

thought was a private conversation with an impartial official--the trial judge--Scott told this judge that his lies were designed to placate the police. Instead of taking steps to protect Scott, the trial judge returned him to police custody and warned the prosecution that Scott was wavering in his testimony. The trial judge withheld Scott's plea for help from our defense counsel for 5-1/2 crucial weeks while the police were persuading Scott to testify as planned.

◆ The f.b.i. and police were unable to explain a series of irregularities which cast doubt on their claim that my fingerprints were on a car parked near the scene of the crime. In the process, two police witnesses insisted that another print from the same car could not be identified. Late in the trial, however, we learned that the prosecutor had -- with the trial judge's permission -- secretly altered evidence to hide the fact that this prosecutor and the police knew all along that the print belonged to a potential suspect whose existence was being concealed from us. The trial judge disallowed our lawyers from informing the jury about the suspect or the perjury and cover-up.

◆ The trial judge also banned our lawyers from asking f.b.i. and police witnesses about their

agencies' policy of lying to discredit Black militants and to get them convicted on false charges. He disallowed testimony about violent splits in the B.P.P., which would have explained why we had been armed.

Why Are We Treated This Way?

Such a pattern of manipulation and lies, continuing into the present, indicates something more than the ordinary corruption and racism of everyday law enforcement. It can be understood only in terms of the power of the political movement that myself, Jalil, and Nuh were part of, and the intensity of the government's efforts to destroy that movement and to disillusion and intimidate future generations of young activists.

To understand the NY3, one must understand that during the 1960's and early 1970's, this country came close to its second socio-economic and political revolution since the Great Depression (to save U.S. capitalism, Pres. F.D.R. convinced Wall Street that it had to endorse the social welfare of his New Deal programs which Americans have now enjoyed for nearly 80 years, those that Pres. Clinton is now dismantling, to stave off

the first social revolution that was being fueled by the Great Depression). By the time Nixon took over the White House, the U.S. was virtually under domestic siege.

U.S. Blacks had already energized the political will of the nation's minorities and the poor by boldly challenging de facto Jim Crow laws, segregation, and economic exploitation during the Kennedy and Johnson administrations. The Nixon administration labored under growing militancy against its Vietnam policies, against the brutality of the nation's police in the black community, against students on college campuses.

During this era, during those times of widespread political unrest, under those social conditions, seventeen-year-old Jonathan Jackson shocked the national conscious by boldly walking into a Marin County courthouse armed with an automatic weapon and announcing, "Gentlemen, the real revolutionaries are going to take over," in an aborted attempt to free Black revolutionary prisoners James McClain and William Christmas. One year later, Jonathan's older brother, George Jackson, laid mortally wounded in San Quentin's prison yard, assassinated in a government conspired plot. A month later,

thirty-nine prisoners were shot down by New York state police and prison guards quelling prisoner insurrection at Attica.

During this era, under those social conditions, the Black protest movement was the energy fueling the national resistance to basic U.S. political, economic, and cultural institutions. Hundreds of thousands of black people organized and fought for radical change in virtually every aspect of U.S. life. And the interests whose power and wealth were threatened by this surge of protest moved to counter it by: cooptation, reform and propaganda, infusion of hard drugs, blatant repression — beatings, arrests, imprisonment — and by covert operations to harass and discredit the main centers of the upsurge and provoke violence toward and among them. All significant organizations committed to social or economic change were infiltrated, subjected to surveillance, or subverted.

Late in the 60's, after the political murders of Malcolm X and Dr. King, much of the leadership of the Black movement, and focus of government repression, passed to the B.P.P. By September 1968, the f.b.i. had designated the B.P.P. as the "greatest threat to the internal security of the country" and was therefore

targeted by its counter-intelligence program (cointelpro). With the cooperation of local prosecutors and police, the f.b.i. initiated what amounted to a *covert war*, in the words of a congressional committee that later investigated cointelpro.

How We've Spent Our Time Since the 1986 Update

HERMAN BELL: In 1990, I finally earned a dual Bachelors Degree in Sociology and Psychology. In 1994, I earned a Masters Degree in Sociology. I then earned a "legal research" certificate, and I'm currently studying "music theory" and learning to play the flute (all of which is self-study). In 1995, I was invited to sit on the Anarchist Black Cross (ABC) Prisoners' Committee (which does support work for U.S. political prisoners and pow's). I sat on that committee for eighteen months, and I continue to maintain a close political relationship with ABC.

In September 1995, I was transferred to Comstock prison in Comstock, New York for allegedly participating in a "work strike" at Eastern C.F., where at the time about 90% of the prisoners there locked in their cells protesting NYDOC's double-bunking policy as well

as protesting against all the state's cutbacks in the various programs enacted by NYS prisoners in the aftermath of the Attica prison rebellion in 1971. I also participate in a "reading group" composed of college students, graduates, and professors that's sponsored by Skidmore College. It meets monthly to read and discuss lectures, papers, various social issues, etc. I am also currently involved in a "Victory Gardens-Food for Harlem" project, which is a self-help project put together by myself, Jalil, and several of our friends. We are endeavoring to enjoin the community in delivering at least a ton of produce from the state of Maine to Harlem. The plants are already in the ground.

