

THE INDYPENDENT

#234: APRIL 2018 • INDYPENDENT.ORG

**FRAMED BY THE
BROOKLYN DA?**

P6

**SCOURGE OF THE
NYPD**

P8

**THE LAWYER WHO
DID GOOD**

P13

AND MORE...

INDY NOIR



THE INDYPENDENT



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COMMUNITY CALENDAR



MON APR 2

7PM–10PM
BOOKTALK: THINGS THAT
MAKE WHITE PEOPLE
UNCOMFORTABLE

Super Bowl Champion and
three-time Pro Bowler
Michael Bennett is an out-
spoken proponent of social
justice and a man without
a censor. Join Bennett for
an intimate discussion of
his new memoir with its co-
author, *Nation* sports editor
Dave Zirin.
THE NEW SCHOOL
66 W 12th St., Mnhtn

APR 6–APR 8

FRI–SUN, times vary •
\$25–\$85
FESTIVAL: THE 10TH AN-
NUAL BROOKLYN FOLK
FESTIVAL

The best in American and
world folk; a celebration of
down home music, cultural
diversity and memory in
the heart of Brooklyn. This
year's lineup includes Blind
Boy Paxton, the East River
String Band with R. Crumb
and legendary Roman
street musician, Birdman.
Plus workshops, open jam
sessions and annual banjo
throwing competition. Visit
brooklynfolkfest.com for
full schedule.
ST. ANN'S CHURCH
157 Montague St., Bklyn

SAT APR 7

2PM–5PM • FREE
TRAINING: INTRODUC-
TION TO DIRECT ACTION
Hosted by Rainforest Ac-
tion Network, this training
will cover a brief history on
direct action and the tools

needed to plan your own
protest.
MAYDAY SPACE
176 St Nicholas Ave., Bklyn

SUN APR 8

7PM–9PM • FREE
SCREENING: **MANN V.
FORD**
A documentary portray-
ing the Ford corporation's
legacy of environmental
contamination in northern
New Jersey. Toxic chemi-
cals still plague a neighbor-
ing indigenous community,
the Ramapough Lenape
Nation. Discussion to fol-
low film.
**BLUESTOCKINGS BOOK-
STORE**
172 Allen St., Mnhtn

WED APR 11

6:30PM–8:30PM • FREE
PANEL: **LATINX ART IS
AMERICAN ART**
Artists Miguel Luciano and
Shelleyne Rodríguez join
curators from the Whitney,
Boston University and the
Smithsonian for a discus-
sion on Latin America's
artistic heritage and con-
temporary significance.
THE NEW SCHOOL
THERESA LANG CENTER
55 W 13th St., Mnhtn

WED APR 11

7PM–9PM • FREE
SCREENING: **THIS IS
PARKDALE**
A screening and discus-
sion of a documentary
about how tenants in a
Toronto neighborhood
successfully organized
to fight displacement and
gentrification.

242 W 37th St., 5th Fl.,
Mnhtn

APR 13–APR 14

FRI & SAT, times vary •
\$25–\$1000
CONFERENCE: ORGANIZ-
ING 2.0
The region's premier skills
training conference for
organizers, communica-
tors, techies and activists
of all levels. Trainings
include: online and offline
organizing, digital strategy,
visual storytelling and
much more. Visit
organizing20.org to register
as a group or individual.
THE MURPHY INSTITUTE
25 W 43rd St., 19th Fl.,
Mnhtn

FRI APR 13

6PM • Adults \$15, \$25 with
book, children & seniors \$5
READING: **JUNOT DIAZ**
The Pulitzer Prize-winning
author reads from his debut
children's picture book,
Islandborn. Q&A and book
signing to follow.
UNITED PALACE THEATER
4140 Broadway, Mnhtn

FRI APR 13

7:30PM–9PM
MUSIC: **OUTSIDE (IN)DIA:**
MARTHA REDBONE
Part Cherokee, Choctaw,
European and African-
American, Martha Red-
bone is a pioneering voice
of Appalachian and Native
American song. In a debut
collaboration, Redbone
will be joined by Brooklyn
Raga Massive's community
of Indian music-inspired
artists for an exploration

of Americana and raga
intersections.

LINCOLN CENTER
10 Lincoln Center Plz.,
Mnhtn

SAT APR 14

10AM–1PM • \$12.50
ART: **BROOKLYN STREET
ART TOUR**
Learn the fascinating
history of graffiti culture
and street art and how it's
evolved and see dozens of
unique pieces and murals
along the way.
BUSHWICK COLLECTIVE
30 Wyckoff Ave., Bklyn

APR 16–APR 22

MON–SUN, times vary •
\$0–\$49
FESTIVAL: **PEN WORLD
VOICES FESTIVAL OF
INTERNATIONAL LITERA-
TURE**
Join 165 writers and artists
representing over 50 na-
tionalities for this weeklong
series of literary events
with a human rights focus.
Speakers include Roxane
Gay, Dave Eggers and
Chelsea Manning. Tickets,
location and schedule
available at
worldvoices.pen.org.
Citywide

TUE APR 17

8PM • \$40
TALK: **LAURIE ANDERSON
IN CONVERSATION WITH
NEIL GAIMAN**
Artist, composer, film-
maker, performer and
all-around creative pioneer
Laurie Anderson sits down
for a wide-ranging con-
versation with acclaimed

writer Neil Gaiman.

92ND STREET Y
1395 Lexington Ave., Mnhtn

APR 19–APR 29

THU–SUN times vary • \$12
and up
FESTIVAL: **THE TRIBECA
FILM FESTIVAL**
Through programs that
embrace storytelling in
all of its forms — film, TV,
online work, virtual reality
and music — the festival
sets out to reimagine the
cinematic experience
and explore how art can
unite communities. Visit
Indypendent.org for our full
coverage. Tickets, sched-
ule and locations available
at tribecafilm.com.
Manhattan

THU APR 19

8PM • \$35 in advance, \$45
day of, 18+
MUSIC: **PHAROAH SAND-
ERS**
Sanders possesses one
of the most distinctive
tenor saxophone sounds
in jazz, harmonically rich
and heavy with overtones.
After making a name for
himself through expres-
sionistic free jazz in John
Coltrane's ensembles of
the mid-'60s, Sanders has
taken gentler avenues
in later years without sacri-
ficing any of his music's
intensity.
(LE) POISSON ROUGE
158 Bleecker St., Mnhtn

MON APR 23

7PM–9:30PM • \$6–\$15
DISCUSSION: **REVISIT-
ING THE COLUMBIA U.**

MIC CHECK!

LISTEN TO OUR **INDY AUDIO** AND **INDYSTRUCTIBLE** PODCASTS ON ITUNES & SOUNDCLOUD TODAY.

THE INDYPENDENT

STRUGGLE OF 1968

The student-led takeover of the Columbia University campus for a week in April 1968 was one of the defining moments in a year of revolutionary upheaval around the world. Learn how black and white students and their community allies in Harlem took on Columbia's ruling-class representatives, City Hall, the *NY Times* and the NYPD and won. For more, see marxedproject.org.

BROOKLYN COMMONS
388 Atlantic Ave., Bklyn

WED APR 25

5PM-7PM • FREE
WORKSHOP: BLACK POETS SPEAK OUT

This workshop will focus on the work of Black Poets Speak Out, whose hashtag video campaign on Tumblr featured hundreds of videos from black poets reading in response to the grand jury's decision on Nov. 24, 2014, not to indict Darren Wilson, the police officer who killed Michael Brown.

THE LAUNDROMAT PROJECT
920 Kelly St., Bronx

FRI APR 27

6:30PM-8:30PM • FREE, donations welcome

SCREENING: *INSIDE ASSAD'S SYRIA*

A screening of the VICE/HBO Film

Inside Assad's Syria followed by a discussion.

WORD UP COMMUNITY BOOKSTORE/LIBRERIA COMUNITARIA
2113 Amsterdam Ave., Mnhtn

APR 28-APR 29

SAT & SUN, 12PM-9PM • \$19-\$199

FESTIVAL: THE WORLD'S FARE
Over 100 vendors come together in New York City's most diverse borough and unite through authentic food, drink and music curated by the city's leading culinary advocates.

CITI FIELD

120-01 Roosevelt Ave., Queens

SAT APR 28

2PM-7PM • FREE
FESTIVAL: MAYDAY FESTIVAL OF RESISTANCE

An outdoor concert featuring Nitty Scott with M.A.K.U Sound System, Bushwick Jarocho Collective, NECIA, and DJ Sabine Blaizin. This year, the festival celebrates movements led by women of color, black women, trans women, and femmes that are transforming the world.

MARIA HERNANDEZ PARK
301 Suydam St., Bklyn



FABRICE TROMBERT

EAST MEETS WEST:

Martha Redbone, whose music draws on her American Indian roots, shares the stage with Brooklyn Raga Massive, a community of Indian-inspired musicians.

BOB TRAVIS

TOP OF THE PYRAMID:

No one blows the sax like Pharaoh Sanders. He's at (le) poisson rouge this month.

STATE & THE CITY, P4

Can Actress-tivist Cynthia Nixon give Gov. Andrew Cuomo a run for his money?

THE GHOST OF JOE HYNES, P6

He's gone, but false convictions still haunt the Brooklyn DA's office.

THE ANTI-COP, P8

This officer turned P.I. is out to police the police.

THE MOST DANGEROUS PAINTINGS IN AMERICA, P10

A picture says a thousand words (about indefinite detention).

AGAINST THE SYSTEM, P12

Can new Philly DA Larry Krasner topple the prison industrial complex from within?

PRO BONO PUBLICO, P13

Radical lawyer Marty Stolar uses the law as a means of protest.

JUSTICE AIN'T BLIND, P14

The fight to enable defendants to see the evidence against them.

GIVEN A SECOND CHANCE, P15

After 45 years behind bars, former Black Liberation Army member Herman Bell is on the verge of being paroled.

THE NAZIS NEXT DOOR, P16

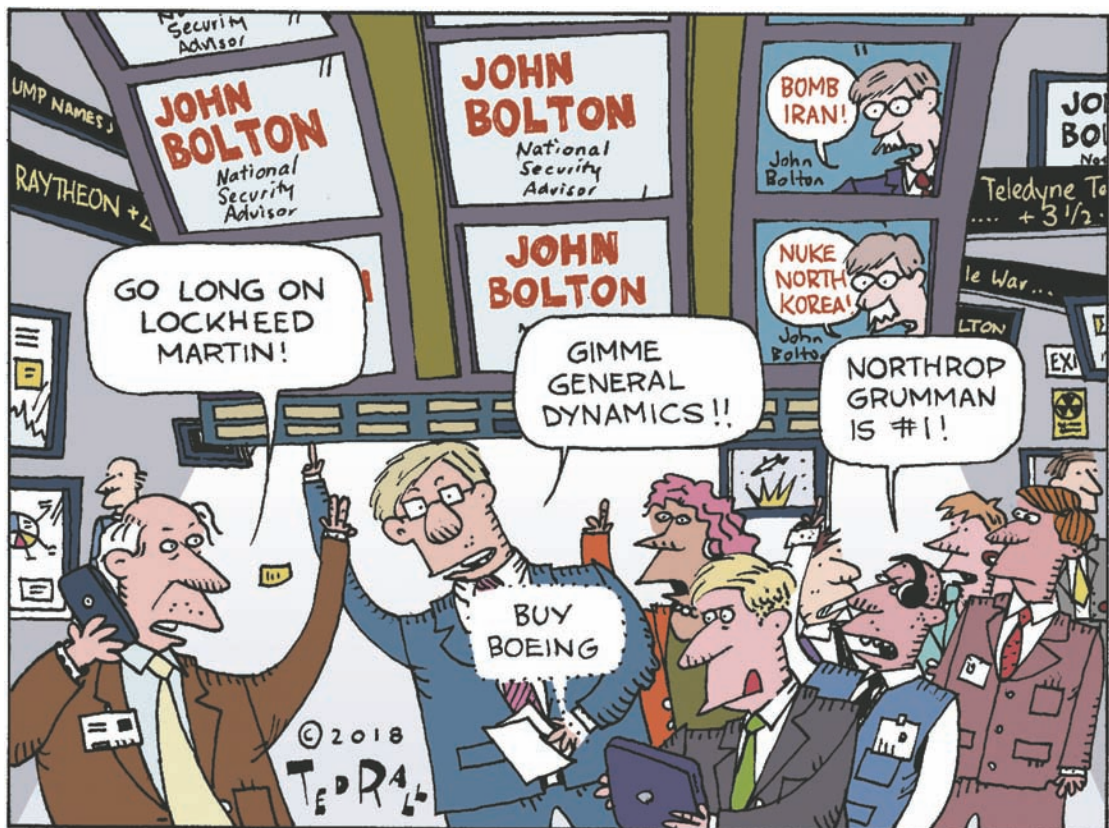
A new film explores France's pivot to the far right.

COUNTERCULTURED, P17

Peter Hugar captured New York's raw underbelly.

TRUMP HELP HOTLINE, P18

Reverend Billy on guns and money.



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NIXON NOW?

