Critics of the proposed Free Trade Area of the Americas deal say such trade pacts favor businesses over the public interest. As evidence, they cite Chapter 11 of the North American Free Trade Agreement, which was signed by Mexico, the United States and Canada and came into force in 1994. Since then, over a dozen corporations have used Chapter 11’s “investor-state” arbitration method to claim that a particular country denied them “fair and equitable treatment.”

The various corporations involved allege they’ve lost millions — and, in one case, a billion — dollars due to unfair government action and deserve compensation. Critics, such as the World Wildlife Fund’s David Schorr, counter that the secretive arbitration process “is being used to rewrite important public policies behind closed doors.”

Under NAFTA rules, any business that has its property expropriated by a government is due compensation. But, says Schorr, these rules have been liberally interpreted to conclude any governmental measure is “tantamount to expropriation whenever a regulation reduces corporate profits.”

Article 201 of NAFTA states that “measure includes any law, regulation, procedure, requirement or practice.” Article 1139 of NAFTA defines the term investment to include virtually anyone who has even a fleeting economic interest in an enterprise. Also under article 201, enterprise is broadly defined to include virtually any association, whether public or private. So, for example, anyone owning stock in a company who feels that a decline in the
Parents at five failing New York City public schools overwhelmingly rejected plans to transfer management of their schools to Edison Schools, Inc., which operates 113 “public” schools in 45 U.S. cities. Over 80 percent of those parents voting rejected the proposal. An affirmative vote from a majority of eligible parents was needed to OK the plans.

Critics of Edison claimed victory, but Mayor Rudolph W. Giuliani and other proponents of privatization predicted similar proposals would reemerge for other schools.

According to the anti-privatization group, the People’s Coalition to Take Back Our Schools, votes may have been disenfranchised with Edison for numerous reasons including: Edison’s failure to prove that test scores would rise; the proposed rigid, depersonalized curriculum; the expected high teacher turnover; and the company’s dire financial straits (Edison has lost almost $200 million since its founding in 1992).

The coalition also feared that Edison’s presence would disempower parents and community members. “Edison is a for-profit company whose bottom line is their bottom line. When Edison’s stockholders decide it has to start making a profit, it will have to cut back on staff and services,” the group wrote. “Parents and communities will have no voice in these corporate decisions.”

The coalition includes parents, community members, and teachers, as well as organizations such as the Black Radical Congress, Jews for Racial and Economic Justice, the Progressive Action Caucus of the United Federation of Teachers, and the New Abolitionist Movement.

There is no word yet on future plans for any of the five schools, which draw largely from poor communities and communities of color: Public School 66 in Crotone Park East, the Bronx; P.S. 161 in Harlem; Intermediate School 111 in Bushwick, Brooklyn; and Middle Schools 320 and 246, in Crown Heights and Flatbush, Brooklyn, respectively.

Edison’s chief executive, Chris Whittle, sounded resigned yet hopeful in a recent *New York Times* editorial. He wrote, “Edison will continue to grow and prosper across the country, and it or the ideas it represents will return stronger and better. And when these ideas return, let’s hope that New York will embrace them, for the sake of all its children.”

After voting ended on April 2, Giuliani urged New York Schools Chancellor Harold Levy to select and privatize 20 other public schools without a vote by parents. But Levy said it would be illegal not to consult parents.
A group of 10 CUNY law students and a faculty member went on a three-day hunger strike in early April to protest the denial of tenure last December to Professor Maivan Lam, an Associate Professor at CUNY Law School since 1992. The protesters say they took action after meeting with Law School Dean Kristen Booth. The study concluded these failures force “domestic violence victims to choose between losing the benefits they need to leave violent relationships or complying with program rules that may endanger them or make it difficult to take steps to address the violence in their lives.” Improper documentation of waivers granted under the Family Violence Option threatens to reduce federal funds earmarked for New York’s public assistance programs.

“Hey CITI, Not With My Money!” read the banner unfurled by two activists in front of Citigroup’s midtown headquarters on April 17 during rush hour. The activists from the Rainforest Action Network (RAN) were trying to increase pressure on the company as part of an organized effort to force the financial giant to end harmful business practices. According to RAN, “Citigroup is a top funder of devastating projects such as mining in the Amazon basin and oil pipelines through the rainforests of Africa. Whether issuing bonds for the construction of the world’s largest hydropower project slated to displace some 5 million people in China, or arranging loans for palm plantations that encroach on critical orangutan habitat in Indonesia, Citigroup’s influence on the global environment and communities is tremendous.” The banner hanging capped a week of actions, starting April 11, involving demonstrations in over 80 cities in 12 countries and a large-scale student-led boycott of Citigroup-issued credit cards. The climbers were David Murphy, 28, of Brooklyn and Scott Anderson, 27, of Kentucky. Murphy commented, “Citi has a consistent record of prioritizing short-term profits at the expense of long-term health of communities and the environment. I am here to send a clear message that Citi can no longer fund immoral and destructive activities with my money.”
FUTURE OF LIVE/WORK IN GOP HANDS

BY JO SHA BEIBTAA

A Brooklyn-based tenants’ rights group is trying to preserve the city’s live/work neighborhoods, which are threatened by new laws.

The city’s Live/Work Coalition, based in the Williamsburg neighborhood, is lobbying the New York State Senate to provide legislative relief to their precarious situation. Many Williamsburg residents are jolted to learn last year that their homes were in jeopardy after New York City housing authorities evicted loft dwellers from two commercial buildings. (See the March issue of the Independent.)

The coalition is trying to muster the remaining residents before selling the building. From the Williamsburg Bridge you can see McCorkle’s plea taped to her window: “Owner Cut Power.”

The Assembly’s swift passage of the three bills was deemed “miraculous” by Eliza Proctor of the BLWC, but they must still pass the Republican-controlled Senate to become law. The first hurdle was finding a GOP sponsor, which the combination of Lopez’s wrangling and conservative Senators is phrasing the same rights issue, because that’ll get you DOA [dead on arrival] with the community groups behind the lawsuit.

