despite its roots in the 911 Commission report, the Act had precious little, if anything, to do with the alleged security lapses or "holes" that made the events of September 11, 2001 possible. "REAL ID is a coordinated effort by the states and the Federal Government to improve the reliability and accuracy of state issued identification documents, which should inhibit terrorists' ability to evade detection by using fraudulent identification," the DHS claimed, even though the 19 men who allegedly hijacked four airplanes on that day did not use "fraudulent identification" to perpetrate their alleged crimes. (If you will remember, it was Mohammed Atta's passport, and not his driver's license, that was allegedly found among the rubble of the World Trade Center.)

Note as well that, though it is claimed that the alleged hijackers boarded "federally-regulated commercial aircraft," there are at least two key differences between airplanes, on the one hand, and Federal facilities and nuclear power plants, on the other. First and foremost, unlike Federal buildings and power plants, airplanes do not, as a matter of course, house or store valuable resources or equipment; indeed, the central fact of September 11th was how those commercial airplanes were used: they weren't seized and held hostage nor were they directly targeted for destruction; they were used as missiles to destroy other valuable targets (including—allegedly—the Federal facility known as the Pentagon). Second, unlike Federal buildings and power plants, airplanes are routinely entered by very large numbers of people every year, and they do so not to stay within these vehicles, but to use them to get somewhere else. Federal facilities and power plants are, by contrast, destinations, and they draw far fewer visitors. Furthermore, the intent in entering any truly secure installation would certainly be much more narrow and focused—less "innocent"—than boarding an airplane, especially a domestic flight. And yet the REAL ID Act pretends the two activities are similar, even identical, in nature.

Under the requirements of the REAL ID Act, citizens who wish to access Federal

facilities, enter nuclear power plants and board federally-regulated commercial aircraft must give the government the following information, using original or certified proof documents only: (1) Proof of identity, such as a valid license, birth certificate or passport, with full first, middle (if applicable) and last names. (2) Proof of Social Security Number or proof of Social Security Number ineligibility. (3) Proof of date of birth. (4) Proof of U.S. citizenship, lawful permanent residency or temporary lawful status in the U.S. (5) Two different proofs of residence, such as utility bills, bank statements or mortgage statements (letters to P.O. boxes are not acceptable). The application process also requires the DMV to take a new photo, one that is digital, machine readable and thus enterable in a face recognition database. Individuals seeking drivers' licenses that are acceptable under the REAL ID Act must present themselves at their state's DMV in person. They can't get one online, over the phone and through the mail.

As we will see, the effect of such requirements on the right to privacy is powerful and negative. And yet the primary reason that the original REAL ID Act allowed three years for its implementation was the simple fact that the responsibility for its funding lay primarily with the nation's fifty states, which kept asking for (and receiving) extensions of the deadline. "The Secretary [of Homeland Security] may make grants to a State to assist the State in conforming to the minimum standards set forth in this title," the Act states. "There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title." But these "grants" were capped at a mere \$100 million. The National Conference of State Legislatures estimated that the total cost to the fifty states would be more than \$11 billion over five years, while the DHS itself originally estimated that the cost would be \$23.1 billion over 10 years. Daunted by these numbers, and the political resistance that they generated, the DHS claimed that implementation of the REAL ID Act would "only" cost \$9.9 billion when it released its final rule in January 2008.

What could possibly cost so damned much? According to the provisions of the Act, each state must adopt certain cutting edge practices to be "compliant" with its mandates. One such practice is technological. Each state must "subject each person applying for a driver's license or identification card to mandatory facial image capture" and "employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format." Each state must "provide electronic access to all other States to information contained in the motor vehicle database of the State" and "maintain a State motor vehicle database that contains, at a minimum, all data fields printed on drivers' licenses and identification cards issued by the State; and motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses."

Another practice that must be adopted involves personnel and administration. Each state must "establish an effective procedure to confirm or verify a renewing applicant's information" and "establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards." It is the responsibility of each state to "confirm with the Social Security Administration a social security account number presented by a person using the full social security account number," and, "in the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and

take appropriate action."

And, of course, the whole operation must be kept secure. Each state must "subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements," must "retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years," and must "ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced."

How will the states pay for all this? No one has made this clear, but we can expect that the costs will be passed on to the people in the form of increased fees for renewals and "enhancements" of drivers' licenses, tolls on state administered highways and crossings, and the yearly inspection of vehicles.

Strong objections to the REAL ID Act have been made by several prominent civil rights organizations, including the American Civil Liberties Union [ACLU] and the Electronic Privacy Information Center [EPIC].

According to the ACLU, the REAL ID system is actually a national identity system under another, more innocuous name. Drivers' licenses "would become a key part of a system of identity papers, databases, status and identity checks and access control points—an 'internal passport' that will increasingly be used to track and control individuals' movements and activities."

Through "Real Nightmare," a campaign and web site created to combat the REAL ID Act, the ACLU reports that "The Real ID database will inevitably, over time, become the repository for more and more data on individuals, and will be drawn on for an ever wider set of purposes. Its standardized machine readable interface will drive its integration into an ever growing network of identity checks and access control points—each of which will create new data trails that will in turn be linked to that central database or its private sector shadow equivalent."

The ACLU has emphasized that "the creation of a single interlinked database as well as the requirement that each DMV store copies of every birth certificate and other documents presented to it will create a one stop shop for identity thieves," and that "Real ID would make it easy for anybody in private industry to snap up the data on these IDs. Already, bars often swipe licenses to collect personal data on customers, but that will prove to be just the tip of the iceberg as every convenience store learns to grab that data and sell it to data companies for a dime."

