

Targeting Immigrants - The Largest Ever US ICE Raid

By [Stephen Lendman](#)

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The 2002 Homeland Security Act established its largest investigative and enforcement arm in 2003: the US Immigration and Customs Enforcement agency (ICE) created “as a law enforcement agency for the post-9/11 era, to integrate enforcement authorities against criminal and terrorist activities, including the fights against human trafficking and smuggling, violent transnational gangs and sexual predators on children” - “criminal” and “terrorist” threats to the nation.

Muslims are its principal targets. So are Latino immigrants, forced to seek work here because of NAFTA’s devastating effect on their lives and well-being. Turning logic, fairness and justice on its head in the current climate of fear, ICE calls them (and Muslims) “people....support(ing) terrorism and other criminal activities....against the United States” - 276,912 so-called “illegal aliens” removed from the country in FY2007 to justify its burgeoning budget to “keep America safe.”

ICE deters Latinos at the border and targets them at work sites and homes with \$4.8 billion of DHS’ current FY 2008 \$64.9 billion budget. Increasing to \$5.4 billion in DHS’ FY 2009 \$66.3 billion request.

Below is how some of the money was spent in July 2008 alone:

- on July 28, ICE arrested 13 Guatemalan and Mexican nationals in North Little Rock, Arkansas;
- on July 23, it seized 58 Mexican nationals in northern Ohio;
- on July 22, it reported 81 foreign national arrests in San Diego - 43 “criminal aliens” and 38 gang members or their associates;
- on July 21, it reported a record number of “illegal alien” deportations from Arizona from October 2007 through June 2008 - 38,799;
- on July 21, it arrested 43 aliens, employed by The Farms, on “administrative immigration violations;”
- on July 18, it made 49 arrests over four days in Chicago; under “Operation Community Shield” (in partnership with local law enforcement); it targeted “illegal aliens with ties to violent street gangs in (the city’s) northern and northwest suburbs;”
- on July 17, it arrested 45 “gang members, gang associates and immigration violators”

over six days in Tulsa, OK;

— on July 16, it seized 18 “illegal aliens” at a Loveland, CO concrete plant;

— on July 11, it reported deporting a “record number of illegal aliens from (three) Pacific Northwest states” (Washington, Oregon and Alaska) - from October 2007 through June 2008; 7345 “illegal aliens (were returned) to their home countries” - a 39% increase over the previous fiscal year period;

— on July 9, it reported deporting 5889 “illegal immigrants” rounded up “in various cities throughout Florida” from January through June 2008;

— on July 9, it arrested 24 “immigration fugitives and immigration violators” over five days ending July 1 in Nashville, TN;

— on July 2, it arrested 22 “transnational gang members and their associates” in Wichita, KS;

ICE 2006 Terror Raid in Southeast Georgia - Preceding Its Largest One Ever in 2008

Over the course of two September 2006 weeks, ICE agents reigned terror on Latino residents of several southeast Georgia towns, according to the Southern Poverty Law Center’s (SPLC) November 1, 2006-filed suit in US District Court for the Northern District of Georgia. The case (Mancha v. ICE) remains ongoing.

It cites ICE agents illegally detained, searched and harassed Latino Americans, in violation of their Fourth and Fifth Amendment rights, while carrying out massive southeast Georgia raids. Five Mexican Americans are plaintiffs along with a landlord who suffered damage to his rental properties when ICE agents broke into Latino-rented trailers. SPLC’s founder, Morris Dees, expressed outraged “that this could occur in America today. These ICE agents swooped into town, armed with everything but search warrants, and started rounding up people - citizens and non-citizens alike - merely because they had brown skin. Imagine the fallout if this had happened to white people.”

Raids began September 1 in at least three counties and lasted several weeks. They involved dozens of agents allegedly to round up undocumented workers of a Stillmore, Georgia poultry plant. But instead of raiding the work site, agents terrorized communities - breaking into homes, stopping motorists, and threatening Latinos with tear gas and guns.

Hundreds of residents were traumatized and their constitutional rights violated. Some were children like Marie Justeen Mancha (age 15), named in the suit - a US citizen and resident of Reidsville in Tattnall County. She was alone in her bedroom preparing for school when she heard men in another room yelling: “Police! Illegals!” Two dozen armed agents surrounded her home and were intimidating. They had no search warrant, yet they detained and interrogated her anyway.