According to another veteran environmental activist, there is little question who the Queens project was ramifications. “They had a lot more money to conduct air and soil sample tests and hire expert witnesses,” remarked Deborah Masters, noting that the Queens law suit’s legal fees were undertaken by Long Island City’s Silver Cup Studios production company that produces HBO’s “The Sopranos” and “Sex in the City.”

But that does not ensure passage. As Lopez explained, the key to influencing conservativeness is the sue process. “You can’t say it’s a tenants’ rights issue, because that’ll get you DOA [dead on arrival] with the Republicans. You have to present yours-elves as artists and part of a renaissance.”

“The city, meanwhile, is proposing an alternative statewide law that would restructure the 19-year-old regulatory system governing loft dwellings. It would also set deadlines for converted commercial buildings to obtain certificates of occupancy two years for the “stabilized” buildings covered by the old law; three years for the “in progress” buildings covered by the new law; five for those throughout the city affected by the new one. The goal is to prevent a future round of illegal conversions. But the IARB opposes the bill since it would eliminate the Loft Board that currently oversees “interim multiple dwellings,” housing code for lofts.

“Until the city shows signs of a will-

WEALTH TRUMPS HEALTH IN POWER PLANT RULINGS

BY HEATHER HADDON

New Yorkers were reminded once again that money and clout help to gum up the political system. In a back and forth court battle, wealthy interests in Queens went to court and stopped construction of a mini-power plant, only to be trumped by the state government in another ruling.

The New York Power Authority (NYP A), with the backing of Mayor Rudolph Giuliani and other politicians, has already started constructing 11 mini-power plants. Seven are planned for Brooklyn and the Bronx and just two for Queens.

In an early April ruling in a state court in Queens, Judge Joseph Golia ruled in favor of a big-budget lobby in halting construction of a Long Island City plant until a more “open and deliberate” environmental review can be conducted.

The Queens plaintiffs were slapped down in mid-April by a Brooklyn appellate division justice, who overturned the Queens Court stop work order.

But the Queens privileges were immediately overturned by a Brooklyn appellate division justice, who overturned the Queens Court stop work order. The mayor seemed to accede to it, The mayor normally has power to make appointments to agencies. However, in numerous instances, a compromise solu-

COURT RULING UNDERMINES INDEPENDENT REVIEW BOARDS

BY F. PRECOSI

A recent decision on mayoral authori-
ty by the New York Appellate Court could endanger the independence of a number of oversight agencies, including the Civilian Complaint Review Board that investigates allegations of Police brutality.

The Appellate Division, in a unanimous decision, reversed the decision of a lower court, striking down 1997’s Local Law 91, which provided for the creation of an independent Investigation and Audit Review Board (IARB) to ferret out police corruption.

The Board was to be a companion to the Civilian Complaint and Review Board (CCRB) that was created to investigate allegations of police brutality. The central controversy arose over the method by which members of the newly created board would be selected. Under the City Charter, the mayor normally has power to appoint members to the board. A similar device was used by the Street Vendor Review Panel and the City’s Campaign Finance Board.

The State Supreme Court found the precedent the CCRB set, and the fact that the mayor seemed to accede to it, meant that the similar IARB process did not infringe upon his powers.

The Appellate Division of the State Supreme Court, however, ignored the his-
tory and precedent set by previous com-
promises, and declared that any compro-
mise that limits the mayor’s power of appointment is invalid, and struck down the law creating the IARB. In so doing, they put all earlier compromises at risk, and greatly strengthened the role of the mayor in overseeing the police depart-
ment. Now, the next time an officer goes before the CCRB, they may be able to challenge the body in court as illegally formed.
Outside of Valentino’s market on 5th Ave in Manhattan, a crowd of Blacks and Latinos under the banner of the Korean American Dunlop Employees Union (KADA) are calling for a boycott. They say the working conditions inside are unfair and the employees have been forced to join the union. Unite! Union Local 169. But inside the store, all is calm and most workers wear hats and shirts emblazoned with the Unite! logo. “The people [outside] are clearly not a union and are only there to bust a union,” says Linda Perlestein, who adds she shops at Valentino’s because it’s unionized.

When asked if any Korean people were involved with KADA, one member of the picket, Eric Rizzidi, said, “Yeah. The owner of that store,” and pointed to a grocery store across the street. East Natural. KADA appears to be a tool for the store’s owner, Jacob Han, who owns a total of three groceries and is vociferously opposed to the organizing effort.

After two years, East Natural had become the focus of local 169’s greengrocer campaign. Fueled by some successes and energetic workers, the campaign seems to be gathering steam. On March 28, over 100 protesters gathered for an hour-long rally at East Natural before forming roving pickets to target stores of the most intransigent owners.

At the rally, supported by workers and supporters from the Community Labor Coalition and the Student Labor Coalition, union organizer Jerry Schiffino told the crowd, “We are stopping in front of different greengrocers to tell the employers that we are here, the workers are here and we are tired of the exploitation.”

Angelo Cortez, an employee of East Natural, told this reporter through a translator of receiving far less than the minimum wage for arduous workweeks of up to 70 hours. Cortez said he wants “to get respect, decent pay, vacation benefits, overtime and whatever is possible for the workers, but respect more than anything else.” The union contract at Valentino’s includes a health plan, rules governing overtime, vacation days and a grievance procedure.

As the evening wore on and the gathering in front of East Natural swelled, the police strained to keep the sidewalks and streets clear. Many interested onlookers received informative flyers and some chose to join the rally.

The march by workers, supporters and organizers wound a two-mile path from East Natural at 61 5th Avenue to seven other delis and groceries in the 14th Street area. Moving from one grocery store to the next, protesters formed pickets to discourage shopping at the targeted stores. They chanted, “No more green sweatshops!” and “Union Power,” and waved signs of “$4.99/bag: Wages: $3.50/hr.,” making their grievances clear to store owners and onlookers.

Though a handful of customers ignored the calls of “Boycott! Boycott!” and “Shame!” the store owners spent most of the evening alone listening to chants of “Empty! Empty!”

The state Attorney General estimates that as many as 14,000 workers in 2000 greengrocery stores throughout the city.

When asked about the difficulties of organizing so many workers in so many different places, Unite! Local 169 organizer Jose Schiffino was unfazed. “The fact that they’re all getting exploited unifies them.”

