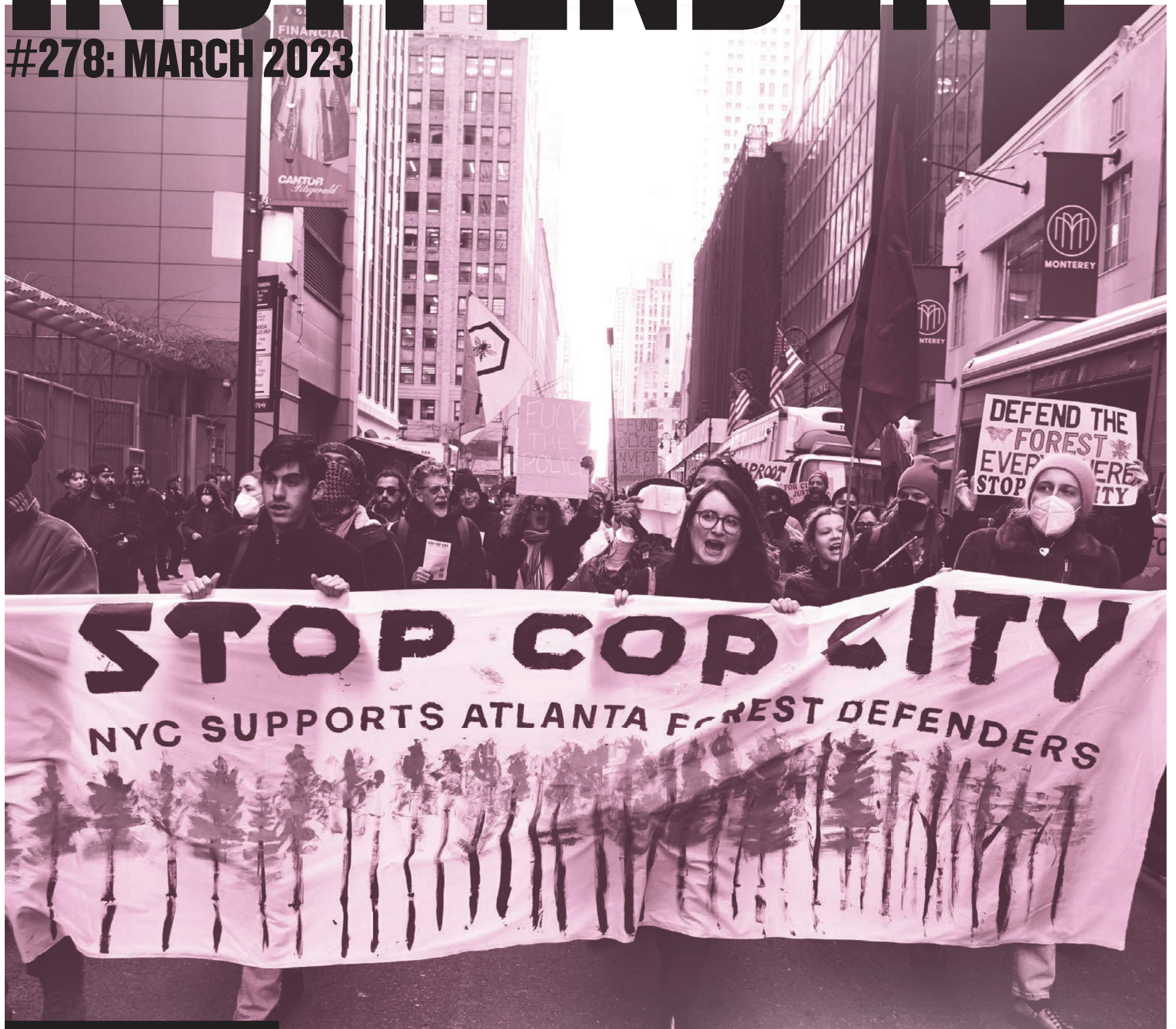


THE

WHAT JUDGES REALLY DO — P8 • UKRAINE — P14

THE INDEPENDENT

#278: MARCH 2023



Hundreds of protesters march on March 9 to the Midtown headquarters of JPMorgan Chase, a major corporate backer of Cop City.

COP CITY SHOWDOWN

THE FIGHT FOR A FOREST & THE FUTURE OF AMERICAN POLICING
BY AMBA GUERGUERIAN — P10

SUE BRISK

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CALENDAR**MAR/APR****THROUGH MAY 5 • TUE–SAT****10AM–9PM • FREE****ART EXHIBITION: "A WORLD TO WIN"**

"A World to Win" work celebrates the many historical advancements of the international working class and fearlessly proposes a new world. Ian Matchett and Rivka Valérie Louissaint's oil paintings and mixed-media collage highlight leaders of the past and present and rally visions of working-class unity, power and the future.

THE PEOPLE'S FORUM

320 W 37 St, Manhattan

MARCH 28 • 6:30PM–8PM**BOOK TALK: OUR LIVES IN THEIR PORTFOLIOS: WHY ASSET MANAGERS OWN THE WORLD**

Banks have taken a backseat since the global financial crisis over a decade ago. Today, our new financial masters are asset managers, like Blackstone and BlackRock. And they don't just own financial assets. The roads we drive on; the pipes that supply our drinking water; the farmland that provides our food; energy systems for electricity and heat; hospitals, schools, and even the homes in which many of us live – all now swell asset managers' bulging investment portfolios. Join this book talk with author Brett Christophers, David Harvey, Lee Harris and Doug Henwood. Virtual attendance is possible via peoplesforum.org.

THE PEOPLE'S FORUM

320 W 37 St, Manhattan

APRIL 1 • 10:30PM & 12AM • \$40**JAZZ: ERIC WYATT QUARTET & OPEN JAM SESSION AT SMALLS**

Saxophonist Eric Wyatt expresses a unique duality on the New York music scene. As the godson of saxophonist Sonny Rollins, his playing addresses the lineage of the music through the language of the heavyweight tenor sound. As a bandleader, Wyatt has

recognized and cultivated the next generation of heavyweight improvisers – a growing list that includes Robert Gasper,

Theo Croker, Kassa Overall, Damion Reid and E.J. Strickland.

LIVE AT SMALLS JAZZ CLUB

183 W 10th St, Manhattan

MARCH 30–APRIL 16 • THU, FRI & SAT @ 8PM, SUNDAY @ 3PM**THEATER: PEARLS AND SWINE/THIS BODY IS MINE**

Set in 2019 – before the world changed – in the New York City apartment of Zena Baldwin. Baldwin, an actor in her mid-thirties, is raped by her live-in boyfriend, Keith DuBois, and must decide to give birth or abort the pregnancy. She confides her pregnancy to her friend and neighbor, Sydney Love, who gives her much to think about. DuBois and his parents, Keith Sr. and Elizabeth Ann DuBois, lobby for marriage and motherhood. Directed by WillieAnn Gissendanner. Running time: two hours; 15-min intermission.

THEATER FOR THE NEW CITY, CABARET SPACE

155 First Ave, Manhattan

OPENS APRIL 7 • \$15**FILM: JOYLAND**

The first Pakistani film to play at the Cannes Film Festival and to be shortlisted for the Best International Feature Oscar. Initially banned in its home country for its LGBTQ+ themes, *JOYLAND* is a visually radiant, subversive family drama set in the bustling megacity of Lahore. Pressured to earn his own salary, soft-spoken house husband Haider is hired to dance in an erotic show. He's drawn to the show's star, an irrepressible trans woman (Alina Khan, in a tour-de-force performance). 127 min. Pakistan/USA. Oscilloscope Laboratories. Showings on April 7 at 7:50 p.m. and on April 8 at 2:35 p.m. will be followed by Q&A with director Saim Sadiq. See filmforum.org or call 212-727-8110 for more showtimes.

FILM FORUM

209 W Houston St, Manhattan

FRIDAYS • 5PM–8PM (WINTER HOURS)**WASHINGTON SQUARE****PARK MUTUAL AID:****WEEKLY NEEDS**

Every Friday evening, WSP Mutual Aid meets in Washington Square Park to collect and distribute items for people that need them and to "break bread and find community." The group often works in solidarity with and supports people who were evicted from homeless encampments.

Check @wspmutualaid on Instagram, Twitter and Facebook for a list of specific weekly needs.

WASHINGTON SQUARE PARK

Manhattan

APRIL 1 • 2:45PM • FREE**2023 SEASON OPENING DAY**

Central Park Dance Skaters Association (CPDSA) offer old cats and newcomers an open-air roller-skating experience with live DJ music at "The Skate Circle" in New York City's Central Park, on most weekend days during the warmer months (April through October). Check it out for serious moves and serious grooves! Highly Recommended.

CENTRAL PARK SKATE CIRCLE

72nd St entrance, Manhattan

TUES & THURS THRU APRIL 18 • 10AM–2PM**AARP FREE TAX HELP & PREPARATION**

AARP will have a volunteer tax preparer work with you in-person to help complete an accurate tax return. By appointment only. No drop-ins. To make an appointment go to bit.ly/CentralAARP or email taxaide@aarp.org, or call 888-687-2277.

For more information, visit bklynlibrary.org/tax-help.

BROOKLYN PUBLIC LIBRARY

10 Grand Army Plaza, Brooklyn

APRIL 16 • 4PM–11PM • \$15–\$20**DANCE PARTY: AFRIKAN SCIENCES + DEEP CLUB RESIDENTS**

Public Records celebrates the 10th anniversary of Deep Club, a record label and DJ collective devoted to American

RIVETING: Earth Mama will be playing March 29 and 30 to open Lincoln Center's New Directors/New Films 2023 festival.

dance music that stretches from Denver to Brooklyn. Initiated in 2013 by a group of midwestern-raised DJs, Deep Club has cultivated a space in which new forms of house and techno can be shared with the greater community. Over the last ten years Deep Club has hosted acclaimed talent like Marcellus Pittman, The Black Madonna and Mike Huckaby.

PUBLIC RECORDS

233 Butler St, Brooklyn

ANYTIME**RADICAL VILLAGE: A SELF-GUIDED WALKING TOUR**

Nearly 20 years before it became a center for Beat culture and folk music, New York City's West Village was a hotbed of radical politics, most notably communism. This tour highlights the places where the Village radicals lived, met and socialized during the so-called "Red Decade," from 1929 to 1940. Go to bit.ly/3J8yvzS to find the self-guided tour.

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A fired Starbucks union organizer got his job back (with \$17K in backpay) thanks to a new city law that protects fast-food workers.



GEN Z WANTS A UNION, P5

Most residential assistants who staff the dorms at Columbia University are students from low-income families. On Feb. 28, they filed for a union election.

LABOR BRIEFS, P5

City nurses demand fair contract; UAW on verge of historic leadership change; grad student unions on a roll; French workers mobilize against pension age hike.



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After years of organizing and rent strikes, residents of a Flatbush building with more than 500 open violations are starting to see repairs.

SUPREME GAMBLE, P7

Landlords who want NY's rent-stabilization laws abolished are hoping the Supreme Court will take their case.

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A federal judge in Texas recently ruled in favor of the right of domestic-violence perpetrators to purchase guns, cuz "history and traditions."

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The campaign to block Hector LaSalle's nomination to NY's highest court showed liberals are finally getting real about how the legal system works.



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LaGuardia air tran plan scuttled; City retiree health care betrayal; more public toilets on the way; Mayor blames crime on lack of school prayer.

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In Atlanta, forest defenders and police abolitionists have joined forces to stop the construction of a massive new police training facility.



NO ACCOUNTABILITY, P13

NYPD officials refuse to appear before a City Council committee looking into a police special unit with a history of assaulting protesters.



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If you're stressed out about the state of the world, our advice columnist says, turn to the Earth for guidance.



Amy Goodman

Juan González

Nermeen Shaikh

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This panel is co-organized by the Rosa Luxemburg Stiftung New York and CUNY Earth and Environmental Sciences Department.





COURTESY



OLGA FEDOROVA

A TALE OF TWO UNION ORGANIZERS AND THE LAWS THAT ARE SUPPOSED TO PROTECT THEM FROM ILLEGAL FIRINGS

BY KATIE PRUDEN

Jocelyn Chuquillanqui and Austin Locke both worked at Starbucks until July 2022, Chuquillanqui in Great Neck, Long Island, and Locke in Astoria, Queens. The two were lead organizers for the Starbucks Workers United union in their stores and were fired during a company union-busting campaign.

Locke returned to work in early March after being reinstated with back pay.

Chuquillanqui is still waiting for the National Labor Relations Board (NLRB) to act on her complaint that she was illegally fired. The difference is where they worked.

Locke was the first person to get reinstated under New York City's "just cause" legislation, enacted in July 2021, which makes it illegal for food-franchise employers to fire workers without a legitimate reason and evidence. Enforced by the city Department of Consumer and Worker Protection (DCWP), it covers the 67,000 fast food workers in the city, including those at the 241 Starbucks stores who previously were employed with no protection from unjust firing or last-minute schedule changes.

