

# CounterPunch

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## Our Little Secrets

### COVER-UPS

It sure doesn't take much to throw them. First the bare marble breasts of Justice, which US Attorney General John Ashcroft banished from his realm; now the stylized shriek of war, as represented by Picasso's *Guernica*, masked by a nervous blue cloth.

The tapestry of "*Guernica*" by Pablo Picasso hanging at the entrance of the Security Council of the UN is now officially under plain wrapper. On January 27 the work was masked by a large blue curtain. Fred Eckhard, press secretary of the UN declared that it was not an "appropriate" background for press conferences. An appropriate background, that is, for the ambassador of the United States to the UN John Negroponte, or for Colin Powell to threaten war against a backdrop of women, children and animals shouting with horror as Hitler's bombs fell from the sky over that Spanish town. The actual *Guernica*, painted by Picasso, wasn't permitted to enter Spain until 1981. It now hangs in the Queen Sofia Center of Art, Madrid. No word on whether the pro-war Spanish government has plans to shield the painting from the eyes of innocents.

### NO BUENAVISTA HERE

The GAO recently estimated that there might be more than 100,000 immigrants entering the US illegally every year from nations other than Mexico. We say: welcome. The INS doesn't seem to mind much, either. These days the federal immigration police are fixated on *legal* immigrants and visitors.

Over the past few months, the INS cops have used a variety of sting opera-  
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## One Angry Jury

*"I consider trial by jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution."* — Thomas Jefferson.

*"If the jury feels that the law under which the defendant is accused, is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic of passion, the jury has the power to acquit and the courts must abide by that decision."* — US Court of Appeals for the District of Maryland.

BY ALEXANDER COCKBURN

SAN FRANCISCO - The DA of San Francisco, Terence Hallinan, got it right. Tuesday, February 4, saw a scene outside US District Court in that city that was probably without parallel in American history. Five jurors plus one alternate (there were three more jurors in agreement but unable to attend) publicly apologized to the man they had convicted four days earlier and proclaimed to the press their shame that they had been, as one of them put it, "manipulated, intimidated, controlled" by US District judge Charles Breyer into finding Ed Rosenthal guilty.

It was certainly one of the most striking and moving scenes outside a courthouse I have ever witnessed: six anguished jurors asking Rosenthal for forgiveness and declaring that they would be ashamed of what they did for the rest of their lives.

The reluctant jury found Ed Rosenthal guilty last Friday afternoon of breaching federal drug laws. Within moments of leaving the court, the furious jurors found out what Judge Breyer had prevented Rosenthal's defense team from disclosing to them: that Rosenthal had been appointed by the City of Oakland under the terms of California's Proposition 215, passed by the voters in 1996, as the supplier of medical marijuana to people in chronic, awful pain.

One juror was thrown into such dis-

trepreneur that she spent the evening in tears and finally decided to go to the press to disclose her rage and disappointment in the justice system. Over the weekend, in anticipation of Tuesday's hearing on whether Rosenthal should be jailed pending sentencing in June, their anger hardened into determination to make a public stand.

These were people, a landscape contractor, a registered nurse, an airplane engineer, a property manager, a student working in her dad's trucking firm, who would have trembled a week earlier at the thought of facing press and TV cameras. When it came to it, at that noon press conference, they all had the pure eloquence of people outraged at the injustice of what they had been compelled to do to Rosenthal, by dint of Judge Breyer's peremptory scripting of the federal railroad of Rosenthal.

Charles Sackett, jury foreman, read out a letter of apology to Rosenthal. "I fail to understand," he said, "how evidence and testimony that is pertinent, imperative and representative to state government policy and regulation, as well as doctor and patient rights, and indeed your family are irrelevant to this case. I wondered why the defense portion of your case was so brief as to be almost non-existent. We as a jury were unaware that your counsel was being  
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# OUR *LITTLE* SECRETS

tions in California, Texas and Michigan to lure thousands of legal immigrants, mainly from nations in Africa and the Middle East, to INS offices where many have been detained and sometimes deported.

This ugly story isn't news. Ashcroft and his legions have announced their intentions to interrogate nearly every Muslim or man of Middle East descent in the US. But what may surprise you is that while this broad sweep is going on, the INS still has time to harass Cuban nationals touring the US. Usually, these people are musicians, about the only kind of Cubans who can get visas to travel in the US these days.