In a comprehensive study titled "REAL ID Implementation Review: Few Benefits, Staggering Costs: Analysis of the Department of Homeland Security's National ID Program," EPIC emphasizes the fact that "Americans have [consistently] rejected the idea of a national ID card." EPIC reminds its readers of the following history: in 1971, "the Social Security Administration Task Force on the SSN rejected the extension of the Social Security Number to the status of an ID card"; in 1973, "the Health, Education and Welfare Secretary's Advisory Committee on Automated Personal Data Systems concluded that a national identifier was not desirable"; in 1976, "the Federal Advisory Committee on False Identification rejected the idea of an identifier"; in 1981, "the Reagan Administration stated that it was 'explicitly opposed' to the creation of a national ID card"; and, in 1999, "Congress repealed a controversial provision in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 which gave authorization to include Social Security Numbers on driver's licenses."

By 2009, fifteen states—Alaska, Arizona, Georgia, Idaho, Louisiana, Maine,

**Continued On Page 18**



# RFK ASSASSINATION 50 YEARS LATER: Attorneys Seek Justice For Alleged Assassin

By Frank Morales



**MORTALLY WOUNDED ROBERT KENNEDY MOMENTS AFTER BEING SHOT ON JUNE 5TH, 1968**

June 5, 2018 marked the 50th anniversary of the assassination of Senator Robert F. Kennedy. Moments after having won the 1968 California Presidential primary on the night of June 4, 1968, the Senator concluded his victory speech in the Embassy Room of the Ambassador Hotel in downtown Los Angeles. At about midnight, he and his entourage left the stage to the joyous applause of his supporters. Kennedy was then led to the hotel pantry area where he proceeded to greet staff workers and others there.

As the Senator moved through the crowd shaking hands, gunshots suddenly rang out in the densely-populated area surrounding the Senator. In the blink of an eye, the presumed heir to the Presidency, a candidate committed to peace, civil rights and social justice, lay mortally wounded on the pantry floor. With chaos and confusion all about, a young man, Sirhan Bishara Sirhan, was seized. Moments before, standing several feet in front of the Senator, he'd fired off two shots. His hand, still holding the "smoking gun," was immediately pinned to a table. Others wrestled him to the ground. Senator Kennedy was taken to Good Samaritan Hospital, where he was pronounced dead at 1:44pm the next day, June 5, 1968.

Sirhan, a Jordanian Christian, now 74, was later convicted for the assassination, without benefit of a trial. His death sentence was subsequently commuted to life imprisonment. Manipulated as a patsy and framed for a crime he did not commit, Sirhan has spent the last 50 years behind bars.

As reported in SHADOW #54 [WAS SIRHAN A VICTIM OF MIND CONTROL?], on April 23, 2011, activist attorney Dr. William Pepper and his associate, Laurie Dusek, filed a 58 page supplementary brief with the Honorable Andrew J. Wistrich, United States Magistrate Judge, US District Court, Central District of California, "requesting relief" on behalf of Sirhan. In the brief, they stated that, "petitioner requests that this court set this matter down for an evidentiary hearing and issue a writ of habeas corpus."

The relief sought included a new and thorough review of all evidence, including new and expository testimony that threatens to topple the official story. Soon after, Pepper presented proof of a "fraud on the court" involving the documented substitution of critical evidence. According to Pepper, "they put fabricated evidence into court before the judge and jury ... (and) for the first time in 43 years of this case, we think we have the evidence to set this conviction aside."

Ultimately, Sirhan's conviction was not set aside. The cover up and the jailing of an innocent man continues.

In a recent interview with The SHADOW, Pepper commented that, at this point, "all domestic remedies through the Supreme Court have been exhausted ..." but nonetheless, refusing to give up on the case, in July of 2017, Pepper

submitted a 213 page Petition to the Inter American Commission for Human Rights [IACHR], entitled "SIRHAN SIRHAN - Inmate No.B21014, California Department of Corrections V. THE UNITED STATES OF AMERICA" (Through its Federal Court System).

Pepper told The SHADOW that "we expect a ruling in July, 2018." He noted that, "In the 11 years that I have represented him [Sirhan], we have yet to be granted an evidentiary hearing where we could present all of the new evidence which has been obtained. That is what we are seeking from the IACHR."

As per SHADOW #54, twelve assassination witnesses saw Sirhan in the hotel pantry with a smoking gun, but in a position from which he could not have inflicted the fatal wound to Senator Kennedy. The three shots that hit the Senator were, according to an autopsy by Los Angeles' Chief Medical Examiner Coroner Dr. Thomas T. Noguchi, fired from Kennedy's rear, the fatal shot coming no further than an inch or less from the Senator, leaving powder burns on Kennedy: "from the anatomic findings and pertinent history, I ascribe the death to: gunshot wound of the right mastoid, penetrating brain." The "right mastoid" is the bony bump just behind and slightly above the level of the earlobe. Kennedy was killed, according to the official autopsy, by a gunshot wound to the brain, fired from the rear at "powder burn" distance, on a distinctly upward trajectory, behind the right ear.

In the days following the assassination, when questioned by reporters on the exact cause of death, Dr Noguchi responded by raising his arm and forming his hand in the shape of a gun, pointing his finger to the area behind his right ear, maintaining that the entry point of the fatal bullet was behind and close to the Senator's right ear.

As the assassination witnesses placed Sirhan in front of the Senator, getting no closer than 5-7 feet, it was impossible for Sirhan to have had fired the shots that hit Kennedy. Also, many witnesses in the pantry recall hearing more shots fired than the eight bullet capacity of the gun carried by Sirhan.