Most workers in the city, the rest of the state and nationwide are employed "at will," which means that unless they have protections from a union contract, they can be fired at any time for any or no reason. If they believe they were terminated for an illegal reason, such as discrimination or retaliation for union activity, their only redress is the courts or the NLRB.

More than 30 community and labor organizations are backing the Secure Jobs Act, legislation proposed by City Councilmember Tiffany Cabán (D-Astoria) that would extend just cause job protections to all workers in New York City. As *The Independent* goes to press, the measure has 10 co-sponsors in addition to Cabán, far short of what it would need to pass the 51-member Council.

Montana is the only state that has a just-cause law, although the state does not directly enforce it. "Individuals who feel aggrieved by their termination must seek civil redress through the courts," the state Department of Labor and Industry says.

Starbucks claimed it fired Locke for falsely reporting workplace violence and failing to file a COVID-19 log. The DCWP, however, subpoenaed video footage of the incident, and it showed another worker putting his hands on Locke. Starbucks agreed to give him his job back and \$17,000 (before taxes) in back pay and a small raise.

"If I decided to give up, the workers there would have seen that as a victory for Starbucks, and me coming back is proof that Starbucks can't mess around with us," Locke *The Indy*. He would have liked the settlement to have imposed more responsibility on Starbucks, though.

"The settlement has no admission of guilt, so they didn't have to post a letter in the store, they didn't have to read us our rights or anything. They just had to reinstate me with back pay and damages," he said.

While the city's just-cause law put into place a good legal framework to limit the power of employers, what the law can do is still limited.

"Just cause does not take away the need for people to want to unionize. People unionize because they want

TARGETED: Starbucks baristas Jocelyn Chuquillanqui (above) and Austin Locke (below).

a voice. They don't want to be told what to do by these employers that think they are God's gift to Earth," said Seth Goldstein, a lawyer for the Amazon Labor Union (ALU).

Goldstein began working for the ALU pro bono, filing unfair-labor-practice complaints against Amazon while the union was organizing at the company's JFK8 warehouse in Staten Island. The ALU won an election there in April 2022, and Goldstein went on to lead a team of over 100 law-student volunteers across the country. He now works for the firm that represents the union full-time.

"The union is about a collective spirit of demanding what is right," he said. "While it's nice to have that provision, I also think the people are going to get used to those benefits, and they'll want a union because they realize now that they have rights."

Chuquillanqui, working in Nassau County just a mile east of the city line, was an at-will employee not covered by the just-cause law. She had to file her complaint that she was illegally fired with the NLRB.

"If I worked one mile closer to Queens, I would have been protected under the law. By a mile I missed it," she said. "Just-cause laws are not for us. Hopefully one day soon they will be."

Starbucks fired Chuquillanqui three months after Starbucks Workers United lost the vote to unionize at the Great Neck store. She had created an organizing committee, and all 15 workers had signed union cards. In February 2022, her store and four in the city went public with their campaigns and filed for a union election.

"After that happened, it was just intense union-busting from upper management," said Chuquillanqui. "They would try to single people out and pick at their vulnerabilities. They would threaten benefits. They would find things that made people nervous. The only reason I was able to survive that time without quitting was that I was confident in my initial decision to unionize and I still don't regret it. My opinion hasn't changed."

The union lost the election by one vote, 6-5. Starbucks claimed Chuquillanqui was terminated for lateness, but she believed that it was illegal retaliation for her union activity, and that the election had been tainted by union busting, so she filed a complaint with the NLRB.

On Nov. 30, the NLRB's Brooklyn regional director asked a federal court for an injunction to order Starbucks to stop unfair labor practices at the Great Neck store.

Eight months after she was fired, Chuquillanqui is still waiting for justice.

"There were times when I felt like I was extremely vilified and that I was this horrible, toxic person, or, that's what Starbucks made me out to be," she says. "But I would have support from the customers and other coworkers, and it was really validating that I was doing this for a good reason."

She now works as a teacher's assistant at a school in Long Island. If the NLRB orders Starbucks to reinstate her, she would only be able to work there part-time.

Chuquillanqui is one of many workers trying to get their jobs back after a wave of union-busting terminations at Starbucks, Trader Joe's and Amazon. Without a union, workers outside the food-service industry in New York City have no just-cause protections, says Goldstein.

"Amazon is a battle, and not one thing is going to declare victory," he adds. "But, when we are proactive and we do things like this, it shines a bad light on Amazon. In the last two years as a result of what we're doing, there's been more pressure on Amazon than ever. Just like with Starbucks."



SUE BRISK

HOW COLUMBIA RAs BUILT THEIR UNION

BY BLAKE McMILLAN

In early 2022, a coalition of low-income students at Columbia University came together to present a letter to the student council. Lizzie Clark, who served at an on-campus food pantry, received the letter to review. Clark was also a Resident Advisor (RA) on campus and, upon reading the letter, realized she might have some demands of her own.

"I thought, 'Oh, this is a good opportunity to mention that a lot of first-gen, low-income students that work on campus as RAs are not really being paid because of the way that the payment scheme works.' The payment scheme stated that if a student was receiving financial aid, they could not receive the \$10,000 stipend from the university. Instead, they got a \$1,000 stipend. 'Twenty hours a week boiled down to less than \$2 an hour,' Clark told *The Independent*. The minimum wage in New York? \$15 an hour.

From there, the letter was signed by 1,200 members of Columbia's community before it made its way to the Board of Trustees. It was approved, and the proper stipend was enacted summer 2022. But members of the coalition began to talk about other workplace issues: disciplinary policies that allowed supervisors to harshly punish RAs as well as race and gender discrimination.

Over 100 Resident Advisors at Columbia began to speak up — Columbia Housing reports there are 153 RAs total. Fellow student Leena Yumeen, an RA herself and national co-chair of the Young Democratic Socialists of America, responded to Clark's message in a group chat that suggested unionizing.

On Feb. 13, the Columbia University Residential Advisors (CURA) Collective informed President Lee Bollinger that 75% of

GEN Z WANTS A UNION:

Columbia University residential advisors rallied outside Low Library.

RAs had signed a petition for union recognition. Two weeks later, the RAs filed for a union recognition election with the National Labor Relations Board.

Before filing for union recognition, CURA made a show of their numbers. On Feb. 20, more than 100 CURA members, fellow students and organizers from other campus unions at Columbia, as well as the Amazon Labor Union and Teamsters Local 804, rallied at the steps of Low Memorial Library and then marched to Bollinger's official residence just off campus.

Dominick Walker, a representative from the Student Workers of Columbia (United Auto Workers Local 2710), which represents instructors, teaching assistants and researchers, spoke on the steps of Bollinger's Morningside Heights home. "The struggle that you are engaged in here is a struggle that has ramifications beyond Columbia's name, and this is a struggle to ensure that workers are paid what they are owed," he said.

Lauren Calvin is an RA in a first-year dorm, which she said prepared her for difficulty. "For a lot of people, your freshman year is your first time away from home," Calvin told *The Indy*. "So, there's feelings of loneliness. You have to really keep an eye on them, make sure they're feeling okay." As she became a parental figure for freshmen, being underpaid and having a lack of mental-health training was the most difficult part, says Calvin. "Especially in a first-year dorm, I do feel like their mom sometimes."

"I'm hoping that the work that we're doing also impacts RAs at other universities. As well as other undergraduate student labor issues," Clark concluded as the sun set outside Bollinger's house.

No election date has been set yet, due to stalling by Columbia's lawyers, according to CURA organizer Hannah Puelle.

"We have already seen the power of collective action at work," Puelle added, "and we are a union whether we are officially recognized as one or not."

If it wins its union election, CURA will be the seventh officially-recognized RA union nationwide. CURA organizers told *The Indy* that they are in touch with RAs at a number of other campuses that are preparing union drives as well.



NOELIAN HONG

LABOR BRIEFS

BY INDEPENDENT STAFF

CITY HOSPITAL NURSES DEMAND 'PAY PARITY'

The contract covering almost 9,000 nurses at 11 city-run hospitals expired March 2, and the New York State Nurses Association marked the occasion with rallies demanding "pay parity" with nurses in the private sector. With 7,000 NYSNA nurses at private hospitals winning a 19.9% raise after strikes in January, the union says, newly graduated nurses in the public sector now average \$19,000 per year less. That makes it difficult for the city hospital system to retain nurses, NYSNA President Nancy Hagans said in a video produced by the union, because private hospitals offer them more money once they've gained experience. "I see firsthand how many units are understaffed," Sonia Lawrence, a veteran nurse at Lincoln Hospital in the South Bronx, told the rally there. However, as the nurses are public employees, the state Taylor Law makes it illegal for them to strike.

UAW REFORMER LEADS IN PRESIDENTIAL VOTE

In the United Auto Workers' first-ever direct election for its national leadership, insurgent candidate Shawn Fain held a 645-vote lead over incumbent Ray Curry as of March 7. The results might turn on the more than 1,600 ballots that have been challenged. Fain and the Members United slate ran on a platform of "No Concessions, No Corruption, No Tiers," criticizing the incumbent Administration Caucus for the corruption scandals that ensnared two former presidents and for agreeing to "two-tier" contracts in which newer workers are paid less. Curry won heavily in the Detroit-area Ford locals, but Fain carried Region 1D, which includes the General Motors plants and suppliers in Flint, the Lansing area and Saginaw. He also did well among the UAW's growing number of education workers, taking 80% in the University of California's two locals. If Fain wins, challengers to the Administration Caucus would gain a majority on the union's executive board.

FAIR CONTRACT NOW:

New York State Nurses Association members protest outside the Harlem Hospital Center on March 2.

TEMPLE GRAD STUDENTS OK FIRST CONTRACT

The Temple University Graduate Students Association overwhelmingly ratified their first union contract March 13, ending a six-week strike at the state-supported university in Philadelphia. The deal will raise the average minimum pay for the about 750 teaching and research assistants from the current \$20,700 a year to \$24,000, and to \$27,000 by the time it expires in the spring of 2026. The union, American Federation of Teachers Local 6290, walked out Jan. 31 after more than a year of fruitless negotiations. "I feel like the collective power and strength that our union had throughout this strike really sent the message," sociology research assistant Bethany Kosmicki, a member of its negotiating team, told the *Philadelphia Inquirer*. The Temple union is part of a wave of organizing by student workers. The Daily Union Elections blog estimates that more than 45,000 grad and undergrad student workers have publicly moved to unionize since the start of 2022.

MILLIONS OF FRENCH PROTEST PROPOSED PENSION CUTS

More than a million people joined protests in France March 7 against President Emmanuel Macron's plan to raise the retirement age from 62 to 64. The Confédération Générale du Travail (General Confederation of Labor), the nation's largest union, urged people to "bring France to a halt." Workers in education, transportation and energy walked out, shutting down most lines on the Paris Métro and inter-city trains, closing schools and cancelling flights, and blockading oil refineries. The protests began in January, with more than a million people turning out on Jan. 19, but, a group of unions said, "these enormous mobilizations... have received no response from the government." Another protest was planned for March 15. In the United States, the retirement age has been slowly increased since 2010, when it was 66. By 2027, you will have to be 67 to receive standard Social Security benefits. Some Republican Congressmembers have proposed raising that to 70.



AMBA GUERGUERIAN

ORGANIZING GETS THE GOODS

FLATBUSH TENANTS FINALLY SEE REPAIRS AFTER YEARS OF PRESSURING SLUMLORD

BY AMBA GUERGUERIAN

1 111 Ocean Avenue in Flatbush has been plagued by rats, roaches, mold, peeling lead paint, and collapsing ceilings for years. But after a two-year rent strike by some of the residents, the 103-unit building is starting to see some positive changes.

“He put poison with the French fries, mixed it all up and put it in the basement. When he came back there were tons of dead rats!” Phyllis McQueen, who has lived in the building since 1970, said excitedly after an exterminator came.

Other tenants are still skeptical of their landlord, Sam Wasserman. “They’re starting to make the less expensive interior repairs, but they haven’t begun to do the expensive exterior repairs,” said Janice Broadie, who moved into the building in 2009.

In mid-February, the tenants announced a lawsuit against Wasserman, demanding immediate repairs to their apartments and an end to years of neglect. As of March 10, the city Department of Housing Preservation & Development (HPD) listed the building as having 587 open violations, including at least 157 Class C — “immediately hazardous” — conditions.

“If the pressure lets off of them, they’ll stop doing repairs,” says Rita Ketrles, a tenant since 1965. HPD filed a suit demanding that the landlord make repairs in 2021.

On Oct. 13, a ceiling collapsed in a children’s bedroom in the middle of the night in a sixth-floor apartment, raining down concrete, plaster and debris. The children weren’t in the room, but it was the fourth ceiling collapse in the building in the past year. The Department of Buildings issued a vacate order for part of the building more than four years ago, but the landlord has not made the required repairs.