After another rally on April 4, supported by members of the Student Labor Coalition from NYU and The New School, the Korean Merchants Association of Greater New York asked the union for a temporary truce. The picket at East Natural eased up, but it was then that KADA launched its campaign against the Korean-owned Valentino’s market, claiming the owner wasn’t fair and Local 169 was illegitimate.

Supporters of the unionizing effort say KADA threatened workers, organizers and customers. Others add that KADA is paying people to picket the union store. “Everybody’s scared of them. They’re yelling, they follow you,” said Charlie Oh, the manager of Valentino’s, of the KADA protesters. He says they’ve cut business by 50 percent and that audible chanting is creating a stressful working environment.

Explained Schiffino, “They’re trying to scare other Korean stores into the protection racket,” referring to the union busting tactics of forcing workers to join a owner-controlled union.

Schiffino also believes KADA is promoting confusion. “KADA is trying to turn it into a racial issue by distorting the facts. So is the major media. Our job is to get everyone in New York City to realize that this is about exploitation and labor violations, not about ethnic minorities not getting along for some ‘natural’ reason.” Schiffino points out that organizers in this campaign speak Arabic, Creole and Chinese in addition to English and Spanish, and that the owners of Valentino’s and many other unionized greengrocers are Korean.

“What they’re trying to say doesn’t make any sense,” said Charlie Oh of KADA’s claims of racism and worker exploitation. “We do the business. We pay the taxes. We pay the employees. If they want to fight the union they need to fight the union, not an innocent store.”

In an attempt to counteract KADA, Valentino’s is displaying the Unite! emblem and the Korean flag in its windows. Workers and supporters are handing out flyers that explain the situation to potentially confused passers-by and residents. But many do not speak English as their first language and they have to contend with the physically much larger KADA leaflets hovering nearby.

Unite! is also working with the state Attorney General’s office on lawsuits against the greengrocer owners for failure to pay minimum wage or overtime. Domínguez supports this strategy, but thinks that stronger tactics are going to be needed to put pressure on the owners. “They’s not a problem for them. You can get money, but that doesn’t end the exploitation.”

Faced with the need to support Valentino’s, the picket at East Natural remains suspended. The greengrocer workers and their supporters are meeting to discuss new tactics, but they are determined to win. Schiffino warned, “Until we change this entire industry, we’re not going to let go in this city.”

(Additional reporting by Arias de la Cruz, Tarik Korula and Peter Holderness.)
About 2000 people from all over the state marched on Albany March 27 to demand repeal of the Rockefeller drug laws. Filling the steps outside the state capital and the halls inside, the group combined a large rally with nearly 200 separate lobbying sessions to galvanize supporters and pressure legislators.

For those traveling on one of more than 20 buses from New York City, the day began at 6:30 a.m. Four hours later, Wilborn Temple was overflowed with supporters. Five hundred people went to the basement to prepare for their day of lobbying while the rest listened to speakers and percussion music from the Jazz Beatniks.

Many had personal reasons for being there. “I know a lot of people who have been to jail because they were found with a little bit of weed on them, or crack on them and now they’re in jail for 15 to 20 years,” said Ebony Grant, 13 of Chelsea, Manhattan. “And rapists go to jail for five to ten, and that’s worse than having drugs on you. [So] we’re going to march and chant and try to get the law out of there.”

The march from the temple to the steps was led by hundreds of young people who had taken the day off from school to carry their message to Albany. The crowd behind them included college students and senior citizens, activists and recovering addicts, churchgoers and former prisoners.

Elaine Bartlett, who was imprisoned in Bedford Hills because of the Rockefeller Drug Laws, described the crowd as, “Blacks and Hispanics, the people that are being affected by these laws. I don’t see any drug kingpins and in the whole 16 years that I was incarcerated, I have yet to meet one kingpin.” She also said she planned to tell legislators she would be meeting with later that day that “they need to take that money and stop putting it into the prisons and put it back into the communities, back into education for the youth which you see here today... And stop incarcerating these kids.”

(Co-contributed by Simba Russeau and Joshua Brodhurst.)

GOV. PATAKI’S PROPOSED REFORMS FALL SHORT

By STEVEN WISEMAN

Amid much hype in January, Gov. George Pataki proposed reforming New York State’s Rockefeller drug laws, whose 15-to-life mandatory minimum for possession of four ounces of cocaine or heroin is among the harshest drug penalties in the nation.

Protests against the laws have been growing for several years. Most of the state’s 21,000 drug prisoners are not the big-time dealers the laws were aimed at, but low-level dealers or addicts, jailed for less than a few hundred dollars worth of drugs. And 94 percent of them are Black or Latino. Pataki’s bill would reduce the 15-year penalty to 10-to-life. It would also allow judges to sentence first offenders charged with possessing up to a half-ounce of cocaine or heroin to treatment instead of prison. “This is a Republican governor proposing the first real reform to the Rockefeller drug laws ever,” says Caroline Quartararo, Pataki’s spokesperson for criminal-justice issues.

Yet the real story is more complex. Only about 600 people are serving the 15-to-life maximum. Most of the state’s drug prisoners are small-time dealers with prior felony convictions; the Rockefeller laws give a 4 1/2-year minimum for second-offense sales to four years. “It would-n’t really affect the vast majority,” says Deborah Peterson-Small of the Lindesmith Center-Drug Policy Foundation. It also would increase penalties for marijuana offenses.

A group of mostly Black Democrats in the state legislature, led by Assembly member Jefferson Aubry of Queens and State Senator Velmanette Montgomery of Brooklyn, has introduced a bill that would allow second felons to serve no more than 10 years for possession of New York — which is leading a campaign (continued on next page)
of New York. Today, Deborah Small-Peterson told
being granted clemency by Pataki. Elaine Bartlett,
appeared on Hightimes.com.)

is," says de Bourbon. "We only put in prison peo-

Rockefeller's legacies was his disastrous attempt
to eliminate rent controls.) And with street heroin
as little as 3 percent pure, four ounces of heroin
could have been worth thousands of dollars.
The laws did little to stop the drug market.
Heroin resurfaced in the late '70s, and crack flood-
ed the city a decade later. Today, the retail price
of cocaine is around $40 a gram, and street heroin
is as much as 70 percent pure.

