

**United States District Court
Southern District of New York**

**New York 8 +
and the
Black Nation**

-vs-

United States Government

a/k/a "Ass't U.S. Attorney Kenneth Roth"
a/k/a "Kenneth Walton Director, F.B.I./N.Y.P.D.
Joint Terrorist Task Force
a/k/a "Klu Klux Klan, Nazis, Moral Majority
P.B.A., Aryan Nation, and the Vigilante"
a/k/a "President Reagan,"
"U.S. Attorney General Ed Meese"
"Sec'y of Defense Casper Weinberger"
a/k/a "Rockefellers, Mellons, DuPonts
Morgans, Gettys, Fords, Hunts, etc."

Defendants

Indictment

S 84 Cr. 818 (RLC)

The People Charge:

From on or about 1619, up to and including the date of the filing of this indictment, the defendants, together with their co-conspirators, did commit and continue to conspire wilfully, unlawfully, and knowingly to commit the following acts of

Murder, Brutality, And Terror Against Black People...

**CLOSING STATEMENTS
& THE VERDICT
Trial of the New York 8 +**

Judge admonishes jury in NY 8 case
By WILLIAM M. ROZELL
 THE FEDERAL JUDGE in the trial of eight radicals Friday admonished the deadlocked jury for failing to resolve most of the charges and told them to return next week to reach verdicts on the remaining counts.
 "This case cannot go on unresolved," said Judge Robert Carter in U.S. District Court, Manhattan, after the five men and seven women jury returned at 5 p.m. to the courtroom, reporting no progress and that it was deadlocked.
 The defendants — dubbed the New York 8 — were charged with conspiring to commit murder, kidnapping, arson, bank robbery, armed car robberies and prison breaks.
 They were not charged with actually carrying out the alleged conspiracy, and only one of the defendants has yet been found guilty of the major charge — conspiracy. Deliberations in the case began Tuesday. Deliberations resume Monday at 9:30 a.m.
 Jose Elvira, 33, of 131 Manor Ave., the Bronx, was acquitted Wednesday of conspiracy, the only one of the group to be acquitted.

Seven of N.Y. 8 found innocent
"We are eight people who are doing nothing more than organizing and fighting for freedom."
AM M. ROZELL
 The seven pending indictments of the New York 8 were thrown out Friday by Judge Robert Carter in U.S. District Court, Manhattan. The judge found the seven defendants innocent of the charges of conspiracy to commit murder, kidnapping, arson, bank robbery, armed car robbery and prison breaks.
 The judge's decision was a surprise to many observers, who expected the jury to find the defendants guilty of the major charge — conspiracy. The judge's decision was based on the jury's failure to reach a verdict on the remaining counts.
 The judge said the jury was "not convinced" that the defendants had conspired to commit the crimes. He said the jury was "not convinced" that the defendants had conspired to commit the crimes.

Black American
4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Jury deliberates fate of 'New York 8'
DAILY CHALLENGE THURSDAY, AUGUST 1, 1985
 The jury in the trial of the New York 8 began deliberations Tuesday in the U.S. District Court, Manhattan. The jury is charged with deciding the fate of the eight defendants, who are accused of conspiring to commit murder, kidnapping, arson, bank robbery, armed car robbery and prison breaks.
 The jury is expected to reach a verdict by the end of the week. The judge has warned the jury that if they fail to reach a verdict, the case will be retried.

Not Guilty
New York Eight Defeats U.S. Terrorism
Amsterdam News
Vol. 76, No. 22 Saturday, August 10, 1985
Jury frees NY Eight accused NY Eight
By BRONX AMSTERDAM NEWS STAFF
 The jury in the trial of the New York 8, which began last week, has returned a verdict of "not guilty" on all counts against the eight defendants. The jury was charged with deciding the fate of the eight defendants, who are accused of conspiring to commit murder, kidnapping, arson, bank robbery, armed car robbery and prison breaks.
 The jury's decision is a major victory for the defendants and their supporters. The judge has warned the jury that if they fail to reach a verdict, the case will be retried.



The NY 8+, their lawyers, the jurors and the masses celebrate their victory on the steps of the courthouse.

THE VERDICT

At 11 am on August 5, 1985, the jury in the United States vs. Chimurenga et al returned its verdict on the final 18 counts charged against the NY 8+. These counts included the heart of the Government's case, that is, the five conspiracies and the RICO count, the lynchpin for the Government's argument that the political activities of the 8+ and their comrades constituted a criminal enterprise.

The verdict was not guilty.

This is a major defeat for the Government's attempt to criminalize political activity and destroy the most advanced segment of the Black Liberation Movement.