This is becoming an all-to-familiar scene. Over the past two years, the INS has stopped dozens of Cuban musicians from entering the US, disrupting concerts and imposing a kind of music censorship. A recent example: Katia and Marielle Labques, duo pianists from France, were scheduled to tour the US playing classical recitals. They were to be accompanied by two percussionists, Colin Currie from the UK and Julio Barretto. Barretto was born in Cuba, but is now a Swiss citizen. He is married to a Swiss woman and teaches at the Basel Conservatory.

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The group toured Europe to wide acclaim and flew to Atlanta for a concert in late January. Everyone got into the US without any problems from immigration. They then flew to Mexico City for a concert on January 24 and flew back through Atlanta on their way to Philadelphia the next day. This time around the INS agents denied Barretto entry into the US. All of his papers were in order. Indeed, they were the same papers he had presented at the very same INS desk only three days earlier.

The immigration officer told Currie and the Labques that they could proceed to customs, but that Barretto had to stay behind. Barretto was told that even though his papers were in order they found it suspicious that a person born in Cuba, holding a Swiss passport, would try to enter the US from Mexico City.

When Barretto told the officers that he was part of a musical group touring the US and Mexico, the INS cops said that they didn't believe his story. That was it. They didn't offer him a chance to prove himself. They didn't interview the other members of the group. Barretto was put on a plane to Switzerland. The rest of the group was not told anything. They waited for Barretto for three hours before finding out that he'd been refused entry.

## DIANNA ORTIZ, BACK FROM THE DEAD BY BRENDA NORRELL

TUCSON, Ariz. Burned with cigarettes 111 times, raped repeatedly by three men and thrown in a pit with the tortured living and dead in Guatemala, Dianna Ortiz lived. Ortiz was tortured in prison after teaching Mayan children to read and write in their native language in 1989. But from the darkness of torture, Ortiz rose to find hope and presses today for the identity of the U.S. agent who supervised her torturers in that clandestine prison. "The torturer's ghost always walks beside us," Ortiz said in her message to Tucson, as thousands protested against war in Iraq Saturday, January 18.

With a commitment to the tortured Guatemalans whose screams and cries she heard in that prison, Ortiz battles today to expose the United States government's role in the death and disappearance of more than 200,000 Guatemalans. "I began

to understand that torture is not restricted to one country, but is worldwide terrorism," Ortiz says.

She was unable to attend the Tucson gathering because of illness, but her statement was read by Alice Zachmann, who works with Ortiz at Torture Abolition and Survivors Coalition International. Burning a candle for those who have been, and for those who are currently being, tortured in more than 150 countries worldwide, Zachmann called for a moment of silence at the Quaker House in Tucson.

Ortiz, a nun and New Mexico native, arrived in Guatemala in 1987 and was abducted by Guatemalan security forces November 2, 1989 in Antigua. She was taken to a military installation. Now, she said the torture is a living beast clawing inside her soul. The smell of cigarettes, the jingle of keys or the snicker of men's voices, carries her back to that cell and the piercing cries of others being tortured.

Ortiz was lowered into a pit with the bodies of dismembered Guatemalans. "Some bodies were alive, were moving." One of the torturers grabbed her hand and forced her to stab another prisoner. Then, the three men who raped her returned to her cell to rape her again with their American supervisor, Allejandro. He said, "We've made a mistake."

Ortiz, a U.S. citizen, was taken out of the prison and there are no others to collaborate her story. Some U.S. officials deny the torture took place. But as mass graves continue to place names on dead and disappeared Mayan villagers in Guatemala, it is clear what happened. "Dead men don't talk," said the Guatemalan prosecutor.

Zachmann pointed out that the United States backed the right-wing destabilization of Guatemala in the 1980s. Although President Clinton admitted the genocide in Guatemala was wrong, Zachmann said the torturers and murderers remain unpunished. Zachmann said the U.S. government has trained those committing atrocities in Latin countries at the School of the Americas in Fort Benning, Ga. She said the CIA was clearly responsible for Ortiz' torture.

In her quest for justice, Ortiz returned to Guatemala. She has also has maintained a silent vigil on the steps of the White House, demanded declassification of CIA documents and has made drawings of torture victims available online and in her book, "The Blindfold's Eyes: My journey from Torture to Truth."