On April 30, 2012, in an exclusive interview with CNN, then-78-year-old Nina Rhodes Hughes said that she heard two guns firing during the 1968 shooting of Senator Kennedy, and more than eight shots. Hughes said that the FBI in 1968 altered her account of the crime. "What has to come out is that there was another shooter to my right," she said. In the eye opening interview, Hughes reported that part of her view of Sirhan was obstructed and consequently she could not see the gun in his hand, but she said that as soon as she caught sight of Sirhan, she then heard more shots coming from somewhere past her right side and near Kennedy. She was hearing "much more rapid fire" than she initially had heard.

Pepper contends that the FBI misrepresented Rhodes Hughes' eyewitness account and that she actually had heard a total of 12 to 14 shots fired. "She identified fifteen errors including the FBI alteration which quoted her as hearing only eight shots, which she explicitly denied was what she had told them." She believes senior FBI officials altered statements she made to "conform with what they wanted the public to believe, period." "The truth has got to be told. No more cover ups." [http://www.cnn.com/2012/04/28/justice/california rfk second gun/?hpt=hp\_c2]

The anomalies regarding Sirhan's position in relation to the bullets that struck Kennedy and the number of gun shots fired in the pantry have led many to conclude that there was a second shooter in the pantry who shot Kennedy, while Sirhan was used to distract witnesses from that second shooter.

Over the decades following the RFK assassination, researchers and psychologists who have interviewed, tested and studied Sirhan have come to determine that he was under some form of hypnosis at the time of the assassination, leading him to be present in the pantry with a hand gun.

As per SHADOW #54, according to Dr. Daniel Brown, a Clinical Professor in Psychology, based upon extensive psychological testing and interviews with Sirhan: "It is an undisputed fact that Mr. Sirhan fired a gun in the pantry of the Ambassador Hotel on the night of the assassination. The evidence revealed by my extensive interviews substantiates the less refined allegation that he [Sirhan] engaged in this activity in response to a cue given by another party, and thus compels the conclusion that his firing of the gun was neither under his

voluntary control, nor done with conscious knowledge, but is likely a product of automatic hypnotic behavior and coercive control. I am convinced that Mr. Sirhan legitimately recalled a flashback to shoot at target circles at a firing range in response to the post-hypnotic touch cue and did not have the knowledge, or intention, to shoot a human being, let alone Senator Kennedy ... Mr. Sirhan still is confused when told by others that he shot Senator Kennedy."

Pepper has no doubt that his client was used as a patsy for this history-changing political assassination, planned and carried out by forces determined to prevent Robert Kennedy from becoming President. Pepper asserts that the evidence, which would be set out in detail if an evidentiary hearing is granted by the IACHR, would leave no doubt as to Sirhan's innocence, and his wrongful and fraudulent conviction, which has been sustained by a long standing cover up, would be overturned.

As Pepper told The SHADOW in 2013: "The denial of justice in this case is not only unconscionable in terms of both victims, the Senator and Mr. Sirhan, but makes a mockery of the criminal justice system in this Republic. We ask for the support of the general public in every way possible, for the denial of justice to any one of us, diminishes the degree of freedom for all of us."

**[The SHADOW has been advised that anyone who wants to support the effort to secure justice on behalf of both Robert Kennedy and Sirhan Sirhan should write to the OAS EXECUTIVE SECRETARY IACHR, 1889 F STREET NW, WASHINGTON D.C. 20006 USA, or email them at: cidh.prensa@oas.org. Remember to refer to CASE NUMBER: P 1259 17]**



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# DID THE CIA KILL BOBBY KENNEDY?

By Shane O'Sullivan

[First published on November 19, 2006]

**In 1968, Robert Kennedy seemed likely to follow his brother, John, into the White House. Then, on June 6, he was assassinated – apparently by a lone gunman. But Shane O'Sullivan says he has evidence implicating three CIA agents in the murder.**

At first, it seems an open and shut case. On June 5 1968, Robert Kennedy wins the California Democratic primary and is set to challenge Richard Nixon for the White House. After midnight, he finishes his victory speech at the Ambassador hotel in Los Angeles and is shaking hands with kitchen staff in a crowded pantry when 24 year old Palestinian Sirhan Sirhan steps down from a tray stacker with a "sick, villainous smile" on his face and starts firing at Kennedy with an eight shot revolver.

As Kennedy lies dying on the pantry floor, Sirhan is arrested as the lone assassin. He carries the motive in his shirt pocket (a clipping about Kennedy's plans to sell bombers to Israel) and notebooks at his house seem to incriminate him. But the autopsy report suggests Sirhan could not have fired the shots that killed Kennedy. Witnesses place Sirhan's gun several feet in front of Kennedy, but the fatal bullet is fired from one inch behind. And more bullet holes are found in the pantry than Sirhan's gun can hold, suggesting a second gunman is involved. Sirhan's notebooks show a bizarre series of "automatic writing" "RFK must die RFK must be killed Robert F Kennedy must be assassinated before 5 June 68" and even under hypnosis, he has never been able to remember shooting Kennedy. He recalls "being led into a dark place by a girl who wanted coffee", then being choked by an angry mob. Defence psychiatrists conclude he was in a trance at the time of the shooting and leading psychiatrists suggest he may have been a hypnotically programmed assassin.