Included in this statement are portions of the closing arguments of the defense. The summation of Omowale Clay, the only defendant to go pro se, is presented in its entirety. Judge Bruce Wright, an untiring fighter in the defense of the people, testified on behalf of the defendants at the bail hearing and the trial. Judge Wright also issued a statement; it appears in its entirety.

Finally, we must answer this question: Why did the jury render such a verdict?

No political trial in recent history presented so clear a demarcation between fact and fiction, between the official lie and the simple truth.

The government charged the defendants with being a criminal enterprise and conspiring to commit armored car robberies and jailbreaks. This fiction was supported by certain 'evidence' seized in the arrests and by the testimony of a paid Government informer.

The defense presented the simple truth: that they were revolutionaries, not criminals; that they believed in self-determination for the Black Nation and armed struggle as the most advanced line.

The jury was predominately working class. As such it immediately separated the concrete evidence from the lies and fabrications that held together the Government's charges. The jury decided that acts of terrorism had indeed been committed. These were the massive surveillance, intimidations, harassment and jailing of the defendants, their comrades, and sup-

porters. The terrorists were the Joint Terrorist Task Force.

And the jury decided that a conspiracy had indeed occurred. But it was a conspiracy planned and executed not by the defendants but by the U.S. Government.

In other words, employing an objective analysis of the evidence presented to them, the people chose fact over fiction, truth over lies, and justly condemned the repressive methods of the bourgeois state.

On the steps of the courthouse the revolutionaries and the members of the jury embraced.

*The People United
Can Never Be Defeated*

**ARM THE MASSES
AGAINST
FASCIST TERRORISM**



This is a press statement written by Judge Bruce Wright for a press conference held July 22, 1985.

BY WAY OF INTRODUCTION

My allegiance to the pure idealism of the young defendants known as the NY 8+ is total. They are warriors for the cause of this country as symbolized by the more glorious meanings of the Constitution. They remind us in their resentment of racism and political repression, that G. K. Chesterton, examining the American persona, concluded that there is nothing wrong with Americans, except their neglect of ideals.

In a Christian country that has never rehabilitated itself from the crime of Black slavery; that honors Presidents who were slaveowners; and that devises sophisticated excuses to preserve racist discriminations, Black people are an endangered species. White America is astonished that the NY 8+ are not ill-educated street-fighters, but are examples of what W. E. DuBois called the talented tenth. Some of them are lawyers and graduates of some of the finest universities and professional schools in this country. They have examined democracy and found it wanting; they want it improved and they are fierce in their dedication to that thesis.

They believe in self-defense against the real perils of American apartheid. To witness the Reagan administration's attack on civil rights in this country is to see the threat to civil liberties in a harsh and devastating light. Little wonder that those who are sensitive to our treasured liberties are outraged.

It is enough to make those who are pious weep that, 'King Christ, this world is all a-leak/And lifeboats there are none! Little wonder that an Ethical Culture Society sermon could be entitled, 'When the Country Turns Right - What's Left?'

The mighty Government, that holds the world in thrall with its nuclear power and spy satellites; its mighty armies and world-wide naval authority, cannot bring to heel the furtive importers of narcotics that murder hundreds, but can, with electronic surveillance and the aid of informants, imprison a handful of non-rich citizens. It is all reminiscent of the days of J. Edgar Hoover, who could suggest that this powerful nation was threatened by a few Black Panthers.

What a tragedy to witness the use of grand juries and their not-so grand role as a device to imprison spouses who refuse to be used as Goths and Huns eroding privacy.

No matter what happens to the NY 8+, there will always be new generations of those who struggle for a better world and it is precisely those struggles that witness humanity inching forward. Alas, poor Gandhi, the liberator of India from the yoke of British imperialism. As he became guru to the world, philosophers and teachers flocked to India to absorb his wisdom.

One young philosopher asked him, 'Mr. Gandhi, what do you think of Western civilization?' Gandhi, looking momentarily puzzled, then responded, 'You know, that's not a bad idea; why doesn't somebody work on it?'

The NY 8+ have been working on it.

Closing statement of Omowale Clay.*

THE COURT: Mr. Clay.

MR. CLAY: Men and women of the jury, I stand before you now, more than two months from the last time I talked to you from this rostrum, with the testimony and the evidence in and me firmer now in our innocence than I ever have been.

I say to you once again we are not terrorists, not Viola Plummer, not Coltrane Chimurenga, not Roger Wareham, not Robert Taylor, not Jose Rios, not Lateefah Carter, not Yvette Kelley, not Colette Pean, nor myself. Neither are we criminals and neither are we racketeers.

But men and women of the jury, if I take this hand, [puts hand on the prosecution table where the captured guns are displayed], and then produce a newspaper that's not talking about discos and drugs and liquor, and is not talking about selling dope to our children, then from that a conspiracy can develop.

