

# the SHADOW

INFORMATION IS STRENGTH • KNOWLEDGE IS POWER

## COMMUNITY GARDENS DESTROYED FOR YUPPIE CONDOS

Real Estate Developer Donald Capoccia

Fucks Up!!

By Gabby Sloan



JOHN PENLEY

### MENDEZ MURAL GARDEN DESTRUCTION IN PROGRESS

On December 30, at 8:00 am, five community gardens were attacked simultaneously by demolition crews hired by real estate developer and gentrifier Donald Capoccia, backed by an army of cops. Within hours, the gardens were cleared of their trees, plants, paths and other amenities representing years of labor by people improving their neighborhood. Three of the gardens include the Mendez Mural Garden on East 11th Street (between Avenues A + B), the 11BC Garden (between Avenues B + C), and the 10BC Garden (between Avenues B + C).

As reported in SHADOW #42, on May 14, 1997, the garden sites were handed over to the New York City Partnership, a consortium of financial and real estate interests central to the Giuliani administration's privatization plans for city-owned land. The Partnership has given the land over for development to BFC Associates, a construction company owned by Capoccia, who plans to build condominiums in a bogus "affordable housing" scheme. The condominium project, called Del Este Village by Capoccia's group, would consist of 98 duplex condominiums with 30 foot private back yards, priced between \$117,200 and \$159,800, with options such as high-speed Internet access that could drive the price even higher (see SHADOW #42 for a full description of the "Del Este Village" condo scam--Ed).

In addition, the city and state have \$30,000 in subsidies available to the purchasers. This scheme, part of a broad privatization agenda by the city that entails the wholesale sell-off of city-owned land, removes scarce and precious community-controlled public space. All it provides in return is a small amount of luxury housing for the upper

middle class and a mega profit for one of Giuliani's friends and campaign donors.

The Del Este Village condo units would be "managed" by Lower East Side Coalition Housing Development, a housing group controlled by former City Councilman Antonio Pagán. Capoccia and BFC are major financial contributors and supporters of both Pagán and mayor Rudolph Giuliani.

Pagán and Capoccia have had many other real estate dealings on the Lower East Side, including the theft of the 13th Street Squats for phony "low-income" housing from the squatters who had resided there for more than ten years. Capoccia's crew did the demolition and construction while Pagán's LESCHD manages the buildings. Eventually, they will be transferred to Pagán's private ownership.

Beside seeking garden sites on the Lower East Side for building subsidized yuppie condos, Capoccia also has his eyes on gardens in Harlem. Considering his close relationship with Pagán and mayor Giuliani, he may have no trouble getting those sites as well. At one point, Giuliani's mayoral campaign had to return a \$20,000 donation from Capoccia, which was over the legal limit. But, Giuliani was able to accept thousands of dollars in opera tickets given by Capoccia.

During the demolition of the Mendez Garden on December 30, Capoccia was greeted by neighborhood residents who identified him, dressed in green polyester slacks. Capoccia was chased up Avenue A as people shouted at him and nailed him with gobs of spit all over his body. Capoccia ducked into a deli,

See GARDEN PLOT On Page 4

## THE MIDNIGHT DEMOLITION OF 172 STANTON STREET

Combined Reportage By Steve Zehentner and Bill Weinberg

On Saturday, January 24, at approximately 9:00 am, a partial collapse of a section of brickface occurred in the rear of 172 Stanton Street, on the corner of Clinton and Stanton Street on the Lower East Side of Manhattan. 172 Stanton Street, with five stories and ten apartments, was a private building with legal rent-paying tenants. The brickface broke away on the first floor and from one section between two windows on the second floor on this one section of facade only. No other visible shift of the rest of the building's facades occurred, nor did any debris fall from the building in any other location.

Police and fire department officials ordered the tenants to immediately evacuate the building, and told them that after an inspection of the building they would be able to return. Tenants in adjacent buildings at 176 Stanton and 28-30 Clinton were also removed. Soon, the OEM (Office of Emergency Management)—a division of the Mayor's office that coordinates all intra-city emergency operations, was on site. At 11:00, Mayor Rudolph Giuliani arrived and conferred with OEM personnel on the scene.

By 1:30 pm, all the streets leading to the building were closed. An hour later, the demolition contractor, hired by HPD (Department of Housing Preservation & Development) moved in with a boom crane.

As the police, fire department and demolition contractor moved throughout the building all day to shut off the utilities, residents pleaded with the police to be allowed to retrieve their pets, which were eventually killed during the subsequent demolition. Tenants at 178 Stanton Street, two doors away, fearing

that their building would also be evacuated, refused to let the police enter their building. They received a phone call from the building owner who said that the Department of Buildings was going to break the door down so they could inspect the building.

At about 4:00, as evacuated residents waited on the street, Marc Friedlander, a.k.a. Marc Zero, a resident of 172 Stanton, broke through the police perimeter and re-entered his apartment.

Friedlander is an avid collector and award winning video and filmmaker whose work has been presented on MTV, TBS, and on European and Asian TV. He told the SHADOW: "I had a huge library of hundreds of hours of motion picture and video footage of street life in the neighborhood, a documentary of Bellevue's men's shelter, and another one on kids who live in Tompkins Square Park, which was near completion..." Among his possessions were musical instruments, movie and video cameras, computers, rare manuscripts & books and antique clothes. "The city told me all day that we would be allowed to get our stuff out," said Friedlander.

When it became apparent that this was not going to happen, Friedlander decided to risk arrest and retrieve some of his belongings. He managed to get one duffelbag of video cameras and material for his current projects before he was discovered and arrested. Friedlander told the SHADOW: "If I had twenty more minutes, I could have got the whole archive. Then they hit the side of the building with the crane. I yelled out the window for them to stop."

See MIDNIGHT DEMOLITION On Page 7



STEVEN WISHNIA

VACANT LOT WHERE 172 STANTON ONCE STOOD

# EDITORIALS

## NUCLEAR PARANOIA IN THE PERSIAN GULF

By Bill Weinberg

In the media saturation about oral sex in the Oval Office, it has gone almost unnoticed that Bill Clinton is considering use of nuclear weapons against Iraq—to take out Saddam Hussein's underground complexes, or retaliate for an Iraqi chemical or biological attack. Every president since Truman has considered the nuclear option—that's what Nixon's "secret plan" to end the war in Vietnam was. This time it only took two months for last November's Presidential Policy Directive 60, defining circumstances for use of nuclear weapons against Iraq, to appear in the press. But PPD 60 has not become a household name like "Monica Lewinsky."

Following a brief, sparse flicker of PPD 60 coverage in early February, Russian president Boris Yeltsin warned that escalation in the Persian Gulf could lead to World War III. The US press portrayed the statement as irresponsible alarmism. PPD 60 is already down the memory hole.

Threatening nuclear strikes to fight weapons of mass destruction is a concept straight out of George Orwell. True to the principles of doublethink, we remain blind to Operation Desert Storm's 400,000 civilian casualties (in the 1991 Persian Gulf War.) The violence of Desert Storm dwarfed that of Saddam's troops in Kuwait. Saddam's torching of the oilfields and dumping crude into the Gulf were vengeance—and, as a secret Energy Department study leaked to Science News in 1991 revealed, President Bush knew that Saddam would retaliate with that kind of environmental terrorism. Saddam's gassing of the Kurds at Halabja, his most clearly genocidal act, was back in 1988—when he was still a US client. A bill calling for sanctions in the wake of the atrocity never made it out of Congress.

Saddam is not "this generation's Hitler." Like Panama's Manuel Noriega, Saddam is a US-groomed client supposedly gone bad. Does the White House really want him overthrown? Saddam humbled and distracted the Iranian Revolution through eight grueling years of war. Then, when the price of oil and George Bush's political fortunes needed a jolt, he conveniently invaded Kuwait. Now, developments in post-Soviet Central Asia threaten to bring down the price of oil by bringing a new global supplier on line in Kazakhstan. The latest flare-up of the permanent Gulf Crisis will jack up oil prices, allowing the Saudis and Kuwaitis to infuse vulnerable global financial institutions with petrodollars. These infusions will stabilize the turbulent Asian financial markets, propping up the teetering US-supported Suharto dictatorship in Indonesia, where riots are now spreading across the country in response to the economic chaos, and quieting the labor unrest which threatens the regime in South Korea. The oil shock will also effectively sideline environmentalist or other opposition to the Central Asia oil developments, as well as those planned for Alaska's North Slope, and the James Bay hydro-projects in Canada.

Saddam's violations of UN resolutions against his bio-chemical weapons capabilities are real. So is Israel's

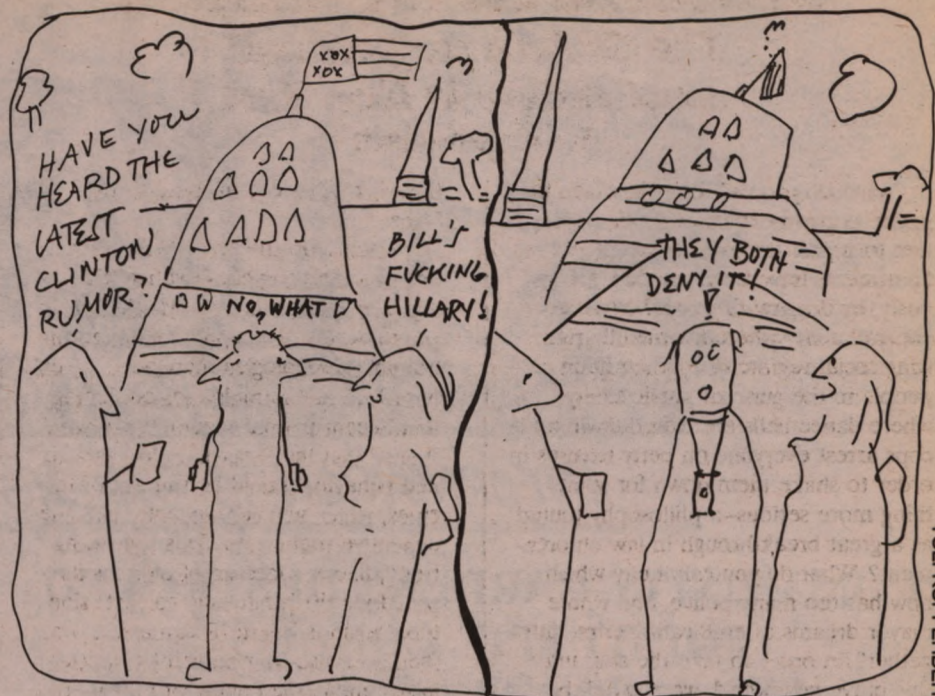
violation of resolutions against the West Bank occupation. We could also mention Indonesia's bloody occupation of East Timor in defiance of the UN. To state the fact that Saddam Hussein is a brutal tyrant requires no courage outside the borders of his tyranny. What takes some guts is to view our own leaders with a ruthless disregard for double standards.

Clinton took the oath of office as US warplanes were bombing Iraq. He has aerial-bombed civilian neighborhoods in Mogadishu, Somalia. He has done nothing to diminish the Pentagon's titanic arsenals or expansion of the federal prison archipelago, while "ending welfare as we know it" (read: dismantling the New Deal) in the name of the victory over fiscal excess. He has overseen an eroding of civil liberties in the name of bogus wars on drugs, terrorism and cyber-smut. From Baghdad to Waco to the death chambers of Arkansas, Clinton is a murderer. Apply your own logic to the Enemy's perspective and you start to see through the propaganda charade.

Einstein warned that our leaders are motivated by the same instincts as Iron Age kings—"and thus we drift toward unparalleled catastrophe." Perhaps we citizens are little developed beyond Iron Age peasants. We are more interested in sex scandals, Seinfeld and the Spice Girls as the world takes a step closer to its end. This time, the war drive has neither our jingoistic approval nor our outraged protest. It has merely our indifference—another spectacular distraction, if less titillating than recent ones.

Where are the voices pointing out that Clinton has crossed a dangerous threshold? This is the normalization of nuclear warfare. What was "unthinkable" in the Cold War—because it assumed a 20-minute war that would leave the Earth in cinders—is now thinkable, a continuation of policy by other means. Today's "tactical" nukes—the kind fitted onto a Cruise missile for use against an Iraqi bunker—deliver the kind of punch that wiped out Hiroshima and Nagasaki. Today's "strategic" nukes—the kind on the ICBMs—are ten times more powerful. Even a battlefield "mini-nuke," dropped from a plane, would release deadly fallout. After use of tactical or battlefield nukes, the next threshold in the acceptable level of global violence is the use of strategic nukes. So, Clinton's nuclear threat brings us a step closer to that Earth in cinders.

If the Cold War was a dualistic balance of terror, now globalized violence, mirroring the Internet and market forces, is also atomized—everywhere and nowhere. There is no monolithic enemy; nuclear capabilities are no longer the exclusive domain of super-power brass and bureaucracy. Break-down of command and control over the Soviet arsenal is well-advanced. And now, with nuclear materials available to the highest-bidding militia or terrorist group, the US has crossed the first line, legitimizing nuclear warfare—thus increasing the likelihood that someone, whether a jihad extremist or an Arkansas boy who made good, will cross the next terrible threshold within our lifetimes.



## "I AM A WOMAN OF ACTION!"

### Margarita López is Sworn In As Lower East Side City Council Member

By A. Kronstadt

On the afternoon of January 3, 1998, a ceremonial swearing-in was held in the Cooper Union Great Hall for newly-elected City Council Member Margarita López. López, a Puerto Rican born social worker and long-time Lower East Side community activist, won the Council seat held since 1992 by real estate developer and poverty pimp Antonio Pagán, who, like López, is an openly gay Puerto Rican. López, however, was elected on a pro-public housing, pro-rent control platform that was diametrically opposed to her predecessor's right-wing voting record in the City Council. Pagán is a proponent of housing privatization and high rents and was one of Mayor Rudolph Giuliani's keenest supporters in the Council.

The swearing-in ceremony was as unlikely an event as Margarita's narrow victory in a Councilmanic district that was gerrymandered in 1991 explicitly to divide and neutralize the Lower East Side's large bloc of progressive voters. Unlike Pagán's two swearing-in ceremonies at this same auditorium, there was no visible police presence at this event.

The crowd of about 300 downtown leftists, in a happy mood for a change, initiated the festivities by singing an off-key rendition of the Star Spangled Banner. A children's choir from St. Augustine's School sang a medley of religious songs. Among the speechmakers was Ernesto Joffrey, a political prisoner under the Pinochet regime in Chile and currently an official of District Council 37, Local 169, the labor organization that provided the López campaign with a headquarters at its union hall. Joffrey summed up the campaign by saying "We can win without big money and big endorsements," pointing out that Margarita recruited 600 volunteers for her campaign and registered over 3000 new voters. (Judy Rapfogel, Margarita's opponent in the Democratic primary and in the general election on the Liberal line, received the endorsement of the *New York Times* as well as that of Assembly Speaker and Democratic party kingmaker Sheldon Silver, who had been Pagán's sponsor. Many of the newly-registered voters were from the Ave-

Continued On Next Page

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# MUSSOLINI ON THE HUDSON

## The Giuliani Regime and NeoFascism in New York

By A. Kronstadt

What do you call a city in which the police department has a special operation to repair the locks of people whose apartments have been invaded, erroneously, by drug-raiding cops? What do you call a city where a virulently right wing social regime is imposed upon people in the guise of public safety, where dance halls are closed down and cops arrest everyone on petty excuses in order to shake them down for something more serious—a philosophy touted as a great breakthrough in law enforcement? What do you call a city which now has too many police, and whose mayor dreams of eradicating crime altogether? In order to take the step into this brave new world, we must all be regimented in all sorts of petty new ways; the policeman will now have the right to stop us on the street because, in his opinion, we have walked across the street in the wrong way. This is not a normal system any more, people, this is not just a return to "traditional values," but a futuristic authoritarian system that is being imposed upon us in New York City. Fascism may be a bad word for it, but it is the equivalent of fascism, in this new time and place.

Mayor Rudolf Giuliani and his supporters among large a swath of the New York City middle class refer to their ideology by the code phrase "quality of life." These fascists do not resemble the fascists of old Europe any more than the 1930s resemble the 1990s, but the basic elements of Giuliani's power over New York are the same as those of historical fascism.

Fascism, like Communism, amounts to a series of social experiments imposed upon the populace by an over-armed government and a howling mob of true believers. Fascists are led by leaders who are psychotic control freaks demanding undivided attention at all times, and who are determined to mold people into their own preconceived image. They are supported by an insecure public who have been frightened into an emergency mentality where "crime" and "disorder" have become so desperate that desperate measures are required.

### Neo Fascists of the Lower East Side

Former City Councilmember Antonio Pagán was a kind of predecessor to Giuliani—a kind of evil John the Baptist who carried forward the message of Rudy the Antichrist. He and his scheming power hungry colleagues imposed a Giuliani-like regime upon us, right here on the Lower East Side—three and a half years before Giuliani took office.

The issue that these Pagándroids crystallized around was given the then-unfamiliar label of "quality of life." When Pagán and his minions brought in legions of cops to close down Tompkins Square Park, sack the homeless encampments, and make everyone subject to arrest on some petty pretext—it was in the name of "quality-of-life"—a political buzz word that didn't exist in anyone's vocabulary even ten years ago. It is still not part of the vocabulary of Joe Average, but has been used, with a secret meaning, by councilmember Pagán and Mayor Giuliani, as well as the busy-body "neighborhood activists" who brought these men into office. Just as "Final" and "Solution" mean something special when pronounced together as a phrase, "quality" "of" and "life" don't have the same meanings here as they do in the normal vernacular of New York City. There is a secret handshake here,

the wink of an eye invisible to the "other."

"Quality of Life" is a slogan that originated among conservative ideologues in places like the Manhattan Institute, where Rudolph Giuliani got his training in ideological newspeak. "Quality of Life" is the middle class ideology that decent people shouldn't live with "bums" and that poor people's culture and behavior should be run out of the cities, which will consequently become expensive real estate. This right wing trend, like the fascism of old, has its pseudo-leftist "politically correct" side too. Pagán is Puerto Rican and gay and there are also sour-pussed lesbian feminists among the quality of life creep "community activists."

Look at what we face in the New York of 1998. A mayor who puts up video cameras to watch us on the streets. A mayor who wants to arrest us for crossing in the middle of the block. These are not a return to "conservative" traditional values but a futuristic, unprecedented attempt to micromanage our behavior—fascist social experiments in the purest sense of the word. Just ask long-time New Yorkers whether they ever remember a time when people got stopped by cops for jaywalking!

The government is even plotting fiendish social experiments against our critters. The City Department of Animal Control is now requiring the implantation of microchips in dogs as a condition for obtaining a dog license. No microchip to identify your confiscated dog at the pound and off he goes to the gas chamber.

The authorities are empowered to disperse unruly crowds using pepper gas—demonstrations disrupt traffic, and to hell with freedom of assembly. Sure, you have a constitutional right to sell books on the street, but the cops will kick your ass for blocking the sidewalk. Sure, you have the right to make a poster, but the cops will run you in if you put it up on the wall. These are all attempts to suppress the indigenous culture of New York, and turn the whole city into generic, expensive real estate.

This is, after all, a major stated goal of the "quality of lifers"—to regenerate the core of the inner city by driving out the bums, including the visible elements of the underground economy, the street people, and proletarian forms of entertainment, like the theaters and peep shows of Times Square. This ideology dovetails, not coincidentally, with the control-junky, Catholic school hall monitor mentality of the city fathers, who are trying to put new meaning into the old saying that you can't fight City Hall.

The only good thing about fascism is that it feels so good when it goes away. It doesn't last forever, because a new generation of people comes along and sweeps it into the trash can of history. Countries that have experienced fascism, like Italy and Spain, often see a great resurgence of enlightenment after living under the iron heel.

For now, refuse to speak the New-speak. Disobey the bastards every chance you get. Jaywalking is no longer just a way of getting across the street; it's a statement. One day, perhaps in just a few years, we in New York will break open the champagne and say "Generalissimo Francisco Franco is still dead!"

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ANGELA BOCAGE

## MARGARITA LOPEZ....

nue D housing projects, where Margarita had organized successfully to derail Rudy Giuliani's proposed "Moving to Work" plan, which would have pushed project tenants out of their apartments after a specified period of time.)

Margarita made the last speech. It was difficult to realize that it was a successful politician speaking. She began by saying "I am a woman of action," and did not limit herself to saying that she was for "inclusion and bringing people together." She described the chain of events that led her to run for office, including the raucous Community Board Three meeting on June 22, 1993 in the very same Cooper Union Great Hall in which police stormed the audience at the request of board chairman Luis Solér, a Pagán appointee. Solér had lost control of the meeting, which was discussing the eviction of the Glass House squat on Avenue D. Solér began pointing at various people, demanding that the cops arrest them—including Community Board members Margarita López and Joyce Ravitz. López, who had been loudly objecting to the violence by cops against the demonstrators, was held in police custody for several hours along with nine squatter supporters who were beaten and carted off to jail. "Sitting in the paddy wagon," López "decided that she would never allow the Constitution to be violated again against any human being."

López also went into the touchy subject of police brutality, stating that she would "fight against police brutality," although she would also "fight for police-

men who uphold and respect the law." This was in sharp contrast to her predecessor Pagán, whose efforts in bringing a curfew to Tompkins Square Park led to the 1988 police riot there, and who has been a major supporter of Rudy Giuliani's "quality-of-life" blitzkrieg.

Finally, Margarita told the packed auditorium, which included many sign-waving supporters of the Lower East Side's endangered community gardens, "I will fight like you have never seen for the gardens of our community."

We at the SHADOW understand the continual pressure on New York City politicians to sell out and play ball with the permanent government of bankers and real estate developers. Margarita López, however, has not minced words in such a way as to make such a betrayal easy for herself. We do not claim any revolutionary E.S.P. that can predict what Council Member López will do.

While Margarita López did play a role in getting Adam Purple's Garden of Eden destroyed by the city in 1985, and she allegedly referred to the destroyed community gardens on the Lower East Side as "private spaces," now that she has been put into a position of power by those who are concerned about the gardens and the imminent eviction of Adam Purple from 184 Forsythe Street, we hope that Margarita will prove to be a woman of her word.

We will continue to watch Margarita's actions with an observant but also sympathetic and encouraging eye, happy, along with the rest of our community, that our neighborhood is now represented in the City Council by a decent human being.

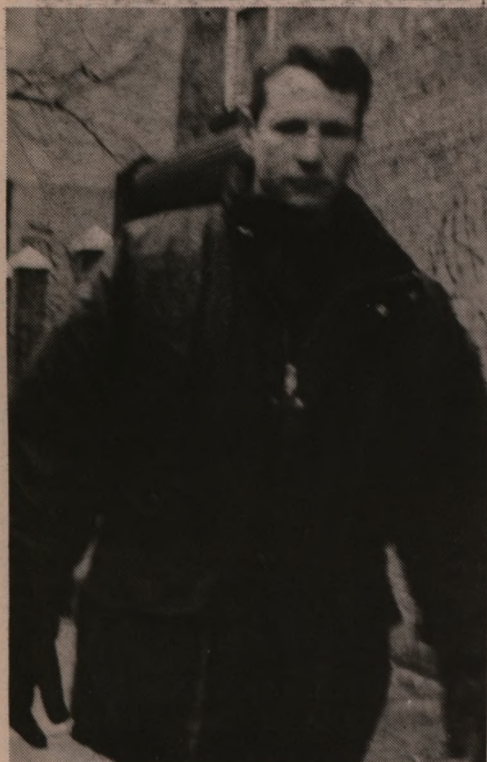
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## GARDEN PLOT....