Three years ago, I started writing a screenplay about the assassination of Robert Kennedy, caught up in a strange tale of second guns and "Manchurian candidates"

(as the movie termed brainwashed assassins). As I researched the case, I uncovered new video and photographic evidence suggesting that three senior CIA operatives were behind the killing. I did not buy the official ending that Sirhan acted alone, and started dipping into the nether world of "assassination research", crossing paths with David Sanchez Morales, a fearsome Yaqui Indian.

Morales was a legendary figure in CIA covert operations. According to close associate Tom Clines, if you saw Morales walking down the street in a Latin American capital, you knew a coup was about to happen. When the subject of the Kennedys came up in a late night session with friends in 1973, Morales launched into a tirade that finished: "I was in Dallas when we got the son of a bitch and I was in Los Angeles when we got the little bastard." From this line grew my odyssey into the spook world of the 60s and the secrets behind the death of Bobby Kennedy.

Working from a Cuban photograph of Morales from 1959, I viewed news coverage of the assassination to see if I could spot the man the Cubans called El Gordo, The Fat One. Fifteen minutes in, there he was, standing at the back of the ballroom, in the moments between the end of Kennedy's speech and the shooting. Thirty minutes later, there he was again, casually floating around the darkened ballroom while an associate with a pencil moustache took notes.

The source of early research on Morales was Bradley Ayers, a retired US army captain who had been seconded to JM Wave, the CIA's Miami base in 1963, to work closely with chief of operations Morales on training Cuban exiles to run sabotage raids on Castro. I tracked Ayers down to a small town in Wisconsin and emailed him stills of Morales and another guy I found suspicious – a man who is pictured entering the ballroom from the direction of the pantry moments after the shooting, clutching a small container to his body, and being waved towards an exit by a Latin associate.

Ayers' response was instant. He was 95% sure that the first figure was Morales and equally sure that the other man was Gordon Campbell, who worked alongside Morales at JM Wave in 1963 and was

Ayers' case officer shortly before the JFK assassination.

I put my script aside and flew to the US to interview key witnesses for a documentary on the unfolding story. In person, Ayers positively identified Morales and Campbell and introduced me to David Rabern, a freelance operative who was part of the Bay of Pigs invasion force in 1961 and was at the Ambassador hotel that night. He did not know Morales and Campbell by name but saw them talking to each other out in the lobby before the shooting and assumed they were Kennedy's security people. He also saw Campbell around police stations three or four times in the year before Robert Kennedy was shot.

This was odd. The CIA had no domestic jurisdiction and Morales was stationed in Laos in 1968. With no secret service protection for presidential candidates in those days, Kennedy was guarded by unarmed Olympic decathlete champion Rafer Johnson and football tackler Rosey Grier – no match for an expert assassination team.

Trawling through microfilm of the police investigation, I found further photographs of Campbell with a third figure, standing center-stage in the Ambassador hotel hours before the shooting. He looked Greek, and I suspected he might be George Joannides, chief of psychological warfare operations at JM Wave. Joannides was called out of retirement in 1978 to act as the CIA liaison to the House Select Committee on Assassinations (HSCA) investigating the death of John F Kennedy.

Ed Lopez, now a respected lawyer at Cornell University, came into close contact with Joannides when he was a young law student working for the committee. We visit him and show him the photograph and he is 99% sure it is Joannides. When I tell him where it was taken, he is not surprised: "If these guys decided you were bad, they acted on it."

We move to Washington to meet Wayne Smith, a state department official for 25 years who knew Morales well at the US embassy in Havana in 1959-60. When we show him the video in the ballroom, his response is instant: "That's him, that's Morales." He remembers Morales at a cocktail party in Buenos Aires in 1975,

saying Kennedy got what was coming to him. Is there a benign explanation for his presence? For Kennedy's security, maybe? Smith laughs. Morales is the last person you would want to protect Bobby Kennedy, he says. He hated the Kennedys, blaming their lack of air support for the failed Bay of Pigs invasion in 1961.

We meet Clines in a hotel room near CIA headquarters. He does not want to go on camera and brings a friend, which is a little unnerving. Clines remembers "Dave" fondly. The guy in the video looks like Morales but it is not him, he says: "This guy is fatter and Morales walked with more of a slouch and his tie down." To me, the guy in the video does walk with a slouch and his tie is down.

Clines says he knew Joannides and Campbell and it is not them either, but he fondly remembers Ayers bringing snakes into JM Wave to scare the secretaries and seems disturbed at Smith's identification of Morales. He does not discourage our investigation and suggests others who might be able to help. A seasoned journalist cautions that he would expect Clines "to blow smoke", and yet it seems his honest opinion.

As we leave Los Angeles, I tell the immigration officer that I am doing a story on Bobby Kennedy. She has seen the advertisements for the new Emilio Estevez movie about the assassination, BOBBY. "Who do you think did it? I think it was the Mob," she says before I can answer.

"I definitely think it was more than one man," I say, discreetly.

Morales died of a heart attack in 1978, weeks before he was to be called before the HSCA. Joannides died in 1990. Campbell may still be out there somewhere, in his early 80s. Given the positive identifications we have gathered on these three, the CIA and the Los Angeles Police Department need to explain what they were doing there. Lopez believes the CIA should call in and interview everybody who knew them, disclose whether they were on a CIA operation and, if not, why they were there that night.

Today would have been Robert Kennedy's 81st birthday. The world is crying out for a compassionate leader like him. If dark forces were behind his elimination, it needs to be investigated.



