

# the SHADOW

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## REAL ESTATE DEVELOPER DONALD CAPOCCIA'S LOWER EAST SIDE LANDGRAB! Squatters Make Deal With The Devil

By A. Kronstadt

During the 1970s and 1980s, a wave of landlord abandonment, arson for profit and city tax foreclosures led to a large number of empty buildings being taken by the city and managed by the Department of Housing Preservation and Development [HPD]. Over time, most of these buildings fell into decay and often served as venues for drug dealing and drug use, including 'shooting galleries' and crack houses.

By the late 1980s, numerous abandoned city owned buildings on the Lower East Side had been taken over by squatters who reclaimed them via sweat equity, removing rubble, rebuilding walls, floors and staircases, and restoring plumbing and electrical services. Many squatters were motivated by political opposition to the cycle of abandonment and gentrification that the neighborhood was experiencing under Mayor Ed Koch, who was preparing to sell the city out to real estate developers. Squats also became centers of political organizing - street actions mobilizing not only squatters but also politically conscious tenants and homeless people repelled repeated attempts by the city to evict squatter occupied buildings.

In the 1990s, during the administration of right wing Republican Mayor Rudy

Giuliani, many squats were seized by the city, including five contiguous buildings on East 13th Street. The remaining squats lived under constant threat of forced eviction. There was enormous pressure to find a legal solution that would enable squatters to keep their buildings.

In 2001, in a deal brokered by then city council member Margarita Lopez, eleven buildings occupied by squatters entered into agreements with the Urban Homestead Assistance Board [UHAB], giving them the prospect of owning their apartments as low income co-ops. In 2002, the buildings were transferred from HPD to UHAB, which became the de facto transitional landlord. According to the program into which the buildings entered, UHAB was contracted to complete renovations within 2 years, whereupon individual apartments would then be sold to building residents for \$250 each. This arrangement was similar to co-oping, except that the amount for which residents could re sell their apartments was limited and there were income restrictions for those wanting to buy in, so that the apartments would remain as low income housing.

Many squatters were skeptical of this plan. Lawyers for the squatters had been

fighting city eviction notices based on the legal principle of "adverse possession", a.k.a. squatters rights. Squatter activists argued that legalization would turn their buildings into real estate, ending the political squatter movement which had been a bulwark against gentrification and displacement in the neighborhood. A way of life based on collective ownership and decision making, offered as an alternative to individualistic money grubbing would disappear from the Lower East Side and the squatters would become property owners. Some opponents of the UHAB agreements doubted that bohemian artists, activists, and former homeless people who were living in the squats could meet the financial demands of co-op ownership and that UHAB would effectively foreclose at some point and turn the buildings over to developers.

### UHAB: AN IDEALISTIC MISSION CORRUPTED BY THE REAL ESTATE BOOM

According to UHAB's web site, their mission is based on the following high minded principles: "Self Help, Democratic Residential Control, Shared Equity (or Limited Equity) Co-op Ownership, Cost Effective Sustainability and Continual Learning." UHAB describes itself as "...a not for profit organization that contracts with HPD to provide services and assistance to tenants..."

Earlier in its history, UHAB's mission had been to make urban homesteading a viable solution to the problem of building abandonment in a city where urban shrinkage and depopulation of the inner city were the order of the day. The real estate boom that began in the 1990s, which continues to the present day, has stood the entire situation on its head: properties that no investor would have touched in the 1980s are now the objects of a feeding frenzy in a hyper inflated market.

UHAB is a corporation exempt from government agency transparency requirements. UHAB hires contractors to carry out building renovations - residents have only limited control over who does the work and how and where the work is to be done. UHAB has the authority to take out loans without the consent of building residents, who will then be responsible for servicing the debt. And, UHAB can share as much or as little information as it wishes regarding whom it brings in to do work on its buildings, thus driving the transformation of reclaimed urban spaces into real estate that makes money for the big players.

### DONALD CAPOCCIA: A KINDER, GENTLER DONALD (WHO IS OUT TO DEVOUR OUR CITY)

When Giuliani sent his blue and white NYPD tank rumbling down Avenue B back in 1995 to back up the NYPD eviction of five squats on East 13th Street [535 537 539 541+545 East 13th Street-Ed],

the justification was that squatters were preventing the city from providing poor people in the neighborhood with affordable housing. However, every time a squat was successfully emptied out-sometimes by way of suspicious fires as well as by cops-the property inevitably fell into the hands of a real estate developer.

Poverty pimps-like future city councilman Antonio Pagán, the head of "housing" organization Lower East Side Coalition Housing Development [LESCHD]-fought with squatters for years for site control over squatted buildings, particularly on East Eighth Street, east of Tompkins Square Park, where many squats were concentrated in the 1980s. Pagán teamed up with real estate developers in what were called "cross subsidy" programs, whereby a developer would be given site control over a property and renovate or rebuild it with a stipulation from HPD that the project would include some "affordable" units which would revert after a number of years to "market rate" with the developer as landlord. The "affordable" units were usually too expensive for the genuinely low income people HPD was supposedly committed to serving. Because these developers were supposedly building low income housing, they did not have to pay for anything or service very much debt.

One developer who stepped right up to this honey pot was Donald Capoccia, a personal friend of both then city councilman Antonio Pagán and Mayor Giuliani. Capoccia's first buildings on the Lower East Side, located at 72-76 East 3rd Street, between First and Second Avenues, were acquired from the city for \$1.00 under the City's "Dollar Building Program" in 1982 - they are now expensive condos. Capoccia still occupies a large unit in one of these buildings, with a well hidden swimming pool in his backyard. (Although Capoccia presents himself as a progressive when he is addressing the downtown community, his partner Joseph Ferrara was a major NYC backer of Donald Trump's presidential campaign. Capoccia is also a member of the Log Cabin Republicans, an LGBT caucus within the Republican party.)

Capoccia "developed" a block of squatted buildings evicted on East Eighth Street. Capoccia later got an insider deal on the 13th Street squats, which were integrated into his "Del Este Village" project, a condominium development on six scattered sites, running from East 10th to East 13th Streets, consisting of properties that were all once owned by the city, including iconic community gardens that were bulldozed.

The 13th Street squats were given to Capoccia's company BFC Partners-a real estate developer founded in 1985 by Donald Capoccia, Joseph Ferrara, and Brandon Baron-by HPD in 1997. The sponsor of the "affordable" housing scheme that qualified Capoccia for massive tax and interest breaks was none other than

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SETH TOBOCMAN



# SHADOW EDITORIAL

## Hyper Gentrifying 14th Street By Jeremiah Moss

I was just thinking about how truly remarkable it is that much of 14th Street, from east to west, has not been hyper gentrified.

Yes, there's the Apple Store at the western end. Yes, a Target and maybe Trader Joe's is coming to the east. And Union Square is strangled in chains. But much of the rest miraculously remains Chinese takeout joints, 99 cent stores, other discount shops, diners, and one beloved doughnut shop. It attracts a diversity of New Yorkers, many from lower socioeconomic circumstances.

And now this.

through the roof in Times Square. These are proven tactics. Conservatives love them because they're good for the rich. And liberals love them because they're environment friendly. But they are not friendly to a diverse, affordable, and equitable urban environment.

Any time I've ever mentioned bike lanes as anything but an all good thing, people become apoplectic, both the pro development neoliberals and the lefty bike advocates. For the record, I own a bike and I ride in the bike lanes. I enjoy them. They still are used by mayors to spur and reinforce gentrification by attracting "cre-



Gothamist reports that, in response to the impending L Train shutdown, Transportation Alternatives has a plan that "envision[s] a 14th Street free of car traffic—a concept with the endorsement of city planners, politicians and advocates—plus a six stop shuttle bus operating on dedicated lanes, and protected bike lanes. The shuttle would connect to a new cross bridge bus, carrying Williamsburg commuters on a dedicated lane over the Williamsburg Bridge. Among the runners up are a proposal for temporary barriers separating dedicated bike and bus lanes on 14th Street, and a plan that would close certain blocks of 14th Street to traffic."

We all know that one powerful way to hyper gentrify a neighborhood, or a cross section of the city, is through transportation alternatives, i.e., bike lanes and trolley cars. Pedestrian plazas, as Bloomberg's transportation commissioner Janette Sadik Kahn showed, made property values shoot

active economy" consumers, tourists, and residents (see the work of Richard Florida and Jamie Peck). Same goes for pedestrian plazas (though I don't like them).

This plan is not a done deal by a long shot. But it's worth noting that developers and urban planners have their eye on the scruffy remains of this holdout corridor. Enjoy it while you can.

[See the PDF "Bike Lanes And Gentrification" by Sam Stein: [http://www.plannersnetwork.org/wp-content/uploads/2011/07/PNmag\\_Summer\\_Stein.pdf](http://www.plannersnetwork.org/wp-content/uploads/2011/07/PNmag_Summer_Stein.pdf). Also see: **Jeremiah's Vanishing New York:** <http://vanishingnewyork.blogspot.com/> • **SaveNYC:** <http://www.savenyc.nyc/> • **Vanishing New York: How a Great City Lost Its Soul** — publishing 2017 from HarperCollins: <https://www.harpercollins.com/9780062439697/vanishing-new-york/>

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**ERRATUM:** In regard to my article Urban Removal: Ethnic Cleansing and Gentrification on Delancy Street in THE SHADOW #59 I wish to acknowledge my debt to Samuel Stein for his excellent article SPURA Spurious: A Story of Jews, Politics, and 20 Acres of Demolished Housing on Manhattan's Lower East Side and the Lessons We Should Learn. We had intended to name this article (available at <http://zeek.forward.com/articles/118124/>) as a source of several significant facts concerning the Seward Park Urban Renewal area, but he addendum was inadvertently omitted in production. —A. Kronstadt

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# THE SHADOW NEVER SLEEPS!!

## DAVID PEEL: 1942-2017



[David Peel, New York City-based anti establishment musician and political activist, died on April 6, after suffering a massive heart attack on March 31. David was a larger than life over the top guy who cared about his community and who used his talents in the struggle against gentrification and police state repression at countless demonstrations, occupations, marijuana smoke-ins and at our SHADOW shows in Tompkins Square Park. Koshke Swaminathan, who played in David's most recent incarnation of his group David Peel And The Lower East Side, submitted the following tribute to David - Ed.]

David Peel was buried with full military honors on April 17, 2017. For a peace activist, David was very proud of being a veteran. Though he never saw combat, David loved the experience of being a soldier. One of his favorite movies was Full Metal Jacket. David attributed his self discipline to being in the army. He told me that he would have a drill sergeant shouting at him in the back of his mind that would make him work a thousand times harder and push him a thousand times further. I had a hard time taking David seriously at times and was ever wary of a put on. David considered himself an absolute success. At times, I wasn't sure how serious he was, but come to think of it, he did accomplish more than most people have done in their entire lifetime. And he wanted to teach others his secret.

He presented me with the book Psycho Cybernetics by Max Maltz. David discovered this book when he was in the army and he told me that this book was the reason he got a record contract with Elektra, met and worked with John Lennon, and started his own independent record label. This book says that we all have an inner guidance system which will take us where we want to go if we give it the right program. At the time when he discovered this book, David was working with an old army computer that he fed punch hole programs into. So the analogy worked perfectly for him. David said he was one of the original computer geeks. He loved everything about computers and one of his first jobs when he got out of the army was to work on a huge computer system in Wall Street. He also started hanging out in Greenwich Village. So he had one foot in the world of geeks and another foot in the counter culture.

Even though I knew David for many years, we only started collaborating on

his projects around 1996. Before that, he could never get my name right and would mix me up with my brother. At the time, Technohead got a gold record with their song "I Wanna Be a Hippie." The song sampled and ripped lyrics from David's song "I Like Marijuana." With the help of his lawyer Jeffrey Jacobs, David was able to share in the rewards of his first ever gold record.

David wanted to do a whole album of techno music and, with me and Karl Beck, he started the first sessions for a project called Peeltronica in 1996. We would work on and off on this project until the last years of his life. We also talked a lot about computers, technology, physics and science – I became the go to man for all those geeky things he wanted to talk about – and there were times when he would call every single day. He was fascinated by the melding of counter culture and geek culture with people like Steve Jobs and the whole cyberpunk movement of the 1990s.

Peel's dream was to create an army of people just like him. If he saw potential in you, he wanted to be your drill sergeant and push you to the next level. He wanted to collect an army unit of students for his Rock n Roll University. Even though I graduated with a master's degree, I could never take it seriously. But now I look at my Rock n Roll University diploma and feel a tremendous gratitude for the things I learned from David Peel and that he actually took the time from his abundant life to be my professor. He put a lot of work into it. He took it very seriously. He was extremely proud when he gave me this diploma and considered it one of his great achievements. That is one of the reasons why I miss him.

--Koshke Swaminathan



## SHELDON SILVER'S CONVICTION REVERSED ON TECHNICALITY

By A. Kronstadt

On July 13, Sheldon Silver, disgraced former New York State Assembly Speaker and ex Assembly Member from the Lower East Side, had his 2015 conviction on charges of accepting \$4,000,000 in kickbacks from a diverse group of special interests reversed by a NY State Appeals Court.

As reported in SHADOW #57 + #59, in 2015, Silver was been convicted of influencing legislation in Albany regarding asbestos related liability in favor of several law firms that he worked for. He was also found guilty of having slipped changes into New York State rent regulations in exchange for payments by law firms representing landlords.

Although ostensibly a Democrat and liberal, Silver was instrumental in gentrifying and wrecking New York City. In his capacity as Assembly Speaker he made continual concessions to upstate Republicans with regard to the laws that protect tenants from arbitrary eviction and excessive rent increases, including the 1997 vacancy decontrol provision allowing landlords to increase rents by 20% when an apartment becomes vacant. Silver was also the key force in keeping the Seward Park Urban Renewal Area vacant for forty

years after thousands of low income tenants were evicted from five blocks of land in the Lower East Side, ultimately turning it over to developers for the upscale Essex Crossing mega- development.

The reversal of Silver's conviction was based on a supposedly faulty instruction to the jury by the judge; the jury had not been told that in order to convict a public official of corruption, it must be proven that the defendant actually carried out a "formal exercise of governmental power" in exchange for financial gain, as opposed to mere application of influence. In a similar case against former Virginia Governor Bob McConnell in 2016, a court had ruled that this is the definition of corruption by a public official and that any jury handling such a case needs to be informed of this before entering into deliberations.

Silver received this "get out of jail free" card, in spite of the fact that his convictions were clearly based on formal exercise of government power, as he actually influenced state legislation in exchange for the kickbacks. State prosecutors have vowed to retry Silver, who has not yet served one single day of his twelve year sentence.



SHELDON SILVER TO NEW YORK: "ME GO TO JAIL? NEVER!"





# El Barrio No Se Vende: East Harlem Residents Say NO to Racist Rezoning!

By Virtual Boricua

**“One who has not experienced gentrification does not know how harmful that may be to the Puerto Rican people.”**

– Oscar López Rivera

Rezoning low income communities of color is about much more than “just the facts.” It transcends statistics, analysis, and policy – however “participatory” the planning process may appear.

Indeed, encouraging massive increases in the number of high priced properties in low income communities like East Harlem/El Barrio is the antithesis of “inclusionary.” Real estate is all about the money, and developers are primarily concerned with what the “market” will bear.

Decent, (permanently) affordable housing is an international human rights issue. It is that very concept that is moving African Americans and Latinos throughout New York City to fight Mayor Bill de Blasio’s racist rezoning policies and challenge any elected official complicit in the destruction of our beloved neighborhoods.

NYC Council Speaker Melissa Mark Viverito recently took a huge political risk in defeating a Puerto Rican freedom loving patriot, as did many of us in East Harlem.

We must now channel that same passion and energy to stop gentrification, as former political prisoner Oscar López Rivera personally advocated when he spoke at the United Nations on June 19th.

Mark Viverito, who represents El Barrio, has also been very generous in funding many cool arts projects. No doubt. However strong the enthusiasm for our history and culture – concerts and murals and museums do not pay the rent. While thousands of our relatives and friends visit East Harlem to enjoy our festivals and attend honorary street renamings, very few can actually afford to live here

## 10 Simple Reasons to JUST SAY NO to the City’s Racist Rezoning!

1. Both the East Harlem Neighborhood Plan AND the current rezoning plan are middle class housing plans, plain and simple. They do not reflect the actual needs of this community. Even at the lowest annual Area Median Income (AMI) - \$32,000 - rezoning would provide NO apartments for those who truly need affordable housing and would exclude our homeless population entirely.

2. There are generous state and local government subsidies already in place that offer lucrative financial incentives for developers to include “affordable” units in their developments. There’s no need to hand over huge city owned lots, community gardens, ball fields, and NYCHA lawns and playgrounds to build mostly market rate housing. Why especially reward vacant property owners who’ve warehoused buildings all along 3rd Avenue and neglected our needs for 40+ years by telling them the sky’s now the limit?

3. Up zoning to allow 30 to 35 story market rate buildings will destroy the very fabric of what has historically been an affordable, tenement community serving immigrants and low income families of color. This is a beautiful black and brown community and has been for many, many decades – and we aren’t leaving!

4. East Harlem/El Barrio residents will lose their precious cultural legacy and any political leverage that remains if this plan goes through. Ice cream trucks and play streets will inevitably be replaced by more Citi bike stations and dog walks.

5. There are no legally binding assurances in place or any commitment from the city or any developer with regard to any of the services and programs in Community Board 11’s list of “recommendations.”



EAST HARLEM RESIDENTS OPPOSE RACIST REZONING

6. The city has made no provisions to address school overcrowding, loss of sunlight, construction pollution, sanitation, traffic and other environmental issues that will seriously impact the quality of life in East Harlem.

7. The city’s estimate that only 11 apartments will be lost is a straight up lie and proof that they do not intend to support ANY of your requests.

8. East Harlem was already rezoned in 2003 to allow higher density buildings and encourage developers to build “affordable housing.” Speaker Mark Viverito’s office has repeatedly refused to state the number of low income apartments she’s brought to the district in the last 11 1/2 years. Failure to provide such information does not inspire confidence in her sincerity with regards to serving future generations.

9. Queens Councilman Van Brammer recently took a stand against 50 story buildings in Sunnyside. By contrast, Speaker Mark Viverito reportedly used coercive methods to secure community board approval of a 68 story mostly market rate development.

10. Both she and Mayor Bill de Blasio have also reneged on campaign promises and accepted hundreds of thousands of dollars from landlords, developers, and construction companies, after vowing never to do so. In every speech and interview, Oscar López Rivera describes the intentional depopulation of Puerto Rico and gentrification in Chicago as a human rights issue.

The Puerto Rican Diaspora now follows his example and says NO to the planned displacement of people of color in East Harlem and throughout New York City.

The media labels anyone fighting for human rights an extremist. Nelson Mandela was labeled a terrorist for challenging Apartheid, even after he was freed. Here in New York City, you are considered crazy if you fight for your community. Jane Jacobs and Yolanda Garcia were both called kooks in their time because they fought to preserve their neighborhoods. Today, their work has been appropriated by the very same planners seeking to destroy East Harlem and 14 other communities of color that have been targeted for gentrification.

A private developer recently had the audacity to invoke the Lenapi community in their presentation for the Sendero Verde mega development in East Harlem. Ironically, Mayor de Blasio and Speaker Mark Viverito would have us “trade” one of the last few relatively affordable communities in Manhattan for the promise of a few “trinkets.” This city (and country) was

founded on the violent displacement of people of color. We cannot, and will not, let it happen again.

**“Long ago I learned to ‘follow the money’. I have always followed the money. Apartments for sale for two million dollars, that is not for Puerto Ricans. All this has been planned. It is not a coincidence.”**

– Oscar López Rivera

Communities are rising up and saying NO to Mayor de Blasio’s racist rezoning. Activists from East Harlem; Inwood and Washington Heights; Southern Boulevard and other parts of the South Bronx; East New York and Flatbush, Brooklyn; Ridgewood, Queens; Chinatown; the Lower East Side; and the Bay Street corridor on Staten Island are coming together and standing strong.

Fed up and fighting back, activists are unwilling to play left field for any politician or nonprofit organization looking to use public outrage to negotiate better terms. We do not support ANY rezoning. No ifs, ands, or buts about it.

That was the message delivered at Community Board 11’s full board meeting on June 20th, as dozens of community residents and housing allies demanded the board reject any plan to gentrify East Harlem. The meeting was disrupted as activists eventually stormed the stage to prevent board members from proceeding to vote no “with conditions” (essentially a yes).

Several outraged board members began screaming and demanding that protesters mind their manners so the vote could continue. But, the point of nonviolent civil disobedience is to STOP business as usual, to SHUT IT DOWN. Being “polite”

and “respecting the process” did not end slavery, segregation, apartheid, and it certainly will never stop gentrification.

Rather than doing the right thing and adjourning the meeting, Community Board 11 proceeded to hold an essentially illegal secret (paper) vote, while several board members (and their friends) threatened and physically attacked several protesters.

Press reports erroneously described the assault as a “fight” started by protesters. In fact, it was members of the board that were OUT OF ORDER and engaging in egregious, unlawful actions.

As a result, activists are now calling for immediate community board reforms:

- Term limits for community board members: There’s experience and then there’s entrenchment and entitlement. As is the case with NYC Council members, 8 or even 12 years is more than enough time for any one individual to make a difference.

- Publicly elected (not politically appointed) NEIGHBORHOOD representatives.

- On time appointments to community boards, as mandated by law. Bringing members on board two months late (and just weeks before a major vote) is unacceptable.

- Full disclosure: Make board members’ financial and political interests public.

- Training on the legalities of conducting board business during civil disobediences or other disruptions.

- Training on the proper etiquette for handling people engaged in civil disobedience. Members who assault or threaten the public (or incite anyone else to do so) should be removed immediately.

- Training on the public’s legal right to witness all voting procedures.

- Training on the public’s legal right to record all government meetings.

- Enforcement of legal restrictions on “gifts” (entertainment passes, meals, jobs, contracts, apartments) by any agency, company, or individual doing business before the board.

- Meals and refreshments presented at open meetings must be made available to the general public.

Of course, the corruption goes much deeper and much more radical change is needed in a city (and world) where black and brown bodies are as easily disposed as yesterday’s leftovers.

**“The only thing I know is to fight.” My commitment does not stop until my last breath has been taken.”**

– Oscar López Rivera

Politicians are henceforth forewarned: If you proceed with ANY rezoning plan for East Harlem and other low income, communities of color in New York City, we will cash out everyone responsible at the ballot box in November!

If we go, you go!