But they did pack the state's prisons: 31 per-
cent of its prisoners are drug offenders. The increase
in the state's annual prison spending from 1988 to 1996 — the roughly $700 million
of locking up drug offenders — almost exact-
ly matches cuts in funding of the State University
of New York. Today, Deborah Small-Peterson told
a Harlem community forum last February, more
Black men go to the state's 71 prisons than grad-
uates from SUNY's 34 four-year colleges.

Government officials are uncomfortable try-
ing to account for why drug prisoners are almost
all of color. Blacks and Latinos use and sell drugs
at pretty much the same rate as whites. "In our
office, we don’t know what color the defendant
is," says de Bourbon. "We only put in prison people
who are convicted," says Quattraro.

The 15-to-lifers get the most publicity, and
the DA's argue that the laws are serving big-time
dealers, but most of New York's drug prisoners
are hard-core small-timers. "I never saw a kangir
in prison," says Anthony Papa, who served 12
years of a 15-year sentence for cocaine before
a violent felony.

—In 2000, over 44 percent of the people
sent to state prison were drug offenders.
—Seventy percent of New York State pris-
sons are from New York City — almost all
from poor communities of color. However,
two-thirds of all prisons are located more
than three hours from the city.

—The state has recently spent nearly
$2 billion to build prisons and spends over
$675 million annually on operating
expenses.

—A 1997 study by RAND's Drug Policy
Research Center found that treatment is
15 times more likely to reduce serious
crime than mandatory minimum sen-
tences. The cost of keeping an inmate in
NYS prison for a year is about $32,000.
In comparison, the cost of most drug free-
outpatient care runs between $2,700-
4,500 per person per year; and the cost of
residential drug treatment is $17,000-
$21,000 per participant per year.

—Since 1982, New York has opened 38
prisons, not counting annexes, all in rural,
mainly white areas, all represented by
Republican State Senators. Ninety-three
percent of state inmates (66,447/71,466)
are imprisoned in these areas, where
prison expansion is commonly viewed as
economic development. Over 30,000
people now work in the prison system. In
addition, areas that house prisons receive a
total of $1.1 billion in extra public fund-
ing to offset related operating expenses.

—According to a recent Zagby
International poll, 64 percent of the pub-
licity do not consider a legislator who votes
for drug law reform "soft on drugs" and
for drug law reform “soft on drugs” and
against the Rockefeller Drug Laws led by
William Moses Kunstler Fund, (212) 539-8441,
www.kunstler.org

Sunday, May 13

Isidro Aviles Memorial Mother’s Day March
for “all of the mothers that are separated
from their children because of harsh manda-
tory minimum sentencing laws. This march
will be held in memory of Isidro Aviles
who lost his life due to the war on drugs.”

More info: Teresa Aviles, taviles@fpa.org

Friday, June 15

Drop the Rock New York City: Rally, March
and Cultural/Educational Festival to Repeal
the Rockefeller Drug Laws
2:00-4:00 PM Rally in front of the Harlem
State Office Building (125th and Adam
Clayton Powell Blvd) 4:00-5:00 PM March
to Marcus Garvey Park (124th and Madison)
5:00-7:30 PM Cultural Educational Festival
in Marcus Garvey Park

More info: Tamar Kraft-Stolar, Correctional
Association of NY, (212) 254-5700 x306
CHAPTER 11: NAFTA’S FILE OF MORAL BANKRUPTCY

(continued from page 11) market value of their shares was caused by a government action can file a claim — even without the consent of the local company. “Chapter 11 represents a bizarre super-judicial process that is an outrageous affront to our democracy,” added Canadian Auto Workers economist Jim Stanford in an interview with the leading Canadian weekly news magazine, MacLean’s. “It provides corporations with unique powers — which no one else has — to challenge government policy shifts. I fear that the FTAA we get could look like the NAFTA we have.” In response to the criticism, Canadian Trade Minister Pierre Pettigrew told the Toronto Globe and Mail in December that he will not sign the FTAA pact if it extends Chapter 11 to the entire hemisphere. Others are waiting for action from the trade ministry. On March 28, the citizen-based Council of Canadians and the Canadian Union of Postal Workers filed a lawsuit in Ontario’s Superior Court of Justice to overturn Chapter 11. The groups charged the provision has “undemanded their government’s sovereign right to protect its citizens’ health, safety and well-being through the courts and the regulatory system,” the Los Angeles Times reported. The groups also argued that Chapter 11 violates the Canadian Constitution’s guarantee of “equal treatment before the law” by giving additional rights to private investors. Below is a sampling of some cases where corpora tions sued NAFTA member nations.

The Case: S.D. Myers Inc. v. Government of Canada
The History: On October 30, 1998, the Ohio-based S.D. Myers corporation filed a claim against Canada charging a temporary ban on exporting polychlorinated biphenyl waste (PCBs) from Canada violated NAFTA regulations by prohibiting the waste disposal outfit from conducting business there. The corporation claimed damages of at least $20 million. A spokesperson for the Canadian government said the ban was imposed because it was unable to determine if U.S. procedures for PCB disposal met the requirements of the Basel Convention on the Control and Transboundary Movements of Hazardous Wastes.

The Outcome: In November 2000, a secret tribunal upheld two of S.D. Myers four claims, determining that there was “no legitimate environmental reason for intro ducing this ban.” This became the first NAFTA Chapter 11 case involving Canada to be decided. The tribunal determined Canada implemented the ban as a protectionist measure to give the work to a domestic facility in the province of Alberta. Canada is appealing the case.

Of Note: The decision will have no real effect on the export of PCBs since the U.S. government banned PCB imports in August 1997.

The Case: Ethyl Corp. v. Canada
The History: In April 1997, Canada passed the Manganese-Based Fuel Additives Act banning the import and transport between provinces of the controversial gasoline additive MMT, which is a manganese-based compound used to reduce engine “knocking.” U.S.-based Ethyl Corp., the world’s only manufacturer of MMT, sued for $251 million claiming the ban constituted “regulatory taking” since there was not enough scientific data supporting the ban. Ethyl also pointed to the absence of a ban on producing the additive in Canada to argue that it was receiving unfavorable treatment — despite the complete lack of any Canadian manufacturers.