I would like to thank you first for your patience and hopefully for your consciousness and your concern that justice is done in this court.

I said to you before that when I took up the job, the responsibility of going pro se, it was to my parents' concern. I am not sure at this moment how I have satisfied that concern. I guess they will tell me that later.

These two months have been an ordeal for you, but the past ten months have been an ordeal for us, because from some of the testimony that you heard in this court I am sure it is clear that our lives will never be the same, our children's lives will never be the same, and our homes will never be the same.

The government said to you, Mrs. Schofield said to you, that the preponderance of -- I won't necessarily

-THE COURT: Judge Robert L. Carter, Federal Judge, Southern District
MR. ROTH: Assistant U.S. Attorney Kenneth Roth
MRS. SCHOFIELD: Assistant U.S. Attorney Lorna Schofield
MR. CLAY: Omowale Clay, NY 8+ Against Fascist Terrorism defendant
MR. MOGULESCU: William Mogulescu, attorney for Roger Wareham

call it evidence -- but the preponderance of facts, of phenomena that the government brought into this case, might not appear in all of its significance at first, and I agree with that.

This is a historic case, and I think all of you should understand that it is a historic case. It is taking place in a historic time. I think the testimony and the evidence and what you've seen with your own eyes begin to tell you that, because there are thousands and thousands of people waiting for you to make a decision, a decision that will eventually affect millions and millions of people because that is what is at stake.

The government has said that this case is not about putting the FBI or the Joint Terrorist Task Force on trial. They said that the defendants, the NY 8+ Against Fascist Terrorism, have a right to their political views. They have also said that these are serious crimes.

I say to you, men and women of this jury, that there are serious crimes. We are not criminals, but our lives and our work have been a response to criminality, to terrorism and to hopelessness that is perpetrated on the toiling masses of people in this country. Before I begin, if I could simply say who we are, we are not on the side of rich folks or professionals, but of poor people and 'little clerks'.

A conspiracy to conspire to commit a conspiracy, that is what this case is about. Judge Carter is going to explain the law to you and tell you what your responsibilities are with the law.

One of the burdens that I don't have is that I'm not a lawyer. I have to try to depend on common sense.

A conspiracy to conspire to commit a conspiracy, that is the government's case.

When Howard Bonds came into our existence as a collective, that was the first conspiracy to turn our lives into a conspiracy.

Let me explain how we come to be a conspiracy, how we conspired to commit a conspiracy.

Howard Bonds, in his testimony, told you that in our history we didn't always exist as a conspiracy, but he said Coltrane Chimurenga, Viola Plummer, Roger Wareham, Jose Rios and he, Howard Bonds, sat

down, and they conspired to conspire, and I submit to you that the Nathan's conspiracy, Howard Bonds' Nathan's conspiracy is the foundation of what Mrs. Schofield calls the umbrella conspiracy, alias, RICO, alias count one.

If you tell a lie loud enough and long enough, some people will listen to it.

I would like to talk to those of you who are convinced that we're guilty. If I could get you to raise your hands, I would direct my attention directly to you and talk directly to you because the government's case rests on a conspiracy, but it is not ours.

Agent Cordier sat in this chair, which has been very uncomfortable for a number of people, and said that the investigation in this case started when Coltrane Chimurenga was observed with a fugitive.

The reality was the woman that Coltrane Chimurenga was observed with was not a fugitive at the time, but clearly a conspirator in the minds of the government. Agent Cordier went to Washington to get the money, to get the okay, to launch this investigation, the creation of a conspiracy to commit and conspire to commit conspiracies. They didn't start with us.

Howard Bonds had to go back in time and weave a story to fill in for what the government never found, because they never found a crime, and yet there are seven major conspiracies that we're faced with that you'll have to decide, seven major conspiracies, enough to put us behind the walls for the rest of our lives.

Now, when we started this case, you remember I talked to you about the number of bugs, the number of surveillance agents, the number of telephone taps, and you remember the videos, we talked about the videos. We didn't see any videos in the court except for the ghost dance that Mr. Roth did for us.

At one of the places where the conspiracies were supposed to be developing, at 2100 Newkirk, this is the place where Howard Bonds was doing instructions in assassination techniques, very interesting, not techniques to disarm an armored car guard, but assassination techniques.

There was a television camera there and there were agents there, but there was nothing. It took Howard

Bonds to go back and weave a story.

For those of you who are convinced that we're guilty, let me leave this thought with you: That the government has spent a tremendous amount of money on this case, and yet I've seen more money spent in Hollywood to weave a less complicated story.

