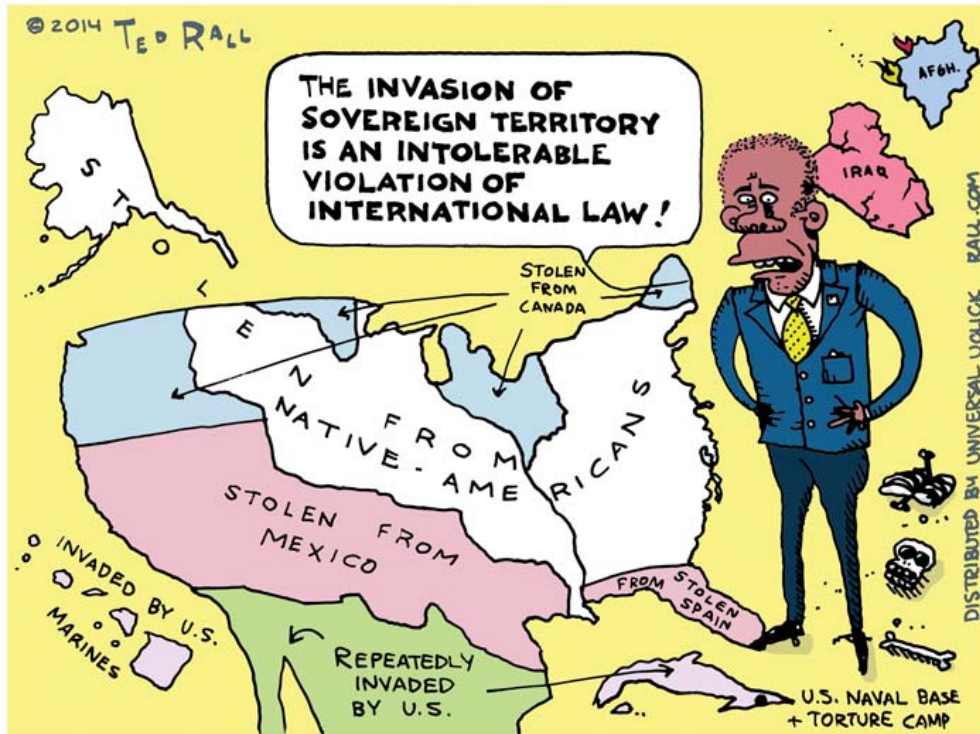


Military Resistance 12C21



AFGHANISTAN WAR REPORTS

**AFGHANISTAN THEATER:
“US Foreign Fighters Suffered Four
Combat Casualties During The Week
Ending March 19 As The Total Rose To
40,451”**

Mar 20, 2014 www.michaelmunk.com [Excerpts]

AFGHANISTAN THEATER: US foreign fighters suffered four combat casualties during the week ending March 19 as the total rose to 40,451. The total includes 21,491 dead and wounded (two pending) from what the Pentagon classifies as "hostile" causes and

18,960 dead or medically evacuated (as of Dec. 3, 2012) from what it calls "non-hostile" causes.

US media divert attention from the actual cost in American life and limb by reporting regularly only the total killed (6,801: 4,489 in Iraq, 2,312 in Afghanistan) but rarely mentioning those wounded in action (51,916: 32,239 in Iraq; 19,677 in Afghanistan).

They ignore the 59,908 (44,607 in Iraq, 18,463 in AfPak) (as of Dec 3, 2012) military casualties injured and ill seriously enough to be medevac'd out of theater, even though the 6,801 total dead include 1,457 (961 in Iraq, 496 in Afghanistan) who died from those same "non hostile" causes of whom almost 25% (332) were suicides (as of Jan 9, 2013).

POLITICIANS REFUSE TO HALT THE BLOODSHED

**THE TROOPS HAVE THE POWER TO STOP THE
WAR**

FORWARD OBSERVATIONS



“At a time like this, scorching irony, not convincing argument, is needed. Oh had I the ability, and could reach the nation’s ear, I would, pour out a fiery stream of biting ridicule, blasting reproach, withering sarcasm, and stern rebuke.