CAPOCCIA ON THE RUN

where he tried to call for help on his cell phone. He called police, but they wouldn't respond. After a while, one of Capoccia's construction workers arrived. The thug acted tough as he escorted Capoccia to a car in which he made his escape.

### GARDENER ARRESTED FOR RETRIEVING SURVIVING FLOWERS

On February 23, Agi Groff, one of the key gardeners of the Mendez Mural Garden, was arrested and charged with "criminal trespass," based on a complaint filed by Donald Capoccia. Groff was accused of having tried to rescue some tulips, irises and crocuses from the ruins of the Mendez Garden that had survived the December 30 bulldozing and which were beginning to sprout.

A few days later, a Community Affairs officer from the Ninth Precinct called Groff to convey what could be fairly described as a threat from Capoccia. Capoccia, upset about the picketing outside his apartment in response to his decision to have Groff arrested, wanted Groff to sign an agreement that "she won't harass him any more," or he would have her charged with "aggravated harassment."

Groff responded that she had done nothing to harass Capoccia, and that it is not within her power to stop the picketing, which is in any case legally protected First Amendment activity.

### CAPOCCIA CREW IN DEEP SHIT OVER CARELESS EXCAVATION

On March 4, while digging and laying a foundation for part of their Del Este Village condominium project in a lot at the corner of East 11th Street and Avenue B, a construction crew working for Donald Capoccia undermined the foundation of the adjacent building at 182 Avenue B with a large back hoe, causing severe cracks and other structural damage.

At about 11:00 am, tenants were told to leave their building by Capoccia's construction crew, not by police or city officials. Representatives of the mayor's Office of Emergency Management (OEM) arriving on the scene told the tenants that they would have to wait two weeks for a decision from the city before being allowed to return. The whole area was immediately cordoned off and support beams were used to shore up the building, but the damage had already been done. The next day, tenants, escorted by cops one at a time, were able to retrieve some of their belongings.

A SHADOW source close to the landlord and tenants of 182 Avenue B revealed to the SHADOW that Capoccia's construction/destruction crew, while digging a trench to fill with cement for a foundation, only used supports alongside the rear yard of 182. But no supports were used as the foundation trench was dug out by a large back hoe alongside 182 Avenue B's south wall. Apparently, the back hoe hit the building's stone mortar. In addition, the SHADOW has learned that after undermining the structural integrity of the south wall of the building, Capoccia's crew continued digging past the property line into the sidewalk area.

It has also come to light that Capoccia's crew was working without posting a city-issued work permit on the site, as required by law, nor had Capoccia's crew posted work permits at any of the other Del Este Village sites at which they are working. In addition, according to a SHADOW source, Capoccia's crew does not have permits for the equipment they are using at the sites, such as pile drivers.

Despite Capoccia's crew shoring up the south wall of 182 Avenue B after the fact, the SHADOW's man on the scene says "it's no good." The source told the SHADOW that supports have been installed in the basement and first floors of 182 Avenue B, but reports that walls are separating from the floors inside and out, and new cracks are developing. A tenant in the building told the media that before Capoccia's crew damaged her building on March 4, she had noticed plaster falling for several days as Capoccia's back hoe dug away next door.

A building contractor consulted by the SHADOW explained that the building's joists could be reinforced with supports, floor by floor, from the ground floor up, and then the brick wall could be rebuilt, "if anyone was really interested in saving it."

After refusing to return telephone calls by the media, BFC Associates, Capoccia's construction company, has since issued a press release in which they claim that the owner of 182 Avenue B was responsible for the damage, since, according to BFC's interpretation of the city's regulations, they didn't dig lower than 8 feet. Apparently, city inspectors do not agree. A "Stop Work" order posted at the 11th Street and Avenue B work site by the Department of Buildings reads: "Failure to protect adjoining structure during demolition."

As of March 12, the SHADOW has learned that 182 Avenue B landlord Sy Bernardi plans to sue Capoccia and BFC construction for damaging his building and forcing his tenants to evac-



CHRIS FLASH

CAPOCCIA'S BACK HOE RESTS AT SOUTH WALL OF 182 AVENUE B, JUST AFTER CAUSING STRUCTURAL DAMAGE

uate. The tenants are still waiting for word from the city as to whether they will be allowed to return to their apartments. Meanwhile, they have organized and have retained an attorney. They plan to sue Capoccia, BFC, the landlord, and possibly the city as well. At presstime, the city has not yet announced a decision on whether to demolish or have 182 Avenue B repaired.

The SHADOW has learned that before getting his building hit by Capoccia's crew, Bernardi had been trying for years to sell it, without success. Now, according to some observers, it looks as though Capoccia has just bought himself a building—the hard way.

Meanwhile, further east on Eleventh Street, a half block from the scene of Capoccia's latest misdeed, a huge pile driver sits idle in a vacant lot, the remains of the Toy Garden, destroyed by Capoccia's crew on December 30. A woman living next door to the lot with her young children told the SHADOW that the pile driving by Capoccia's crew has caused her building to shake violently. "It's like an earthquake," she said. Her fear is that Capoccia will cause damage to her building, as he did to 182 Avenue B. Another observer of the pile driving wondered aloud if Capoccia isn't purposely trying to undermine and cause the collapse of buildings adjoining the garden lots he acquired so that he could have even more land to build on.

In response to the damage to 182 Avenue B, tenants of buildings next to the two lots on East 11th Street acquired by Capoccia for the Del Este

Village project have organized for their protection against possible future problems caused by Capoccia's crews.

Luckily for area residents, OEM director Jerry Hauer announced that the city is halting any more work by Capoccia and BFC at all construction sites for the Del Este Village yuppie condo project, pending further investigation.

### CAPOCCIA SUES TO SILENCE GARDEN ACTIVISTS

On March 4, as he monitored the situation at 182 Avenue B with his neighbors, garden activist Todd Edelman was served with a summons by an agent for Donald Capoccia. Edelman discovered that the plaintiffs, Donald Capoccia and BFC&R East 11th Street, LLC (Capoccia's construction company's legal entity created specifically for the Del Este Village project), are suing Edelman and three other activists for \$2 million each, alleging "defamation," "tortious interference with contract," "assault and battery," and "harassment." The suit seeks \$1 million in compensatory damages and \$1 million in punitive damages, plus interest. Apparently, Edelman's name was obtained by Capoccia through press releases issued by Edelman concerning the demolition of community gardens by Capoccia and through Edelman's numerous appearances on local television. One of the defendants in Capoccia's suit is described as "John Doe 1-10," apparently to allow Capoccia to add defendants as he desires. As of presstime, Capoccia has failed to serve any other defendants, including "John Doe 1-10."

In the opinion of one of the SHADOW's attorneys and legal advisors, Capoccia has shot himself in the foot. Activist attorney Stanley Cohen, when told of Capoccia's suit against garden activists, told the SHADOW: "Capoccia can read this any way he wants to, but the first best defense that prevails universally is the *truth!* Capoccia, because he has systematically insinuated himself into the housing controversy on the Lower East Side, making political contacts and shaping events, must be considered a public figure and as such, there is a much higher burden of proof on his part." Stanley Cohen's legal advice for Capoccia? "*Grow up!*"

If Capoccia's purpose in filing suit against a few of the many people opposed to his activities on the Lower East Side is to frighten them and others into silence and submission, he has failed. Another SHADOW legal advisor says that with his suit, Capoccia has now opened himself up to further scrutiny. The defendants will be able to file dis-



JIM SIMOPOLOS

MENDEZ GARDEN DESTRUCTION COMPLETED

See GARDEN PLOT On Page 21

# ADAM PURPLE'S LAST STAND

By Chris Flash

Adam Purple, the legendary Lower East Side artist best known for creating *The Garden of Eden*, a world-famous "Eartwork," has been living without gas, electricity or running water for 17 years. Now he is being threatened with eviction from his home of 26 years.

On February 24, 1972, Adam moved to 184 Forsyth Street as a tenant, and later became the building superintendent for landlord Sol Janklowitz of Bermike Realty in Brooklyn. When Janklowitz abandoned the building in November of 1976, Adam and the building's residents took over and kept the furnace running. In February 1981, in an effort to get paid for utilities, Con Edison asked the city who owned the building. According to the Inner City Light newspaper, Con Ed was told the "Purple People" owned it, even though the City of New York had taken the building in an "In-Rem" foreclosure. As the landlord, the city is responsible for providing electricity for hall lights and the furnace, but it has refused. Con Ed then cut off all utilities to 184 Forsyth. Soon, the water pipes froze and burst, and the water had to be cut off. Adam says that the tenants tried to get help from various city agencies, but "we got the run-around." The tenants then moved out one by one, until finally, only Adam was left.

In July 1980, the city began billing Adam \$2,400 per month for rent as "John Peter Zenger II". The bills stopped in August of 1992 when a reporter asked the city why they were charging rent while providing no ser-

vices at 184 Forsyth. By then, the total rent charge had reached \$352,706.

At the time Adam moved to 184 Forsyth, the city was facing bankruptcy. With the economy in a deep recession, insurance companies and banks "red-lined" certain neighborhoods, making it impossible for small landlords to keep their buildings. Some landlords who were insured torched their buildings to cash out, while others simply walked away. At the same time, crime increased as heroin flooded the Lower East Side, further fueling the cycle of arson, abandonment, and "white flight" (the middle class moving from the city to suburbs). Throughout the 1970s, the City of New York amassed a huge portfolio of real estate. Instead of repairing their housing stock, buildings that were unsafe or burned out were either sealed or simply demolished.

Around 1974, Adam, watching kids at play in a rubble-strewn pit where two buildings had stood on Eldridge Street, decided that a garden would better serve his community. By the time he and his neighbors finished creating a garden, the city had taken down more adjacent buildings, and the garden expanded into those lots as well. At its peak, *The Garden of Eden*, with a large double yin-yang center, encompassed five lots, had 45 fruit and nut trees, attracted tourists from all over the world and was featured in *National Geographic* magazine (Sept. 1984).

By 1985, Adam says, the city considered *The Garden of Eden* a threat: "They couldn't just say 'go away,' so



ADAM PURPLE AND THE GARDEN OF EDEN

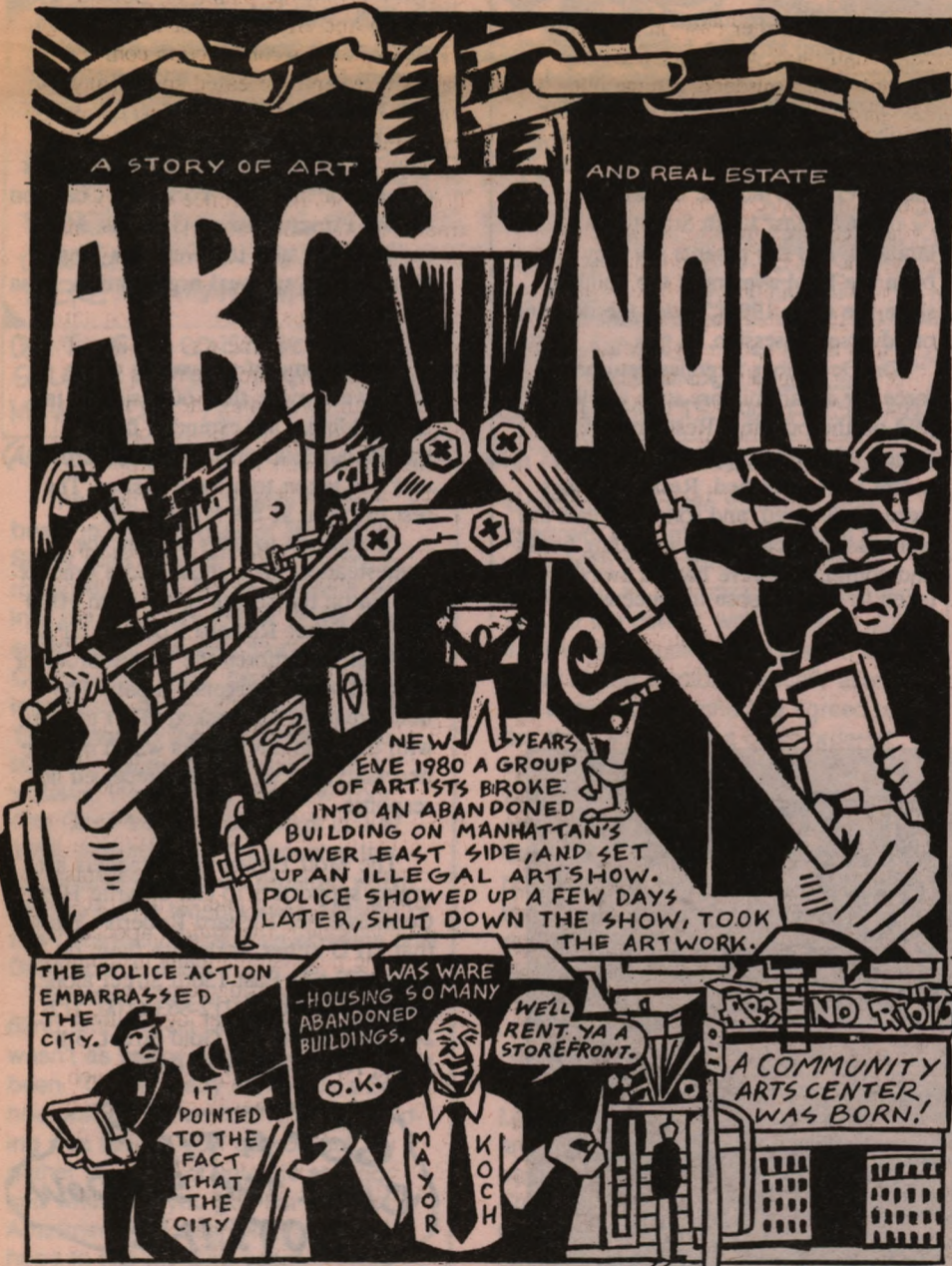
they found a HUD project and got all the local poverty pimps to jump up and down and say 'we need housing, we don't need flowers.' They divide the community, conquer it, and everybody loses." A transcript of testimony in an August 22, 1985 US District Court hearing provided to the SHADOW by Adam reveals false and contradictory testimony by "housing organizers," including Margarita Lopez, now city councilmember representing part of the Lower East Side. At the time, Lopez said: "our people don't go there...that garden never was put together in a way that included our children..." The purpose of this testimony was to support the false claim

that Adam had created a private garden, unavailable to the community. One poverty pimp remarked "Well, it may be art, but his canvas is too big."

On January 8, 1986, *The Garden of Eden* was destroyed to make way for the "Infil" housing project, that Adam says was chosen for the site of the garden "because the garden was there. It was deliberately used by the city to smash something they found offensive."

Adam says "I call the garden a psychic booby trap. Who gets caught in a psychic booby trap, except a psychic booby? They destroyed the garden but they got caught, and now they have to

See ADAM PURPLE On Page 22



ABC No Rio now has a tremendous opportunity. The City of New York has offered to sell us the four-story building we occupy at 156 Rivington Street for one dollar if we can raise the money to renovate and maintain it.

Finally, we can create a secure home for the programs and events that make ABC No Rio special and expand the scale and scope of our activities.

We envision a multi-use community arts center--an open and accessible resource for artists, activists, and youth. Our plans for the site include a photo

darkroom, a silk-screen printing facility, a small press resource center, expanded space for art, music, and performance activity, and office and meeting space for ABC No Rio and other community organizations.

To accomplish this, ABC No Rio must raise over \$130,000. This is far more than we have ever raised before. A fundraising effort to reach our target has begun. We need your help to meet this challenge. Please send donations to ABC No Rio, 156 Rivington Street, New York, NY 10009. Please write or call 212-254-3697 for more information about our plans and proposal.

## TENANTS FIGHT RENT DEPOSIT REQUIREMENT

By Steven Wishnia

In the eight months since New York's ruling troika weakened the state's rent-control laws last year, tenant groups have focused on fighting the new requirement that tenants sued for not paying rent must deposit the rent into court--or lose the right to contest their eviction.

The law, which affects all of the over 300,000 cases filed in the city's Housing Court each year, went into effect Oct. 20. Tenant lawyers, calling it "mandatory eviction," challenged it immediately, and have won favorable rulings in several cases. In December, State Supreme Court Judge Emily Jane Goodman issued an emergency order halting its enforcement, but the Pataki administration appealed it, meaning the law remains in effect. Governor Pataki and landlord groups were also able to get the case switched to a different judge.

Landlord groups pushed hard for mandatory deposits last year, and got them quietly slipped into the Pataki-Bruno-Silver deal to preserve the rent laws while its details were being worked out. In the weeks leading up to the June 15 deal, the issue received relatively little notice from tenants, who were mainly worried about whether the state's entire system of tenant protections would survive. It also got little attention in the mainstream media, which generally dealt with rent deposits as a perfectly reasonable way for landlords to deal with the alleged multitudes of tenants who were supposedly scamming the system by stretching out eviction proceedings as long as they possibly could.

"Even the landlords' own research undermines these claims," charges Legal Aid lawyer Judith Goldiner, citing a 1995 study commissioned by the Rent Stabilization Association that found that over 50% of Housing Court cases are resolved within two months.

The law contains two main provisions. One section states that Housing Court judges can no longer sign an "order to show cause" to prevent a scheduled eviction unless the tenant either pays the landlord the full amount of the judgment or deposits the amount into court within five days. This could affect as many as 150,000 people a year who ask judges to grant brief stays of eviction on the grounds that they either don't owe the money or need a few more days to get it together.

The other provision requires judges to order tenants evicted when a case is more than 30 days old or has been adjourned twice, unless the tenant can deposit into court the amount claimed by the landlord after the case begins.

"Tenants whose income has been interrupted for any reason, or who are being charged an illegal rent that they cannot afford, face prompt eviction under this law, with no chance to present defenses such as hazardous conditions in the apartment," says Kenny Schaeffer of the Metropolitan Council on Housing. He estimates that these two provisions will lead to as many as 40,000 or 50,000 additional families being evicted every year.

One of the tenants in the suit, Luz Rosario, claims that she paid all of her rent with money orders. Her landlord disputes this, and since it generally takes more than 30 days to trace money orders, she was not ready for trial within 30 days.

In an earlier case, Civil Court Judge Philip Straniere of Staten Island ruled last November that the ban on orders to

show cause was unconstitutional, saying that it violates "the inherent authority of the Court" to prevent evictions in the interests of justice, as well as infringing tenants' rights to due process and equal protection under the law.

The tenant in that case, Atanya Jones, had worked out an installment plan with her landlord and already paid over \$2,500 in back rent she owed, but had missed a \$400 payment due on October 20. The landlord obtained an eviction warrant the next day.

Judge Straniere ruled that not being allowed to issue an order to show cause would "result in the tenant being evicted from the apartment and deprived of that property right without a hearing." However, his decision is not binding on other judges unless it is upheld by a state appeals court.

Judge Straniere's decision followed arguments made by tenant lawyers, who charged that the new law makes tenants' right to a hearing in court subject to their ability to come up with what the landlord claims they owe, even if it is more than what they actually owe.

Mandatory deposits, argued Judith Goldiner last fall in the *New York Law Journal*, "will dramatically increase homelessness in the city." They would particularly afflict welfare recipients, who can apply for an extra housing allowance from the state Department of Social Services if their rent is over \$286 a month.

"The court has no power to issue a stay even where rent arrears can be obtained from DSS, or where a tenant has a legitimate excuse, such as hospitalization, mental illness, unpaid child support, or even having paid the judgment after the warrant was issued," she wrote. "Even if DSS pays the rent, but does so after the eviction warrant has been issued, the court cannot stay the family's eviction."

Tenants sued in Housing Court are overwhelmingly poor or working-class, vulnerable to temporary loss of income due to a layoff, illness, or a death in the family. An early 1990s survey found that 47% had incomes below \$10,000 per year, and 82% made less than \$25,000. In Housing Court cases, over 90% of tenants are not represented by lawyers, while more than 90% of landlords are.

## EVICTED BRONX HOMESTEADERS RETAKE THEIR BUILDING

By Manny Goldstein & Nancy Drew

A long-established urban homestead at 672-674 East 136th Street in the Mott Haven section of the South Bronx was evicted at midday on Friday December 5 by up to 300 riot police, some armed with machine guns. Five residents were arrested on trespassing and other misdemeanor charges, including a journalist who was on the scene.

The building was served with a vacate order two weeks earlier. The homesteaders, declaring that the order was illegal, immediately hung their building with banners reading: "HPD, HANDS OFF OUR HOMES AND OUR LIVES", "WE DEMAND DUE PROCESS OF LAW", "SOMOS DUENOS DE NUESTRO EDIFICIO (WE OWN OUR BUILDING)" and "PAREN EL DESALOJO (STOP THE EVICTION)."

The residents also sought, but failed to obtain, an injunction in court against the eviction. The case is still pending, but the building has been sealed up by the city and may face demolition.

On Thursday November 20, three NYPD patrol cars, three fire trucks and several vehicles from Housing Preservation & Development (HPD) and the Mayor's Office of Emergency Management (OEM) arrived at the building with the vacate order, and were apparently prepared to commence evictions. But TV news camera crews showed up, and the authorities just posted the vacate order on the building's exterior wall and left.

The HPD bureaucrats said the use of kerosene and propane heaters by building occupants presented a fire hazard. The homesteaders countered that the family that had used the heaters had already moved from the building, and there were now no fire hazards.

672-674 East 136th Street has no landlord, and the tenants say they have been the legal owners of the building since the early 1980s, under the doctrine of adverse possession.

On December 5, police returned in force for a paramilitary-style eviction raid on the building. Residents were forced to kneel at gunpoint as their rooms were searched. Residents' dogs were confiscated, and some pet cats are still missing. Belongings, including books and computers, were hauled away and taken to a warehouse in Queens. Au-

thorities say the possessions will not be returned without "proof of ownership." All five of those arrested were put through the system and held overnight. Access to and from the housing projects across Cypress Avenue from the homestead was cut off by the police, who broke into the auto repair shop across 136th Street and searched for weapons.

The State Supreme Court is set to hear the homesteaders' claim that the vacate order violated due process. They say that the eviction amounted to an illegal confiscation of their property.

While awaiting the result of their appeal against HPD, the homesteaders re-occupied their building, where their lives go on as before, with the exception of living in a partially sealed building.

672-674 East 136th Street is adjacent to the Port Morris Industrial Area and within the South Bronx's Orwellian-named Economic Empowerment Zone--a domestic version of the third-world-Free Trade Zones, where corporations can exploit local labor with no burdensome taxes, unions or environmental regulations. The Bronx EEZ is being eyed for development by the *New York Post* and waste disposal interests. The 672-674 East 136th Street residents suspect that the Giuliani administration wants their building destroyed to make way for new industrial real estate development.

Another factor to consider is that the homesteaders are vigorous community activists. The Cherry Tree Association, based at the homestead, manages six gardens in the neighborhood, including one adjacent to the building, just under the Bruckner Expressway. The Cherry Tree Association is the principal Bronx contact for the New York City Coalition for the Preservation of Gardens. Many residents are also involved in a Maya Indian-based spiritual organization, Casa del Sol.

At the time of the vacate order, there were more than 60 residents in the building. One extended family moved out following the vacate order, and was taken to a local shelter. The rest held out at the homestead.

