

The Criminalization of Political Opposition in America

By [Patrick Martin](#)

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“While the current rash of anti-democratic measures largely targets non-citizens, mainly of Middle-Eastern descent, they constitute a fundamental attack on the basic rights of the entire population. These attacks will be extended to American citizens, especially those who oppose the government’s policies, sooner rather than later.”

So declared the [World Socialist Web Site](#) more than a dozen years ago, commenting on the passage of the Patriot Act and establishment of military tribunals by the Bush administration. The actions of the Obama administration, whose “anti-terror” policies represent an escalation of the assault on democratic rights under Bush, fully vindicate this warning.

The past month has brought the criminalization of political dissent in the United States to a new stage, with the May 5 conviction of 25-year-old Cecily McMillan for assaulting a policeman during the Occupy Wall Street protests in New York City, and the April 25 sentencing of three anti-NATO protesters to long prison terms for taking part in discussions about violence initiated by two Chicago police infiltrators.

The circumstances of both cases are outrageous, with severe penalties being imposed on individuals who are not criminals, but political opponents of the policies of the Obama administration and corporate America, for which they have become victims of police violence and provocation. The cases involve people who took part in peaceful, legal protests in New York City and Chicago, only to be framed up and convicted on felony charges.

Cecily McMillan faces a jail term of up to seven years in prison because she inadvertently elbowed a New York City cop as he was manhandling her during the police operation that broke up a demonstration in Manhattan’s Zuccotti Park on March 17, 2012. This occurred at the tail end of the Occupy Wall Street protests against corporate greed and social inequality. Sentencing is set for May 19.

The trial judge barred presentation of evidence on McMillan’s injuries while allowing the prosecution to show an anonymous, grainy YouTube video of the incident, which, according to the prosecution, supported the police version of events. So flagrant is the injustice in McMillan’s case that nine of the twelve jurors who convicted her wrote to the judge asking that she be given probation rather than a prison sentence.

In the NATO 3 case, the victims of government frame-up are three young men, Brian Church, 22, Brent Betterly, 26, and Jared Chase, 28. They were sentenced to five, six and eight years in prison respectively. Their “crime” was to be taken in by two undercover cops who engaged them in drunken discussions prior to a May, 2012 demonstration at a NATO

summit in Chicago about throwing Molotov cocktails into police stations, an Obama election campaign office, and the home of Mayor Rahm Emanuel.

The three were induced to fill with gasoline some of the bottles they had emptied of beer, but none of the alleged weapons ever left the apartment in which they were staying. No evidence was presented that the three actually planned to go through with the attacks. That, however, did not stop the prosecution from branding them as terrorists and seeking convictions for violating an Illinois state law modeled on the federal Patriot Act. A local jury acquitted them of the terror charges, but convicted them of lesser counts of possession of incendiary devices—the beer bottles—for which they received substantial prison terms.

These frame-ups follow a pattern that has now become familiar, where individuals are targeted either because they are politically active or vulnerable to provocation, and prosecuted for actions that are either fabricated out of whole cloth, or would never have occurred in the absence of incitement by police agents.

Among the most prominent recent cases:

- * The 2010 imprisonment of Lynne Stewart, the attorney who represented the blind sheik, Omar Abdul-Rahman, who was convicted of conspiring to bomb targets in New York City. Stewart was convicted on charges of carrying messages from her client to the public, in violation of prison regulations, and spent four years in prison before being released early this year, at age 74, facing impending death due to cancer.

- * The September 2010 raids on homes and offices of members of the Twin Cities Antiwar Committee and the Freedom Road Socialist Organization in Minneapolis and Chicago, where one alleged “offense” was that some of those involved in the group had visited Colombia and occupied Palestine. The Obama administration justified the raids under the “material support for terrorism” provisions of the Patriot Act.

- * The conviction and imprisonment in 2012 of five young men described as “anarchists” in Cleveland, under circumstances nearly identical to the NATO 3 case, for an alleged plot to bomb a highway bridge. The “plot” was devised by FBI agents using a confidential informant. The sting operation targeted people active in the Occupy Wall Street protests. It required six months to convince the five young men to agree to buy what they were told were explosives from undercover operatives, leading to the arrests. At least two of the arrested men were said to have mental problems. They were sentenced to between 6 and 11.5 years.

- * The July 2012 FBI raids on the homes of anti-Wall Street protesters in Portland, Oregon and Seattle and Olympia, Washington. As in the 2010 raids, dozens of heavily armed federal agents smashed down doors and used stun grenades, pulling their victims from their beds at gunpoint, then seizing computers, literature, banners and other explicitly political materials. A warrant presented at one home cited the need to confiscate “anti-government or anarchist literature or material.”

The political significance of all these cases is that they were actions carried out by the Obama administration and had either the direct participation or the political blessing of the FBI, the Justice Department and other agencies of the federal government.

The examples given above are not merely isolated examples, but test cases for repressive

measures that will be taken on a far wider scale in the event of a broader movement among working people against imperialist war and the ceaseless attacks on jobs and living standards at home.

No section of the American ruling class and no institution of the capitalist state, including the courts, will lift a finger against such sweeping attacks on democratic rights. Those who might doubt this should recall last year's military-police lockdown of Boston following the Boston Marathon bombings. They should also take note of the statement earlier this year by Supreme Court Justice Antonin Scalia, referring to the mass detention of Japanese-Americans during World War II, when he declared, "you are kidding yourself if you think the same thing will not happen again" under conditions of a major American war.

In the mid-1980s, the Reagan administration drew up plans (Operation Rex '84) for the mass detention of hundreds of thousands of Central American immigrants and other likely opponents of a US invasion of Nicaragua or El Salvador. There is no doubt that similar plans exist, in a far more developed form, for contingencies such as a US invasion of Iran or war with China or Russia.

The National Defense Authorization Act (2012) expressly gives the US military the power to seize and imprison any person anywhere in the world, including within the US, on "terror" allegations—without charges, evidence, or trial. And as the revelations by Edward Snowden demonstrate, the US government is using its vast surveillance and data collection apparatus to create political dossiers of those individuals who would be targeted for such repression.

The Socialist Equality Party demands the release of the NATO 3 and Cecily McMillan and all others imprisoned in the United States as the result of political frame-ups. The defense of democratic rights and the abolition of police-state measures must be linked to the independent mobilization of the working class in opposition to the political representatives of the corporate and financial aristocracy and the capitalist system they defend.

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