“When they put the scaffolding up, I called the landlord. And he told me that he was looking into it. And it would probably take about two weeks. And that was eight years ago,” said Ketrles.

Tenants in the city have become “more empowered” in recent years, says Le’Shera Hardy, one of the Brooklyn Legal Services lawyers representing the Ocean Avenue residents. “Tenants are more informed about what they can do to combat this neglectful behavior.”

• • •

RITA KETRLES GREW UP in Bed-Stuy. She, her husband and their two young children moved to 1111 Ocean Ave. 58 years ago.

“We had a doorman, a superintendent, handymen, porters, laundry rooms — it was a luxury building. And it remained that way until it was sold from Keller Livingston to the Wassermans,” said Ketrles of the building’s services when her family moved there. Now, the six-story building only has one super, who works another job and is rarely available.

The building has a complicated history. When Sam Wasserman bought it in 1989, he began converting it to a co-op to circumvent rent stabilization, says Ketrles. At the time, city law allowed owners to convert a building to a co-op if 15% of the apartments were owned by individual shareholders. Wasserman renovated the empty apartments and sold about 15 to individual shareholders.

Since then, he or one of his front companies have owned the remaining apartments. Each time a rent-stabilized tenant moves out, Wasserman starts charging market-rate rent for that apartment, claiming that the building is a co-op and therefore no longer subject to rent regulations.

Ketrles and McQueen are among the handful of the rent-stabilized tenants who remain. The others have also been in their apartments since before the 1989 conversion. Between 1990 and 2016, they won a rent freeze, because building services had been reduced; all that remained was one super for 103 units. “They took our services away, so we went to court,” said Ketrles.

Her rent increased by \$800 when the freeze ended in 2016, but Ketrles says she and the other tenants still weren’t receiving all of the services required by housing law. She sought out support from the Flatbush Tenant Coalition and, along with McQueen, decided to form a tenant association in the building. Broadie joined shortly thereafter.

In 2021, amid a citywide movement of tenants to “cancel rent” during the height of the COVID-19 pandemic, 16 members of the tenant association went on rent strike. They have been withholding rent ever since, which is legal in New York if the landlord allows outstanding violations to persist.

Wasserman signed an order of consent to settle HPD’s 2021 suit, agreeing to make the needed repairs.

Tenants from 23 units have joined the suit announced in February. They want Wasserman to be fined and for HPD to hire a contractor to make the much-needed repairs, charging the cost to the landlord.

They have also petitioned state Attorney General Letitia James’ office for the right to take over control of the building, which was denied due to the handful of individual shareholders. “We’re still trying to get the Attorney General involved because this building is not being managed — the money is being pocketed,” said Broadie. “I would love to see new management. I would love for everyone to come and just stand outside that building and figure out how can someone say that this is a co-op?”

The Office of the Attorney General did not respond to *The Independent’s* request for comment.

• • •

“IF YOU DON’T SPEAK UP, you get no results. We started contacting 311, HPD, the Attorney General eight years ago,” said McQueen. “I guess by us constantly staying on stuff, it makes a difference.”

She stopped using her bathtub 15 years ago because all the varnish had peeled off, and started complaining to management that it needed to be repaired. Five years ago, she began to notice and file complaints about black mold — which has detrimented her health — in one of the bedrooms in her apartment. In early March, those repairs were finally made.

“We should e-mail the building because this is a total victory,” said Andrew Butler, another member of the tenants association.

“That’s what they should have been doing all along in the entire building!” said Ketrles angrily when McQueen explained how inspectors came into her apartment to check for mold, and then handymen tore down and replastered the infested walls. “It’s only because of our organizing,” Ketrles added.

The 1111 Ocean Ave. tenant association’s recent building-wide meeting on Feb. 9 was the most-ever attended, with nearly 50 tenants participating. Ketrles, McQueen, Broadie and Butler say that nearly all tenants in the building suffer from similar problems, but the market-rate residents who don’t get leases from the landlord fear that they could be evicted if they make trouble. Other tenants are immigrants, who fear that Wasserman will report them to Immigration and Customs Enforcement if they confront him.

Why would anyone choose to stay in a building in such bad condition? “Who wants to just give in to a bully?” Butler responds. “You want to stand up for yourself and you want to stand up for your neighbors, especially when you see that they’re taking advantage of the most vulnerable ones. You want to fight and win.”

GOOD NEIGHBORS:

Members of 1111 Ocean Avenue Tenant Association (left to right) Janice Broadie, Rita Ketrles, Phyllis McQueen, Andrew Butler in Ketrles’ apartment, where the TA regularly meets.



AMBA QUERUERIAN

WILL SUPREMES SCRAP NY RENT CONTROL LAWS?

LANDLORDS APPEAL CASE TO HIGH COURT, BUT HISTORY IS NOT ON THEIR SIDE

BY STEVEN WISHNIA

New York City landlords are preparing an appeal to the Supreme Court after a federal appeals court rejected their effort to void the state's rent-stabilization law.

The Second Circuit Court of Appeals on Feb. 6 dismissed two challenges to the law, one led by two real-estate trade groups, the Community Housing Improvement Program and the Rent Stabilization Association, and the other by a group of individual landlords. A three-judge panel unanimously held that rent stabilization did not violate the Fifth Amendment's "takings clause" that the government cannot take private property without compensating the owner. It also rejected the claim that the law violated the 14th Amendment's substantive due-process clause because it did not have a rational basis.

The Supreme Court in 1992, it noted, unanimously ruled in *Yee v. City of Escondido* that the California city's rent controls for mobile homes were not a "taking" because the landlords had voluntarily rented out their land and could evict tenants, within limits.

"Government regulation of rents is a well-es-

HOME SWEET HOME: New York City has 960,000 rent-stabilized apartments.

tablished precedent," longtime Legal Aid Society staff attorney Ellen Davidson told *The Independent*.

The New York landlords argued that rent stabilization was a "taking," because tenants' right to renew their leases "effectively eliminates an owner's right to determine who may occupy the property after it is first rented," and that considering tenants' ability to pay while determining rent increases puts a burden on landlords that "should be borne by the public as a whole." They also contended that the law had no rational relation to a "legitimate government interest," because its benefits were not "targeted to low-income tenants," as wealthy people live in rent-stabilized apartments.

The Court of Appeals rejected all those arguments on procedural and practical grounds. It held that states "have broad power to regulate housing conditions in general and the landlord-tenant relationship in particular without paying compensation," that owners retained the right to evict tenants for specific causes and that most, if not all, current landlords bought their properties knowing they were regulated.

The rent-stabilization law, it concluded, had a rational purpose: It "was primarily enacted to permit low- and moderate-income people to reside in New York City when they otherwise could not afford to do so. It is beyond dispute that neighborhood continuity and stability are valid bases for enacting a law."

According to the federal 2021 Housing and Vacancy Survey, more than half the city's 960,000 rent-stabilized households had incomes below \$50,000 a year.

The landlords have until early May to ask the Second Circuit for permission to appeal to the Supreme Court.

"We're considering our next steps," a spokesperson for the plaintiffs said in a statement. "In our view, the Supreme Court's decision in *Yee* and its recent *Ce-*

Continued on page 12

TEXAS TWO STEP

Alleged wife-beaters have a constitutional right to own guns, a federal appeals court in Texas ruled last month.

A three-judge panel of the Fifth Circuit Court of Appeals on Feb. 2 held that the 1994 federal law prohibiting people under a domestic-violence restraining order from possessing firearms was unconstitutional. It cited the Supreme Court's decision last year that gun regulations violate the Second Amendment unless the government can prove they are "consistent with the Nation's historical tradition of firearm regulation."

The few state gun restrictions in effect when the Constitution was written, Judge Cory T. Wilson's opinion argued, "were not targeted to domestic violence or even more specifically to domestic homicide." Therefore, the 1994 law, a provision of the Violence Against Women Act, was "an outlier that our ancestors would never have accepted."

The ruling vacated the conviction of Zackey Rahimi, who had been involved in several shootings in the Dallas-Fort Worth area in December 2020 and January 2021, including a drug-deal dispute,

a road-rage incident and firing at a police officer's car. When police searched his home and found two guns, they also learned that he was under a restraining order for allegedly assaulting his ex-girlfriend, and arrested him.

The Justice Department argued that it was constitutional to deny guns to people who weren't "law-abiding citizens." The appeals court rejected that, saying that Rahimi had not been convicted of a felony, but had "merely been civilly adjudicated to be a threat to another person."

By that standard, Wilson asked, "Could speeders be stripped of their right to keep and bear arms? Political nonconformists? People who do not recycle or drive an electric vehicle?"

"Rahimi, while hardly a model citizen, is nonetheless part of the political community entitled to the Second Amendment's guarantees," he concluded.

The decision reversed a ruling by an earlier Fifth Circuit panel upholding Rahimi's conviction. It had said the restraining-order law was reasonably adapted to the government interest of reducing domestic gun abuse. But the Supreme Court's 2022 decision, Wilson wrote, "expressly repudiated" such balancing tests, making "historical tradition" the only valid standard.

Attorney General Merrick B. Garland said the Justice Department would appeal, insisting that "the statute is constitutional."

Two of the judges on the panel, Wilson and James Ho, were appointed by Donald Trump. Ho in a concurring opinion contended that bogus civil-protection orders are common in divorce cases. The third, Edith Jones, was appointed by Ronald Reagan. In 2013, she told a law-school forum that "racial groups like African Americans and Hispanics are predisposed to crime."

MEDICATION-ABORTION CUTOFF?

Meanwhile, another Trump-appointed judge in Texas might order one of the two drugs used in medication abortions taken off the market. Federal District Judge Matthew Kacsmaryk is entertaining claims by a Christian-right medical group that the Food and Drug Administration did not have the authority to approve mifepristone, the first part of the two-step procedure, in 2000.

If he accepts those claims, he could block the use of the drug nationwide until the case is considered by a higher court — in this case, the Fifth Circuit. Because of a quirk in federal judicial procedures in Texas, Kacs-

maryk is now the only judge hearing new cases in the Amarillo area, so litigants can file cases there knowing that he will preside over them.

Kacsmaryk was formerly a lawyer for a Dallas-area Christian-right litigation outfit, and his decisions have reflected that. In December, he ruled that it was unconstitutional for federally funded clinics to give birth control to people under 18 without their parents' consent, saying that a father's ability to raise his daughters in the Christian faith was weakened if they had access to things that "facilitate sexual promiscuity and premarital sex."

The anti-mifepristone lawsuit has "weak legal arguments" and "represents a serious risk to public health," two lawyers and a doctor wrote in the *New England Journal of Medicine* March 9. They said it was "suggesting — contrary to statutory text, regulatory authority, and longstanding practice — that an agency isn't empowered to do its job."

— STEVEN WISHNIA



WHO IS THE LAW FOR?

THE FIGHT OVER HECTOR LASALLE'S NOMINATION TO NY'S TOP COURT DISCREDITED THE MYTH OF JUDGES AS NEUTRAL ACTORS. AND THAT'S A GOOD THING

By JOHN TEUFEL

Well, it's finally over. After months of threats from Gov. Kathy Hochul, protestations from unions and progressives, and the sort of high-stakes drama New York politics usually lacks, Hector LaSalle's nomination to be the next chief judge of the Court of Appeals ended unceremoniously, with a lopsided 39-20 vote against him on the New York State Senate floor. Attention now turns to who the Commission on Judicial Nominations will put on its shortlist, and whether Hochul will see this as an opportunity to mend fences with progressives or try and ram through an even more conservative nominee to lead the state's highest court. Before we get there, though, let's take a minute to both enjoy this victory, and understand why it happened.

First off, LaSalle's defeat is unambiguously good news for anyone who wants to halt the Court of Appeals' recent rightward drift. The judge's record indicated he would rule in favor of prosecutors and police, and against defendants and suspects; in favor of corporations, and against unions; and that his positions on issues from consumer protection to domestic violence to immigrant rights were indistinguishable from those held by a Brett Kavanaugh or Amy Coney Barrett.

But as nice as it is to stop a conservative judge, there's a larger importance to LaSalle's defeat, one that is relevant to our national fights over judges, and even to how we think and talk about the law. The people pushing LaSalle were also pushing the false, but terribly common, idea that law is a neutral body of rules and precedents from which certain truths can be divined, and certain rulings naturally flow. In this reading, the statutes and judicial rulings that comprise the law are different from essays, novels, films, the Bible or other texts, all of which lend themselves to multiple, equally valid interpretations. Law is special, akin to mathematics, easily knowable and usually certain. LaSalle's defeat represents a defeat of this false ideology.

This lie, indulged in by Republicans and Democrats both, is perhaps the most destructive one in our national discourse, and all too often the excuse for why we can't have a society that cares for everyone. It's a lie with a long history, undergirded by seductive philosophical musings and parroted by powerful parties with nefarious vested interests.