In addition to their appeal, the homesteaders have requested a time extension on the vacate order from HPD Commissioner Richard Roberts. HPD could either enforce the vacate order or proceed with emergency repair. The homesteaders have asked HPD to work with them on any repairs which may be necessary, but so far have received no response.

The Mott Haven homesteaders are urging supporters to call or write HPD Commissioner Richard Roberts to insist that HPD either work with them or leave 672-674 East 136th Street alone. (Richard Roberts: 212-863-6100, 212-267-2565 FAX, 100 Gold Street, 5th Floor, New York, NY 10038)

## METROPOLITAN COUNCIL ON HOUSING

Met Council is a citywide tenant union.

Our phones are open to the public Mondays, Wednesdays and Fridays from 1:30 to 5:00 p.m.

We can briefly answer your questions and tell you the location of the branch nearest you for more information or for help with organizing.

**212-693-0550**



(212) 631-1181

# THE 16 CLINTON STREET TENANTS ASSOCIATION SPEAKS OUT

By Joan Moossy

(In SHADOW #42, reporter Steven Wishnia reported the saga of the tenants of 16 Clinton Street, whose landlords attempted an evacuation, claiming that a rear wall that was badly in need of repair, was about to collapse. Instead, city inspectors allowed tenants to remain, fined the landlords \$2,000 and ordered them to make the necessary repairs. Only after the tenants worked together and got several court orders last year, did the landlords finally make the court-ordered repairs. This could have been a much different outcome, considering that 172 Stanton Street was evacuated and demolished under the same pretext that the 16 Clinton Street landlords tried to use against their tenants. What follows is the story of the 16 Clinton Street tenants' fight, by the tenants themselves--Ed.)

The sign by the freshly painted beam in the staircase at 16 Clinton Street read "Caution Pain." It was a misspelling of a house painter's warning, but an apt reminder of the tenants' suffering for the past fourteen months. Construction work, beginning with the installation of structural beams in July 1997, marked the first move by the landlord towards addressing the "C" violation imposed by the New York City Department of Buildings in July 1996. According to the housing law, "C" violations must be repaired within 24 hours. The tenants knew nothing of this potentially hazardous situation until December 4, 1996.

Resident Connie Yancy says her 62nd birthday on December 4, 1996 wasn't as happy as it should have been. "Our landlady served us a 24 hour vacate notice, claiming the building was falling. How do you pull together 36 years of your life and go, and where do you go? I'm a tenant of Apartment #5, a senior citizen, and I hope to see my 63rd year."

The "C" violation on the building wasn't the only one. There were HPD violations in all of the apartments. They included sloping floors due to rotting joists. Rats and other vermin gained access to the apartments through un-repaired gaps in the walls and floors.

One tenant, Sophie Sulaiman, was pregnant through the nightmare and gave birth to a child, only to have to move into an over-crowded apartment around the corner, with relatives, during the construction. We lived in uncertainty as the landlord radically altered the construction schedule agreed to in our third attempt at a court-ordered agreement. A notice to pay back rent was served on a tenant who had canceled checks to show that the rent had been paid. The threat of losing our homes in a sudden eviction created the most fundamental kind of anxiety during a continuing and never-ending saga of lies, abuse, and more lies from the building's most recent landlords.

We have an outstanding lawyer's bill that is straining poor working immigrant families, elderly veterans of the Lower East Side struggles, teachers, and artists. We have been forced to battle a real estate company called *Shun Lin, Inc.*, but thanks to our friends and neighbors who attended our fund raising side-walk sale last spring, we are still in the fight. (Please stay tuned for our next fundraiser.)

Tenant spokesperson Salley May has been in the thick of the battle to save 16 Clinton Street from unscrupulous real estate developers. "This last year has been horrific. I have felt re-

# MIDNIGHT DEMOLITION....

Police rushed in and grabbed me."

As he was thrown into a police car, Friedlander's back was injured, requiring medical attention. He was held for two hours at the 7th precinct on Pitt Street, charged with "disorderly conduct," and was released with a Desk Appearance Ticket. Police are keeping Friedlander's bag of belongings as evidence against him. The city did however, return to him one guitar pulled from the wreckage, its neck broken.

Meanwhile, legal efforts to save the building may have prompted the city to speed up demolition. Supreme Court Justice Elliot Wilk, informed of the situation by community activists, gave permission for lawyers to bring papers to his home that night so that he could issue a temporary restraining order against demolishing the building. Notarized documents had been prepared at the Red Cross relief center set up at a nearby junior high school for the evacuated tenants who signed a petition and sworn affidavits:

"I, Muhith Mohammad Ahmed, hereby swear: Our building is right now being destroyed. My possessions are still inside the building, including my schoolbooks, homework, clothing, money and other personal belongings. The police will not let us reclaim our things. They say that only after the building is demolished, then they will allow us to dig through the rubble, after our things are lost and destroyed. And yet, I have seen men going in and out of the building all day, even as we have been refused entry. City workers, police, others come in and out, run up and down the stairs, everybody is allowed in, it seems, except for us, the people who live there. Please order the city to allow us to get our things before they destroy the building."

"I, Stanley Kleinkopf, hereby swear: Around nine o' clock this morning my neighbors heard a rumbling. Now our building is being demolished and we have not been allowed to reclaim our possessions, including jewelry, our medi-

cation, our pet cat named "Honey" and everything else we own. I am 75 years old and Mrs. Kleinkopf is 71. My bankbook and financial papers are still in the apartment. My medical bills....everything. Please stop the demolition and allow us to reclaim our things and our lives."

"I, Steven Fleischer, request that we be allowed to retrieve our belongings as promised by members of the Fire Inspectors and Building Inspectors. In my apartment are precious antiques, photo equipment, diplomas, awards, family photos, optical equipment, locksmith equipment, electrical, many tools of my trade, all my clothes, TV's, appliances, etc, etc, etc. My whole life is there."

"I, Marcelino Garcia, hereby swear: The building is right now being demolished. It is still safe to enter--there are many men inside right now. I and my neighbors are losing everything, a lot of valuable things, including money, jewelry, important papers and medicines. There are two cats and two pets birds on three floors that are still stranded in the building.

When word of the imminent arrival of the court papers reached the press area, several witnesses reported that OEM Deputy Director Gerry McCarty made a call on his cell phone and gave the go-ahead for the demolition of 172 Stanton Street, at approximately 7:00 pm. Tenants chanted: "Mr. McCarty, stop your party!" and "Save our building!" as demolition began, but anger soon gave way to tears.

"We don't accelerate or decelerate because of a proposed injunction," OEM Director Jerome M. Hauer told *The New York Times*. OEM public information official Sunny Mindel, reached by the SHADOW, insisted that the decision to commence demolition at that time came from the Buildings Department.

Ted Birkhahn, Buildings Department spokesman, claims: "The building was in imminent danger of collapsing. We had

Continued On Page 20

lently violated, harassed, and unimportant. My life has been consumed by efforts to protect myself and other tenants in the building, leaving me without time or energy to lift myself out of an exhausted, angry depression."

Rashid Ahmed is an immigrant from Bangladesh who supports a family with three children. He says, "I missed a lot of work because of going to court, and always worried about landlord harassment, such as lawyer notices, breaking my bathroom, pushing my daughter and screaming at my wife, and the landlord trying to throw me out from the apartment for the last 10 months."

Through our experiences in Housing Court, Buildings Department hearings, doing research, making thousands of phone calls, our fund raising sidewalk sale, and all the other time consuming and energy draining efforts to survive, we have become aware of the unfair treatment of other poor and struggling people in New York City. We feel enormous compassion for our neighbors displaced from buildings on East 13th Street, 5th Street, 1st Street and 2nd Avenue, and most recently, 172 Stanton Street. We know that the threat of eviction and demolition alone is enough to extinguish any further possibility of feeling secure in our homes.

During the construction at 16 Clinton Street, Sam Hyman, our oldest tenant association member at the age

of 92, was taken to his care-taker Carrie Johnson's home in Queens to stay for the two weeks that the work crews would be inside his apartment. The landlord refused to make any special accommodation for Mr. Hyman, despite his age and infirmity. After only a few hours in Queens, Ms. Johnson was forced to bring Mr. Hyman home because she could not convince him that his apartment was not being taken away. Meanwhile, Edwin Sulaiman, our youngest building resident, born during the battles, spent his first days in someone else's home.

There are still some problems at 16 Clinton Street, but we have shared so many of our difficulties with you that now we would like to share some of the good news. The construction to address the structural problems is finished, so our building is safe. All but one family remain in their apartments. The rent-stabilized tenants recently signed lease renewal forms with legally allowable increases. The 16 Clinton Street Tenants Association is a diverse multicultural group of people representing six apartments, and as many religious and cultural back-grounds, but the differences are not important. It is what we have in common that is important, and it is through this bond that we have survived so far. Don't fall for the artificial lines that divide. Meet your neighbors, organize your building, and save your homes.

# ARTISTS FIGHT AGAINST GIULIANI'S ATTACKS ON VENDORS

By Robert Lederman

## Parks Department Increases Attacks on Artists' Rights

Continuing his plan to privatize every square inch of public property in New York, on February 11, mayor Giuliani turned the management of Central Park over to the Central Park Conservancy, an elite group of vendor-hating multimillionaires. Meanwhile, the artists who display their work in front of the Metropolitan Museum of Art were notified that beginning March 1, they would be required to obtain a Parks Department artist permit for one of only twenty "Met" spots, each of which will measure six feet. According to the Parks Department, artists who set up without the permit will be arrested and their art will be confiscated.

## City Council Proposes New Vending Ordinance

Simultaneous with the Parks Department's announcements, a new bill was submitted to the City Council requiring all vendors to obtain a license, a permit, and a warrant. Street artists would only be required to obtain a permit and a warrant. The license allows the operation of a business, the permit allows use of a display or stand approved by the City, and the warrant allows setting up in an actual location on the street. The total one-year cost for the three documents would be approximately three to five hundred dollars. Only one vendor would be warranted to sell on each unrestricted block. The City would decide which vendor is given the warrant for each block. If the artist or vendor is found guilty of two violations of the vending ordinance rules in one year, they would lose their license, permit and warrant.

Warranting is intended to eventually turn all street vending into a concession system, with the vending locations going to the highest bidder. Once that's done, today's food carts will be replaced by McDonalds carts, independent newspaper stands will be replaced by stands owned by the *Times*, the *Post*, and the *Daily News*, street artists will be replaced by kiosks owned by galleries, and general vendors will be replaced by Disney souvenir stands. Traditional independent vending will be finished.

## What About the Federal Court Case That Artists Won?

While the City's new ordinance does exempt artists from the license, the permit and warrant requirements are simply another version of the license requirement. The Mayor and the Business Improvement Districts (BIDs) that initiated the street artist arrests in 1993 do not respect the Federal courts, the First Amendment, or the US Constitution. They have been pushing the City to find a way around the court decision of October 16, 1996, since the day it was written. They are also behind the war on veteran, food, and general vendors.

## The Federal Court Ruling

On October 16, 1996, The Second Circuit ruled in the case of Bery v. City of New York/Lederman v. City of New York, 1996: "The City's requirements that appellants be licensed in order to sell their artwork in public spaces constitutes an unconstitutional infringement of their First Amendment rights... paintings, photographs, prints and sculptures, such as those appellants seek to display and sell in public areas of the City, always communicate some idea or concept to those view it, and

as such are entitled to full First Amendment protection... The City further argues that appellants are free to display their artwork publicly without a license, they simply cannot sell it. These arguments must fail. The sale of protected materials is also protected."

## The City's Legal Strategy

The proposed new vending ordinance has been constructed by lawyers working for both the BIDs and the City so that it has a chance of standing up in court if artists bring another lawsuit. The newly-proposed ordinance allows First Amendment-protected artists and book vendors to sell anywhere, without a license, permit, or warrant (including on restricted streets) so long as they hold the art or books in their hands and do not use a fixed display of any kind. This is to allow the City to falsely claim in court that First Amendment rights are not being restricted, only the right to use a table or other display, which will be presented as a "public safety" issue.

## Artists Fight Back

Since February 24, Parks Enforcement Patrol (PEP) police have been confiscating art outside the Met, in blatant contempt of the Federal Court ruling. Each day, as many as 40 PEP and NYPD officers are on duty "guarding" the artists.

On March 5, Chief Brash, head of Parks Enforcement, and Thomas Rozinsky, legal counsel for the Parks Department, made their daily inspection of the area in front of the Met, made cell phone calls to the Parks Department headquarters in the Arsenal building in Central Park and to mayor Giuliani's office, and then supervised a sweep of art confiscations. The troops seized works of art and some legal books that were on display. Brash and Rozinsky quickly left the area when artists began denouncing them in rhythmic chants and attempted to sell them works of art in open defiance of the permit requirement.

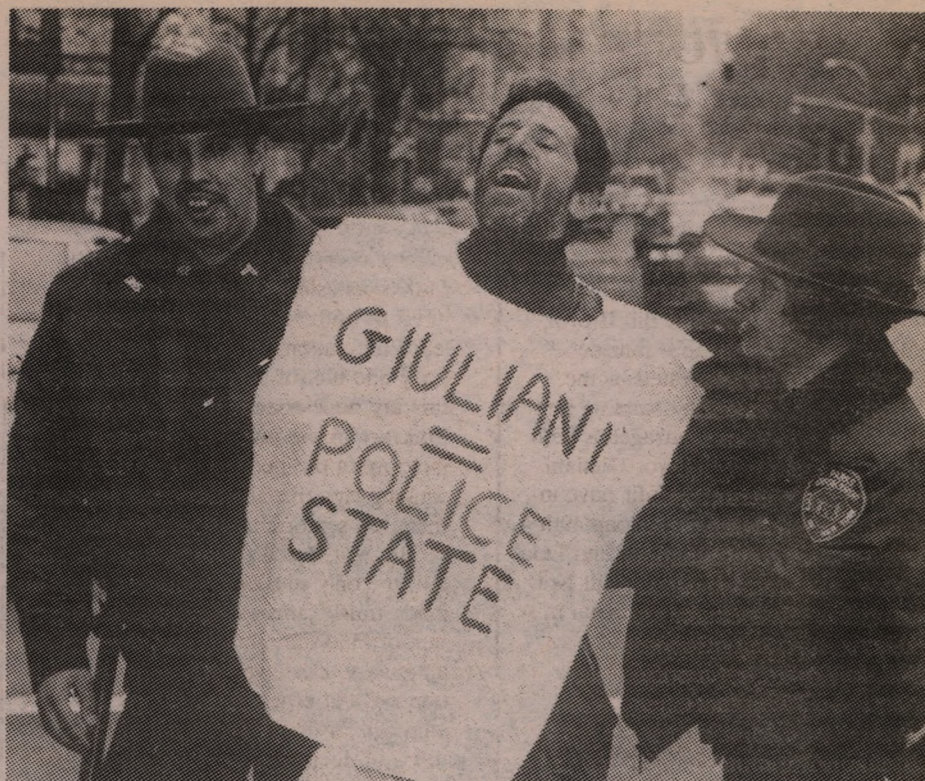
Each wave of confiscations by police has been met by artists shouting slogans, making speeches against Giuliani, blowing whistles, and inviting cops to confiscate even more art. One artist, dressed in a prison uniform, stands by the curb holding a sign that says: "Honk if you hate Giuliani." However, no confiscations are made when media representatives are known by Parks Department personnel to be present.

## The One Cent Protest

The Met Museum refuses to take a public stand on this issue, though Parks Commissioner Henry Stern, in a March 3 interview with "NY1 Inside City Hall," said he is being thanked privately by Met officials for the Parks Department's policy against art vendors.

On February 27, William Leurs and Phillippe de Montibello, both of the Met, issued a memo to all Met employees, describing a future schedule of arrests and confiscations, while denying any involvement. In response, artists have been handing a penny to each museum visitor, urging them to use it for the voluntary admission price. The Met is estimated to have lost hundreds of thousands of dollars since the One Cent Protest.

On March 1, there were four arrests when, what police described as a "riot," broke out as A.R.T.I.S.T. president Robert Lederman was arrested for writing "God Bless America" and



JOSEPH DELCONGO

ROBERT LEDERMAN ARRESTED BY PEP OFFICERS AT MET MUSEUM

"Giuliani=Police State" with chalk in front of a block-long police barricade. Earlier, sixteen artists lost their works to cops over a three hour period, during which 40 summonses were issued. When a television news crew arrived, the art confiscations immediately stopped.

On March 6, the PEP again confiscated art from and issued multiple summonses to art vendors outside the Met. Twenty artists and protestors continued to put out more pieces of art to replace the losses and to defy the unconstitutional permit requirement.

Soo Balmuth, a 51-year-old grandmother, was arrested after she refused to stop displaying her art, despite receiving three summonses that day. She was thrown to the ground and handcuffed by the PEP police and shoved into their vehicle. An ambulance was later called to the Central Park precinct to examine Balmuth's injuries.

Throughout the day, police seized hand-painted protest signs and banners, and snatched and destroyed others. PEP officers seemed to be attempting to incite a riot or otherwise provoke a violent confrontation in order to justify mass arrests.

Such episodes continue almost daily as artists assert their right to display and sell their works, under the protection of the Federal court ruling.

## What Can You Do About It?

Artists, and the City's thousands of vendors, have three options to consider. Option A is to do nothing and hope for the best. This is what some artists and vendors might prefer and is exactly what the City hopes we will all do. If we do nothing, they will pass the new ordinance and prepare to arrest hundreds of artists and vendors and confiscate their property. The Met artists will be forced into a lottery for the 20 permits which the Parks Department will eventually turn into concessions. Option B is to file a lawsuit and let the lawyers do everything. We can get lawyers to seek injunctions preventing the City and the Parks Department from putting the new regulations into effect. If we get one or more injunctions, the new rules will be suspended until the court cases are finished. If we lose the court case, the new rules will immediately go into effect. If we win one or more of these cases, which may take years, the City's and the BID's lawyers will just find another way to restrict us. Option C is political action, demonstrating, defying the new rules, refusing to apply for a permit, license, or warrant

and continuing to practice nonviolent civil disobedience in order to stand up for our rights. Options A and B are easy. They avoid personal investment, responsibility, or risk. Unfortunately, A and B will most likely result in the end of vending. Option C involves an investment of our time and effort and facing the risk of summonses or arrest.

The thing that most distinguishes Option C from Options A or B is that it has been proven to work. For four years, A.R.T.I.S.T. members stood their ground against constant police harassment, arrests, confiscations, and criminal court cases. Long before our court case was won, we had brought the City's artist arrest policy to a standstill. We succeeded in generating hundreds of newspaper articles and television and radio pieces resulting in international attention to our cause and embarrassment for the City, the Mayors, and the BIDs. To win the next stage of the fight, we need to continue these activities on an even larger scale.

Concerned citizens can call those responsible for the City's assault on artists at the Met and give them some grief:

Henry Stern, NYC Parks Commissioner: 212-360-1305; Thomas Rozinsky, General Counsel for the Parks Department: 212-360-1314; William Leurs, President of Metropolitan Museum of Art: 212-570-3900; Ashton Hawkins, Legal Counsel for the Met: 212-570-3936; Central Park Conservancy: 212-315-0385.

Robert Lederman is president of A.R.T.I.S.T. (Artists Response To Illegal State Tactics) Phone: 718-369-2111; E-mail: ARTISTpres@aol.com; Web site: <http://www.openair.org/alerts/artist/nyc.html>



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## "MIDNIGHT MARAUDER" NABBED DEFACING HATED PEDESTRIAN BARRICADES!!

By Mildred Pierce

Superbowl Sunday night, while most of New York City was at home watching TV, Bill Not Bored (a.k.a. Bill Brown, publisher of the situationist fanzine NOT BORED!) was arrested by the NYPD for allegedly spray-painting graffiti that denounced the outrageous pedestrian barricades that Mayor Giuliani and Police Commissioner Safir have installed at every intersection along 49th and 50th Streets between Fifth and Lexington Avenues in Manhattan. Bill Not Bored is now facing felony criminal mischief charges, despite the fact that writing graffiti is a Class A Misdemeanor under New York State Penal Law.

Originally installed in December 1997 as a "holiday season" experiment, the barricades -- despite intense criticism of them by the public, the press and even the cops themselves -- have been stubbornly defended by the Mayor's Office and have not been removed. Designed to allow motor vehicles to make turns onto one-way streets without having to contend with pedestrians, the barricades must be guarded by police officers, who are supposed to see to it that pedestrians obey the signs that tell them not to cross the street between the hours of 9 am and 9 pm, despite the plainly visible "WALK" signal. Significantly, the barricades-and-cops "solution" to the problem of hyper-congestion in midtown was not presented or approved of by the Department of Transportation, under whose jurisdiction matters such as this should fall. The idea of the barbaric barricades was hatched by top bureaucrats in the Police Department, in collaboration with the Mayor -- in other words, by people totally unskilled in the areas of traffic management and urban planning, but deeply interested in advanced techniques of social control.

The intersection at Madison and 50th Street (the one at which Bill Not Bored was apprehended) is quite obviously badly designed, like so many of our City's streets: it is the intersection of two very busy one-way streets. Bad planning such as this -- combined with the super-concentration of both pedestrian and automotive traffic -- is deadly, especially for pedestrians and bicyclists. According to the Office of Safety Programs (NYC Department of Transpor-

tation), every year in New York City 15,000 pedestrians are struck and injured by automobiles. New York City leads the nation in pedestrian fatalities. Fully one-half of the people killed by cars are pedestrians, not other drivers. Contrary to the ravings of City Hall, the majority of the people killed aren't fast-walking jaywalkers; forty percent of them are senior citizens.

Bill Not Bored told the SHADOW that the only sensible solution to ready-made traffic jams such as the intersection of Madison and 50th is to re-route all automobiles away from this intersection and the others in the city like it. Said Bill: "It makes absolutely no sense to try to keep throngs of pedestrians out of the intersections, especially in a city that is unique in the world in that you don't have to own a car to live here; you can rely on mass transportation and walking or a just a bicycle to get anywhere you want to go. To install barricades is to openly display symptoms of severe debilitation by the widespread, constantly reinforced and suicidal madness once known as the 'car craze.' Forget about the average driver's 'road rage' -- the politicians and bureaucrats have 'mad car disease,' which is caused by sacrificing increasingly precious public space so that cars, polluting pieces of private property, can travel to and be parked absolutely anywhere."

Not surprisingly, the barricades -- even on their own terms -- are a complete failure. Studies done at the end of January 1998 by Transportation Alternatives, a bicyclist group opposed to automotive traffic, show that automobile traffic did not move any more freely because of the barricades; traffic conditions remained grid-locked. As a result, the barricades are hated by both pedestrians and by the police officers who are assigned to enforce the no-walking zones. Both groups have been vocal in their opposition to the barricades and surprisingly clear in expressions of their feelings that the Mayor has too big of an ego to admit that the barricades are a failure and an affront. Giuliani's response to these criticisms: he got the City Council to raise the jaywalking fine from \$2 to \$50, and now he wants to raise it again to \$100. The first big pro-

test against the pedestrian barricades was orchestrated by Transportation Alternatives, and featured a group of people who had dressed up as cows to express their desire not to be treated like human cattle. An essentially silly protest -- "Remoooooove the barricades!" was a typical slogan -- it nevertheless received a great deal of media attention and placed the issue of pedestrians' rights squarely in the public eye. Dissatisfied that Transportation Alternatives did not follow-up on their first demonstration, Time's Up!, a group of radical bicycle riders, organized a second demonstration in mid-January. Though the protesters were numerous, placard-bearing and quite visible (they marched back and forth in one of the intersections, but not against the new rights-of-way), the demonstration was hardly covered at all by the mainstream media. Some protestors decided that bolder steps were needed. The week before Bill Not Bored's arrest, the entire area in which the barricades are installed was hit by a massive graffiti attack. According to news reports that covered the attack in depth the following day, every single no-walking sign had had the word "GO" painted on it; arrows were drawn on the streets pointing right through the barricades; and the phrases "THE BARRICADES SUCK" and "BAN ALL PRIVATE CARS FROM MANHATTAN" were spray-painted on the sidewalks and on the walls of buildings. While Channel 4's report emphasized that writing graffiti is considered vandalism and criminal mischief, both Channel 11 and New York 1 left their viewers with the definite impression that the barricades do indeed suck, and big time.