Ranulfo Perez is another plaintiff. He was outside his Adrian Emanuel County home when 15 armed men appeared suddenly and surrounded him. One grabbed his shirt, jammed a gun in his side, and threw him against his truck. He then twisted his arm behind his back, held him that way for 10 minutes, while other agents searched his home and property - illegally without a warrant. Perez was then advised to leave the area with his family for two weeks to avoid further such incidents.

SPLC's suit seeks compensatory and punitive damages and a court order enjoining ICE from using similar future tactics. The Center also asked the Court to approve the claim as a class action on behalf of all affected Latinos, many US citizens targeted as illegals because of their skin color and ethnicity.

The Largest Ever ICE Terror Raid

On May 12, 2008, ICE agents conducted their largest ever terror raid against workers in Postville, IA. In an early report that day, the Des Moines Register called it the "largest workplace raid in Iowa history (resulting in the arrest of more than 300 people (in fact, 389)."

"As two law enforcement helicopters hovered overhead, dozens (in fact, around 900) federal (ICE) agents descended on Agriprocessors Inc., the nation's largest kosher slaughterhouse" employing 968 workers. The number arrested was more than three times higher than those seized "18 months ago at the Swift (Marshalltown) plant."

On July 13, The New York Times editorialized on "The Shame of Postville, Iowa" in a rare show of outrage against abusive police state tactics. It referred to "abusing and terrorizing undocumented workers," described their shameful treatment, and deplored the sending of "desperate breadwinners to prison" and driving their families into deeper poverty and despair. It cited Spanish-language court interpreter and Florida International University professor Erik Camayd-Freizas' "Personal Account" titled: "Interpreting after the Largest ICE Raid in US History."

Below is his account in which he said nothing could have prepared him for the prospect of helping government officials imprison hundreds of "innocent people." He went public to expose it and began with the 10AM May 12 raid involving 900 agents at the Postville, Iowa plant. At the same time, 26 federally certified interpreters headed to neighboring Waterloo with no idea why they were sent. Camayd-Freizas was one of them.

He was taken to the National Cattle Congress (NCC) and arrived early for work. It's a 60-acre "cattle fairground" that was transformed into a "concentration camp or detention center." Echoing his own thoughts, another interpreter said: "When I saw what (this) was, my heart sank." Then began "the saddest procession (he ever) witnessed," suppressed from public view, because "cameras were not allowed past the perimeter of the compound," and only a few journalists came to court the next day.

Camayd-Freizas explained: "Driven single-file in groups of 10, shackled at the wrists, waist and ankles, chains dragging as they shuffled through, the (plant) workers were brought in for arraignment, sat and listened through headsets to the interpreted initial appearance, before marching out again to be bused to different country jails, only to make room for the next row of 10."

They were mostly "illiterate Guatemalan (Spanish-speaking) peasants with Mayan last names....some in tears, others with faces of worry, fear, and embarrassment." They stood out "in stark racial contrast (to) the rest of us as they started their slow penguin march across the makeshift court." They all "waived their right to be indicted....hoping to be quickly deported since they had families to support back home." Instead, they were "criminally charged with 'aggravated identity theft' and Social Security fraud - charges they did not understand" and neither did Camayd-Freizas.

He sought more information, and here's what he learned. Of Agriprocessor's 968 employees, about 75% were apparently undocumented. Nearly 700 warrants were issued but only about 400 were arrested, including 76 women. Some were released on humanitarian grounds - 56 mothers with unattended children, a few for medical reasons, and 12 juveniles temporarily with ankle monitors or directly turned over for deportation. Over 300 were held for prosecution. Five alone had prior criminal records, and 270, in fact, were charged.

The raid devastated Postville (population 2273). Businesses were empty, and concerns grew that it might shutter the town. Besides those arrested, many fled in fear. It affected American parents as well who complained that "their children were traumatized by the sudden disappearance of so many of their friends." The school principal reported the same reaction in classrooms saying that "for children it was as if ten of their classmates suddenly died." Counselors were enlisted because they had nightmares that their parents might be seized like the workers. Even the school superintendent reacted saying "This literally blew our town away," and its future is unclear.