It's also in direct competition with another school of thought that sees law more realistically, as the product of flawed humans being wielded by other flawed humans. LaSalle's critics may not have been versed in this philosophy called legal realism, but they intuitively knew that judges who rule for the powerful and against the oppressed may do so for reasons found in their own heads, not in any statute or decision.

LaSalle's defenders framed his record in a way that will be familiar to anyone who has closely watched Supreme Court confirmation battles. When critics pointed to the awful real-world consequences of many rulings he supported, we were told that such rulings were just "procedural" or that LaSalle was, sadly, powerless to rule otherwise, so constrained was he by the iron shackles of precedent. To take one example, LaSalle's vote to allow Cablevision to sue its union workers personally for union activity undertaken during a labor struggle was excused as a decision about mere process. "Don't you get it?" cried Hochul and her minions. Law is complicated! Sometimes injustice must be sanctioned, because that's how law works! How naïve of you to think otherwise!

Hochul and her allies didn't engage on the substance of LaSalle's cases — who won, who lost, and what happened. Instead, their apologetics emphasized the impersonal processes of law, the alleged rules of the game, the highly technical nuances that laypeople just couldn't understand. In this, they drew inspiration from what is probably the dominant theory of law today among academics: so-called "legal positivism," and specifically the version thereof popularized by philosopher H.L.A. Hart in his 1961 book *The Concept of Law*. Nothing better explains the defenses of LaSalle than legal positivism.

Legal positivists believe that law can be accurately determined to a high degree by review of statutes and decisions. Individual judges are of minimal importance, their role reduced to an intake of precedent and an output

of analysis. Legal positivism is not concerned with the social, cultural or psychological dynamics that led to the creation of any given law or judicial decision — the focus is on the process by which law is created, not the reasons for its creation. In this sense, legal positivism is a theory that discourages looking beyond the textual documents that comprise a legal system. All you need is right there on

the page.

Hart himself believed most cases were “easy,” and required minimal judicial creativity. When Supreme Court Chief Justice John Roberts told Congress that the job of a judge is akin to an umpire, calling balls and strikes, he was tipping his hat to legal positivism.

Legal positivism is a harmful philosophy, not least because it claims neutrality in the form of deference to existing “rules.” But of course that’s wrong, because the rules themselves are ideological, written by the powerful to protect the powerful. LaSalle’s critics have implicitly understood this. They may not have known it, but by focusing on the consequences of his rulings, and arguing that LaSalle could and should have ruled differently, the anti-LaSalle coalition was standing up for legal realism, and against the positivists.

“Law is what the judge had for breakfast.” This old quote — usually attributed to the late legal philosopher and judge Jerome Frank — has alternately been used by the enemies of legal realism to highlight the supposed radicalism of this school of legal philosophy, or by the most radical realists themselves to boil their ideas down into one pithy phrase. In that sense, it is sort of the “defund the police” of jurisprudence, embraced by both its proponents and their worst critics.

Everyone, though, agrees on what it means. In sum, a judge’s rulings do not emanate from careful study of precedent and statute, which will allow for only one “correct” ruling. Rather, judges are human beings (one of Frank’s greatest works is called “Are Judges Human?”) with their own biases, predilections, histories, neuroses and yes, ideologies, and their rulings — what we call “law” — are a mishmash of all those things stirred up and spewed across the page. Law has no gravitational center — it is whatever the powerful person in the robe decides, for whatever reasons they decide it.

The funny thing is that pretty much every attorney who has actually practiced in a courtroom accepts the general precepts of legal realism (which is the progenitor of modern theories like critical legal studies or Marxist analyses of law). Judges often make wacky rulings. They aren’t usually high-profile — maybe no one outside of the courtroom will ever even know about them — but they are vitally important to the litigants being ruled over. Any practicing lawyer can tell you about the cases they knew they lost the second the judge opened their mouth, before the evidence was presented or legal arguments made, because the judge decided they liked one side and didn’t like the other.

But when lawyers leave the courtroom and ascend to the halls of power and ivory towers, they suddenly become great defenders of this immense, alienating system we call

law, and legal positivism gives them the tools to defend it. There is a great desire to believe that law is larger than individuals, that it is a system we can trust and “know” in an epistemological sense. If the process is fair, perhaps we won’t be so angry after it chews us up and spits us out.

Nowhere does this ideology become clearer than during fights over judicial appointments. Any given judge’s defenders, conservative or liberal, strive to cast their preferred judge as the “neutral” choice, the one who will not “legislate from the bench,” but will instead pull out their trusty old trowel and brush and excavate until the correct answer — there is only one — reveals itself. This is how the law maintains its legitimacy in the eyes of the public. Judges, we are told, are not politicians but archeologists and do not create, but only reveal. This has been the trope embraced by the LaSalleians, just as it was the trope of the Kavanaugh partisans, the Coney Barrett boosters and the Alito enthusiasts. (Indeed, Ruth Bader Ginsburg’s absolute refusal to acknowledge that it might be better for her to retire while a Democrat still held the White House is a very legal positivist framework, as it eschews politics in favor of some nebulous judicial neutrality.)

That this is so obviously wrong is supremely frustrating. One wonders if Kathy Hochul somehow missed the recent loss of the alleged “right” to abortion, on the books for almost 50 years. A result like that should call into question the idea that law is stable, knowable and easily grasped.

Understand, there is no correct answer to the question of whether the Constitution recognizes a right to abortion. Rather, there are schools of judicial interpretation — which are always and without exception embraced by judges to give legal weight to that judge’s preexisting ideology — that will find one way or the other. When the Supreme Court has a certain number of one sort of ideologue, abortion will be a constitutional right. When it has the other, it will not.

None of LaSalle’s critics know why he ruled against union workers or in favor of phony “crisis pregnancy” centers, or to allow prosecutors to strike dark-skinned women from a jury (yes, he ruled this way). It doesn’t matter. What matters is that these decisions protected the powerful at the expense of the powerless. If your ideological leanings involve uplifting the powerless, you should not want a judge who would rule in this way, no matter his excuse for doing so.

It is a huge credit to LaSalle’s critics that they focused their attack on the outcomes of rulings rather than LaSalle’s alleged judicial philosophy, his “experience” or his respect for precedent. Precedent is not real — it’s an excuse for a judge to do what they were already determined to do, something rightwing judges understand well.

We should never trust someone who claims that law is independent from ideology, from politics or from how a judge feels about dark skin or unions or abortion. Law is politics practiced in a courtroom instead of a ballot box. Hector LaSalle is as much a politician as his benefactor, Kathy Hochul. And if you wouldn’t vote for LaSalle to represent you in a legislative body, there’s certainly no reason to want him to be a judge, no matter what excuses he proffers for the ills he has done.



BUCK ENNIS

NYC BRIEFS

BY INDEPENDENT STAFF

LAGUARDIA AIRTRAIN PLAN SCRAPPED

The Port Authority has ditched former Gov. Andrew Cuomo’s plan to build a \$2.1 billion AirTrain link from LaGuardia Airport to the subway’s 7 Train and the Long Island Railroad at the Willets Point station. Instead, it announced on March 3 that it would be improving express-bus service, including a new non-stop shuttle to the N and W subway lines’ Astoria Boulevard station. It projected that would cost about \$500 million. LaGuardia is the only major Northeastern airport without a rail link, but the panel said the Willets Point route would be inconvenient and extending the N and W lines to LaGuardia would be difficult to build and more costly.

Meanwhile, Amazon announced March 3 that it was pausing construction on its second headquarters in Arlington, Virginia, the site it chose after it encountered stiff local resistance to its first choice, Long Island City. Rep. Alexandria Ocasio-Cortez said her opposition had been vindicated. “We protected NYers from a scam deal to drain public dollars from schools & infrastructure in exchange for empty promises of ‘Amazon jobs’ w/o guarantees or guardrails,” she posted on Twitter.

CITY UNIONS OK PRIVATIZING RETIREES’ HEALTH CARE

A committee of the 102 unions representing city employees voted March 9 to approve switching retirees’ health-care coverage from Medicare to a private Medicare Advantage plan managed by the insurance giant Aetna. The Municipal Labor Committee vote was dominated by District Council 37 and the United Federation of Teachers, which represent more than half of the city’s workforce and have pushed hard for the change. “The plan is designed to provide high-quality, premium-free health care,” UFT President Michael Mulgrew said. Retirees have objected that a private plan would mean having care denied by insurance companies’ profit-driven bureaucracy. The vote came after Mayor Eric Adams and the committee agreed that the Aetna plan would be the only premium-free plan offered to retirees. “It is the nuclear

FINALLY, SOME RELIEF: In a trial project, New York City will install five prefabricated public toilets, known as Portland Loos, in city parks next year.

option,” retired Queens College professor Dr. Leonard Rodberg told Work-Bites. “If you don’t want Medicare Advantage, you have to waive all of your city health benefits.” He estimates that would mean a “\$5,000 to \$6,000 hit per person” for those staying with Medicare.

CITY TO INSTALL FIVE \$1 MILLION TOILETS IN PARKS

The city Parks Department plans to spend \$5.3 million installing five prefabricated public toilets in city parks next year. Each borough will get one of the five “Portland Loos,” built by an Oregon company and designed by the city of Portland, as part of a pilot program seeking a more economical way to bring bathrooms to parks that don’t already have them. They will be located in Bushwick, Astoria, East Harlem, the South Bronx, and the Graniteville section of Staten Island. While the structures cost \$185,000 each, the Parks Department says installing them is more expensive because it has to build a foundation and put in plumbing and electrical lines.

ADAMS SAYS CHURCH & STATE CAN’T BE SEPARATED

“Don’t tell me about no separation of church and state,” Mayor Eric Adams told an interfaith breakfast at the New York Public Library Feb. 28. “State is the body; church is the heart. You take the heart out of the body, the body dies. I can’t separate my belief because I’m an elected official.” He added that he put policies in “with a God-like approach.” The mayor should know the Constitution better, responded New York Civil Liberties Union head Donna Lieberman. “The very opening passage of the Bill of Rights makes clear that church and state must be separate,” she said. Adams said earlier in his speech that religion was “the gym” where people trained to fight against gun violence and for children. “When we took prayers out of schools, guns came into schools,” he said.

COP CITY SHOWDOWN

THE FIGHT TO SAVE A FOREST OUTSIDE ATLANTA HAS BECOME THE LATEST FLASHPOINT IN THE STRUGGLE OVER THE FUTURE OF POLICING

By AMBA GUERGUERIAN

What is known today as Atlanta used to be a thriving trade hub for Native Americans. In 1821, the federal government began to force the Muscogee tribe out of what Atlantans now call the South River Forest in the southeastern part of the city.

In March, during a week of action to save the forest from being cleared to build a massive police-training facility commonly known as “Cop City,” ceremonial Muscogee leaders returned to their ancestral homelands. They performed a stomp dance on behalf of the South River Forest, known to them as the “Weelaunee” forest — meaning “brown water.” They also entered the Atlanta Regional commission on March 8 to deliver an eviction notice and call for an end to construction of the training facility. “Georgia is the birthplace of oppressive policing that originated with the Trail of Tears and the capture and enslavement of African descendants seeking their freedom,” said a Muscogee leader as Atlanta Mayor Andre Dickens quickly exited the scene.

The Muscogee aren’t the only ones converging on the Weelaunee forest, a network of connected green spaces across parts of Atlanta and DeKalb County that surround the tributaries of the South River.

Since September 2021, when the Atlanta City Council approved the Cop City plan, it has faced widespread outcry. The “Stop Cop City” or “Defend the Atlanta Forest” movement is made up of neighborhood associations, established environmental groups, local schools, racial-justice and police-accountability organizations and more. “Forest defenders” from Atlanta and elsewhere also began a protest encampment in the fall of 2021, living in treehouses and on the forest floor in parts of the woods near the planned project until this winter, when they were forced out by police in a series of violent raids.

During a raid on the morning of Jan. 18, the police shot and killed 26-year-old Manuel Paez Terán, known as “Tortuguita,” in their tent, making them the first environmental activist to be killed by police in U.S. history. Protests have ensued in more than 40 cities, including New York. What began as a local controversy has become a national story and the latest flashpoint in the post-George Floyd reckoning on the future of policing in America.

“Atlanta is important in part because it links the issues of land use, climate change and aggressive policing,” said Professor Alex Vitale, author of *The End of Policing* and coordinator of Brooklyn College’s Policing and Social Justice Project.

WEEK OF ACTION

In response to the fatal raid, Stop Cop City activists called for people across the country to join them for a week of action in the Weelaunee Forest March 4–11. The movement uses a diversity of tactics and refers to itself as “decentralized and leaderless.”

As participants in the convergence arrived at the site, some went to set up camp in the woods while others chatted in the shade along the forest’s borders. In a large field separated from the entrance by a short stretch of forest, the Sonic Defense Committee built a stage and bar for a free two-day music festival. Later that evening, people would set up a vigil for Tortuguita with candles and flowers. A shuttle ran hourly throughout the course of the week taking people to and from the forest.