Though the District Attorney's office has yet to establish whether Bill Not Bored was a copycat or the perpetrator of the original graffiti hit as well as the second one, the zine publisher was arrested yellow-handed (for the color of spray paint he was using was yellow), by foot patrolman Hennington as Bill Not Bored was writing "THE BARRICADES SUCK" -- though he only got as far as "THE BARRICADES S" before he was nabbed -- on the sidewalk. Handcuffed and thoroughly searched, though not informed that he was under arrest or given his Miranda warning, Bill Not Bored was taken to the 18th precinct at around 10:30 pm. He was held

for several hours in a holding cell before being formally arrested, finally Mirandized, and interrogated at length by two detectives who'd watched too many episodes of NYPD Blue. It wasn't until 7:00 am that he was taken from the 18th Precinct to Central Booking. But -- because the arresting officer had found a bottle of prescription medication in Bill Not Bored's possession -- he was refused by Central Booking, and sent to Bellevue Hospital for a psychiatric examination. Several hours later, handcuffed to a wheelchair and in the middle of a day room in the hospital, Bill was quickly judged to be sane, though he could have just as easily been judged a danger to himself and others, and detained for up to 72 hours for "observation," had the examining doctor been inclined or under orders to do so.

Returned to and finally accepted by Central Booking at around noon, Bill was held in the Tombs until his arraignment, which took place after the sun had gone down. At around 9 pm, he was finally released on his own recognizance and made his way home in the cold -- without his gloves, hat or winter coat, all of which had been seized as evidence by the cops. *The New York Post* -- not known for its populist stances on controversial issues -- wrote up Bill's arrest under the headline "MIDNIGHT MARAUDER NABBED DEFACING HATED BARRICADES." Once again, it is to the hated barricades that one's attention is drawn. They are hated; and for damn good reason. They suck.

In the weeks since Bill's arrest, the barricades have remained in the news, thanks in part to activists such as Robert Lederman, who got arrested on a disorderly conduct charge at an anti-barricade protest in early February. He was wearing a sign that says it all in a nutshell: "GIULIANI=POLICE STATE."

Activist criminal defense attorney Stanley Cohen has agreed to represent Bill Not Bored as he tries to get these absurdly trumped-up felony charges dismissed. If you would like to help out, write NOT BORED! P.O. Box 1115, New York, NY 10009-9998. Donations should be made payable to "Stanley Cohen."

If you want to show moral support, Bill's next court date is April 16, at 100 Centre Street, Part F, at 9:30 am.

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# CHIAPAS TERROR CONTINUES IN WAKE OF MASSACRE

By Bill Weinberg

The December 22 massacre at the Tzotzil Maya village of Chenalho in southern Mexico's Chiapas state left 45 dead—9 men, 21 women (four of whom were pregnant) and 15 children. Almost all were shot in the back. Some were shot as they were praying for peace in the church at the small outlying hamlet of Acteal, the scene of the attack. Others were gunned down with automatic weapons as they attempted to flee into the mountains.

The massacre made world headlines and sparked an investigation by the Mexican federal government, as well as a shake-up in the cabinet of President Ernesto Zedillo. But it is only the most egregious incident in a wave of paramilitary violence which is sweeping Chiapas—and which supporters of the Zapatista rebel movement say is orchestrated by the federal government itself. The aftermath of the massacre has also seen escalated military pressure on the Zapatistas.

Violence had been building in Chenalho for months. Like many towns in the Chiapas Highlands, Chenalho is divided, with an "official" government loyal to the long-entrenched machine of the Institutional Revolutionary Party (PRI), and a parallel pro-Zapatista "government-in-rebellion" with territorial control of many of the outlying hamlets. Chenalho's caciques, PRI-ista political bosses who run the Highland villages as authoritarian fiefdoms, have formed paramilitary groups and attacked residents sympathetic to the Zapatistas. In November, several villagers were murdered, "disappeared" and raped, their houses burned, and over a thousand expelled from the community. Many took refuge in hamlets loyal to the "government-in-rebellion", such as Acteal.

On December 22, gunmen entered Acteal and began attacking homes and the hamlet church, targeting members of Las Abejas ("the bees"), a local Indian group sympathetic to the Zapatistas, but Christian based and com-

mitted to nonviolence. The community was unarmed, and thatch huts were little shelter from machine-gun rounds.

As first reports of the violence reached the Highland town of San Cristobal de Las Casas, church workers immediately alerted the state authorities. Police did not respond until several hours later, when the killing was over, despite maintaining a post just outside Chenalho. Police and Red Cross workers later recovered 45 bodies at Acteal, many of which were mutilated with machetes.

The following day, with thousands of new refugees from the area hiding in the cold and misty mountains without adequate food or shelter, Acteal was occupied by federal police and army troops. 50 people were arrested in connection with the killings, including the PRI mayor of Chenalho, Jacinto Arias Cruz.

Facing a national outcry for the disarming of the PRI-ista paramilitaries, federal PRI Interior Minister Emilio Chuayffet declared that the disarming of Chiapas must include the rebel Zapatista National Liberation Army (EZLN)—which has never targeted civilians and has not fired a single shot in anger since a cease-fire was arranged ten days into their January 1994 uprising.

Within days of Chuayffet's declaration, EZLN arms caches were "discovered" by the army in Altamirano and other Chiapas communities. Residents later claimed to the Mexican press that the arms had been "planted."

The EZLN's Subcomandante Marcos said in a communique that the federal troop build-up in Chiapas signaled an imminent attack on the Zapatistas: "It's a question of days, the most cautious say. Of hours, say the most nervous."

On January 3, 200 federal army troops advanced on La Realidad, the principal EZLN-controlled village in the Lacandon Selva, the rebels' jungle



MAC McGILL

stronghold. At this precise moment in Mexico City, President Zedillo had the hardline Chuayffet replaced by Francisco Labastida, the former Agriculture Minister and a reputed moderate. The troops in the Selva merely surrounded La Realidad rather than entering it, and the feared bloodbath was averted. It is unknown whether the troops got a change of orders from Mexico City.

Meanwhile, other key Zapatista villages have been occupied by the army, including Morelia on the edge of the Selva, and Oventic in the Highlands, where the rebels had just held a New Years fiesta to celebrate the fourth anniversary of their uprising. There are reports of Indians in Morelia and other Selva villages being roughed up, interrogated and even tortured by army troops demanding to know the whereabouts of Marcos. Oventic was abandoned, and Marcos has not been seen since the troops surrounded La Realidad on January 3.

Many human rights observers believe former and active military and police officers are arming and training the paramilitary groups in Chiapas—which would explain how they have been able to get AK 47s and other sophisticated weapons. These claims were given further credence by a story which ran in the Mexican newsweekly *Proceso* on January 4, extensively quoting an army document reporters had uncovered entitled "Campaign Chiapas Plan." The document called for Mexican Military Intelligence to "secretly organize certain sectors of the civilian population, including ranchers, property owners and individuals characterized by a high sense of patriotism, who will be employed in support of our operations."

Many of the Mexican officers overseeing the Chiapas campaign are trained by the US Army's School of the Americas at Ft. Benning, GA, ostensibly for drug enforcement, leading observers in the Mexican press to ask if the training is really "anti-narcos" or "anti-Marcos."

The most notorious paramilitary group, the Orwellianly-named Paz y Justicia ("Peace & Justice"), has over the past year killed upwards of 100 civilians in the Chol Maya northern part of the state. On November 4, the Bishop of San Cristobal, Samuel Ruiz, was the target of an assassination attempt when his motorcade was sprayed with gunfire in the Northern Zone, wounding three church workers. Two days later, Bishop Ruiz's sister Maria de la Luz Ruiz, was attacked with a hammer at the diocese offices in San Cristobal, and hospitalized with serious head injuries. One man was arrested in the attack.

Despite claims that the government has nothing to do with the paramilitary violence, after the Chenalho massacre it was revealed that Chiapas' PRI Governor Julio Cesar Ruiz Ferro donated \$1,000 to Paz y Justicia for "community development projects" during last July's federal elections. He was subsequently forced to resign. However, his replacement chosen by the state legislature, Roberto Albores Guillen, Chiapas' fourth governor in three years, is a scion of the state's cattle oligarchy. Albores Guillen is grandson of former Governor Absolom Castellanos, who was briefly held by the EZLN during the 1994 uprising and charged with crimes against the Indian population of Chiapas by a Zapatista tribunal for his repressive reign in the mid-1980s.

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# US COMPANY SOLD ANTHRAX BACTERIA TO IRAQ

By Frank Morales

"Anthrax is news" -- (Nightline, ABC-TV, 2/20/98)

"For the first time, some Persian Gulf War veterans have a government study that backs up what they have said all along. They're sicker than people who weren't there. What is making them sick is still a mystery." -- (Associated Press, 2/27/96)

From 1985 to 1989, the United States government approved 70 shipments of anthrax and other disease-causing pathogens to Iraqi scientists. The American Type Culture Collection (ATCC), a 73-year old nonprofit company based in Rockville, Maryland, was the supplier-exporter of the anthrax and other "cultures" to Iraq. These shipments were approved by the US Commerce Department's Technical Advisory Committee, whose membership included Robert Stevenson, then chief executive of ATCC. This was reported by *New York Newsday* in a November 27, 1996 article written by Patrick J. Sloyan, entitled, "Undisclosed Connection." Sloyan revealed that ATCC's role as a supplier of anthrax to Iraq became known on February 9, 1994, when Sen. Donald Riegle (D. Mich.) delivered a Senate speech criticizing ATCC's actions.

ATCC products, all 60,000 cultures in stock, can be grown to produce bio-war munitions, although, according to Sloyan, "UN Special Commission investigators in Iraq found no evidence that Bagdad used biological weapons or even succeeded in developing the pathogens into usable battlefield munitions." Nevertheless, "150,000 frontline US combat troops got anthrax vaccine injections." In other words, American soldiers were shot up with anthrax, supposedly immunizing them against anthrax poisons, supplied earlier, in some quantity, with the consent of the US government itself!

Dispersed as an aerosol, anthrax spores can produce high fever, breathing difficulty, chest pain and eventually, blood poisoning and death. Areas that are hit with anthrax can remain lethal to humans for decades. The question is, were "our boys" subject to these spores during Operation Desert Storm, and possibly even used as guinea pigs in some kind of bio-war scenario? In any case, by 1993, two 75,000 US Gulf War veterans have complained of illness, fatigue, sore joints, sleeping difficulty, chronic diarrhea, memory loss and depression, all of which they claim are related to their military service. Eventually, veterans groups brought sufficient pressure to bear, forcing President Clinton to act. As expected, the president appointed a commission to study (read: cover up) the issue. He "ordered" the Pentagon itself to study the problem and to determine whether any link exists between anthrax and sick American soldiers.

The Pentagon, in turn, set up the Defense Science Board Task Force on Persian Gulf War Health Effects. The results of their study, released in 1994, dismissed any links between chemical and biological weapons and Persian Gulf War-related illnesses. Despite this predictable Pentagon denial, coming from a task force that pre-emptively ruled out biological weapons as a cause of "Gulf War syndrome," thousands of Gulf War veterans have participated in class action suits. According to *Newsday*, they are "seeking damages from ATCC and other firms that exported products that could have been used in Iraq's chemical and biological warfare program." The *Newsday* article goes on to state that "one possible source of a low

level exposure to biological weapons may have been the destruction of Iraqi biological facilities by US warplanes."

Considering that "renowned geneticist" Joshua Lederberg headed the Pentagon study, it was no surprise to some that it reached the conclusion that it did. Lederberg, born May 23, 1925, is a former President of Rockefeller University in Manhattan, a 1958 Nobel laureate for medicine and a member of the Defense Science Board. He was chosen to head up the Pentagon study by then Deputy Defense Secretary John Deutch, later head of the CIA. Deutch had no problem with Lederberg, nor with the fact that at the time of the 1994 Pentagon study, Lederberg was also one of 10 directors on the board of American Type Culture Collection! Later, Deutch claimed that he didn't know of Lederberg's connections to ATCC or that the firm shipped anthrax for four years, to Iraq.

The Pentagon Task Force took seven months to issue its report. In it, Lederberg devoted only a half-page to biological weapons. He stated that "there is no scientific or medical evidence that... there were any exposures of US service members to chemical or biological warfare agents in Kuwait or Saudi Arabia." Actually, a week after Senator Riegle's February 9, 1994 attack of ATCC on the Senate floor, Lederberg wrote Riegle, as head of the Pentagon Task Force, on "Office of the Secretary of Defense" stationary. With frothing innocence, Lederberg stated that he was "intrigued by your recent suggestion that the medical problems being exhibited by some Gulf War veterans might be related to biological warfare, specifically, to the list of biological materials sent to Iraq from the American Type Culture Collection." He requested a "briefing" by Riegle's staff, who then later testified before Lederberg's panel on February 25, 1994, supplying them with this information. None of the testimony or details about ATCC's shipments were contained in the final report.

The American Type Culture Collection, for whom Lederberg served as a director from 1990 to 1994, is according to *Newsday*, "a repository of bacteria, fungi and other products used by the global scientific community as a standard of reference for research." Author

Sloyan notes that a Ms. Kay Sloan-Breen, "an ATCC spokeswoman," defined ATCC as a "collection of scientists wearing white hats." The direct predecessor of ATCC was the creation, in 1911, of a repository of living bacteria at the American Museum of Natural History in New York City.

ATCC was officially formed in 1925 by a committee of scientists and others spearheaded by the National Research Council. Relocating a number of times, ATCC settled in Rockville, Maryland in 1964, although it is scheduled to move once again to a "state of the art" facility at Prince William County, Virginia, some time in early 1998. (ATCC is currently located at 12301 Parklawn Drive, Rockville, Maryland, 20852. Telephone: (301) 881-2600.)

According to an ATCC promo, they are "a global bioscience organization that provides biological products, technical services, and educational programs to private, industry, government and academic organizations around the world. The mission of the ATCC is to acquire, authenticate and maintain reference cultures, related biological materials, and associated data, and to distribute these to qualified scientists in government, industry and education."

ATCC "culture distribution policy" reads as follows: "ATCC distributes cultures only to qualified organizations and scientists. Indication of adequate facilities and expertise must be demonstrated to receive cultures from ATCC. Government Permits, or Compliance Agreements, or other forms may be required for the receipt of certain cultures. Shipments to countries outside the US, or their agents, are regulated by the US Department of Commerce. Certain countries, specified by the Department of Commerce, are prohibited from receiving cultures from ATCC." It is not difficult for the intelligent reader to discern the loop-holes in this "policy."

According to published reports, ATCC shipped *Bacillus anthracis* twice--in May 1986 and September 1988. There were also two shipments of *Clostridium botulinum*--a bacterium used to make botulinum toxin--on the same dates. The batches, frozen in tiny vials, were shipped to Bagdad's Ministry of Education. The CIA and Defense Intelligence Agency knew in 1986 (or at least this is implied in a recently declassified CIA document) that quite likely there existed a "strictly controlled" area at Salman Pak which served as some kind of bio-weapons facility in Bagdad. Again, according to Sloyan, "the main production facility, Salman Pak, was bombed from the outset of the war after an extensive debate between George Bush and his military commanders. They feared fallout from the air strikes could pollute the battlefield." In other words, by 1991 and Operation

Desert Storm, the generals and others knew full well the consequences of bombing such a bio-weapons facility, in effect waging a chemical war.

Recently acquired documents related to the American Type Culture Collection state that they are an "archive of living cultures and genetic materials" in the business of developing "biological model systems." ATCC is extensively involved in the Human Genome Project, busily "analyzing the entire human genome," according to Raymond H. Cypess, ATCC's CEO and President. ATCC is extensively involved in genetic engineering and other areas, including cloning.

One should not expect ATCC to mention their policy regarding bio-warfare, counter-insurgency or the murder of innocent people. These are medical people who expect us to trust in their objectivity, compassion and skill. But like in Germany 50+ years ago, have the healers become the killers? Doctor Lederberg has refused interviews on this subject. And again, there is no mention of utilizing a "culture" like anthrax in the massive genocide of people. The first allegations of the use of biological agents in war were made in response to attempts by the Germans to employ such agents during World War I. At one point in 1916, the Germans were accused of inoculating horses with anthrax in Bucharest. World War II produced more accusations against Germany. According to the record of the Nuremberg Tribunal, one of those involved in germ warfare experimentation during the war was Dr. Walter P. Schrieber, who was at the time head of the Scientific Department Group C of the Military Academy in Berlin. In March 1952, *Time Magazine* reported: "Dr. Schrieber, it developed, had been brought to the US in a Defense Department scoop-up of German technical men known as *Operation Paperclip*. His job: consultant to the (US) Airforce in a division with the grandiloquent title *Global Preventive Medicine*." Fort Detrick, near Frederick, Maryland, is one of the main centers of biological warfare research in America, set up in 1943. The facility, comprising some 1500 acres, wields a large budget, employing hundreds of "scientists." In part, its efforts are directed toward breeding into pathogenic (harmful) organisms with precisely the characteristics--such as resistance to antibiotics--that real medical researchers would like to see eradicated. Anthrax disease is the object of considerable research at places like Fort Detrick. Finally, among other institutions that come within the influential sway of Fort Detrick, are the National Academy of Sciences and the American Society for Microbiology. The latter group, originally called the Society of American Bacteriologists back in 1925, helped establish, as a charter-founding member, the American Type Culture Collection.

It's true. Anthrax is "news".

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Well, here we are again!! Too many kops and not enough crime to go around!! But mayor Adolph Giuliani is keeping kops busy, using his doctored NYPD crime statistics indicating a drop in crime to justify fulfilling his wildest fascist fantasies, all in the name of "quality of life." Now the mayor has kops manning pedestrian barricades in midtown to make the city more traffic-friendly. He's also ordered kops to ticket jay walkers (most kops are refusing to enforce this), and he has kops rounding up dogs who are held for ransom. Dogs whose owners can't pay for a license, shots, neutering/spading and implanting of a microchip get put to sleep.

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Last September, just days after the publication of SHADOW #42, which contained an article about Lower East Side activist Jerry The Peddler and his planned Halloween Smoke-In for Washington Square Park, kops arrested Jerry for possession of marijuana. Their "evidence" was the remaining stalks from already-harvested marijuana plants that had been growing in a city-owned vacant lot in which Jerry happened to be sitting at the time of his arrest. The plainclothes kops who took Jerry in were "backed up" by scores of uniformed kops deployed on surrounding streets and roof tops with rifles, dogs, riot gear, and Emergency Services vehicles. Unable to prove that Jerry had "dominion and control" over the vacant lot, the city's felony case against Jerry has gone nowhere fast.

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Officer Antonio Velasquez, formerly of the 83rd Precinct in Bushwick Brooklyn, was indicted in February for 2nd and 3rd degree assault for beating a Haitian immigrant in a dispute over a place in line. Duken Kernisant alleges that in December 1997, he was waiting on line at the Department of Motor Vehicles office in Coney Island when he asked a man to hold his place for a couple of minutes. When he tried to get back in line, he claims that Officer Velasquez, in civilian clothes, punched him in the face repeatedly and fractured his eye socket. When security guards approached Velasquez, the off-duty cop told them the incident was a police matter, and he continued beating Kernisant, whom he then arrested and brought to the 60th precinct house next door. A lieutenant on duty at the precinct informed NYPD's Internal Affairs Department of Kernisant's condition and Velasquez was arrested.

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An indictment handed down on February 11 charges that, on September 18, 1997, Detective Olga Vazquez and Officer Richard Thompson beat 52-year old Norman Batista and broke seven of his ribs after smashing down the door of Batista's Washington Heights apart-



ment. Batista was employed as a busboy in New Jersey and had no criminal record. The cops charged Batista with misdemeanor cocaine possession because a "cocaine residue" was found in the apartment. These charges were later dropped. Batista was held for several hours at the 33rd Precinct before being taken to the hospital.

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In the early morning hours of July 25, 1996, Harold Dusenbury, a black electrician, was walking up 8th Street in Manhattan to his job at the construction site for a K-Mart on Astor Place. A speeding police car from the 6th precinct climbed onto the sidewalk alongside him, whereupon a white cop got out and immediately slammed him into a gated storefront and began pounding him into the pavement. Other cops on the scene kicked and punched Dusenbury, reportedly saying "Sure you're an electrician" and calling him a nigger and a drug dealer. After Dusenbury was handcuffed, the cops, who were responding to a radio call that a black male in a T-shirt and jeans had menaced someone with a knife in Washington Square Park, realized that they had the wrong man. Dusenbury sustained a concussion, a jaw injury, and back and knee injuries requiring surgery. As of September, 1997, he was still living on disability payments. Although Dusenbury was not charged with any crime, prosecutors declined to charge the cops, saying that the level of force was "acceptable."

\*\*\*

On December 18, the New York State Court of Appeals upheld the conviction of a 15-year-old Jamaica, Queens youth convicted in a non-jury proceeding in Family Court of having yelled "cops, cops, watch out" from his bicycle to a group of drug dealers who were the subject of a "buy and bust" operation. He was sentenced to 12 months in a juvenile detention facility for "obstructing a police operation."

\*\*\*

Six undercover NYPD narcotics detec-

tives have been placed on modified duty in connection with a December 19 bar brawl that left a high school gym teacher dead. The off-duty cops fought with the teacher, Reginald Bannerman, outside the bar in Crown Heights, then ran into him again two hours later in the Sterling Street subway station, where they piled on him. Bannerman fled onto the tracks and was killed by an oncoming train. Police on the scene originally ruled Bannerman's death a suicide.

\*\*\*

On January 13, Officer Francis X. Livoti was indicted by a Federal Grand Jury for civil rights violations in the death of Anthony Baez. Livoti was acquitted in a non-jury trial last year of the murder of Baez, whom Livoti placed in a choke hold after a football being tossed around by Baez and his brothers outside their parents' Bronx home hit Livoti's cop car. Baez died of an asthmatic attack while being taken to the police station. The feds elected to charge Livoti with civil rights violations comprising assault and bodily injuries, carrying a maximum 10-year sentence, rather than civil rights violations comprising wrongful death, which could have brought a life sentence.

\*\*\*\*

Raheem Dawkins, a black 16-year-old Brownsville, Brooklyn youth who aspires to be a police officer and who volunteers at his neighborhood precinct, was shot on New Years Eve 1998 by an off-duty white cop whom he tried to help in a fight on a subway train. Riding the subway after a night of drinking, Officer Michael O'Shea confronted some men on the train who were smoking marijuana. An altercation broke out and spilled onto the Canal Street platform, where Dawkins saw O'Shea struggling with the men. Seeing that O'Shea was wearing a badge around his neck, Dawkins entered the fracas, whereupon O'Shea shot him. Initial police reports described him as a possible suspect, and a full week elapsed before he was visited in the hospital and thanked by a po-

lice spokesperson.