Ethyl even claimed in its suit that “legislative debate” in Parliament was “expropriation of its assets... because public criticism of MMT damaged the company’s repu tation.”

The Outcome: In a settlement with Ethyl, the Canadian government agreed on July 20, 1998, to rescind the ban, pay $13 million to cover damages and legal costs and to publicly proclaim that MMT is “safe,” agreed that not enough scientific study had been done to prove otherwise.

Of Note: In a study of 306 people in Southwestern Quebec, Donna Mergler of the University of Quebec correlated manganese blood levels with neurological problems, especially in children and the elderly.

Quotable: “The Canadian government has gotten the critical issue backwards,” says Karen Florini, of the New York-based Environmental Defense Fund. “The key point is not that there are scientific uncertainties about whether MMT is toxic, it’s that there’s not enough infor mation to show that MMT is safe. [MMT’s use] is tanta mount to experimenting on the Canadian public.”

The Case: Sun Bolt Water v. Canada
The History: In 1996, British Columbia banned the export of water to protect its fresh water supply. At the time there was public outcry fearing large amounts of water from British Columbia would soon be flowing to California. The California-based Sunbelt Water Inc. filed a Chapter 11 claim seeking $468 million in damages for “lost business opportunities” since the firm had a contract to supply the Californian town of Goleta with water from the privately owned Snowcap Waters of Fanny Bay in British Columbia. When the B.C. government placed a moratorium on bulk water exports by container ships, Sunbelt sued.

The Outcome: Pending

Of Note: Canada has 20 percent of the world’s fresh water supply. The United States has one-tenth of Canada’s fresh water, but nearly nine times as many people.

The Case: Metalclad Corporation v. Mexico
The History: During the mid-nineties in the Mexican state of San Luis Potosi, state and local officials blocked the opening of a $20 million toxic waste storage facility owned by the U.S.-based Metalclad Corp. The state government found the facility would contaminate the local water supply. On January 2, 1997, Metalclad filed a claim against the Mexican government seeking more than $90 million in damages.

The Outcome: In August, 2000 A secret NAFTA tribunal backed Metalclad, requiring it pay $51.6 million plus interest in damages. An appeal by Mexico under Canada’s domestic arbitration law is pending, though Metalclad has charged the tribunal’s decision can not legally be appealed. In February, the Canadian Department of Foreign Affairs and International Trade, as well as the Province of Quebec, announced it was backing Mexico in the appeal. A decision was expected in mid-April.

Quotable: “The NAFTA does not eliminate the obligation of foreign investors to comply with state and local laws,” stated the Mexican government in response to the ruling.

The Case: United Postal Services v. Canadian Post
The History: USPS is seeking $156 million in damages claiming that the Canadian government’s monopoly over regular mail illegally subsidizes Canadian Post’s courier and express-mail service. Oddly, USPS argues the United States Postal Service is guilty of the same crime but under NAFTA’s Chapter 11 the U.S.-based USPS can only file suit against foreign governments.

The Outcome: Pending

Of Note: USPS has gone after other national postal services, charging them with anti-competitive practices. In a case filed by USPS, the European Commission last month ordered the German Post to pay $2.5 million and to offer $2 million per year to supply the Californian town of Goleta with water.

Quotable: “The USPS challenge is significant because it contends that the very existence of our postal system constitutes unfair competition,” stated Maude Barlow of the Council of Canadians. “By this logic, every public service from health care to education to the CBC [Canadian Broadcasting Corporation] could be threatened by lawsuits costing Canadians billions of dollars.”

NAMIBIA’S “GAY PURGE”

In a crusade against gays escalating since March, Namibian President Sam Nujoma recently stated that gays would be barred from entering the country through its airport.

Nujoma, a hero from the Namibian independence war from South Africa, also recently equated homosexuality with a new evolution of European imperialism. On March 19, Nujoma told local university students that “The Republican of Namibia does not allow homo sexuality, lesbianism here.” He added that gays should be arrested, imprisoned and deported from the Southern African nation.

Nujoma has repeatedly stated that homosexuality is “unnatural,” anti-Christian and “the devil’s work.”

Many other Namibian political leaders have support ed Nujoma’s calls for a “gay purge.” Minister of Agriculture Helmut Angula recently said that homosexuality and alcoholism were “evils that were befailing the country.” Home Affairs Minister Jerry Ekandjo instructed police to “eliminate” gays and lesbians from the face of Namibia.

Amnesty International issued a public statement cit ing Nujoma’s prejudices as unconstitutional; while local human rights groups have criticized the president’s attacks as undemocratic.
CANADA PUSHES ACTIVISTS OVER THE BORDERLINE

By HEATHER HADDON

The New York Ya Basta Collective, which is modeled after the Italian direct action group of the same name, is issuing mock "World Passports" granting holders the unfettered right to cross "the imaginary line at the Canada/U.S. border." Other activists have tried to inject levity in their border-crossing attempts. In early April, 10 New York City police pro - testers arrived at the border decked out as NAFTA-sanctioned goods. "While certain goods and capital can cross borders freely, activists and others are not granted the same...rights," said one protester dressed as a gigantic dollar bill. The group's sartorial splendor, which included heads of lettuce and genetically modified tomatoes, failed to impress border guards, who sent them packing. While some organizers are advising protesters to "look normal" and have "credible contacts" during the Summit of the Americas, others are establishing alternative crossing points. On April 19, some members of the Mohawk Native Peoples — whose Akwasasne community straddles the New York-Canadian border — say they will allow activists to cross into Canada as "an assertion of sovereignty and an opportunity to expose the condi - tions Mohawk and Indian people generally live under.

Once across, a procession traveling east from Ontario will erect its own "barriers." The group plans to travel on the "NAFTA Free Trade Corridor" Hwy 401 "very slowly, creating a clogged artery." For those denied entry, protests are planned at U.S. border crossings with Mexico and Canada. Rallies have been con - firmed for Vancouver, Burlington, Tijuana, Buffalo and San Diego. Local U.S. police forces, though, have already indicated that they will be tracking protesters at these spots as well.