By JOHN TARLETON

Albany. Here in Gotham we rarely think of this quiet city of 100,000 people that lies on the west bank of the Hudson River 150 miles to the north of the Big Apple's hustle and bustle. Yet, it is in the state capitol where much of our city's fate is decided: the functioning of our mass transit system, the quality of our public schools, whether we will have protection from rapacious landlords and much more.

At Albany's center is a giant, windswept government plaza made of 240,000,000 cubic feet of concrete and 600,000 cubic feet of stone imported from three continents. From miles away, you can see four identical 23-story state office buildings. They stand on one side of the plaza with a 44-story monolith on the other. In this weird, alienating realm there is also a quarter-mile long office building modeled on the Pharaoh Hatshepsut's Temple, a giant egg that contains a public theater and a garish, castle-like capitol building erected in the late 1800s.

To stand in that plaza is to feel small and powerless. The ideal of representative government of, by and for the people never seems more remote. And that's just fine with the people who run the joint on behalf of the special interests who fund their campaigns.

The dominant player in Albany is Gov. Andrew Cuomo. Like Dr. Seuss's Yertle the Turtle, Cuomo sits astride a political machine and commands all that he sees. Famously vindictive and with his hands on the levers of state government, few in the political class dare to cross him. Meanwhile, his wealthy backers have filled

his re-election campaign coffers to the tune of \$31 million and counting. But what if ordinary New Yorkers decided they had had enough of Cuomo's misrule and began to stir? Could we topple Cuomo like poor ol' Yertle who famously face-planted in the muck from which he rose?

In 2014, previously unknown law professor Zephyr Teachout won 34 percent of the vote against Cuomo in the Democratic primary running on an anti-corruption message. On March 19, the actress Cynthia Nixon announced she would challenge Cuomo in this year's Democratic primary. Best known for starring in the hit television series *Sex and The City*, Nixon is a native New Yorker who has been a prominent advocate for public schools over the past 15 years. She came out as gay in 2004 and has also championed LGBTQ rights and Planned Parenthood.

Nixon has the celebrity firepower that Teachout did not. She will raise far more money than Teachout (who is serving as her campaign treasurer) even while eschewing corporate campaign contributions. Nixon is running to the left of Cuomo on support for public education, universal health care and reforming the state's archaic elections laws that protect incumbents of both parties. Above all, she will try to make hay of Cuomo's abysmal oversight of the MTA and the disastrous decline in subway service during his two terms in office.

But, is being a smart, well-meaning white lady enough?

Cuomo is the devil we know. Son of a three-term governor, he is nothing if not familiar with the machinery of state government. Four years ago, Cuomo's strongest support came from the city as well as the im-

mediate suburbs. While Teachout carried more than 30 upstate counties, Cuomo crushed her here in the five boroughs with overwhelming support from Black and Latino voters.

For their loyalty, New York City residents haven't received much in return. Cuomo oversaw the completion of the Second Avenue line at a cost of more than \$1 billion per mile, but hasn't bothered to do anything about the system's decrepit signal system ensuring continued subway chaos. Wall Street-backed charter school chains get favored treatment while public schools continue to be underfunded. CUNY students have seen their tuition increase 35 percent under Cuomo while per pupil state support has declined. An unholy alliance between Cuomo, State Senate Republicans and the real estate industry make it impossible to win more protections for rent-stabilized tenants. And so on.

We deserve better than this.

Nixon faces long odds. She will have to persuade voters between now and the Sept. 13 primary that she is up for the job. That said, defeating Cuomo from the left with a candidate who would also be the state's first female and LGBTQ governor would be a big deal. Progressive reforms that have been stymied for decades would have a real shot at moving forward.

So is Nixon the one? We owe it to ourselves to listen to her closely and find out.

CUOMO'S COMEUPPANCE:
The actress and former *Sex and the City* star is seeking to oust the governor.

SOME PLACES YOU CAN FIND

BELOW 14TH ST

SEWARD PARK LIBRARY
192 EAST BROADWAY

HAMILTON FISH LIBRARY
415 E. HOUSTON ST.

LES PEOPLE'S FEDERAL CREDIT UNION
39 AVENUE B

TOMPKINS SQUARE LIBRARY
331 E. 10TH ST.

BLUESTOCKINGS
172 ALLEN ST.

THEATER FOR THE NEW CITY
155 FIRST AVE.

MCNALLY JACKSON BOOKS
52 PRINCE ST.

4TH STREET CO-OP
58 E. 4TH ST.

THINK COFFEE
248 MERCER ST.

FILM FORUM
209 W. HOUSTON ST.

HUDSON PARK LIBRARY
66 LEROY ST.

CINEMA VILLAGE
22 E. 12TH ST.

LGBT CENTER
208 W. 13TH ST.

14TH TO 96TH ST

CIVIC HALL
118 W. 22ND ST. 12TH FL.

EPIPHANY LIBRARY
228 E. 23RD ST.

MUHLENBERG LIBRARY
209 W. 23RD ST.

TACO BANDITO
325 8TH AVE.

COLUMBUS LIBRARY
942 TENTH AVE.

MANHATTAN NEIGHBORHOOD NETWORK
537 W. 59TH ST.

YORKVILLE LIBRARY
222 E. 79TH ST.

67TH ST. LIBRARY
328 E. 67TH ST.

ST. AGNES LIBRARY
444 AMSTERDAM AVE.

96TH ST. LIBRARY
112 E. 96TH ST.

ABOVE 96TH ST.

SAVOY BAKERY
170 E. 110TH ST.

MORNINGSIDE HEIGHTS LIBRARY
2900 BROADWAY

HARRY BELAFONTE 115TH ST. LIBRARY
203 W. 115TH

HARLEM LIBRARY
9 W. 124TH ST.

125 STREET LIBRARY
224 E. 125TH ST.

GEORGE BRUCE LIBRARY
518 W. 125TH ST.

PICTURE THE HOMELESS
104 E 126TH ST.

COUNTEE CULLEN LIBRARY
104 W. 136TH ST.

HAMILTON GRANGE LIBRARY
503 W. 145TH ST.

UPTOWN SISTER'S BOOKS
W. 156TH ST. & AMSTERDAM

FORT WASHINGTON LIBRARY
535 W. 179TH ST.

INWOOD LIBRARY
4790 BROADWAY

INDIAN ROAD CAFE
600 W. 218TH ST.

BROOKLYN

BROOKLYN BOROUGH HALL
209 JORALEMON ST.

BROOKLYN COMMONS
388 ATLANTIC AVE.

CARROLL GARDENS LIBRARY
396 CLINTON ST.

COUSIN JOHN'S CAFE & BAKERY
70 7TH AVE.

CAFÉ MARTIN
355 5TH AVE.

BEACON'S CLOSET
92 5TH AVE.

SUNSET PARK LIBRARY
5108 4TH AVE.

CONNECTICUT MUFFIN
429 MYRTLE AVE.

DEKALB LIBRARY
790 BUSHWICK AVE.

WYCKOFF STARR COFFEE SHOP
30 WYCKOFF AVE.

BUSHWICK LIBRARY
340 BUSHWICK AVE.

SWALLOW CAFÉ
49 BOGART ST.

METRO COMMUNITY LAUNDROMAT
561 METROPOLITAN AVE.

WILLIAMSBURG LIBRARY
240 DIVISION AVE.

KAISA'S CAFÉ
146 BEDFORD AVE.

CROWN HEIGHTS LIBRARY
560 NEW YORK AVE.

EASTERN PARKWAY BRANCH LIBRARY
1044 EASTERN PARKWAY

FLATBUSH LIBRARY
22 LINDEN BLVD.

TUGBOAT TEA COMPANY
546 FLATBUSH AVE.

OUTPOST CAFE
1014 FULTON ST.

RED HOOK LIBRARY
7 WOLCOTT ST.

ALIGN BROOKLYN
579 5TH AVE.

BAY RIDGE LIBRARY
7223 RIDGE BLVD.

COBRA CLUB
6 WYCKOFF

STARR BAR
214 STARR ST.

QUEENS

ASTORIA LIBRARY
14-07 ASTORIA BLVD.

21 FAMOUS DELI
29-15 21ST AVE.

BROADWAY LIBRARY
40-20 BROADWAY

LONG ISLAND CITY LIBRARY
37-44 21ST ST.

STEINWAY LIBRARY
21-45 31ST ST.

COURT SQUARE LIBRARY
2501 JACKSON AVE.

SUNNYSIDE LIBRARY
43-06 GREENPOINT AVE.

WOODSIDE LIBRARY
54-22 SKILLMAN AVE.

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BRONX

MOTT HAVEN LIBRARY
321 E. 140TH ST.

HUNT'S POINT LIBRARY
877 SOUTHERN BLVD.

THE POINT
940 GARRISON AVE.

HIGH BRIDGE LIBRARY
78 W. 168TH ST.

NEW SETTLEMENT COMMUNITY CENTER
1501 JEROME AVE.

JERSEY CITY

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STILL TAINTED BY THE PAST

AFTER EXONERATING 23 INNOCENT MEN IT CONVICTED, WHY IS THE BROOKLYN DA'S OFFICE STILL CLINGING TO ITS SHAKY CASE AGAINST JOHN GIUCA?

BY THEODORE HAMM

This past February a New York appeals court unanimously overturned the conviction of John Giuca, citing prosecutorial misconduct during a high-profile 2005 Brooklyn trial for the murder of 19-year-old college student Mark Fisher. Despite recantations by three of the four witnesses who directly implicated Giuca in Fisher's death, newly elected DA Eric Gonzalez is planning a retrial (currently scheduled for May 1). A full understanding of the case requires a journey into Brooklyn's not-so-distant past, when Joe Hynes was DA and the Post and Daily News still drove the local news cycle. The tabloids may have diminished in influence, but Hynes' dubious legacy endures.

"I'm ready to do the perp walk," Clarence Norman assured reporters outside the office of Brooklyn District Attorney Joe Hynes on the second Thursday evening of October 2003. Brooklyn's powerful Democratic Party boss would spend that night on a cot in a conference room of 350 Jay Street, in advance of his arraignment the next morning on a slew of corruption charges. There was no particular reason for Norman's solo slumber party at the DA's office, but Joe Hynes knew how to create tabloid headlines.

That same weekend, a college student named Mark Fisher was found murdered in Brooklyn. After bar-hopping on the Upper East Side, the 19-year-old Fairfield University football star traveled to a house party in the leafy surroundings of Prospect Park South. At 6:40 a.m. on Sunday, Oct. 12, residents on Argyle Road heard several gunshots and a vehicle speed away. Thus began a saga ready-made for the tabloids.

Two years later, the unrelated cases would converge in the chambers of Kings County Supreme Court at 320 Jay Street. In late August 2005, Clarence Norman went on trial for an illegal campaign contribution, a whopping \$10,000 that was used for election supplies. On Monday, Sept. 12, jury selection began in the dual cases of John Giuca and Antonio Russo, both facing murder charges for Mark Fisher's death. The trials took place in neighboring courtrooms, or what's known as "double-feature," which ensures an abundance of local media coverage.

That Tuesday, Sept. 13, was the 2005 Democratic primary in New York City was hardly a coincidence. In targeting Norman, Hynes was going after the most powerful black politician in Brooklyn, who also happened to be supporting the DA's main challenger, John Sampson. But by prosecuting Giuca for the high-profile murder of a fellow white kid, Hynes could not be charged with racism. (Antonio Russo, whose mother is African-American, did not fit the bill.) That may sound like an extremely cynical calculation, but politics often outweighed justice for the Hynes administration, which has seen several of its murder convictions overturned in recent years.

There's not much left in the DA's original case against Giuca: no physical evidence placed him at the murder scene, three of the four key witnesses recanted, and the alleged motive — a gang-initiation

rite — has little substance. What hovers over the proceedings, however, is the legacy of Joe Hynes. Under Ken Thompson and now Gonzalez, the DA's Conviction Review Unit has issued 23 exonerations — but almost none have involved leading prosecutors from the Hynes era. And like Gonzalez, many of the key players in the Giuca case spent the bulk of their careers in the Hynes administration.

In fighting to maintain what appears to be the very shaky conviction of John Giuca, Gonzalez and his administration seem unable to escape the ghost of Joe Hynes.

• • •

ANNA-SIGGA NICOLAZZI, lead prosecutor in the Giuca case, was a rising star in the Brooklyn DA's office. Nicolazzi joined the Homicide Bureau in 2001, and over the next decade would compile a 35-0 record in murder cases; after Ken Thompson defeated Hynes in 2013, she served as chief of trials in the same bureau. In late December 2004, a grand jury returned Nicolazzi's indictment of Giuca and Russo, and the case went to trial only nine months later — a conspicuously faster pace than most other Brooklyn murder cases at the time.

In February 2005, Hynes illustrated the unique importance of the election-year case by appointing an "elite team" to oversee it. Nicolazzi now worked with notorious prosecutor Michael Vecchione and two of his deputies from the Rackets Bureau. Nicolazzi borrowed some tricks from Vecchione, who is best known for railroading Jabbar Collins in a 1995 murder trial via ruthless witness coercion. Appeals court judges

also frequently noted Vecchione's penchant for introducing new theories about a case during his closing argument, which is considered misconduct because the defense cannot respond to any such material.