\*\*\*\*

Lawyers for the Guardian Society, which represents black police officers, and the Latino Officers Association alleged on January 9, 1998, that an undercover black narcotics officer was seized from behind, thrown on the hood of a car, and bashed three times on the head with a police radio by a white officer, Edward Hughes, who was part of the same buy-and-bust team and who had known the black narc on a first-name basis for six months. The lawyers, who refused to release the black cop's name due to his undercover status, also alleged that Deputy Inspector Arthur Storch altered reports to cover up the incident.

\*\*\*\*

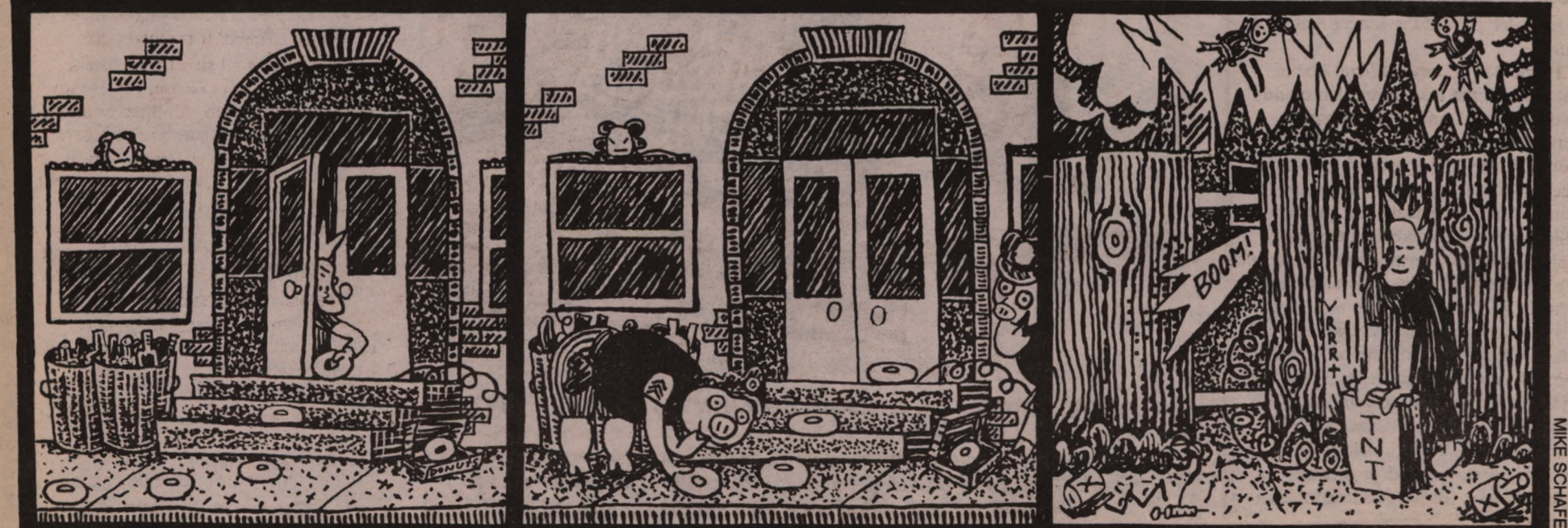
The *New York Times* reported on September 12, 1997, that settlements in police brutality lawsuits cost the city \$27.3 million in 1997, compared with \$19.5 million in 1996 and \$19.9 million in 1995. All of this money has come out of the city's general fund (money taken from taxpayers that would otherwise be used for things like repairing water mains), not from the offending officers' paychecks or the police department budget. The same article reported that Police Commissioner Howard Safir, who ultimately decides what punishment shall be given to cops who are found guilty of wrongdoing by internal police tribunals, only dismissed 8 officers for use of excessive force during the 17 months that he has been Commissioner. A case in point is that of Carlton Brown, a van driver who was paralyzed after being slammed into the door of a station house by cops in Brooklyn. Brown received a settlement of \$16.6 million in 1995, but the cops responsible were never disciplined.

\*\*\*\*

The NYPD Civilian Complaint Review Board (CCRB) has admitted that in September, 1997, their agency undercounted the number of complaints filed against the police by 21.3% (427 complaints reported as opposed to 518 actually received). That month's total of complaints represented a 51% increase compared to September, 1996, which might have posed a problem for Mayor Rudolph Giuliani, who was using statistics from the first five months of the year to support his contention that complaints of police misconduct had dropped 21% in 1997. Although the Mayor's Office has claimed that the undercount was the result of a clerical error, officials at the CCRB admitted to having failed to add reports from August and September to their total.

\*\*\*\*

If you have anything to turn on to Kop-Watch (reports, photos, undercover kop car license plate numbers, etc), please send it to: The SHADOW, P.O. Box 20298, New York, NY 10009, Attention: Kop-Watch



MIKE SCHAFER

### Pinochet Comes to Humboldt County

Across the United States, citizens watched in outrage as television news broadcast video footage of sheriff's deputies in California's Humboldt County using pepper spray to torture young activists engaged in non-violent civil disobedience.

The incidents took place on September 25 at the Scotia headquarters of the Pacific Lumber Company (PL), and on October 16 at the Eureka offices of Republican Rep. Frank Riggs, PL's staunchest beltway ally.

A third video, taken October 3 on PL land at Bear Creek, is still missing. "This one is probably the most brutal," says attorney Mark Harris, who is representing the activists.

At Scotia, four young activists were given spray-torture while their hands were locked. Only one was charged with any violations. At Riggs' office, another four were similarly tortured and arrested. They were all charged with trespass, vandalism and resisting arrest, except one, a sixteen-year-old girl.

At Riggs' office, activists brought in a stump on a dolly and spread sawdust on the floor before locking their arms together in metal sleeves called "black bears." When they refused to unlock themselves, officers pulled back their hair to expose their faces, pried open their eyelids, and applied Q-tips treated with the pepper spray directly to their exposed eyes.

"We don't know of any other case in the country where the spray has been applied in this manner," says Ed O'Leary, legal assistant to attorney Mark Harris. "Even the manufacturer recommends that it be sprayed from no closer than three feet. When they did spray it on the second round, they sprayed it right in a girl's face."

The officers say they were using pain compliance tactics to get the protestors to unlock themselves. In Scotia, three unlocked under torture, while four refused to, and were finally carried out on stretchers. In Eureka, they all finally unlocked. After they were all applied with spray in the eyes, officers gave one protestor, Terry Slanetz, a blast directly in the face. She told her colleagues it was too painful, and they would have to release.

On October 3, two young men at Bear Creek faced the same deputies in the Scotia and Eureka incidents. They were similarly swabbed in the eyes and sprayed directly in the face while their hands were locked. Because no charges were filed against the two, the county refuses to hand over the video.

"What you see on tape and what is described in the police report are two totally different things," says Harris. "Reports describe a quick dose, wiped away. It was repeated doses, and were not wiped away. The spray is designed to get more painful the longer it stays in your eye."

Humboldt County's official line is that this was the least force that could have been used, and that the use of metal sleeves leaves no alternative. Sheriff Dennis Lewis backed it up as an acceptable practice. Only two of the five County Supervisors came out publicly against it. Stan Dixon called the spray application "overreaching and embarrassing." Roger Rodoni also expressed misgivings.

Altogether, nine activists were sprayed in the three incidents. All those arrested, except two juveniles, spent five days in the county jail at Eureka. Four face criminal charges. Humboldt DA Terry Farmer is even pressing vandalism charges against one protestor who reportedly wet his pants under torture--for pissing on the carpet.

## CALIFORNIA SCREAMING: Police Torture of Redwood Crusaders Sparks National Outrage; Headwaters Forest Still Hangs in the Balance By Bill Weinberg

Attorney Harris demanded the videos, which had been taken by the deputies for evidence, and released them to the press. Harris has filed suit on behalf of the activists against the Humboldt Sheriff's Department, the county, the city of Eureka, the Eureka police department and the individual officers. "We are seeking damages as well as a permanent injunction against this kind of police tactic," he says. "We want the use of pepper spray stopped against nonviolent protestors."

Rep. Riggs supported the police action, telling reporters, "These were not peaceful protestors." He claims that a gang of masked intruders came in, "ransacking the office and frightening my staff." He says they even pissed in his office.

The kids in the video were not masked or violent. "The people walked in, said good morning to the secretaries and locked themselves down," says O'Leary. "There were no threats, no obscene language, no violence. They were saying, 'we're not resisting.' If there was any urination, it was an involuntary reflex to the pepper spray. But I can't confirm that it even happened."

Riggs has publicly called for making possession of black bears a felony. "When drainpipes are outlawed only outlaws will have drainpipes," quipped one Earth First!er to the *Santa Rosa Press-Democrat*.

The press has generally been outraged. *The San Francisco Examiner* editorial was titled "Justifying Torture." Only the *Eureka Times-Standard* backs up the Sheriff's Department.

"We are horrified that Sheriff Dennis Lewis has resorted to such draconian tactics to silence peaceful protestors," says Paul Mason, president of Garberville's Environmental Protection Information Center (EPIC), the group at the forefront of the struggle to save the Headwaters redwood forest.

Attorney General and gubernatorial hopeful Dan Lungren, who helped legalize pepper spray in the state of California, refused initially to move on the case, deferring to the FBI, which has opened an investigation. He has since called the Humboldt torture an "unprecedented" use of pepper spray.

The activists' case, *Headwaters Forest Defense, et al v. County of Humboldt, et al*, is being heard in a San Francisco federal court. Judge Vaughn Walker has thus far refused to issue an injunction.

The activists experienced vision problems and pain for several days following the incident, and are currently seeing physicians and psychologists.

"This is a real high-caliber group," says attorney Harris of the young activists he is representing. He says Lisa Sanderson-Fox, facing charges from the Eureka bust, is a Berkeley Free Clinic volunteer. Nole Tendick, who was dragged handcuffed through mud by the hood of his sweatshirt after being tortured at Bear Creek, started an Amnesty International chapter at Half Moon Bay high school, and worked as a domestic violence counselor in San Mateo after his graduation.

"I could go on. A phenomenal group of kids. They are the leaders of their age bracket. And look at the message they're getting back from the authorities."

### Redwood Crusaders to Beltway Brokers: "No Deal!"

This is the latest skirmish in the ongoing battle over PL's Headwaters Forest, which includes America's last unprotected ancient redwood groves. The Fortune 500 Maxxam company of Texas magnate Charles Hurwitz bought out PL in a hostile take-over funded by dirt-cheap, high-return "junk-bonds" in 1985. Maxxam immediately began cutting the 2,000-year-old trees at nearly three times the rate of PL's old owners, a local Humboldt family. Hurwitz also raided the loggers' pension fund to pay back the astronomical junk-bond debt.

Last year, Rep. Riggs, Sen. Diane Feinstein and the Interior Department worked out a deal with Hurwitz to "save" Headwaters. But EPIC says the deal would only protect a fraction of the 60,000-acre Headwaters Forest. It would reward corporate raider Hurwitz with an exorbitant \$380 million for only 7,500 acres of Headwaters, and only two of the six ancient groves. They also say it does not guarantee habitat protection for endangered species like the marbled murrelet and the coho salmon.

The deal is also contingent on a Habitat Conservation Plan which would allow PL to "incidentally" kill endangered species on their property. The HCP would also be subject to a "no surprises" policy, which could lock in the plan for decades, despite any new information about the viability of fish and wildlife populations.

Despite opposition from environmentalists, President Clinton signed the Interior Appropriations bill on November 14. The bill appropriates \$250 million toward the federal share of the flawed Headwaters Forest agreement.

The last-minute agreement between Clinton and Congressional leaders averted a showdown over the \$14 billion Interior appropriations bill the president had threatened to veto, which could have triggered a partial government shut-down.

The bill puts up \$250 million from Interior to buy Headwaters, with California picking up the remaining \$130 million. Humboldt County also gets \$10 million to offset lost timber revenues and the costs of law enforcement at protests over the Headwaters Forest. Funds were also made available to purchase a controversial mine outside Yellowstone National Park. Riders to the bill also opened 30,000 acres in Alaska's Lake Clark National Park to timber exploitation, increased National Forest Service logging target figures in the Pacific Northwest and suspended scientific review of National Forest management plans nationwide.

The so-called Clinton-Hurwitz deal is still contingent on approval by US Fish & Wildlife, California Fish & Game and the California Department of Forestry. It calls for the purchase of 7,500 acres by the feds, to be incorporated into Six Rivers National Forest, or perhaps a new national park.

"Under the Clinton-Hurwitz deal you have a chunk of forest that's going to look good but it'll just be a museum piece," says Cecilia Lanman of EPIC. "It will be meaningless for the survival of the marbled murrelet."

Locals along Humboldt Bay are actively opposing the complicated Clinton-Hurwitz deal because it calls for compensating PL for Headwaters with local Elk River Timber Company lands, with Elk River in turn being reimbursed by the feds. Residents assume Maxxam would dramatically escalate the rate of logging on the Elk River lands.

Kevin Bundy of EPIC told reporters, "political horse-trading has completely eclipsed sound science, ecology and local concerns."

"Biology, not politics," has become a slogan of the Headwaters campaign.

### Trees Versus Sleaze

EPIC supports a "Headwaters Forest Stewardship Plan" drawn up by Humboldt's Trees Foundation as an alternative to the Clinton-Hurwitz plan. The Stewardship Plan covers 60,000 acres of PL's total 200,000. It protects core areas, including all six of the ancient groves: Headwaters Grove, Elk Head Springs, Shaw, Allen, All-Species and Owl Creek. Buffers surround the core areas, and corridors connect them. It proposes logging 13.4 million board-feet annually (eventually increasing to 20 million), a rate they say would provide long-term protection. PL now takes out an annual 300 million board-feet.

The plan is very similar to the old pre-Maxxam PL operation, except it calls for cutting no old-growth, which is mostly gone already. It also explores gathering of "non-timber forest products" like berries, mushrooms and wild flowers.

The Trees Foundation calls the



**BILLBOARD ALTERATION BY CALIF. DEPARTMENT OF CORRECTIONS.**  
Their mission includes: "Providing supervision, surveillance and specialized services with the aim of subverting billboards in the community and continuing some of the educational, training and counseling programs that were initiated during alteration."

Continued On Page 22



# THE MEDICAL MARIJUANA COUNTER-REVOLUTION?

## On the Cutting Edge in San Francisco

By Bill Weinberg

(SAN FRANCISCO, CA)--In the aftermath of the historic passage of Proposition 215, the *San Francisco Chronicle* reported that the initiative "effectively decriminalizes pot use" in California. There are now at least a dozen medical marijuana clubs in California, but authorities are still groping towards a compromise which will conform to the letter of the law while appeasing the Drug War orthodoxy.

San Mateo County is considering distributing confiscated pot to the ill. Marin County is developing a plan to register medical marijuana users. Humboldt County's Arcata, with a municipal Green Party administration, has opted for a similar approach--with medical users having to register with the police department. The city of San José is exploring special zones for marijuana clubs--which activists have protested as excluding certain planned clubs outside the zones.

When Dennis Peron's Cannabis Buyers Club announced that it had 200 contracts with California growers to supply the club, state authorities immediately countered that the contracts will not shield growers from prosecution.

Last February, the *San Francisco Examiner* ran an op-ed by Ira Eisenberg of the Lindesmith Center drug-policy think-tank, which had been a strong advocate of 215. Eisenberg's proposals for moving pot from Schedule One to Two so that it can be legally prescribed alienated many 215 activists, however.. "Allowing countless pot gardens to bloom in the name of compassionate use is bound to make pot even cheaper and more available than it already is to recreational users," wrote Eisenberg. "That might seem like good news to grown-ups who enjoy a little toké now and then. But when they discover their kids indulging more heavily in the stuff, the backlash will be inevitable." Instead, he suggested marijuana "be grown by reputable pharmaceutical companies in secured facilities, and under the watchful eye of the Drug Enforcement Administration..." Patients with prescriptions "would buy quality pot from registered pharmacists monitored by the DEA, instead of loosey-goosey buyers' clubs." In other words, far from being "effectively decriminalized," medical marijuana would be kept in a safe behind the counter at Walgreens.

### Peron Rides Again

"I'm running for governor," says Dennis Peron, the San Francisco marijuana mogul widely seen as the founding father of the medical marijuana revolution. "I'm gonna raise the price of gas and cigarettes, eliminate sales tax and small business taxes, and pardon every nonviolent drug prisoner in jail. I'm gonna make Wavy Gravy head of the CHP. I've wanted to do this all my life."

Meanwhile, Peron is still facing felony marijuana charges brought against him by Attorney General Dan Lungren, which could, as his third felony conviction, land him in prison for life. You've got to admire the guy's chutzpah.

Running as a Republican who advocates "maintaining a woman's right to an abortion," "a world without guns" and "ecology first!," Peron seems to have about a snowball's chance in hell of winning the primary. He will likely be running against his own arch nemesis Lungren.

Last October, Peron had his first victory in the case, when Alameda County

Superior Court Judge Dean Beaupre ordered the trial to take place across the bay in San Francisco Superior Court, citing an "appearance of impropriety" in the "forum shopping" by Dan Lungren, who apparently felt that a San Francisco jury would be too sympathetic.

Peron also faces civil nuisance charges brought when his groundbreaking Cannabis Buyers Club at 1442 Market Street was raided in August 1996. On January 15, 1997, Judge David Garcia ordered that the club be reopened in accordance with 215. That was challenged in appellate court by Lungren, and Peron's CBC is still waiting for a ruling.

"I know that the club is not going to close," says a typically optimistic Peron. "They may order it restructured. But they aren't going to make an old lady with glaucoma go to the corner park to buy pot." The CBC has bounced back nicely, and is now almost back to the level of business it had before the bust.

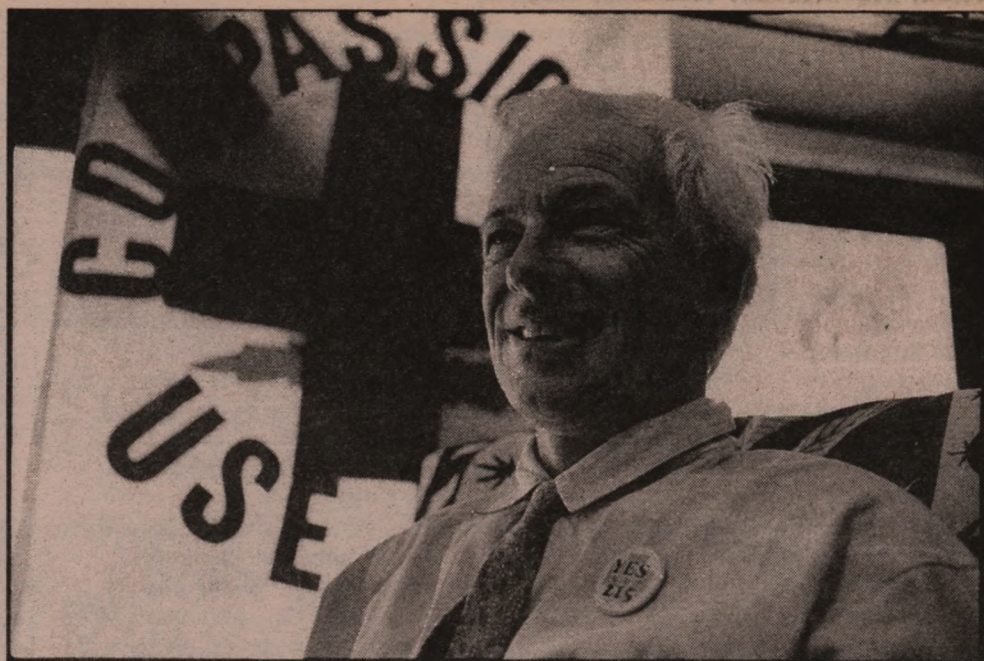
### The Empire Strikes Back

Another victory came in May 1997, when US District Judge Fern Smith of San Francisco issued a preliminary injunction barring the Justice Department from taking any action against doctors who recommend marijuana to patients. The injunction came in a class action suit brought by California patients and physicians against the Drug Czar, DEA, federal Attorney General and Health & Human Services, following the federal government's threat to prosecute doctors and revoke their prescription powers after the passage of 215. Even *The New York Times* called the Clinton Administration's threat "a dangerous and unwarranted interference with free speech and a patient's right to hear the truth from a doctor." Meanwhile, North Carolina Senator Jesse Helms introduced legislation which would force the government to do exactly that.

Drug Czar Barry McCaffrey's official response to the President on 215 and Arizona's Proposition 200 (recorded in the Federal Register last February) called on federal agencies to continue enforcement as usual, citing a Justice Department finding that "recommending or prescribing Schedule One controlled substances is not consistent with the public interest..." (McCaffrey's infamous unofficial response to the media was, "This is not medicine, this is a Cheech & Chong show.") Even the IRS announced that taxpayers cannot deduct the cost of marijuana as a medical expense. Some elements of the federal bureaucracy, however, have moved towards the rescheduling option. The National Institute of Health has called for clinical studies to explore the option. Even AMA guidelines issued after 215's passage give approval to doctors telling patients when marijuana might help their conditions.

In January 1998, the Justice Department filed six civil lawsuits seeking to shut down California's largest medical marijuana clubs, including Peron's CBC, Flower Therapy in the Mission District, the Oakland Cannabis Buyers Club, the Marin Alliance for Medical Marijuana, the Santa Cruz Cannabis Buyers' Club, and the Ukiah Cannabis Buyers' Club. Almost simultaneously, the California state Court of Appeal ruled that Lungren could shut the pot clubs.

These moves were thrown into question by the DEA's historic January deci-



DENNIS PERON AT HIS POT BUYERS CLUB

sion to pass the question of marijuana's schedule to Health & Human Services in response to an administrative petition filed by researcher Jon Gettman and the Trans High Corporation, publisher of *HIGH TIMES*. The heretofore intransigent DEA has for the first time implicitly acknowledged that grounds exist to reconsider marijuana's Schedule One status, ostensibly reserved for drugs with a high potential for abuse and no known medical applications.

### Resisting the Backlash

There were five clubs in San Francisco when this reporter visited in October, expanding the new political elbow room for cannabis in the face of a growing backlash.

Since then, one of those has closed. Cannabis Helping Alleviate Medical Problems (CHAMPS), at Church and

Market (in the original site of Peron's CBC before it moved Downtown), closed its doors in January, with executive director Vic Hernandez citing surveillance and harassment by unidentified plainclothes police, who videotaped outside the club and shadowed staff members. "The biggest culprit in this is Dan Lungren, who refuses to carry out the will of the voters who passed 215," Hernandez told the *San Francisco Chronicle*.

The Flower Therapy club, in the Mission at 17th street and South Van Ness, was raided by the DEA on April 21, 1997. The agents knocked down the door in the wee hours and took over 300 plants and 15 grow-lights. San Francisco DA Terence Hallinan protested that he had not been in-

See POT BUYERS On Page 21

## THE MILLION MARIJUANA MARCH

Mass Rally and March against Intolerance

PHASE 1: Saturday, May 2, 1998

Rally in Washington Square

11 a.m.

March on Central Park 1 p.m.