During the week of action, multiple events were held each day

in the forest while others took place throughout the Atlanta area. This included daily forest tours, a capoeira training, a Purim party, a press conference of clergy in opposition to Cop City, a mass demonstration in downtown Atlanta on March 9, a protest in front of Dekalb County Jail, a children’s march and much more.

The most widely-attended event in the forest was the South River Music Festival. Hundreds of mostly younger people swayed to folk music, moshed to punk and listened intently to experimental noise sets. Up-and-coming young rappers that are popular in Atlanta’s underground plugg rap scene performed; there were late sets of drum and bass, house, and techno. The stage was decorated with a banner that read, “In the eyes of the State, all who resist white supremacy, colonialism, environmental racism, gentrification, and police militarization are Domestic Terrorists.”

Late in the afternoon of the second day of the festival, a group of around 300 protesters clad in black and camouflage outfits concealing their identities marched about a mile’s distance from the Weelaunee People’s Park to the Old Atlanta Prison Farm, where construction on Cop City began in December. They chanted “Stop Cop City” and “Viva, viva tortuguita.” When a passing car was forced to stop as the group crossed a road, the upset driver asked what people were doing. A marcher replied, “They killed our friend!”

Protesters crossed onto the land being leased by the Atlanta Police Foundation (APF), and tore down part of the 12-foot chain-link fence topped in barbed wire that encircles the area where construction is underway. Scores of protesters entered that area, throwing fireworks to keep the police at bay, and set fire to two construction buildings, a bulldozer and other equipment used to clear the forest. Then, they quickly disappeared into the woods.

Police monitored the entire protest but waited an hour to take action and when they did they targeted the crowd that was enjoying the second night of the music festival. Tensions quickly escalated into open conflict and the cops ran into the woods, grabbing antagonists as well as some people at random. Thirty-five people were arrested altogether, 23 of whom were charged with domestic terrorism. As *The Independent* goes to press, the Atlanta 23 remain in jail without bail.

Convergence week events continued the next day and faced varying levels of police harassment. A group of around 15 people leafletting on downtown Atlanta sidewalks was ordered to disperse by police. The Police also searched a community center that was supportive of the protests and destroyed campsites of protesters staying on private land there.

On the final day of the week of action, a memorial ceremony was attended by Tortuguita’s family, friends and fellow tree sitters. It was held at the site where the young forest defender was killed, which is marked by a colorful rope and a banner that reads, “GSP (Georgia State Police) assassinated a forest defender, comrade, friend, lover.”

“Spreading ashes in the place that has so much damage and needs so much healing, I really felt that, ‘Yes, Cop City will never be built.’ Not on Tortuguita’s grave,” said an acquaintance of Tortuguita who asked to remain anonymous.

THE BACKSTORY

The history of the Weelaunee Forest is as tortured as that of the state and the country it is located in.

After the Muskogee were forcibly removed to Oklahoma via the Trail of Tears, the land was acquired by Lochlin Johnson, who was



said to own the “finest plantation in the county.” During the Jim Crow era, the land became a prison farm — a place where thousands of prisoners were sent for petty crimes like public drunkenness and forced to work the plantation — and stayed that way until 1990. Black Power champion Stokely Carmichael was held there for several days on the charges of “loitering” at the height of the civil rights era, reports the Atlanta Community Press Collective. Over the last three decades, a natural reforestation process has occurred on what was farmland.

In 2017, the Atlanta City Council voted unanimously in favor of *The Atlanta City Design: Aspiring to the Beloved Community*, a holistic, long-term plan for Atlanta’s development that included the creation of a 1,200-acre park that would incorporate the former Atlanta Prison Farm.

“It was so good to see that the planning department had given real thought to development around communities, the environment and people,” says Dr. Jacqueline Echols, president of the South River Watershed Alliance. “Because neither Atlanta nor DeKalb County has ever put any real emphasis on protecting the people or the environment in southeast Atlanta or South Dekalb County.”

In May 2020, Minneapolis Police officer Derek Chauvin killed George Floyd, setting off a nationwide uprising against police brutality. A month later in Atlanta, police shot Rayshard Brooks as he ran away with a taser he had taken from them, sparking additional protests in the city. In the wake of these murders, support for police reform grew. In June 2020, Atlanta City Council considered a plan to withhold a third of the APD’s \$217 million budget; it was defeated 8-7.

By September 2021, the national script had flipped — defunding and reforming the police was no longer popular; people who espoused those ideas were considered radical or dangerous. Additionally, many posit that then-Atlanta Mayor Keisha Lance-Bottoms wanted to get back on the Atlanta Police Department’s good side after firing the officers who killed Brooks. There was more than 17 hours of public testimony on a new plan to build the police-training center on the site of the old prison farm in which opposition was expressed by a more than 2-1 margin. Nonetheless, the Council voted 10-4 to go forward with Cop City in the belief that public opinion overall was shifting in favor of more policing not less. The plan for the area envisioned in *Aspiring to the Beloved Community* was shelved.

The Atlanta Police Foundation is expected to provide \$60 million in funding for the new campus. The remaining \$30 million will be covered by the City. The APF receives financial contributions directly from many of the area’s largest companies — including Delta, Bank of America, Home Depot, AT&T, Coca-Cola, Georgia Pacific, JPMorgan Chase and Wells Fargo — and many of those companies’ executives serve on the foundation’s board.

“Police funds and foundations put a lie to the myth that policing is a public good designed to benefit all,” Alex Vitale said. “These privately-controlled entities lack transparency and accountability and are designed to provide protection and political access for major corporations and real-estate interests.”

Not long after the September 2021 pro-Cop City vote, activists entered the Weelaunee Forest. At the occupation’s height, there were likely more than 100 people camping on site.

The forest consists mostly of young pine trees. The ground is a soft carpet of pine needles where moss grows too. Parts of the forest have foot-trails but it’s a dense area with a tall, thick canopy that you could easily get lost in. During this time of year, wisteria blooms, filling the woods with an intoxicating smell when breezes pass through.

“I took a walk around the woods and it was just kind of beautiful. I was like, ‘I need to spend more time out here,’” said a forest defender who started going to the woods in April 2022. “Many in Atlanta didn’t know about the occupation at that time, he added. “It was a fringe thing. Mostly anarchists were there.”

He and a group of friends became the first to host a large music event in the forest, a rave attended by more than 300 people. “It wasn’t ticketed,” he explained. “We just had a bunch of QR codes taped on trees around the woods asking people to donate money to the Atlanta Solidarity [bail] Fund.”

“I’m not an adrenaline junkie...I don’t crave conflict. I’m out here because I love the forest,” Tortuguita told reporter David Peisner. “When there are no more cops, when the land has been given back, that’s when it’s over...I don’t expect to live to see that day, necessarily.”

Once a permit was finalized for the project in mid-December

2022, law enforcement launched a series of raids to clear the forest defenders from the land. Police reportedly used tear gas, pepper balls and rubber bullets to dislodge activists from tree-sits. They cut down treehouses while people were still in them. Most forest defenders were gone by the time Georgia State Police shot Tortuguita on Jan. 18.

At a press conference held by Tortuguita’s family on March 11, Belkis Terán, the slain protester’s mother, sat on the ground with her legs crossed and her hands up in the air at face level to demonstrate the position her child was in when they were killed, according to an independent autopsy the family commissioned. “Are you scared of me if I am like this? So, what happened? What happened? We’d like to know! Nobody from the authorities is receiving our lawyers,” said Terán to a crowd of supporters.

‘OUTSIDE AGITATORS’

“Maybe half of the people I talked to weren’t from Atlanta,” said the forest defender who organized the rave. “People quit their jobs and loaded their friends into a truck and drove out to Atlanta. They get that this is a cause beyond Atlanta.”

Atlanta law enforcement, elected officials and corporate media have emphasized the presence of “outside agitators” taking over the Stop Cop City movement to sow chaos. There have even been multiple reports the police may have aided this narrative by refraining from arresting people with Georgia IDs during their March 5 raid on the festival that netted 35 arrestees.

Interestingly enough, the Atlanta Police Department told the Atlanta City Council that it intends to recruit 43% of the planned facility’s trainees from out-of-state police departments. Many forest defenders have traveled from New York and other cities where the George Floyd protests were violently suppressed; they see Cop City as a continuation of that kind of policing.

There have been Stop Cop City solidarity actions held in at least 40 cities nationwide with a notable uptick since Tortuguita’s killing. Here in New York, hundreds of people marched from St. Patrick’s Cathedral in mid-Manhattan to JPMorgan Chase headquarters at 270 Park Ave on March 9 chanting “Stop Cop City.”

There is also a vibrant opposition movement in Atlanta. At a March 6 press conference, Rev. Keyanna Jones of the Faith Coalition to Stop Cop City said, “While we certainly appreciate the solidarity here in Atlanta and around the world, this is an Atlanta fight and we are in it all the way.”

THE LOCAL COMMUNITY

The southern part of Metro Atlanta near the Weelaunee Forest is home to one of the largest Black enclaves in the country.

“Would you want this in your backyard? So what makes you think that Black people, other marginalized area residents — any people — want this in their backyard?” Dr. Echols asked.

Both of Atlanta’s rivers are included in the *Aspiring to the Beloved Community* plan, with entirely different outcomes. The Chatahoochee River project, where a more affluent population lives, is moving ahead, while the South River project, where neighborhoods are home to poorer and more marginalized people, has been abandoned for Cop City, according to Dr. Echols. “Atlanta would not be talking about building this particular facility anywhere else other than where they are proposing it, because it would be dead on arrival,” she says.

This reporter spoke with a handful of locals living in the neighborhoods nearest the Weelaunee forest to see whether they supported the police training center. Most of the residents agreed that police need better training, but don’t necessarily want it to occur in their backyard.

FOREST SHRINE:
A memorial to slain forest defender Tortuguita.

DIRECT ACTION: A breakaway march of Stop Cop City protesters heads to the construction site.

THE FIRE NEXT TIME: Construction equipment was set ablaze in a fenced-off area where early work is underway on Cop City.

COP CITY

Continued from previous page

They are surrounded by six landfills, five prisons, two demolished public housing sites and industrial warehouses. There is already a police shooting range nearby, and many of them are bothered by the regular sounds of gunfire. One woman, María, said she doesn't feel safe having so many police in the neighborhood. An elderly Black man didn't have much to say other than that Cop City is "creating a lot of trouble."

THE BIGGER PICTURE

The law enforcement response to the Stop Cop City movement reflects an increasingly harsh and militarized stance toward protest. In addition to the 23 protesters who were slapped with domestic terrorism charges on March, 18 other forest defenders were hit with the same heavy charges in January — 12 who were swept up in the December police raids of the Weelaunee Forest and six more who were at a protest following Tortaguita's killing where a cop car was set ablaze and Bank of America windows smashed. These are the first instances in which Georgia has charged protesters with domestic terrorism, a charge that carries five-to-35-year prison sentence.

Other states have moved to harshly punish protests in recent years. Non-violent protesters could be charged under a North Carolina "anti-riot" bill that cleared the House in February. Since 2021, American Legislative Exchange Council (ALEC), a right-wing policy shop funded by corporations and conservative billionaires, has been pushing a spate of bills aimed at silencing fossil-fuel critics that have adopted by various conservative states.

If built, Cop City will train police from all over the United States. It is also widely rumored that due to a partnership between Georgia State Police and the Israeli Police, Israeli cops will provide trainings at the center.

Cop City will be the largest police-training facility in the country and will train police for urban warfare. It will include several shooting ranges, a helicopter-landing base, explosives training and an en-

tire mock city. In the 1960s, the army built fake towns, "riotsvilles," a response to uprisings against racial injustice and protests against the Vietnam war, which resulted in violent policing of civil disobedience; some argue it marked the beginning of police militarization.

Chicago's Public Safety Training Academy opened in January after six years of planning, despite an organized community opposition campaign. Seven-hundred miles north of Atlanta, it has strong parallels with Cop City. Also, Pittsburgh activists are denouncing the city's plans for its own expensive police training center, "which they worry would fuel police militarization, pollution, and violence against Black Pittsburghers," reported Pittsburgh City Paper earlier this month.

In 2017, New York City spent \$275 Million on updating Rodman's Neck, a firearms training center in the Bronx following the 2016 completion of a \$1 billion police academy in Queens.

NEXT STEPS

The Cop City site is owned by the city of Atlanta, but it is located in unincorporated Dekalb County. This means that in order for the City to be able to build on the land, Dekalb County has to approve a land-disturbance permit. "Dekalb wanted to approve it," says Dr. Echols, "and they finally did in December."