**[For more info and developments, visit: [eastharripreservation.org](http://eastharripreservation.org) + [elbarriounite.org](http://elbarriounite.org)]**



# PIRATE POLITICS IN THE AGE OF TRUMP

By Paul DeRienzo

**“I spoke with President Putin... Russia, I hope you’re able to find the 30,000 e mails that are missing.”**

–Donald Trump, July 27, 2016

It was the glitter and tinsel of a Miss Universe pageant in 2013 held in a suburb outside of Moscow where Donald Trump met Russia’s ruling oligarchs. The discussion was held at Nobu, one of the world’s fanciest Japanese restaurants, in the shadow of the Kremlin. It wasn’t Trump’s first meeting with the wealthy men who rule the Russian state behind the throne of Russian president Vladimir Putin. Trump’s romance with Russia began decades earlier in 1987 with a visit to the capital and Russia’s second city Leningrad and possibly earlier, as Trump regularly offered his services to president Ronald Reagan as an intermediary with the Russian government.

Trump’s 1987 trip to the Soviet Union was billed as an attempt to build hotels. Throughout the 1990s, the billionaire developer had made several trips to Russia in the company of New York real estate mogul Howard Lorber, who is the chairman of Douglas Elliman, among the largest residential real estate brokerages in New York.

In 2008 Trump’s son Donald Jr. announced plans for the Trump organization “to build elite residences and hotels in Moscow, St. Petersburg and Sochi.” Trump Jr. searched for cash in Russia as the U.S. real estate market was crashing during the great recession. “The emerging world in general attributes such brand premium to real estate that we are looking all over the place, primarily Russia,” Trump Jr. told a Manhattan audience in September 2008.



TRUMP POSES ON THE MISS UNIVERSE 2013 RED CARPET WITH ARAS AGALAROV

In 2013, Trump’s intermediary with Putin, who would not attend a beauty pageant, which the Russian president considered “unpresidential,” was Azerbaijani real estate developer Aras Agalarov, whose Crocus Center is a major business hub and home of the first Russian Comic con. The dozen Russian power brokers dining at Nobu included Herman Gref, chief executive officer of Russia’s largest bank, the state controlled Sberbank PJSC. How and why U.S. president Donald J. Trump became so close to the richest and most powerful men in Russia is a story at the heart of allegations that Trump is an agent of Russian interests within the presidency.

Whether or not Trump is a character out of Richard Condon’s novel The Manchurian Candidate, on a mission to use America’s own tottering democratic institutions to weaken and conquer the country from the inside, may never be known. An emerging narrative is telling a tale of dark money that has penetrated the U.S. election system and successfully poisoned the minds of millions of Americans with fatal doubt over the legitimacy of their government.

Filmmakers for the Dutch documentary “The Dubious Friends of Donald Trump, Part 1: The Russians” quote author and

former intelligence operative Malcolm Nance, who says that when Trump made that statement, “He knew Russian intelligence was working for him.” A month earlier, a Russian hacker calling himself “Guccifer 2.0” had released emails from the Democratic National Committee outlining the DNC’s strategy for the election., a couple of days before Trump asked Putin for help in going after Clinton’s emails, Wikileaks released 20,000 emails stolen from the DNC. The emails show DNC dirty tricks aimed at Senator Bernie Sanders and lead to the resignation of DNC Chair Debbie Wasserman Schultz. The emails fed a divide between idealistic Bernie supporters and the Clinton family with its deep ties to Wall Street. Many consider the document dump as a defining factor in Trump’s winning the presidential election.

**“Do you think Putin will be going to The Miss Universe Pageant in November in Moscow if so, will he become my new best friend?”**

–Donald Trump (on Twitter), June 18, 2013

Trump biographer Michael D’Antonio says that Trump’s problem is that he “doesn’t want to know” the truth. D’Antonio adds that it’s likely Russian money has flowed into the Trump organization and that some of the sources are “scandalous,” posing a big problem for the president. He says: “If the Russians have that information, it could be that they’re holding it over Trump.”

The problem for Trump could go deeper than a political IOU to Putin, but could be a real cash IOU to the Russian mobsters who took over from the oligarchs who ruled the country after the fall of communism, but before Putin took power. Russia then was a battle ground of competing interests and gangsterism became a way of life. According to Nance, “If you’re a gambling addict and you owe someone a lot of money, you will never insult your bookie.”

Nance and D’Antonio both hold that if Trump had a weak spot as a businessman the Russians would have taken advantage.

According to D’Antonio, for decades “Russian money has flowed into Trump organiza-

tion entities.” Adding that although Trump claims that he has no business connections with Russia, The president “doesn’t say Russians have no business with me.”

Although Donald Trump has presented himself as an extremely rich entrepreneur – mostly to enhance his brand, the true source of most of his income – Trump has not been all that successful. In the 1980s and 90s his casino and real estate businesses went on a downhill slide. The president “Has a history of six bankruptcies,” says James Henry a U.S. economist, attorney, and investigative journalist who has written extensively about global banking, debt crises, tax havens and economic development. He adds that a “torrent of money” from Russia was funneled into the Trump organization.

In his search for investors, Trump met numerous well connected bankers from Russia and places like Kazakhstan and Azerbaijan, former republics of the old Soviet Union which are now independent nations. According to Henry, these investors were looking for “safe havens, opportunities to launder proceeds from basically criminal enterprises.” In spite of Trump’s denial of business dealings with Russia, his companies have had many dealings with Russian nationals outside of Russia. In 2008,

Donald Trump Jr. speaking in Moscow said “Russians make up a pretty disproportionate cross section of a lot of our assets. We see a lot of money pouring in from Russia.”

The relationship between Trump and Russia’s wealthy class of ruling oligarchs goes back to his initial trips to the Soviet Union in the 80s. In the years following the Soviet collapse, Boris Yeltsin became president of the new country which emerged. The formerly state owned businesses and mineral resources of the vast country were sold off to well connected insiders. These were the oligarchs. During this time in the 1990s, the Russian economy sank and the Russian people lived in poverty. The chaos

mobster who has been on the FBI’s Ten Most Fugitive list for years. Mogilevich, who has maintained his innocence, has been blamed for numerous murders. At least three Mogilevich lieutenants had reportedly lived or bought apartments in Manhattan’s Trump Tower. An investigation led to several arrests including Sater’s father who was busted for extortion against businessmen in Brooklyn.

Felix Sater was a well known brawler and a heavy drinker. In 1991, the younger Sater was jailed for stabbing a person in the neck with a margarita glass during a bar fight. After his release, Sater continued his criminal career, allegedly defrauding



MR. TRUMP WITH TEVFIK ARIF, CENTER, AND FELIX SATER AT THE TRUMP SOHO LAUNCH PARTY IN 2007.

and corruption that marked oligarch rule fueled the public demand for a strongman to bring order, leading to the election of Vladimir Putin.

Facing a tough and authoritarian leader, the oligarchs were searching for places off shore to sink their wealth. That’s where Trump came into the picture. Henry explains that as the 90s progressed, “It became increasingly difficult to separate the organized crime part of the story from the oligarchs.” Adding that to become a billionaire in Russia couldn’t happen without “help from some very tough people,” D’Antonio said there are still many unanswered questions, like “why so many of these people would want to pour money into Trump properties?”

The story of the why begins in lower Manhattan at a 46 story, luxury apartment building at 246 Spring Street, called Trump Soho. The property was developed by Trump in tandem with Bayrock, LLC, a company investigators say has connections with Russian organized crime. Bayrock was accused of tax fraud by the state of New York in 2015 by attorneys under the legal Qui tam provision allowing private individuals to join the government in a civil prosecution in return for triple damages.

Bayrock was headed by a group including Tefik Arif, owner of chromium mines in Kazakhstan. Arif set up Bayrock in 2001 and the company took offices in Trump Tower at 725 Fifth Avenue in Manhattan. According to attorney Fred Oberlander, a tax fraud specialist, the seed money for Trump Soho came from Arif and Bayrock. Trump had the name and Bayrock had the money.

Trump Soho was first debuted in 2007 on Donald Trump’s TV show The Apprentice. The show advertised the coming hotel as the first luxury condominium hotel in lower Manhattan with panoramic views. Opposed by locals, Trump forced through the construction, earning the developer even more enmity from New Yorkers. As the building was owned jointly with Bayrock, under US law Trump would be responsible for any decisions Bayrock would make concerning the project. According to [documents, Arif and Bayrock were also in partnership with Felix Sater, whom according to the FBI, was the son of a Russian crime boss.

Reportedly, Sater’s father worked under Semion Mogilevich, a Russian

investors by “pumping” penny stocks, which amounted to working with the mob to artificially drive up stock prices with false information.

Sater was put on trial after fleeing U.S. prosecution to Russia and eventually returning to the United States. During his trial, Sater made a deal with prosecutors and reportedly became an FBI informant, turning on his accomplices and putting dozens of people behind bars. According to Henry, it was U.S. intelligence agencies that may have gained the most. Sater was said to have provided information about Stinger anti aircraft missiles held by the Taliban. In memos released in the court case, federal prosecutors covered up their links to Sater by ordering government attorneys to remove the reputed mobster’s name from court documents.

After becoming an informant, Sater appeared as a principal of Bayrock LLC. and part owner of Trump Soho. Sater told the Russian magazine Snob in 2016 that “I became a managing director of Bayrock. We had an office at Trump tower, one floor below Trump’s.” Attorney Oberlander says: “It isn’t legal to run a business by concealing that one of the biggest owners is a convicted mobster,” and in violation of U.S. law, as investors never heard of Sater’s criminal past, adding that by extension Trump had committed a felony, with a potential 30 year prison sentence.

Again, Sater was alleged to have displayed a violently brutal streak in his business practices. A lawsuit brought in 2006 by a former Bayrock employee accused Sater of threatening to “electrically shock” the man’s testicles, “cut off” his legs and “leave him dead in the trunk of his car” if he testified to authorities investigating Bayrock.

When former FBI director James Comey was recently asked by congress if he was aware of Sater’s connection to the Trump organization, the soon to be fired FBI man answered, “I’m not going to comment on that.” Asked if he knew of the stock fraud case against Sater, Comey said, “same answer.”

Did Trump know about his investor’s criminal past?

When asked by the BBC why Trump didn’t confront Felix Sater about his mob connections Trump answered that “When you have a signed contract, you can’t

**Continued On Page 21**



# TRUMP PICKS AL CAPONE OF VOTE RIGGING TO INVESTIGATE FEDERAL VOTER FRAUD

By Greg Palast



KRIS KOBACH (RIGHT) SCREAMS AT GREG PALAST

[May 12, 2017] Kris Kobach is the GOP mastermind behind a secretive system that purged 1.1 million Americans from the voter rolls.

Kris Kobach was spooning down vanilla ice cream when I showed him the thick pages of evidence documenting his detailed plan to rig the presidential election of 2016.

The Secretary of State of Kansas, sucking up carbs at a Republican Party Fundraiser, recognized the documents – and yelled at me, “YOU’RE A LIAR!” and ran for it while still trying to wolf down the last spoonful.

But documents don’t lie.

That was 2015 (yes, the ballot heist started way back). Today this same man on the run, Kris Kobach, is now Donald Trump’s choice to head the new “Voter Integrity Commission.”

It’s like appointing Al Capone to investigate The Mob.

How did Kobach mess with the 2016 vote? Let me count the ways—as I have in three years of hunting down Kobach’s ballot box gaming for Rolling Stone and Al Jazeera.

Just two of Kobach’s vote bending tricks undoubtedly won Michigan for Trump and contributed to his “wins” in Ohio, North Carolina and Arizona.

First, Interstate Crosscheck.

Kobach is the GOP mastermind behind this secretive system which purged 1.1 million Americans from the voter rolls.

When Trump said, “This election’s rigged,” the press ignored the second part of his statement: “People are voting many, many times.” Trump cited three million votes illegally cast.

The White House said Trump got this information from Kobach. Indeed, it specifically comes from a list of 7 million names—or, as Kobach describes it, a list of 3.5 million “potential double voters.” How did Kobach find these three million double voters?

He matched their names, first and last.

And that’s it.

Here’s an unedited screen shot of a segment of his list:

19114	Georgia	BILLY	RAY	JACKSON
	Virginia	BILLY	MANUEL	JACKSON Jr.
19136	Georgia	CHRIS	JARVIS	JACKSON
	Virginia	CHRIS	LAQUON	JACKSON
19142	Georgia	CHRISTOPHER	D	JACKSON
	Virginia	CHRISTOPHER	PAPP	JACKSON
19143	Georgia	CHRISTOPHER	LAMAR	JACKSON
	Virginia	CHRISTOPHER	PAPP	JACKSON
19144	Georgia	CHRISTOPHER	JAMES	JACKSON
	Virginia	CHRISTOPHER	ROBERT	JACKSON
19147	Georgia	COREY	ROSS	JACKSON
	Virginia	COREY	LAMAR	JACKSON
19155	Georgia	DAVID	MARSHALL	JACKSON
	Virginia	DAVID	MICHAEL	JACKSON
16406	Georgia	JAMES	LAMAR	HARRIS
	Virginia	JAMES	WAYNE	HARRIS

**DETAIL FROM CROSSCHECK RESULTS IDENTIFYING POTENTIAL “DUPLICATE” VOTERS IN VIRGINIA AND GEORGIA**

# Republican States Send Voter Information Files to Trump’s “Voter Integrity Commission,” Even While Claiming They Will Refuse Demand

By Greg Palast

[July 5, 2017] A national outcry followed a June 28 request from Kris Kobach, Vice Chair of President Donald Trump’s Advisory Commission on Election Integrity, that state election officials provide him with a long list of personal information on every voter, including party affiliation, date of birth, last four digits of social security number, and more.

Election officials in forty four states say they will refuse to comply with the written request from Kobach, whose advisory commission was created on May 11 by Trump via Executive Order 13799 [http://www.gregpalast.com/wp content/uploads/Kobach\_SOS\_Letter.pdf ]. Trump has made repeated and so far unsubstantiated claims that millions voted illegally in the 2016 election.

“They can go jump in the Gulf of Mexico, and Mississippi is a great state to launch from,” responded Mississippi’s Republican Secretary of State Delbert Hosemann.

“The President’s Commission has quickly politicized its work by asking states for an incredible amount of voter data that I have, time and time again, refused to release,” said Louisiana’s Secretary of State Tom Schedler.

To the contrary, Schedler and voting officials from sixteen other Republican states, the majority of those allegedly “resisting” Kobach’s demand, have already shared detailed voter files with Kobach in his capacity as Secretary of State of Kansas.

Records obtained by The Progressive [progressive.org] from the Kansas Secretary of State office showed that Schedler turned over nearly three million voter files to Kobach earlier this year, including voter birth dates and Social Security information.

In Mississippi, Hosemann turned over the state’s entire voter rolls to Kobach, some 2,092,886 files. Each file includes voter names, last four digits of their social security numbers, voting address, and voting history.

Twenty one states listed by CNN as refusing Kobach his demands for voter files have already turned over voter files to Kobach’s office. [The Republican states are: Mississippi, Virginia, S. Carolina, Georgia, Alabama, Louisiana, Arkansas, Tennessee, W. Virginia, Ohio, Indiana, Illinois, Michigan, S. Dakota, Kansas, Arizona and Idaho. The Democrat states are: Maine, Massachusetts, Kentucky and N. Carolina. North Carolina’s Democratic Governor Roy Cooper ordered his Board of Elections not to hand over voter files to Kobach—but the Republican controlled board had already turned over 6,745,639 voter files.]

Kobach, who has recently announced his candidacy for Governor of Kansas, has indicated the lists will be used to remove illegal voters. But voting rights advocates say the goal is actually to allow fewer people to vote.

“The lists will almost certainly be used to...suppress the vote of citizens of color,” says Dee Hunter of the newly formed Civil Rights Center. Hunter’s group is part of a coalition including the ACLU, Common Cause, the NAACP of Georgia, Rev. Jesse Jackson of the Rainbow/PUSH Coalition, and other organizations calling for a halt to the expansion of Kobach’s Crosscheck system.

Voter lists from Mississippi, and twenty seven other states, were turned over to Kobach beginning years ago as part of a voter list purge program called “Inter-state Crosscheck,” Hunter explains. The list aims to identify Americans registered in more than one state and intending to vote twice in one election, which is a crime. Any names identified as potential double voters receives a postcard which, if unanswered, could lead to removal from the rolls.

According to a Rolling Stone analysis of data obtained from states participating in Interstate Crosscheck, as many as 1.1 million names were purged from voter rolls before the 2016 election.

According to database expert Mark Swedlund, an astonishing one in six Hispanics and one in nine African Americans are on Kobach’s “potential double registered” list of seven million suspects in the twenty eight states.

But Crosscheck functions by merely matching the first name and last name of voters in the 28 Crosscheck states. The screenshot on the lower left of this page of the Georgia Virginia suspect list created by Kobach shows that Barbara ANN Jackson of Georgia is identified as potentially the same voter as Barbara FAYE Jackson of Virginia. Similarly, Billy RAY Jackson may be the same voter as Billy MANUEL Jackson JR.

The matches may seem ludicrous, but all these voters could lose their vote.

Swedlund calls Kobach’s approach a “simplistic, childish” matching algorithm. He says, “If your name is Jose Hernandez, you’re likely suspected of voting in 28 states!”

Indeed, in Virginia, at least 12 percent of voters on Kobach’s list lost their votes before the last election.

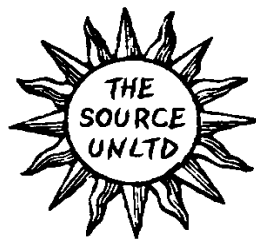
Virginia has purged tens of thousands of voters from the state’s rolls using the Crosscheck suspect list.

Before the November 2016 election, I spoke with Kobach last year at a Republican ice cream social and asked him about Crosscheck potentially misidentifying voters as duplicate registrants. “Our system would not yield this match,” Kobach insisted. But when I showed him that Crosscheck contained literally millions of mis matches, he jumped up, clutching his vanilla ice cream—and ran for it.

He did call later to answer my questions, and stated he saw no problem in Crosscheck’s approach “to get the widest list possible” in the hunt for illegal voters.

**[Greg Palast, is a Puffin Foundation fellow in investigative reporting, and the author of The Best Democracy Money Can Buy, now a documentary film, centered on Palast’s investigation of Kris Kobach for Rolling Stone]**

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*"It's Worth The Trip Down The Street!"*

# TrumpCare Dies, XL Pipeline Flies and the Secret Winner Is...

By Greg Palast



KOCH BROTHERS CELEBRATE THEIR VICTORY (FROM THE BEST DEMOCRACY MONEY CAN BUY)]

[March 24, 2017] When RyanCare TrumpCare finally ended up face down in the swimming pool, triumphalist Democrats whooped and partied and congratulated themselves on defeating the Trump Ryan monstrosity.

But deep in their counting house, counting their gold, three brothers cackled with private jubilation.

David and Charles Koch knew the day was theirs.

Joining them in the celebration was Brother Billy, William Koch, who will share in their \$21 billion windfall that the President arranged for them only hours before TrumpCare crashed—when Trump announced his State Department had formally approved the Keystone XL Pipeline.

Gulf Coast was designed specifically to crack only the world’s “heaviest” (i.e. filthiest) crude.

Texas crude ain’t heavy enough, ain’t dirty enough, for the Kochs’ Gulf Coast operation, originally designed for imports for the world’s major source of heavy crude: Venezuela. The price the Kochs paid for Venezuela’s oil was set by its President Hugo Chavez, and now, by Chavez’ chosen successor, Nicolas Maduro.

Chavez and Maduro both told me they’d squeeze the Kochs by their tankers.

They have.

Enter the Mounties: Canadians sell their super heavy crude at a \$12 to \$30 a barrel discount to the Venezuelan price. If the XL Pipeline is complete, the Kochs can suck down Canada’s cheap cruddy crude for a minimum savings of \$1.27 billion in a single year.

The Kochs pocket billions while we fry: burning the Canadian tar sands reserve will, all by itself, raise the temperature of the entire planet by 0.7 degrees Fahrenheit.

Over the life of the XL Keystone Pipeline, the various Koch operations will put at minimum, \$21 billion in Koch family pockets. Because we have to add in not only Charles’ and David’s gains, but Brother Billy’s windfall as well.”

**Let’s start with that \$21 billion**

The XL Keystone Pipeline would take the world’s heaviest, filthiest crude from Canada’s tar sands, and snake with it all the way down to Texas.

Now here’s a question I never hear from our sleep walking media: Exactly why are we sending oil all the way across the United States to Texas? I mean, doesn’t Texas already have a little oil?

In fact, Texas is drowning in oil, choking in it. But the Kochs’ Texas refinery can’t use much local crude. The Koch Industries Flint Hills refinery on the Texas



## Brother Billy’s Filth Factory

The third, lesser known Koch is Brother William, now principal of Oxbow Carbon. The name itself gives environmentalists the heebie jeebies.

To keep the tar sands gunk flowing through the Keystone pipeline, the worst of the tar must be extracted and processed as “petcoke,” stuff so filthy and toxic it is illegal to burn in the USA. So Billy Koch sells the compressed filth to China and Mexico.

And Billy’s bro’s have joined the “petcoke” game too. David and Charles’ subsidiary, Koch Carbon, already pulls the gunk from the current Keystone pipe where in Detroit it’s accumulating in piles bigger than the pyramids.

Which explains why the Koch’s political front operation, Americans for Prosperity, named approval of the XL Pipeline the number one priority for the Trump presidency.

**KochDon’tCare**

When TrumpCare breathed its last, the President blamed Democrats for its untimely demise.

A stunned by stander, Democratic Minority leader Nancy Pelosi, went for it: “We’ll take credit for that.”

Sorry, Nancy, you can’t.

Because it was the Kochs’ brown shirts, the self styled “Freedom Caucus,” that, in a bestial assault, crushed a sitting President and their own leader of Congress, Paul Ryan. The thugs’ secret weapon: heavy bags of cash. Koch cash.

Koch front groups, including Americans for Prosperity (the XL promoter), promised unlimited funds to any far right Congressman who would vote against the bill. The Kochs’ Freedom Partners Executive Director told members of the uber right Congressional Freedom Caucus, “We will stand with lawmakers who keep their promise and oppose this legislation” with a “seven figure” war chest. In the old days, that was called “bribery.” But today it’s called, “Koch.”

Blow hard Trump threatened them, but Koch’s money protected them.

The Kochs don’t want ObamaCare, TrumpCare, nor any care at all for Americans that add to their tax bill. Call it KochDon’tCare.