Stop All Cannabis Arrests - Stop Giuliani  
Stop the Lies - Release the Medicine  
Heal the Sick - End the Prison State

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# INTERVIEW

## SHADOW INTERVIEW WITH AL LEWIS

You may know him best as Grandpa Munster on "The Munsters" TV show, or as Officer Schnauzer on "Car 54, Where Are You?" I remember seeing Al Lewis in countless parts on TV shows I watched in the 1970s and 80s, from "Lost In Space" to "The Night Stalker" to "Here's Lucy" to "Taxi," not to mention movies like "They Shoot Horses, Don't They?" and "They Might Be Giants." I've always enjoyed his performances, whether comedic or dramatic (he was fucking hilarious in the "Taxi" episode!!)

In recent months though, we've discovered that there's a lot more to Al Lewis than just playing TV and movie roles. Beside being a Talmudic scholar, Al Lewis has devoted his life to social and political activism from the 1930s through the present. Now at 87 years of age, Al Lewis has settled back in New York City, where he shares his insights, his razor sharp wit and viewpoints with a receptive audience on his radio show on listener-supported WBAI (Saturdays at noon, on 99.5 FM) -- when he's not making movies.

We were a bit nervous approaching Al Lewis for an interview, not sure how he would react to *The SHADOW*. Then we got his call. He said "it sounds like fun." It was a strange experience to actually talk with and ask questions of "Grandpa Munster" in the flesh, and my head was spinning weeks later, but it was fun!! -- Chris Flash, Editor

This interview with Al Lewis and SHADOW editors Chris Flash and A. Kronstadt took place on October 21, 1997



CHRIS FLASH

**SHADOW:** It's only recently that we found out there's more to Al Lewis than most people think.

**AL LEWIS:** There's more to anybody. Just because you haven't noticed it, that's your problem, that's not mine.

**SHADOW:** Where did you grow up?

**LEWIS:** Upstate New York near the Canadian border, on a farm.

**SHADOW:** When did you first come to New York City?

**LEWIS:** About 1924. I lived in Brooklyn, Manhattan, never lived in Queens, never lived in the Bronx.

**SHADOW:** When did you start getting involved in show business?

**LEWIS:** 1923.

**SHADOW:** How old were you at the time?

**LEWIS:** 13-14. I was born April 30, 1910.

**SHADOW:** Was this the stage or vaudeville?

**LEWIS:** No, it was in the circus. I worked about eight and a half years in three different circuses -- Barnum and Bailey, Cole Brothers' Circus, and Clyde Beatty.

**SHADOW:** What did you do?

**LEWIS:** I started out as a roustabout, cleaning up -- elephants are vegetarians and leave a lot to be desired and I was the guy who was shoveling the "lot to be desired." And then I worked myself up into a clown and did a trick unicycle act and a trapeze act. I did anything to make a living.

**SHADOW:** We did a little reading up on your career --

**LEWIS:** Where was that? In Screw magazine?

**SHADOW:** We found out that you were on Broadway for a while.

**LEWIS:** Oh yes, I probably worked every single entertainment medium, including some that don't exist. I worked the circus, carnival, I had my own medicine show, I worked 18 years of radio.

**SHADOW:** What kind of medicine did you sell?

**LEWIS:** Whatever I made. I made it in a bathtub.

**SHADOW:** What was it good for?

**LEWIS:** Whatever ailed you. I probably kept your grandfather alive. That's why you're here.

**SHADOW:** What was it called?

**LEWIS:** Various times, different things -- "The Professor" -- "Little Alfie," I used to be called. Made it in the bathtub the night before, bottled it, put a label on it and sold it the following day in town.

**SHADOW:** In New York City?

**LEWIS:** No, no, no, all through the south. That was in the south.

**SHADOW:** Did you have any experience during Prohibition?

**LEWIS:** Did I sell whiskey?

**SHADOW:** Medicines very often had alcohol in them.

**LEWIS:** No, that came only later. You read the wrong things; you don't know American history. The United States, per capita, at a certain period in its history, had the most junkies of any country ever in the world. That was right after the Civil War. The most brutal war, the greatest amount of casualties that America's ever had. We fought each other. And cocaine came on the scene at that time as a pain-killer. It was so prevalent that if you had a five-year-old son, you could send him to the drugstore with fifty cents and he'd bring back a bottle, a tincture of cocaine. It was sold that prevalently. It was also the basis of the original Coca-Cola, where they made their fortune. Then in 1919, they passed the Harrison Act, where they made cocaine illegal, so the OTC, the "over-the-counter drugs," the base became alcohol.

**SHADOW:** At what point did you go from the circus to Broadway?

**LEWIS:** From the circus I went to carnival, and then drifted into medicine shows. First I went out with somebody, then I had my own. Then I started in radio in Chicago, at WGN, which was then and still is, the largest radio station in the Midwest, owned by the Chicago Tribune. And after a couple of years, I came to the big time radio in New York. That's when radio was king, there was no television. Most young people think television was around during the cave man days, but that's a "Johnny-Come-Lately," television. That was big time, radio in New York. The 1930's, I worked in soap operas. The

largest sponsor was P & G, Proctor and Gamble. That's where the term "soap opera" comes from. And then television came around, the old Dumont Network, days of live television. I worked live television, plays, Broadway, Off-Broadway, films. Do what you got to do. *Still* do. The old mule still pulls the wagon. Not as fast, but still pulls it, gets it home.

**SHADOW:** If you had to choose, what are your favorite memories of radio shows or TV shows that you were involved with?

**LEWIS:** I don't deal with memorabilia. I have no nostalgia items, I don't keep anything.

**SHADOW:** Anything that comes to mind? Any favorite experiences?

**LEWIS:** Just anything where I can work in front of an audience. So I prefer a circus, a medicine show, vaudeville, burlesque. I prefer that for my own satisfaction over radio, there's no audience. TV, there's no audience. I need the response of the audience, even if it's a silent response.

**SHADOW:** That sort of show business is pretty much gone nowadays. There isn't too much of that left.

**LEWIS:** That's your loss, not mine. I did it. (Laughs)

**SHADOW:** Back in the 1930s, there was a lot of political activity going on. A lot of labor demonstrations, strikes, the organization of the CIO. Were you involved in any of that?

**LEWIS:** Yup, yeah, Scottsboro, Tom Mooney, Warren K. Billings. I was an organizer in the Food, Agricultural and Tobacco Workers Union down in North Carolina.

**SHADOW:** You worked in that industry?

**LEWIS:** No, no, I accepted a challenge. The industry I worked in just before the war, World War II, was the National Maritime Union.

**SHADOW:** You were a seaman?

**LEWIS:** Yup, yup. The late 30's and then into the war. I was torpedoed twice, once in the Mediterranean and once off Murmansk.

**SHADOW:** You were carrying goods to the Soviet Union?

**LEWIS:** Like 600 other sea ships in a convoy. You never knew what you carried. You could have been carrying potatoes, which of course we weren't,

or you could have been carrying explosives. And you saw those ships go up. Boy, Coney Island never had fireworks like that. And all those men died.

In a convoy, you had 200-300 Victory Ships. Henry J. Kaiser made millions on those. And if you saw guys swimming in the water, you never stopped to pick them up. You let them die there. Because of the submarines. You could be a target. You'd look out the port hole and see these guys screaming for help, covered with oil, or they're on fire. "Later Jack, later!"

**SHADOW:** Did you ever have to abandon ship?

**LEWIS:** Sure, in the Mediterranean and in Murmansk, the ship was sunk. You don't know what it's like to be in the middle of the Atlantic ocean. There is no more lonely feeling. You see nothing, nothing, nothing.

And there comes the British Corvettes -- "bwoop, bwoop, bwoop" -- them fuckers, they didn't give a shit about the few of us that were in the water. They were circling and dropping the ashcans looking for the German U-boats. And we were screaming "You motherfuckers!" And they finally pulled us in. And then in Murmansk, the Yops, Russian planes, spotted us and a Russian trawler. All women manned the ships, pulled us out of the water and took us to the hospital.

**SHADOW:** What was it like being a labor organizer in the 1930's?

**LEWIS:** Depends where you were. In the South? You faced death at any moment.

**SHADOW:** The Ku Klux Klan?...

**LEWIS:** You'd get shot at. Not the Ku Klux Klan -- the poor people there who had no jobs. They were hired by the boss, they gave them a gun -- "You see this son of a bitch? Blow his head off."

**SHADOW:** What industry was this?

**LEWIS:** Food, Agricultural, Tobacco Workers Union. Fayetteville, North Carolina.

**SHADOW:** What about the National Maritime Union? What was it like organizing among seamen back in those days?

**LEWIS:** You were more on home

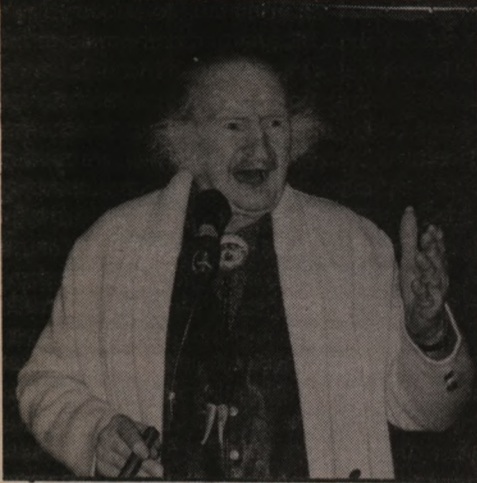
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ground on the port than organizing in the south, even to this day. Even John L. Lewis, who organized the United Mine Workers. He didn't get very many Southern mine workers. American history -- people don't know it. You know who his organizers were? Communists from the North. Many of them got blown away. Just step off the train, they blow your head off. You don't know what fear is. (Laughs)

**SHADOW:** So what kept you going?  
**LEWIS:** Who knows? I don't know. Maybe stupidity! (Laughs)

**SHADOW:** What motivated you, what



politicized your life? Some people say they want to make a lot of money, other people say "I'm gonna change the world..."

**LEWIS:** Those are full of shit statements. That's shit. What motivated me? My mother. My mother was an immigrant woman, a peasant woman, struggled all her life, worked in the garment center. Understood what the struggle was about. My mother. Couldn't read or write, but she had more sense than many a graduate from Harvard.

**SHADOW:** Was she also an organizer?

**LEWIS:** No, my mother was a worker, a floor lady, a shop lady in the garment center here in New York.

**SHADOW:** When did you start becoming political, when did you start becoming in touch with things going on in the world?

**LEWIS:** I guess having been in my mother's household I was probably political at five or six. I don't know what you mean -- what is "political?" It's all bullshit terminology. You're aware of bread and butter issues. How could I not be aware during the Depression that people were starving? And I was helping my mother sell apples. How could I not be aware? Forget that philosophical bullshit terminology, "you become aware." It hits you in the stomach and then a cop hits you on the head (laughs) -- you *become* aware!

**SHADOW:** What was the first political activity that you were ever involved with?

**LEWIS:** I don't know. Probably when I shit on the grass in Prospect Park, I don't know. I don't know what that means. What is a "political activity?" What does it mean?

**SHADOW:** The first demonstration, for instance?

**LEWIS:** I was very young. My mother used to take me to Mayday parades. That was big in New York. It used to culminate in the old Union Square, not the shit they have now, where they've built it so you can't have a demonstration. But they used to have a hundred thousand people there in Union Square Park. I remember my mother used to go on the parades for the Scottsboro boys. Those guys were ar-

rested in Alabama on the testimony of two prostitutes -- we struggled to free them. I remember participating in demonstrations, and Tom Mooney and Warren K. Billings, the so-called bombing of the "Preparedness Day Parade."

And then during the Depression, people were getting evicted, ten a day. We used to come along and break the lock and put the furniture back in again. We would storm the Home Relief Centers [and say] that or this person didn't get a check for eight dollars or something, and get hit on the head.

**SHADOW:** In the demonstrations back in those days, what problems did you have with the police? Did they try to attack people?

**LEWIS:** Did you just come to this country? (Laughs) What are you talking about? The police are here to protect *property*. They're not here to protect the public! So, what the fuck are you asking me? Of *course!* Name me a period when the police... (laughs)

**SHADOW:** So these demonstrations for Tom Mooney, and labor demonstrations...

**LEWIS:** Warren K. Billings, organizing the CIO, and District 65, and the UE, and NMU. All that was going on and the police were there to see that you didn't do it. And if they could get away with it, they'd beat the shit out of you.

**SHADOW:** And people would resist?

**LEWIS:** Well obviously. And unions



were created. We used to have a saying: "If you don't get the asses of the masses out in the street, forget it." And you get enough of them out there, the ruling class gets scared. That's the only thing they're afraid of, is numbers. *Numbers!*

See, one thing you have to understand. There's very few people understand, especially people who deal in outlaw newspapers and magazines. The ruling class is smarter than you, and they're more creative. And if you forget that lesson, you go down the drain. Because if they weren't, they wouldn't be around as long as they have been and as strong as they have been. It's not an accident. Not an accident. Never underestimate your opponent. They'll tell you that if you're a fighter. Never underestimate. You can poke fun at 'em, you can do satire, but they work 24 hours a day. It's like Lord Acton said: "Power corrupts; absolute power corrupts absolutely."

I say that power works 24 hours to remain in power. Throughout history. Go back to kings, feudal times. The same thing. While you and I, here we're bullshitting, and then we go out: "Tompkins Square, blah, blah, blah..." Their fucking machine works 24 hours a day, man. It *grinds*, it *grinds*. Otherwise they don't stay in power, they topple.

**SHADOW:** What do you think people can do in response to that power?

**LEWIS:** First of all, (laughs) you have to agree that these people shouldn't have the power. Go on Eighth Avenue and 35th Street and ask what the junkies do. They're looking for a fix.

What do they do?

You see, a junkie once told me an unanswerable question. He said: "I take this junk so the shit that's in front of me and the shit that I smell disappears. What are you gonna replace it with?" What do you replace it with? A tract? "Jesus loves you?" What? "Socialism is your answer?" The guy's looking for \$15 to hit you and I on the head with a lead pipe to meet the man to get the fix. I have no answer for that. *He* has to find that answer. I can deal with somebody who's not in that kind of position and try to talk, and I do the best I can.

You see, the thing is, and I don't mean this in a denigrating way, but you're "Johnny-Come-Latelies." Like in the Sixties, there was a thousand underground papers. I read them *all*. I used to have them all sent to me in California. Everybody in this society wants the quick fix, like the junkie that we just talked about. So do the radicals, whatever you want to call them, a bumper sticker. Put it on your car. "I'm a radical," "I'm a lefty," "I'm a progressive," "I'm left of center." It's all bullshit. I learned a long time ago -- I've been in the struggle over seventy years -- it doesn't bother me I may not win.

**SHADOW:** So what keeps you going?

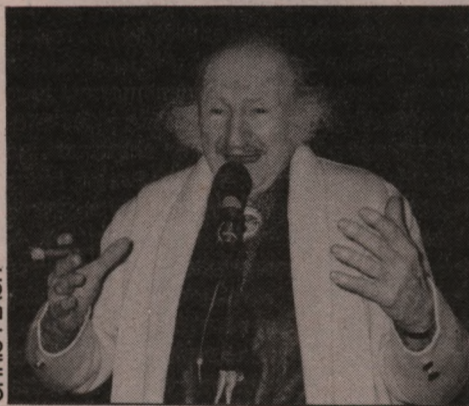
**LEWIS:** What keeps me going? My *belief!* (Laughs) You see, what happens with you "Johnny-Come-Latelies" -- and I'm not personalizing -- is like you take people of the Sixties. After five or ten years, they didn't get the victory -- "Oh, fuck it, man, I'll take this job down on Wall Street and make the fuckin' money. I didn't get the immediate fix." See, the junkie is better off than them. He gets the fix. As long as he's got the bread, he gets the fix. "We didn't win!" America only knows the "win."

**SHADOW:** But what do you think about the people of the Sixties who didn't go along with that but made money and used it for good purposes?

**LEWIS:** I haven't found that species. (Laughs)

**SHADOW:** There are some interesting characters, like the George Soros types...

CHRIS FLASH



**LEWIS:** Ah, bullshit. Everything he gives away is tax deductible. I'm too fuckin' old for that shit, man! That's like Ted Turner giving away a billion dollars. You know how much he winds up giving away? About a hundred million dollars. All the rest he deducts from his taxes. You know who gives it away? You and I are giving it away. Otherwise, we'd be taking his tax money.

**SHADOW:** What's your formula for changing the world, for improving things?

**LEWIS:** I don't know what that means; that's all bullshit. Life is specific. Even if you're not political, *that's* political! You can't shoot buckshot. You wanna be a millionaire? Fine! Put on the blinders, like a fucking horse. If you shoot buckshot, you gotta go for the target.

**SHADOW:** Let's say we're talking about specific issues: police torturing people in police precincts, or people being evicted from housing, or gardens on the Lower East Side being bulldozed and replaced by condominiums. We put out a newspaper to try and convince people that things like that are not in their interest. Do you think the alternative press is a viable counterweight to the mainstream press?

**LEWIS:** Everything is viable. But don't expect results.

**SHADOW:** Maybe we're being naive, but maybe we serve some purpose...

**LEWIS:** There's nothing wrong with being naive. But, after doing x amount of time or years, don't throw your hands up in the air, because, you see, everybody wants the "the win," they want it today. It doesn't happen. The struggle goes on. The victory is in the struggle, for me. And I accepted that a long time ago.

You write about police brutality. Go back to 1909, you'll *see* about police brutality (laughs). It's not something new. People don't really understand their role in society.

I'll take this where your newspaper goes: the destruction of the gardens. And they're *gonna* be destroyed, there's no question about it. The powers that be have so convinced the mass of people -- "Fuck the gardens, those fucking freaky people carrying that horse shit and fertilizer. A building is more beautiful than a fuckin' flower" -- you have to say the mass of people are bought. The day that they attempt to bulldoze the first garden, if ten thousand people are standing there, the garden will never be bulldozed. You have to understand, the power structure and the errand boys, the guys who carry the bedpans for the power structure, the politicians, councilmen, congressmen, senators, whatever, they only understand one thing: numbers. It's numbers of voters.

You get fifty people out, "Fuck 'em. Get the local precinct, hit 'em on the fucking head." Get ten thousand people out? God, that's four hundred cameras, it's all over European television. Scary. Numbers are scary. Your problem is to get ten thousand people out on the street the first time they go to bulldoze that garden. And you won't. But that's not a defeat. Because all you can do, all I can do, is, I do a show, I influence those people. Hopefully they'll carry that message forward. That's all I can do. I don't own a newspaper, I don't own a radio station. That's it. I don't feel bad about that. I understand the limitations. I fight against them, I stretch 'em out. I'm not out to save the world.

**SHADOW:** So you're doing what you can...

**LEWIS:** *Yeah!* To make things better for people.

Continued On Next Page



AL LEWIS IN APPEARANCE AT MEOW MIX BAR, 10/30/97, 1:15 AM

# INTERVIEW.....

**SHADOW:** So, what do you think of this [mayoral] election between [NYC Mayor Rudolph] Giuliani and [Manhattan Borough President Ruth] Messinger?

**LEWIS:** Four more years of Benito Giuliani.

**SHADOW:** Why do you think they elect people like Giuliani?

**LEWIS:** Hey, you're the guy whose got the newspaper. You tell me. I'll tell you why: 'cause you haven't convinced enough people. How do you like *that*? Ya wanna carry that rock on your head?

**SHADOW:** How many people read the SHADOW? How many people act on what they read or do something positive as a result?

**LEWIS:** If they don't, that's *your* problem. America gets the politicians they deserve. That's it. And you keep struggling. He'll win big. No question. We'll get four more years of this shit, and it'll get worse.

**SHADOW:** Are there any good politicians that you've run into recently?

**LEWIS:** In the cemetery? H.L. Mencken said: "Looking for an honest politician is like looking for an ethical burglar."

**SHADOW:** In the 1950's, in the early days of television, did you ever have any problems with the McCarthyites? The Blacklist?

**LEWIS:** If I did, I certainly wouldn't have known of it. They didn't advertise it. See, it was strongest in film, and in that period I didn't work in film. Big studios, that's where it took its heaviest toll. In radio, only on a few biggies. But I did hundreds of radio shows and I was just a voice. I was not identified. I was not a "biggie." You knock off a biggie, you set an example, so everybody else will run scared.

**SHADOW:** So during that period you continued to go to demonstrations and all that and you were not prevented from working?

**LEWIS:** Yeah, oh yeah, I don't give a fuck. And if I was [blacklisted], how would I know? The guy didn't send me a mail that said "We're not hiring you for this because you were at a demonstration." What did I lose? A job? So big fucking deal. I'd get another job. (Laughs) What's the big deal? What are they offering me? Life? I'm signing a contract, I'm gonna live 300 years? I don't have an ego. All I wanted to do was to be able to work. I didn't want to become famous or wealthy. Those are by-products. I never thought in that direction.

**SHADOW:** Were there any particular roles or shows that motivated you more than others?

**LEWIS:** I've turned down a few roles. I've never taken a role that demeans people. I just don't do it. What do you lose? A job? Big fucking deal! Whatever you see me in, I'm not responsible for the script. I'm only responsible for what I do. That's it. I got the wagon home on time. That's it. I don't get involved in it. I'm an actor. That's it.

**SHADOW:** Everything I've seen you in has been in good taste, well-rounded...

**LEWIS:** You can say that or you can say I *did* it in good taste. (Laughs) Look, you only go around once. You give it your best shot. You guys, who knows what you'll be doing five years, not even ten years from now? Chances are, in ten years that paper [the SHADOW] won't exist. There's a long history of underground outlaw papers -- the Berkeley Barb, the RAT here, which was very popular in the Sixties. They lost their audience. Ten years is a long time for an outlaw newspaper. As long as you gave it your best shot, even if in the opinion of

others "you failed," you didn't fail.

**SHADOW:** What did you think as a middle-aged man about the youth and free love culture in the Sixties?

**LEWIS:** I went to all the Love-Ins. I took my kids. I enjoyed myself.

**SHADOW:** That was around the time that you were doing the Munsters, wasn't it? So people recognized you as Grandpa Munster.

**LEWIS:** Sure, absolutely. In California in that period, the estimate was that there were at least half a million run-aways from the age of eight on, drifting to California. Every Friday I used to have about fifty, sixty kids who would wait for me on Sunset Boulevard and I'd take them all to dinner. All run-aways.

That's how I met Charlie Manson. He wanted to be in the music business. He babysat my three kids. He didn't chop no heads off, he was very nice with me. I met him in front the Whiskey-A-Go-Go on Sunset Boulevard. He sat for four or five hours, he amused the kids, he brought the guitar and he played, no big deal, no sweat.

**SHADOW:** Did you know any Sixties musicians, performers or anyone like that?

**LEWIS:** Did I go out of my way to meet any performers? I'm more important to me than any body you can mention. Do you know that? Yeah, I met the Beatles, you name them, ain't no big fuckin' deal. They couldn't get a hotel to put them up, so Universal studios was encased with a wall, with their own police and firemen. We stayed in a bungalow, and one of them stayed in mine. I met Bobby Darin, you name them. *Naturally*, I'm in the business!

**SHADOW:** So after a lot of years in California, you decided to come back to New York?

**LEWIS:** I came back to New York to do a film in Toronto, my wife was doing a show in Massachusetts. I had a couple of ideas and opened up a restaurant on Bleecker Street, a comedy club on Staten Island -- still there seven, eight years. [Both establishments named "Grandpa's" --Ed.]