JALIL MUNTAQIN **B**OTTOM: Jalil always stays quite busy with a number of projects. He is also working on the "Victory Gardens-Food for Harlem" project. He helped organize the Freedom Now newspaper. He wrote an extensive position paper calling for the formation of a National Liberation Front. And foremost on his agenda now is organizing the Spring Break '98-Jericho March on Washington to increase the pressure and raise the issue of U.S. political prisoners onto the national political debate, which could hopefully lead to our ultimate release.

NUH WASHINGTON is a leader of the Muslim community—a teacher, counselor, and at times an Imam. In addition, he continues to write poetry and study the ancient arts of medicinal healing, e.g., herbal medicine, physical therapies, and breath therapies. In addition to the NY3 appeal, Nuh has filed an error coram nobis writ individually, as he was the only one of the NY3 to represent himself at trial, and there were numerous “mistakes” made by the judge and prosecution in relation to his self-representation. Nuh has gained a great deal of legal expertise as a jailhouse lawyer working on the numerous appeals the NY3 has been through since our initial imprisonment, and is doing a considerable amount of the legal work on his writ.

Current Attack on Our Illegal Conviction

Our lawyer is Robert Boyle. Not enough can be said about the pro bono legal assistance he has rendered us over the years. (You may remember Bob’s success, with Liz Fink, in overturning another former BPP member’s conviction, Dhoruba bin Wahad, which resulted in Dhoruba’s freedom from 19 years of imprisonment in 1990.)

Bob recently filed a state-court appeal to vacate the conviction against us. This appeal is based on documents obtained by us (through the Freedom of Information Act) from the f.b.i. and NYPD, as well as from other sources, after our last application for post-judgment relief. These documents illustrate the f.b.i.’s and NYPD’s covert campaign (begun in 1968) to neutralize the BPP and imprison its members. In this regard, the prosecutor in our case, with the help and cooperation of the f.b.i. and NYPD, suppressed exculpatory evidence and suborned perjury to achieve a conviction against us.

The prosecution suppressed a “cooperative agreement” with one of his star witnesses and suborned her perjury when she denied its existence. We now have a document showing this cooperative agreement, which was made for consideration of charges pending against her, as well as documents to substantiate sufficient prosecutorial and NYPD misconduct to warrant a dismissal of the indictment against us, or in the alternative, to warrant a new trial.

In 1992, a federal district court judge who heard our last appeal held an evidentiary hearing regarding suppression of evidence in our case. This suppressed evidence consists of

a ballistics document from the f.b.i. to the NYPD stating that the alleged murder weapon in our case “does not match” the material extracted from the body of one of the slain policemen for which we were being tried. The prosecutor suppressed this information from us. NYPD later conducted its own ballistics test and maintained that the same evidence examined by the f.b.i. “did match.” In 1992 at this evidentiary hearing in U.S. District Court, the same NYPD ballistics expert was put on the stand, and he finally admitted that he perjured himself on the stand during our two trials (we got a hung jury in our first trial) in 1974. Despite the determination of the judge that perjury had been committed by a government official, an arm of the prosecution, our appeal was denied.

In earlier applications for relief, the state and federal court have held that the above violations as well as others noted here, when considered separately, did not entitle us to a new trial. But when considered collectively, the result of the trial would have been different. In gist, that is the substance of our current appeal before the NY Supreme Court in 1997.

What You Can Do to Help Overturn Our Conviction

We need your support to get the word out about our case. We need donations from you to our legal defense to help defray legal expenses. Our appellate attorney, Bob Boyle, is generously donating his services at this time. But our case is extremely voluminous and complex, and he most definitely needs material support to continue to fight for our freedom. Please send your contributions to **Robert Boyle**, at this address: **350 BROADWAY, #308, New York, NY 10013**. It would be most helpful if you could send money orders instead of personal checks.

Thank you, for all you have done and will do for our freedom and to support the release of all political prisoners, prisoners of war in the U.S.!

Sincerely, and in solidarity,

HERMAN BELL

YOU CAN CONTACT THE NEW YORK THREE BY WRITING TO EACH OF THEM AT THE FOLLOWING ADDRESSES:

HERMAN BELL
79C-0262
Great Meadows C.F.
Box 51
Comstock, NY 12821

ANTHONY JALIL BOTTOM
77A-4283
Eastern C.F.
P.O. Box 338
Napanoch, NY 12458-0338

ALBERT NUH WASHINGTON
77A-1528
Clinton C.F.
P.O. Box 2001
Dannemora, NY 12929-2001