**Billionaires versus Billionaires**

But keen observers of TrumpCare would note that it was not really a health care bill, but a tax bill—specifically, a tax cut of some \$157 billion that has been charged to the richest Americans to fund ObamaCare through a 3.75% tax on passive investment income—that is, money earned, not by working, but by speculating.

Because behind the public creator of the bill, Speaker Paul Ryan, stood Ryan’s number one funder, a billionaire known as The Vulture. The Vulture, aka Paul Singer, makes all his money by nasty methods excoriated even in the Wall Street Journal.

In Trump’s weird psycho babbling press conference last month, he said, “So I want to thank Paul Singer for being here and for coming up to the office.” Reporters scratched their head, not knowing who this “Singer” is nor why Trump brought it up.

Now, you know what that was about.

Singer makes all his money from speculation income. The Ryan Trump “health-care” bill was first and foremost a tax cut for Singer, likely worth billions to The Vulture (and more to his cohorts including Treasury Secretary Steve Mnuchin).

But to the Kochs, this tax break is nearly worthless. So, behind the curtain, this was a fight of billionaires versus billionaires.

The Kochs, having built up their army of useful idiots—the Koch funded Tea Party and Freedom Caucus, won this one. (Hey, no hard feelings. The Vulture still dines with the Kochs in Vail and donates to their super PACs.)

Sure, let’s breathe a sigh of relief that, with ObamaCare momentarily saved, we won’t have more amputees begging in the subway, meth addicts croaking in New Hampshire and my bank account emptied for my next heart surgery.

It’s not Trump’s victory that portends fascism—it is the bending of Trump by the hands of the poisonously greedy Brothers Koch that brings the fascist corporatist state one day closer.

And that is nothing to celebrate.

**[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]**





# THEY'VE GOT YOUR NUMBER!

## New Technologies Give Government Snoops Unprecedented Access to Cell Phone Data

By A. Kronstadt

The federal government and an ever-expanding number of local police forces are now well-equipped to intercept any cell phone communication and track the signal to the phone originating it, as well as to the owner of the phone if that person has personalized settings, or if a prepaid phone was purchased with a credit card.

A cell phone tower, which transmits and receives radio waves, as your cell phone does, is connected by wires to the telephone system as a whole. Unlike passive copper wires that link a land line phone to other land line phones via the telephone company's switching system, a cell phone tower is an active digital communications device that records information coming from your phone. There would be no cell phones if that were not the case, since the tower has to identify your phone in order to let others communicate with you. The information, in the form of an IMSI [International Mobile Subscriber Identity] number generated by a SIM [Subscriber Identity Module] card, that stores data, including user identity, location and phone number, network authorization data, personal security keys, contact lists and stored text messages on your phone, has to be detected by the tower to let it know that you are a subscriber to a particular service enabled to use the tower.

As you travel, the cell phone emits signals that are picked up by other towers. When a tower recognizes your IMSI number, it sends back a signal to tell the cell phone that it is ready to communicate. In this way, your cell phone acts as a tracking device no different in principle than an ankle bracelet attached to the leg of one who is under "house arrest." The only difference is that you can turn your cell phone off and sever the connection between the tower and the cell phone. Alternatively, this can be done by placing the cell phone inside a box that drains off radio waves, called a Faraday Cage. However, either of these techniques defeats the purpose of having a mobile phone, as the phone will not ring under such conditions.

A cell tower contains memory just like a computer, which is part of the system needed to connect you with the phone system. IMSIs and phone numbers of everyone who has made a call and who has passed by the tower and has been recognized by it persist until other data pushes them out, which can take up to an hour or two. With the cooperation of the cell tower owner, authorities can perform

a "tower dump" in which that data is transferred to their computer. This method does not in and of itself afford them the ability to tap into the actual data, i.e., the conversation, but the IMSI and other recorded information has, in some cases, led police to seek additional court orders to obtain more information regarding the ownership of the phone, extending possibly to an address if the user has a payment plan or has bought a supposedly anonymous Tracfone or prepaid phone with a credit card.

As with traditional eavesdropping on land lines, tower dumps require cooperation from the cell tower owner as well as a warrant to be done legally. More insidious are techniques that are purely technological, that work in real time, and which require the cooperation of no one at all. These are what the Department of Homeland Security has been brokering to law enforcement agencies over the past several years as a federal priority.

Most of these real time snooping methods rely on hardware and software that emulate a cell tower and that produce a signal that is more powerful than real cell tower signals, thereby forcing cell phones that come in contact with the signal to communicate via the fake tower instead of a real one. Such devices exploit a security hole in cell phone networks whereby a cell phone must prove its identity to the tower, but the tower does not have to prove its identity to the cell phone. The devices used are functioning cell towers, able to complete people's calls and communicate with the general phone system, giving the government enhanced abilities to intercept voice and text communications themselves, though routinely, only IMSI data and sometimes phone numbers are recorded. If an interesting IMSI pops up, the devices can be focused in to obtain more information, including the conversation itself.

One of the more common cell tower emulator systems, a.k.a. "IMSI Catchers", is Digital Receiver Technology [DRT], nicknamed "Dirt Box". The original Dirt Box was developed by military defense contractor Boeing on contract from the government. The most prolific user of the Dirt Box is the U.S. Marshal's Service, which has been employing the instrumentation since 2007 to trawl for fugitives, carrying it over populated areas in fixed wing Cessna aircraft flying out of at least five metropolitan airports. By flying repeated passes over an area where a target has been detected,

the Dirt Box can triangulate the position of a cell phone within about 10 feet.

Dirt Box snooping devices are evidently only used by federal agencies: in addition to the Navy and the Marshal's Service, the U.S. Special Operations Command, the DEA, FBI, and U.S. Customs and Border Protection Service have been identified as users of the Dirt Box. National Security Agency whistle blower Edward Snowden revealed use of the instrument by the NSA. Dirt Box equipped helicopters, with the instruments hanging from cables underneath them, were spotted hovering over demonstrations during the Democratic convention in Chicago in 2012.

Another IMSI catcher, or fake cell tower, is the Stingray line of instruments from Harris Corp. of Melbourne Florida, originally working on contract from the Navy. The Stingray has a shorter range than the Dirt Box, but is lighter and less expensive at \$400,000 \$500,000 each, versus millions for the Dirt Box. It is one of the law enforcement technologies most heavily peddled to police departments under grants from the Department of Homeland Security.

According to the American Civil Liberties Union [ACLU], 72 government agencies in 24 states possess Stingray equipment. The instrument can be deployed in aircraft like the Dirt Box, but it is particularly designed for use on the ground in vehicles and interfaces with ordinary laptop computers which display and record the information. A handheld version of the device also exists under the name King Fish. The Stingray can intercept signals within about a 1 mile radius. Recently, an upgrade, named Hail Storm, has been added to Stingray technology, enabling it to downgrade the security of cell phones from 3G to 2G, enhancing the amount of data that it is then able to extract from them. Once an IMSI number has been identified, Stingray has the capacity to extract the encryption key and collect actual content, both voice and data.

The Federal government and the Harris Corp. have shown a pathological obsession with secrecy concerning the Stingray equipment that they are selling to local law enforcement. It could be said they are giving it to them, as much of the equipment is being purchased with grants from the feds themselves. The grants and instruments come with many strings attached. These strings do not restrain the cops from using these devices in any way they want, but

are meant to keep local authorities who purchase them from revealing to governmental bodies, the public, or to the press that the devices are being deployed or what information is being collected with them. Agencies desiring to purchase the Stingray or King Fish instrumentation must sign Non Disclosure Agreements [NDAs] with the FBI, and in some cases, with Harris Corp. itself, in which they pledge not to disseminate information on the existence or use of the equipment or any technical details.

Documents obtained by the ACLU, as well as the Gannett chain of newspapers and the U.S. edition of the Guardian, under Freedom of Information Act [FOIA] requests, included the text of one such NDA from the Hillsborough County, Florida Sheriff's Office. That agreement, signed by the Florida Department of Law Enforcement, includes the wording:

"The Florida Department of Law Enforcement will, at the request of the FBI, seek dismissal of the case in lieu of providing, or allowing others to use or provide, any information concerning the Harris Corporation wireless collection equipment/technology, its associated software, operating manuals, and any related documentation."

The Guardian reported that the Florida NDA and a similar document signed with the Baltimore police department prohibit local cops from revealing any information concerning the Stingray in search warrants, pre trial hearings, testimony, grand jury proceedings, in appeals or defense discovery. Per the agreement, police can only release "evidentiary results" obtained with the device. Florida authorities who purchased the Stingray devices also agreed in these papers to immediately inform the FBI if served with any demand for information concerning the use of the technology, which might range from a FOIA request to a subpoena.

In Tallahassee Florida in 2015, Taedrae McKenzie was arrested for armed robbery after police used the Stingray to track him while he was carrying a stolen cell phone. The judge demanded that police produce some details of the instrument. Suddenly, the prosecutor's office offered a plea deal of six months probation to McKenzie, who was facing four years in prison for a felony. His accomplices were allowed to plead out to 2 months probation—clearly an instance in which the NDA signed by the Florida authorities took precedence over the goals of law enforcement.

Telephone users must take responsibility for maintaining privacy both on cell phone networks and online. Certain conversations should only be carried out on anonymous prepaid cell phones purchased with cash or with a pre-paid debit card purchased with cash. Even with such a cell phone, keep in mind that Dirt Box and Stingray/King Fish technology can still zero in on particular cell phones and intercept data, including text and voice.

Encryption using programs other than those built into phones by manufacturers who may be cooperating with the government may be effective in boosting one's security. Third party encryption programs that one may want to look into include: SIGNAL for the iPhone and REDPHONE for Android. Apps claiming to be able to detect Stingray and other IMSI catchers include SNOOP SNITCH for the iPhone and the Android IMSI CATCHER detector.

Of course, certain conversations should only take place the old-fashioned way. By that, we do not mean on a land line, but from mouth to ear in a secure location.

## Public Oversight of Surveillance Technology Act Pending in City Council

By Bill Not Bored

On March 1, 2017, City Council members Dan Garodnick (D Manhattan) and Vanessa Gibson (D The Bronx) brought before the Committee on Public Safety "Int. No. 1482," which is a local law that would amend the administrative code of the City of New York so that there would be comprehensive reporting about and oversight of NYPD surveillance technologies. Titled "Public Oversight of Surveillance Technology Act," and inspired by similar laws recently passed in Seattle and Spokane, Washington, this thorough going and eminently reasonable law would require

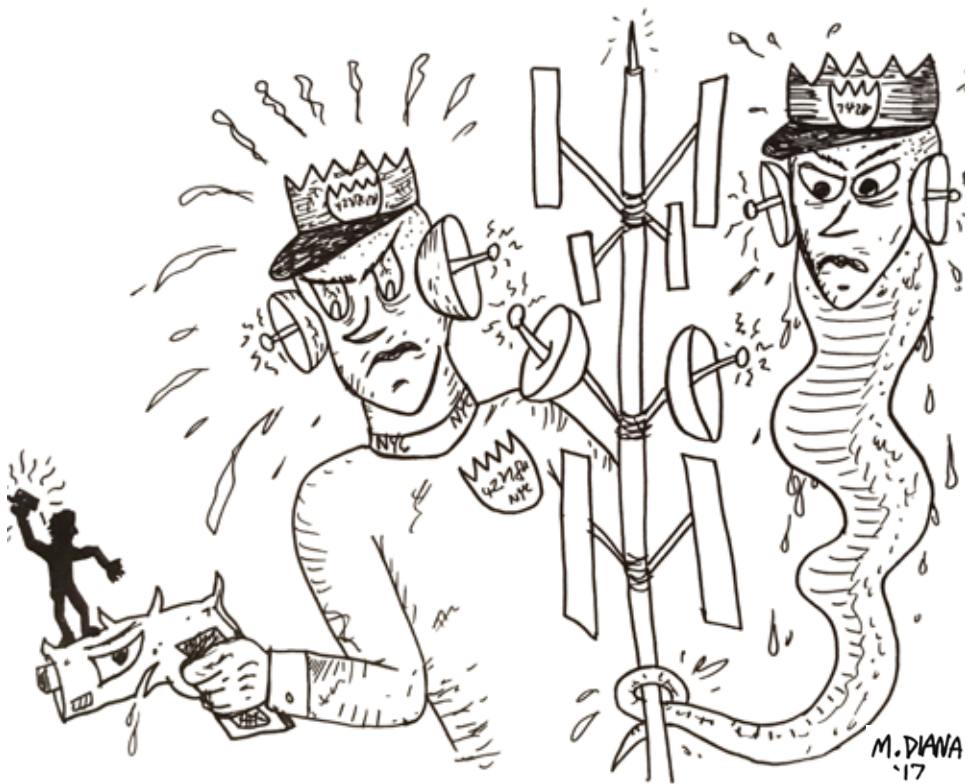
an annual written document from the NYPD that would be published on its web site and that would provide descriptions of (1) the various surveillance technologies in use and their individual capabilities; (2) the rules, processes and guidelines issued by the police that regulate their access to and use of these technologies, as well as whatever prohibitions or restrictions are in place, including the need for court authorizations; (3) the safeguards or security measures that protect the information collected by the NYPD's surveillance technologies from unauthorized access; (4) the policies or practices concerning the retention and use of such information; (5) the policies or practices concerning

BackScatter vans, which are military grade vehicles equipped with X rays cameras that can "see" and record what is inside other vehicles and buildings; (3) the Domain Awareness System, which is customized software developed by Microsoft and funded by both the City of New York and the federal Department of Homeland Security, and which can link information collected by the city's surveillance cameras, license plate readers, and radiation and gunshot detectors to the 911 call center and several city maintained databases.

Excluded from these requirements would be (1) routine office equipment primarily used for departmental administrative purposes; (2) parking ticket devices; (3) technology that is primarily used for internal department communications; and (4) surveillance cameras that monitor the physical integrity of city's infrastructure.

In the words of Councilperson Garodnick, who is one of 16 co sponsors of this proposed law, "Citizens are in control of the police force - not the reverse. We need to be able to understand what tools the NYPD has and how it uses them to ensure public trust in our criminal justice system" (quoted in The New York Post, June 15, 2017).

Both the NYPD and Mayor Bill de Blasio



the public's access to it; (6) which entities outside the NYPD have access to this information and what those entities' policies concerning safeguards and restrictions are; and (7) the training the NYPD provides its officers and agents to use the surveillance technologies in question; (8) the internal audit and oversight mechanisms that the police use to ensure compliance with the aforementioned safeguards and guidelines; and (9) the results of any tests or reports concerning the health and safety effects of the surveillance technologies.

Furthermore, if or when the NYPD seeks to acquire or actually acquires enhancements to existing surveillance technology, or if the police use existing technology in a new or previously undisclosed way, an addendum that meets the aforementioned requirements would be required.

Upon publication of this information, the general public would have 45 days to submit comments upon it to the commissioner of police. Once these comments have been received and reviewed, the commissioner would issue his or her final report on the impact and use of the NYPD's surveillance technology, and that report would be transmitted to the City Council, the mayor and the NYPD's website.

Under this law, the NYPD would have to report upon the following technologies: (1) cell site simulators, which pretend to be "real" cell phone towers and can track the location, identifying information and content of cell phones in their vicinity; (2)

sio are adamantly opposed to the Public Oversight of Surveillance Technology Act. According to Larry Byrne, the NYPD's Deputy Commissioner for Legal Matters, "The public must trust the cops with sensitive matters. [The public doesn't] have the right to know how certain technology [sic] can be used. There are very strict safeguards around how long and how these technologies are used." In the words of Austin Finan, spokesperson for Mayor Bill de Blasio, "This bill is a shortsighted overreach that would make New Yorkers less safe. We're not about to hand over a roadmap for terrorists and criminals to avoid legal and well established investigative techniques." (Both quotes from The New York Post, June 15, 2017.)

On June 19, 2017, the Post reported that Mayor de Blasio himself took to the airwaves to condemn the proposed law. Interviewed by John Catsimatidis on 970 AM radio, he stated, "If we start to lay out everything we do to gather information to fight crime and fight terrorism, if we lay that out publicly and in too much detail, unfortunately, it provides a road map for the bad guys. [...] There are a lot of people gunning to hurt New York City, and we are not going to help them do it by giving them the kind of information that would only make our enemies stronger. [...] The NYPD uses tools to gain information. There are clear stipulations to make sure everything is done constitutionally and legally.

Continued On Page 22

# CITYLINKS KIOSKS ARE SPYING ON YOU!

By Bill Not Bored

In January 2016, CityBridge, a consortium of companies that includes Intersection (specialists in advertising), Qualcomm (video imaging and analytics) and Civiq Smartscape (design and construction), began installing electronic kiosks in public places all over the city - where one might normally find a pay telephone. Called "CityLinks," these tall, narrow and very sturdy structures are presented to the public as the generators of Wi Fi "hot spots," that is to say, places where people can, at any time of day or night, gain free access to a strong, steady and high speed wireless network. (The signal is so strong that it can supposedly be accessed from as far away as 150 feet.) Users who do not provide their email addresses can enjoy the dubious benefits of an unencrypted signal, while those do provide their addresses can log on to a "secure" network. The CityLinks kiosks - which are part of the "LinkNYC" system - can also be used to make free telephone calls to anywhere in the United States, to display maps of the city and other useful information on a touch screen Web connected interface, to call the city's 911 emergency hotline, or to charge such portable devices as cell phones and tablets through a USB port.

To offset the cost of the free services offered, CityBridge receives payments for advertisements on the huge electronic screens on both sides of the kiosks that face pedestrian traffic. Provided that many of these kiosks are constructed - the plan calls for a total of nearly 10,000 of them - ad revenues could reach nearly \$500 million by 2028.

As an added incentive for companies to buy ad space, CityBridge shares with advertisers precious personal data that is "captured" during the public's interactions with their machines. This data isn't limited to what Web sites users visit or search for or how long they stay on a particular Web page. An article published in Adweek [February 16, 2016] reports that the network also "captures data like age, gender and behavioral data from the wireless devices of those who join the free network and via beacons located at kiosks" and that it "can track individual mobile devices as they move within its radius, making the determination, for example, how long a consumer stands in front of a kiosk."

"Sometimes we supplement technical information we collect from you with information collected by third parties," says the project's privacy policy. "Third parties may include advertising partners or other providers that help us understand our users. We do not collect information about your precise location. However, we know where we provide Wi Fi services, so when you use the Services we can determine your general location."

In the words of David Krupp, CEO of North America Kinetic, which created CityLinks ads for Poland Spring and Miller Coors, "I think the data side is going to be very significant, because we'll have a much more hyper targeted connection to consumers based on their behaviors and what journeys they take during the day" [Adweek, February 16, 2016].

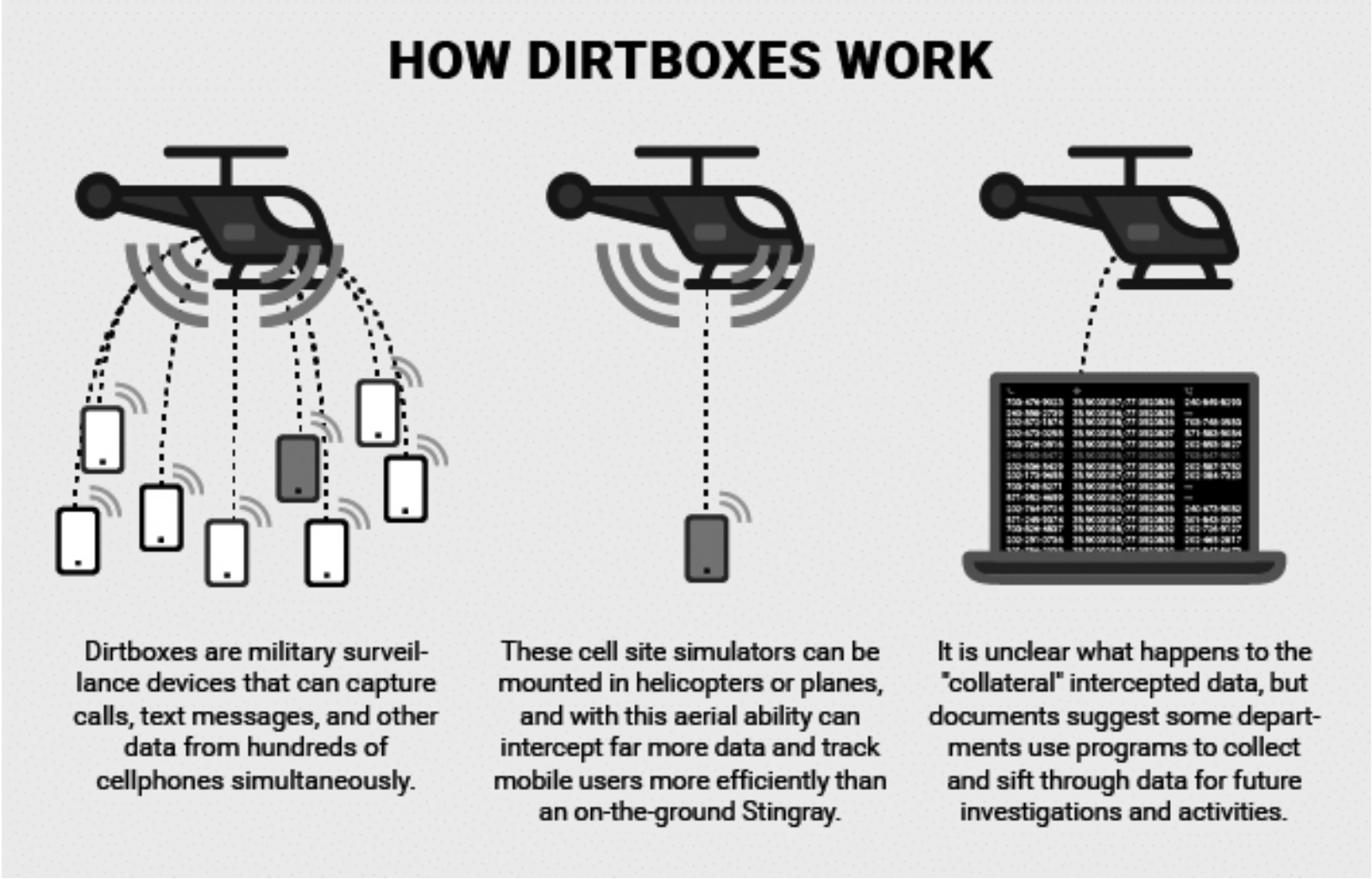
Each CityLinks kiosk is also equipped with three high powered video cameras. One is embedded in the front of the rectangular structure, sits above the touch screen tablet, and points directly into the user's face. Supposedly not yet activated, this camera is designed to make video telephone calls. The other two cameras are placed high along the sides of the kiosk that face pedestrian traffic in both directions. They can only be spotted by someone who is looking for them and knows what to look for. Unless they are designed to record people's candid reactions to the bright and colorful pollutants (advertisements) that are constantly being spewed into the environment, these cameras can only have one use: covert surveillance of public space.

