

JUDGMENT OF THE GRAND JURY

by Carlos Noya,
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Carlos Noya is a leading member of the Liga Socialista Puertorriqueña (LSP), a public revolutionary organization in Puerto Rico. For 20 years the LSP has argued for the necessity of a protracted people's war to achieve independence and socialism on the island. Today this strategy is being led and carried out with growing effectiveness by the Puerto Rican armed clandestine movement. The inability of the U.S. state to uncover and destroy the underground forces has made public supporters of the armed struggle the targets of repression. For refusing to collaborate with a federal grand jury investigating the clandestine organizations, Comrade Noya was exiled and imprisoned in the U.S. After serving 17 months, he was released in March, 1982. This essay first appeared in *Correo de la Quincena*, organ of the political bureau of the LSP, in Volume XIX, March to September, 1982.

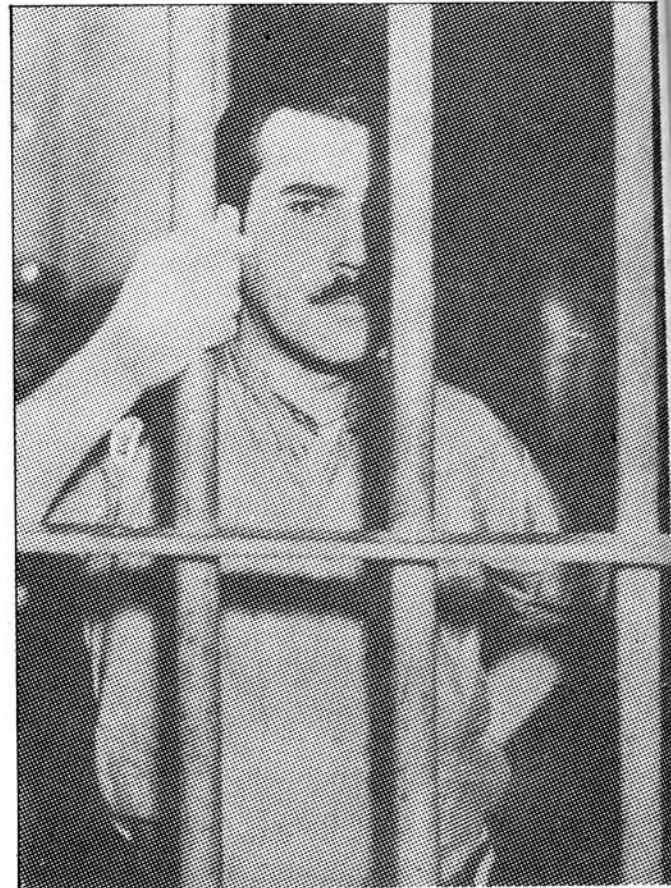
The grand jury is the form of judicial terrorism used by imperialism to jail activists in the independence struggle whenever they want to do so. The grand jury, as Corretjer has described it so well, is the reception room for the prison, an illegal mechanism within their illegal legality. It is the arm of the FBI—more specifically of the "Task Force," comprised mainly of agents of the CIA, FBI and Navy espionage, set up for this purpose and others:

- To obtain information on activists and organizations through the use of intimidation and the threat of jail.
- To threaten activists and organizations through imprisonment or threat of imprisonment, attempting to influence some organizations to take more and more reformist positions.
- To recruit informants who could be planted in, or who are already within, organizations; to sabotage the work of these organizations and help to fabricate charges against their leadership.
- As we already said and will expand later, to jail activists whose work of organizing, propaganda and agitation is effective and anti-imperialist in character.
- And, of key importance, to test the attitude of the activists and organizations in regard to this body—which is, after all, a measure of the general attitude of struggle—for purposes which we will explain later, near the end of this essay.

In the U.S., the grand jury has been used against the Puerto Rican independence movement, about which we will speak more fully later, and against the Mexicano

movement, the Black movement, the Indian movement, the movement against the war in Viet Nam, the labor movement, and the feminist movement. At present it is being used against the Black movement and the white anti-imperialist movement.