When Bill Mogulescu told you yesterday that he doesn't believe it is the United States of America v. the New York 8+, he believes it is the United States Government, I sincerely believe that and hope that you listen to that, too, because although it appears that it is simply Mr. Roth and Mrs. Schofield and Detective Minch and Special Agent David Mitchell, (who promised me I would go to jail for the rest of my life), although these are the only people at this desk, and it literally seems that we outnumber them, I want you to be crystal clear that behind Mr. Roth sits the United States Government, committed with all of its resources -- ['Amens' erupt from the audience.]

THE COURT: Please, ladies and gentlemen, please.

MR. CLAY: -- committed with all of its resources to put us in jail for a conspiracy to conspire to commit conspiracies.

Before I got up today to talk to you, I said this is going to be difficult for me to get across because it doesn't even sound right, because we didn't do anything, and yet we were arrested by more agents than have ever arrested anybody in the City of New York, but we hadn't done anything.

We didn't molest children, we didn't sell dope, we didn't take numbers. We actually, on a daily basis, sometimes to the detriment of our own families, went out and struggled to carry out our political work, which we see as the liberation of our people. To some people, maybe not a lot of work, to some people, maybe nothing, but to us it was consistent work and it was principled work and it was work that could not be bought off at any price, and maybe that it is part of the reason that we're here.

Agent Cordier talked to you about the questions of fugitives and Chimurenga. Well, members of the jury, there is Coltrane Chimurenga. Where are the fugitives? The government has not produced one fugitive, but yet the thought of a fugitive was enough to produce a budget that could hire probably all of the unemployed youth in Brooklyn. Approval from the audience.]

THE COURT: Ladies and gentlemen, please. I am going to have to take action if you don't control yourselves.

MR. CLAY: The government also said they were interested in the investigation of Mr. Bonds, and they were interested in the People's Militia, but with all that investigation which laid the basis for there to be wire taps and electronic surveillance and bugs, the government still didn't get anything.

I don't know how you feel about it, but I know that our lives have been stripped bare so that everybody knows our business. There is nothing that we have that everyone doesn't know.

The government took everything from our houses, listened to our most intimate personal conversations, followed us. You heard agents take numerous pictures of my wife, just to take them, but they didn't find anything until Howard Bonds began to fabricate for them a justification for the amount of money and for the politics involved in this case.

Howard Bonds gave them, as I told you in the opening, and which I do not believe has been stirred or changed one iota, Howard Bonds gave them an agreement, he gave them a plan.

Mrs. Schofield, who has a very interesting way with words, wanted to define conspiracy in her summation. She said don't think conspiracy is just talking and agreeing, but it is doing. Okay.

But then she said, however, you should focus on what we agreed on and the preparation and not the details of a particular plan.

What did that mean? It meant you should focus on the agreement. Who is the agreement? Howard Bonds. It said you should focus on the preparation, but what is the common denominator around the preparation? It is either their theory around why my hand was on this, [places hand on the weapons], or our theory.

Because everytime they say the conspiracy was in motion, these, [the weapons seized at various residences], always get tossed up and presented to you, and it is funny, I don't think -- I think one Klan member has more than that in his own house.

Mrs. Schofield also played with another word to you:

Expropriation. She said to you, and then I think she even quoted Judge Carter -- and let me stand corrected if that is not true, Judge, -- she said expropriation without window dressing is a conspiracy to commit armed robbery.

Here is a new twist on the English language. I thought an expropriation was, in fact, a robbery. I thought expropriation was, in fact, taking something. Now she says expropriation is, in fact, a conspiracy.

Why does she have to make the substantive crime the conspiracy? It is because a conspiracy doesn't have a substantive crime.

A conspiracy to conspire to commit conspiracies, that is why we're here.

Mrs. Schofield indicated that we didn't deal with the RCMC during our defense. I'm not sure whether she was in the same courtroom as we were. I think the issue was we had a fundamentally different theory about what the RCMC is.

You heard the testimony in this court that first the RCMC is the Revolutionary Center Military Command. Mr. Bonds could never get the name right. You heard Wanda Wareham tell you that Mr. Bonds' position was we were armchair revolutionaries anyway, and let me tell you jurors what that meant. It meant that Mr. Bonds was not prepared for the tedious work and the day-to-day struggle to fight to win the consciousness of people and not some wild adventurism.

We talked about the RCMC, Mrs. Schofield, and we also said it was not a criminal enterprise. It was our attempt to begin to build genuine principled leadership and security for our movement.

Mrs. Schofield did one other, I should say, maneuver with the evidence. Howard Bonds talked about the RCMC, and he told you who it was.

Then the prosecution listened to the defense case about who was in the RCMC and listened to the difference and the change. Bonds said that the leadership of the RCMC was basically rigid. You were in it or you weren't in it, and he talked about who was in it, and Yvette Kelly and Ruth Carter had never been in it, but now we get flexible.