In March 2016, in response to the rolling out of these networked service and surveillance machines, the New York Civil Liberties Union [NYCLU] sent a pointed letter to Mayor Bill de Blasio, a firm supporter of CityBridge and the "LinkNYC" network. The NYCLU said that this network "retains a vast amount of information about users - often indefinitely - building a massive database that carries a risk of security breaches and unwarranted NYPD [New York Police Department] surveillance....The sheer volume of information gathered by this powerful network will create a massive database of information that will present attractive opportunities for hackers and for law enforcement surveillance, and will carry an undue risk of abuse, misuse and unauthorized access." The NYCLU's letter also questioned whether the NYPD could gain access to user information through the "LinkNYC" network and whether sensors and cameras on the kiosks feed into the NYPD's Domain Awareness System [a surveillance system developed as part of Lower Manhattan Security Initiative in a partnership between the New York Police Department and Microsoft to monitor New York City, which allows them to track surveillance targets and gain detailed information about them. The system is connected to 6,000 video cameras around New York City - Ed.]

The Mayor's response was predictably dismissive. "New York City and CityBridge have created customer first privacy protections to ensure our users' personal information stays that way - personal," he said through his spokesperson, Natalie Grybauskas [Digital Trends, March 16, 2016]. "We believe our privacy policy is the best way to protect New Yorkers and LinkNYC users while they safely and securely enjoy free super fast Wi Fi across the five boroughs. We will continue to work to ensure legitimate concerns are addressed."

According to Digital Trends, Grybauskas "specifically mentioned that [the] cameras and environmental sensors aren't fed into the Domain Awareness System, and that the NYPD would have to secure a subpoena to acquire this information. The same goes for personal information, as it won't be shared or sold for third party use unless it's ordered by a court or through a subpoena." Digital Trends also claimed that Jen Hensley, General Manager of the "LinkNYC" network, "echoed Grybauskas' sentiments and said CityBridge would need a subpoena 'or similar lawful request' before sharing any data with the NYPD or law enforcement, and, once they have, they would 'make every effort' to let users know about those requests....Hensley also referred to the Domain Awareness System, and said that the cameras in the Link hub are 'currently inactive and are not designed to feed into any NYPD systems.'"

It used to be easy to take your rage out on a public telephone booth. They broke easily and made wonderful ruins. But not these new electronic kiosks. Each one of them, says Adweek, "looks almost like a giant smart phone on an imposing, silver pedestal whose customized surface makes it difficult for street artists to add their own personal touch." Perhaps it's little surprise, then, that Civiq is a spinoff of a company called Comark that makes tech devices for the military. "We manufacture equipment that's meant to survive in battle zones," as Brad Gleeson, chief commercial officer of Civiq, puts it."





# LYNNE STEWART: 1939-2017

[Legendary activist attorney Lynne Stewart passed away on March 7, after complications from cancer and a series of strokes she had recently suffered. Lynne had been falsely accused of helping terrorists in an attempt by the U.S. government to silence dissent, curtail vigorous defense lawyers, and install fear in those who would fight against the U.S. government's racism and defend the rights of all oppressed people. She was arrested in April 2002 and arraigned before Manhattan federal Judge John Koeltl, who also presided over her trial in 2004. She was convicted, and received a 28 month sentence in October 2006. Lynne was free on bail until 2009, when the government appealed the sentence. In late 2009, Lynne was re sentenced to 10 years in federal prison. Lynne was freed from prison on December 31, 2013. For more on Lynne Stewart, see SHADOW #56 and visit <https://lynnestewart.org> -- Ed.]

## WHO IS LYNNE STEWART?

Lynne and I met in 1962 when Lynne was the first librarian at P.S. 175 in Harlem. That was the year that the NYC public school system required a Librarian Master's Degree and Lynne was completing her masters in Library Science at Pratt Institute. I was the teacher across the hall from the library. Our relationship began when Lynne Stewart asked me, "What is this place?"

What she was referring to was the existence of Harlem and black inner city communities all over the country that she was sheltered from in her upper middle class upbringing. Although an honor student throughout her academic career, she was afforded no awareness of the presence of the "Harlems" of America, although living not 4 miles from Harlem. It didn't take long for her to realize that her education had lied to her. Lynne's reaction to this reality is what separates her from the rest of society who are complicit in injustices by ignoring them.

What she did to familiarize herself with the all black Harlem community was to walk from 135th street to 125th street at the end of each school day. This was in 1962 when political awareness was growing in the black community and I cautioned her against this practice. Her persona was such that she was able to do so while engaging the people of the community for those 10 blocks. This was an extraordinary act at that time of tremendous civil unrest and discontent among the African American community in the inner cities with white America. These experiences led to a lifetime of political action and advocacy on behalf of the oppressed and unrepresented communities.

To speak of any progressive movement that took place in America in the last 50 years is to speak of Lynne Stewart. She was not only an outspoken spokesperson for the movement, but a true activist. Political activities Lynne was involved with that pre date her legal career include: Community Control of Schools, Black Panther Breakfast Program, women's rights-including domestic violence advocacy, LGBTQ rights, the Cuban revolutionary struggle, the revolutionary struggle in the Congo against [military dictator] Mobutu, the

people's struggle in Vietnam and draft resisters, voters rights in the south, human rights movement of black people in America, welfare women's rights, migrant workers' rights....

I must be forgiven if some of her activities are unintentionally omitted here. She was a participant in many struggles due to her great energy and commitment to human rights.

The real story of Lynne Stewart is the manner in which she inducted herself in these struggles. She was able to be an active and constructive part in the most and least militant of groups while offending no one but the government and government agents. All around her were made to feel comfortable because she valued people on the basis of their humanity as the sole determinant of their worth.

Her legal career followed these same principles that she developed as an activist. As a lawyer, Lynne defended the same causes that she had supported as an activist. Lynne's legal skills were of the highest level and comparable to the great trial lawyers in the outstanding social struggles for justice in America. Her handling of cases supporting legal rights for the oppressed and unpopular is unparalleled. We need not remember more than her defense of Larry Davis, the young black man from the Bronx who shot six New York policemen in self-defense, or of Sheik Omar Abdel Rahman, the Egyptian cleric who opposed [Egyptian president] Mubarak and was falsely accused of conspiring against the U.S. government and American people.

The cause dearest to Lynne's heart was of the defense of American political prisoners and her advocacy in this area was ultimately the cause of her own persecution, incarceration, and subsequent death. Her statement regarding her own incarceration was: "So many people have suffered and sacrificed to insure justice in America, I consider my own imprisonment a small price to pay".

Lynne recognized her advantage of white skin privilege and used her education, energies, training, and social position to level the playing field for all.

-- Ralph Poynter  
Husband and Comrade-In-Arms for more than 50 years. Activist, Freedom Fighter, New Abolitionist Movement



For months now I've struggled to try to put to words what the loss of Lynne F. Stewart means to our collective decency, purpose and principle. Till now it hasn't worked. I'm not sure it will here either.

Time and time again I've started to write a parting of sorts about my sister, friend and colleague . . . but have always come up short.

How do mere words do justice to the sweep of the sky, the roar of the oceans or the march of time? They don't . . . they can't. Nor can the giant of Lynne F. Stewart be reduced to mere prose or poetry, no matter how beautiful the lyric may be. Try to describe your first laugh, or kiss. That's Lynne.

Lynne was one of those transcendent eternal moments that gave us hope when there was no reason to believe in any, joy at the very darkest step of our walk, a reason to go on when every bone in our body was ready to quit.

Lynne was inspiration in its purity . . . the kind that touched all who knew her yet sought nothing in return but the reward of the good fight and the community that comes from those who share it. To know Lynne was about as close as it can be to finding the purity of selfless giving.

Lynne and I went back decades. Having shared beliefs, we clicked from the very first moment we met. I was in law school working as an intern for Chokwe Lumumba on the Brinks armored car heist in Rockland County and Lynne was co-counsel.

Lynne and I handled dozens of high profile cases together over the years either as co counsel for the same accused or with separate defendants in the same case. The common factor in almost all cases were they were political and ran the gamut from so called terrorism to Native American to domestic liberation movements. I successfully represented her on her first indictment: a state court prosecution for contempt.

Watching Lynne work was special as hers was a rage born of personal passage and experience honed in the classrooms of Harlem as a teacher, but brought to the courtroom as still very much an educator. Lynne empowered without intimidating; she had that rare ability to humanize her client, no matter the case or the hatred it carried with it.

Whether it was Larry Davis, accused of shooting nine cops in the South Bronx, the so called blind Sheikh Omar Abdel Rahman, accused in the 1993 World Trade Center attack, David Gilbert of the Weather Underground, accused of robbing a Brink's armored car, Black Panther Willie Holder, accused of hijacking an airplane, or an anarchist at C Squat on the Lower East Side, fighting for housing and self determination, day in and out Lynne breathed resistance long before the term became a popular hash tag.

To Lynne, nothing was more essential as a loving human being than confronting the State; she did it like no other in representing the despaired, the despised and those disenfranchised by it. By the thousands, Lynne meant hope for the hopeless and a voice for those often silenced by a Government that targets people on the basis of race, class or politics and little else.

Ultimately, it was her indefatigable commitment to international revolutionary struggle that turned Lynne from

prison lawyer to prisoner herself having been wrongfully targeted and convicted by the Government for a terrorism charge. Lynne's "offense" - her refusal to be silenced by a government gag that prohibited her from continuing to publicly advocate on behalf of Sheikh Rahman long after he was entombed and silenced in a federal prison. For this offense Lynne was sentenced to ten years.

Although it was my honor to have known, loved and fought alongside her for over thirty years, one moment in particular sums up the majesty that was Lynne F. Stewart. Not long after she was released from FMC Carswell in Texas on compassionate grounds as she neared the end of her battle against cancer, I visited the women's prison to see a client of mine.

Waiting to be escorted to the visiting room, a prison counselor noted that my attorney's pass indicated I was from New York. She asked if I knew Lynne Stewart who had been receiving cancer treatment while a prisoner there. Before I had a chance to answer, she described Lynne as the most wonderful human being she had come across in her 20 plus years of work in the prison. "Even when ravaged by the effects of chemotherapy" she added, Lynne always found the time and energy to give hope and dignity to women who otherwise had none.

This was Lynne F. Stewart . . . Rest in power.

- Stanley Cohen, Attorney-At-Law

## LYNNE STEWART AS LAW WARRIOR:

Attorney Lynne Stewart was nothing like a typical mainstream lawyer. Attorney Lynne Stewart gave of herself selflessly. She defended the undefendable. She represented the reprehensible. And she kept WINNING.

Attorney Lynne Stewart was a fearless legal warrior and she was GOOD at it. That and being a woman beating the man at his game made her a target.

It was of little surprise that the forces of evil moved to take her out, though the severity of the sentence they finally imposed on her for committing a NON crime was surprising. By persecuting Lynne, a message was being sent to other movement lawyers that might dare to provide a legal defense for those the government has pre convicted, for whatever imaginary "crime" concocted against them.

In spite of Lynne's experience, and perhaps as a result of it, plenty of movement lawyers continue their work, not intimidated by the government, defending falsely accused "pariahs".

And, as new generations of students graduate from law schools, many will follow in the footsteps of Attorney Lynne Stewart, fighting government repression, especially in the dark ages of Donald Trump.

- Chris Flash, Editor

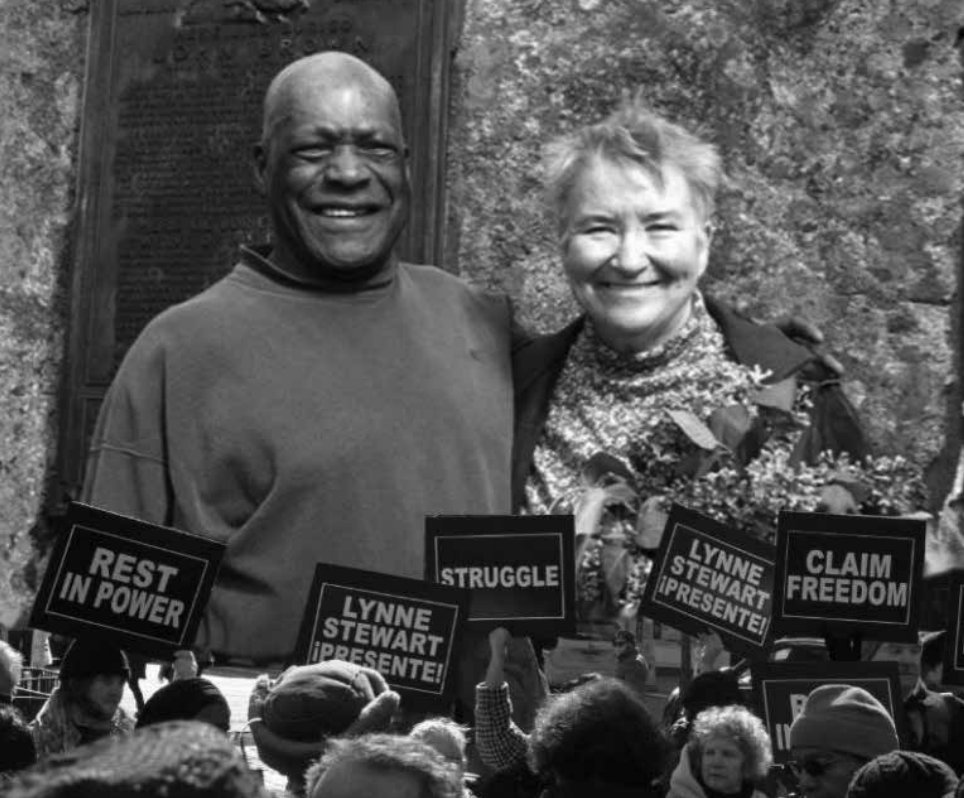
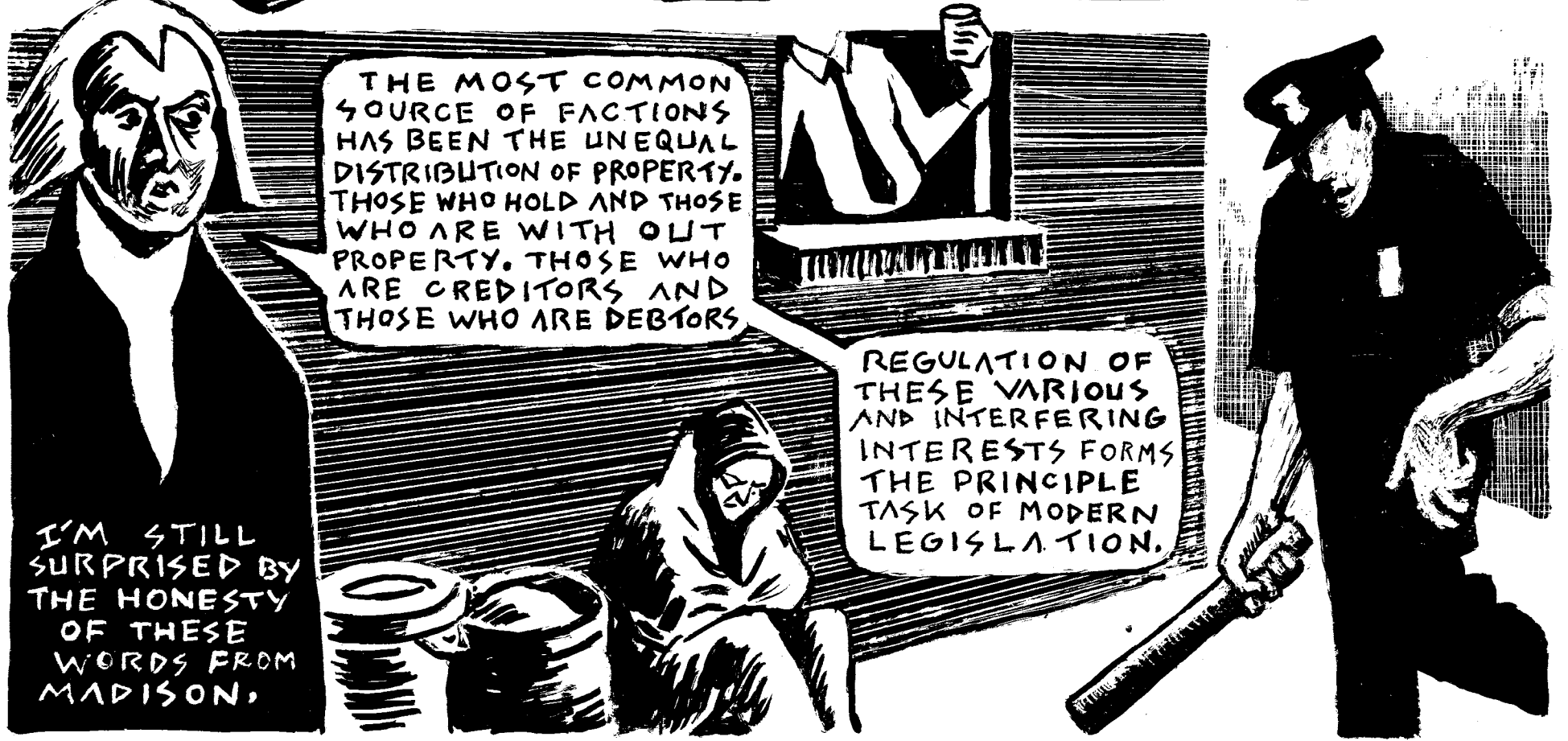
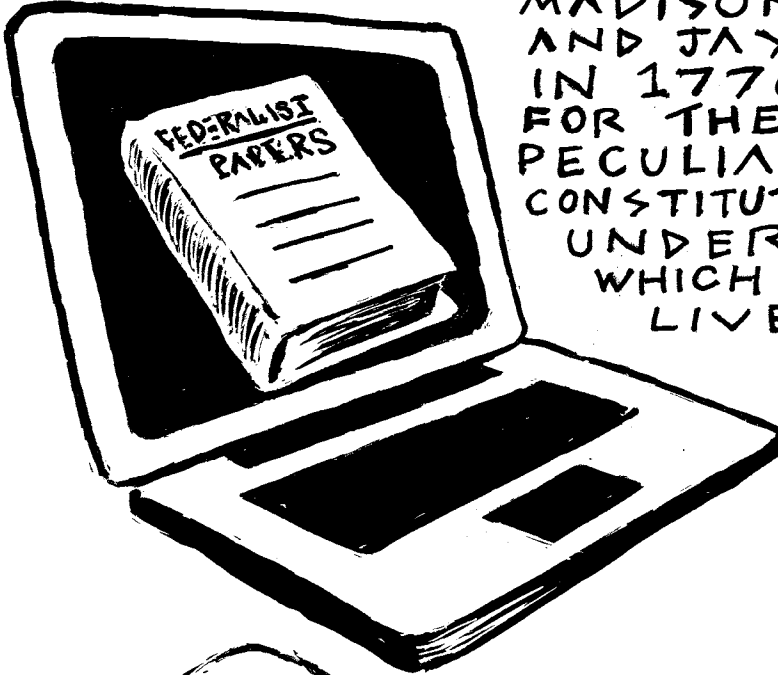


WHAT IS EVEN WEIRDER IS THAT THE LOSER GOT MORE VOTES THAN THE WINNER. THIS HAS LED MANY PEOPLE TO QUESTION THE SITUATION.



# A RIGGED-SYSTEM?

TO GET A HANDLE ON THIS ODD TURN OF EVENTS I WENT TO A BOOK I READ IN COLLEGE, THE FEDERALIST PAPERS, THE ARGUMENTS PUT FORTH BY HAMILTON, MADISON AND JAY IN 1776 FOR THE PECULIAR CONSTITUTION UNDER WHICH WE LIVE.



RALPH POYNTER WITH LYNNE STEWART

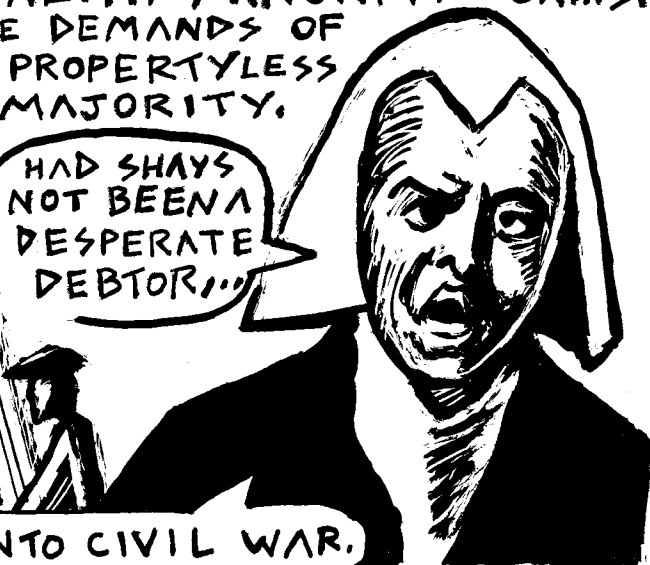


MADISON WAS UPSET BECAUSE THERE HAD BEEN A REVOLT OF DEBTORS AGAINST CREDITORS, SHAYS' REBELLION, IN WHICH ARMED BANDS OF FARMERS WOULD STORM THEIR LOCAL COURT HOUSE.