During Giuca's trial, Nicolazzi coerced witnesses and speculated wildly about the defendant in her summation. One witness who has since recanted says Nicolazzi threatened his child custody; another received favorable treatment after violating his drug treatment sentencing. In her closing statement, Nicolazzi claimed for the first time that Giuca (in addition to Russo) actually shot Fisher. As Giuca's mom, Doreen Giuliano, recalls, Vecchione came into the courtroom "at least twice" to confer with Nicolazzi about the progress of the case. The reason Vecchione couldn't devote his full energies to the Giuca trial was simple: he was next door leading the prosecution of Clarence Norman. The tabloids had a field day.

Nicolazzi had also kept Hynes and his inner circle posted about developments in the Giuca investigation. In a 2015 deposition, Nicolazzi recalled "at least two different meetings at different times with [Hynes]

asking us for updates about the case." Nicolazzi also mentioned speaking to Hynes directly about John Avitto, the Rikers informant who came forward in June 2005 claiming that Giuca had confessed to him. The day after Nicolazzi made her first court appearance on Avitto's behalf, she received an email from Anne Swern, then Hynes' in-house counsel (or #3 person in the office). In the message — subject line: "[A] vitto" — advised Nicolazzi as well as the prosecutors who oversaw the DA's drug treatment programs to "mark the John Avitto case for special attention."

Compounding the obstacles Giuca faced were Hynes' connections to the families of two key figures in the case, Angel DiPietro and Albert Cleary. DiPietro, a fellow Fairfield University student, was the only person Fisher knew at the party in Brooklyn. (On the day of the murder DiPietro gave friends three different explanations of Fisher's whereabouts.) Angel is the daughter of criminal defense attorney James DiPietro, a longtime Hynes ally. Albert, meanwhile, is the son of Susan Cleary, vice chair of Brooklyn's Republican Party. In the 2005 race, Hynes sought and received permission from the Brooklyn GOP to run on its ballot line in the general election, a fallback plan in case he lost the primary to John Sampson. During the afternoon following Fisher's early-morning murder, Albert and Angel (who weren't romantically involved) went to meet James DiPietro at the family's stately Long Island home.

Early in the case, both the NYPD viewed Albert Cleary and Angel DiPietro as uncooperative witnesses, and evidence continues to suggest their presence at the murder scene. However, both not only escaped prosecution but also testified against Giuca. In short,

ONE OF THE KEY WITNESSES IN THE GIUCA CASE NOW WORKS IN THE BROOKLYN DA'S OFFICE. THAT'S NOT THE ONLY CONFLICT OF INTEREST.

Hynes, Nicolazzi and company stacked the deck really high against Giuca, and the jury quickly found him guilty of second-degree murder.

• • •

DESPITE THE DAUNTING ODDS Giuca faced in the original trial, whether his attorney Sam Gregory mounted a vigorous defense is an open question. As Doreen Giuliano recalls, Gregory, a Brooklyn courthouse regular, was in Alaska for the month of August 2005. And when she tracked him down to ask questions about the mid-September trial, Giuliano says, the lawyer was "very annoyed" that she was interrupting his vacation. That may be hindsight — but Gregory clearly made some perplexing decisions in his defense of Giuca.

For example, Gregory called no witnesses on Giuca's behalf. Yet included in the prosecution material handed over to the defense was a detective's report (or DD-5) from Hideko Swornik, a resident of 150 Argyle Road, where the body was found. According to the





DD-5, Swornik heard “a car door opening and closing” and “more than two people” on the street outside her home, including “one female voice” (of a “young” person), prior to the gunshots. (Given that Cleary lived directly across the street and DiPietro spent the night at his house, the statement points in their direction.) Swornik’s next-door neighbor also told detectives that she heard the shots, then saw an “older four-door” car drive away. Four other neighbors also reported hearing both gunfire and a car, yet Nicolazzi’s trial narrative included neither a female nor a vehicle at the scene.

Gregory also opted not to put Robert Legister on the stand. At the trial, Cleary had testified that Legister (then away at college) was the “boss” of a gang called the “Ghetto Mafia,” with Giuca serving as his “capo” and Russo as Giuca’s “soldier.” Yet Giuca’s then-girlfriend Lauren Calciano also testified that rather than an “organized” outfit, the Ghetto Mafia was “simply what the guys called each other.” Similarly, in a 2014 affidavit, Legister stated the Ghetto Mafia was “not a ‘street gang.’ It was a group of guys from different areas of Brooklyn who hung out together.” According to Legister, it was “ridiculous” to suggest that he and the others created any structure, hierarchy or titles. Gregory easily could have shown that the Ghetto Mafia was a not a real gang, but instead let Nicolazzi stoke the jury’s fears of a menacing crew.

As the recent appeals court decision made clear, Nicolazzi and company went out of their way to help John Avitto, the Rikers informant who testified at the trial. Gregory, however, had the opportunity to expose the weakness of that testimony in front of the jury. On the stand Avitto claimed that in the visitor’s room at Rikers, he overheard Giuca’s father ask his son, “Why did you have a gun with you?” A series of strokes, though, had severely impaired Giuca’s dad’s ability to speak. During the trial Giuliano and other family members frantically brought medical records proving that fact to Gregory, but he once again chose not to use the information.

“We could never get straight answers out of him,” Giuca says regarding Gregory’s moves in the case. Giuca recalls questioning Gregory’s decisions not to cross-examine Angel DiPietro or use his father’s medical records. “He said things like ‘I’ve been handling trials for 20 years. Listen to me.’ And I thought that since I am innocent, it won’t matter.” Giuca’s mom, who ponied up \$100,000 for Gregory’s counsel, feels “robbed” of her money — not to mention the last thirteen years of her son’s life. (Gregory didn’t return the messages left by *The Independent* with his longtime assistant.)

Giuca’s current attorney, Mark Bederow, is now preparing to mount a comprehensive defense. There’s only one remaining witness from the original trial who directly implicated Giuca in the murder: Albert Cleary. Yet, as Bederow explains, Cleary initially “denied knowing anything about Fisher’s death for more than one year. He and his lawyer commissioned a polygraph and presented a report to the DA in order to prove his lack of knowledge.” At the time of the murder, Cleary was on probation for a Bronx assault and thus vulnerable to DA threats. “If the DA’s office believed Cleary was credible,” Bederow says, Nicolazzi “assuredly would not have resorted to a dubious jailhouse informant like Avitto.”

• • •

GIVEN THE FLIMSY CASE AGAINST GIUCA, why Gonzalez is planning for a retrial merits scrutiny. Such a move appears to be supported by Fisher’s family, several of whom attended the February hearing,

where the DA’s office arranged for them to be escorted into the courtroom. Fisher’s parents have long maintained that while Giuca was involved, so too were Cleary and DiPietro. It’s quite unlikely that Gonzalez will expand the prosecution’s targets in the case, however.

Angel DiPietro, after all, was hired by Hynes in 2012 fresh out of law school and remains an assistant district attorney under Gonzalez. That DiPietro has a reputation for competence among her colleagues further complicates matters. While it’s unlikely that Gonzalez will need help from Susan Cleary or the Brooklyn Republican Party, prosecuting Albert Cleary would undermine the case against Giuca. Notably, neither DiPietro nor Cleary has immunity, yet both seem protected.

Most of the prosecutors in the case — including Nicolazzi — are no longer in the DA’s office. But as host of her own true crime cable TV show, “True Conviction,” Nicolazzi continues to champion her 35-0 record and highlight her work in the Fisher case. Her celebrity status may be something the Brooklyn DA’s office takes pride in, but others view her in a different light. “Given Nicolazzi’s conduct in my son’s case,” Doreen Giuliano says, “all 35 of her murder convictions should be investigated.”

Gonzalez frequently touts his office’s Conviction Review Unit as a national model of exonerations. Led by Homicide Bureau veteran Mark Hale — who partnered with Nicolazzi in a high-profile 2008 trial (for the murder of NYPD cop Russel Timoshenko) — the CRU upheld Giuca’s conviction. Of the 23 people the CRU has exonerated since 2014, only one case involved a high-ranking prosecutor from the Hynes era still in the office (Anne Gutmann, who put away Derrick Hamilton). Even though Hale is not considered to be a Vecchione ally, the CRU has not overturned any of the latter’s many questionable cases. Hale also prosecuted well over 100 cases during the Hynes era, none of which have resulted in CRU exonerations.

In her prosecution of Giuca, Nicolazzi relied on Vecchione’s playbook of dirty tricks. But it’s hard to imagine that she was the only other Brooklyn prosecutor who did so under Joe Hynes’ watch. Even so, Gonzalez seems unlikely to shake free of that legacy anytime soon. Having spent his entire professional career in the Brooklyn office, Gonzalez has plenty of longstanding relationships with fellow Hynes-era veterans. And he has many friends among defense counsel. On March 14, Gonzalez spoke at a fundraiser for Sam Gregory’s summer program that brings underprivileged Brooklyn teens to Alaska.

Meanwhile, as the DA’s office concocts its retrial strategy, John Giuca, now approaching 35, awaits his fate in the hellhole otherwise known as Rikers Island. Many people watching the case closely suspect that Gonzalez and company are hoping to grind down the defendant in order to make him accept a potential plea offer; one possibility is that he could be released with time served (but a murder conviction on his record and no recourse to sue for damages). In any event, Rikers is a “madhouse,” says Giuca, wearily.

Theodore Hamm is editor of Frederick Douglass in Brooklyn (Akashic Books) and chair of journalism and new media studies at St. Joseph’s College in Clinton Hill, Brooklyn.



ELIA GRILA



I fingered wrong guy
Witness admits lies in grid slay

CHRISTINA GARREGA-WOODBY
NEW YORK DAILY NEWS
EX-CON testified Monday that he faked his testimony in the “Grid Kid Slayer” by the convicted killer’s wife.
Tearful John Avitto said the story he told jurors that he put Giuca away for the murder of Fisher in 2005.
This is what I been waiting for, John, I’m sorry. This has been eating me up 6 years. It’s an emotional hearing before Brooklyn Supreme Court Justice Danny Chun to prove that his client did not receive a fair trial.
He argued Avitto’s medical records and his cooperation agreements with prosecutor Anna-Sigga Nicolazzi were not disclosed to the jury or Giuca’s defense counsel during the 2005 trial.
Avitto said he came clean after he was contacted in 2013 by a woman named Nicole, who confided in him about her brother who was killed in an upstate prison.



“We talked at least once a day, but then she just vanished in the beginning of 2014,” said Avitto.
“Nicole” turned out to be Giuca’s wife Marley Davis, who’d teamed up with her husband’s investigators — and exchanged 1,973 calls and text messages with Avitto in 2013.
“After we got to know it each other, I broke down and told her the truth that I fabricated my testimony, then she came clean and told me she was waiting for me to do the same.”
John Paulson

PHOTO BY AP/WIDEWORLD

FRAMED?: Doreen Giuliano, who wants her son’s slippery murder conviction overturned, stands at the gates of Rikers Island where he is being held awaiting retrial.

Giuliano, who wants her son’s slippery murder conviction overturned, stands at the gates of Rikers Island where he is being held awaiting retrial.

TABLOID FODDER:

The press had a field day when John Giuca stood trial in 2005. This time the headlines are different.

ELIA GRILA

THE PEOPLE'S P.I.

MANUEL GOMEZ IS USING THE SKILLS HE PICKED-UP AS A BRONX COP TO GET THE WRONGLY ACCUSED OUT OF JAIL

BY SIMON DAVIS-COHEN

Ajaya Neale has a problem. Accused of shooting a rival gang member to death, Neale faces 25 years-to-life for a crime he says the Queens District Attorney's office is falsely pinning on him. The incident occurred in 2014 at a baseball game in a busy park in Jamaica, Queens. Neale, 29, has maintained his innocence for more than three-and-a-half years. In October 2017, still awaiting trial and with few places left to turn, Neale's family hired former NYPD cop-turned-renegade private investigator Manuel Gomez.

"I heard about Gomez from watching TV, from the Pedro Hernandez case," says Neale, referring to Gomez's role in freeing a Bronx teenager who drew national attention after he was slapped with a \$250,000 bail and forced to spend over a year locked up at Rikers Island on trumped-up charges of firing a gun into a crowd and injuring two people.

In the Hernandez case, Gomez tracked down a victim, who claimed NYPD detectives had physically coerced him into naming Hernandez as the shooter. Other witnesses said Hernandez was innocent, and Gomez found the prosecution's star witness — William Stevens — who confessed to Gomez and a local television station that he was beaten by detectives until he falsely identified Hernandez as the shooter. Stevens told WNBC Channel 4 he was systematically intimidated, abused and harassed by detectives to provide false testimony, with the knowledge of a Bronx assistant district attorney.