**SHADOW:** It seems like you don't mind using that tag [Grandpa]...

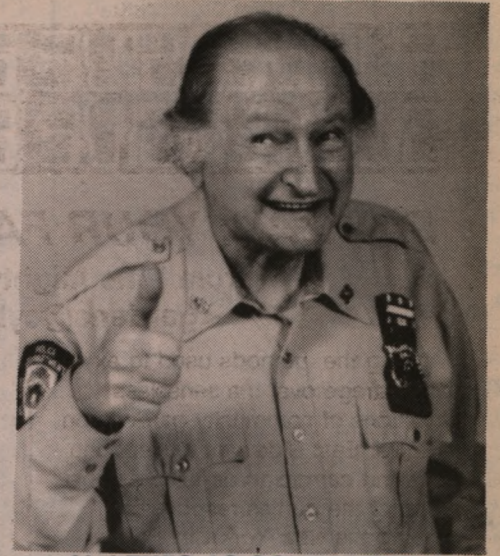
**LEWIS:** Why would I mind? It pays my mortgage. And if I *did* mind, what could I do about it? I created a character. You see, I'm a lot smarter than the people who interview me. I'm very serious now. I created a character that people love. You follow me around and you will see total strangers greet me. Junkies, Wall Street types. That was not my aim. I played a cantankerous persnickity old man who enjoys screwing everybody up, and people love that. That's how it turned out.

**SHADOW:** How much of Grandpa Munster was Al Lewis and how much of Al Lewis was Grandpa Munster?

**LEWIS:** Everything. Car 54's Schnauzer is a part of me. I can't do you. It's a composite, a collage of my whole life. It's Al Lewis. I always say, "You hire Al Lewis, you get the whole Al Lewis." He's loud, he's opinionated, he smokes terrible cigars, that's it. I can't be and I'm not going to attempt to be what someone thinks I should be. That's the road to hell. Like they used to say uptown, "Don't sing that song, I don't know the lyrics."

**SHADOW:** What do you think about the idea of squatting?

**LEWIS:** I think people need housing. And there's empty buildings, I think



AL LEWIS AS SCHNAUZER IN "CAR 54, WHERE ARE YOU?"

people should live in there. If you want to call them squatters, trespassers, hey, I call Wall Street *thieves*! Oscar Wilde said the rich and the poor are equal -- they can both sleep under the bridge. Right? (Laughs). Do they have a right? You're damn *right* they have a right! And the police, because they are hired by the property owners, have the right to hit them on the head and throw 'em out. That's the society, that's how it's organized. You and I might not like it, but that's what they're here for. They're not here to prevent the city or the owner of the building to throw them out, they're there to hit the guys on the head and throw them out. [Playing a cop] "Hey, I'm doing a job, man, I've got a family, you know, my kids gotta go to camp."

I get one or two cops who call me on the show [on WBAI-FM] and I discuss with them and there's many points that we can agree on. And the more points you can agree on, the points that day you disagree on, they may not a week from now. That's the lesson you learn.

**SHADOW:** Of course, you played Schnauzer, a police man. What do you think of that role, playing a policeman?

**LEWIS:** I never thought about it, I just did it. Cops love it. I've played so many going away parties and retirement parties. I used to do a yearly show at the Trenton War Memorial Auditorium for the New Jersey State police, and the next time they would see me on a picket line. [Playing a cop] "Hey, what are you doing there?"

**SHADOW:** What's your secret for success, for a long, healthy, happy life?

**LEWIS:** My secret for success? I don't know what the hell success means. (Laughs) I'll tell you what my secret is. It took me a long time to find this out.

Find something that you absolutely love to do. Not you like it, or it's pleasant -- something that you absolutely love to do. And along the way, if you're lucky, get to love the way you do it. Then you're home free. And you're looking at a man right now. I got a spine made out of stainless steel. *Nothing* shrinks it, *nothing*, nothing. Because I know who I am. I don't have to brag. I know what I contributed. I know what I did. You think you can do it better? Hey, go right ahead. The stage is yours. But find something that you absolutely love doing. And then get to love the way you do it. That's the uniqueness of all of us. That's it.

Albert Einstein, one of my favorites, said: "Imagination is more important than knowledge." And if that cat say it, it's good enough for me.

[Al Lewis' radio show AL LEWIS LIVE can be heard on WBAI radio (99.5 FM in New York City) on Saturdays at 12:00 noon]



AL LEWIS + FRED GWYNNE IN SCENE FROM "THE MUNSTERS"

# SUBVERSIVE ELECTRONICS SUBVERSIVE ELECTRONICS

## FAX ZAP: YOUR FAX AS A WEAPON (From "The Mighty E-mail Army") <gardens@cybergal.com>

Among the methods used to express outrage over the senseless demolitions of community gardens on the Lower East Side was a telephone and faxing campaign directed against several of the parties responsible, including the New York City Partnership. The gardens were originally scheduled for demolition on August 15, and while they were not successfully saved from the bulldozers, the demolitions were delayed for four and a half months -- thereby costing the developer huge sums of money and creating enormous headaches for everyone involved in the garden-demolition plan. It is felt that by continuing to make outrage felt in various creative ways, it makes it harder for the forces of evil to wreak their havoc. So use that redial button and keep giving them hell!



**FAXING TIPS:** By necessity, we have recently learned quite a bit about the legality of the political tactic of the fax jam (in which one or more people send large numbers of faxes to an opponent). The District Attorney declined to prosecute a woman for sending several thousand faxes to the New York City Partnership, aka the Chamber of Commerce, but that may have been in large part because she had stopped faxing of her own accord several weeks before the Partnership had her arrested. Therefore, we would not recommend duplicating this exact method. Indeed, there's a better way to flood a fax machine! One that's fully First Amendment protected! [The instructions that follow are for Windows 95 users in order to avoid your wasting a ton of paper; could somebody send us (gardens@cybergal.com) directions for how to do this on a Mac?]

**THE BASIC PRINCIPLE:** The aggravated harassment statute (an anti-stalker law, by the way) only prohibits those telephonic communications that are either 1) intended to annoy or harass a person (not an organization or

government body); or 2) made with no legitimate purpose. Therefore, we recommend the following: Write a letter to your opponent(s), describing your sentiments about the issue at hand. Use 72 point type, one word to a page. In this way, you can create a several hundred page document with little effort at all -- one with a clearly legitimate purpose that is directed toward an organization, business, or governmental institution. To be scrupulously legal, be sure to sign it with your full name. Save this letter as a file -- you could call it "faxjam". From the Windows 95 START button, go to PROGRAMS and then MICROSOFT EXCHANGE. Under the COMPOSE pull-down menu, choose "New Fax." From that point on, it should be self-explanatory (you'll be attaching your letter as a file). You can either send the fax during working hours when it will tie up the enemy's fax machine all day, or wait until some time when it's more convenient for you to have your fax line occupied for so long -- say, in the middle of the night. (You could also want to alter or delete your sending telephone number from appearing at the top of the faxed pages.)

As a first practice exercise, you might want to try sending a fax to the New York City Partnership (212-344-3344). Let the Partnership -- whose board of directors is composed of some of the world's most powerful corporate C.E.O.s -- know how you feel about them having had an activist arrested at her home and hauled away in handcuffs for sending faxes. Let them know how you feel about their efforts to privatize vast portions of the city government and orchestrate a huge sell-off of city-owned land, including some 400 community garden sites. Happy faxing!



(The Mighty Email Army is a project of the Lower East Side Collective -- <http://www.earthlink.net/~aliceme/lesc>)

## PRECISION E-MAIL BOMBING (From "The Mighty E-mail Army")

Now that we've explained fax zapping, are you ready to try a new form of virtual monkeywrenching? If we all send large E-mail messages to the same target in a short period of time, the target's server will experience major technical problems; with a big enough deluge, the server will crash.

Let's experiment and see what we can do: some targets worthy of an E-mail bombing campaign would be the parties responsible for the destruction of community gardens on the Lower East Side, including the development-mad privatizers at the New York City Partnership at [Info@nycp.org](mailto:Info@nycp.org). As with the phone and fax jams, it's important that you clearly state the political intent of your communication. (Of course, there are ways to disguise the true source of your E-mail!)

Some suggestions of what you might send:

- 1). You could write your own message--the longer the better--and send it multiple times.
- 2). You could attach one or more large files to your E-mail--graphics files (say, a scan of a photo of one of the bulldozed gardens) are ideal.
- 3). You could send one or more free greeting cards addressed to Veronica White of the New York City Partnership and personalized with a "save the gardens" message. Go to <http://www.dreamscape.com/frankvad/free.cards.html> for links to tons of different free E-mail card services.
- 4). You could send your garden preservation message via Frank E-Mail, the free service that translates your message into the language of Frank Sinatra. <http://www.clever.net/rich2000/>

You are encouraged to send tips for future E-mail bombing actions to: [gardens@cybergal.com](mailto:gardens@cybergal.com).

## REVERSE INFORMATION: How To Get A Name And Address From A Telephone Number By Roy G. Biv

In SHADOW #34, we revealed the existence of the telephone company's secret CNA service, which acts like "reverse information." Instead of your calling 555-1212 and giving a name to get a telephone number, CNA allows company-connected people, detectives and law enforcement types to call a special telephone number, give an operator a telephone number and obtain the corresponding name and address.

However, CNA service is not accessible to outsiders: to get the info, you need to give the operator a four digit code number which keeps changing regularly. As we reported, our phreaker pals tell us that the four digit codes usually have 2 repeating numbers, like: 22 or 44. (See SHADOW #34 for the list of CNA access telephone numbers for each state.)

In SHADOW #36, we reported another method for "reverse information." "UnDirectory Service" provides a reverse information service for only \$1.00 per minute. Just call 1-900-933-3330 and follow the synthetic voice's instructions. UnDirectory is extremely fast and accurate, providing the name, address, city, state and even the zip code. They also give every person's name on a shared listing. The only problem is that they don't give info on unlisted numbers. For those, the telephone company's CNA system is still the best bet, if you can figure out a good four digit code.

Recently, we were turned on to another reverse information service. "Database America" runs a computerized directory listing service that is updated quarterly, called "People Finder," on the world wide web. Go to: <http://www.databaseamerica.com> and you'll get an onscreen form you can use to obtain info in whatever order you want. Enter the first and last name, city and state, and People Finder gives you the address, city, state, zip code and the telephone number. Enter the area code and telephone number and you'll get the name and address. If you don't have a

complete telephone number to search, you can enter part of the number (1-6 digits) and get every name that corresponds to that sequence of numbers.

The best part is that People Finder is free!! Unfortunately, People Finder won't do unlisted numbers. Those without computers can call: 1-888-ENABLED. (For international info, call: 1-201-476-2000.) We don't know if the service is free through these telephone numbers--whenever we call, we get a recording that asks us to leave a message.

Have any ideas to share? Please send them to: The SHADOW, P.O. Box 20298, New York, NY 10009

## BEWARE OF PHONE BILLING SCAM!!

By Roy G. Biv

We have just been apprised of the following scam. Tests are being run to determine if the following codes actually work. In the meantime, if anyone calls you and asks to do the following test, you should decline.

One of our correspondents tells the SHADOW: "I received a telephone call from an individual identifying himself as an AT&T service technician that was running a test on our telephone lines. He stated that to complete the test I should touch nine (9), zero (0), pound sign (#), and hang up. Luckily, I was suspicious and refused. Upon contacting the telephone company, I was informed that by pushing 90#, you end up giving the individual that called you access to your telephone line and allows them to place a long distance telephone call, with the charge appearing on your telephone bill. I was further informed that this scam has been originating from many of the local jails/prisons."

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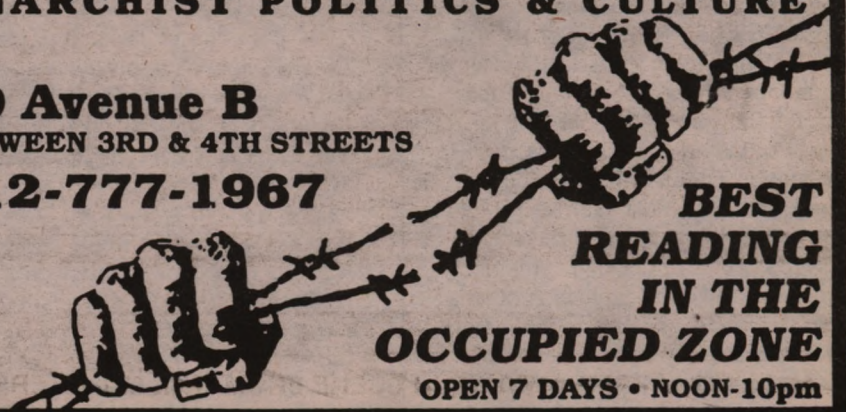
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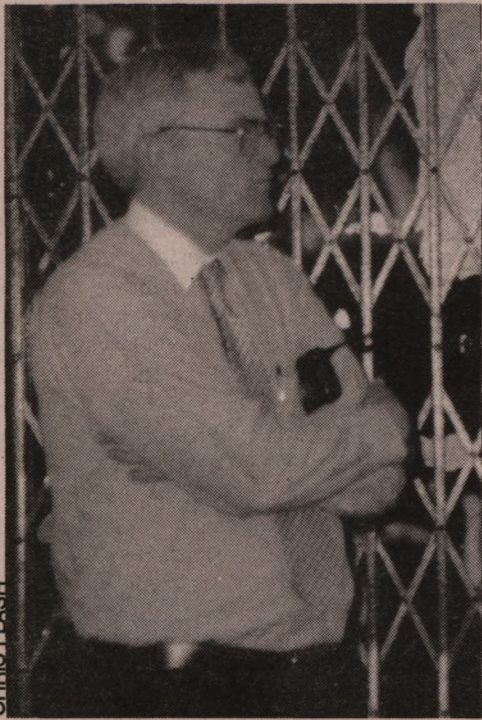
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## MIDNIGHT DEMOLITION....



CHRIS FLASH

OEM DEPUTY DIRECTOR GERRY  
McARTY AT DEMOLITION OF 26  
EAST FIRST STREET (7/97)

a rear collapse between the first and second story, and when our inspectors arrived on the scene, they determined the building as completely unsafe for anyone."

When told that the tenants disagree, Birkhahn replied, "The tenants aren't experts in this field. The last thing we want to do in the world is not let tenants get their belongings. But we have to protect the safety of tenants and save lives. We have no ulterior motive."

Birkhahn says that getting lighting in place and calling in a private demolition crew contracted by HPD explains the delay of several hours. He says the landlord will be billed by the city for the demolition.

By Sunday noon, the building was gone. Demolition crews worked continuously through the night with the crane and a large scoop, taking bite after bite of the building. Debris dumped in the barricaded street was collected and hauled away. Many witnesses to the demolition reported that at no time during the 17 hours of pounding did the building, collapse any further. It was simply dismantled floor by floor until the demolition crew reached the ground.

The speed and efficiency of the operation, the well-managed control of the site and of the press, coupled with the surreal quality of the crane scoop repeatedly attacking the building all night under the glare of spot-lights, left many onlookers in shock. Two weeks later, neighbors reported the feeling of having an arm or leg cut off without any explanation or diagnosis. The corner that once was, the bodega grocery store, the bank of phones, the social activity, the people, just gone--disappeared.

Demolition and the  
New York City Building Code

The method of the all-night demolition violated many provisions in New York City's own Building Code--Chapter 26, Subchapter 19, Article 6--Demolition Operations. The code calls for a careful and systematic floor-by-floor removal of materials by a contractor, with demolition workers working their way down from the inside and removal of debris from the building through covered chutes or openings. Another provision deals with protection of adjacent structures, particularly the removal of beams in party walls, which in this case, were simply ripped out of the party wall by the claw on the end of the

boom crane, potentially damaging adjacent buildings.

The mechanical demolition or use of a crane like the one used at 172 Stanton Street to smash the building is permitted only upon issuance of a special permit by the building department and in accordance with several requirements including: "Unless permitted by the commissioner, the mechanical method of demolition shall not be used where any building, or portion thereof, occupied by one or more persons is located within the safety zone."

As both adjacent buildings, 176 Stanton and 28-30 Clinton are occupied, this method of demolition must have been approved by the commissioner, Ron Livian. Interestingly, the criteria or guidelines the commissioner uses to determine that a situation warrants an override of standard procedures for demolitions are not delineated anywhere in the Building Code. Furthermore, the criteria or guidelines that are used to determine an "emergency condition" and subsequently that the building needs to be demolished are also not delineated in the Building Code.

Phone calls to Building Department inspectors confirmed that no such guidelines exist. The chief inspector, Thomas O'Flaherty and the Manhattan Borough Commissioner, Mr. Livian, simply by the mandate of their office, have the power to authorize demolition of a building when they or their inspectors decide that a building is in "imminent danger of collapse." No confirmation from independent architects or engineers representing the building owner or tenants is necessary, or more importantly, required by law.

A licensed architect who lives in the area has said, "Judging from photographic evidence of the north facade of 172 Stanton Street, and site observations of the Stanton and Clinton street facades, the building could have easily been braced and made safe in order to allow tenants to retrieve their possessions. The reshoring of facades is standard procedure and is happening right now all over the city."

City records indicate and photographs of the building confirm, that extensive repairs to install tensioned tie rods to structurally secure the north and south facades to the structural floor beams was completed in the fall of 1997 and approved by the architect responsible for the job. An application to repair the portion of the north facade that collapsed was disapproved by the city in 1991.

There was also plenty of advance warning that the city failed to heed. At a meeting of now homeless tenants at 172 Stanton on January 28, City Councilwoman Margarita López noted that there were 98 outstanding violations for at least four years at 172 Stanton. Of these, 66 were "Class B" and 12 were "Class C." B and C violations are those considered serious and requiring court action, despite months of tenant complaints, they received no action. "The city was not monitoring that building," says López. "That's the only way this could happen."

Massive budget cuts and slashes in the city's housing inspection staff in the last ten years have resulted in a vast backlog of outstanding code violations. The City Council recently considered legislation proposed by the Orwellian-named landlord group Rent Stabilization Association that would do away with city inspections entirely, in favor of landlord-contracted inspectors, but the move was scuttled by widespread tenant protest.

172 Stanton Street landlord Emmanuel Weisberg owns numerous other

buildings in the neighborhood, including 176 Stanton and 43 Clinton, as well as a Hebrew Religious Articles store at 45 Essex. He failed to return a phone call from the SHADOW before press time.

Tenants at the January 28 meeting said that agents for Weisberg had contacted them on the street after the demolition with an offer to return their security deposits. López suspects that this is a ploy to terminate their tenancy and evade legal liability. "Do not accept that money," she warned the tenants. "Do not sign a single document from the landlord."

## The Tenants of 172 Stanton Street

172 Stanton housed between 30 and 40 people, including about 10 children. Many were long-term residents--the Kleinkopfs lived there over thirty years. They were a mix of Puerto Rican, Dominican, Bangladeshi, Jewish, and White. 172 Stanton was primarily a low-income rent-stabilized building.

On Saturday night, after the demolition, the Red Cross brought the tenants to a motel it contracts with near LaGuardia Airport in Queens, 22 blocks from the nearest subway stop in a two-fare zone. Each family was given \$50, and then they were on their own. Most are doubling up with friends or family. The city, as it has done in similar cases, put the tenants up in this motel for three days. After that time, they are categorized as "homeless" and put into the shelter system, as if they had just been picked up off the street.

If a homeless tenant decides not to stay in a shelter for 50 days, but instead decides to live with a friend or relative, then they lose their "homeless" status and are ineligible for housing assistance. Those who stay in the city shelters are put on an emergency list for housing. This emergency process can take a month or more and they must take whatever apartment in whatever neighborhood they are offered, or they are ineligible for housing assistance.

The fact that the tenants are now scattered throughout the city, as well as their language barrier, is an obstacle to coordinating a legal strategy. At the January 28 tenant meeting, López spoke in English and Spanish, while a young girl translated in Bengalese for her mom.

## Vacate and Demolish:

## An Escalation of Tactics

Vacate and demolish orders issued by the Fire Department and the Department of Buildings based on the pretext of structural instability have been used by the City of New York more frequently since the real estate market has been booming. Two recent Lower East Side building demolitions follow:

In February 1997, 537-39 East Fifth Street, a city-owned building occupied by more than 20 squatters for more than ten years, was said to be in danger of "imminent collapse" after a small fire in one room on the second floor. An independent architect testified in court that the building appeared to be structurally sound. Police and city officials were seen walking throughout the building after the fire without hard hats or any other precautions. As reported in SHADOW #41, one building resident, Brad Will, made his way back into the building and onto the roof as demolition began. When police failed to apprehend him, they endangered his life. Two injunctions issued by New York State Supreme Court Judge Barbara Kapnick to cease demolition and cartage of residents' property were ignored by the city. The Fifth Street Block Association organized a protest against the debris, plaster, lead dust and asbestos that was released into the air by the mechanical demolition with a boom crane. Resi-

den's possessions were needlessly destroyed, and their pets were killed. Jacqueline Bukowski, the lawyer representing the residents of Fifth Street said, "When the City ignores the laws of the State, it forces its citizens to live in a state of fear and unpredictability. Even homeless people living under a bridge have Federal law protection regarding the seizure of their property."

In July 1997, 26 East First Street, a city-owned building occupied by legal rent-paying tenants, was declared to be in danger of "imminent collapse" after a portion of a plaster ceiling fell in the building's stairwell. The tenants were given a half hour to vacate and were never allowed back in. An independent architect who wanted to assess the structural condition of the building was refused entrance. City workers moved throughout the building all night and removed some of the tenants belongings. Again, most possessions, as well as pets, were lost in the demolition. Tenants were housed for one night by the Red Cross, three days in a welfare hotel, and then into the homeless shelter system.

And now....172 Stanton Street, another privately-owned building with legal rent-paying tenants. The pattern is clear: From city-owned squats, to a city-owned building with legal tenants, to a privately-owned building with legal tenants. Many people now fear that 176 Stanton, adjacent to the vacant lot where 172 once stood, may be next.

As tenants in New York City continue to lose their civil rights and legal rights in the courts, there is less and less difference between tenants and squatters. All low-income tenants, of city or privately-owned, rent-stabilized or rent-controlled buildings, are vulnerable to assault by New York City's forced eviction and demolition squad, led by: the Mayor, the Mayor's Office of Emergency Management, the Department of Buildings, the Department of Housing Preservation and Development, the NYC Fire Department, the NYC Police Department, and the mainstream media.

This coordinated effort has become increasingly sophisticated, swift, and brutal. In earlier demolitions, real efforts were made to remove residents' possessions. In some cases, days would pass as the city hired movers to remove possessions. Eventually, squatters, some of whom were in city-run homesteading programs, became aware of the real intent of phony vacate orders and refused to leave their homes. In response, the city has stepped up its tactics and began using fear and panic to enforce immediate vacate orders, as it did at First Street and 172 Stanton Street. Six vacate orders have already been issued in 1998.

At 172 Stanton Street, confused tenants huddled in the street, waiting to be told when they could return to their apartments, waiting to hear when repairs would begin to shore up the building, waiting for politicians to arrive to intervene in the madness--and then, only slowly began to realize that they were without rights, recourse, legal or effectual representation, except for the handful of activists who have been fighting back for years.

It is assumed that after a lengthy legal process, a monetary settlement will be offered to the tenants. Money is a very poor measure of justice, but for the city, money is just the cost of doing business, or as a city official said during the Fifth Street demolition, "Go ahead, sue us, our pockets are deep."

