

Emergency Campaign to Drop the Charges

Court Permits Prosecution of 3 in Bombings

WASHINGTON, Nov. 4 (AP) — A Federal appeals court said Friday that the Government may proceed with the prosecution of three people implicated in the bombing of the Capitol and other Government buildings.

The United States Court of Appeals for the District of Columbia reversed an April 11 decision by Federal District Judge Harold Greene, who said the same evidence was being used in successive trials on different charges against Susan Rosenberg, Timothy Blunk and Alan Berkman. Such a procedure violates the double jeopardy clause of the Fifth Amendment, Judge Greene said.

The appellate court disagreed. "We find no support for the use of a 'same actual evidence' test in assessing whether successive prosecutions violate the double jeopardy clause," said Judge Abner Mikva.

Ms. Rosenberg, Mr. Blunk and Mr. Berkman were convicted in separate trials in Pennsylvania and New Jersey of conspiracy to possess unregistered firearms, explosives and false identification. They were then indicted in the District of Columbia for the actual bombings and were listed as unindicted

co-conspirators in an alleged scheme involving four other people to carry out the bombings.

Limit on the Prosecution

The appeals court did say the Government cannot rely solely on the legal theory of vicarious liability, in which a jury is asked to infer guilt from the defendants' involvement in a conspiracy.

That ruling could prove troublesome for the prosecutors, since, as the appeals court noted, "the Government apparently has little evidence linking the three" to the bombings and had

planned to use the theory of vicarious liability.

Seven people are accused of bombing the Capitol, the National War College Building at Fort McNair, the Computer Center at the Washington Navy Yard and the Officer's Club at the Navy Yard in 1983 and 1984. The others in the case are Laura Whitehorn, Linda Evans, Marilyn Buck and Elizabeth Duke.

The case has been delayed while the Government appealed Judge Greene's ruling.

New York Times
Nov. 5, 1989

The "Limit on the Prosecution" described in the New York Times article is actually a critical weakness in the government's case. Over the next few weeks, the Justice Department will be deciding if they can circumvent this ruling or will be forced to drop the charges against Susan Rosenberg, Tim Blunk and Alan Berkman.

It is a crucial time for us to intervene on the side of justice and demand that the charges be dropped.

Getting the charges dropped against these three will be a critical first step in the campaign to drop the charges against all six defendants in the Resistance Conspiracy Case.

Please sign the letter below or write your own and send it immediately to:

Attorney General Richard Thornburgh
U.S. Department of Justice
10th & Constitution Ave., N.W.
Washington, D.C. 20530

Duplicate this form letter and pass it on to a friend. Please send copies of your letters to the Emergency Committee for Political Prisoners' Rights, P.O. Box 28191, Washington, D.C. 20038

Support the Resistance Conspiracy Defendants

Attorney General Richard Thornburgh
U.S. Department of Justice

Dear Attorney General Thornburgh:

As someone committed to human rights and civil liberties in this country, I have watched developments in the U.S. v. Whitehorn case (Crim. Action No. 88-00145-04) with growing concern.

I am aware of the recent D.C. Circuit Court of Appeals decision involving three of the defendants in that case and believe it raises further questions about the nature and scope of this prosecution.

I therefore ask you to respond to the Appellate Court's decision by dropping the charges against Susan Rosenberg, Timothy Blunk and Alan Berkman.

Sincerely,

Dated:

The Resistance Conspiracy Case

Laura Whitehorn, Susan Rosenberg, Linda Evans, Marilyn Buck, Tim Blunk, and Alan Berkman are the six activists named in the Resistance Conspiracy Case. The indictment charges them with conspiring together and with unnamed others "to influence, change and protest policies and practices of the United States government concerning various international and domestic matters through the use of violent and illegal means."

The "international and domestic matters" they are accused of trying to change include:

- the Contra War against Nicaragua
- the invasion of Grenada
- U.S. support for South Africa in violation of U.N. sanctions
- the colonization of Puerto Rico
- racist attacks by the police against the African-American community and other Third World people in cities across the United States

The indictment alleges that the six were associated with a network of underground groups that claimed responsibility for a series of bombings of government and military buildings in 1983-85. The bombing of the U.S. Capitol following the invasion of Grenada is one of the acts specifically charged. Each of these actions was preceded by a warning call and no one was injured. If convicted, each of the six defendants could receive 40-45 years in prison.

The prosecution stated in court that they don't know who did the bombings. Instead, they want to convict the Resistance Conspiracy six by showing they shared a "common purpose" of resisting U.S. war crimes. When that same legal theory of "common purpose" was recently used by the South African government against anti-apartheid activists, it was loudly condemned by the world community, including the U.S. government.

It should be condemned here as well.

The indictment and the massive display of military power in the courtroom is an effort to criminalize not only the six people actually on trial, but all of us who share a "common purpose" with them.

EMERGENCY COMMITTEE TO DEFEND THE HUMAN AND LEGAL RIGHTS OF POLITICAL PRISONERS
P.O. Box 28191 • Washington, D.C. 20038-8191



resistance
is not a crime