This and other cases have launched Gomez into the limelight, including being profiled in a documentary film that was honored at the 2018 Sundance Film Festival. Ajaya Neale's case is a typical assignment for Gomez. During the three-plus years he has been awaiting trial, the prosecution has declined to share key evidence like police reports, witness statements and 911 calls — because New York's "blindfold law" (see page 14) allows them to withhold such evidence until the day before the trial.

That's where Gomez comes in. Within days of taking Neale as a client, Gomez began to unravel the case with the same aplomb that he attacked the Hernandez case. He tracked down the prosecution's own star witness and others the prosecution had missed or ignored.

"Someone made the mistake of including a photocopy of [the star witness'] business card," Gomez told *The Independent*, referring to police documents he examined for the case.

Armed with just this information, Gomez zoomed down to North Carolina in his white Mustang convertible. The next day, he returned with a video affidavit from the star witness that blew the case wide open. In the video, the witness, Erika King, accuses NYPD detectives of manipulating her statements and intimidating her. She says she picked out three suspects from a lineup, but the NYPD detective on the case only asked her to sign off on Neale's photo. "I said in my statement that I was not 100 percent sure," she said in the video collected by Gomez.

King also accused detectives of coercing her into testifying. "If I did not testify, [they told me] a warrant for my arrest would be sent out ... I feel like I'm being forced to testify," she

said in the video affidavit, which she later affirmed in a television news interview.

Soon after returning from North Carolina, Gomez hit the streets and says he tracked down 17 Crips gang members from Jamaica, Queens, who had some knowledge of the murder.

"I'll sit down, I'll eat with them," he says, "things cops won't do." That lunch, he says, produced leads on Facebook messages from the day of the murder and new witnesses, including one who said that the killer was shorter and slimmer than the heavily built Neale.

"Unfortunately," says Gomez, "[Neale's] case is a dime a dozen."

THE MAKING OF A COP

Gomez, 50, grew up in the Bronx during the 1970s and '80s when both crime and police misconduct were rampant. Coming of age, he says he "witnessed a lot of injustice [by the cops]," which led him to think "maybe if I joined the team that was doing it [the injustice], maybe I could make a change in it," he says. "I became a cop to make a difference."

Gomez was in the Army during the first Iraq War in 1991 before entering the police academy and serving as a beat cop in the southeast Bronx and parts of Queens between 1999 and 2011. What he saw was disillusioning.

"I witnessed illegal stop, question and frisks. [Cops] tossing and throwing people against the wall, and I refused to be a part of it," he says. "That's one thing they had a hard time understanding, that they couldn't intimidate me — and they still can't."

Gomez says his investigations have led to charges being dismissed in 90 cases. As his fame grows, he encounters increasing numbers of strangers who recognize him on the spot.

Following a hearing for Ajaya Neale, two passersby spotted Gomez outside the Queens County Criminal Court. "I have a question for you," a middle-aged woman asked, reaching for one of Gomez's cards. "It's my son's case," she said. The other was a short, boisterous man who said he recognized Gomez from TV. "I watch him, you understand me? Very good man! I see him all the time on the TV."

But it's not just his admirers who have taken notice of Gomez's work. In late 2017, the president of the NYPD Detectives' Endowment Association sent out an email blast advising detectives to "avoid any contact with [private investigator] Manny Gomez." When I brought up the detective union's email, he treated it as an endorsement. "What more could I ask for? [They're] telling cops to avoid me!"

In Neale's case, like most, Gomez has developed a personal rivalry, this time with the assistant district attorney on the case, Karen Ross. Gomez is quick to point out her role in a 2014 mistrial, where prosecutors failed to hand over a key ballistics report that cleared the defendants.

In a similar vein, during the Pedro Hernandez case, Gomez went to the 42nd Precinct in the Bronx to pay a visit to one of the detectives who had coerced false testimonies. "I'm investigator Gomez," he said to the detective in a video recording of the interaction. "You might know me. I got your partner's

badge and gun taken away. I'm here doing an investigation on you. I'd like to know what the deal is with all these cases that you guys have been falsifying." The detective's response before walking off: "Okay."

"I wanted to look him in the eye," Gomez later recounted.

Though Gomez relishes head-to-head battles, he now wants to go from fighting one case at a time to tackling the injustices he sees in a systematic manner. He despises laws that give prosecutors legal immunity, that allow prosecutors to withhold discovery material from the defense until trial, and the general lack of public accountability in the criminal justice system. That's where a new project of Gomez's comes in.

THE GOMEZ-SERPICO PLAN

Gomez often concludes his stories with the assertion: "That's why we need the Department of Civilian Justice." He has devised model legislation for the Department of Civilian Justice with his friend and fellow former NYPD officer-turned-whistleblower, Frank Serpico — depicted by Al Pacino in the 1973 Hollywood classic *Serpico*.

Serpico's revelations of pervasive NYPD corruption made front-page headlines and led to the 1970 creation of the Commission to Investigate Alleged Police Corruption (known as the Knapp Commission). The department and its supporters say the investigations of that era forced it to fundamentally change its ways for the better. However, Gomez is quick to criticize the results of the Knapp Commission and can point to the persistent revelations of NYPD misconduct and recent media reports of the NYPD's lax approach to disciplining hundreds of officers who committed fireable offenses.

"It gave New York City the most glorified stroke job in history," says Gomez in his signature raspy voice. "Nothing was accomplished! That's why we need the Department of Civilian Justice."

Under a draft of the Gomez-Serpico plan, the head of the DOCJ would be appointed by the City Council and serve, at most, for two four-year terms. The department would be staffed only with civilian investigators (no former cops, prosecutors, judges, etc.) and would have subpoena powers and the power to investigate, suspend and discipline anyone who works for the NYPD, the district attorney's office or the city's Department of Corrections who impedes a DOCJ investigation. Such an institution would break with the long-standing practice of internal accountability and end the siloing of each separate component of the criminal justice system.

What's the difference, Gomez asks, between "the cop who wrongfully arrests you [and] the prosecutor who keeps you in the jail for over a year while knowing you're innocent?"

Gomez and Serpico are not the first to propose civilian oversight of law enforcement. An independent civilian review board was torpedoed by the police union in 1966 and again in 1992. Many special commissions have been formed to study the issue dating back to the 1890s, but all it has yielded is today's Civilian Complaint Review Board, whose verdicts are subject to review by the police commissioner himself.

Gomez has some experience with sparking change. Fol-





ELIA GRAN

Following the Pedro Hernandez case, a federally assisted internal investigation into the Bronx District Attorney's office ensued. Though the results have not been made public, fallout from the controversy has led a crime analyst who works for the Bronx District Attorney's office to open a personal injury claim of \$15 million, alleging that there was a culture of racial bias, on-duty sex, alcohol and even physical fighting among prosecutors within the DA's office. Gomez has also gotten a detective demoted and an assistant district attorney transferred. But he says these measures only amount to a "glorified slap on the wrist."

RIGHT SIDE OF THE TRACKS: Growing up in the Bronx, Manuel Gomez wanted to make the good guys good again.

WHEN CHANGE WILL COME

After things settle down outside the Queens courthouse following Neale's hearing — which ended in yet another adjournment — Gomez and I retired to a nearby deli where one witness in the Neale case found us after being questioned by prosecutors.

Upon finishing our bagels, we hop in Gomez's other car — a white Hummer — and head to Manhattan, where he has a meeting scheduled with the New York City Department of Investigation, the ethics watchdog for all city agencies and employees. At the meeting, Gomez details some of his cases and pitches the DOCJ. He is also asking Brooklyn City Councilmember Jumaane Williams to hold a hearing on his proposal.

Robert Gangi, director of the Police Reform Organizing Project, says the Serpico-Gomez proposal is "on point and addresses a very serious problem, which is essentially how our law enforcement apparatus, particularly in the form of the NYPD and district attorney's offices, operate with virtually unchecked power." But Gangi says it would require a sea change in city politics for something like the DOCJ to pass. "No mainstream political politicians have any kind of record that shows they are prepared to curtail the power of DAs or police departments," says Gangi.

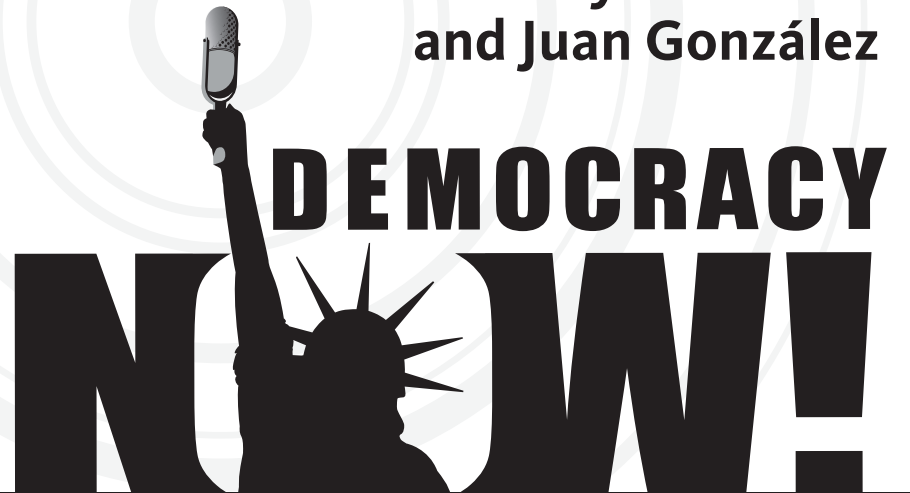
Gomez knows you can't just institute full-scale criminal justice reform at the drop of a hat. "When the screams for change are equal to the amount of injustice, that is when we will get social change," he says.

While Gomez dreams of sweeping reform to the system, he continues to fight it out one case at a time with dirty cops and DA's offices. For this his clients are grateful.

"Thanks to the evidence that Manuel Gomez found," Neale told *The Indy*. "I think I'm in a lot better place."

His case is still pending before the Queens County Criminal Court.

A Daily Independent
Global News Hour
with Amy Goodman
and Juan González



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THINGS THAT MAKE WHITE PEOPLE UNCOMFORTABLE

MICHAEL BENNETT

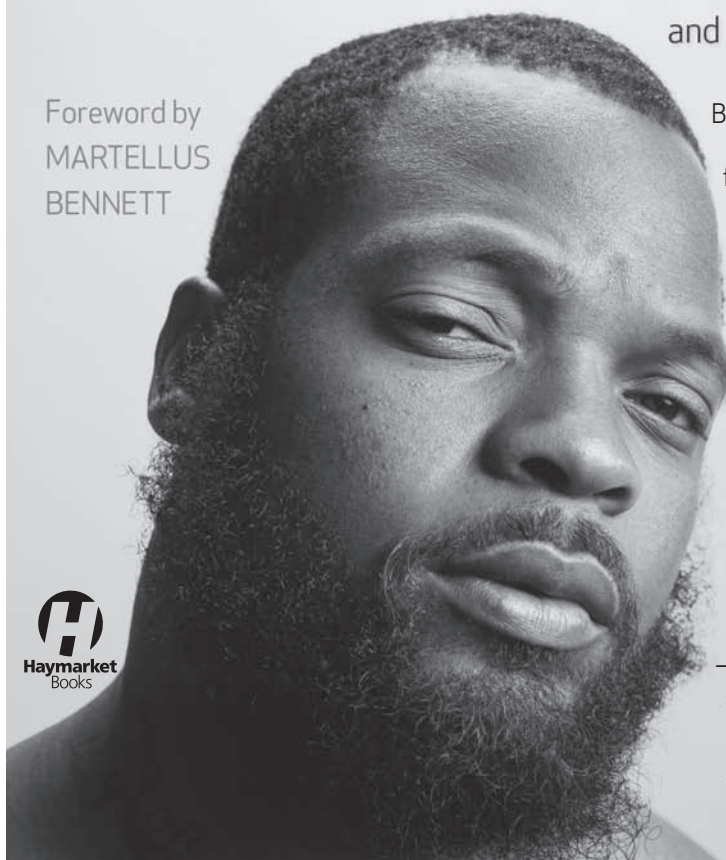
and DAVE ZIRIN

Foreword by
MARTELLUS
BENNETT

Bennett's insights into everything from Black Lives Matter to intersectional feminism will not only make white people uncomfortable, but it will challenge the status quo of our entire society!"
—KEEANGA-YAMAHTA TAYLOR

"Pure fire."
—NAOMI KLEIN

"Courageous and compassionate."
—DR. CORNEL WEST



RAIDERS OF THE LOST ART

INTRICATE WORKS OF ART PRODUCED BY GUANTÁNAMO DETAINEES HAVE BEEN ALLOWED TO TRICKLE OUT OF THE PRISON CAMP FOR YEARS. THE TRUMP ADMINISTRATION HAS OTHER PLANS IN MIND.

BY NANCY HOCH

At the U.S. naval base in Guantánamo, Cuba, the prisoners are making art. Their studio is a cell in Camp 6, where about two dozen detainees are housed. The men, many of whom have been there since the prison opened in 2002 and none of whom have been charged with any crime, are shackled to the floor and to the table while they draw. Their subjects are often pictures their teachers—most recently an engineer who seems to have no training in art—have photocopied from art books or magazines like *National Geographic*. Though the United States spends nearly \$11 million per prisoner per year, art-making materials are scarce. Detainees often depend upon their lawyers for paint or art-instruction books.