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## GARDEN PLOT....

covery motions and information subpoenas to obtain information on every dealing between Capoccia and those who have facilitated his acquisition of city-owned land for building various housing projects throughout the city, past, present and future.

In response to Capoccia's suit, Edelman told the SHADOW: "As far as I know, the First Amendment still applies on the Lower East Side and no activist should respond to this suit by curtailing their activities." The defendants are being represented by activist attorney Ron Kuby, who is assembling a legal team to deal with Capoccia's charges. (Can you say "malicious prosecution," Donald?)

Since the garden demolitions, Capoccia's home on East Third Street has been the site of countless pickets, protests, demonstrations and neighborhood information campaigns, such as "What Kind of Neighbor Is Donald Capoccia?" These activities have increased and are expected to continue as Capoccia raises the stakes in his efforts to squelch attempts to expose his activities and misdeeds on the Lower East Side.

## NO BUSINESS AS USUAL FOR THE DESTROYERS OF COMMUNITY GARDENS!

From The Mighty E-mail Army:

<gardens@cybergal.com>

**PRESERVE, DON'T PRIVATIZE!** The City owns *than 10,000 TRULY* vacant lots and it now wants to destroy 300 more gardens--it should be using its resources build TRULY affordable housing and create MORE green space, not demolish community gardens. JOIN THE PHONE AND FAX JAM. Because this is such a crucial moment, you could call or fax the six targets listed below--you might pace yourself by making two calls a day for three days (or three calls a day for two days):

- Mayor Rudy Giuliani (Express your outrage at the assault on community gardens and the sell-off of city land to developers): Phone 212-788-3000, Fax 212-406-3587
- Deputy Mayor Randy Levine (High ranking city official responsible for the plan to bulldoze community gardens): Phone 212-788-8330, Fax 212-788-2976
- Parks Commissioner Henry Stern (Tell the Parks Department that it's not doing enough to preserve community gardens citywide): Phone 212-360-1305, Fax 212-360-1345
- Manhattan Boro President Virginia Fields (Voted to give gardens to developers as city council member; Good friend of Giuliani): 212-788-6972
- Public Advocate Mark Green (Hasn't yet spoken out in favor of community gardens--urge him to defend our public spaces!): Phone 212-669-7200, Fax 212-669-4701
- Housing Commissioner Richard Roberts (The city's top housing bureaucrat and a major force behind the destruction of gardens): Phone 212-863-6100, Fax 212-267-2565
- NYC Housing Partnership President Veronica White (The Partnership, which is the city's Chamber of Commerce, has masterminded the demolition of community gardens, as part of a development-mad push to privatize

huge amounts of city land): Phone 212-493-7400, Fax 212-344-3344

● Roosevelt Savings Bank (Provided financing to Donald Capoccia, the developer who bulldozed the four Lower East Side gardens; Let the bank know you're appalled by its cavalier disregard of community sentiment): Phone EITHER Walter Mullins, Community Relations 516-739-4214 OR William Kuhn, Real Estate 516-739-4300, Fax 516-742-6145

● Donald Capoccia (Politically-connected real estate developer acquiring city-owned land and community garden sites for upper-income housing projects): 74 East 3rd Street, #1B, NY, NY 10003. 212-420-0453

● BFC Associates (Capoccia's construction company building on the garden sites; Responsible for destruction of the 13th Street Squats; Caused evacuation of residents of 182 Avenue B by damaging building): 2226 First Ave, NY, NY 10029. Phone 212-722-3671, Faxes: 212-534-5021 + 673-8496

● Cardella Demolition (Capoccia's demolition company of choice): 1-800-548-7001 (Remember, they must pay for every incoming call)

● Del Este Village (Condo project to be built by Capoccia on garden sites): 214 Avenue A (right storefront), NY, NY 10009. 212-673-8445

● Antonio Pagán (Former city councilman who voted to give garden sites to his pal Capoccia; His housing group LESCHD will "manage" the sites once the yuppie condos are built): 7 East 3rd Street, #10, NY, NY 10003. 212-473-6995

● Lower East Side Coalition Housing Development/LESCHD (Poverty pimp housing group controlled by Antonio Pagán; Slated to "manage" Del Este Village yuppie condo project): 67 Avenue D and 308 East 8th Street, NY, NY 10009. Phones 212-387-0961, 254-1916, 260-6233, 677-3015, 677-4772

Obviously, super-energetic Garden Defenders should feel free to make multiple calls or send multiple faxes to the above targets, although we're asking you to contact each target only once. As long as you clearly express the political reason for your call or fax, you're within the protective bounds of the First Amendment, no matter how many times you keep calling. You can continue faxing any given number up to and until the point when you are specifically asked to stop. At that point, it's recommend that you do stop; if you continue, you might risk legal trouble. (For more tips, see "Fax Zap" and "E-Mail Bombing" articles on the "Subversive Electronics" page in this issue--Ed.)

We're REALLY getting on our opponents' nerves, as evidenced by several irritable communications from them to us. Mind you, the inconvenience we've created for our opponents still pales in comparison to the harm they've done us by bulldozing our community gardens--there's much to do if we want to even the score. Our goal is to make it easier for them to change rather than continue their course--in other words, give them such hell that they blanch at the thought of what will happen if they keep bulldozing gardens.

This is an ongoing fight: If you're not already a member of The Mighty E-mail Army of Garden Defenders and would like to join, write to: [gardens@cybergal.com](mailto:gardens@cybergal.com). The Email Army now numbers close to 150 members. The Mighty E-mail Army is a project of the Lower East Side Collective (<http://www.earthlink.net/~aliceme/lesc>).

**NOW GO KICK SOME GARDEN-BULLDOZING BUTT!!**

## POT BUYERS CLUB....

formed that federal agents were planning an action against the club. Hallinan was also hopping mad over the raid on the Ingleside home of an AIDS patient associated with the club. The man--whose identity was not revealed by police--was arrested with nearly 50 plants. Hallinan has urged US Attorney Michael Yamaguchi not to prosecute the case.

Flower Therapy was opened September 1996 by longtime Bay Area cannabis aficionado John Hudson and Barbara Sweeney and Beth Moore, whose home was raided at the same time as Peron's, and who now faces conspiracy charges for her involvement with Peron's CBC. With Moore's charges still pending, the three opened Flower Therapy to pick up slack from Peron's club, which was then still closed by order of state authorities. Flower Therapy is registered as a florist with the city, and is now going nonprofit.

Flower Therapy is serious about enhancing marijuana's medicinal use, and hopes to contract a Hewlett Packard gas spectral analysis device--the same model (HP 6890) used to analyze marijuana by the National Institute on Drug Abuse (NIDA).

NIDA only turned over the standards for use after much harassment of bureaucrats by Flower Therapy. In October 1995, NIDA finally sent a xerox of a page from American Laboratory magazine with the standards used by the University of Mississippi at Oxford for analysis of pot turned over by the DEA. The device can be leased directly from Hewlett-Packard. "HP loved it," says John Hudson. "They laughed their asses off when we talked about it."

While Delta 9-THC is the best-known psychoactive chemical in marijuana, the device can also measure quantities of cannabidiol (CBD), cannabichromene (CBC), cannabigerol (CBG), cannabinalol (CBN) and Delta 9-tetrahydrocannabinol (THCV). Each of these may have a different effect--stimulating appetite, relieving nausea, inducing relaxation or paranoia.

"We've got a database of 15,000 patients more than willing to help out on research," says Hudson. "We can really determine what does what." He even hopes to build a clean room for the machine on the Flower Therapy premises.

In October, Dr. Donald Abrams of San Francisco General Hospital won a \$1 million grant from the National Institutes of Health for the first federally-sponsored study of marijuana's medicinal use in treating AIDS. "Dr. Abrams has promised to work with us," says Hudson. "We want to be doing this before the state even starts. I'd like to test every grade of pot going to every club in the state." He laughs mischievously. "This is something I've wanted to do for a long time. "Prove the government wrong--or have a good shot at it."

"We have by far the lowest prices in the state with the exception of Valerie

Corral in Santa Cruz, who just gives it away," boasts Hudson. "I kept bringing the price of an eighth down, five bucks a month--\$65 to \$55 to \$50 to \$45. First with the domestic, now with the Mexi." The Mex is down to a mere five bucks an eighth, thanks to NAFTA. Even the city's Public Health department refers patients to the club. The club has Tuesday morning harm reduction meetings, with a waiting list of fifty, and a pot luck every Sunday. The Flower Therapy books are full of "Dan Lungrens" to protect growers' identities.

### Back to the Grassroots

John Vasconcellos (D-Santa Clara) failed to pass 215's "enabling legislation" in the state house last year. His bill would have established a Medical Marijuana Research Center at a campus of the University of California, with the support of Dan Lungren, who had been 215's fiercest opponent. Negotiations between Lungren and Vasconcellos resulted in several compromises which were deemed unacceptable by the grassroots.

For instance, the research program would have had to use marijuana supplied by either NIDA or alternative sources approved by the Attorney General. The notion of California, which grows the world's finest, importing low-grade federal marijuana grown by white-coated technicians at the University of Mississippi was just too much for the activists who had fought long and hard for 215.

The bill also called for "pretrial hearings" to determine if medical use is legitimate, and for the new center "to take the lead in developing new treatment techniques directed at those who have become regular marijuana users."

Other bills were even worse, restricting registered caregivers to blood relatives, and instating \$20,000 licensing fees for growers and pharmacies.

Beth Korn, political coordinator of the now-defunct CHAMPS club, thinks that marijuana should be neither Schedule One nor Schedule Two. "I want to see it made Schedule Three," she says. "There should be national guidelines on growing--a ban on spraying, and quality control like you'd have for any other product. But the Agriculture Department is not the best authority. The growers up in Humboldt are the experts, and should be recognized as such. You go to people who have the knowledge and work with them to establish standards--if they can get over their paranoia about dealing with these people."

Growers and users were the ones who fought hard for 215 and changed the public perception of marijuana as a dangerous drug. Now they must fight to keep a voice in making a 215 implementation policy, says Korn. "We have to set the standards ourselves. It has to come from the bottom up. Right now the government has to get out of the way and let us do the research. Then it will all speak for itself."

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## CALIF. SCREAMING....

Stewardship Plan "a vision for the permanent protection of Headwaters Forest and the workers who depend on it for their livelihood." The Stewardship Plan (which takes no position on the ownership of the forest) would still allow for \$3.7 million in timber profits. The plan would create new jobs in restoration forestry to replace logging jobs. It argues that Maxxam's breakneck exploitation, with workers coming in from around the state and the mills running around the clock, is an artificial boom certain to be followed by bust.

Cecilia Lanman believes "Hurwitz owes Headwaters to the American people." Both the FDIC and the Treasury Department's Office of Thrift Supervision have claims against Maxxam. A federal administrative court in Houston is now hearing the OTS case.

In July, thirteen congressmen led by California's Pete Stark petitioned the SEC to launch an action forcing Hurwitz to "disgorge" PL profits to reimburse the taxpayers for his \$1.6 billion S&L bailout. Hurwitz is accused of using his United Savings Association of Texas to buy junk bonds from broker Michael Milkin (since busted by the feds for "insider trading") in return for the junk-bond king's help in the Maxxam takeovers of PL and Kaiser Aluminum.

Former PL stockholders in 1995 won a \$150 settlement in a fraud suit against Hurwitz and Maxxam, alleging that they skirted SEC rules on the PL merger.

Earth First!'s Karen Pickett says the \$318 million deal is a swindle. "Hurwitz arrived at that price based on being able to cut *everything*--which he would not be able to do legally. He bought the company for \$900 million when it included a San Francisco office building and a welding division which he divested. He made out like a bandit."

She's got her own slogan: "Debt for Nature, Jail for Hurwitz!"

### The Plunder Continues

Meanwhile, the ancient trees keep falling. There were "salvage" ops when marbled murrelet mating season ended in Fall 1996 in four of the six old-growth groves, taking out fallen trees. This logging was done under no Timber Harvest Plan, as generally required by the California Department of Forestry, but under an "exemption" for an emergency situation--Hurwitz claimed that an insect infestation needed to be contained. However, they didn't touch the two groves proposed for preservation under the Clinton-Hurwitz deal, Headwaters Grove and Elk Head Springs. There has not yet been any logging in the six groves this year.

"Residuals"--ancient trees left standing in areas already logged--are still being cut. And Earth First!ers still maintain ongoing actions. They even erected "tree villages" of platforms connected by catwalks to maintain an ongoing occupation of the canopy. The one in Owl Creek Grove is named Ewok Village, after the guerilla teddy-bears of *Return of the Jedi*.

While Earth First!ers put their bodies on the line to slow the plunder, EPIC's legal efforts grind on. "We've taken it as far as it can go with habitat protection to save ancient forests--all the way to the Supreme Court," says Cecilia Lanman.

A 1988 EPIC case stopped Maxxam from clear-cutting in the virgin old-growth groves, but the corporation is still doing "residual" logging of old growth.

"They are doing this illegally in our opinion," charges Lanman. "And they are doing it as close as they can to the

old-growth groves to try to destroy their integrity." There were over 40,000 acres of residual old growth when Maxxam came in. Most of it is now gone. Maxxam is also still clearcutting in second-growth. The logged land is often sprayed with an herbicide-deisel mixture to control undergrowth, contaminating watersheds.

In February 1997, the Supreme Court declined to hear *Pacific Lumber v. Marbled Murrelet*, letting stand lower court rulings that barred cutting living trees in the old-growth groves.

This victory was followed by a setback. In June 1997, federal courts granted PL a "summary judgement" on EPIC's claims that salvage logging in Headwaters was likely to cause a "take" (death) of marbled murrelets, allowing PL to continue with "exemption" logging.

Simultaneously, a bill was approved by Sacramento, gutting the California Endangered Species Act, authorizing "incidental" and "accidental" takes in the course of "ongoing activities."

By only protecting two ancient groves, and allowing an "incidental take permit," the Clinton-Hurwitz deal compounds the impact of these developments.

"They shouldn't be messing around with policy. They're violating the law by having a Congressionally-mandated management plan, instead of going through Fish & Wildlife and the appropriate agencies," says Lanman.

Maxxam has a friend in Rep. Riggs, who even introduced a rider to a previous Interior appropriations bill which would have overturned 30,000 of 40,000 designated acres of critical marbled murrelet habitat--mostly in Headwaters. The rider was defeated. Riggs' earlier Maxxam-friendly plan to save Headwaters called for granting PL logging rights in the Smith River Recreation Area of the Six Rivers National Forest, north of Humboldt in Del Norte County. The plan went nowhere due to complete lack of environmentalist support. "It involved trading old growth for old growth. It would have shifted the problem, not solved it," says EPIC's Paul Mason.

Hurwitz had previously demanded Alcatraz and Treasure Island in the San Francisco Bay in return for Headwaters, and promised to keep cutting the old growth till the government met his price.

Riggs is now a foremost proponent of the \$318 million Clinton-Hurwitz deal. The \$318 million is more than twice what the government spent on acquiring parkland nationwide last year. PL is a top Riggs campaign contributor and the largest employer in Humboldt County, a significant chunk of Riggs' district.

### Humboldt Cops Squelch Free Speech

At the September 15, 1997 rally to save Headwaters, held at Stafford, police closed the US 101 off-ramps to the Stafford road to keep folks away, ostensibly due to insufficient parking. The sheriff's department vowed that anyone arrested would face felony charges. Protestors were kept away from the PL property line to prevent civil disobedience actions. "We weren't allowed on to the public easement on the road along PL's property," says Cecilia Lanman, calling it "prior restraint on our ability to have free speech." Police were brought in from as far as Alameda County.

The September 1996 rally, scheduled to correspond with the end of marbled murrelet mating season, was attended

by 4,000 with 1,000 arrests. The September 1997 rally brought out 6,000, but with only two arrests. Among those in attendance were actor Woody Harrelson, Grateful Dead drummer Mickey Hart, blues artist Bonnie Raitt and former California Governor Jerry Brown.

CHP and sheriff's department roadblocks and ID checks also went up that day in Carlotta, where the rally was held in 1996, apparently just in case any activists turned up there.

### Protecting the Watersheds

Instead of getting arrested after the rally, protestors including Jerry Brown and Bonnie Raitt helped sandbag a house where PL is logging 1,400 feet up a steep slope. The house had already been severely damaged by a mudslide the owner says was caused by PL's deforestation of the slope.

By 1993, most of the trees above him had been cut. "I can't rent it, I can't sell it, but I still have to pay taxes on it," says homeowner Mike O'Neal.

Lanman anticipates a shift in the legal strategy against PL. "The next ten years will be about watershed protection," she says. "They have to go higher and higher to get the remaining trees." She says the erosion of the local watersheds is already taking a cataclysmic toll.

Stafford residents whose houses were wiped out by the mudslide last winter are suing Maxxam. Seven homes were lost. O'Neal's had to be dug out, and the foundation was damaged. It was sandbagged in anticipation of next slide, which will almost certainly destroy the house. He is living elsewhere. He says it cost him almost \$3,000 to move his trucking business out. "Maxxam reneged every time we tried to settle with them."

The California Department of Forestry approved the logging above the Stafford homes.

Degradation of the watershed from PL's logging is also leading to sedimentation of the Eel River, impacting coho and steelhead salmon populations.

But the threat to local homeowners may make Maxxam the most enemies. "We have property rights too," says Mike O'Neal.

## ADAM PURPLE....

live out the rest of their lives in psychic exile because of their act of vandalism."

Since the destruction of *The Garden of Eden*, the city commenced eviction proceedings against 184 Forsyth in 1986, but it never went further, due to improper service. In September of 1994, Community Board Three (CB3) approved a proposal by poverty pimp housing group Asians for Equality to take 184 Forsyth, but their approval was mysteriously switched in October to the New York Society for the Deaf.

Now CB3 is stepping up its efforts to get Adam out of his building. On February 24, the 26th anniversary of Adam's move to 184 Forsyth, the board voted 30-1 in favor of a proposal by the Society for the Deaf to acquire site control of Adam's building and a vacant lot next door as a step toward building 21 units of federally-funded housing. The Society for the Deaf already has a large building on several lots on Forsyth, just south of 184, built in 1993. According to CB3 member Herman Hewitt, Adam would not be eligible to live in the new units since the apartments would be awarded under a lottery system. Strangely, just a few hours before the CB3 vote against him, Adam was served with a notice to vacate his building by March 31.

"Now they're seeking to go around the courts," Adam says, by having his building transferred to the Society for

### Timber Workers Break Ranks With Maxxam

PL employees are also starting to break ranks with Maxxam. Third generation PL employee Stan Chandler filed suit against the company in June, claiming he was unfairly fired for objecting to unsafe working conditions. He says corner-cutting, such as fellers being sent out alone instead of in crews, became routine after the Maxxam take-over. He also says he was instructed to cut old-growth trees outside the Timber Harvest Plan boundaries, in endangered species habitat, and within Indian archeological sites.

### Judi Bari Case Proceeds

In related news, *Bari versus Held*, the federal suit filed by redwood crusader Judi Bari against the FBI, continues despite Bari's death from cancer in November 1996. Judi was disabled for life when a bomb placed in her car exploded on an Oakland street in 1990, in the midst of the Redwood Summer campaign she was organizing. The FBI initially arrested Judi for the bombing, then failed to press the charges--while the real perpetrator went free. Judi and Darryl Cherney, also injured in the bombing, sought damages for FBI denial of their civil rights.

In October 1997, Federal Judge Claudia Wilkin issued a mixed ruling. She dismissed San Francisco FBI boss Richard W. Held as a defendant in the case, citing "lack of evidence" and his "qualified immunity" as a government official. But the case will continue against six other FBI agents, the FBI, the Oakland Police Department and three Oakland officers.

Ironically, the ruling came just as Geronimo Pratt, the Black Panther leader reportedly framed for murder by Richard W. Held in 1972, was released after 25 years in San Quentin prison. Pratt was ordered released after Orange County Superior Court Judge Everett W. Dickey granted him a new trial, ruling that the 1972 conviction was heavily influenced by the testimony of an informant whose infiltration of the Black Panther party was unknown at the time of Pratt's trial.

the Deaf. "Nice neighbors. They move next door and they want to throw you out." Adam says that by transferring his building, the city can avoid housing court, the legal process and public oversight. He notes that the city can grant site control, but they cannot sign over an occupied building.

Rudolph Giuliani, as US Attorney for the Southern District of New York, oversaw the legal effort to destroy *The Garden of Eden*. As mayor of New York City, it is not likely that he will defend Adam's "huwomanimal rights under Article 18 of the United Nations Declaration of Human Rights."

"Whether I'm here or not, this building should be landmarked. It's in good shape. It needs love and attention, and it's getting neither from the City of New York."

Concerned readers are urged to contact city councilmembers Margarita Lopez and Katherine Freed and demand that they help Adam keep his building. If you or someone you know has legal expertise, advice, suggestions, resources and if you can make a donation to Adam Purple's Defense Fund, please send whatever you can to his attorney Colleen McGuire at: 305 Broadway, Room #402, New York, NY 10007. Phone: 212-571-4080. Fax: 212-571-4079.

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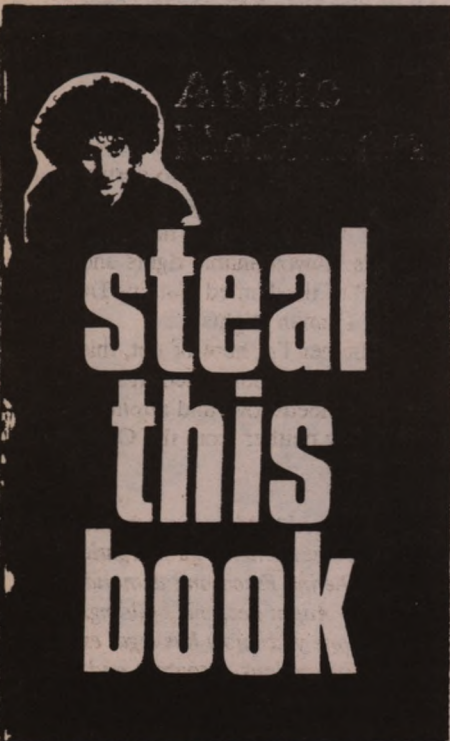
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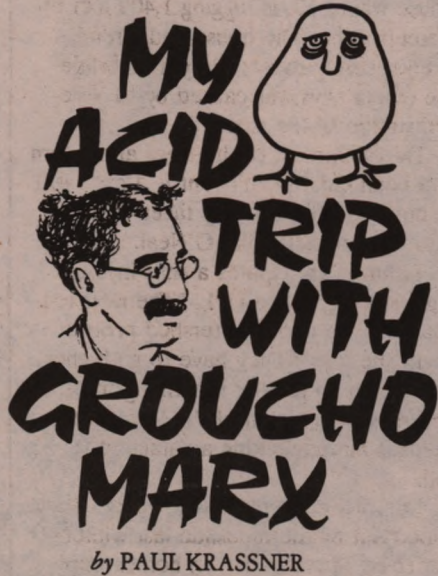


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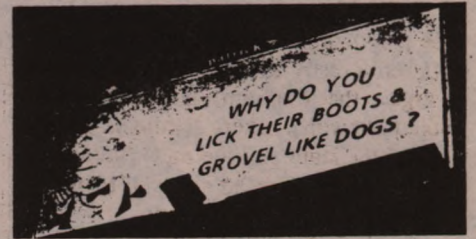
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