And in her summary Mrs. Schofield now includes Ruth Carter, Yvette Kelley and Lionel Jean-Baptiste in the RCMC. Maybe she is opening it up for democracy. I am not sure.

What is at the heart of this conspiracy, because it is not our conspiracy?

We say to you at the heart of the conspiracy, it is to destroy the Black Liberation Movement. Now, some of you might have problems with what that means. The Black Liberation Movement is simply the question of Black people struggling for freedom and justice.

The government started having problems with Black revolutionaries and freedom fighters after George Washington, because George was all right. But the problem is that when George won his battle, we were still slaves on our way to becoming 3/5ths of a human being under the United States Constitution.

There is a conspiracy, I agree there is a conspiracy.

You heard agents come before you in this court and you heard the scope of the investigation. That scope went beyond the scope of the investigation. That scope went beyond the question of finding a criminal conspiracy around robbing banks or breaking people out of jail. You heard Detective Bushrod tell you because he saw Chimurenga sitting in a car writing notes, he said, 'I see subject planning a crime.'

Now, what mental state is he in that whatever now Mr. Chimurenga does, it is criminal?

Is it because revolutionaries are criminals in the minds of the government?

At 1971 Adam Clayton Powell, where Milton Parrish, my good friend, Milton Parrish, my comrade, Milton Parrish, who is no longer incarcerated at MCC, lived, they seized personal photos and identification.

Agent Wack sat here and told you that. What did that have to do with the criminal investigation?

At 80 Midwood Street they took everything in our house from our wedding pictures to the mailing list to ARM THE MASSES, the telephone numbers and everything that had to do with the paper. The scope of the investigation?

This is a historic case because some of you may not know, but there is a law called the No Bail Law, and we were held under that law. We are the first people in the United States of America to be held without bail.

MR. ROTH: Judge --

MR. CLAY: In South Africa, it is preventive detention. I am moving on, Judge.

Then the RICO statutes were put on us. Racketeering Influenced and Corrupt Organization, we didn't know we were really one of those, did we? [Looking at the rest of the NY 8 +]

We knew we had some problems, but we didn't know we were influenced by corruption and the rackets.

What is the purpose? The purpose is to criminalize political activity. And you heard Agent Cordier tell you, in this chair, that at the Bronx Courthouse, that they moved to arrest us at the Bronx Courthouse to stop bloodshed.

Our contention is that they moved on us at the Bronx Courthouse to be able to implant in people's minds the Pre-emptive Strike, to get people used to the fact that people can be arrested and not do anything. You have got to start with someone, and if they wanted to have avoided bloodshed, I agree with Bill Mogulescu, that if they thought that is what we were doing, why didn't they just let us climb down into the hole - and they didn't need five hundred [agents], they would have shot each other. They only needed 50 and they would have had us down in the hole. Then they wouldn't have had to concoct the plan they concocted the other day.

But, you know, for your information, when we were arrested, although Agent Cordier said we were arrested to stop the escape attempt for Kwesi Balagoon,

I am sure Mr. Roth will explain to you how they arrested us to stop us from a prison escape, but then indicted us on an armored car robbery. I am sure he will be able to do that.

You heard testimony in this court by Mr. Stu Hanlon, not much testimony, but enough testimony to those people here whose ears are still open, that the United States Government has a program. It was called COINTELPRO, Counter Intelligence Program. It was set up by the FBI to neutralize Black leadership and Black organizations.

Mr. Hanlon and Mr. Gombiner told you those were the FBI documents, not theirs. You heard in this courtroom the mention of the murder, the assassination of Fred Hampton and Mark Clark.

MR. ROTH: Judge, you didn't hear that.

MR. CLAY: You did. It is on the record, Judge, I looked at it very good because I knew it was going to be problem. It is there. I made sure of that.

Not much. It is there, though.

And also the Greensboro massacres were not stricken from the record. They're there, too.

MR. ROTH: Mr. Mogulescu confirmed it was stricken.

MR. MOGULESCU: I did not.

MR. CLAY: I looked at it, it was not stricken, Judge.

MR. MOGULESCU: I did not.

MR. ROTH: Read it.

MR. CLAY: Judge, my word, it was not stricken.

But those issues were the kinds of issues that began to shape our minds and our concerns around what it means to have principles and struggle for Black Liberation, what is the attitude of the United States Government going to be?

Stu Hanlon told you about his discussions with Coltrane Chimurenga and his concerns. Mr. Hanlon understood Chimurenga's outlook around the need for you to be educated about what is going on in this

country; things that a a lot of us don't even know about.