In Puerto Rico the grand jury was first used against the independence movement in April of 1936, when they subpoenaed the entire leadership of the Nationalist Party, its National Junta and its Municipal Juntas, to appear and submit the records of the Party. The information in these



Don Juan Antonio Corretjer, shown here in 1936, when, as a leader of the Nationalist Party, he refused to turn party records over to a grand jury. He was jailed for 14 months. His action set a standard for the Puerto Rican Independence Movement of total non-collaboration with grand juries. Corretjer is currently Secretary General of the Liga Socialista Puertorriqueña.

records was a matter of public knowledge, but to turn them over was to surrender. This is also how Albizu and Corretjer understood it. On the day of the subpoena, as both of them had agreed, Corretjer, then Secretary General of the Party, informed the court that the documents were in his possession and that he refused to turn them over to the court, whose jurisdiction he did not recognize since it was a foreign court. As expected, Corretjer was imprisoned, sentenced to one year for contempt.

The process that brought about the establishment of this grand jury was the execution of Colonel Riggs in February of 1936, which was provoked by the massacre of four Nationalists four months earlier. Two lessons were learned from this process. The first is that resistance to the grand jury is, in itself, a victory. In this specific case, the position that Corretjer took prevented the imprisonment of dozens of Nationalist Party leaders at that time.

The second lesson is that the grand jury arises as an instrument of judicial terror to punish the punished; or, in clearer terms, to punish the people's self-defense against official terrorism, against murders of independence activists carried out by order of the U.S. imperialist government. Beyond these two lessons, it established a precedent: non-collaboration is a complete position; it can not be divided into testimony and physical evidence which they have or could obtain through other means.

Let us keep all this in mind as we analyze later experiences.

In 1977, a number of revolutionary Puerto Ricans, Mexicanos and one Venezuelan comrade were imprisoned in the U.S. for refusing to collaborate with a grand jury that was investigating the FALN—specifically the FALN bombing of Fraunces Tavern. This action was in response to a bomb that *gusanos*, acting on the orders of the CIA, had placed in a restaurant in Mayaguez on Hostos' birthday in 1975, a few hours before a pro-independence activity was to take place. This bomb took the lives of two Puerto Rican workers and wounded many others, including a child. The comrades who were imprisoned, 11 in all, included Jose Lopez, now the National Coordinator of the Movimiento de Liberación Nacional, sister organization to the Liga Socialista Puertorriqueña; Pedro Archuleta, Mexicano; Ricardo Romero, now Coordinator of the Mexicano Commission of the MLN; and the Rosado brothers, Julio, Luis and Andrés. Julio is now the Coordinator of the Eastern U.S. region of the MLN. The comrades decided to turn what looked like a defeat—their imprisonment—into a political and organizational victory.

Effectively maintaining their political principles of non-collaboration and full support for independence and socialism for Puerto Rico, and recognizing that the armed struggle is the only means that can achieve it, these comrades concretized in practice the bonds of solidarity

between Puerto Ricans and Mexicanos. They also changed from a group of activists with a revolutionary political line, organizing themselves and others into a National Committee Against Repression, parts of which were consolidated into the MLN and part of which still exists in its original form in the Southwest of the U.S. In this period also grew the seeds that later became the National Committee to Free the Puerto Rican Prisoners of War.

And most important, the Movimiento de Liberación Nacional is, in fact, the organization that is carrying forward the public struggle in the U.S. for independence and socialism for Puerto Rico, a fact that reformists haven't the slightest chance to deny. And this is very, very important and beneficial.

Moreover, it is very important to point out that these comrades carried out an extensive and intensive campaign to denounce the judicial terrorism of the grand jury and its imperialist character in opposition to Puerto Rican independence. This campaign paralyzed the repressive activity of the grand jury and the comrades were freed by defeating their respective grand juries. The comrade who served the most time was comrade Archuleta, who was imprisoned for 13 months.

The victory of these comrades was so complete that when another group of comrades was called before another grand jury after the marvelous and stimulating escape of Prisoner of War William Morales in 1979, the campaign that was generated froze the action of that body and no one was imprisoned. An organization had been built that was able to mobilize the masses against the grand jury.

And even more important, less than a year ago, another grand jury called five comrades from the MLN and from the National Committee to Free Puerto Rican Prisoners of War, four of whom, Maria Cueto, Andrés and Julio Rosado and Ricardo Romero had been imprisoned previously by a grand jury. The campaign generated in support of these comrades was very powerful. On December 16, 1981, more than 5000 people were mobilized throughout the U.S., Puerto Rico and northern Mexico (the northern part of the territory of Mexico that is not occupied by the U.S.). In Ciudad Juarez, Mexico, 3000 people came together in a militant protest in front of the yanqui embassy and burned the imperialist U.S. flag as a warning.