As for workers, here's what happened. In some cases, husbands and wives were arrested leaving small children unattended for up to 72 hours. Some mothers were then released on humanitarian grounds with ankle GPS monitors, pending prosecution and deportation, while husbands were swiftly imprisoned. The situation was desperate. Mothers had no incomes and no means of support. Sometimes one parent was documented, the other wasn't, and in many cases children were US citizens. In all cases, hundreds of families were torn apart, and the Postville economic impact was devastating.

There was more. Scattered news reports and blogs contained bigotry and racial epithets - "poorly disguised beneath an empty rhetoric of misguided patriotism (as well as) insults to anyone (showing) compassion...safely (hidden) behind cowardly nickname(s). One could feel the moral fabric of society coming apart" as a result.

Camayd-Freizas expressed disgust saying he felt "blindsided into an assignment (he) wanted no part of. In all (his) years as a court interpreter, (he) was assigned to criminal cases involving rape, murder, mayhem, narcotics, human trafficking, and terrorism." Yet nothing could have prepared him for this spectacle of injustice "put(ting) hundreds of innocent people in jail," terrorizing them, and devastating their small community.

He recounted day two in court, much like the first and ones to follow. "Throughout the day, the procession continued, ten by ten, hour after hour, the same charges, the same recitation from the magistrates, the same faces, chains and shackles, on the defendants." The whole process was an exercise of injustice "where the meat packers were massed processed" like beef. It then got more personal as he prepared to interpret for individual lawyer-client consultations.

Proceedings were rushed to comply with a 72 hour habeas writ - charge prisoners in that time or release them for deportation. It increased his angst, but it was just the beginning and he "was about to bear the brunt of (his) conflict of interest."

It came in his first interview - to let lawyers explain the government's "uniform Plea Agreement" offering three choices:

— plead guilty to "knowingly using a false Social Security number," and the government will withdraw the more serious "aggravated identity theft" charge; the sentence will then be five

months in jail, deportation without a hearing, and supervised release for three years;

— plead not guilty, wait six to eight months for trial without bail and be imprisoned for two years if convicted; or

— win at trial, be deported anyway, and spend longer in jail than by pleading guilty - three no-win choices.

Camayd-Freizas' first interview typified others. It was with a Guatemalan peasant, afraid for his family, who spent most of the session weeping. How did he get here, he was asked? "I walked....for a month and ten days until I crossed the river." He was desperate like many others. He came alone, met other immigrants, hitched a ride to Dallas, then Postville, when he heard there was work there. He slept in an apartment hallway with other immigrants until employed and was only working two months when he was arrested. Why did he come: "I just wanted to work a year or two, save, and then go back to my family, but it was not to be."

A simple work permit would have solved his problem and Camayd-Freizas said he, like many others are "not guilty." Most immigrants don't know about Social Security numbers, what purpose they serve, yet they were charged with illegally having them. In fact, they're illiterate in Spanish and English, and simply had plant personnel fill out their papers to be hired. In most cases, the men are the sole support of their families but don't know how they'll survive while they're in jail.

Case after case was the same, and all of them challenged Camayd-Freizas' ability to be impartial. The entire process was unjust and corrupted. Proceedings were rushed. Defendants didn't understand them. Lawyers got little chance to explain, and, when with clients, agents were always present. In addition:

— plea agreements were for seven days;

— ICE appointed attorneys had no immigration work expertise;

— ones who did "were denied access" to the proceedings; and

— prosecutors offered a Plea Agreement with no changes; take it or leave it with little time to understand or reflect - classic gross injustice against near-defenseless, traumatized victims.

Everything was "fast-tracked" and mass-processed 10 cases at a time with no possibility for due process, judicial fairness, or any compassion for desperate, innocent victims. Instead they were pressured with tactics like: "If you want to see your children or don't want your family to starve, sign here." Camayd-Freizas called it "coercion."

He and other interpreters felt "tremendous solidarity with these people." Had they lost their impartiality? "Not at all: that was our impartial and probably unanimous judgment. We (saw) attorneys hold back tears and weep alongside their clients. We (saw) judges, prosecutors, clerks, and marshals do their duty, sometimes with a heavy heart....but always with a particular solemnity not accorded to the common criminals (they're) used to encountering...."