The artists are inventive, even playful, in finding ways to work around the lack of materials. Khalid Qasim, a detainee currently on hunger strike, created an interesting texture for his painting of the *Titanic* (the film was shown by prison authorities) by mixing glue into bits of gravel, sand and rock gathered from the prisoners' recreation area and then layering the mixture onto his cardboard "canvas." Moath Al-Alwi spends hours every day in his cell constructing model boats and other sculptures, using only a small pair of children's scissors to shape the cardboard. For sails on a two-foot-long model of a ship from the age of exploration, he used pieces of a T-shirt stiffened with glue. The wheel is fashioned out of a plastic bottle cap, and dental floss connects the rudder to the cardboard hull.

Most of the 779 men and boys detained at Guantánamo over the years as "enemy combatants" in the "war on terror" have been released without ever being charged. Today only 41 remain, 15 in a top-security part of the prison called Camp 7. The others—sometimes called "forever prisoners" because the United States claims the right to hold them indefinitely—are in Camp 6, where they live more communally and are allowed to take classes in such things as Spanish and Arabic calligraphy. One of the most popular, Navy spokesperson Anne Leanos told *The Independent* via email, is art.

Most people are surprised to learn that Guantánamo prisoners are making art. Much about the prisoners is secret from the public. The images that make their way out—orange hooded figures kneeling in abject positions, eyes covered by goggles, ears blocked by headphones—give the impression of men scarcely human. What little information we have mostly comes through detainees' lawyers, who are constrained by what they can reveal, or from released prisoners. That detainees are shackled while in the art studio, for example, comes from a video interview of Yemeni detainee Mansoor Adayfi, who was released in 2016, by Melaney Portillo and Amanda King. When asked about this, Leanos would only say, "security procedures are in place."

Art classes at Guantánamo began in the early years of the Obama administration. The first artworks left the prison through the International Red Cross, which helped detainees send it to family members. Around 2015, prisoners started being allowed to give their lawyers their art, either as gifts or for safekeeping. Lawyers have accumulated hundreds of pieces of it, much of it kept in their offices. Erin Thompson, an art professor at City University of New York's John Jay College of Criminal Justice, first heard about the art when lawyers for the detainees approached her with the idea of mounting a show.

In October 2017, the world at large learned about the Guantánamo art-

ists when the first major display of their work, entitled "Ode to the Sea," opened at John Jay. The exhibit contained 36 paintings, sculptures and drawings by eight detainees. Included were Al-Alwi's model ship and Qasim's painting of the *Titanic*.

Instead of exhibiting the art in one of the college's regular art galleries, Thompson and co-curators Paige Laino and Charles Shields decided to mount the exhibit in a sixth-floor hallway leading to several administrative offices. At the time, Thompson told *The Indy*, she thought the exhibit wouldn't excite that much attention.

But just the opposite occurred: the show received positive media attention and people, curious to learn something about the anonymous prisoners of Guantánamo, sought it out. The show drew more attention a few weeks after the opening, when a Department of Defense spokesperson announced that, pending a policy review, no new art would be leaving Guantánamo, and an inmate reported to his lawyer that a guard had told him all future art would be burned.

The policy review concluded that "items produced by the detainees at Guantánamo Bay remain the property of the U.S. government," Pentagon spokesperson Sarah Higgins told *The Indy* via email, so there will thus be no further "transfer of detainee-produced artwork from the detention facility." The reason, she explained, was that detainee artwork "was being sold to third parties." Art in the exhibit by some of the four detainees who have since been released and are now living abroad was offered for sale.

Aliya Hana Hussain, an advocacy program manager at the Center for Constitutional Rights and a member of the legal team for several of the released artists, told *The Indy* that despite the difficult economic circumstances confronting some released detainees, money is not their motivation. "People have been told that the prisoners at Guantánamo are the worst of the worst," she says. "The artists hope their artwork will show people that they are humans, not monsters. And that those detained are still suffering."

In January, detainee lawyers wrote to the Pentagon to protest the new policy and warn that the government's claim that it owns the art violates copyright law. They also raised concerns about whether the art program would continue. Higgins told *The Indy* that "there have been no changes to the ability of detainees to produce artwork" and Leanos said art classes still take place "several times per week."

However, Ramzi Kassem, a professor at CUNY School of Law, where he and his students in the Immigrant and Non-Citizen Rights Clinic represent Moath Al-Alwi, told *The Indy* that prisoners have become "disheartened" over the thought that they will no longer be able to share their art with the outside world and especially with their families.

With art no longer allowed to leave the prison, there is also concern about what will happen when the amount prisoners are allowed to keep in their cells and in storage bins is exceeded. Leanos said detainees periodically turn in "objects that exceed their storage capacity for disposal" and "this is not new."

Confiscation of art at the prison is, unfortunately, also not new. In 2013, when over 100 prisoners went on hunger strike, guards removed the art in their cells and never returned it. Recently, a ship by Al-Alwi that Kassem says was even more sophisticated than the one in *Ode to the Sea* was confiscated by guards, who said it was too big for his cell. Al-Alwi fears that the ship, which he had worked on for three months while sleeping only four or five hours a night, has been destroyed. He



ART COLLECTION: Aliya Hana Hussain of the Center for Constitutional Rights displays one of 200 paintings and drawings that CCR has received from Guantánamo detainees it has represented.

DESOLATION ROW: Many of the detainees come from landlocked regions. At Guantánamo they can hear the ocean day and night but are prevented from seeing it by their captors.

SAIL AWAY: Guantánamo detainee Moath Al-Alwi made a larger version of this boat he intended to share with his mother in Saudi Arabia. Now he fears that it has been destroyed by guards.

had hoped to send it to his mother in Saudi Arabia.

Professor Thompson has started an online petition addressed to the Department of Defense in support of the artists, which has garnered nearly 2,000 signatures. Meanwhile the artists may get another exhibition: Thompson is in discussion with "a number of venues in the United States" and says that "the exhibit could travel abroad as well." Future exhibitions, she says, will include "more artworks and, hopefully, more artists."

Since at least 2010, a display of prisoners' art, though off-limits to the detainees, has been a regular stop for dignitaries, observers and journalists touring Guantánamo. Kassem says these tours are intended to signal that "Guantánamo is a normal, humane prison, which it isn't." What really bothered prison authorities about *Ode to the Sea*, he believes, is that it enabled the detainees to "speak with their own voices and put their humanity on display for the world to see. That's a fundamental threat to the narrative that supports the entire national-security edifice."

Carol Rosenberg of the *Miami Herald* reported that the art display was not included in a media tour of the prison in early February, the first in six months. Both Rosenberg and NPR's David Welna reported tense interactions between prison authorities and journalists and many new restrictions on reporters. Welna said they were shown a nearly completed prisoner health clinic with shackles on the floor, but not allowed to photograph them, and were told about plans to replace Camp 7 with a new prison and to build a barracks for over 800 troops.

A few days before, President Donald Trump announced he had signed an executive order rescinding President Barack Obama's 2009 directive to close Guantánamo. Trump wanted it open, he said, so "terrorists wherever we chase them down" could be sent there.

The sea has a special meaning for the prisoners. In an essay written for the exhibit, former detainee Mansoor Adayfi explains that very few had seen it before coming to Guantánamo, and some were frightened of it: "The Afghans told other detainees that the American interrogators threatened them, saying, 'When we finish with you here, you will be taken to the sea, and you all will be thrown there.'" The ocean is only a few hundred feet away, but tarpaulins cover the fences. Prisoners can smell it, but they can't see it. In 2014, as a hurricane approached, the tarps were taken down and for four days, "everyone who could draw drew the sea," Adayfi wrote. "The sea means freedom no one can control or own, freedom for everyone."

Before art can leave the prison, it is subjected to censorship and security screenings. Al-Alwi's boat was X-rayed before it was allowed to be taken to the show, and its delicate sails bore the black-lettered stamp "Approved by U.S. Forces." That stamp, applied to every piece of art, infuses the works, Thompson says, with "a ghostly mix of art and authority."

In the exhibition catalogue, she explains that artists must balance the need to show authorities they don't harbor negative emotions with the need to express themselves. The sea, Thompson writes, "contains powerful emotions under an innocuous surface." Paintings of a gloomy lighthouse, its light extinguished, or of two empty boats, unmoored, floating side by side illustrate her point.

Ahmed Rabbani painted a still life of empty glassware, perhaps a reference to his years-long hunger strike. In another of his works, giant binoculars trained at the 2016 super moon float above a massive building. Before coming to Guantánamo, Rabbani was held and tortured at a secret "black site" for nearly two years, and was kept for seven months in total darkness. "A good deal of what he paints relates back to that time. None of those paintings are released," his lawyer, Shelby Sullivan-Bennis of Reprive US, told *Postprint* magazine. "Depictions of suffering are more or less categorically banned from release."

When Hussain was asked whether any of the detainees' lawyers could give a description of art that has been banned, she explained that even a verbal description would have to be cleared by military censors.

Former detainee Djamel Ameziane, who was held for five more years after being cleared for release in 2008, told *Postprint* that his watercolor of a shipwrecked boat "reflected what I was living in prison. We were always badly treated by the guards: beaten, provoked, dragged on the floor ... bodily searched three or four times a day. ... All that on a daily basis for years and years. It gave me the impression of being a boat facing storm after storm after storm that never seemed to end."

For more or to view the exhibit, see artfromguantanamo.com.

PHILLY'S NEW PROSECUTOR

BY PETER RUGH

It was an extraordinary sight, one that played out on the local 11 o'clock news. Ex-prosecutor Richard Sax said he felt bad for the City of Philadelphia.

"[H]er citizens are really and truly going to suffer," he told Channel 6 while the ABC affiliate rolled footage of his former colleagues hauling file boxes crammed full of framed photos and knick-knacks onto the curb at South Juniper Street.

"Change is never easy," read a statement from the office of Larry Krasner, a civil rights attorney who famously sued the Philly police 75 times throughout his three-decade career. Sworn in as Philly's new district attorney only three days previously, Krasner had campaigned on overhauling the criminal justice system in a city with the highest incarceration rate in the country.

It is not entirely unusual for fat to be trimmed during a change of administration, but aside from making good television, the January firings, 31 in total, inflamed Krasner's detractors — already on high alert that a red-bellied leftist was now the city's top attorney.

Not everyone was worried.

"The message it sent to me was that Krasner is making good on his promise of instituting culture change," Rick Krajewski of Reclaim Philadelphia told *The Independent*. "Prosecutors before had a lot of bad practices. They'd ask for high amounts of bail. They didn't consider harm during their prosecutions, didn't think about the immigration consequences. There was a cultural narrative in the DA's office that was counter to our narrative of trying to end the over-incarceration of our communities."

A MOVEMENT MOMENT

Krasner's victory at the polls in November didn't so much belong to him as to a grassroots social movement, years in the making, that arose in response to corruption (Krasner's predecessor is currently serving a five-year sentence for bribery), institutionalized racism and mass incarceration. Now, as Krasner seeks to fulfill his mandate of instituting sweeping reforms to Philly's criminal justice system, that same movement is working to hold him accountable.

"There's a lot of diverse communities that have been banding together," said Reuben Jones of Front Line Dads, an organization that advocates on behalf of formerly incarcerated men, among whom Jones counts himself. This coalition of coalitions, Jones told me, includes immigrants,

millennials, LGBTQ folks, mothers and survivors of gun violence as well as "incarcerated men and women who are coming home to roll their sleeves up to join this fight."

"You have political lifers who have been engaged in the political landscape in Philadelphia for 20 or 30 years and are now seeing things a little bit differently," Jones said.

Just nine months prior to the January firings, Krasner — his ever-present tie loosened, the sleeves of his white Oxford shirt rolled up — appeared on stage with Philly punks Sheer Mag, joining the band in a rendition of "Clampdown" by the Clash. Alternately brooding, sarcastic and defiant, the song is a rejection of encroaching fascism. "Let fury have the hour, anger can be power," Krasner sang, "D'you know that you can use it?"

Use it voters did. Now the tune is "Rock the Casbah."

Efforts to end what legal scholar Michelle Alexander termed the "New Jim Crow" have stalled on a the federal level with the appointment of Attorney General Jeff Sessions. However, even before Donald Trump's election, progressives inspired by the Black Lives Matter movement knocked off entrenched DAs in Cleveland and Chicago. As was the case in Philadelphia, the financial support of billionaire philanthropist George Soros helped. Reform candidates have also prevailed in Mississippi, Louisiana and New Mexico and activists are targeting more district attorney races in this fall's elections.

New Yorkers won't be able to vote in a DA race until 2021, but each of the five borough DA offices could use a house cleaning.