Stu Hanlon told you about this program COINTELPRO. I believe he even told you some of the organizations, like the Southern Christian Leadership Conference, that was on it, Martin Luther King that was on it, the people who had been targeted by the United States Government to disrupt their organizations and to neutralize them by any means necessary. That is why Malcolm X is dead.

I grew up, and as Mrs. Schofield, I think, said, we're supposed to be an intelligent, well-educated group of folks. Well, we read and we investigated, and I don't know what I could do to make you see the things that we have seen or know some of the things that we know about them, but I tell you, when Agent Cordier sat there and told you that ARM THE MASSES newspaper was no big deal, then why did they destroy the Black Panther newspaper? Because that is a fact. That is a fact.

ARM THE MASSES newspaper was the principal part of our, quote, clandestinity, because we wanted to protect the paper because of its importance. Where is our machinery to the paper? Where are our tools? Where is everything that has to do with the paper? It is at 26 Federal Plaza.

Was that part of the criminal enterprise?

Wanda Wareham told you that we were aware that the government had us under surveillance. This is a very important issue for you, given the fact that the government has allowed us to be intelligent. It is very important issue because would any intelligent, thinking people, knowing that they were under investigation and surveillance, have planned a break out of jail or a robbery of an armored car, knowing that the entire police force of New York City would be there? That is crazy.

What are the facts? In April of 1984, my wife received a letter from the American Express company. You heard that in her testimony. It was a copy of a subpoena from U.S. Attorney Litt, subpoenaing her American Express card records. Who is Litt? Litt is Roth in the Brinks case. Now, that would have told some political activists something.

In July of 1984, you saw and you heard LeRoy Marshall, a 20-year acquaintance of mine, who himself admitted that he knew that I knew he was the man, he was the undercover man, he was the surveillance man, and I had peeped him in front of my job. He didn't tell you that he told me he was surveilling 75 Maiden Lane, but you have to make up your minds about that one.

I tried to tell you as much as I could, and he corroborated most of it. That is your decision.

Last but not least, Agent Cordier told you it didn't bother the Joint Terrorist Task Force that ARM THE MASSES was printing their license plate numbers, the descriptions of their men and women and the descriptions of their automobiles and vans in our paper. He said that made no difference at all. Because certainly a group of political activists who are telling the community, in the article 'Enemies of the People', certainly a group who is spreading it all around the community that, 'We're being followed, we're being followed, gray vans, brown vans --' I think you even heard one of the Joint Terrorist Task -- was his van brown? I think he said it was mustard or brown, Judge, he did, he said that.

Agent Cordier said it didn't make any difference. We're getting ready to break Kwesi Balagoon out of the Bronx Courthouse, and at the same time we're in the middle of publishing ARM THE MASSES naming the agents who are following us. That is crazy.

Now, Mr. Roth asked all of our character witnesses, 'Do you know Doctor Jeckyll or do you know Mr. Hyde?'

But that is not really what he means to say. He means to say are they dumb or are they smart? Which one do we want today?

Mrs. Schofield even raised that to the level of a theory. She says we were getting on the job training in learning how to break people out of jail. She says we were intelligent but we didn't know anything about robberies and breaking people out of jail, so we had to learn on the way.

Not Jeckyll or Hyde, but intelligent or dumb? They want you to make a decision around that, but they can't have it both ways.

You heard the other co-counsel say to you, on the one hand they want to say that some of the plans -- these are the plans that Mrs. Schofield said, 'You know what, don't pay attention to the particular detail, don't pay attention to that. Just pay attention to the agreement, Howard Bonds, and these [places hand on the weapons on the prosecutor's table], on these guns, pay attention to that. But don't pay attention to the particular detail,' and then they haul in the explosives expert to try to convince you that you actually could blow up the MCC and people would survive. You can't have it both ways, Mr. Roth, you can't have it both ways.

Mr. Gombiner also told you what it is to be a political prisoner and what it is to have a political trial, and one of the things he tried to say, and he tried to get it out, what makes a trial a political trial are the things that you cannot get out in the trial, not the things you do get out; the things you can't get out. What you hear all the time is: 'Objection.' 'Sustained.' 'Objection.' 'Sustained.' 'That is irrelevant to this case.'

There was a document that Wanda Wareham talked about, a document talking about how we can counter the government's surveillance. You never saw that document because it was 'irrelevant' to our case. That is what begins to make a trial political, our right to put on a case without it being editorialized so that you can at least see the evidence.

I'm no lawyer, and I might be treading on dangerous ground now, but I have never heard of hearsay before. Hearsay was the most incredible thing I had ever heard of. Howard Bonds, a member of the Witness Protection Program, being funded by the United States Government with your tax dollars, to buy provocateurs and informers, Howard Bonds could sit here and say, 'You know what? The other day Chimurenga told me what Viola told him what Viola's mother told her,' and that's allowed in court.