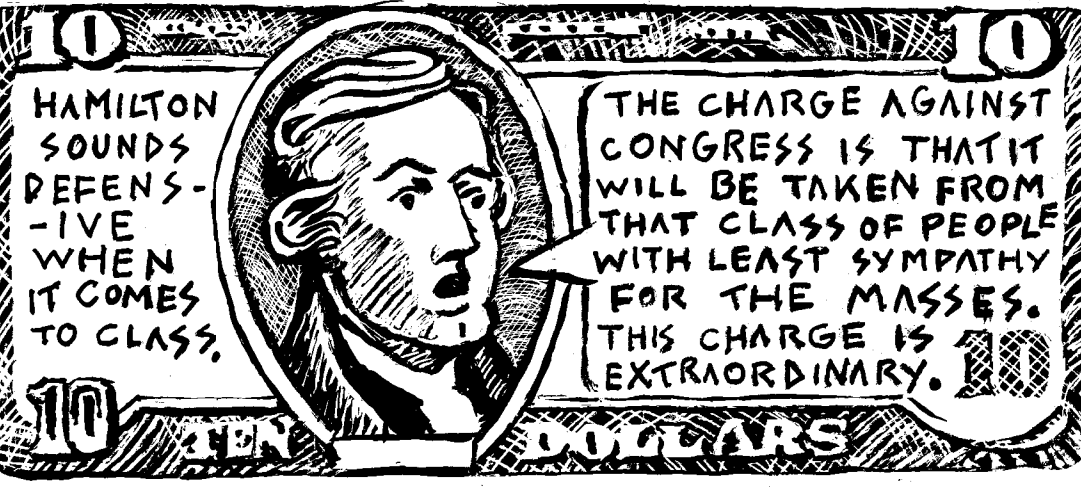


MADISON CLEARLY WANTED A GOVERNMENT THAT COULD PROTECT THE PROPERTY OF A WEALTHY MINORITY AGAINST THE DEMANDS OF A PROPERTYLESS MAJORITY.

HAD SHAYS NOT BEEN A DESPERATE DEBTOR...



MASSACHUSETTS MIGHT NOT HAVE PLUNGED INTO CIVIL WAR.

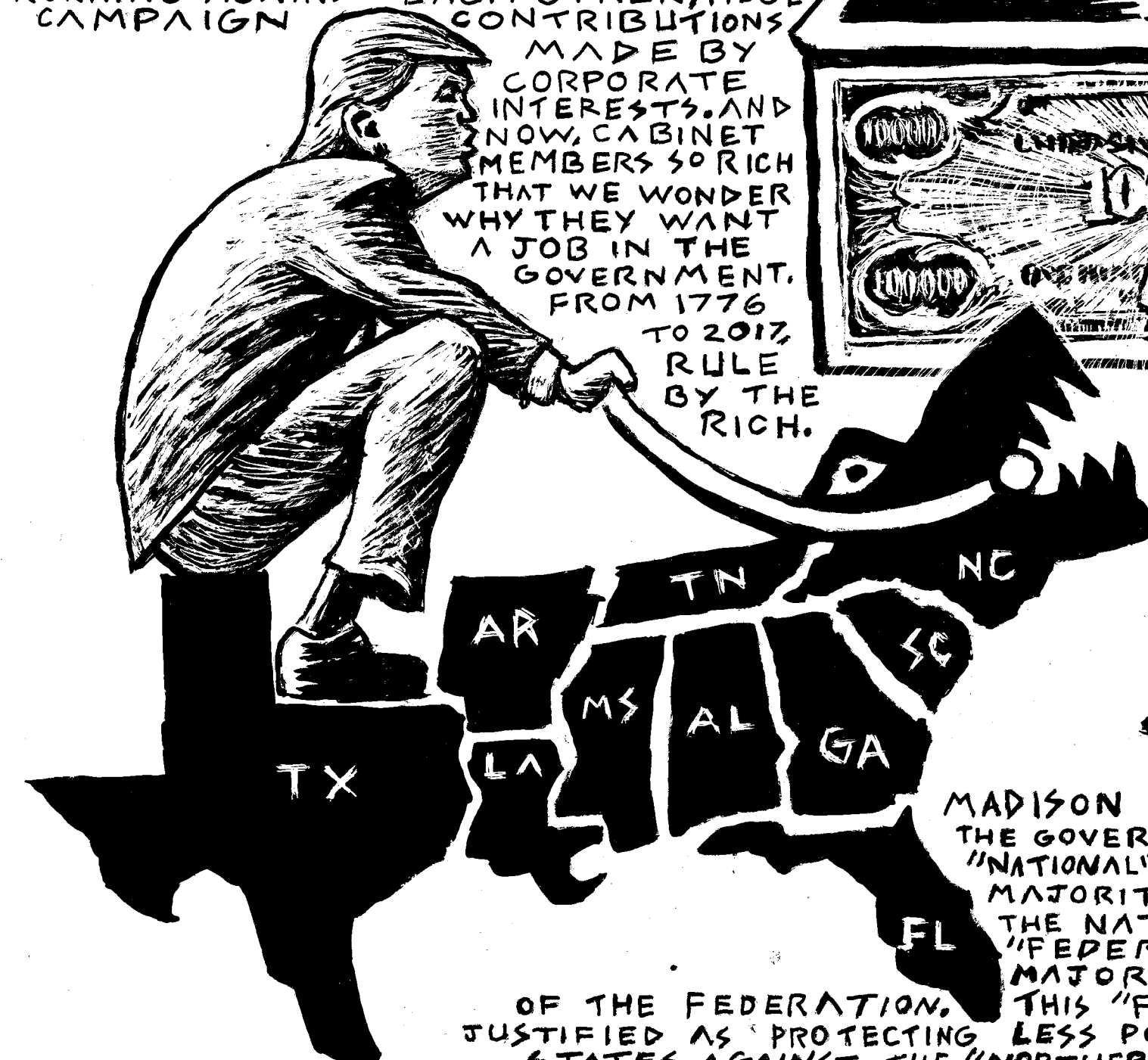


HAMILTON SOUNDS DEFENSIVE WHEN IT COMES TO CLASS.

THE CHARGE AGAINST CONGRESS IS THAT IT WILL BE TAKEN FROM THAT CLASS OF PEOPLE WITH LEAST SYMPATHY FOR THE MASSES. THIS CHARGE IS EXTRAORDINARY.

WELL...HOW DID IT WORK OUT? IN THE LAST ELECTION WE HAD TWO MILLIONAIRES RUNNING AGAINST EACH OTHER, HUGE CONTRIBUTIONS

MADE BY CORPORATE INTERESTS. AND NOW, CABINET MEMBERS SO RICH THAT WE WONDER WHY THEY WANT A JOB IN THE GOVERNMENT. FROM 1776 TO 2017, RULE BY THE RICH.



PROTECTED SLAVE HOLDING STATES AGAINST THE "NORTHERN HIVE". BUT IT ALSO SAME DIVISION IN THE LAST ELECTION. A RIGHTWING MINORITY, LIVING IN THE FORMER SLAVE STATES, CAN DOMINATE A LESS CONSERVATIVE MAJORITY.

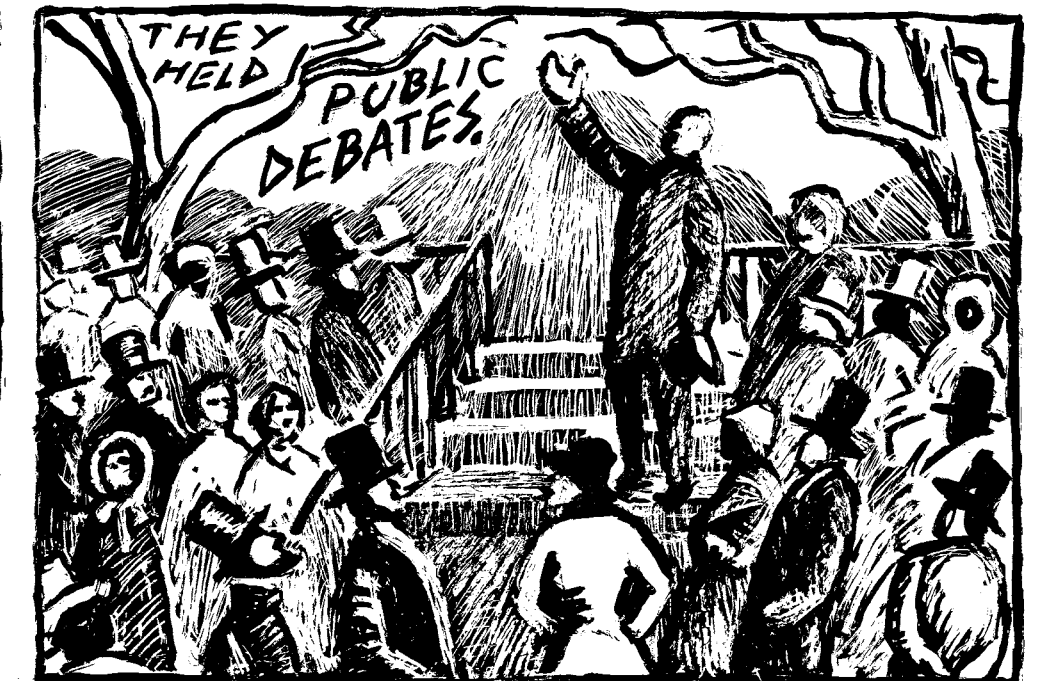
MADISON SAID THE GOVERNMENT WOULD BE PART "NATIONAL", CHOSEN BY THE MAJORITY OF THE PEOPLE OF THE NATION, AND PARTLY "FEDERAL", CHOSEN BY THE MAJORITY OF THE STATES

OF THE FEDERATION. THIS "FEDERALISM" WAS JUSTIFIED AS PROTECTING LESS POPULOUS RURAL STATES AGAINST THE "NORTHERN HIVE". BUT IT ALSO SAME DIVISION IN THE LAST ELECTION. A RIGHTWING MINORITY, LIVING IN THE FORMER SLAVE STATES, CAN DOMINATE A LESS CONSERVATIVE MAJORITY.

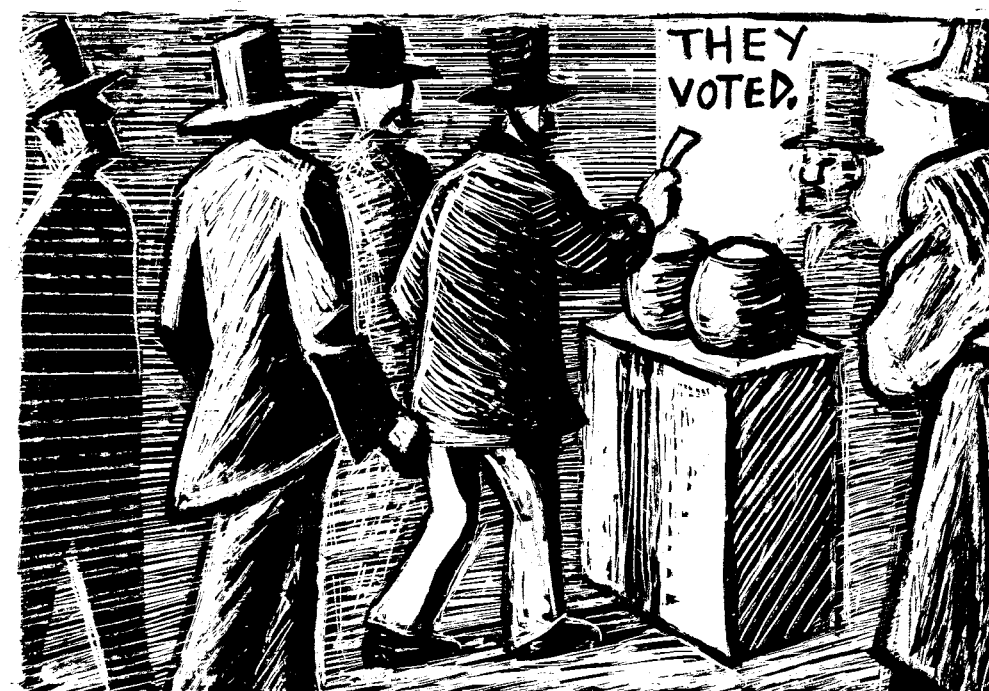
BUT HISTORY SHOWS THAT THE SYSTEM CAN BE CHANGED. SLAVERY WAS ENDED. WOMEN GOT THE VOTE. ABORTION WAS LEGALIZED, SQUATTERS BECAME HOME OWNERS....ETC. IT'S NOT EXACTLY HEAVEN ON EARTH...BUT TO SAY THAT SUCH REFORMS DON'T MATTER IS TO DISRESPECT ALL THE PEOPLE WHO BENEFIT BY THEM. SO...OK...HOW DO PEOPLE MAKE CHANGES IN A SYSTEM THAT IS RIGGED AGAINST THEM? A GOOD EXAMPLE IS THE MOVEMENT TO ABOLISH SLAVERY. TO ACCOMPLISH THIS GOAL, ABOLITIONISTS USED A DIVERSITY OF TACTICS.



THEY PRINTED THEIR OWN BOOKS AND NEWS PAPERS.



THEY HELD PUBLIC DEBATES.



THEY VOTED.



ELECTING CANDIDATES.



THEY ENGAGED IN CIVIL DISOBEDIENCE. THROUGH THE "UNDERGROUND RAILROAD" THEY HELPED SLAVES ESCAPE TO FREEDOM.

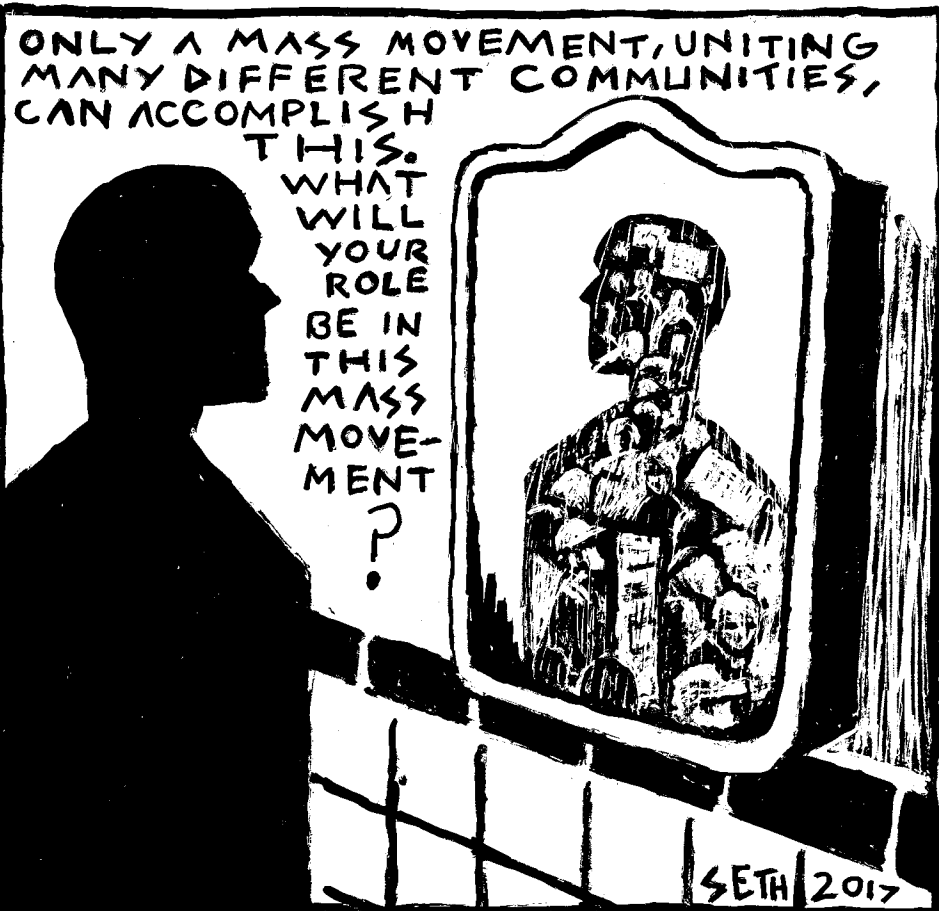
THEY BROKE THE LAW AND RISKED ARREST.



ABOLITIONISTS  
ENGAGED  
IN VIOLENT  
RESISTANCE.



JOHN BROWN,  
NAT TURNER AND OTHERS LED  
ARMED UPRISINGS AGAINST  
THE INSTITUTION OF SLAVERY.



# DOWN BY LAW

## Lies, Damned Lies, and Propaganda: Fighting the NYPD for Freedom of Information

By David Thompson

fAs a civil rights attorney, I have been increasingly outraged by the government's use of perjury to accomplish its aim of protecting government interests from 'interference' by the public which the government claims to serve. Government representatives, particularly members of the New York Police Department [NYPD], do this with astonishing frequency. Perjury is the skeleton key that unlocks police from the few remaining restraints that the Fourth Amendment places on their ability to search, seize, and kill as they see fit. Did that suspect really "reach for his waistband"? It doesn't matter, if an officer is willing to solemnly swear that he did. (Video sometimes comes to the rescue, but not nearly often enough). As a tool of modern policing, perjury is as basic as the badge and the gun.

Not all lies are perjury, which is a legal term restricted to factual statements made under oath. The government again including the NYPD as prime example, deceives the public by false official (unsworn) statements all the time. Lying to the public is one of the essential tools of running a government, it seems.

New York's Freedom of Information Law [called "FOIL"] was passed in the late 1970's when the antics of public servants like president Richard Nixon and FBI head J. Edgar Hoover, who until January 20th remained the gold standard for betrayal of the public trust, outraged the public so much that the people compelled passage of this law. The idea of FOIL is that it gives the people the ability to find out the truth for themselves, by obtaining the government's own records of what it is actually doing.

Naturally, the government, again the NYPD is a leading example, hates FOIL. When Mayor DeBlasio was Public Advocate, his office did a study which found that the NYPD simply ignored more than 30% of all public requests to see records under FOIL. For the remaining 60 some percent that the NYPD deigns to respond to, lying is an efficient way to avoid the hassle and embarrassment of allowing the public to know what the NYPD is doing.

You see, our representatives in Albany larded the FOIL law with a bunch of exceptions, carving out various categories of 'sensitive' information or documents that do not have to be disclosed. Some of these exceptions make perfect sense: you don't want your creepy neighbor to be able to obtain your social security number with a FOIL request, for example. Some, less so. To justify withholding requested documents, the NYPD will frequently lie about the nature of those documents, to fit them into one of these exempt categories. The NYPD will also lie and say the documents simply don't exist.

In practice, this means the NYPD will receive a bunch of FOIL requests, throw about 30% of them onto a bonfire, respond to a few which they don't find threatening, and for the rest send out letters saying that request is denied because the documents are exempt or they don't exist. There is a mandatory appeal process within the NYPD, where NYPD employees determine whether other NYPD employees responded properly to the request. The result of the appeal is usually pretty much what you would expect.

What happens if your FOIL request went into the bonfire or was denied? Well, you have four months after the appeal to file a petition in State Supreme Court asking the Court to reverse the agency's determination. By doing so, you start a lawsuit every bit as complicated as any lawsuit over a contract or a car accident. It takes between one and two years to get to the point where the court will make a decision. If you do not have a lawyer, you are

95% guaranteed not to be able to do this successfully. The NYPD knows that almost nobody will hire a lawyer and pay them for two years to get a FOIL request answered truthfully. This is why the NYPD's "bonfire and bullshit" method of responding to FOIL requests works so well. In most cases, the NYPD is accountable to no one when it denies a FOIL request.

The courts, in general, have not helped. As one example, the courts invented a rule which says that when an agency like the NYPD swears under oath that no documents exist, it does not need to provide any supporting detail for the oath (such as, where would such documents normally be kept, and did the agency look in that location?) At the point such an oath is made, unless the requestor has evidence that the documents exist, the court will automatically rule in the agency's favor. In other words, to get information you need evidence which would normally be locked away within the same agency that is denying the FOIL request. For an agency like the NYPD, which is adept and shameless at perjury, this rule provides an obvious opportunity which you can be assured they have not overlooked. A simple oath, and the case is done.

Sometimes, though, if you are lucky enough to have (or be) an attorney, you can successfully fight your way through the NYPD's bonfire and bullshit obstacle course, and get information from them that they don't want to give you.

I recently won a judgment against the NYPD, in which we successfully obtained information about the NYPD's undercover and concealed surveillance of utterly peaceful Black Lives Matter protestors. All of the usual forms of NYPD lying described above were on display in that case. The court in this case listened very carefully to the evidence and reached a decision in our favor in spite of all those lies.

What impressed me most about this particular case, however, was not the NYPD's factual lying. It was the NYPD's arrogant willingness to make false propagandistic arguments of the sort that would have made Nixon or nazi Germany propaganda minister Joseph Goebbels proud. The NYPD argued to the court, essentially, that if the NYPD was forced to provide any information about its surveillance of Black Lives Matter, ISIS and Al Qaeda would win and all of us in New York City would die. (The NYPD's argument was well written, so it wasn't quite that blunt, but that was the conclusion the NYPD's submission suggested). The NYPD used the propaganda device of proximity: Black Lives Matter and ISIS have nothing to do with one another, but when the propagandist writes about the two things side by side, he knows that the reader's mind will instinctively make a connection between them. As almost everything happening in public life today shows: propaganda works. So, in an affidavit submitted to the court, the NYPD mashed together tales about ISIS, al Qaeda, murderous drug dealers, and Black Lives Matter.

I felt it was vitally important, in this case, to ensure that the court recognized the propaganda as propaganda. Propaganda works, unless you shine a very bright and harsh light on it to illuminate the truth it is trying to hide.

The truth which the NYPD wanted to hide was that their surveillance of Black Lives Matter was political activity by the NYPD. There was no crime taking place, and yet the police were everywhere, using techniques normally reserved for busting drug cartels. And the target, Black Lives Matter, only happens to be the most potent critic of the NYPD in politics today. Was the NYPD doing this surveillance because Black Lives Matter is like Al

## DECLARATION 17- DECLARING INDEPENDENCE FROM THE POLICIES AND PRACTICES OF PRESIDENT TRUMP

By Norman Siegel

The election of Donald Trump as the 45th President of the United States has raised numerous constitutional and policy questions which have caused great concern to many New Yorkers and to people all across this country.

I, and others, felt the necessity to speak out publicly and take action to oppose, challenge and when necessary and appropriate, resist certain of the policies and practices of President Trump and his administration. So, we drafted Declaration 17 to provide a forum for individuals to declare their independence from those policies and practices. More than 900 signers from 40 different states and the District of Columbia have signed Declaration 17. (Visit [www.declaration17.com](http://www.declaration17.com) to read it).

One goal of the drafters is to heighten public understanding of the U.S. Constitution and the 1776 Declaration of Independence and to show how the provisions of law and universal values set forth in the documents differ from those of President Trump and his administration.

We believe that certain parts of our founding documents can provide a road map to oppose and challenge certain policies and practices of President Trump and his administration that undermine our democracy.

Following President Trump's inauguration he issued Executive Orders that Federal Court Judges, have halted by entering preliminary injunctions in circumstances when one Executive Order temporarily suspended entry to the United States keeping persons from various Muslim nations (now on appeal) and another Executive Order targeting sanctuary jurisdictions that fail to comply with federal laws from receiving federal funds. (The recent updates section of Declaration 17 spells out these matters in greater detail)

A second goal of the drafters is to encourage people to speak out and not be silent during the Trump era. It's our country. Free speech, free press, freedom of religious, due process, equal protection under the law, inclusion, diversity and opportunity for all - not some - are all principles and values we strongly believe in. These principles offer us hope, and they remind us that we, the people, have prevailed in upholding American values before, and we will again.