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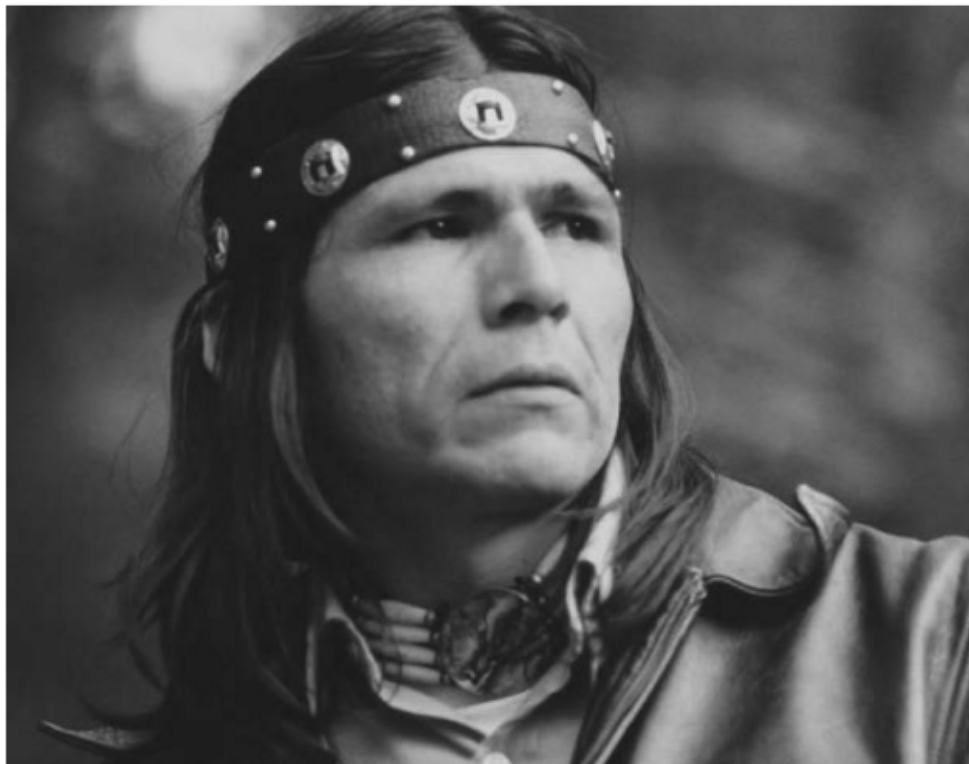
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# DENNIS BANKS: 1937-2017



## LIVE LIKE HIM

Dennis Banks, one of the founders of the American Indian Movement (AIM) died October 29, 2017 at the age of 80 from pneumonia following heart surgery. He was a towering figure and one of the greatest Indian leaders of our time. He rose from the dead end life of the reservation to help re-awaken the Native American spirit and turn around the hopelessness that had weighed on Indians for generations.

Banks was part of the Ojibwa Indian nation, which encompasses an area surrounding Lake Superior in Northern Minnesota. He was known as Nowa Cumig, which, in the Ojibwa language, means "in the center of the universe."

Banks and his associates would capture headlines and inspire oppressed people throughout the world. His journey began on the Leech Lake Indian Reservation in Minnesota, where Banks was born on April 12, 1937. In the autobiographical film "A Good Day to Die", Banks describes a poor but happy childhood with a loving mother whose specialty was apple pie.

Banks' rough-hewn, yet warm family life ended with the trauma of being sent away to an Indian boarding school. Native children were taken and forced to become what the government considered "Americans." Literally ripped from the side of his mother, Banks and his brother were taken to the Pipestone Indian School in Minnesota. There, the terrified Indian children had their long hair cut, were forced into western style clothes and schooled in reading, writing and vocational studies.

In the words of native woman Betty Black Elk, the government tried to "beat the Indian out of you."

Tired of being mistreated there, Banks ran away from the school at the age of 15, jumping a freight train, walking and hitching 17 miles home to the reservation. When Banks saw his mother after being gone for years, they hugged with affection and mom immediately baked an apple pie to welcome her son home.

In the 1950s, the United States government decided on a policy of "termination" to eliminate Indian reservations and to relocate native people to big cities like Minneapolis. The result was an influx of natives into poor urban ghettos. Banks joined the military and was sent to Japan at the Air Force base in Sunagawa.

It was in 1956 that Banks saw mass protests against a failed plan to expand the military airfield onto surrounding farm fields. He said he was ordered to "shoot to kill" if protesters came over the perimeter fence. In the determination of those demonstrations, Banks saw native people fighting for their land for the first time. It made an impression that changed his life.

Tossing his plans to be an Air Force lifer, Banks returned to Minneapolis. There were familiar complaints of mass incarceration of poor Indians, police brutality, unemployment, unsolved crimes against

natives and a general anger towards the cops.

Here Banks met with other Indians and formed an activist group they named the "American Indian Movement." AIM wanted to "get in their face" and "march on the police," said fellow activist Clyde Bellecourt. It was a time of confrontational politics and Dennis Banks became AIM's first chairman. "Before AIM, Indians lived in despair," Banks said, "many ashamed of being Indians." The plan was to give Indian people hope.

The initial AIM action targeted Mt. Rushmore, a popular tourist attraction in Indian country, where few natives worked. AIM seized the monument and hung a sign on George Washington that read "Sioux Indian Power." Next, AIM targeted the Bureau of Indian Affairs (BIA) in Washington, DC at the culmination of a cross country caravan that began in San Francisco, picking up supporters at reservations along the route. When the BIA refused to meet with them, AIM took over BIA offices and held them until the government not only agreed to their demands, but paid their bus tickets home. The government believed that Indians were now "on the warpath." A growing conflict with local cops and the FBI would come to consume AIM as their popularity among Indians grew.