In Manhattan, Cyrus Vance Jr. short-circuited the case against Harvey Weinstein, despite the NYPD providing him secretly recorded statements by the Hollywood mogul admitting to sexual assault. Soon after, he received a campaign contribution from Weinstein's lawyer. The Brooklyn DA's office was a false conviction factory for decades and its current leader, Erik Gonzalez, has been reluctant to hold key figures accountable (see page 6). In Queens, Richard Brown is 85 years old and has not faced a serious electoral challenger since he took the post in 1991. The district attorney's office in Staten Island went out of its way to persuade a grand jury not to indict Officer Daniel Pantaleo in the choking death of Eric "I Can't Breathe" Garner and Bronx District Attorney Darcel Clark has made headlines of late over al-

legations that she presided over an office rampant with debauchery.

When they do have a chance to go to the polls in DA races, events in Philadelphia could provide a path for how activists with financial support from well-heeled liberal reformers like Soros can enact sweeping change. Of a new crop of district attorneys taking office, Krasner has the most radical pedigree and could end up defining the outer limits of what is possible from within the system.

Remarkably, not four years earlier Philly's movement against mass incarceration was on the defensive, fending off plans to build a new, 3,000-bed jail. After a months-long campaign of marches and civil disobediences, the City Council rejected the expansion. Aware that all their grassroots efforts would simply mean overcrowding at the city's five remaining jails, where 20 percent of detainees are locked up because they can't afford to get out in advance of their trials, activists began calling for the elimination of cash bail. This effort prompted them to consider participating in the district attorney's race. The Coalition for a Just DA formed.

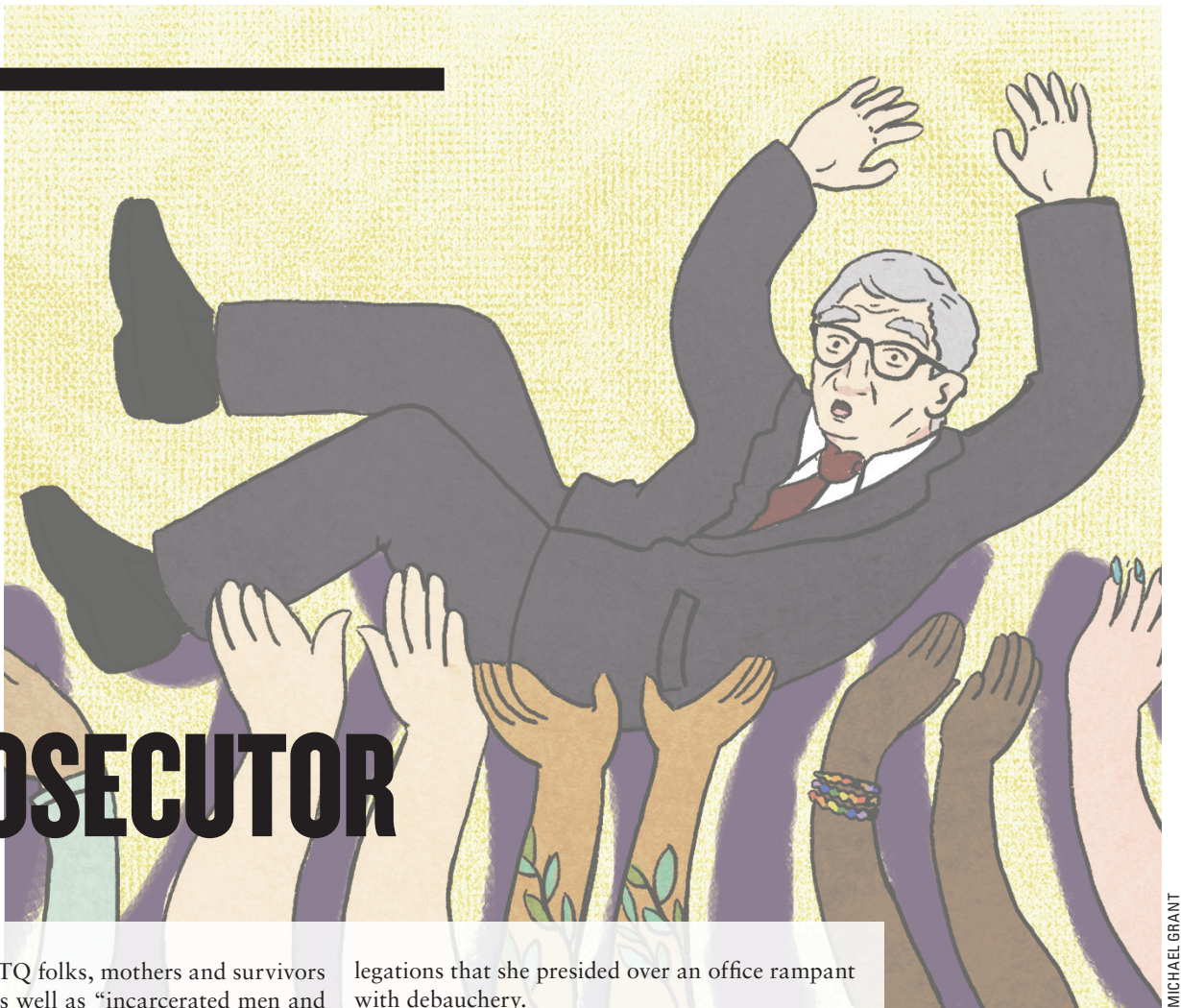
A RADICAL TRIES TO CHANGE THE SYSTEM FROM WITHIN.

"We started hunting around for a progressive candidate to support," Jones told *The Indy*. "Krasner rose to the top."

The transition represented a move from an outside strategy to an inside one. Groups that had typically sought to sway elected officials through protest were now going door-to-door, flyering and making phone calls on behalf of one of their own. And it appears to have paid off.

In his initial three months as district attorney, Krasner announced he will stop prosecuting low-level marijuana offenses, filed a lawsuit against Big Pharma over the opioid epidemic, appointed the city's first-ever "immigration council" to protect the undocumented from apprehension while attending court proceedings and instructed his prosecutors not to seek cash bail for 25 mainly nonviolent offenses, including shoplifting and prostitution. He and his staff have also been meeting regularly with the grassroots activists who got him elected.

Continued on page 14



MICHAEL GRANT

BRINGING PROTEST INTO THE COURTROOM



ELIJAH GRAN

BY APOORVA TADEPALLI

“At the point where a demonstration is marching and if I turn right I’m going into an arrest situation and if I turn left I’m avoiding it, I’ll turn left every time,” Martin Stolar tells me one afternoon at his office on 14th Street. “I’m more effective as a political person representing the people who do get arrested.”

Stolar has stood up for activists — from Black Panthers to Black Lives Matter demonstrators — his entire half-century career as a civil rights and criminal defense attorney. He finds challenging authority not only necessary but fun, yet plays out his radical beliefs by the letter of the law. The best political trials, he says, are where the “protest is carried forward into the courtroom.”

In 1971 when a group of Catholic anti-war radicals and others burnt draft papers in Camden, N.J., Stolar joined a three-member legal team that helped the defendants, known as the Camden 28, put the Vietnam War on trial. A jury returned a not-guilty verdict in part through jury nullification. Even though the defendants acknowledged their actions, the jurors believed the law could not be morally applied to their case.

More recently, in Cortlandt, N.Y., where activists known as the Montrose 9 used civil disobedience in 2016 to temporarily halt the construction of a natural gas pipeline, Stolar argued the necessity defense, also known as “defense of justification” under New York law. Stolar and his clients contended that the danger posed by climate change outweighed the criminality of their actions. The Montrose 9 were convicted and Stolar led an appeal.

Kim Fraczek, a long-time New York environmental activist and his client in the Cortlandt case, recalls that it felt like they were in the same fight together. “I never needed to explain to him how fucked up the system was. He was right there with me.”

At 75 years old, Stolar is a small, wiry man with a bounce in his step. When he isn’t due in court, he usually shows up to work in jeans and sneakers. His

smile remains something of an undercurrent on his face — it gives his eyes a kind, crinkled look even when they are wide with indignation, as they often are when he talks about injustice. Yet he is still active, continuing to represent dissidents and work with the National Lawyers Guild’s (NLG’s) mass defense committee, where he helped represent thousands of protesters arrested during the 2004 Republican National Convention and at Zuccotti Park in 2011 during Occupy Wall Street.

“They do the backend, crappy work,” Fraczek says of the NLG’s attorneys. “Everyone loves action, but they’re the invisible part of our movement that’s really necessary.” Fraczek, who cut her activist teeth in Occupy, can still recite the Guild’s phone number.

Nonetheless, Elsie Chandler, a trial lawyer for the Neighborhood Defense Services of Harlem and Stolar’s wife, tells me, “Marty’s very clear that he’s a lawyer, not a friend or compatriot of his clients.”

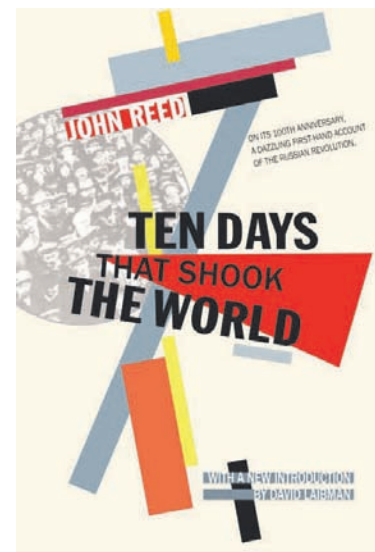
Stolar and his long-time friend Jethro Eisenstein sued the NYPD in 1971 in a class action lawsuit, *Handschu vs. Special Services Division*, for curtailing the First Amendment through the surveillance, data collection, infiltration and entrapment of left-wing activists. After years of litigation, Stolar and Eisenstein reached a consent decree with the NYPD in 1985, establishing the “Handschu guidelines,” a series of protocols that outline when the NYPD can investigate political and First Amendment activity.

This past November, Stolar, Eisenstein, the lead plaintiff in the Handschu case, Barbara Handschu, and several NLG members visited an exhibit at the Municipal Archives building on Chambers Street. Photographs documenting the political and social upheaval the 1960s and ’70s — the Black power movement, anti-Vietnam protests, the first Earth Day march, a gay power demonstration — hung from the walls. The images were not captured by journalists or the activists themselves but by undercover police. Hence, the exhibit’s title: “Unlikely Historians: Materials Collected by NYPD Surveil-

Continued on page 14

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NEW YORK'S BLIND SPOT

WILL IT BE FIXED THIS YEAR?

BY ANN SCHNEIDER

A coalition of progressive state legislators and legal organizations is campaigning for legislation to repeal New York State's "blindfold law"—which allows prosecutors to withhold all evidence, including witness statements, from a criminal defendant until the morning of their trial.

This practice is allowed despite the 1963 *Brady vs. Maryland* case, in which the U.S. Supreme Court ruled that prosecutors must turn over any "exculpatory" evidence in their possession, such as if there's evidence their star witness said inconsistent things. The Court, however, did not say when that evidence must be given to the defendant. Nor do prosecutors have any obligation to look for witnesses who may have seen things differently.

A bill introduced last year by Assemblymember Joseph Lentol (D-Brooklyn) would require prosecutors to turn over police reports, witnesses' names and statements, and grand jury testimony early in a case. It's been endorsed by

the New York Bar Association, the Legal Aid Society and the Innocence Project. The state district attorneys' association opposes it.

Both Lentol's bill and the state Senate version, sponsored by Tony Avella (IDC-Queens), have been in committee since the legislative session opened in January.

The bill's supporters say prosecutors' ability to withhold evidence skews the system against defendants. As 94 percent of state criminal prosecutions result in a plea deal, they believe it encourages "overcharging," in which district attorneys accuse suspects of more serious crimes than they can prove in order to intimidate them into pleading guilty to a lesser charge. Of the 234 exonerations in New York State since the *Brady* case, 38 percent have involved withheld *Brady* material, according to the National Registry of Exonerations.

The Brooklyn district attorney's office has modified its practices to include a form of "open discovery," giving an accused person a chance to assist their lawyer in preparing a defense. But of the roughly 100,000 people arrested in Brooklyn each year, 90 percent cannot afford an attorney.

In the other four boroughs, the defense attorney must make a series of pretrial motions to get the judge to order the prosecution to turn over evidence before trial. The assistant district attorney typically fights advance disclosure, citing the need to protect witnesses from retaliation. This tug-of-war causes lengthy pretrial delays and increases court costs.

It is exceedingly rare for a prosecutor caught cheating to be formally punished. Prosecutors have "absolute immunity," which shields them from legal liability for their misdeeds. Of 151 New York cases between 2004 and 2008 where an appeals court found prosecutorial misconduct, only three led to public sanction.

For more about the campaign to reform the pre-trial discovery process, see legal-aid.org.



GARY MARTIN

NEW PROSECUTOR

Continued from page 12

"It is not just token engagement," says Cara Tratner, a criminal justice reform advocate who has attended the monthly meetings. "They are really listening and they are acknowledging the expertise of community organizers and activists, people who are directly impacted in the room, and they are seeking our support in creating their policy and have been very transparent."

Still, Reuben Jones acknowledges that Krasner is in a "difficult position."

"He came into this role not being a politician and now he has to play politics," Jones said.