[SHADOW attorney Norman Siegel is a civil rights lawyer]



Qaeda (like the NYPD's propaganda said), or because Black Lives Matter is persuasive and the NYPD is politically threatened by them? The answer is rather obvious in this light.

Individual officers have the same right as anyone to enter the political sphere, but we cannot allow the NYPD itself to take political actions against its critics. The NYPD's guns, spyware, and powers of secrecy have no place in the political world. We cannot allow the NYPD to use lies and propaganda to disguise its own political activity as if it were a legitimate use of the authority they ultimately get from us.

In this particular case, neither the NYPD's custom of lies nor its propaganda

worked. I credit and thank the judge, who took the time to get to the heart of what the case was about. It took two years, and no FOIL request should ever take two years. This case didn't fix any of the systematic problems that I discussed. It's just a victory, only one victory. But by putting victories together, eventually you can win a war.

[David Thompson is a civil rights attorney and partner in the law firm Stecklow & Thompson. His practice focuses on representing victims of police misconduct. Much of his work has been done on behalf of progressive protestors, including members of Black Lives Matter and Occupy Wall Street.]



# Legal Marijuana Facing Its First Big Fight

By Paul DeRienzo

Marijuana, called cannabis by some, and pot, weed or grass by most, is in danger yet again in the United States. Newly-confirmed Attorney General Beauregard Jefferson Sessions III is crusading against cannabis, using his bully pulpit to oppose popular will expressed by voters in more than half of the states which have made medical marijuana available or completely legalized for use by adults. "States can pass whatever laws they choose," Sessions told a crowd of attorneys general at the National Association of Attorneys General Winter Meeting, "But I'm not sure we're going to be a better, healthier nation if we have marijuana being sold at every corner grocery store."

The Trump administration is preparing for a crackdown on recreational cannabis, according to multiple press reports. White House Press Secretary Sean Spicer says that states with legalized marijuana will see "greater enforcement" of federal laws surrounding the plant: a move that would contradict Trump's 2016 campaign promise to honor state marijuana laws.

The administration has been connecting cannabis use with the spike in opioid deaths that have swept the nation since the 2008 Great Recession sparked massive job losses throughout the heartland. Opioids are drugs like heroin and oxycontin, which originate from the opium poppy and are effective at relieving pain, maybe a little too effective for those susceptible to the drug's powerful addictive properties

While it may seem that cannabis and heroin have little in common, they do share one major feature: both are considered Schedule 1 drugs under the federal Controlled Substances Act. That means that feds say there is no acceptable medical use for cannabis and that it cannot be sold at pharmacies and, despite state legalization efforts, the formidable federal police apparatus could crackdown on marijuana growers and dispensaries that have been operating legally throughout the country. The Obama administration decided to let states decide, but under the states' rights administration of Trump, those days maybe coming to an end.

A Professor at the University of Denver, Sam Kamin teaches courses on marijuana law and takes issue with Spicer's comments, saying that "While marijuana has long been derided as a gateway drug, growing evidence shows that marijuana can serve as a substitute for or adjunct to the use of opiates to control chronic pain. In short, the opiate crisis might be a reason to expand access to marijuana rather than to contract it."

Cannabis is not particularly addictive and there are no reports in recorded history of anyone ever dying from pot. Despite the drug's obvious safety, it has been illegal since at least the 1930s. The drug was associated with foreigners and films like "Reefer Madness" propagandized that pot was a deadly threat to young people. In the 1970s, another president at odds with millions, hateful and suspicious towards his political enemies and looking for a cheap shot, embraced pot laws as a way of punishing his opponents. Audio tapes released during the Watergate hearings reveal President Richard Nixon and his cronies discussing using drug laws as leverage against anti war protesters.

Activist Paul Stanford is founder of

the Hemp and Cannabis Foundation, which helps sick people get access to medical cannabis. He says that the Trump anti cannabis agenda has sent a "cold shiver down my spine." Adding that: "I could face the possibility of a penalty of life in prison without parole if I were convicted of growing marijuana under federal law, although I have a state permit." But Stanford also emphasizes a paragraph in the controlled substances act, which buoys some cannabis activists. The law, titled 21 USC 903, says that federal drug law cannot cause "the exclusion of any State law" that differs from federal drug law. According to Stanford, this provision means that state drug laws can "trump" federal law. The same law also states that there has to be a "positive conflict" between state and federal law for the feds to win jurisdiction, but some legal experts argue that means a state requiring the use of an illegal drug, not just allowing it.

Stanford notes that Trump "took both sides of every issue," and said several times that states should decide the issue. But, he says, he fears Sessions, who once advocated the death penalty for second offense marijuana sellers, something Sessions said he no longer believes. As U.S. Attorney in Alabama in the 1980s, Sessions said he thought the KKK "were OK until I found out they smoked pot." Although Sessions later retracted the statement as a "joke," it's been noted that that case involved an African American man who was brutally assaulted by whites.

Erik Altieri, executive Director of the National Organization for the Reform of Marijuana Laws, says that Sessions is a threat and he could begin blocking ballot initiatives, conduct raids on legal businesses and dismantle the legal cannabis industry that has already been established in Colorado, Washington, Oregon and Alaska.

Stanford says that he believes the real reason that the government wants to stop cannabis is not because it's a drug and not primarily because of Jeff Sessions, but because secretary of state Rex Tillerson was the former CEO of oil giant Exxon. Stanford says that cannabis oil, which comes from the plant's seeds, can be used to replace diesel fuel and could democratize and make less toxic the oil business by replacing petrochemicals. He also says that the by-product of cannabis oil production is a protein and fiber rich meal that can be used as a healthy food. Stanford also says that more people are switching their drug of choice from alcohol to cannabis and that there has been a reduction of domestic violence as a result.

With seven of eight states legalizing cannabis for adults in the November 2016 presidential election and polls showing overwhelming support for legalization, the Trump administration may find itself in an even bigger fight than his attempts to block Muslims, build a wall against Mexican immigrants and deport illegals by the millions.



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ANDREW WENDEL

## The Left/Right Challenge to the Failed "War on Drugs"

By Ralph Nader

More and more conservatives and liberals, from the halls of Congress to people in communities across the country, are agreeing that the so called "war on drugs" needs serious rethinking.

First, we should define our terms. The "war on drugs" that was started by Richard Nixon in 1971 and persists to this day, refers to illegal "street drugs" - cocaine, heroin, marijuana and variations thereof. It is not used to mean a war on legal pharmaceuticals, whose excessive and often inappropriate prescribing takes over 100,000 lives a year in our country. Ironically, prescription opioids alone took 35,000 lives last year - about equal to traffic fatalities.

The argument to criminalize "street drugs", and severely punish their sellers and users, is largely based on the assumption that a "tough on crime" approach will reduce addiction and abuse of these dangerous substances. Criminalizing drug use consistently fails to address the health problems of addiction, and drives the drug trade underground where crime, violence and death flourish.

Our country learned this hard lesson firsthand when it prohibited the production and sale of alcoholic beverages in 1920 through the 18th Amendment to the Constitution. That led to an undercover organized crime and illegal alcohol stills making "moonshine", whose victims could hardly go for medical treatment. Considered a failure, the amendment was repealed in 1933 with the 21st Amendment.

This national experiment with prohibition verified the wise observation of the famous dean of the Harvard Law School, Roscoe Pound, who said that there were certain human behaviors that are beyond "the effective limits of legal action." In short, the law couldn't stop the addicting alcohol business; it could only drive it underground.

Legalizing the sale and possession of alcohol allowed people suffering from alcoholism to come out of the shadows and find support through thousands of successful chapters of Alcoholics Anonymous and other treatment options. Alcoholism is still a problem in our country, but it is out in the open where a rational society can address it.

Nicotine from tobacco products is one of the most addictive drugs that people can ingest. Lawmakers since the days of the Virginia tobacco growers in the 17th century have not prohibited the smoking of tobacco. For generations, smoking cigarettes and cigars was not considered harmful; it was said to help concentrate your mind on your tasks. The mass media perpetuated such false statements through ads that claimed doctors preferred Lucky Strikes because they were "less irritating."

Then the historic and widely reported US Surgeon General's Report of 1964 concluded that cigarette smoking is a cause of lung cancer and laryngeal cancer in men, a probable cause of lung cancer in women and the most important cause of chronic bronchitis. Over time, accumulating scientific knowledge connecting smoking to lung cancer and a host of other diseases began changing habits.

In 1964 about 44% of American adults smoked regularly; now it is down to 17%. Now smokers cannot indulge on airplanes, buses, trains or in schools, waiting rooms and most office buildings. Had we driven tobacco use underground, organized crime would have claimed the tobacco market and smokers and low level dealers would have been jailed. If alcohol prohibition taught us the limitations of drug criminalization, efforts to reduce tobacco use have shown what is possible when dangerous products are taxed and regulated and consumers are educated.

So, what about "street drugs"? The drug trade is tearing Mexico apart. Just in the past few years, over 50,000 people have been slain by the fights between drug cartels and against police, judges, reporters and innocents who just happen to be in the way of the machine guns. Fear, anxiety, outright terror and political corruption grips large regions of our southern neighbor as the cartel's violently work to meet the black market demand in the US and elsewhere.

Drug dealers in the US fight each other, producing violent crimes and terrorized neighborhoods.

To suppress this drug trade the US is spending tens of billions of taxpayer dollars a year. Drug cases are clogging our

Continued On Page 19

# PATRIOTIC NARCOTICS

- or -

## How The Humble Junkie Fights For Our National Security

By Mister Cat

Any homicide detective will tell you: follow the money.

To understand the current opiate crisis in the United States, it is useful to follow the military. More specifically, to follow the intelligence community.

3 smack from the CIA's warlord friends in northern Afghanistan and Pakistan. The complex picture includes a new player in this old conspiracy: Big Pharma. This is the twenty first century, after all, so why be happy with old school dope?



ONE OF THE CURRENT FLOOD OF TRANSIT ADS PROMOTING NALOXONE. IS IT REALLY POSSIBLE SO MANY PHOTOGENIC PEOPLE JUST HAPPENED TO HAVE A NARCAN INJECTOR AROUND WHEN THEIR JUNKIE SIGNIFICANT OTHER OVERDOSED?

Our country's pathetic "War on Drugs," now the longest declared "war" in U.S. history, began in the 1960s with the nation in the throes of an opiate epidemic, fueled by tons of number 4 Burmese heroin. Sixties and Seventies smack was provided at least in part courtesy of the Central Intelligence Agency [CIA], who used all those grubby, wrinkled five dollar bills to pay for their under funded (and highly illegal) activities.

In the 1980s, the focus of the "War on Drugs" shifted to cocaine, flown through a porous air defense network by the CIA and its minions like Oliver North to fund U.S. backed right wing militant groups in opposition to the socialist Sandinista government in Nicaragua known as the "Contras." So tremendously profitable was this supply demand dynamic that it generated the so called "cartels" the DEA [Drug Enforcement Agency] purports to battle to this very day.

Allegations of CIA drug trafficking have led to investigations, hearings and reports by the U.S. House of Representatives, Senate, Department of Justice, and laughably the CIA's own Office of the Inspector General.

So it is that the operatives of our clandestine service have the perfect budget evading device: an American populace so eager for pain relief that it turns to the patriotic narcotics the CIA uses for petty cash. This also feeds the "War on Drugs," a domestic crisis that generates draconian legislation, bloated law enforcement ranks and record level spending on prisons.

The current drug crisis includes a familiar face: heroin. This time, it's not the pure, number 4 stuff from the golden triangle, but rather sub standard number

Feeding the demand side of the ancient equation of misery is a new element of supply: synthetic opiates: OxyContin, Hydrocodone, Fentanyl, etc. As if natural opiates weren't dangerous enough, pharmaceutical companies all of them developed even more powerful synthetics on which to make Americans dependent. If a captive audience of inner city junkies worked for the CIA, how much better would it be to create a market consisting of good "decent" citizens who get their kicks with a prescription attached?

After all, grubby \$5 bills might be okay for funding sub rosa black ops, but they don't look good on the general ledger of a multi national pharmaceutical manufacturing company.

So, with the complicity of American doctors and "the best health care system in the world," Big Pharma set about addicting middle America. Not limited to the inner city, prescription drug abuse has blanketed the country: city, suburb, rural community, nobody has been immune. Blue state, red state, it makes no difference. No matter who you are, your money is good.

But what about US? What about America? What about Americans? What is this "War on Drugs" doing for us as a nation? And what is it doing to us?

In most cases, today's addicts began with a prescription for pain killers after an operation or an accident. Lulled into believing that as long as the doctor says it's okay everything was on the up and up, many addicts never knew the implications of filling that first Oxy script.

There's evidence that even their doctors didn't know. Even now, Michael Botticelli, head of the White House Office of National Drug Control Policy, says: "there is little to no education within medical education curriculums around addiction and safe prescribing."

So, through ignorance on the part of the medical profession, greed on the part of the pharmaceutical industry, and

no shortage of malice on the part of the nation's intelligence community, we find ourselves back where we started this "War on Drugs": facing a national "heroin" crisis.

Have we learned nothing? Are we, in fact, worse off than when president Richard Nixon (remember him?) declared this "War"? If America is to arise from this cesspool in which we find ourselves, this cocktail of ignorance, greed and malice will not do the trick.

There is a sharp disconnect between federal and state reaction to the current crisis. The DEA, like any bureaucracy, is set in its ways; it knows only how to prosecute the victims of the drug trade. That would be us, anyone, really. The nation's drug super agency has a notable lack of success prosecuting the "big" players in the illegal drug trade. No surprise there when you realize that their cohorts in Langley have been not just shielding those players, but cultivating them to their own ends. Who did they prosecute in the 1960s for smack? Frank Lucas and Nicky Barnes, two black men. Who did they send up the river for coke? Joaquin "El Chapo" Guzman and Manuel Noriega, two Hispanics.

Rather, it is the states, counties and municipalities that seem to see things more clearly. As of this writing, attorneys general of at least four states (Mississippi, Missouri, Ohio, and Oklahoma) have taken legal action against pharmaceutical companies. Missouri Attorney General Josh Hawley filed a lawsuit on June 21 against three drug manufacturing companies: Purdue Pharma (manufacturer of OxyContin and therefore the biggest offender in this conspiratorial cocktail), Endo Health Solutions and Janssen Pharmaceuticals, stating: "Our state faces an urgent public health crisis brought on by fraud. These companies have profited from the suffering of Missourians, [and] today, we begin to fight to put an end to this crisis as we fight for the thousands of lives endangered and lost to the opioid epidemic."

Closer to home, Nassau County plans to join seven other New York counties that have already brought suit against a variety of pharmaceutical manufacturers, seeking to recoup the cost to their communities for, among other things, police overtime, Naloxone training, and the cost of treatment for victims of this evil conspiracy. Hopefully, this trend points the way toward the take down of Big Pharma the only way possible: by removing the leveraged profit equation from the economics of addiction.

If combined with an avalanche of individual "wrongful addiction" lawsuits brought by victims, "states rights" might actually begin to have true meaning again

just 152 years after the end of the Civil War. That war that only killed 620,000 Americans and only lasted four years.

Invariably, the justification for all the current hysteria regarding the "heroin" crisis are statistics. The data these statistics are based on at best questionable and at worst deliberately misleading.

Off-quoted is the CDC figure of nearly 60,000 overdose deaths last year. This is especially problematic. First of all, that total all drug-related "poisonings." If, for example, someone swallows too many Vicodin, the death will be cited as an "opiate" overdose, despite the fact that it is more likely the fatal ingredient was the acetaminophen, which can cause fatal liver failure at startlingly low dosages.

Examine the CDC figures for 2014. According to their final report for that year, there were a total of 47,055 "overdose" deaths. Fatalities attributable to "Pharmaceutical Opiate Analgesics" were 18,893. Heroin specifically accounted for a mere 10,574 deaths. To put this in perspective, the same CDC report cites over 480,000 deaths caused directly by tobacco. So, if it were true as the likes of our own senior Senator Chuck Schumer asserts that his concern is to "save lives," it would seem a more efficacious use of his energy to combat tobacco mortality.

The motives of the DEA are far more damnable. From 2015 to 2016, physicians in the US wrote 22% fewer prescriptions for opiate painkillers. Despite this huge single-year reduction, the nation's premiere drug warriors issued draconian new mandates that threaten to drive most legitimate patients to replace their now denied prescriptions with illegal drugs. Once that happens, they become grist for the DEA's mill.

By duping the press, the public and our legislators into buying the phony "heroin" crisis line, they generate more low-level busts (the only ones they seem to be able to close the deal on) while simultaneously giving legislators something to do without breaking a sweat, having an original thought, or facing any possibility of genuine opposition. Who would fight against laws directed at such a small, marginalized and hated demographic?

For the DEA, this is perfect: they manufacture criminals by turning patients into junkies, which leads to higher crime stats, which justifies a bigger budget. Win, win, win. If you're the DEA, of course.

The rest of us are just fucked. In the next SHADOW: So you're addicted to pain killers and the DEA says you can't have them anymore? No problem, the CIA is still in the heroin business.

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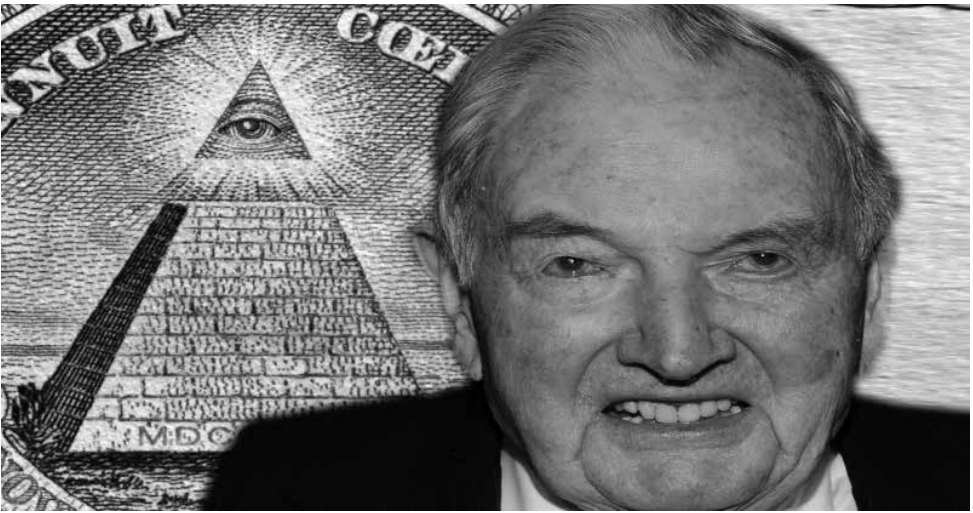
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# DAVID ROCKEFELLER: 1915-2016



No one person encapsulates the enduring legacy of the “robber barons” of the Industrial Age quite like David Rockefeller. Rockefeller, who died March 20 at the age of 101, was the last surviving grandson of John D. Rockefeller, the oil tycoon who became America’s first billionaire and the patriarch of what would become one of the most powerful and wealthiest families in American history. David Rockefeller, an undeniable product of American nobility, lived his entire life in the echelons of U.S. society, becoming symbolic of the elite who often direct public policy to a much greater extent than many realize, albeit often from the shadows.

Rockefeller made it clear that he preferred to operate out of public view despite his great influence in American – and international – politics. Due to his birthright, Rockefeller served as an advisor to every president since Eisenhower, but when offered powerful positions such as Federal Reserve chairman and Secretary of the Treasury - he declined, preferring “a private role.”

As evidenced by the numerous obituaries bemoaning the loss of the last of the Rockefeller’s grandsons, he was largely successful in hiding his most significant wrongdoings from public view, as evidenced by his characterization as a generous philanthropist and influential banker.

But as is often the case, Rockefeller’s true legacy is much more mired in controversy than major publications seem willing to admit. In addition to having the ear of every U.S. president for the better part of the last 70 or so years, Rockefeller – once again operating “behind the scenes” – was instrumental in shaping the more cringe worthy aspects of U.S. policy during that time, as well as being a major force in establishing banking policies that led to debt crises in the developing world.

Rockefeller – as the head of Chase Manhattan Bank from 1969 to 1981 – worked with government and multinational corporations throughout the world to create a “global order” unequivocally dominated by the 1 percent, of which his family was a part. As the New York Times noted back in the 1970s, Rockefeller became embroiled in controversy when his constant trips overseas caused the bank to become less profitable, as he prioritized the bank’s influence on foreign politics over its actual business dealings.

During his time as Chase CEO, Rockefeller helped lay the foundation for repressive, racist and fascist regimes around the

world, as well as architecture for global inequality. In addition, Rockefeller helped to bring the debt crisis of the 1980s into existence, in part by direct action through Chase Bank and also indirectly through his former employee turned Federal Reserve chairman Paul Volcker. Two years before the debt crisis erupted, Rockefeller, Volcker and other top bankers met at the International Monetary Conference in 1980s to argue for the establishment of a “safety net” for major banks - like Chase - that were embroiled in bad loans given largely to countries in the developing world.

After the crisis brought financial ruin to Latin America and other developing areas throughout the world, Rockefeller – along with other bankers – created austerity programs to “solve” the debt crisis during subsequent IMC meetings, provoking inequality that still persists to this day. However, thanks to the “safety net” conveniently established years prior, Chase avoided the economic consequences for its criminal actions.

Rockefeller supported the bloody and ruthless dictatorships of the Shah of Iran and Augusto Pinochet of Chile while also supporting Israeli apartheid. Rockefeller then went on to found the influential Trilateral Commission while also serving as a major force on the Council on Foreign Relations that he, along with his close friend Henry Kissinger, would come to dominate.

Both of these organizations have come under fire for using their powerful influence to bring about a “one world government” ruled by a powerful, ultra wealthy elite – an accusation to which David Rockefeller confirmed as true in his autobiography. Far from the generous philanthropist he is made out to be, David Rockefeller deserves to be remembered for his true legacy – one of elitism, fascism and economic enslavement.