In a private conversation with one judge, Camayd-Freizas expressed outrage: "Your honor, I

am concerned from my attorney-client interviews that many of these people are clearly not guilty, yet they have no choice but to plead out.” The judge concurred and responded: “You know, I don’t agree with any of this or with the way it is being done. In fact, I ruled in a previous case that to charge somebody with identity theft, the person had to at least know of the real owner of the Social Security number.” These people don’t even know what Social Security is or what it’s for.

The judge “hit the nail on the head – the “last piece of the puzzle” giving judges no discretion or decision-making power. It was a setup, a Hobson’s choice, a catch-22 to force victims to plead guilty to a lesser charge, accept five months in jail and deportation, or end up worse off otherwise. Under different circumstances, workers would have received only probation and swift deportation – a far less harsh disposition.

Camayd-Freizas reacted this way: “As a citizen, I want our judges to administer justice, not a federal agency. When the executive branch forces the hand of the judiciary, the result is abuse of power and arbitrariness, unworthy of a democracy founded upon the constitutional principle of checks and balances.” The final 270 charged went to jail, yet here’s what Camayd-Freizas learned.

Before the raid, ICE agents found “no match” Social Security information for 737 employees – 147 numbers were invalid and never issued; the other 590 were valid but didn’t match worker names. But it’s not uncommon for aliens to purchase identity documents (including Social Security numbers) that match names assigned to the numbers. Yet ICE agents found only one Agriprocessor employee with a reported stolen SSN yet charged all 697 workers with:

— unlawfully using SSNs in violation of Title 42 USC No.408(a)(7)(B);

“aggravated identity theft” in violation of 18 USC No. 1028A(a)(1); and/or

— possession or use of false identity documents for purposes of employment in violation of 18 USC No.1546.

The charges contravened the 1998 US federal “Identity Theft and Assumption Deterrence Act.” It refers to persons “knowingly(ly) us(ing) a means of identification of another person with the intent to commit any unlawful activity or felony” – willful, harmful, felonious acts like theft or fraud. Securing work isn’t an “unlawful activity” under this law. Yet ICE agents bullied workers into taking a no-win plea bargain or face much harsher penalties. The system was rigged for injustice, and that’s what happened.

Camayd-Freizas called Postville a “pilot operation, to be replicated elsewhere, with kinks ironed out after lessons learned. Next time, ‘fast-tracking’ will be even more relentless. Never before has illegal immigration been criminalized in this fashion. It is no longer enough to deport them: we first have to (terrorize them and) put them in chains.”

The scheme also absolves corporations from prosecution and at most administers penalties amounting to fines. “Criminal aliens” are the targets of choice because they’re “easy pickings (and) a cheap way (for ICE to boost its) arrest statistics (and cite) meatier” numbers in its reports stating: “These incarcerated aliens have been involved in dangerous criminal activity such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling and a host of other crimes.” In fact, they’re just desperate Latino workers trying

to support their impoverished families back home. ICE uses them for:

- political advantage;
- larger budgets;
- a way to increase its size and power;
- its “Long War” against undocumented workers, mostly Latinos; and
- to give the executive concentrated power to dilute the legislative and judicial branches.

In a climate of fear and weak checks and balances, DHS and ICE exceed their legal authority. They get multi-billions for it and brush aside criticism saying terrorism will increase without their “vigilance.” So who in the other two branches will challenge them.

Camayd-Friezas refers to “an undemocratic doctrine of expediency, at the core of a police state, (where) power hinges on its ability to capitalize on public fear.” Sadly, the “specter of 9/11....haunt(s undocumented) workers and their local communities across the USA” – but “A line was crossed at Postville.” This isn’t humane, said a Des Moines mother as part of a citizen protest on May 13. “There has to be a better way.” Abolishing DHS and ICE would be a good start.

Another Bad Start – “Operation Scheduled Departure”

The National Immigration Forum (NIF) calls itself “the nation’s premier immigrant rights organization – dedicated (since 1982) to embracing and upholding America’s tradition as a nation of immigrants.”

It responded to the latest DHS/ICE plan to encourage immigrant workers to come forward voluntarily for deportation and called the idea “another harebrained scheme that can’t have been carefully thought out.” It’s the administration “resorting to the theater of the absurd....another gimmick (for) having failed to achieve systematic immigration reform in Congress,” and a PR stunt to get immigrants “to sign away the few rights they have,” smooth over systematic ICE terror, hide “reports of deaths (and abuse) in detention, limited (or no) access to health care and prescribed medications, and the hodge-podge of for-profit and government run state and local prisons (where) ICE detainees are assigned....”