On January 16, 1973, in Buffalo Gap, South Dakota, Darold Schmidt, a white gas station owner, walked into a bar and announced, "I'm gonna kill an Indian tonight." Five minutes later, and in front of six witnesses (four white, two Indian), Schmidt stabbed John Wesley Bad Heart Bull, a young Sioux man, to death. The sheriff claimed that there was not enough evidence for a first degree murder charge.

### CUSTERS' NEXT STAND

Members of AIM called for a hearing with officials, and, on February 6, 1973, a caravan of Indians traveled through a howling snowstorm to Custer, South Dakota, where they were refused entry to the meeting.

Sarah Bad Heart Bull, mother of murdered John Wesley, asked that she and AIM leaders be admitted. Leonard Crow Dog, Russel Means, Dennis Banks and Charlie Hall, were allowed into the back of the Custer County Court House. After a "shouting match," Russel Means went out to get the victim's mother, Sarah Bad Heart Bull.

The sheriff immediately blew his whistle and 90 officers, batons raised, flooded out of the courthouse basement and into the crowd. The confrontation was filmed as cops grabbed Sarah Bad Heart Bull, choking and forcing her to the ground with a nightstick. Several rushed to her defense. In the ensuing battle, the courthouse building was damaged by fire. Sarah Bad Heart Bull was later convicted of inciting a riot, and sentenced to five years in prison. She ultimately spent five months in jail. Darold Schmidt never served a day

in prison; he was acquitted of all charges.

During the battle in Custer, police threw a tear gas canister into a back room. Banks testified that he picked up a police billy club from the floor and smashed one of the windows so that the small group of people inside could get out. He was subsequently charged with being armed in a riot, as well as for conspiracy.

The prosecuting attorney at Dennis Banks' trial was state Attorney General William Janklow, who later became the longest serving governor of South Dakota. As governor, he abolished the state's Department of Environmental Protection, which had been helping natives fighting to block mineral extraction in the Black Hills, which the Lakota Sioux hold sacred. Janklow ran for Attorney General in 1974 on an anti Indian platform, promising "to put the AIM criminals in jail."

Two of Darold Schmidt's cousins were allowed to sit on the jury during Banks' trial. Janklow verbally threatened witnesses who were to testify in Banks' defense and he people who did testify arrested for perjury. One defense witness was arrested in the middle of her testimony. [Much of this story is told by Peter Matthiessen in his award-winning book "In the Spirit of Crazy Horse"]

### HINTS OF EXTERMINATION...

In 1975, Dennis Banks was convicted of riot and conspiracy for the Custer melee. Facing threats by South Dakota prison guards that he would be "dead in 20 minutes," Banks dropped from sight.

Banks' fear of extermination were proved well-founded when, on June 26, 1975, FBI agents raided the Jumping Bull Ranch on the Pine Ridge reservation in South Dakota, looking for "an Indian man." The agents precipitated a shooting incident in which AIM member Joe Killright Stuntz and two FBI agents were killed. Leonard Peltier, who was part of a

group of AIM activists that had come to protect Native Americans from local thugs, was arrested and framed for the death of the agents. Peltier has remained in federal prison ever since.

Throughout the 1970s, hundreds of AIM supporters were killed and injured by paramilitary tribal government gangsters who called themselves the GOON ["Guardians Of the Oglala Nation"] squad. It was from this atmosphere of terror and genocide against Native Americans in South Dakota that Dennis Banks fled for his life.

In 1976, Banks surfaced in Northern California as a student at DQ University (the school's full name is rarely spelled out because it refers to a spiritual being whose name should be used only in a spiritual context). Banks earned a reputation at the school for defending traditional Indian practices and as a tireless freedom fighter. He was appointed the first Chancellor of DQ University and represented the school both in California and internationally.

Banks had been given sanctuary in California by Governor Jerry Brown after a campaign that collected 1.5 million petition signatures in support of Banks. By 1982, Brown was unable to run for re election and was replaced in 1983 by George Deukmejian, who had promised during his campaign to return Banks to South Dakota.

In 1984, Banks moved to the Onondaga reservation in New York, where he was granted sanctuary by Governor Mario Cuomo. Banks decided to turn himself in 1985 and spent 18 months in a South Dakota jail. After his release, he worked as a alcohol and drug rehab counselor, continuing his activism with native colleges and organizing worldwide indigenous events.

Banks also appeared in several movies and recorded Native American songs.

--Paul DeRienzo

## AIM TODAY: The Story of Lenny Foster

By Paul DeRienzo

Lenny Foster is a Diné [Navajo people] political activist and spiritual leader from Window Rock, a town located in the Navajo reservation straddling the four corners of New Mexico, Arizona, Colorado and Utah. A sacred area that has served as backdrop for many formulaic (although often exciting) John Ford and John Wayne western films, where the Indians usually got the business end of a Colt .45 and Winchester rifle.

Foster currently leads the organization he founded in conjunction with his work with the American Indian Movement [AIM], called the "Navajo Nation Corrections Project", which has been crucial in securing rights for Native American spiritual practice in prisons.

Foster joined AIM at the time he met Native American political prisoner Leonard Peltier, before the 1975 shoot-out that killed two FBI agents in Pine Ridge, for which Peltier has been jailed for more than 40 years. Peltier had his first Sundance with Foster and the two became lifelong friends. Foster is Peltier's spiritual advisor and visits him in jail often. Since president Barack Obama's failure to pardon Peltier, the movement for his release, closely tied to AIM, has been appealing to the United Nations. (Peltier's next parole hearing is in 2024, when he will be 79 years old.)