-- Zerahedge.com

• **Recommended reading:**  
**The Rockefeller File**  
(By Gary Allen - '76 Press) 1976  
(Full text of The Rockefeller File:  
>[https://archive.org/stream/TheRockefellerFile/AllenGary1976TheRockefellerFile\\_djvu.txt](https://archive.org/stream/TheRockefellerFile/AllenGary1976TheRockefellerFile_djvu.txt))  
• **Recommended sites:**  
><http://educateyourself.org/cn/genociderockefellernazis2apr03.shtml>  
><http://CorbettReport.com>

**Some even believe we [Rockefeller family] are part of a secret cabal working against the best interests of the United States, characterizing my family and me as ‘internationalists’ and of conspiring with others around the world to build a more integrated global political and economic structure - One World, if you will. If that’s the charge, I stand guilty, and I am proud of it.**

**–David Rockefeller, Memoirs**

# David Rockefeller Linked to JFK Assassination!!

By Chris Flash

After the March 20 death of David Rockefeller, long-time activist attorney William Pepper was asked by The SHADOW for his take on Rockefeller, lionized in the mainstream media as a “philanthropist”, but known to the politically aware as someone very different with a sinister family history that has gone largely unreported.

According to Pepper, it appears that Rockefeller “signed off” on the November 22, 1963 assassination of president John F. Kennedy.

Pepper told The SHADOW that before her death in 2002, he had an opportunity to speak with Madeleine Duncan Brown, mistress of then-vice president Lyndon Johnson. Brown told Pepper that on the night of November 21, 1963, just before the assassination of president Kennedy in Dallas, Texas, she accompanied Johnson to a gathering at the home of millionaire Texan oil magnate and “political operative” Clint Murchison.

Present at the gathering, according to Brown, was Dallas oil tycoon and “conservative republican political activist” H.L. Hunt, FBI head J. Edgar Hoover, and former vice-president under Dwight Eisenhower, failed presidential candidate [losing the 1960 election to Kennedy], failed gubernatorial candidate [losing the 1962 California election to Gerald “Pat” Brown] and future U.S. president [1968-1974] Richard Nixon. According to Brown, Johnson, who did not stay long, had a private meeting with those present, after which he told her: “After tomorrow, those goddamn Kennedys will never embarrass me again. That’s no threat. That’s a promise.”

Though Brown told her story to numerous reporters and assassination researchers over the years following Johnson’s death in 1973, one detail that she told Pepper caught his ear. According to Brown, also present at the Murchison gathering the night before the JFK assassination was John J. McCloy.

Just a few years earlier, McCloy had been chairman of the Rockefeller-owned and controlled Chase Manhattan Bank and a trustee of the Rockefeller Foundation. By 1963, McCloy was chairman of the Rockefeller-controlled Ford Foundation and the Rockefeller-funded and controlled Council on Foreign Relations, a foreign policy “think tank” that includes politicians, secretaries of state, CIA directors, bankers, lawyers, professors, and media figures in

its secret membership.

Previously, McCloy was president of the Rockefeller-controlled World Bank and was U.S. High Commissioner for Germany after World War Two. Pepper told The SHADOW that McCloy “provided critical support for nazis before and after the war.” This included doing work for German chemical combine IG Farben, which operated death camps that killed Jews and political prisoners and other “undesirables” during the war -- IG Farben and the Rockefellers were business partners before and during WW2. McCloy was also deeply involved in the 1942 decision to forcibly remove Japanese Americans from their homes on the west coast to internment camps.

After the war, McCloy approved pardons and commutations of sentences of nazi war criminals and granted the restitution of their properties. By then, McCloy was a partner in the Rockefeller associated law firm of Milbank, Tweed, Hadley & McCloy, for which he represented the “Seven Sisters”, the leading multinational oil companies owned and/or controlled by the Rockefellers: Anglo Iranian Oil Company (now BP), Gulf Oil (later part of Chevron), Royal Dutch Shell, Standard Oil Company of California (SoCal, now Chevron), Standard Oil Company of New Jersey (Esso, later Exxon), Standard Oil Company of New York (Socony, later Mobil, now part of ExxonMobil) and Texaco (later merged into Chevron).

Pepper, who told The SHADOW that he was – and still is – a friend of Rockefeller’s daughter, Abby, feels strongly that “McCloy would not have been there [at the Murchison gathering] without David Rockefeller’s consent.” Pepper told The SHADOW that “McCloy represented Chase Bank for the oil men. I believe that David Rockefeller had to have signed off on the JFK assassination.”

Incredibly, McCloy served on the Warren Commission, set up by president Johnson in 1964 to stave off independent investigations initiated by Congress and the Senate to find the truth behind the JFK assassination.

Pepper told The SHADOW that before Rockefeller died, “I tried to ask him about this, but was unable to do so”, as Rockefeller was inaccessible during his final years in failing health.

**“We are grateful to The Washington Post, The New York Times, Time Magazine, and other great publications whose directors have attended our meetings and respected their promises of discretion for almost forty years. It would have been impossible for us to develop our plan for the world if we had been subject to the lights of publicity during those years. But, the world is now more sophisticated and prepared to march towards a world government. The supranational sovereignty of an intellectual elite and world bankers is surely preferable to the national auto determination [democracy] practiced in past centuries.”**

**–David Rockefeller, June 5, 1991, Bilderberger meeting, Baden Baden, Germany**



**REPORT  
SUSPICIOUS  
ACTIVITY**



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# SHADOW ART REVIEW

## “Wrong Side of History”

Review by Chris Molnar



“100% HORSESHIT” BY ANDREW CASTRUCCI

There’s something almost – almost – comforting in taking the long view, of Donald Trump as just the latest in a long line of stupid, petty, temporary tyrants. “Wrong Side of History,” on display at Bullet Space at 292 East Third Street, through July, takes a deep historical dive through the history of American resistance. Though organized as “a timely response to the age of Trump,” it’s the older material that focuses the viewer on the fact that the age of Trump dawned long ago – only losing its veneer of respectability on November 9, 2016.

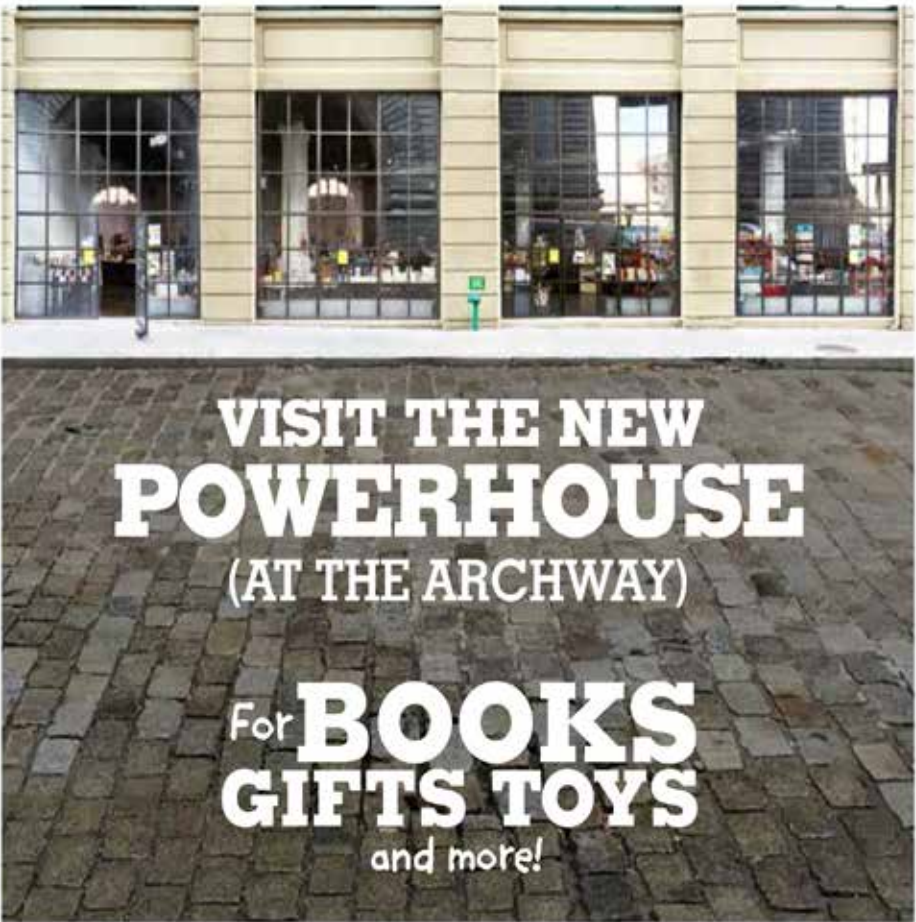
In 1985, curator Andrew Castrucci put on “The I Love You Nancy Show” at A&P Gallery, the storefront space he ran with his brother Paul on East Fourth Street. Playing off the similarities between the Reagan era and our own, just as vile but somehow dumber time, artists from the original show, like Tom McGlynn and Sue Coe (along with others of the era, like Raymond Pettibon and Lee Quinones) join a younger generation. Prints from the Dirty Graphics Collective, based out of the School of Visual Arts, set the tone for the exhibit.

Taking inspiration from McGlynn’s Alt Trump (2016), which acts as a logo for both the show and for Trump’s brand of crypto Nazi idocy, students use the iconography of corporate design to make anti authoritarian slogans. The idea of Americans (and others around the world – as with a stark Soviet era Leonid Sokov sculpture of a political prisoner with slogans

tattooed) appropriating the language of the oppressor is a strong thread throughout the show. Robert Upham’s ledger art connects the Native American tradition, dating from when government and military supplied paper replaced buffalo hides, to last year’s uprising at Standing Rock. The contrast between the archaic, personal form of the ledger and the to the moment context of Upham’s activism give his pieces a dramatic frisson and historical depth. Martha Rosler’s First Lady (Pat Nixon,

1972), alters the background of a photograph of Nixon to show Vietnamese war crimes – anticipating Kerry James Marshall’s similar Heirlooms and Accessories by thirty years, and showing how evil has stayed the same even as the parodic polyester decorum of the mid 20th century has fallen away.

Bringing it all together are two giant Trump based assemblages by Castrucci. The first, a massive head made of horse dung, stands like an Easter Island moai amongst faux gold sculptures by Richard Hambleton and Thomas Lanigan Schmidt. The second, The Cathedral (1986-2017), is room sized, centering on an oil painting of Trump dating to directly after “The I Love You Nancy Show,” showing him young and sinister, shadowy and inhuman, not yet the fat, visibly decaying picture of Dorian Gray he is today. Surrounding the viewer are jugs of urine suspended from the ceiling with fishing line (a nice resonance with Yoan Capote’s nearby Palangre (Ultramar, 2016), an ocean blue plank half stuck with fishing hooks), giving the room an unearthly feeling of barely contained filth and corroded beauty. They feel both of the minute and out of time, neither subtle nor didactic. It’s the sort of political art you could see in a thousand years and still understand, the inevitable recurrence of the cheap despot, and the eternal obligation of the artist to savage them.



**28 Adams Street, DUMBO, Brooklyn**  
(at the Manhattan Bridge Archway)

# WAR ON DRUGS

Continued From Page 16

court dockets and crowding out important cases involving corporate crimes and negligence. Low level drug offenders continue to receive mandatory minimum sentences; filling our prisons and leading to the expansion of the private prison industry whose lobbyists prefer a status quo that commodifies the ruined lives who sustain their profitable inventory.

For decades, conservatives like William F. Buckley and progressives like the then Mayor of Baltimore, Kurt Schmoke, have called for decriminalization, or legalization and regulation, of illegal drugs. We don’t jail alcoholics for being alcoholics, or incarcerate people for smoking highly addictive cigarettes. Their addictions are treated openly as afflictions to be treated individually and more broadly through sound public policies.

Despite the many calls for reform, the arch reactionary Attorney General, Jeff Sessions, has recently ordered 5,000 federal assistant US attorneys to charge defendants peddling street drugs, many of whom are addicts themselves, with the most serious crimes and impose the toughest penalties possible.

Not so fast, say a growing group

of liberal and conservative members of Congress. From Senator Rand Paul (R KY) to liberal Patrick Leahy (D VT), lawmakers on both sides of the aisle are joining together to sponsor a bill to end mandatory minimum sentences. Senator Paul said such sentences “disproportionately affect minorities and low income communities” and will worsen the existing “injustice” in the criminal justice system, while Senator Leahy declared that as “an outgrowth of the failed war on drugs, mandatory sentencing strips criminal public safety resources away from law enforcement strategies that actually make our communities safer.”

The bipartisan bill, S.1127, is already supported by 37 Senators and 79 members of the House. Both the NAACP and the Koch brothers support this legislation!

We need more open debates about the impact of the “war on drugs.” As Justice Louis Brandeis said years ago – “sunlight is the best disinfectant.”

To learn more about the need for drug policy reform, and the history of the failed war on drugs, visit <http://www.drugpolicy.org/>

**[Ralph Nader is a consumer advocate, lawyer and author of Only the Super Rich Can Save Us!]**



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LES LAND GRAB  
Continued From Page 1

Antonio Pagan's LESCHD. Although "affordable" units were sold in 1999 to 2000 at \$150,000 for a one bedroom (below market but still expensive for the area in those days), the price per square foot at Del Este Village V hit \$1,160 in 2014. A two bedroom apartment there has recently been sold for over a million dollars.

On the Lower East Side, BFC's portfolio includes the recently-constructed 12 story Jupiter "luxury" apartment project on Second Avenue, between First and Second Streets. The Jupiter was the first building in the city's Inclusionary Zoning program to include as participants BFC and a former squat in the UHAB program located at 9 Second Avenue. Inclusionary Zoning allows developers to exceed the height or scope of what existing zoning allows for at a particular site. Credits that are created by renovation or construction of new "affordable" housing can be used by those developers at any nearby location or sold or traded to other developers.

In 2014, BFC and L&M Development Partners acquired half the ownership of Campos Plaza, a low-income public housing complex between 12th and 14th Streets and Avenues B and C. BFC's biggest lower Manhattan plum now is the massive Essex Crossing project south of Delancey Street, built on the city owned site of the Seward Park Urban Renewal Area, which had been slated for development of low income housing for decades before being turned over to BFC for development into luxury housing and a complex of high end shopping malls that will utterly change the character of the Lower East Side south of Houston Street [See SHADOW #59 for full coverage of Essex Crossing -Ed]. Capoccia has also made inroads into Brooklyn, concentrating on hip neighborhoods, such as South Williamsburg.

544 EAST 13TH STREET:  
CAPOCCIA GETS HIS FOOT  
IN THE DOOR

Giuliani's raid on the 13th Street squats did not completely clear that street of squatted buildings. 544 East 13th Street became one of the 11 buildings that signed contracts with UHAB whereby building renovations would be done within two years. Fifteen years later, those renovations were still not completed. The case of 544 East 13th illustrates the top down management style of UHAB and how little democratic power the residents of buildings in a UHAB program really have.

Since UHAB receives 5% of all construction costs as a fee, paid out of each building's renovation funds, it has a negative incentive to keep costs down or to carry out repairs in a timely fashion. Though UHAB is still the owner, UHAB has released all "beneficial and equitable interests" to BFC Partners, which will become the de facto sub landlord.

According to a former building resident, Capoccia's relationship with the Dawson family, members of which occupy seven spaces of the six story tenement, has helped him to gain a foothold there. Isabel Dawson (a long time supporter of Antonio Pagan), along with her husband Greg, were voted into one unit in 1986, while the building was still a squat governed by open meetings of the residents. The resident told The SHADOW that, in subsequent years, additional units were taken by members of Dawson's clan, some of whom were actually living in Texas. In one case, a resident found that his space had been split in two by a wall that had been built while he was working at his night job. The extra apartment created was claimed by Isabel Dawson's daughter Rosario, who was soon to become a prominent actress. Rosario Dawson spent half her childhood at 544 East 13th Street-she claims to have been "discovered" while sitting on steps in front of the building as a movie was being filmed on the street.

Capoccia is a governing trustee of the American Foundation for AIDS Research [AmFAR], which hosted a black tie gala at swank restaurant Cipriani's on February 11, 2015, at which he served as event chair. The honoree at the event was Rosario Dawson. The New York Post reported on May 14, 2017 that four Dawson family members, plus a family friend, are each slated to become owners of apartments in the now 14 unit building at 544 East 13th. Although there are income limits on buyers and limits on the amount for which the apartments can be resold, there is a concern among building residents that Capoccia's relationship with the Dawsons and the fact that the Dawsons will form a power bloc in the co-op that UHAB is setting up there puts Capoccia in a favorable position to take over the building and make millions more by turning it into luxury housing, or at least to exercise inordinate influence over who returns to the building after the renovations are done.

377 EAST 10TH STREET:  
UHAB CANNOT (OR WILL NOT)  
GET THE JOB DONE-  
CAPOCCIA PROFITS

377 East 10th Street is another case of a challenged former squat in the UHAB

program, where renovations have dragged on for more than a decade, "rescued" by Donald Capoccia in exchange for 12 more credits under the Inclusionary Zoning scheme. The situation at 377 East 10th is similar to that at 544 East 13th, minus the celebrity factor: UHAB once again exercised its rights as landlord to withhold information from building residents that was essential to their ability to make informed decisions. Construction costs spiraled out of control, reaching \$500,000 for a single apartment in some cases. One building resident, part of the 1980s squatter scene, told The SHADOW that the residents themselves could have brought the whole building up to code for about \$500,000.

As with 544 East 13th, after a fire at 377 East 10th, an insurance payout was collected by UHAB, but the money was never applied to repairing damage from the fire. On top of this, HPD had deferred real estate taxes for about 10 years, but the Bloomberg administration, in an effort to appear solvent as it transitioned out of office, started foreclosure proceedings against a number of UHAB buildings that were in tax arrears.

MORE PROFIT  
FOR CAPOCCIA AND COMPANY

In October, 2015, gut renovation and construction work began at 544 East 13th Street and at 377 East 10th Street by BFC subsidiary "B&N Contractors", which was contracted by UHAB. By taking on the project of rehabilitating low income housing at these buildings, Capoccia earned "off site" credits under the "Inclusionary Zoning" program, which were applied to a new building on East Houston Street and another at Avenue A and East 11th Street, the former site of the Mary Help of Christians Church, now called "Steiner East Village" being marketed as: "One to four bedroom condominiums and penthouses enhanced by over 16,000 square feet of amenities including a 24 hour lobby concierge, 50' long pool, spa, gym, library, playground, parking, and lush courtyard and rooftop gardens, all ensconced in New York's most eclectic, intriguing, and authentic neighborhood." Apartments there run from \$1.6 to over \$5 million.

It is difficult to estimate how many millions Capoccia will profit from Inclusionary Zoning credits, low-income housing tax credits, grants and from work done by "B&N Contractors".

TWILIGHT OF THE SQUATS:  
MONEY CHANGES EVERYTHING

As required by HPD, Capoccia has provided for the relocation of residents during the renovations of 377 East 10th

Street and 544 East 13th Street. Residents were either relocated to rentals in Stuyvesant Town, Brooklyn and elsewhere, paid for by BFC subsidiary "B and N Housing", or were given \$3,000 per month each. Some veteran squatters interviewed by The SHADOW consider this a civilized arrangement. They are confident that, by end of summer of 2017, they will be moving back into up to code buildings and become owners of new co-op apartments.

Originally, squatters who entered into the UHAB program simply wanted a \$500,000 loan from HPD in order to help complete their sweat equity mission and bring their buildings up to code. Capoccia is likely to spend \$500,000 per apartment, which is more than enough to construct a new building from the ground up.

While some long time squatters at 544 East 13th are taking a dark view of Capoccia's involvement in their building, fearing that he will ultimately determine who will return and have a stake when renovations are complete, there is more confidence among those waiting for their renovated spaces at 377 East 10th, who have indicated a softer attitude toward the real estate magnate.

However, residents of both squats are ranked by a perceived denial of equity rights by UHAB, HPD and BFC. At 377 East 10th and 544 East 13th, UHAB took out HPD loans with restrictions on residents, such as disallowing subletting for more than 3 months out of the year. Residents are also limited in their resale rights to about \$6,000 per unit, and are only allowed to sell after being in the co-op for 3 years. Other former squats in the UHAB program allow residents to sell their units for up to \$150,000. These property ownership concerns are in contrast to the collectivist ideals of the squatting movement in the 1980s and 1990s, but former squatters argue that they have invested money and are as entitled to their equity as anyone else.

From libertarian "market urbanist" types, we hear that increasing the housing supply will drive down costs for everyone. From liberal "smart growth" advocates, we hear that including small numbers of quasi affordable apartments in large scale developments is the best path towards integration and equity. Both sides, however, are telling residents: shut up. We've got this.

This is "plansplaining," or the way planners talk down to residents as if they simply don't understand the facts, when in reality those "facts" constitute their very lives. It's the way some planners use their professional expertise as a cudgel against other forms of knowledge when those other perspectives go against prevailing orthodoxy, the politics of the day, or, most importantly, real estate profits.

Plansplainers love to cite personal experience when it confirms their biases, but shut it out when it doesn't. To demonstrate that gentrification is independent of zoning, Hornick cites a recent anecdote from the New York Times. In a real estate feature titled "Finding Washington Heights"—which was illustrated with a White woman holding a coffee amidst immigrants peeling fruit and playing dominoes—a new neighborhood resident describes his journey:

PLANNERS EXPLAIN THINGS TO ME

By Samuel Stein

On May 2, 2017, online magazine City Limits published an opinion piece by long term New York City planner Sandy Hornick about Mayor de Blasio's housing plan titled "Misconceptions Drive Opposition to de Blasio's Housing Plan." The essay argued that protesters at recent zoning hearings fundamentally misunderstand not only the Mayor's plan, but the very idea of planning itself. Rezoning doesn't cause gentrification, Hornick argued, and the best way to bring down rents is to allow developers to keep building more.

This, of course, flies in the face of everything the plan's opponents know about their neighborhoods and their city. There's a reason working class New Yorkers get nervous when planners show up and promise big benefits from new development. For years, planners have been telling residents that stoking the market will somehow benefit them too—that allowing developers to build big, expensive, private buildings will translate into lower rents and higher quality of life. It never happens, and instead leads to gentrification and displacement. That's why communities all over this city—the South Bronx, Chinatown, Long Island City, East New York, Staten Island's North Shore and beyond—are up in arms about rezonings.

From libertarian "market urbanist" types, we hear that increasing the housing supply will drive down costs for everyone. From liberal "smart growth" advocates, we hear that including small numbers of quasi affordable apartments in large scale developments is the best path towards integration and equity. Both sides, however, are telling residents: shut up. We've got this.

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My house in Westchester County had become too large for me, and the taxes were high. One of my sons had settled in Brooklyn and another was contemplating a move back East from Colorado; moving into New York City made sense for me. I had rented an apartment on the upper end of Central Park West, but was priced out of that neighborhood when I wanted to buy. I rented in Harlem, but prices there were climbing fast, too. I wanted enough space to put up guests, to say nothing of books, my piano and a home office.