POLICE UNION PUSHBACK

As anyone who has watched the opening sequence of "Law and Order" knows, the criminal justice system is made up of "police, who investigate crime, and the district attorneys, who prosecute the offenders."

Krasner's job depends on his ability not only to appease the electorate but to maintain a working relationship with Philly's cops, whose union leadership has displayed a kneejerk loathing toward him. When, in February, Krasner visited the city's police academy and told officers-in-training they must understand they will be "held to a higher standard," the head of Philly's Fraternal Order of the Police, John McNesby, called Krasner's remarks "ridiculous and dangerous," accusing the DA of having "intentionally sought to endanger your lives." It later emerged that McNesby had no

idea what Krasner had actually said during the meeting. The very thought of Krasner visiting the academy launched him into a tirade.

While McNesby worries Krasner will go too far, Cara Tratner frets he won't go far enough.

"We're glad that he stopped using bail for some people," Tratner said, "but were also disappointed that his office used charge categories" to determine when to seek it. The Coalition for a Just DA wants the practice of money bail eliminated all together. A spokesperson for Krasner, Benjamin Waxman, told *The Indy* that the DA's office is taking an "A-B-C approach" but Tratner is concerned that the distinction between what types of offenses warrant bail will make it more difficult to further roll back the detainer system. The public will think future bail reforms are for violent offenders.

"Even if you are doing it step by step,

you don't want to take a step that will make it harder to then take a second step," Tratner said.

It's a precarious path, but none of the activists I spoke with doubts Krasner's sincerity. Most are impressed with what they are witnessing. Reclaim Philadelphia's Rick Krajewski sees Krasner's election as a "springboard."

"Right now, you can take a more progressive stand on criminal justice issues than you could a few years ago," he said. "If we can reproduce that when it comes to education, economic equality, housing; if we can find candidates who are willing to stick their necks out there and take bold stances on those issues we can incrementally push our city to one that is more progressive."

RADICAL LAWYER

Continued from page 13

lance Teams, 1960–75."

The exhibit was largely the result of Stolar and Eisenstein's work. As part of their 1985 settlement, a review board, including a civilian appointed by the mayor, was established to sign off on any surveillance that did not solely involve criminal activity. The materials that were recovered from the '60s and '70s were handed over to the Department of Records and Information Services.

On principle, Stolar is offended by the exhibition, since the whole point of his case was that this material shouldn't exist at all. But he also appeared pleased as he explored it; after all, the exhibition brings to light many of the issues he has been trying to raise for decades.

One of the exhibition's curators, Rossy Mendez, welcomed the lawyers. "It's a pleasure," she said, somewhat sheepishly, introducing the exhibit, which included about 30 photographs and seven video segments. "This period was a tumultuous one," she recited. "It was great changes we were seeing."

"Rossy," Stolar called amiably from across the room, "In addition to being obtained illegally, there's no evidence that any of what the police were surveilling here were actual

crimes, yes? It's just civil activity?"

"There were some," Mendez replied.

"What percentage?" Stolar asked. There was scattered laughter.

Mendez smiled uncomfortably. "It's hard to say."

The consent decree that settled *Handschu vs. Special Services Division* is subject to revision. After the 9/11 attacks, the guidelines were watered down to make investigating suspected terrorism easier. Instead of requiring approval from a separate authority that included a civilian, the only approval necessary was from the NYPD commissioner for intelligence and counterterrorism. But the NYPD's unlawful surveillance of Muslims violated even these relaxed guidelines in the period after 9/11, and Stolar and his colleagues got them tightened again. The long-running case remains open in U.S. district court. Stolar and Eisenstein are doubtful that it will be settled in their lifetimes, and they've discussed preparing their younger colleagues to carry it forward.

Today, one of Stolar's main clients is Armintha Jeffryes, a 24-year-old activist arrested for jaywalking on East Houston Street during a Black Lives Matter march. What makes Jeffryes' case unique — aside from the fact that she was arrested for jaywalking in New York City — is that she was being prosecuted by the NYPD.

In 2016, the police department reached memorandum of

understanding (MoU) with the Manhattan District Attorney's office that allowed the NYPD's legal arm to prosecute low-level offenses. Jeffryes was targeted, according to subsequent court testimony from the NYPD, not because of a traffic infraction but because she was one of the march's leaders. Stolar contends that the agreement enables the NYPD to make illegal arrests and then avoid subsequent civil rights lawsuits by pressuring protesters to plead guilty in return for adjournment in contemplation of dismissal (ACD) orders. Under a typical ACD agreement, charges are ultimately dropped, provided defendants are not charged with another crime within a six-month period, but they lose their ability to challenge the validity of their original arrest in court.

Earlier this month, after Stolar filed a lawsuit over the MoU, the NYPD rescinded the memorandum, claiming that they didn't have the legal resources to continue these prosecutions.

"It appears we exhausted them by doing such things as making the jaywalking trial a four-day affair," Stolar reflected. Jeffryes has been found guilty of jaywalking but she and Stolar are actively considering an appeal on First Amendment grounds.

PAROLE REFORM

BELL TOLLS

BY RENÉE FELTZ

A vote by the New York Parole Board to release Herman Bell, a former Black Panther and Black Liberation Army member imprisoned for the killing of two NYPD officers in 1971, marked a victory for reform measures advocated for by the formerly incarcerated.

Bell, now 70 years old, is due to be released mid-April. During his nearly 45 years behind bars on a 25-to-life sentence, he mentored thousands and maintained a clean disciplinary record (despite a brutal attack by prison guards last September). State mandated tests show he poses the lowest possible safety risk if allowed to re-enter society.

But for each of his last seven times before the board, commissioners denied Bell's release because of his original crime. This reflects the "broken" parole system Mujahid Farid, founder of Release Aging People From Prison (RAPP), described to *The Independent* in 2015, when he argued the board was "co-opted by the punishment paradigm."

Things went differently when Bell faced the board for an eighth time in March, and it recognized he has ex-

pressed remorse and was likely to lead a "law-abiding life." Commissioners are required by state law to consider such factors, but have only recently complied after pressure from groups like RAPP.

The board often cites input from victim's family members, who can influence but not determine their decision. This time it referred to a letter from the namesake son of slain Officer Waverly Jones, who expressed forgiveness for Bell, and wrote that to "deny him parole again would cause us pain as we are reminded of the painful episode each time he appears before the board."

Despite this request, the Patrolmen's Benevolent Association and Mayor Bill de Blasio have called for the board to reverse its vote, which it could do if it determines there is new evidence it has not yet considered.

Meanwhile, the son of Jones issued a new statement expressing concern. "Particularly upsetting is the attack on the Parole Commissioners who made the decision to release [Bell]," Jones, Jr. wrote. "In these times of increased hate, we need more compassion and forgiveness."

BRYAN SHIH VIA FREERHMANBELL.ORG.

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FASCISM, SOME ASSEMBLY REQUIRED

This is Our Land (Chez Nous)
DIRECTED BY LUCAS BELVAUX
DISTRIB FILMS, 2017

By Anna Polonyi

Two women in their forties are sitting eating salads in a diner. One says to the other: “It’s now or never, dammit. We’ll fuck them all!” “Fuck who?” her friend asks. “All of them! All the lesson-givers at work, on TV, everywhere... It’s our turn to teach them a lesson.” Is this the onset of the #MeToo movement, the burgeoning of a feminist cause? No. We’re in a small town in northern France, and this conversation prompts one of the women to run for mayor on a far-right party ticket.

This Is Our Land (Chez Nous), a feature film set in the fictional French town of L’Hénard, tells the story of Pauline, a nurse and single mother of two, as she is lured into representing the ultra-conservative, anti-immigrant party Le Bloc, led by a buxom blonde who inherited the party from her openly racist father.

Director Lucas Belvaux’s fictionalization of France’s far-right Front National party is thinly veiled: Marine Le Pen inherited the FN’s leadership in 2011 from her father, Jean-Marie Le Pen, an open Jew-hater and Holocaust denier. She has since attempted to distance the party from him and its violent, neo-Nazi image, and rebrand it as a more mainstream anti-immigrant force. The town in the film is inspired by Hénin-Beaumont, a formerly left-wing mining town where the FN won local elections in 2014.

At a party conference in March in the northern city of Lille, former White House strategist Steve Bannon gave a pep talk. “Let them call you racist, let them call you xenophobes, let them call you nativists,” he told them. “Wear it like a badge of honor.” But since being solidly defeated in last spring’s presidential elections, Marine Le Pen has intensified her efforts to appeal to a wider audience, by saying “globalist” instead of “Jew,” toning down the party’s anti-euro rhetoric, forcing a top party official to resign after he was filmed calling a black man “a shitty kind of nigger,” and, at the Lille conference,

changing the party’s name to the “Rassemblement National,” National Rally.

Ambitious as Belvaux’s project may be, *This Is Our Land* fails to hold its own as a work of art. At its best, it nods to film noir, with scenes of seedy surveillance and late-night phone calls. But more often than not, the plot is erratic, and the film consistently sacrifices psychological depth to its more didactic agenda.

What *This Is Our Land* reveals, perhaps unwittingly, is an alarming lack of understanding regarding not-so-fringe far-right movements. The main protagonist, Pauline, remains somewhat of a mystery. Although she expresses doubts about becoming involved with the party, she caves in surprisingly fast. How does the daughter of a communist and union organizer end up representing the radical right? Is it because she, like many others in this town, feels abandoned by the national government and needs an outlet to vent her frustration? Is it through the influence of her boyfriend, a for-

This indicates a larger problem: The Front National enjoys widespread media coverage in France and abroad, but there is precious little in-depth attention paid to the root causes that push voters to turn to Marine Le Pen, or any other leader who encourages hatred and intolerance over democratic values.

L’Hénard could be somewhere in West Virginia or Ohio or many other locales in Trumplandia. The movie has the potential to serve as a distant mirror to viewers here, by presenting the rise of a conservative backlash in a different country. Pauline represents the fraction of people who get involved in the FN not through any specific political conviction but through a combination of factors: the increased normalization of hate speech, job scarcity and a sagging economy, a resurgence of patriotism. But despite covering all the symptoms, this film of-

THE RIGHT TO BEAR LEAFLETS:

(From left) Stéphane Caillard, Catherine Jacob, Cyril Descours and Émilie Dequenue in *This is Our Land (Chez Nous)*.

A FAR RIGHT POLITICAL PARTY’S APPEALS TO HATRED AND INTOLERANCE OVER DEMOCRATIC VALUES GAINS ENTHUSIASTIC SUPPORT IN A DEPRESSED FRENCH MINING TOWN. WHY?

mer neo-Nazi who enjoys intimidating brown-skinned people at night? Or does the party lure Pauline in by fanning her ego, as it is the only outlet that promises any kind of upward mobility in an otherwise dormant town?

We don’t know, because the film offers up all of these potential reasons by rote, without exploring any of them long enough to be truly insightful. When Pauline’s campaign organizers begin to radically reshape her life, she draws the line, not out of a crisis of morals nor because she realizes she is being manipulated, but simply because she’d rather stick with her boyfriend than have a political career. The film might be making the argument that Pauline is your average Jeanne, and, through sheer passivity, can get manipulated into becoming a run-of-the-mill right-wing radical. But this is a problem from a storytelling perspective: To have a passive central character is mystifying at best, condescending at worst.

fers little insight into the underlying processes of radicalization, nor how to respond to such dangerous political drift.

Still, in a context in which far-right, xenophobic and anti-democratic parties are gaining leverage in Europe and the rest of the world, *This Is Our Land* is a timely, if flawed, reminder of the insidious ways in which the narratives of fear can take hold of everyday lives.

This Is Our Land will screen at the Film Forum beginning April 18.



JEAN-CLAUDE LOTHER, SYNECDOCHE, ARTEMIS PRODUCTIONS

PETER HUJAR'S UNDERGROUND NEW YORK

"Peter Hujar: Speed of Life"

THE MORGAN LIBRARY & MUSEUM
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THROUGH MAY 20, 2018

By Gena Hymowech

New York in the '60s, '70s and '80s was unsoiled by gentrification and alive with the energy of sexual, activist and artistic revolutions. It was an embarrassment of riches for photographers talented enough to know what to do with it. The disco crowd drew in Bill Bernstein and Bobby Miller; Diana Davies focused on the queer movement; Richard Sandler looked at life in the subway; Joe Conzo, Janette Beckman and Martha Cooper, the hip-hop scene; and Peter Hujar, a cultural underground that would attain legendary status.

Hujar was one of photography's rebels, the creative love child of the weird Diane Arbus and another underground community photographer, Nan Goldin. He attempted a mainstream magazine career early on but discovered it wasn't what he wanted. Hujar had to march to the beat of his own drummer.

The fame of his subjects eclipsed his own at times; still, he should be remembered for more than just taking some cool pictures of cool people. He helped loosen up the art form, challenging portrait photography in the same way some of his subjects challenged the art forms they were working in.