A land-disturbance permit can be appealed but it must be done by residents who live within 250 feet of the opposed development. The South River Watershed Alliance was able to identify several homeowners who were willing to appeal the permit based on several concerns including negative environmental impacts. The appeal will be heard by the Dekalb Zoning Review Board on April 12, which is a part of the same department that approved the original plan.

Meanwhile, Stop Cop City events continue to take place in Atlanta and across the United States.

For more: defendtheatlantaforest.org, stopcopcitysolidarity.org, atlprescollective.com.

SUPREME COURT

Continued from page 7

dar Point decision demonstrate that the [rent-stabilization law] effects a physical taking." (In Cedar Point, the Court struck down a California law requiring farm owners to give union organizers limited access to their property, saying it granted "a right to invade property closed to the public.")

"They've been clear that their entire purpose was to get to the Supreme Court," says Davidson.

The first question, she says, is whether the Court will take the case. She doubts it will. It hears only about 1% of cases appealed to it.

Unlike abortion or *Janus v. AF-SCME*, the 2018 decision that barred union shops for public-sector workers, she explains, there is no history of previous cases where justices indicated they wanted to overturn a rent-regulation precedent — the Court declined to consider a similar challenge by New York landlords in 2012 — and the Second Circuit ruling was not an "our hands are tied" apology, but a comprehensive defense of rent stabilization's constitutionality and necessity.

The landlords, however, cited a 1988 dissent by Justices Antonin Scalia and Sandra Day O'Connor in *Pennell v. City of San Jose*, which upheld San Jose, California's rent-control ordinance. One of that law's stated purposes was "alleviating individual tenant hardship." Scalia and O'Connor argued that meant forcing property owners to fund a "welfare program," and said the only constitutional way to alleviate tenant hardship would be by government aid such as public housing and rent vouchers.

"We are unpersuaded," the appeals court responded.

If the Supreme Court agreed to take the case, that would indicate at least four Justices want to overturn the *Yee* precedent, Davidson says — and that "would be a disaster." New York's rent-stabilization law protects 2.5 million renters, and a ruling against it would also endanger rent controls in other states and laws barring eviction without "good cause."

The right to renew your lease and having limits on rent increases, she says, are essential to "any law that protects tenants."

BEHIND THE WALLS

New York City digital media activist Priscilla Grim has highlighted the struggles of radical social movements for more than a decade. Since being arrested on March 5 at a Stop Cop City protest encampment and being slapped with domestic terrorism charges, support for Grim and her fellow detainees has gone viral.

The Atlanta Solidarity Fund is aiding her and the other arrestees with their legal cases. Book publishers are sending requested titles. An online fund drive raised enough money to cover the rent for Grim's Brooklyn apartment after her arrest led to her being fired from her day job as a digital communications specialist at Fordham University.

"We're so grateful and appreciative for all the support we have received. It's made things so much less stressful," her college-age daughter Sophia told *The Independent*.

Grim was one of the founding editors of *The Occupied Wall Street Journal*, a four-page broadsheet that was widely disseminated at the height of the Occupy movement. Since then,

she has managed various Occupy-themed social media accounts with hundreds of thousands of followers.

"Mom's whole world is Facebook and Twitter," Sophia said.

Grim was swept up in a mass arrest on the night of March 5, more than an hour after some Stop Cop City protesters burned construction equipment in another part of the forest. The police were only arresting people with out-of-state IDs, Sophia said, and in their paperwork cited mud on the shoes of the arrestees as probable cause that they had been at the site where the arson occurred. The domestic terrorism charge, which carries a maximum sentence of 35 years if convicted, was added to Grim and 22 other arrestees, who were alleged to be carrying shields which is deemed to be violent by the police.

Grim turned 49 the following day while she was being held in booking. She and the other arrestees have not yet had a bail hearing as *The Independent* goes to press. The conditions in the Dekalb County Jail women's unit are poor Sophia said — sparse food, overflowing toilets, no personal visits due to short staffing, paid telephone and video call services that barely func-

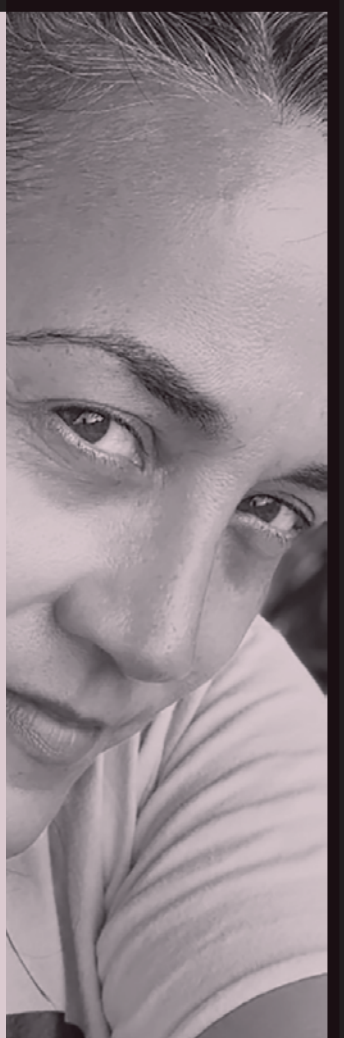
tion and transgender arrestees being assigned to areas that don't correspond to their gender. The men's unit, Sophia said, is reported to be even worse.

Sophia said her mom is making the best of the situation. She watches the sun rise in the morning over Stone Mountain through her window, participates in prayer and meditation circles with other arrestees, reads the books she receives and has shared new techniques for grooming with the other women prisoners and now has her hair done in jail braids.

Grim grew up in Murfreesboro, Tennessee before moving to New York City more than 20 years ago. "Her Southern accent is back," Sophia laughs. "Every time I talk to her, there's like five 'yalls' in every sentence."

Still the gravity of the situation isn't lost on Sophia. "They're just trying to scare my mom and make an example of her," she said. "I hope she sues the fuck out of them once the charges get dismissed, which I think will happen."

— JOHN TARLETON



COURTESY



MARK BANCHEREAU

NYPD'S 'GOON SQUAD' DUCKS CITY COUNCIL SCRUTINY AMID GROWING CALLS TO DISBAND CONTROVERSIAL POLICE UNIT

BY MARK BANCHEREAU & AMBA GUERGUERIAN

Activists and New York City Council members demanded the disbandment of the Strategic Response Group (SRG), a controversial NYPD unit, at a March 1 rally in front of City Hall and hearing, held by the City Council's Public Safety Committee, that followed it.

"What I don't understand is the need to use units trained for terrorist attacks to police non-violent protests," New York City Public Advocate Jumaane Williams said at the rally.

"The SRG is an unconstitutional, criminal unit that is used to brutalize citizens exercising their First Amendment rights," said Councilmember Chi Ossé (D-Crown Heights), who was an organizer of Black Lives Matter protests before he was elected to City Council in 2021. He has introduced a bill that would bar the deployment of the SRG at non-violent protests.

The SRG was formed in 2015 as a counter-terrorism and protest-control unit following a nationwide wave of Black Lives Matter protests in November and December of 2014 sparked by the non-indictment of police officers responsible for the deaths of Eric Garner in Staten Island and Michael Brown in Ferguson, Missouri.

"When you think about the landscape of the time, there were ongoing racial justice protests in New York City, and the department knew that those protests would continue," Isabelle Levya, the leader of the NYCLU's campaign to disband the SRG, told *The Independent*.

Police officers who want to see "more action" volunteer for the unit, Levya said. The SRG was launched with 350 officers and an annual budget of \$13 million.

Since then, it has ballooned to 700 officers with a current estimated annual budget of \$134 million. Currently, counter-terrorism is not mentioned as one of the unit's responsibilities on any of the various the City SRG web pages.

Known to many activists as the "goon squad," the SRG has served in recent years as the leading edge of the NYPD's response to political protests. It is also deployed to parades and high-profile events such as the annual mid-September gathering of world leaders at the U.N. General Assembly.

"The SRG's involvement in policing protests, as we have seen, unfortunately seems to be more about suppression of speech and assembly and less about keeping everyone safe," Williams said.

Activists have repeatedly documented that the SRG's aggressive crowd control tactics — pepper sprayings, baton beatings and the use of bicycles as weapons — escalate tensions at non-violent demonstrations and give the SRG an excuse to use further violence against their targets.

The unit is also notorious for using a tactic known as "kettling," encircling protests and leaving demonstrators with nowhere to escape before a mass arrest. According to the New York Civil Liberties Union, more than 23 instances of kettling were documented between May 2020 and January 2021.

Officers used this tactic during a George Floyd protest in Mott Haven in the Bronx on June 4, 2020 which resulted in more than 250 arrests of demonstrators who were physically prevented from following police orders to get out of the street, prompting Human Rights Watch to call the unit's response a "violation of international human rights law" in a scathing 99-page report. "I witnessed first-hand police lieutenants and other high-ranking officers lead the charge by jumping on cars and bashing the heads of legal aid who were there monitoring police activity and volunteer medics," said Alvin Dan, a Mott Haven protester who testified at the SRG hearing.

Also on March 1, the City announced that it had reached a legal settlement to pay \$21,500 per person to hundreds of the Mott Haven protesters. "The NYPD remains committed to continually improving its practices in every way possible," the department said in a statement it released when the settlement was announced.

The SRG still plays a central role in the NYPD's disorder-control strategy, providing tactical support to the department's efforts to clear homeless encampments throughout the city. It has been deployed during protests outside reproductive clinics, at Queer Liberation marches and against immigrants-rights advocates.

Since October, the SRG has also been deployed to 20 "high-crime" precincts in New York City, the vast majority of which are in communities of color. "That's deeply alarming," says Levya. "And folks that are in these communities do not know that this is happening."

Eric Vassell — whose son, Saheed Vassell, a man suffering from mental illness, was shot and killed by the NYPD on April 4, 2014 — also spoke at the rally. "Two of the NYPD officers involved in my son's murder were from the Strategic Response Group."

According to the Vassells' neighbors, the 34-year-old often pretended to be holding a gun. "The local cops know him. Sometimes they'd see him doing that, and

they would ignore him because they know how he is. They calm him down. The cops that came, they didn't know him," Joey Katabi, who worked in Vassell's neighborhood at the time he was gunned down, told *The Independent* in 2018.

"Hyper-militarized units like the SRG do not make us safer. These officers come into our communities as if they are going to war," says Eric Vassell.

The March 1 City Council hearing that followed the rally saw more than four hours of public testimony about abuses endured at the hands of the SRG.

"Officer Peter Quigly smashed my face with his baton and proceeded to put me in a chokehold with the same baton after throwing my friend to the ground while we were backing a way," testified Dan, a graduate student in social work at Hunter College. "That same officer murdered an unarmed black man in 2008."

The NYPD did not appear at the hearing after it had been postponed twice before at the department's request. Instead, it sent a written statement to the dismay of council members and advocates. Some of the public testers expressed similar dismay after most of the city councilmember got up and walked out as the civilian commenced, a common practice during public testimony.

The Public Safety Committee has sent written questions to the NYPD and expects a "swift response," said Committee Chair Kamillah Hanks (D-Staten Island). Hanks could, following a majority vote of the committee, sign a subpoena to force city officials to testify at hearings and to require the city to produce certain documents but has so far refused to do so.

The NYCLU has led a grassroots campaign to disband the SRG and reinvest its budget in communities, partnering with political groups and individuals that have experienced the unit's violence. It was the driving force behind the March 1 hearing. With 21 council members signed on in support of the campaign, the NYCLU hopes to use negotiations on the annual City budget to target spending on the SRG. Those negotiations will conclude in June. The NYPD's stonewalling doesn't make their task any easier.

"We had many, many questions ready for City Council members to ask the NYPD," Levya said, specifically around the size and cost of the SRG, because "we cannot ask for units to be disbanded if we don't know how much money to take out of the budget."

BROAD COALITION: NYC Public Advocate Jumaane Williams speaks at a March 1 rally outside City Hall denouncing the NYPD's Strategic Response Group.



REFLECTIONS ON MY TIME IN KYIV

A SKEPTIC OF U.S. FOREIGN POLICY STRUGGLES WITH HOW TO BE ANTI-IMPERIALIST & PRO-UKRAINE AT THE SAME TIME

BY LACHLAN HYATT

TALLINN, ESTONIA — For the past five months, I have been living in Estonia, tucked near the border of Finland and Russia. Here, as with most of Eastern Europe, the war in Ukraine weighs heavy in people's minds. In the capital, Tallinn, the Russian embassy has been closed and barricaded. Posters and banners condemning Vladimir Putin's war hang on the chain-link fences surrounding the building. Throughout the city, signs of support for Ukraine are plentiful. Giant Ukrainian flags hang from buildings, graffiti proclaiming to "stand with Ukraine" are found among the normal tags, and at night the government office building overlooking the medieval city center is lit up with the gold and blue of Ukraine's flag. In this country, which has donated the highest amount of aid to Ukraine per GDP of any nation, pro-NATO and anti-Russian sentiments run high. The same is true for many of the people from nearby countries that I have spoken with. Here in Eastern Europe and the Baltics, memories of Russian domination have not been forgotten.