But Wanda Wareham could not sit here and tell you what Roger told her the day before because it is hearsay. Wanda even said, 'Judge, explain that to me.'

That is the rules of the court, but one thing it does, it stops you from at least hearing what we're saying. If I took a score card and thought of the things we wanted you to see that you never saw or we wanted you to hear that you never heard, I would hate -- it would be like one of those Ohio State games, 57 on one side and zero on the other.

We didn't talk much about it. It got on the record very slightly and I am not going to put it on the record any further than what it was, but you know and you heard testimony that people went to jail as opposed to testify before the grand jury. But I just want you to know that those grand juries were political grand juries that were a product of the criminal Nixon administration, authored by John Mitchell, [Attorney General during Richard Nixon's presidency].

Peoples' principled position against those grand juries has nothing to do with being afraid of the truth. It is, in fact, the secrecy of those grand juries that make them undemocratic. That is why I feel very humbled by the fact that friends and associates of mine have such principles that their lives were also touched by this government conspiracy, that they spent months in MCC, leaving their children, their jobs and everything because of a principle. Maybe that is the problem. That is, when we fight for a principle. When Black people fight for a principle, that it becomes strange. It becomes something different.

I remember, and I am closing, that when we were struggling to get some kids some jobs in Flatbush, one of the merchants who had just moved into the community -- that is what is happening in the Black community, stores are opening. We don't own them. Our kids can't even get jobs in them -- one of the merchants told some of the kids that we had struggled through boycotts to get jobs, (and we got them jobs). He told them, 'You know Mr. Clay and some of those folks who are helping you to get jobs. How much are you paying them to do that? They must be getting something out of this?'

And I thought to myself, and I said, you know, it is a long way to think that some people think that a Black adult cares so little about his own children, not whether they're ours by birth, our children, that I would have to have money to struggle for their survival.

I said that is a hell of a commentary on how far we've come and how far we have to go, and I want you all to let us continue to do that because my role and my responsibility in terms of going pro se in this case comes to a close today, and the decision which you determine to do with our lives is going to sit with you. This is a very important decision because I believe that we're victims of a conspiracy. I don't believe we're the perpetrators of anything.

Let me address to you something that I must address to you because it is important to address it to you so Mr. Roth can't say I skated on it.

You heard the issue of the stolen car, and I know some people might be very angry by what they heard, and it might be very difficult to tell you all of the circumstances about what that was, but I can tell you now what it wasn't.

It was never an armed stick up, and Mr. Roth cannot prove that. Secondly, it was not tied to any conspiracy in this case, and that is my word, and that is all I have to give.

Viola Plummer told me once that she loves life and that she loves our people.

FREEDOM OR DEATH!

Excerpts from the closing statement of William Mogulescu, lead counsel and attorney for Roger Wareham.

'The RCMC, in its essence, was the beginning of a political organization.' Its purposes were to resolve the conditions of Blacks, not criminals; to educate, to articulate, to agitate.

You heard about the collective leadership, you heard about Sunrise, you heard about the meetings, you heard about the politics. That is what they were about.

You heard about the fact that they were trying to build a revolutionary movement. You heard about the destruction of the Black Panthers, their counter-surveillance, their concern with the government based on a historical reality that you heard from the witness stand, uncontroverted, based on a historic reality.

They believed that they were under siege because of their politics.

You know what? There is some support for that in the record. We had a series of agents -- that belief was based, as I said, on history, what they knew about history from their studies -- they had a series of agents who came in, who didn't know anything about anything. 'I don't know the purpose of the investigation. All I know is if somebody is with Chimurenga, they're suspicious. Outside of that, I don't know anything. Politics, I don't care about politics.'

And then we got Detective Starkey. Detective Starkey, who told you yes, it was his belief that the politics were important, that the JTTF was interested in political intelligence on the Black Liberation Movement, that that was his understanding.

The JTTF is in business to find terrorists.

You heard from Omowale Clay's childhood friend, Leroy Marshall, that he had previously been assigned to something called the Bureau of Special Services. It was like pulling teeth:

'What was the work of BOSS?'

'Oh, surveillance.'

'Who was it to surveil?'

It finally came out, the work of BOSS, the Bureau of Special Services that Detective Marshall was in in the early '70's, their job was to surveil subversives, subversives.

» » »

The case is the United States of America v. Coltrane Chimurenga, Viola Plummer, Roger Wareham, Lateefah Carter, Omowale Clay, Robert Taylor, Yvette Kelley and Jose Rios.

That's not really true, because it's not the whole United States of America, because the JTTF is not the United States of America, because the United States Attorney's office is not the United States of America, Judge Carter is not the United States of America.