In an exclusive interview, Foster told me the story of the night in May 1973 during the occupation of Wounded Knee, South Dakota, when the American Indian Movement confronted the federal government in a violent stand off and he became friends with AIM co-founder Dennis Banks. Foster described their successful attempt to elude capture by the FBI and federal marshals.

As a young Dog Soldier at Wounded Knee, a message was brought to Foster that "DJ wants to see you." DJ was the nickname for Dennis Banks, who was a top leader of the Wounded Knee takeover. The young Foster was surprised by the call. He walked over thinking he might be in trouble for some reason. Instead, a friendly Banks poured Foster a cup of coffee and asked him to lead the way out. "We're not surrendering to the feds," said Banks. "I'm not surrendering to nobody,"

shot back Foster. So, that night, a group of five natives made their way eleven miles through the hills and open country.

Foster said he noticed that a White Owl was shadowing their group and he decided that the owl was an omen that he could follow. A mile outside their destination, in Porcupine, South Dakota, Foster, then 20 yards ahead, noticed two FBI agents in a car at the side of the road. The agents heard something in the brush and called for back up. Soon, the area was flooded with cops. "We hid in the treeline," said Foster. "We heard car doors opening and closing, and voices." Then, he said, cops arrived with a German Shepherd. Just at that moment, a pack of skinny, malnourished reservation dogs came out of the shadows. The mangy pack of half-starved dogs barked and growled at the shepherd and, in that moment of confusion, Foster led Banks and the group over a nearby hill to freedom.

Foster said that their spiritual advisor Crow Dog told the group he'd render them "invisible." And so, before they left on the journey, Banks, Foster, and the others smoked the pipe and cleansed with a sage smudge to hide their scent. The FBI "never knew," said Foster. "We got away because of spirituality."

AIM still exists to this day, but has split into two factions that pursue different roles. Some AIM folks are trying to rebuild the centralized political organization that worked so well in the 1960s-70s, while others follow a de-centralized path of providing social services. Despite the differences, AIM remains iconic as the pre-eminent Native American organization in the United States.

[Get current and historic information on the American Indian Movement at: <<http://www.aimovement.org>>. Read the book "In the Spirit of Crazy Horse," by Peter Matthiessen.]

[Paul DeRienzo is a freelance reporter and host of public access TV show "Let Them Talk", broadcast every Tuesday at 8:00pm on the MNN.org lifestyle channel and audio blog "The Torch", heard every Sunday at 1:00pm at PRN.fm]



# SHADOW FILM REVIEW

## SHADOWMAN

### The life and times of Richard Hambleton

By Paul DeRienzo

I had the pleasure of being listed as a "star" of the documentary film SHADOWMAN, directed by Oren Jacoby about the life of Richard Hambleton, a world famous yet covert artist who was a guest on Let Them Talk, a public access program I hosted with Joan Moossy on cable in New York City. Hambleton was possibly most famous for his eerie black shadow paintings that popped up, usually in the dingiest of alley ways where a drunken form might stumble for a piss before the yuppie flood of the 1990s arrived in earnest. There was always at least a hint of danger in the dark streets and old timers on the Lower East Side, while a potentially warm and friendly bunch, knew not to fuck around too much in the shadows for one's own good.

Spotting a Hambleton image over your shoulder as the warm yellow stream seduced a false sense of relief could quickly shock the unsuspecting pisser back into 1980s urban reality.

"It had to do with location, a doorway, an exit," Hambleton said. Describing his own need to avoid arrest during one outing, "I was looking around so I wouldn't get busted, there was some one standing a block away. I said I'd come back, and when I came back he was still there. I realized it was one of my shadows." Scared by your own shadow? Hambleton nodded, "I was."

The artwork that first catapulted Richard Hambleton to fame appeared in his home town of Vancouver in 1977 and was called the "Image of Mass Murder." A police-like outline of a dead body on the street with red paint splattered like blood to make the image resemble a crime scene. I asked if his artwork was meant to be political, Hambleton resisted the idea, but said the work was, "A statement about painted realism, but it also had messages of violence attached. It was realism, people thought 'who died?' Adding that the Image of Mass Murder was about "if something had happened, while the shadows are about something happening, it was direct, it was Richard Serra, right there."

Serra is the Tribeca-based artist famed for large sheet metal sculptures among the most famous for "Tilted Arc" a 120' long and 12' high metal wall at the base of Federal Plaza. Hated by as many

as it was loved, Serra fought attempts to remove the sculpture in an infamous trial and subsequent appeals that left "Tilted Arc" standing for seven years. The government argued for removal of the sculpture that it would aid terrorists by impeding security at the Federal Building. Supporters and Serra argued that their eventual loss and removal of the artwork was a victory of "capitalistic property rights over freedom of expression."

According to Hambleton, his "Image of Mass Murder" was a "mixed media piece where the media was part of the piece." Hambleton reminisced that the San Francisco Examiner headline showed a photo with the caption "nobody died here, and informing the city that these outlines all over the place were not by the police." Similar to Serra, Hambleton's public art became identified and anchored to spot where it was displayed.

The iconic nature of the images are reminders that Hambleton was a member of that special historic coterie of Lower East Side artists in the 1980s that included his close friends Jean Michel Basquiat, Keith Haring and Andy Warhol, artists whose work adorns the great social issues of the time. Haring willed his work to supporting anti AIDS fighters, Warhol enshrined pop icons and reminded us of our duly-promised 15 minutes (or seconds?) of fame and Basquiat liberated street art to become a internationally recognized art form. Hambleton said his work is graffiti, but he cautioned, "I'm not a graffiti artist, it's public art."