The comrades were brought before the grand jury, and all refused to collaborate. But the U.S. government, in order to avoid a worse defeat than they had already suffered, opted not to jail them. The political line was maintained, the principles were upheld, and the masses responded.

Let us now return to Puerto Rico, to the grand jury we see in operation now; and to begin where we should, we will start with Vieques.



The struggle to drive the Navy out of Vieques began with militant action and that is the direction it took for some time. It began with the brave ocean blockades that stopped, actually stopped, the practice of environmental genocide, the bombing practice. The logic of the struggle brought this defiance to the shore, to land used as a bombing target and/or amphibious landing practice. In this, the most difficult of the confrontations, Angel Rodriguez Cristóbal shined more than anyone. Angel defended the soil of Vieques to the highest level as a man, and at the highest level of the Liga Socialista Puertorriqueña, at the level that frightened the enemy, that scared them because of its potential to spread to others.

The rest is known to all. The enemy cowardly assassinated him in prison, in solitary. And in a genuine and feeling expression for all decent and sensitive people, the combatants of the Resistencia (FARP), the Voluntarios (OVRP) and the Macheteros (EPB-PRT) avenged the murder through the heroic ambush of Sabana Seca.

What remains is also known to all. The enemy responds with terrorism, from murder to the judicial terrorism of the grand jury. Under the distracting mantle of the colonial elections of 1980, Carlos Rosario Pantojas was imprisoned again, and I was imprisoned also. Using the ambush of the Pensacola sailors as an excuse, they imprisoned comrade

Ricarte Montes. And after having to drop a fabricated case against comrade Norberto Cintrón Fiallo, the enemy retaliated by jailing him, too. All through the grand jury.

Other things have happened but I will limit my exposition to final points: non-collaboration; and one further point on the grand jury.

Non-collaboration is a totality; it can not be divided into testimony and physical evidence. At the beginning of this essay, we mentioned that one of the reasons for the existence of the grand jury is to measure the attitude of activists and organizations with respect to that body, which is, after all, a test of the general attitude of the struggle.

When activists and organizations call for collaboration, for submitting physical evidence "already in possession or easily obtained by the enemy," or actually do collaborate with the grand jury by surrendering such evidence, imperialism uses this to split the independence movement, as a depressant and as a justification for the jailing of all who refuse to cooperate, and to strengthen the state and legitimize terrorism and repression.

The independence struggle, since Montebello—more specifically, since Fraunces Tavern—has won an important series of victories, political-military victories, and important, although limited, outbreaks of mass struggle: the case of Vieques, the case of major mobilizations against the grand juries in the U.S. and Mexico. Imperialism has sought and continues to seek a way to limit or sabotage support by the most conscious elements for the revolution, expanding the political sphere of reformism, thus isolating the most serious, advanced forces, which makes it easier for them to be hit.

The incorrectly named "third alternative," which does not really exist, falls within this scheme. Cooperation with the grand jury strengthens it, since it creates in public opinion an image of effectiveness, a justification for its existence, a justification of the allegation that it is not punitive but coercive, which is a huge lie that collaborators give credence to. The enemy uses the example of the collaborator to justify repression against comrades who struggle, trying to create an image of the person who does not surrender, who does not submit physical evidence, because he/she can not, not because he/she refuses.

The enemy must not be allowed to set up a situation like this.

To say there is nothing wrong with submitting physical evidence is to sow demoralization. It is a failure of a basic fundamental of consciousness-raising—to provide an example. After all, what does the word submitting mean?

And also, what is the guarantee that the enemy, seeing that people are submitting to the demand for physical evidence, won't extend the demand to testimony? There isn't any.

What the incorrectly named "third alternative" has done, as has been well said, is "to recover and mobilize the support of reformist sectors of the independence movement" and help imperialism "to launch a campaign of confusion and division in the heart of the patriotic forces."

At a time when a sector of the independence movement has been subjected to the repressive action of adding prestige to the position of autonomy, to submit to the orders of the "Task Force" by way of the grand jury would be to graft itself on to the global process of surrendering independence for opportunism.

Let us put a stop to that now.