According to an ICE July 31 press release, the idea is a pilot program to be tested in Santa Ana, CA, San Diego, Phoenix, Chicago and Charlotte from August 5 – 22 and may be expanded after subsequent evaluation. It offers undocumented immigrants no inducements except for 90 days to settle their affairs and avoid the possibility of arrest and detention in return for going home.

According to NIF Executive Director, Ali Noorani: “We are not going to deport our way out of our immigration mess, nor is it likely (most or many) of the estimated 12 million undocumented immigrants” will leave voluntarily. “...all the raids,” new schemes, “press conferences, new toys and buzzers at the border...(amount to) just throwing good....money after bad. This is nothing more than a modern day (forced removal) ‘Trail of Tears’ ” forcing immigrants into “permanent exile” and the latest example of Bush administration injustice.

Postville’s Aftermath

On May 12, ICE agents arrested 389 Agriprocessor workers; 297 couldn't prove their legal status of which 270 are now serving five months in federal prison after which they'll be deported to their home countries, mostly to Guatemala. Some to Mexico.

New American Media (NAM - founded 1996) is the country's "first and largest national collaboration and advocate of 2000 ethnic news organizations." It's been on the Postville story since it broke, and here's what it reported weeks later.

Its June 12 account highlighted a "Rush to Prosecute Leaves Immigrant Victims of Crimes Without Protection." It showed up in an ICE warrant with a "source #7 saying he or she "observed a Jewish floor supervisor duct-tape the eyes of an undocumented Guatemalan worker shut and hit (him) with a meat hook." The Des Moines Register also reported sexual abuse allegations against female workers but no redress or criminal prosecution follow-ups.

More as well from Polk County attorney Sonia Parras Konrad after interviewing 50 workers. They said Agriprocessors:

- gave employees "false identification(s);"
- underpaid them on the pretext of defraying "immigration fees," from \$6.25 - \$7.25 an hour for some of the most dangerous work anywhere under notoriously unsafe conditions;
- "didn't allow (them) to use restrooms during 10-hour shifts;"
- didn't pay overtime; and
- "physically abused" them.

NAM's June 19 report headlined: "Immigration Raids Lead US to a Moral, Legal Crisis." It called Postville "a ghost town" after nearly a third of its residents were in jail following the May 12 raid. "Hundreds more hide in fear." Their children are also "too scared to go to school," so classrooms are empty.

Workers are victimized, while "few employers face civil and criminal sanctions for violating immigration and labor laws." No one at Agriprocessors has been charged despite "overwhelming evidence" that the company procured false worker documents, underpaid employees, violated labor laws, and "seriously mistreated its workers."

For its part, "ICE and federal prosecutors overstepped their powers (by) criminally charg(ing) workers" despite Congress exempting ones who use false SSNs "to engage in otherwise lawful conduct, such as to procure jobs." Overall, constitutional protections were grievously violated:

- Fourth Amendment search and seizure provisions;
- Fifth Amendment due process rights;
- Sixth Amendment guarantees to a fair, speedy and public trial before an impartial jury; and
- Fourteenth Amendment equal protection rights.

Undocumented workers (and legal Latino citizens) are vulnerable in the current climate -

victims of police state tactics and justice.

A follow-up June 20 report headlined: “After Iowa Raid, Families in Limbo” with hundreds “unable to work or feed their families (as they’re in jail or awaiting) deportation orders that could take months.” Released workers “live in fear that immigration agents will return, crash into their homes with drawn guns, yell obscenities at them, call them dogs, and drag them away amidst screams and tears” – sheer police state terror against innocent victims.

They wear electronic ankle bracelets with attached GPS devices even to bathe and can’t sleep out of fear agents will break in and terrorize them. They can’t pay rent or bills and rely on charity as long as it lasts. “Their lives are on hold and loved ones are gone” – husbands, brothers, relatives, friends imprisoned throughout the Midwest. Countless stories about lives uprooted, separated families, and people desperate to survive and not knowing how.