In the plansplainers playbook, the life

experience of a Westchester empty nester Columbusing his way to the Heights is considered solid evidence for the proposition that rational consumer choice is the driving factor behind gentrification. When their opponents cite their own standpoint or experience, they are pilloried as parochial and overly personal. Hornick starts his essay with a quote from Bronx activists at a rezoning hearing: "Whose Bronx? Our Bronx!" This simple statement is used to portray the plan's opponents as passionate but stupid, and maybe a little scary.

Plansplainers talk over the people they are planning for, and ignore the fact that those people are, in many ways, experts in their own neighborhoods' inner workings. These planners behave like the offending men in Rebecca Solnit's classic essay, "Men Explain Things to Me": stubbornly, sometimes angrily and often inaccurately waxing on about the very things the people they are talking to are far more knowledgeable about.

I'm a planner, and it happens to me, too. I can't count the times I've been told that the only way to solve the housing problem is to dramatically increase supply through private development. When I try to counter with my own understanding, which is informed by years of experience as a tenant organizer and planning scholar, these planners interrupt to explain some combination of the laws of supply and demand (which always manage to leave out governments' role in managing both) and the importance of change in the urban experience (which confuses involuntary displacement with freedom to move). They usually close with a personal anecdote about a younger relative who just moved to the city and had no choice but to live in Crown Heights, Harlem or some other gentrifying neighborhood. Nothing I say can stand in the way of their overconfident assertions.

In a recent issue of Poverty & Race, former New York City Housing Preservation and Development commissioner Vicki Been plansplained de Blasio's housing plan to Tom Angotti, himself a veteran of the Department of City Planning and longtime professor and practitioner of community based planning. Angotti, along with me and others, has been arguing that de Blasio's so called "affordable housing" plan is essentially a gentrification scheme, and that we can't build our way out of the affordable housing crisis. For this heresy, Been accused Angotti of engaging in "the housing world's equivalent of climate change denial."

Often plansplaining and mansplaining happen in tandem. In 2014, the leftist urban theorist Neil Brenner gathered a collection of essays for a book called Implosions/Explosions, which argued that the world is experiencing "planetary urbanism." As critics like geographer Cindi Katz have pointed out, however, a) this lengthy compendium includes just one woman; and b) it imposes a single explanation on all urban phenomena. This is a form of plansplaining from the left—or, as Katz called it in a recent lecture, "Splanetary Urbanization."

Jane Jacobs' classic 1961 book The Death and Life of Great American Cities was an attack on both mansplaining and plansplaining: a masculinist regime that was telling city residents their way of life was backward, and had to be destroyed in order to be saved. She was taking on her nemesis, "master builder" Robert Moses, but also the "great men" of planning history: Ebenezer Howard, Daniel Burnham, Le Corbusier and others. Her work was panned by the most famous planning critic of the day, Lewis Mumford, who titled his review in The New Yorker "Mother Jacobs' Home Remedies." History has provided some corrective here—over 50 years later, everyone knows who Jacobs was, but few remember Mumford.

The meaning of Jacobs' work, however, is highly contested, with some powerful people attempting to plansplain her legacy to her contemporary political heirs. Three days after Hornick's op ed was published, the "Friends of the BOX"—a developer led lobbying group pushing the city to build a streetcar along a route that maps closely with their real estate holdings—held a walking tour called "Connecting Brooklyn and Queens." This event was part of the Municipal Arts Society's annual "Jane's Walk," a series of walking tours held around the world in honor of Jane Jacobs. In response, groups like UPROSE, Queens Is Not For Sale and the Queens Anti Gentrification Project protested the event, calling it "Robert Moses' walk." In this case, the plansplainers lost—the protests garnered far more attention than the project, and the walk turned into a depressed "happy hour" instead.

Not all planners are plansplainers, but like men and mansplaining, there is a tendency. As Solnit wrote in her essay on the subject, "Yes, people of both genders pop up at events to hold forth on irrelevant things and conspiracy theories, but the out and out confrontational confidence of the totally ignorant is, in my experience, gendered." There are planners who take their cues from the public and social movements, but they sadly are in the minority.

The response from planners should not be to trap themselves in a cycle of self doubt and self pity, worrying constantly whether they should share their technical expertise or keep their mouths shut. The problem with plansplaining is not that it's impolite, but that it's reactionary. For too long, planners have tapped their social power to shut down popular movements for alternative futures, arguing that they, as planners, know better than everyone else. If planners have knowledge that serves the movements against capitalism, patriarchy, racism and environmental destruction, then they'd better share it—and fast! But they must drop the presumption that they can explain the city to those who know it intimately.

[SHADOW contributor Samuel Stein studies geography at the CUNY Graduate Center and teaches Urban Studies at Hunter College. His book ZONED OUT, on real estate's control over urban planning, will be released by Verso Press in 2018]

PIRATE POLITICS  
Continued From Page 5

just, in this country, break it." Trump then added: "I hate to do this, but... I have to leave." Trump refused to answer any more questions. In 2013, Trump was asked again about Sater under oath during a deposition. Trump said if Sater was, "Sitting in the room right now, I wouldn't know what he looked like." Shortly after the deposition Sater was seen passing out business cards claiming to be a Senior Advisor to Donald Trump. He also has an office close to Trump.

Oberlander said that he believes Trump could be charged with participating in a "racketeering conspiracy," pointing to court transcripts showing that Trump approved a \$250,000,000 stock deal that was deemed fraudulent by the court. The deal revolved around Bayrock and a major partner based in Iceland, called the FL Group. Court papers and testimony indicate that FL Group may have ties to supporters of Putin. FL Group was said to be a conduit of money from Russia and Kazakhstan into the Trump organization.

Around that time an investigation in Kazakhstan implicated Bayrock head Tefvik Arif in a prostitution ring. Turkish police raided a yacht where they found young Russian women who were reported to be victims of a human trafficking ring. According to the police report, Arif was using the prostitutes in a sex party to close deals with several wealthy partners. Police said Arif had been suspected of bringing in Russian girls as young as fifteen years old to meet businessmen at Arif's hotels.

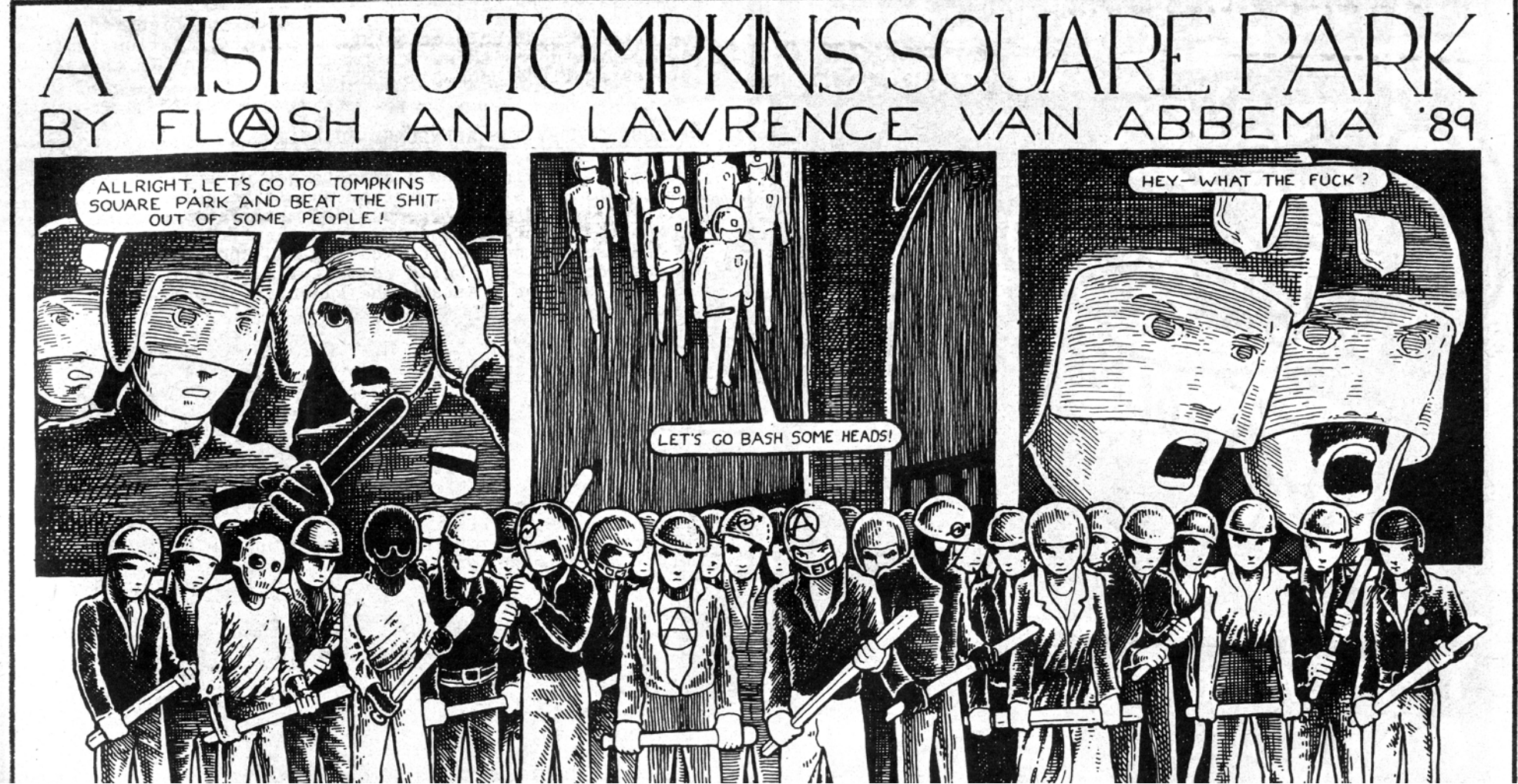
Democratic Senator Sheldon Whitehouse of Rhode Island is involved in the Trump investigation. Asked about the dangers of having a president beholden to Russian oligarchs, Whitehouse says financial manipulation is "part of the Russian toolbox" to manipulate neighboring countries and others by "building a network of people that they can control." He says that the Russia looks for people with "somewhat slippery finances and connections in politics and to recruit them with bribery deals."

In the suit brought by Oberlander against Bayrock, a series of shell companies connected to Bayrock were discovered in the Netherlands. According to Oberlander, the companies "were designed to get millions of dollars from New York into Europe." The law firm of former New York City mayor Rudolph Giuliani structured the shell companies. Giuliani is one of Trump's closest confidants and to an almost entirely white audience last year, he called Trump "Our only hope for change." The shell companies in Amsterdam set up by Giuliani are designed to conceal the real owners of these companies and recipients of the transferred funds. The notorious "mail box" companies of the Netherlands are said to handle 4 trillion in shady Euro transactions every year. These fronts conceal the source and destination of these rivers of wealth. Russian and Kazak companies alone are said to handle 200 billion Euros passing through Netherlands fronts.

According to the Dutch Central Bank, hundreds of Russian and Kazak politicians move funds through the Netherlands trust offices and front companies. One of those politicians is Victor Khrapunov, a former mayor of Almaty, a city of 1.5 million in Kazakhstan. He has investments in Trump Soho and is wanted in his country for embezzling hundreds of millions of dollars from Kazakhstan. Khrapunov allegedly laundered some of that money when, in 2013, he bought three apartments in Trump Soho from Bayrock and Trump. Oberlander alleges that Trump is dealing with "international drug laundering criminals."

The melodrama of a few DNC emails should pale in comparison to the cries of Donald Trump's dubious friends.

28 YEARS AGO IN THE SHADOW (Issue #5, JULY-AUGUST, 1989):



Trump Watch with Paul DeRienzo  
Live broadcast every Thursday, 6:30 PM  
On WBAI, 99.5 FM in New York City.  
Listen on the Internet at WBAI.org



SPY TECH ACT

Continued From Page 9

There's clear internal oversight."

On that same radio broadcast, John Miller, the city's counter-terrorism chief, claimed that the proposed law "would allow criminals to learn way too much, way too easily. It's one stop shopping - one Web site where we would post everything we use and what the limitations on it were and what it was for." According to the Post, Miller claimed that the law "was probably written by activists under the 'nutty' belief that the NYPD is surveying [sic] innocent people."

As if these lies, slanders and pieces of misinformation weren't enough to convince its readers that the Public Oversight of Surveillance Technology Act was dangerous, the Post ran excerpts from John Miller's statements to the New York City Council Committee on Public Safety, which were presented on June 14. Titled

"Opinion: Bill Tells Terrorists How to Hit NYC," these excerpts stated that, "While the NYPD is committed to transparency" - in fact, Miller claimed, "in considering the amount of public reporting conducted by this agency, the number of FOIL requests received and responded to and the fact that our Patrol Guide is available online with minor redactions, the NYPD is the most transparent municipal police department in the world" - "we're also mindful of maintaining the appropriate balance between reasonable transparency and still having the effective tools and technologies needed to protect our city. This proposal would require us to advertise sensitive technologies that criminals and terrorists do not fully understand."

As for the citizens of New York City, their ability to "fully understand" the nature and extent of the surveillance they are under every single day is apparently secondary, if not totally irrelevant.

Iconicide's 8th CD, and the band's 21st release, commemorates 27 Years of "Defying Odds and Creating Enemies" on the Underground of NYC.



Blending Hardcore, Thrash, Punk, Metal, Oi! and more, with dashes of Big Band Jazz, Blues and Dancehall Reggae, into a lethal mix that is Loud, Fast and Ugly, this Double Length (live/studio) album is dedicated to the memory of Shane Keogh, bassist for one of the band's most creative periods. \$6.66 down-load, \$9.99 CD, from <https://www.cdbaby.com/cd/iconicide3>

VOTE RIGGING

Continued From Page 10

Georgia's Sixth Congressional district where the Democratic candidate fell just short of the margin to win a special election. Especially hard hit in the northern Atlanta suburbs were Korean Americans, like Mr. Sung Park, who found he was tagged as voting in two states in 2012 simply because he had a name that is as common in Korea as James Brown.

And Kobach, in fact, tagged 288 men in Georgia named James Brown on his Crosscheck blacklist.

As Crosscheck spreads--and it was just signed into law in New Hampshire in the last days of a lame duck Republican governorship--it will undoubtedly poison the count in the fight for Congress in 2018.

And that's why Trump needs Kobach on his "Presidential Advisory Commission on Election Integrity": To spread Cross-check with an official federal endorsement and, likely, Congressional legislation.

And if Crosscheck isn't enough to scare you, Kobach is also pushing Trump to require voters to prove their citizenship.

At first blush, it seems right to demand people prove they are US citizens to vote. But here's the rub: We are not Red China and don't carry citizenship cards. Resident Aliens holding Green Cards have, indeed are required to have, Social security cards and drivers' licenses, if they drive or work.

The readiest proof of citizenship is a passport. And what is the color of the typical passport holder, their income--and the color of their vote?

The other form of proof, besides naturalization papers, is your original birth certificate.

And there's the rub: the poor, minorities and especially new young voters do not have easy access to a passport or their

birth certificates. Kobach took his citizenship proof requirement out for a test drive in Kansas. The result: 36,000 young voters were barred from voting... that is, until a federal judge, citing the National Voter Registration Act, told Kobach that unless he could produce even one alien among those 36,000, she was ordering him to let them vote.

Kobach's response: a private meeting with Trump at Trump Tower where he proposed changing the Act.

All of this to eliminate a crime which does not occur. Besides Trump's claims of alien voters swimming the Rio Grande to vote for Hillary, I have found only two verified cases of votes cast by aliens in the US in the last decade. (One, an Austrian who confessed to voting for Jeb Bush in Florida.)

Don't laugh. The threat of "alien voters" - long a staple claim by Kobach on his appearances on Fox TV - will be the Kobach Commission's hammer to smash the National Voter Registration Act's protections. Based on the numbers from Kansas, and its overwhelming effect on young - read "Democratic" - voters, this shift alone could swing the election of 2018.

Indeed, Kobach's Crosscheck con together with his "alien" voter attack, could mean the choice of the electorate in 2020 may already be Trumped.

**[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. Palast is also the author of the New York Times bestseller Armed Madhouse and the BBC Newsnight Book of the Year Vultures' Picnic.]**

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## REAL ESTATE DEVELOPER DONALD CAPOCCIA'S LOWER EAST SIDE LANDGRAB! Squatters Make Deal With The Devil

By A. Kronstadt

During the 1970s and 1980s, a wave of landlord abandonment, arson for profit and city tax foreclosures led to a large number of empty buildings being taken by the city and managed by the Department of Housing Preservation and Development [HPD]. Over time, most of these buildings fell into decay and often served as venues for drug dealing and drug use, including 'shooting galleries' and crack houses.

By the late 1980s, numerous abandoned city owned buildings on the Lower East Side had been taken over by squatters who reclaimed them via sweat equity, removing rubble, rebuilding walls, floors and staircases, and restoring plumbing and electrical services. Many squatters were motivated by political opposition to the cycle of abandonment and gentrification that the neighborhood was experiencing under Mayor Ed Koch, who was preparing to sell the city out to real estate developers. Squats also became centers of political organizing - street actions mobilizing not only squatters but also politically conscious tenants and homeless people repelled repeated attempts by the city to evict squatter occupied buildings.

In the 1990s, during the administration of right wing Republican Mayor Rudy

Giuliani, many squats were seized by the city, including five contiguous buildings on East 13th Street. The remaining squats lived under constant threat of forced eviction. There was enormous pressure to find a legal solution that would enable squatters to keep their buildings.

In 2001, in a deal brokered by then city council member Margarita Lopez, eleven buildings occupied by squatters entered into agreements with the Urban Homestead Assistance Board [UHAB], giving them the prospect of owning their apartments as low income co-ops. In 2002, the buildings were transferred from HPD to UHAB, which became the de facto transitional landlord. According to the program into which the buildings entered, UHAB was contracted to complete renovations within 2 years, whereupon individual apartments would then be sold to building residents for \$250 each. This arrangement was similar to co-oping, except that the amount for which residents could re sell their apartments was limited and there were income restrictions for those wanting to buy in, so that the apartments would remain as low income housing.

Many squatters were skeptical of this plan. Lawyers for the squatters had been

fighting city eviction notices based on the legal principle of "adverse possession", a.k.a. squatters rights. Squatter activists argued that legalization would turn their buildings into real estate, ending the political squatter movement which had been a bulwark against gentrification and displacement in the neighborhood. A way of life based on collective ownership and decision making, offered as an alternative to individualistic money grubbing would disappear from the Lower East Side and the squatters would become property owners. Some opponents of the UHAB agreements doubted that bohemian artists, activists, and former homeless people who were living in the squats could meet the financial demands of co-op ownership and that UHAB would effectively foreclose at some point and turn the buildings over to developers.

### UHAB: AN IDEALISTIC MISSION CORRUPTED BY THE REAL ESTATE BOOM

According to UHAB's web site, their mission is based on the following high minded principles: "Self Help, Democratic Residential Control, Shared Equity (or Limited Equity) Co-op Ownership, Cost Effective Sustainability and Continual Learning." UHAB describes itself as "...a not for profit organization that contracts with HPD to provide services and assistance to tenants..."

Earlier in its history, UHAB's mission had been to make urban homesteading a viable solution to the problem of building abandonment in a city where urban shrinkage and depopulation of the inner city were the order of the day. The real estate boom that began in the 1990s, which continues to the present day, has stood the entire situation on its head: properties that no investor would have touched in the 1980s are now the objects of a feeding frenzy in a hyper inflated market.

UHAB is a corporation exempt from government agency transparency requirements. UHAB hires contractors to carry out building renovations - residents have only limited control over who does the work and how and where the work is to be done. UHAB has the authority to take out loans without the consent of building residents, who will then be responsible for servicing the debt. And, UHAB can share as much or as little information as it wishes regarding whom it brings in to do work on its buildings, thus driving the transformation of reclaimed urban spaces into real estate that makes money for the big players.

### DONALD CAPOCCIA: A KINDER, GENTLER DONALD (WHO IS OUT TO DEVOUR OUR CITY)

When Giuliani sent his blue and white NYPD tank rumbling down Avenue B back in 1995 to back up the NYPD eviction of five squats on East 13th Street [535 537 539 541+545 East 13th Street-Ed],

the justification was that squatters were preventing the city from providing poor people in the neighborhood with affordable housing. However, every time a squat was successfully emptied out-sometimes by way of suspicious fires as well as by cops-the property inevitably fell into the hands of a real estate developer.

Poverty pimps-like future city councilman Antonio Pagán, the head of "housing" organization Lower East Side Coalition Housing Development [LESCHD]-fought with squatters for years for site control over squatted buildings, particularly on East Eighth Street, east of Tompkins Square Park, where many squats were concentrated in the 1980s. Pagán teamed up with real estate developers in what were called "cross subsidy" programs, whereby a developer would be given site control over a property and renovate or rebuild it with a stipulation from HPD that the project would include some "affordable" units which would revert after a number of years to "market rate" with the developer as landlord. The "affordable" units were usually too expensive for the genuinely low income people HPD was supposedly committed to serving. Because these developers were supposedly building low income housing, they did not have to pay for anything or service very much debt.

One developer who stepped right up to this honey pot was Donald Capoccia, a personal friend of both then city councilman Antonio Pagán and Mayor Giuliani. Capoccia's first buildings on the Lower East Side, located at 72-76 East 3rd Street, between First and Second Avenues, were acquired from the city for \$1.00 under the City's "Dollar Building Program" in 1982 - they are now expensive condos. Capoccia still occupies a large unit in one of these buildings, with a well hidden swimming pool in his backyard. (Although Capoccia presents himself as a progressive when he is addressing the downtown community, his partner Joseph Ferrara was a major NYC backer of Donald Trump's presidential campaign. Capoccia is also a member of the Log Cabin Republicans, an LGBT caucus within the Republican party.)

Capoccia "developed" a block of squatted buildings evicted on East Eighth Street. Capoccia later got an insider deal on the 13th Street squats, which were integrated into his "Del Este Village" project, a condominium development on six scattered sites, running from East 10th to East 13th Streets, consisting of properties that were all once owned by the city, including iconic community gardens that were bulldozed.

The 13th Street squats were given to Capoccia's company BFC Partners-a real estate developer founded in 1985 by Donald Capoccia, Joseph Ferrara, and Brandon Baron-by HPD in 1997. The sponsor of the "affordable" housing scheme that qualified Capoccia for massive tax and interest breaks was none other than

**Continued On Page 20**