The stone-walled area of Quebec City has been augmented by a police fence.
### “FREE TRADE”
**HARD NUMBERS SPELL HARD TIMES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population of all 34 FTAA nations</td>
<td>800 million</td>
</tr>
<tr>
<td>Percentage of global trade represented by FTAA countries</td>
<td>52</td>
</tr>
<tr>
<td>Number of FTAA countries with annual per capita income greater than $20,000</td>
<td>2</td>
</tr>
<tr>
<td>Percentage of the total GDP of all FTAA nations represented by the NAFTA countries of Mexico, the United States and Canada</td>
<td>77</td>
</tr>
<tr>
<td>Number of Mexicans who have fallen from the middle class into poverty since 1995, when NAFTA went into effect</td>
<td>8 million</td>
</tr>
<tr>
<td>Change in income of salaried Mexican workers, between 1991 and 1998</td>
<td>-25%</td>
</tr>
<tr>
<td>Percentage of the Mexican population earning the same in 2000 as in 1940</td>
<td>30</td>
</tr>
<tr>
<td>Number of border maquiladoras currently operating</td>
<td>1,947</td>
</tr>
<tr>
<td>Percentage change since 1993, when NAFTA was signed, that this represents</td>
<td>+37</td>
</tr>
<tr>
<td>Workers employed in maquiladoras in Mexico in 1975</td>
<td>60,000 jobs</td>
</tr>
<tr>
<td>In 1990</td>
<td>420,000</td>
</tr>
<tr>
<td>In 2000</td>
<td>1,300,000</td>
</tr>
<tr>
<td>Percentage of Canadian unemployed collecting unemployment insurance in 1990</td>
<td>75</td>
</tr>
<tr>
<td>Percentage of Canadian unemployed collecting unemployment insurance in 2000</td>
<td>36</td>
</tr>
<tr>
<td>Most recent decade the Canadian growth rate has been as low as in the 1990’s: the 1930s</td>
<td></td>
</tr>
<tr>
<td>Percentage of new jobs since 1989 in Canada represented by part-time and self-employment</td>
<td>80%</td>
</tr>
<tr>
<td>Number of Mexican trucks entering the U.S. that are inspected</td>
<td>Under 1</td>
</tr>
<tr>
<td>Percentage of those inspected trucks that are denied entry due to safety violations</td>
<td>50</td>
</tr>
<tr>
<td>Number of American jobs lost due to NAFTA</td>
<td>766,030</td>
</tr>
<tr>
<td>Net export deficit between the U.S. and its neighbors in 1993: $16.6 billion (real dollars)</td>
<td>Net export deficit between the U.S. and its neighbors in 2000: $62.8 billion (real dollars)</td>
</tr>
<tr>
<td>Number of 67 companies analyzed in a Public Citizen study that promised to create new jobs under NAFTA that have</td>
<td>7</td>
</tr>
<tr>
<td>Number of Canadian jobs lost due to NAFTA</td>
<td>276,000</td>
</tr>
<tr>
<td>Percent of GDP Canada spends on its universal health-care system</td>
<td>9.3</td>
</tr>
<tr>
<td>Percent of GDP the United States spends on its healthcare system, which leaves 40 million people without coverage</td>
<td>14</td>
</tr>
<tr>
<td>Private Mexican deposits in U.S. banks as of December 1994</td>
<td>$12.2 billion</td>
</tr>
<tr>
<td>As of December 1999</td>
<td>$30.7 billion</td>
</tr>
<tr>
<td>Number of people who have died trying to illegally cross into the U.S. from Mexico since 1997</td>
<td>over 2,000</td>
</tr>
<tr>
<td>Number of American corporate executives who admitted to the Wall Street Journal in a 1992 survey that they were “very likely” or “somewhat likely” to use NAFTA as a bargaining chip to hold down wages</td>
<td>25</td>
</tr>
<tr>
<td>Percentage of employers from 1993-95 who made threats to close all or part of their plants during organizing drives, according to a union-sponsored study</td>
<td>over 50</td>
</tr>
<tr>
<td>Factor by which strike threats in National Labor Relations Board union-certification elections increased following NAFTA’s implementation, according to the same study</td>
<td>2</td>
</tr>
<tr>
<td>Number of Canadian police’s new ARWEN 37mm launchers that shoot plastic bullets, tear gas and metal-filled bean bag pouches</td>
<td>$2,000</td>
</tr>
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<td>Price of Canadian police’s new ARWEN 37mm launchers that shoot plastic bullets, tear gas and metal-filled bean bag pouches</td>
<td>$2,000</td>
</tr>
<tr>
<td>Change in percentage of total food imports inspected by the FDA since 1992</td>
<td>-75</td>
</tr>
<tr>
<td>Temporary increase in cost of water when IMF tried, and failed, to help privatize the supply in Bolivia</td>
<td>200%</td>
</tr>
<tr>
<td>HIV infection rate among youth in South Africa, which does not manufacture generic AIDS drugs</td>
<td>50%</td>
</tr>
<tr>
<td>Drop in AIDS-related deaths during the 90’s in Brazil, which does manufacture generic AIDS drugs</td>
<td>50%</td>
</tr>
<tr>
<td>Number of security personnel mobilized to guard free trade talks in Quebec City</td>
<td>6,000</td>
</tr>
<tr>
<td>Cost of this, the largest peace-time mobilization in Canadian history</td>
<td>$22 million (and counting)</td>
</tr>
<tr>
<td>Length in feet of 10-foot-high metal fence surrounding the already walled-in old city where the summit is occurring</td>
<td>12,500 feet</td>
</tr>
<tr>
<td>Price of Canadian police’s new ARWEN 37mm launchers that shoot plastic bullets, tear gas and metal-filled bean bag pouches</td>
<td>$2,000</td>
</tr>
<tr>
<td>Percentage of the world’s population, according to the World Bank, living on less than $2,000 per year</td>
<td>75%</td>
</tr>
<tr>
<td>Number of U.S. states and Canadian provinces where anti-FTAA protests are scheduled</td>
<td>48</td>
</tr>
</tbody>
</table>
Resistance Is Not Futile

500 Years of Globalization and its Opponents

The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic
By Peter Linebaugh and Marcus Rediker
Beacon Press, 2000

BY SIMON FINGER

As capital increased its global reach, subjecting foreign lands to colonization and farmers and workers at home to exploitation, those denied the spoils of the new economic order took to the streets in protest. Elaborate puppets and effigies were paraded through the avenues, trade ministers Menaced and entire cities put under martial law, inciting greater radicalism and even open insurrection.