The grand jury is a form of judicial terrorism which allows yanqui imperialism to do things as they are done in occupied Ireland and South Africa—to jail activists because they feel like it. The fact that the grand jury is an instrument of enemy espionage to imprison activists at will, the reception room for the prison, and that there is no way to avoid it except in mass struggle, is what brought our valiant comrade Ricarte Montes to denounce them, as he should, without a lawyer, without recognizing the authority they have only through their power—power they have now, but which they will lose someday. The character of the grand jury as a secret political tribunal was proven when, at the appeal of comrade Norberto Cintrón Fiallo, the government refused to answer such basic questions as: when did this grand jury begin? What is it investigating?

The reach and the political weight of the grand jury in Puerto Rico right now is evident. We must prepare ourselves to combat it with the example of those of us who did not collaborate and will not collaborate, with the experi-

ence of how to fight it, with firm principles and mobilization for independence and socialism.

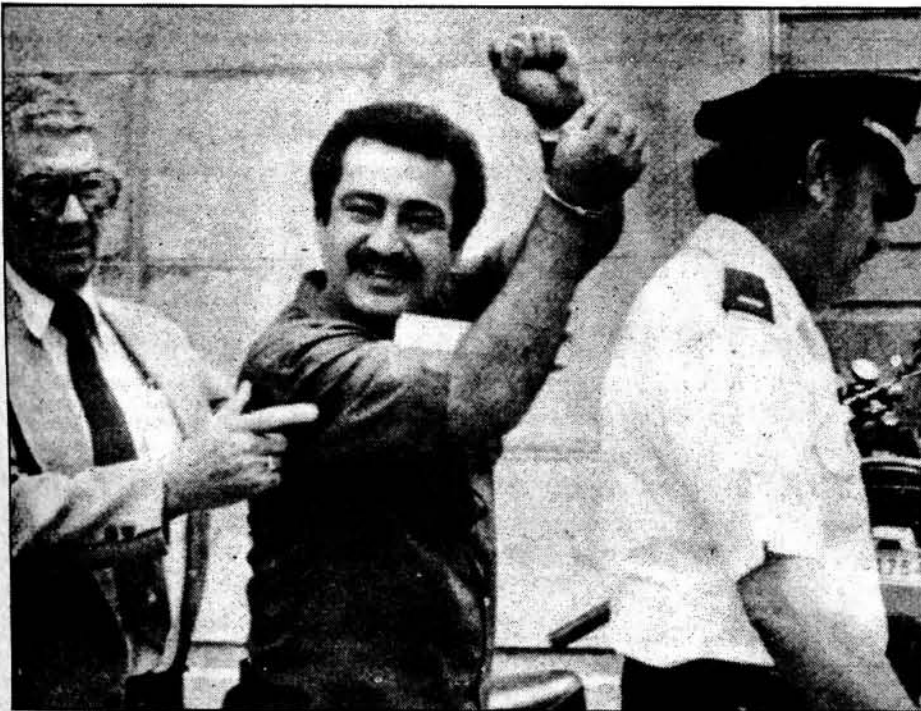
**NO COLLABORATION
WITH THE FEDERAL GRAND JURY!
TO THE STREETS
AGAINST THE FEDERAL GRAND JURY!**

Since this essay was first published, the U.S. government has accelerated its use of the grand jury as a political weapon. On September 24, 1982, the MLN grand jury resisters were simultaneously arrested in four cities by teams of FBI agents. They were charged with criminal contempt for refusing to testify before a grand jury nine months earlier. All five activists had been visibly organizing in their communities and had never failed to appear in court. Yet, the FBI seized them in their homes and on the streets as if they were dangerous fugitives.

At a press conference following their arrests, the FBI declared that they had captured the last remaining leaders of the FALN. The sensationalism of this charge and of the arrests was part of a campaign to criminalize and discredit the five resisters in the eyes of the public.

The charge of criminal contempt, conviction for which carries an indeterminate sentence, is meant to put the MLN grand jury resisters in jail for many years. But the government moved so sloppily in putting together their case that the presiding judge was obliged to point out that the obvious political motivation of the prosecution would make it difficult to obtain a conviction. Rather than risk losing, the Justice Department in Washington dropped the criminal contempt charges on November 15 and then promptly resubpoenaed the five Puerto Rican and Mexican activists to appear before a new grand jury. As we go to press, the government is moving forward with deliberation to build a stronger criminal contempt case against the five.

—Eds.



Ricarte Montes Garcia, a leading member of the Liga Socialista Puertorriqueña, expatriated and imprisoned in New York for resisting the federal grand jury in Puerto Rico.