“Raw Nerves Remain After New ICE Arrest in Iowa” was NAM’s June 26 report about a single post-May 12 arrest – of an undocumented worker on the morning of June 23. Once again, the “town was turned on its head” out of fear of further ICE terror. “The June 23 action, though small, underscores how raw nerves remain....and also punctuates the fragility of the town’s transition to normalcy.” For Postville, there is none.

ICE agents were back for a specific target – Eduardo Ixen, “a Guatemalan handyman who worked for a local property owner.” He was seized, cuffed, and taken away. Others feared they were next, and some believed they were being followed by unmarked vehicles. All Postville Latinos are uprooted, in limbo, and terrified about what’s next. The community is in disarray, and its fallout affected Agriprocessors. It lost a third of its workforce, but compensated by hiring Texas homeless shelter workers and others to replace ones they lost.

According to the company, they’re recruited by an Amarillo firm and sent to Postville. They’re then processed by Jacobson Staffing, a Des Moines company that screens them to assure they’re legally allowed in the country to work.

But a local radio station, KPVL, has a different take. Several Postville officials say new arrivals are causing problems for the town. Amarillo’s homeless problem is now Postville’s. Four disorderly conduct arrests were made straightaway, and a woman bussed in said she was expected to live with 10 men in a four-bedroom house with no electricity or hot water.

On July 27, AP reported that “About a thousand protesters descended on (Postville today), decrying (the May 12 raid) and calling for a change in federal immigration policies.” They arrived by bus from Minneapolis, Chicago, Wisconsin, New York and New Jersey – “circled the streets (and) clutched banners and signs” like “United for immigrant and worker rights.” Speakers denounced “the criminalization of people who come to the US simply to make a living.”

Agriprocessors is the nation’s largest kosher meat processor, owned and run by the Rubashkin family. They deny any responsibility for what happened, the legitimacy of worker complaints, and the plant’s notoriously unsafe conditions. So far, no family members have been criminally charged. All remain free even after the latest New York Times August 5 report headlined “Inquiry Finds Under-Age Workers at Meat Plant.”

It said: “State labor investigators have identified 57 under-age workers” at Agriprocessors, “and have asked the attorney general to bring criminal charges against the company for

child labor violations....(for) egregious violations of virtually every aspect of Iowa's child labor laws." Findings show minors worked in "prohibited occupations, exposing them to hazardous chemicals, making them work with prohibited tools like knives and saws," and forcing them to work night shifts and as long as 17 hour days with no overtime pay or not all of it.

"A federal investigation is (now) under way." However, no action so far has been taken, and based on the industry's history of abusive practices and how Washington responds, any punishment levied is likely to be minor at best.

Postville, Iowa mid-summer 2008. It's now a poster child for ICE victimization - ravaged by its terror heading throughout the country unless stopped - against defenseless Latino workers. Many undocumented, others US citizens. And don't forget how innocent Muslims and others are targeted, persecuted, unjustly charged and imprisoned at a time when we're all potential victims of police state terror.

Still, NAM reports a hopeful sign in its July 22 article headlined: "Opposition builds to immigration raids." Across the country, "immigrants and activists are beginning to organize protests and high-visibility responses." Immigration activists plan to protest at the Denver August National Democratic Convention, and four members of the Congressional Hispanic Caucus plan visits with Postville-impacted families and will report back to Congress and the press.

Now if others in Congress would address Muslim issues, act to free those unjustly imprisoned, and coalesce to end harsh police state terror against victims of religious and ethnic persecution. Not so far as no profiles in courage have stepped forward nor do many stand up for Latinos and other targets of choice.

Stephen Lendman is a Research Associate of the Center for Research on Globalization. He lives in Chicago and can be reached at lendmanstephen@sbcglobal.net.

Also visit his blog site at www.sjlendman.blogspot.com and listen to The Global Research News Hour on www.RepublicBroadcasting.org Mondays from 11AM - 1PM US Central time for cutting-edge discussions with distinguished guests. All programs are archived for easy listening.

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Articles by: **[Stephen Lendman](#)**

About the author:

Stephen Lendman lives in Chicago. He can be reached at lendmanstephen@sbcglobal.net. His new book as editor and contributor is titled "Flashpoint in Ukraine: US Drive for Hegemony Risks WW III."

<http://www.claritypress.com/LendmanIII.html> Visit his blog site at sjlendman.blogspot.com. Listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network. It airs three times weekly: live on Sundays at 1PM Central time plus two prerecorded archived programs.

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