The United States of America is all of us, all of us. And when a jury looks at evidence and says, 'It ain't here, I have a reasonable doubt,' when it rejects a Howard Bonds and says, 'I can't believe him,' the proverbial thing, would you buy a used car from Howard Bonds, and if you wouldn't, if you wouldn't, then you can't convict somebody of serious crimes based on his testimony.

» » »

If you hold the government, you the jury hold the government to its extremely heavy burden under the law, if you truly believe and accept the presumption of innocence, if you look at Howard Bonds and you look at the evidence and the lack of evidence, then the only possible verdict is not guilty.

I commit to you the future of Roger Wareham.

Thank you very much.

Excerpt from the closing statement of Lennox Hinds, counsel for Coltrane Chimurenga.

Members of the jury:

For the oppressed, the downtrodden and the toiling masses, justice has always swung on a scale between an illegal state on one hand that uses the democratic process and its apparatus as a pawn to dupe the disenfranchised, thus creating illusions of freedom, democracy, and equality for all people regardless of race or class. On the other hand are the naked realities of tyranny and injustice, perpetrated against the toiling working class' human rights, using military force as a weapon to strike fear and terror in the hearts and minds of the righteous and peace-loving oppressed masses.

Where a government has come into power through some form of popular vote, fraudulent or not, and maintains at least an appearance of constitutional legality, the guerrilla outbreak cannot be promoted, since the possibilities of peaceful struggle have not yet been exhausted. You the jury can swing justice to the side of the righteous and just people.

We submit that this is your duty, your honor as moral soldiers, of defending and holding fast to true democracy and freedom for the toiling masses. History is in your hands. Straight Ahead!

FREEDOM OR DEATH!

DEFEAT GOVERNMENT TERRORISM!

4 August 7-12, 1983

Jury Acquits New York Eight Members on Major Charges, But They Face Sentences on Lesser Ones

By PHO Muband

After more than one and a half months of what some defendants would consider a tedious trial, the New York Eight jury today acquitted its members on the most serious charges of conspiracy to commit murder and kidnapping, but found them guilty on lesser charges of conspiracy to commit murder and kidnapping.

The defendants, eight men and women who called themselves "the New York Eight," were charged by the federal government under the federal espionage laws of the Espionage Act and the Espionage Laws (ECLA) with conspiring to commit murder and kidnapping.

But even before the trial began, with the government and the defendants working to secure the best possible outcome for the trial, the government and the defendants were in a race to secure the best possible outcome for the trial.

The government's case against the defendants was based on the fact that they had conspired to commit murder and kidnapping.

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

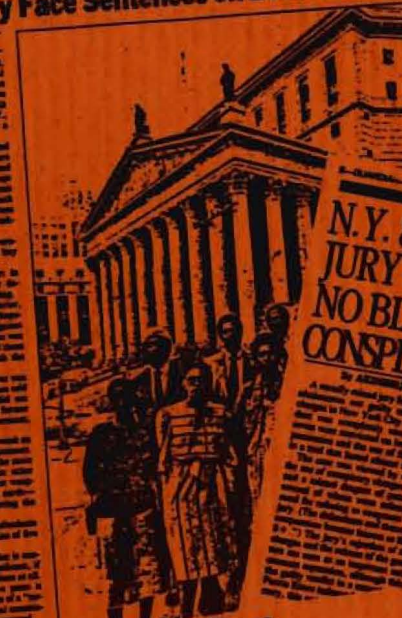
The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

20/20



The New York Times
Metropolitan Report

DAILY CHALLENGE JURY OUT IN N. Y. 8 CASE

DAILY CHALLENGE JURY CLEARS 'NEW YORK 8'

VOICING THE BLACK VIEW

Black American

THE BOMB

NEW YORK Amsterdam News

Vol. 74, No. 22 Saturday, August 10, 1983

Jury frees accused NY Eight

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

Not Guilty

New York Eight
Defeats U.S. Terrorism

The jury found the defendants guilty on the charges of conspiracy to commit murder and kidnapping.

\$1.00

*“There was one of two things I had a right to,
liberty or death; if I could not have one,
I would have the other. I should fight for my liberty
as long as my strength lasted.”*

HARRIET TUBMAN

Proceeds from the sale of this pamphlet go towards:

N.Y. 8 + Defense Committee

2415 Coney Island Avenue, Brooklyn, NY 11223

(718) 615-3955

We want to thank the following people who helped make this pamphlet possible:

Sam Anderson/Bill Epton, Printers; New Alliance Party; Attorneys for the Defense: Margaret Burnham, Lee Ginsburg, Lennox Hinds, Judith Holmes, Michael Hurwitz, Michelle Jacobs, William Mogulescu, Barry Scheck.