In this time, my own views on the war in Ukraine, more specifically U.S. involvement, have oscillated between a black-and-white idea of righteous support and a view made up by shades of gray as I search for a deeper understanding of the situation, one that matches the America I know. How can one be anti-war and still pro-Ukraine when the nation is fighting for its very survival?

Back in the United States, many leftists have taken a vocal stance against the war and U.S. support of Ukraine, calling for the ending of NATO and for the war to be resolved diplomatically as soon as possible in order to save lives and end the risk of escalation. While I understand and agree with many of these sentiments, all I can think about is how easy that is to say when your country has not been invaded, your land has not been taken, your home not destroyed with your family and friends killed in it. I couldn't imagine saying that NATO should dissolve and Ukraine should start peace talks or negotiate the surrender of territory to the Ukrainian friends I have made, many of whom have become refugees. It's easy to say "stop the fighting" when you are the one who has nothing at stake.

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IN JANUARY, I traveled to Kyiv to report on the effects of the war. On a 30-hour bus ride with Ukrainian refugees, mostly women and children eager to return home as the fighting has slowed, we passed through a Ukrainian countryside dotted with military checkpoints, abandoned vehicles and towns that have seen a century of violence and upheaval.

Kyiv, a city of 3 million, bustled with activity. It was almost easy to forget the city with its ornate Eastern Orthodox cathedrals and art nouveau architecture was nearly conquered by Russian troops last year — until you come across a somber reminder that the war still rages. Statues and memorials are covered with sandbags to protect from potential missile damage, sporting goods stores now sell military equipment, and many roads are shut down and fortified by the military. Across the street from the housing project I was staying in, a building that was hit by a missile early in the war has been rebuilt, though many windows on the block remain shattered. Yet Ukrainians continue with their lives. They have no other choice.

Nighttime parties have become daytime raves due to a strict 11 p.m. curfew. When the power is shut off to preserve energy, a result of Russia's attack on the nation's critical infrastructure, sections of the city hum with gasoline generators that line the sidewalks. When the air-raid warning echoes through the streets or blares on phones, a near daily occurrence, many stroll to the metro stations for shelter while others go on with their affairs unaffected.

In the metro stations, the people of Kyiv show how accustomed they are to the air raids. Elderly babushkas bring their own stools and sit together with their friends and chat away. Others bring yoga mats, rolling them up and sitting on them to stay off the hard marble floor of the dirty Soviet-era halls. Mothers pass out food and books to their kids to keep them occupied, and hopefully less cranky, as they wait. Usually, the raid lockdowns last between one and two hours, then the all-clear message goes out and the day resumes as if nothing had happened.

But despite the appearance of calm, as one person I spoke with said, “You can still see the war in people’s eyes.”

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IN UKRAINE, I was most struck by how many citizens are committed to doing their part in the war effort. Many Ukrainians volunteer, whether it is by directing aid to the troops on the front line, sewing together camouflage nets or rebuilding destroyed structures. At bars, songs of national pride break out and the room is suddenly filled with a choir of Ukrainians singing of their struggle. The people of Ukraine are some of the strongest, most resilient people I have ever met. For them, this is a war of national liberation. When they speak about their plans after the war, they say “when” not “if” regarding

their victory. “When” they will return to the home they left behind, “when” they will return to work, “when” they will see their family...

And all of this pains me, not only because I empathize with their plight, but because I fear what continued U.S. involvement in the conflict may mean for Ukraine.

It is obvious to many (or at least those who have not fallen for the propaganda narrative of the United States as a champion of democracy, human rights and equality) that the United States only acts to serve its own interests. Since World War II, the United States has used its power not as a force of self-defense or democracy, but rather a force for economic intervention, gaining access to natural resources and prying open markets in countries in the name of “free trade” so they can be exploited by U.S. corporations. Examples across Latin America, Africa, Southeast Asia and the Middle East are plentiful. Recent moves by the Ukrainian government to sell off state as-

it may be both, I fear a time when the United States chooses a capital gain over the welfare of Ukraine and stability in the region.

Nowhere is the country’s willingness to pursue its own interests at the expense of others more apparent than in last September’s bombing of the Nord Stream 2 Pipeline that runs under the Baltic Sea from Russia to Germany. When the sabotage occurred, the United States and NATO tried to blame the Russians, though no one could credibly explain why the Russians would bomb their own pipeline. Recent revelations by legendary investigative reporter Seymour Hersch point to a U.S.-led operation to blow up the pipeline with assistance from Norway.

The combination of economic sanctions against Russian energy producers and the scuttling of Nord Stream

WARTIME: A resident of Kyiv walks past a theater building secured with sandbags in front.

IN UKRAINE ALMOST EVERY CITIZEN IS UNITED IN DOING THEIR PART TO HELP THE WAR EFFORT.

sets at fire-sale prices and suspend labor rights in order, it claims, to make the country more attractive to foreign investors suggests this process is already underway.

For now, the interests of the United States align with those of Ukraine, but how long will that last? Is the United States supporting Ukraine because of the moral imperative or because it sees opportunities for profit? While

2 has caused energy prices — and inflation more broadly — to spike across Europe. But it’s been a boon for U.S. energy producers, who have moved to fill the void created by the 54% decline of Russian-imported energy to European Union nations.

Continued on next page

NEW YORKERS SOUND OFF ON UKRAINE WAR

On Feb. 24, 2022, Russia launched its invasion of Ukraine with missile strikes from the air with its ground forces advancing toward the capital city of Kyiv from the north, east and south. Russian President Vladimir Putin label it a “special military operation.” Both Putin and Ukraine’s Western allies assumed that the Russians would prevail in a matter of days or weeks. A year later, the war is stalemated along a 700-mile front in Eastern Ukraine as the United States and other NATO countries pour weapons into the conflict.

The *Independent* recently spoke with New Yorkers in Union Square Park to see how they felt about the war, the prospect of peace talks and what might happen next. Answers have been lightly edited for clarity.

JADE JONES ACTOR

MOVED TO NYC IN JANUARY

I think that our money should go elsewhere. I just moved to New York, and seeing all the houseless people on the street and all the people that need resources, I just feel like our country is so set on being a superpower that we often neglect our own people. I think we’re fighting a war that doesn’t have much to do with what needs to be taken care of here.

I’m against the war in the first place. I’m all for talking about peace because at the end of the day, the people that are being affected by this war are not the people that this war is about. Anything to stop the annihilation of an entire civilization would be good.

I don’t even know what they’re really fighting about. I mean, I know what they’re fighting about — I don’t know what Russia’s problem is. I don’t know what they want. I don’t know what a negotiation would look like between Russia and Ukraine. But in

order to have people stop living in fear for their lives, I think doing whatever is possible is necessary.

GIL ROBICHAUD RETIRED COMPUTER PROGRAMMER LONGTIME MANHATTANITE

We can’t allow Russia to pick up countries one by one as they go along. We have to stop them whenever, whatever direction they go. And they can’t pick on an independent country and take it over with their soldiers.

What would you say if it came down to U.S. troops being sent?

Once our troops get sent, it’s gonna be a wider war, I don’t think it’s good. It’s much better to send hardware, missiles and drones and some fighter jets, whatever we can do.

And what about peace negotiations?

I don’t think it’s going to do anything. I don’t see how it would ever work. It’s not going to work until Russia needs a way to get out of the war, then they may negotiate something.

Do you have any opinions on NATO?

It’s a good thing. Russia is a large country. They can take on countries one by one, as Hitler did with Germany. In this case, we’re trying to put a stop to it. So with NATO, at least all these countries are united and they have a common front against the invaders.

JOSEPHINE VISITING FROM RHODE ISLAND

I do think the fact that the support is there is good. But, I feel like it’s really frustrating sometimes because there’s stuff going on in our own country that doesn’t really get taken care of with much urgency. If you’re gonna be there for one cause, you have to sort of put your money where your mouth is for everything. And I feel like there’s a lot of things where there could be an equal amount of support being

given both towards Ukraine, and also the people that are being affected in our own backyard. And, you know, especially with the stuff that’s going on [with the train crash] in East Palestine right now and how the government has just handled that in general. I hope that they’re doing all the right things with Ukraine, but sometimes it can feel hard to be trustful. I’d like to think that they’re all putting things for the right causes, but it is hard when you see even your own neighbors aren’t really getting the support they need.

There’s just been a lot of unrest, and people aren’t being taken care of here.

You mentioned East Palestine. What else?

Reforming law enforcement, Flint still doesn’t have clean water. There’s still unrest in Minneapolis, three years after the death of George Floyd. And at this point, it’s not even just about George Floyd anymore; there’s been others.

LEMY UNIVERSITY STUDENT

I think it’s fine that the United States is taking some stance and helping Ukraine in the fight against Russia. I don’t know how well Ukraine is gonna do without some outside support, because I know they’re having trouble funding their military. There’s two sides to it. It doesn’t seem like Russia is gonna back down. So it’s a tricky situation.

Do you foresee this lasting years longer?

Actually, I feel like it’s not. But that’s me being hopeful that it doesn’t explode into something even bigger, because I feel like in the past that’s what’s happened. We’ve had small involvement maybe in Vietnam or something and then five years later it gets even worse and then becomes a larger conflict.

— INDEPENDENT STAFF



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UKRAINE WAR

Continued from previous page

U.S. oil producers made \$200 billion in profits in the second and third quarter of 2022 alone, according to *The Financial Times*. 2022 was the most profitable year on record for Exxon Mobil. Similarly, BP reported its highest earnings in 14 years. Meanwhile, U.S. Liquid Natural Gas (LNG) exporters increased shipments of “freedom molecules” to Europe by more than 137% in 2022, according to Reuters. Americans have felt this in their pockets with high utility prices. Those high ConEd bills you’ve been receiving? They’re just part of the larger swarm of U.S. fossil fuel producers taking advantage of the war. The war in Ukraine has also been a bonanza for U.S. arms makers that have been resupplying U.S. and European arsenals that were rushed to the Ukrainians.

As U.S. companies reap the windfall of the war, some European Union officials have accused the country of war profiteering.

“The fact is, if you look at it soberly, the country that is most profiting from this war is the U.S. because they are selling more gas and at higher prices, and because they are selling more weapons,” a senior EU official told *Politico* in November 2022. In the fall, President Biden criticized the huge earnings of oil companies as a result of the war and threatened to tax their profits unless they brought gas prices down for U.S. consumers, a statement no doubt made to look tough on inflation ahead of the midterms. With the midterms in the rearview mirror, a crack-down on war profiteering seems even more unlikely than it did at the time.

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NATO HAS EXCELLED AT REINFORCING the notion that it is simply a “defensive pact” bound together to support democracy, but there is more than meets the eye. The creation of the North Atlantic Treaty Organization in 1949 cemented U.S. control of Western Europe for the duration of the Cold War. Since the end of the Cold War, the United States has used NATO as a cudgel for enforcing its unipolar vision of the world — intervening in the Balkan wars of the late 1990s, supporting the U.S. invasion of Afghanistan and protecting Western oil interest in Libya during that country’s 2011 civil war. Many Europeans, especially here in Eastern Europe, are grateful for NATO’s protection against the threat of Russia. But to not question the official narrative of NATO and call out its imperial tendencies is to be naive.

So, should NATO be dissolved and Ukraine be left to fend for itself against the Russian onslaught? Many critics of the war say yes. But the people of Ukraine are not simply pawns in a proxy war, they are real people with real, legitimate

and moral causes to fight. Unfortunately, I think the occasion for winding down NATO has passed (for the time being).

When I spoke via Facebook with a Ukrainian soldier on the front lines, he told me he did not want to be fighting this war, yet he and others like him are huddled in cold, muddy trenches willing to die for their country. The people of Ukraine have no interest in peace talks, and neither does the Russian government at this time. If the United States and NATO were to withdraw support, I do not think that would mean a quick end to the conflict. If Russian tanks roll into Kyiv, Ukrainians will conduct bloody guerilla warfare for years to come. Simply put, the solution to this crisis does not lie in dissolving NATO at this time — that will only lead to more bloodshed with the majority being given by the people of Ukraine.

What should we do when two imperialist powers are fighting over a smaller country? We should listen to the victim. If Ukraine and Russia ever move to the table for a diplomatic solution, I fear that the United States and NATO will compromise long-term peace and stability to satisfy their own agenda. Currently, it is the official policy of the United States to reject a diplomatic solution for this conflict. It is also currently in America’s favor to keep the war going, continuing our arm sales and energy expansion. Furthermore, it is the United States’ stated goal to absorb Ukraine into NATO and damage Russia to the point where it is no longer a threat. The United States has fanned conflicts and thwarted diplomatic resolutions before, including blocking elections and the peaceful reunification of Vietnam following the French withdrawal from Indochina in 1954 and invading Iraq in 2003 even after it agreed to allow U.N. weapons inspectors to enter the country without conditions.