The era: 16th century England, when the dawn of colonialism birthed the phenomenon known as "slaves, commoners, and the hidden history of the Revolutionary Atlantic.

Peter Linebaugh and Marcus Rediker describe that watershed era in their compelling new work, The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic.

Linebaugh, a history professor at the University of Toledo, and Rediker, a labor and maritime historian at the University of Pittsburgh, draw a portrait of the link between controlling "unde-sirables" and exploiting labor to maximize the "criminal justice system." The modern prison-industrial-complex, the class of bonded laborers it creates and the means by which it uses the "criminal justice system" to enrich business interest.

Those "slaves, commoners, and the hidden history of the Revolutionary Atlantic," as Linebaugh and Rediker recount many of the conspiracies, plots and alternative communities of this era — from the 1609 shipwreck of the Sea-Venture, when English and indigenous peoples were banded together with Powhatan envoys and others to create their own community on Bermuda, to the 1714 New York Conspiracy when sailors, slaves, freedmen and laborers went on a campaign of arson and property destruction aimed at merchants, the military, slave owners and the landed gentry.

And wherever slaves revolted, particularly in the Caribbean, the offenders would be shipped to other colonies, carrying the germ of resistance and spread it across nations and seas. Ironically, the vast merchant fleets globalized resistance, converting dispossessed in slave states from Jamaica to Boston.

Little has changed in the intervening centuries, particularly the expropriation of common resources for private gain, whether represented by public lands exploited by oil and mining interests, the pillaging of public airways by global media corporations, or the forced privatization of utilities, state-owned enterprises and common farm lands.

Just as exploitation continues, so does the struggle to create alternatives and resist capital. The dissidents know, though, that overcome without their initial force, as parliament did in declaring critics of enclosure to be treasonous or during the numerous slave insurrections in the 18th Caribbean colonies.

The authors discuss the mystery of Hercules slaying the Hydra, which was often invoked by both sides in the globalization debate. Hercules represented the many-headed, disordered and dangerous mob. It was a myth used to justify the repression of the commoners who would not meekly accept poverty. While the images have changed the logic of globalization’s champions remains the same — the chaotic resistance of capitalism’s critics justifies official repression.

The present struggle is clearly part of a much longer story. Present levels of international trade are only now approaching the high-water mark set in the late 19th Century. What the struggles of our predecessors tell us is that nothing is inevitable — not even globalization. And that the Hydra has teeth in each one of its mouths.

Monsanto Reaps What Others Sow

BY SIMON FINGER

A long-running court battle between a Canadian farmer and agribusiness giant Monsanto ended on March 29 when a Canadian judge ruled that the farmer, Percy Schmeiser, must compensate Monsanto for infringing on its patent of genetically modified (GM) rapeseed.

The case apparently began when GM rapeseed pollen from neighboring farms was blown onto Schmeiser’s land, where it grew into rape plants with heightened resistance to Monsanto’s proprietary herbicide, Roundup. Schmeiser, who does not otherwise cultivate GM crops, thereby became an unwilling consumer of the seeds.

Patent law in Canada, as well as the United States and some other countries, makes it illegal for farmers to re-use patented seed year-to-year or to cultivate such crops without signing a licensing agreement. Despite evidence presented by Schmeiser that he did not buy the seeds or benefit from them, he was ordered to pony up $10,000 in licensing fees and an additional $75,000 in damages.

Presiding Judge M. Andrew MacKay found that Schmeiser knew or ought to have known that the seeds he kept and reused from a previous year were drawn from the patented crops. The judge concluded Schmeiser had done it deliberately and the question of intent was essentially irrelevant. The mere presence of the proprietary plants on his land was sufficient reason to find him guilty.

Judge MacKay said the case sets a disturbing precedent. It allows corporations like Monsanto to release uncontrollable GM crops and then seek punishment against any farmer whose crop is subsequently contaminated.

WHAT IS THE IMC?

With a base in New York City and chapters in over 40 cities throughout the world, the NYC Independent Media Center is one of the largest international networks of volunteer media activists.

The IMC’s mission is to create a new media ethic by providing a forum in which issues of local and international concern can be discussed. This new forum’s responsibility is to foster new forms of participation through a variety of media tools and spaces.

Unlike corporate media, we do not present a biased version of the news. We reflect the diversity of voices and viewpoints. We do not claim objectivity. We do not seek to communicate our message in a specific way.

We encourage and support new ideas and new methods of communication and action. We seek to provide a space that is open to anyone interested in communicating in any medium.

New York City Independent Media Center

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We encourage提交 submissions of news, events, quotes, opinions, etc. in a clear, concise and engaging manner. Our local and global sites are one of the most popular places on the web to find news and analysis. If you would like to become involved, please email us at imc-nyc-print@indymedia.org.

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WHAT SUBMISSIONS?
“Revolution: That’s what I’m on.”

REPORTS FROM CINCINNATI

Jenka of Indymedia conducted a series of phone interviews with people in Cincinnati between April 13 and 15. On the right is an excerpt from a discussion with Kim, a resident of the Over the Rhine neighborhood that was the focus of the recent unrest. Below is part of an exchange with a man named [inaudible]. They were hanging out while Kim’s mobile phone at a spontaneous march following the funeral of Timothy Thomas on April 14. The shooting of the unarmed, 19-year-old African-American man is the fifteenth killing of a Black man by city police since the mid nineties and the fourth since last November.