Hambleton's contribution included seventeen shadow figures painted in a line along the Berlin Wall, conjuring the spirit of East German escapees shot down trying to escape to West Berlin. It was a dangerous endeavor and Hambleton recounted how the museum folks warned him if that he got caught by the notoriously trigger happy East German police, no one could help. Hambleton's compassion and opposition to artificial barriers foreshadowed the Trumpian wall between Mexico and the U.S. that's already becoming a mecca for artists who are decorating its massive surface even as this monument to American isolationism is just beginning to be erected.



Speaking of the Berlin Wall figures Hamblen said, "The color black, could be so imposing," comparing the stark image with Richard Serra whose large sweeping wall like works are just "right there."

My contribution to SHADOWMAN was to get the notoriously reticent artist on live TV in the first place and then ask one important question that few could get the artist to answer. "What's next for Richard Hambleton?" His one-word response is for folks who see the documentary and the adventurous who can find our interview with Hambleton at [youtube.com/letemtalk](http://youtube.com/letemtalk).

Richard Hambleton died the day before Halloween in 2017 from the potentially curable cancer that he let haunt him for years and for the most part refused to treat. Starting on the skin of his cheek, the disease eventually ripped away his flesh. The affliction didn't seem to bother him. Hambleton didn't think much about the future. He cared about his art and even worried about the eventual fate of his shadow portraits being defaced by real

graffiti artists.

Hambleton possessed the ability to promote himself and his work, which is a key attribute of any artist who wants to be famous actually in their own lifetime. His love affair with heroin, which caused a spine curvature called scoliosis, reportedly from nodding out on smack for so many years, forced him to spend his money teetering on the edge of economic disaster and eviction. A roller coaster ride from fame and fortune to poverty and back again.

But, no matter how much fame and wealth Hambleton gained and lost, he always returned to his Lower East Side roots. The artist loved and drew creative juices from this neighborhood in a way that only long time insiders can ever really understand. New York City, and especially the Lower East Side, may never be the same incubator of creative explosions as it was in the 1980s, but we'll always have the shadows of what once was.





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## BITTEN BY A DEAD BEE: THE REAL ID CONT'D

Continued From Page 13

Minnesota, Missouri, Montana, New Hampshire, Oklahoma, Oregon, South Carolina, Virginia, and Washington—had enacted binding legislation that prohibited participation in the REAL ID program. Nine other states—Colorado, Nevada, North Dakota, South Dakota, Nebraska, Illinois, Arkansas, Tennessee, and Hawaii—had either passed resolutions that opposed REAL ID or asked Congress to repeal it. In the State of New York, anti REAL ID bills were introduced in both the Senate and the Assembly in 2008, but neither became law, in part because of Attorney General Eliot Spitzer's decision in 2007 to make the state compliant, but on a timetable and in a manner that, in his judgment, suited its needs.

In 2013, with a total of 32 states still not in compliance with the REAL ID Act's mandates, the DHS attempted to break the deadlock by announcing a new phased enforcement plan. It did so again in 2015, when it announced that, for the time being, it would only require REAL ID compliant licenses for entry into Federal facilities, military bases and power plants, and that citizens could still use non compliant drivers' licenses and identification cards to board commercial airlines. In 2016, the DHS announced that—come October 2020—people who do not have compliant licenses will have to show an alternative form of acceptable identification (such as a valid U.S. passport) in order for them to board a domestic flight.

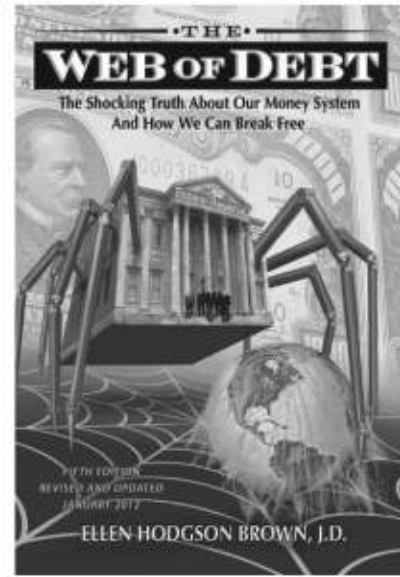
With the coming of the Trump Administration, the DHS has sought to make sure that this deadline is met. Its web site declares that the DHS "is committed to enforcing the REAL ID Act in accordance with the phased enforcement schedule and regulatory time frames and is not inclined to grant additional extensions to any states that are not both committed to achieving full compliance and making substantial and documented progress in satisfying any unmet requirements."

According to the DHS, "it has been 12 years since the REAL ID Act was passed and half of all the states have already met the REAL ID minimum standards" and "it is time that the remaining jurisdictions turn their commitments to secure identification into action."

True to the tradition established by its predecessors, Trump's DHS has made sure to tell the following pleasant sounding lies: "REAL ID does not create a federal database of driver license information. Each jurisdiction continues to issue its own unique license, maintains its own records, and controls who gets access to those records and under what circumstances. The purpose of REAL ID is to make our identity documents more consistent and secure."

### Sources:

- American Civil Liberties Union: [www.realnightmare.org](http://www.realnightmare.org)
- Department of Homeland Security: <https://www.dhs.gov/real-id>
- Electronic Privacy Information Center: [www.epic.org](http://www.epic.org)
- National Conference of State Legislatures: <http://www.ncsl.org/research/transportation/count-down-to-real-id.aspx>
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