If Ukraine and Russia move to the negotiating table, we should question whatever warhawk narrative the U.S. government will lay on us. And if the conflict is brought to an end, the United States and its European allies should not be allowed to shackle the Ukrainians with unpayable debts or gain control over Ukraine’s abundant natural resources. Supporting Ukraine’s defense is one thing, but we should not complacently let the United States and NATO further turn Ukrainians into game pieces and use their blood to wet our beaks.

Lachlan Hyatt was The Independent’s 2022 winter intern. He is currently a Fulbright Scholar based in Estonia.

The U.S. left has had a wide array of responses to the Ukraine War. Let us know what you are thinking at contact@independent.org.

FIRST RESPONDER MEMOIRS

Journal of a Black Queer Nurse
BY BRITNEY DANIELS
COMMON NOTIONS, 192 PAGES
MAY 9, 2023; AVAILABLE FOR PRE-ORDER

Flash Point: A Firefighter's Journey Through PTSD
BY CHRISTY WARREN
SHE WRITES PRESS
JUNE 20, 2023; AVAILABLE
FOR PRE-ORDER

By Eleanor Bader

Most of us spend at least four decades in the workforce, and if we're lucky, we get to do something that not only pays the bills but that we find gratifying.

For Britney Daniels and Christy Warren, gratification comes from helping others: Warren became a firefighter, Daniels a registered nurse, and their memoirs about these occupational choices will leave you shaking your head in both gratitude and grief.

In *Journal of a Black Queer Nurse*, Britney Daniels addresses the many ways that racism has played — and continues to play — a role in her personal and professional life. She's a keen observer, and her description of patients who fall through cracks created by classism, homophobia, racism, sexism, transphobia and xenophobia is riveting. What's more, her outrage is palpable, strengthened by examples of the disregard patients and staff of color routinely experience.

This makes *Journal* both an indictment of the healthcare industry and a deep dive into the many manifestations of medical racism. Daniels' makes clear that she is also poking a finger in the eyes of those who doubted her intellectual mettle as she came of age. It's a tale of prideful ascension, part personal chronicle and part political treatise.

As a young woman, her desire was straightforward: "I wanted to take care of all types of patient populations," she writes. "I wanted to care for older and younger patients; I wanted experience with every type of disease and help heal people from all walks of life."

While hindsight may render this naïve, her goals pushed Daniels toward emergency medicine and, for a time, she worked as a travel nurse, taking short-term positions throughout the United States. In virtually every hospital that employed her — whether in New Jersey, Illinois, or California — she saw blatant malpractice and disregard for patient well-being. Furthermore, *Journal* bears witness to homeless individuals and elders whose complaints were cavalierly ignored. Twice, Daniels writes, she gave patients clothing she had stored in her car so they would not be discharged in hospital gowns. It's a stunning illustration of her colleagues' lack of compassion.

Daniels herself has been a frequent target of derision, and the book is a testament to the overt racism that she's

experienced from coworkers and patients.

It's enraging.

That said, conventional wisdom tells us that living well is the best revenge, and that's where Daniels soars. She is now pursuing a Doctorate of Nursing Practice and hopes to work with community members to collectively create better medical delivery. "I want you to walk through this house with me and tear down the walls, not paint them. I want to change the way people see Black and Brown people," she writes.

by studying to become a paramedic. It was 1991, and she recalls the training as a heady blend of textbook and hands-on learning. Once licensed, the work was intense, and *Flash Point* spares few details as it presents the mayhem Warren and her team tried to mitigate. Suffice it to say that some scenes will leave weak-stomached readers clutching their guts.

"I worked 96-120 hours a week," she writes. "There were always extra shifts needing to be filled and I could not get enough."

But despite their valiant efforts, Warren reports that some victims did not survive. "We walked away with nothing but death and emptiness," Warren concludes. Still, she wanted more and subsequently enrolled in a firefighter-certification class.

A late 1990s stint with the Berkeley, California Fire Department taught her a stark lesson about gender: "As a female, weakness can't be a fleeting thought," she explains. "If a male firefighter goes down, people will say and think, 'Wow, what a hero. He wasn't afraid to put himself in harm's way to get the job done.' If a female firefighter goes down, these same people will think and say, 'She should never have been there in the first place.'"

The double standard annoyed Warren, but rather than confront it, she tried to out-macho the macho, becoming tougher than her male peers.

Then, as the book's subtitle indicates, the job's demands caught up with her. By then it was 2012, and despite having been promoted to Captain, Warren began having flashbacks and experiencing relentless feelings of guilt over lives lost and mistakes made. She began drinking heavily. Doctors determined that she had Post Traumatic Stress Disorder (PTSD). In addition, her knees and hips were showing the strain of two decades of heavy lifting and she became immobile, depressed, and anxious.

Therapy and medication were ineffective until Warren found a residential treatment program for first responders, the West Coast Trauma Retreat. While at WCTR, she learned that PTSD is a "physical, biological brain injury" for which there are no miracle cures.

Over time, however, she gained insight. "I poured myself into a job that entailed saving others," she writes, "fixing their problems so I never had to face my own." This included recognition that she had been sexually assaulted as a child.

Like *Journal of a Black Queer Nurse*, *Flash Point* is an intriguing and at times harrowing memoir that sheds light on jobs most of us would never consider doing. The toll that such work takes on physical and mental health is shocking. Additionally, Warren's parsing of the wrangling required to access Worker's Compensation zeroes in on the ways the application process can add to an applicant's trauma.

Taken together, these books offer a potent glimpse into the world of first responders. They're awe-inspiring, eye-opening and deserve to be widely read.



They're admittedly tall orders, but Daniels understands that an empathetic medical model is not only possible, it's imperative, for patients and practitioners alike.

Christy Warren's motivations, while similar, followed a different trajectory. Her story began at the University of California-Davis where she was a pre-med student. Her reasoning, like Daniels', was straightforward: A medical degree would give her, a white, working-class lesbian, respect and financial security.

The only problem was that she hated the required classes. Where, she asked herself, was the excitement of saving lives and healing the sick?

Thankfully for Warren, an Emergency Medical Technician course gave her entry into the action she craved. Not surprisingly, she reveled in the chaos of accidents, fires and calamities. Soon, however, she was again restless and upped the ante

AN INTERVIEW WITH ASTRO RYS

By Peter Carellini

Chances are, if you are a filmmaker and live in Brooklyn, you have had the pleasure to meet filmmaker, activist and actor Astro Rys. I met them in 2016 when we were both film students. Since then I have been inspired both by their fearless anger and independent filmmaking, most notably in *Bad Summer*, a 2020 feature about a young college graduate who reconnects with an old friend and finds his life and plans turned strangely upside down. It has been praised for its formalistic daring, deconstruction of Americana and infectiously fun DIY-style atmosphere.

Astro's films combine bravura left wing politics with constant, raw art. They are currently in production for two short films and another feature.

THE INDYPENDENT: *How do you tie your politics into your film? Visual placement and aesthetics, or more direct script and themes?*

ASTRO RYS: I tend to focus more on structural and theoretical incorporations of my politics and ideas rather than scripts and themes. I find a lot of films spend a lot of time saying a lot (or very little), but mere statements and critiques do not mean much. I would rather tell stories where politics aren't inherent to the script or content, but my methods and ways of creating are more reflective of my ideas. I think changing the way we interact with the world and our crafts is far more active and productive than using our art as mere soapboxes for ideas.

So what does your ideal film culture and community, domestic or international, look like?

An ideal film culture is one that encourages creation purely for the sake of creation. I look for communities that are not based in competition of attention or resources and are rather focused on the catharsis of creation rather than producing products and social clout. Hierarchies and esotericism are fine on individual levels, but on a community level, there should be no levels of power dynamics or gatekeeping.

In that search, have you found a place or community that informs your filmmaking and artistic identity?

Growing up in a Rust Belt city that did not have any large support of media arts shaped my entire attitude of DIY and mutual aid. There were very few resources and comrades I had within these communities, and it gave me

a desire to help create artistic spaces and works that do not need to exist alongside financial factors in order to flourish. The Cine Móvil collective in NYC was very influential to me, as well, in providing a call to action to other local filmmakers with similar visions as my own to collective our efforts and mobilize our ideas as well as being fearless in our politics and beliefs.

Do you believe progressive filmmaking is tied to form



REED DUNNEA

I always believed what I currently do about art; I just used to not have a name for it or fully understand my own political convictions. Everything began to come together after my political radicalization that happened in response to the 2016 and 2020 elections.

I think for many of us, 2016 was the point of no return.

And 2020, a questioning of the status quo no matter who became president.

Those events spurred a mission to really try to find my own political and social identity in order to effectively combat what I saw as a rise of both reactionary fascism and neoliberalism in the new political age.

And who have been your biggest influences as a socially-conscious filmmaker?

Sergei Eisenstein, father of modern editing; experimental filmmakers like Lizzie Borden, John Cage, William Greaves; Jean-Luc Godard, of course; the surrealist Luis Bunuel; Charlie Chaplin; John Waters! And I can't forget Jonathan Caouette, Billy Childish, Todd Haynes, Adam Curtis, Nick Zedd.

That's a fantastic list. What is your dream project?

Filming Cormac McCarthy's novel, *Blood Meridian*.

Lastly, how would you change the current Hollywood structure into something more equitable?

Get rid of it. Hollywood is the antithesis of equality in the arts.

as much as it is to ideas?

I think form is actually much more important than ideas. Form is concrete. Form is reflexive of our own inner relationships to our exterior world. Form is an extension of the intellectual, spiritual and experiential modes of art. Ideas are purely based in the intellectual and have failed us or been capitalized and reincorporated into the status quo time and time again. Form cannot be capitalized on, because it is active — or at least should be.

You spoke about community. On a bigger picture, is there a defining social event, economic shift or cultural time and place that had a lasting effect on your artistry?



REVEREND BILLY'S REVELATIONS

*Rev,
Day after day goes by. The disasters
are coming faster and bigger. But we
aren't changing, not enough. When do
we wake up in the morning and know
that this is a deadly emergency? When
do we realize that business as usual is
something we have to escape from?*

*Sincerely scared,
RACHELLE
New Paltz, N.Y.*

Dear Rachelle,
Yes, you're right. We are drifting in a
hypnosis. We are bowed over corporate
squares of light in the palm of our hand.
Nature seems far away and our response
seems far away.

In a common-sense conversation
someone would say, "This can't go on."
And then you would help each other do
the hard thing: break our habits and com-
mit to the radical act? ... Not necessarily
to shake our fists, stop cars and shout in
bullhorns ... Let's look for a revolution
that comes from a larger number of or-
dinary people sharing "Common Sense".

Let's capitalize the two words Com-
mon sense. Let's slow down and break it
down. Common Sense is when you don't
need to be dramatic, because you quietly
understand what's going on, sharing a
feeling with the person you are talking to
and listening to.

You see, Rachelle, I think that we are
getting to that point. Everyone has got
this feeling under the surface. We know
what's going on. But too many of us have
given over our Common Sense to corpo-
rate sense.

We are so dominated by corporations,
with the cycle of debt and the distrac-
tion of marketing, the little screen and
the automobile... Long hours of our lives
are corporatized. We go back to the little
screen and stare at it out of exhaustion.
We share our fear of what's happen-
ing with others less and less. We are not
tending our Common Sense, which is a
living thing like a garden and must be
watered and cultivated.

Debra White Plume, a Lakota teacher,
once said, "The Earth will have fire and
flood, and the window will be open for
humans to join in the work. But then
after some time the Earth will close the

window and the people who have not
joined her will disappear."

I'm not showing you these words to
scare you. I want to point out the invita-
tion. We call the wind and the fires "di-
sasters." We call all the disasters together
"The Sixth Extinction." But these misnom-
ers come from our fear. Listen to the
invitation, and let your Common Sense
take you to the Earth. She'll tell you what
to do.

The Earth is in charge and the Earth
isn't just a disaster-maker. The Earth in-
vented humans in the first place for a re-
ason, and maybe the Earth is bringing us
back to forgotten tasks in this life.

We need to give up and give over. This
will occur to us in a great dynamic trans-
formation. We suddenly, by the millions,
will not wait for our town to burn down,
or wait for the 200 mph winds... We will
have common cause with the Earth.

Rachelle, the Earth is alive and the
Earth is communicating with us and we
will put down our devices and escape the
advertisements. And the Earth will begin
to heal because its main predator is heal-
ing, too.

We are evolving. The Earth wants us
to. This change takes place outside the
media, outside the COP conferences and
the political promises. We make Com-
mon Sense with the Earth, letting our
senses come alive with this miraculous
creation.

Earthalujah! Rachelle! Earthalujah!

**REVEREND BILLY TALEN IS THE PASTOR
OF THE CHURCH OF STOP SHOPPING. HAVE
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