Man: Hey. This ain’t about no race. It ain’t about race at all. Because if it was about race, you’re talking to a black man with a mask on his face next to a pretty, white woman. If it was about race, she wouldn’t be standing next to [inaudible]. It’s about these crooked police, been doing this since we was little. Taking us ain’t about race at all. Because if it was, then we wouldn’t have been hit, they wanted to change the truth. The media tries to make it out to be a white and black thing. Even though, some people have been hit, they wanted to change it around like this. And for a minute, they was doing this since we was little. Taking us in alleys, jumping on us, doing things, putting attacks on us. White and black, it ain’t just a white thing. It’s a white and black thing. Even though, some people have been hit, they wanted to change it around like this. And for a minute, they was doing it. They was start crashing cars with the police in it. That’s right. I wish we could of turned it over. For real. But it’s not a white and black thing. It’s about civil rights.

Jenka: Why do you wear a mask?

Man: Why do I wear a mask? Because I don’t want them to know me, who I am, ‘cause if they know me and who I am, once this is all over with, everybody gonna catch [inaudible]. They gonna get us eventually, know what I mean? If they can’t get us out here by shooting us and killing us right here, they’ll put us in the penitentiary. Plain and simple.

J: And they try to single people out?

Man: Yes. They will do this, they have done it. So that’s why I wear a mask, it ain’t that I’m out here trying to loot, please, I ain’t even on that. I’m ready for the revolution. That’s what I’m on.

Kim: Here come the cops. There goes a cruiser with four cops in riot gear.

J: Are there people around?

K: No. Everyone ran in their houses. This is all about intimidation. … The mood and climate that the police are creating is creating way more racial tension. I mean racial tension exists in Cincinnati, but having a predominantly white police force completely intimidate and put fear into the entire Black population of Cincinnati has been creating a strange dynamic. It’s really, really scary.

J: And so what’s happening now is that they have not declared a state of emergency, but enacted this curfew?

K: Yes. The mayor said he needs to protect the streets and private property, and to do this he wants to put on a curfew and he thinks that’s going to solve the rioting. But when it gets dark, the police can’t keep up with everyone because people are breaking up into small cells and going all over the city, hitting different places. And when they can’t cross a police line they break up into smaller groups and go around it. And you know they mess up something behind the line and catch something on fire and the police don’t know how to respond. So then the police literally walk into an intersection and just start firing.

J: What are they firing?

K: They’re firing either the one half inch rubber-tipped bullets, the big sponge-tips, the bean-bags, or rubber buckshot… People are getting in their cars and leaving right now. The curfew says you’re not supposed to be driving unless you’re going to or from work. I don’t really know how they’re going to declare that, you know what I mean? It’s supposed to be on your word, but that also creates an atmosphere where if they don’t believe you, they just arrest you.

J: And are you supposed to carry some documentation?

K: I don’t know. We haven’t heard anything like that at all. We’ve just been told to stay in our houses and not leave. There’s been a threat of the National Guard coming in even though I think a lot of people haven’t even been told what that means. They’re just told, you know National Guard’s here. They haven’t been told that National Guard, y’know, is going to be coming with real guns and real bullets and, um, and doing this and that. And over the last day, people have been telling each other that. So there’s definitely a lot more fear about what that means if the National Guard comes in. It’s kind of like this threat from the mayor, basically. What the mayor has said is the police force can keep up with everyone because people are breaking up behind the police line they break up into smaller groups and go around it. And you know they mess up something behind the line and catch something on fire and the police don’t know how to respond. So then the police literally walk into an intersection and just start firing.

J: And does it feel like the fear is going to outweigh the anger at this point?

K: No. [laughs] Far from it. One of the things that escalated everything is that we had a City Council meeting the Monday after Timothy Thomas was shot and lots of people were there and pretty much just took over City Chambers and made a real scene. Councilman Cranley who was leading it was hammering on his gavel and he was screaming things like ‘Order! Order!’ And people would just start chanting, ‘Put the police in order!’ It was one of the most beautiful things. The mayor actually got up and left the meeting. And his excuse yesterday was that he had another meeting to go to although it seems like a real lack of commitment on his part to solving these sorts of issues.

J: How many people would you say have been out in the streets over the last few days?

K: I would say thousands over the last few days. Definitely. It’s been blowing up all over the city. [The neighborhood] Over the Rhine is predominantly Black but it’s also the poorest neighborhood in all of Cincinnati. 90 percent of all the residents that live in Over the Rhine live under the poverty level. The second poorest area in all of Cincinnati is the West End, which HUD has been destroying. So there’s a lot of anger there. A lot of people have been displaced and pushed into Over the Rhine and other [places] Cincinnati really segregates its Black areas. Over the Rhine blew up and it blew up for a good day and a half. Yesterday, cops from Bond Hill, another area, started marching midday to come downtown. When they tried to come into downtown the Police started firing at them. They [still] came down into the city. It was beautiful. People in Walnut Hill have said it’s been blowing up, and I mean blow up in the way of they’re just tired of seeing this. The reports about anyone just being hoodlums and this just being people who have no cause or have nothing really to say is bullshit. Its bullshit. These are the people who’ve been experiencing this every single day, like we all are. There’s a lot of poor white Appalachian people who live in Over the Rhine also and people who want affordable housing. That this became a race thing is the media has shifted the focus and taken the responsibility off the police… Something’s happening, oh here comes cop cruisers… They’re coming down again. They’re running three [officers] deep right now.

J: Are they armed?

K: They are all armed. They’re showing their guns as they go. Hell yeah they’re armed. They have shotguns.

J: Do they have shotguns with live ammunition?

K: They have shotguns with live ammunition and they also have shotguns that load rubber buckshot and rubber plugs. Cincinnati police have all sorts of really fun toys to play with. They have Tasers, they have pistols, they have shotguns, they have beanbag bullets. Most of the injuries we’ve seen being in the last couple days, [have been from] people getting hit with the rubber-tipped bullets. They’re about an inch and a half in diameter. Yesterday we were seeing a lot of kids getting hit. They took a nine or ten-year-old boy to the emergency room yesterday; he got hit twice in the head. And there were a lot [of cases], he’s not an exception at all. There are lots of different people I’ve seen who have pretty big wounds. They’re not supposed to be able to shoot those things above the neck, yet there are many head injuries happening. Lots and lots. And they’re shooting at the right on their guns they have a big orange sticker that says do not fire closer than 30 feet.

Complete audio available at www.indymedia.org.