Just think of getting your portrait done at a studio or taking a photo of yourself for Instagram. What do you envision? Getting all dressed up, wearing make-up and smiling? Staring straight at the camera? A Hujar subject might appear to be sleeping, or just getting up, or, as in his photos of Susan Sontag, Peggy Lee or Charles Ludlam, lost in thought.

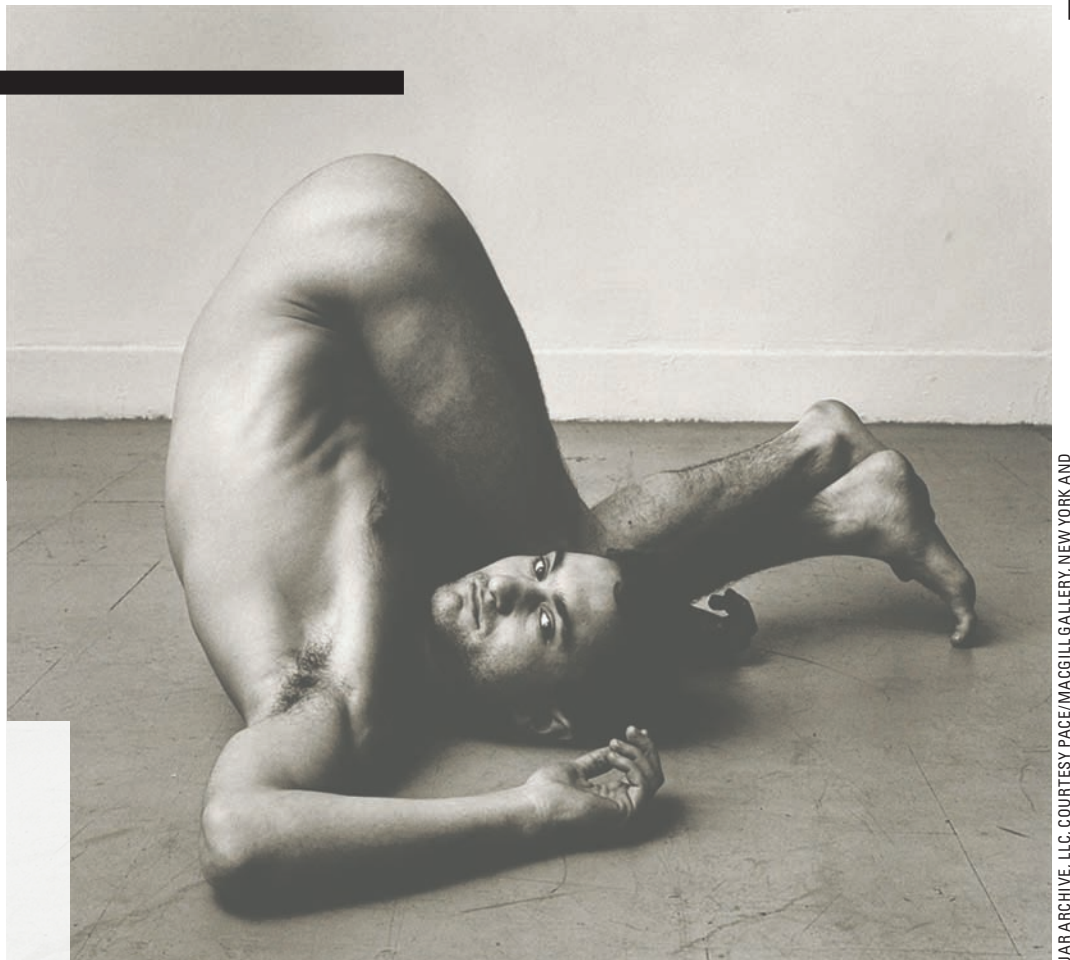
As the museum explains, a "reclining portrait" was "a genre of photograph Hujar made his own." Hujar captured Ludlam, a theatrical pioneer, out of drag, looking away from the camera, in a corner of a room, likely his Morton Street apartment. Hujar isn't photographing him like a photojournalist out to capture "the wacky avant-garde." We feel like we need to take Ludlam seriously. There is also an after-hours feel. Perhaps it is the end of a very long day.

Hujar appeared to have a deep respect for his subjects, an understanding. His photographer status meant he was outside the community, but he was also one of them.

Fran Lebowitz trusted Hujar enough to let him photograph her under a bed sheet (or perhaps a couple) at her then-home in Morristown, N.J. Looking grungily seductive, she was a few years away from the publication of *Metropolitan Life*, but already writing for Andy Warhol's *Interview*. I don't think Lebowitz has allowed herself to be photographed appearing so vulnerable since.

She looks at us confidently, in front of wallpaper that's as 1970s as it gets. In Hujar's world, you were allowed to look less than camera-ready, but still seem sure of yourself in simple, serviceable black and white. Color would only mar his photographs, steal their reality.

With the Ludlam, West and Lebowitz portraits, Hujar tapped into something that still looms large over our culture — our burning desire to know what the famous are like away from the spotlight.



Morbidity pervades *Candy Darling on Her Deathbed*, published in the *New York Post* months after Darling died of lymphoma, caused by the same hormones that fueled her transition. She was an extremely glamorous actress, an Andy Warhol superstar, but the times were generally not ready for her and she was largely ignored by the mainstream.

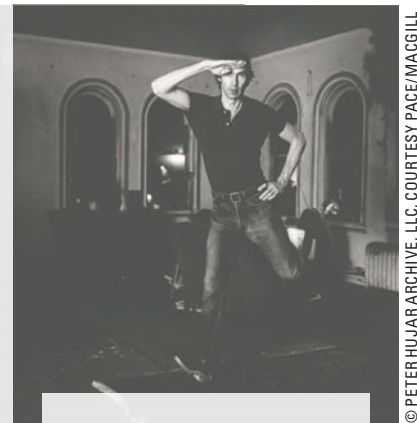
Now, some may not want to look at a photo of a woman dying, especially a young woman like Candy, yet those of us who are obsessed with her or with death wouldn't dare look away, though what we are seeing is unclear. She has maybe just finished crying, possibly she's defiant or perhaps she's resigned to her fate. She seems to be on the verge of a smile, looking amused. She'll be damned if she'll let cancer steal her beauty. Flowers surround her as if she is already in a coffin. The room is dark reminding us of the ultimate, eternal darkness that awaits us all.

Palermo Catacombs #11 is an early Hujar photo of a burial ground with what one guesses to be skeletons looking like they're auditioning for a "Tales from the Darkside" episode. *Girl in My Hallway* is another shocking piece, with its young, maybe dead child or teen, who Hujar isn't trying to help. It speaks volumes about the way New York was, the way residents became numb to urban decay.

Hujar was also a queer photographer, involved briefly with fellow artist David Wojnarowicz. And though he's not primarily known for his work in this area, LGBTQ+ history buffs will be intrigued by the way he captured the early days of queer activism. There is a feeling of joyfulness, of power, of a community united in *Gay Liberation Front Poster Image*.

With *Christopher Street Pier (2)* we look between a man's legs, which sounds a lot sexier than it is. He isn't even naked, and the cruising ground is almost empty. But what the place stands for — and what this man stands for — is a wonderful, hard-won sexual freedom. The tragedy, of course, is that the freedom would be taken away.

Like so many talented New Yorkers, including some he photographed, Hujar died of an AIDS-related cause. He left too soon but made good use of his time here. He slowed down the speed of life so those of us born too late could get a good view of a New York that will likely never be so exciting, so full of possibility, again.



**GARY SCHNEIDER
IN CONTORTION
(2)**, 1979, gelatin silver print, purchased on The Charina Endowment Fund, The Morgan Library & Museum.

**SELF-PORTRAIT
JUMPING (1)**, 1974, gelatin silver print, purchased on The Charina Endowment Fund, The Morgan Library & Museum.

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APRIL 6 • 7-9:30PM
BOOK TALK: An evening with Nisha Kapoor, author of *Deport, Deprive Extradite: 21st Century State Extremism*.

APRIL 12 • 7-9:30PM
WORKSHOP: Free for trans folks that want to learn web development and computer programming fundamentals.

APRIL 24 • 7-9:30PM
PODCAST: Suzanne Leonard, author of *Wife, Inc.: The Business of Marriage in the Twenty-First Century*, in conversation with Elisa Kreisinger, host of the series *Strong Opinions Loosely Held*.

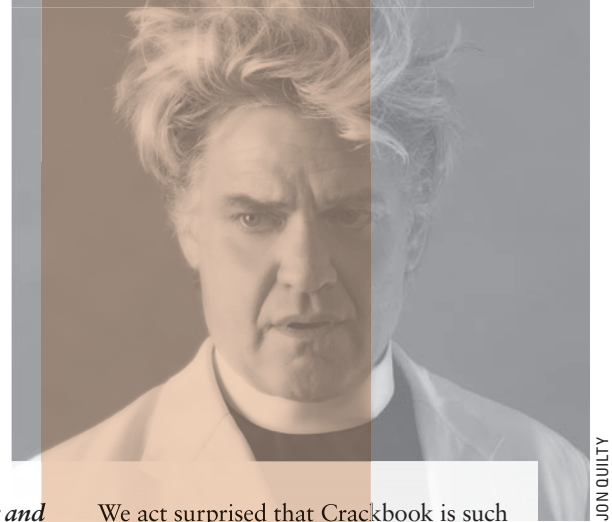
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REVEREND BILLY'S TRUMP HELP HOTLINE



JON QUILITY

Hi Rev, my 10-year-old daughter and her friends took part in the recent school walkouts for gun safety. I'm proud of her, but I worry she is growing up too fast, becoming political too soon. Can you put my mind at ease?

— CARLY, East Village

Celebrate it don't fear it. The children carry the truth. They haven't said that Washington is impenetrable. They haven't admitted that it's impossible to have peace. American capitalism wants to flood our kids with childish wars, porno, ICE raids and Disney aspirational narratives. We need the children to deprogram us. The other day, during the 17-minute walkout, we floated around my daughter Lena's school in a righteous throng of children under 12. They shouted, marched and waved “Love Not Hate” signs. Let's be feral adults raised by kids!

We act surprised that Crackbook is such a congenial atmosphere for hate, and that gangsters have taken over. But we shouldn't be. In our country, presidents aren't leaders, money is. Mark Zuckerberg is one of the wealthiest executives on the planet. When he apologized recently for losing our personal data, didn't Mark seem sort of ... listless? That's because Z-berg isn't a leader either, and that was dawning on him. The dark economy recalled his soul. Money made a decision.

We never asked, ‘What is this doing to us?’ There are ways to communicate that make fairness and generosity easier than hate. Why replace the sexy joy of neighborliness? When we walk in the street with our heads up, not bowed over iPhones, then we have the pleasure of unexpected bumps and swirls and laughter and sorrow and the ongoing music of real people. Just put the phone down and go back to your body. Look up!

— REV

REVEREND BILLY IS AN ACTIVIST AND POLITICAL SHOUTER, A POST-RELIGIOUS PREACHER OF THE STREETS AND BANK LOBBIES. GOT A QUESTION FOR REVEREND BILLY? JUST EMAIL REVBILLY@INDYPENDENT.ORG AND UNBURDEN YOUR SOUL.

...

*Dear Reverend Billy,
I never wanted to know how badly Facebook invaded my privacy. It allows me to stay in touch with my friends and family. I even use it to keep track of you and the Stop Shopping Choir. Now that I can no longer plead ignorance, I'm pondering deleting my account. Can you convince me otherwise?*

— BURT, Jersey City

Join Brooklyn For Peace and the Coalition to End Foreign Bases:

End U.S. Wars at Home and Abroad!

Sunday, April 15, 2018, 2 pm
Gather at Herald Square, 34th St. and 6th Ave.
March to Trump Tower

We call for:

- An end to all U.S. wars, nuclear threats, sanctions, coups, and military bases.
- Funding human needs, not endless wars.
- Solidarity with oppressed people under attack, at home and abroad.



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NEW YORK CITY:

**SUNDAY APRIL 15, 2:00 PM
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<http://SpringAction2018.org>

ATLANTA:

**Saturday, April 14, 12:00
Little 5 Points Square**

BAY AREA:

**SUNDAY APRIL 15, 10:00 AM
Lake Merritt Amphitheater
(12th Street & Lake Merritt Blvd.)**

CHICAGO:

**Saturday, April 21, 12:00 PM
Michigan Ave. &
Congress Expressway**

MINNEAPOLIS:

**Sunday, April 15, 1:30 PM
Hennepin and Lagoon Aves.**

WASHINGTON DC:

**Saturday, April 14, 12:00 PM
White House**

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Coalition Against U.S. Foreign Military Bases, United National Antiwar Coalition (UNAC), Black Alliance for Peace, United for Peace and Justice, U.S. Peace Council, Code Pink, Women's International League for Peace and Freedom-US Section, International Action Center, Popular Resistance, World Beyond War, Veterans For Peace, Global Network Against Weapons & Nuclear Power in Space, Nuclear Age Peace Foundation, Peace Action of US Green Party, IFCO/Pastors for Peace, Hands Off Syria Coalition, Labor Fightback Network, Environmentalist Against War, Workers World Party, ANSWER Coalition