“For it is not light that is needed, but fire; it is not the gentle shower, but thunder.

“We need the storm, the whirlwind, and the earthquake.”

“The limits of tyrants are prescribed by the endurance of those whom they oppose.”

Frederick Douglass, 1852

“We have it in our power to begin the world over again.” -- Thomas Paine

The Moving Wall In A Small Town In Idaho



Photo by Mike Hastie

From: Mike Hastie
To: Military Resistance Newsletter
Sent: March 23, 2014
Subject: The Moving Wall in a small town in Idaho

The Moving Wall In A Small Town In Idaho

Years ago I went to a small town in Idaho that had

the Moving Wall displayed in a parking lot.
I picked the parking space number 19 to take this picture.
It is said that the average age of American soldiers killed
in Vietnam was 19 years and 10 months.
Some people believe that number is incorrect.
So, let's make it 20-10, to be safe.
After all, making them still teenagers doesn't look good
for public consumption.
Consumption...
that's a good word.
Average age 19,
from the senior prom to Vietnam.
Jesus...
that's a lot for the American people to face.
But then again, I can't imagine the American people
facing anything.
As a medic in Vietnam,
one of those soldiers on the Wall was a 19 year-old heroin
addict who blew his brains out with his M-16.
I was there in the tent with him shortly after he pulled
the trigger.
There was blood everywhere.
Suicide was one of those things in Vietnam that was
unspeakable.
Rampant heroin addiction by U.S. soldiers in Vietnam
was another unspeakable truth.
Murdering Vietnamese civilians was another unspeakable truth.

Come to think about it,
the whole U.S. terrorist war in Vietnam was and is still
an unspeakable truth.
We were all heroes according to the U.S. Government's
plan to rewrite the history of the Vietnam War.
When I left Vietnam to go back to America,
I slithered back into my country of origin before anyone
knew it.
So, it is over forty years later,
and I am still writing about the magnificent lie called Vietnam.
Why in the world would I do that?
Because our souls were murdered in Vietnam by the U.S. Government.
I'm like a broken record when I write about the lies of the Vietnam War.
And,
the reason I do this is because one day long after the Vietnam generation
is dead and buried, there will be some trace of truth out there that is
still breathing.

When I visited the Moving Wall that day in that small town in Idaho,
there was something written on the Wall that reminded me of that
soldier who committed suicide.
That something said:
The Price Of Freedom Is Written On The Wall.

And that is why more American soldiers have committed suicide than were killed in Vietnam.

That is why a good friend of mine who was a Vietnam veteran hung himself in a motel room several years ago.

That is why I continue to write about the splendid resuscitation of shit that says: The Price Of Freedom Is Written On The Wall.

That's a self-inflicted M-16 round to the head.

Mike Hastie
Army Medic Vietnam
March 23, 2014

Photo and caption from the portfolio of Mike Hastie, US Army Medic, Vietnam 1970-71. (For more of his outstanding work, contact at: hastiemike@earthlink.net) T)

One day while I was in a bunker in Vietnam, a sniper round went over my head. The person who fired that weapon was not a terrorist, a rebel, an extremist, or a so-called insurgent. The Vietnamese individual who tried to kill me was a citizen of Vietnam, who did not want me in his country. This truth escapes millions.

Mike Hastie
U.S. Army Medic
Vietnam 1970-71
December 13, 2004

Military Resistance In PDF Format?

If you prefer PDF to Word format, email: contact@militaryproject.org

**Two Russias, One Ukraine:
“73% Of Russians Polled By The
Kremlin’s Pollster Disagree With
Interfering In The Ukraine Crisis”
“Russians Fighting Against ‘Their’
Government’s Imperialism Are A Moral
Threat To Great Russian Chauvinism
And Are The Greatest Ally Of Anti-
Imperialist Forces In Ukraine”**



A Russian bearing Ukraine's colors arrested in Moscow

Mar 7th, 2014 Notgeorgesabra.tumblr.com/

Internationalism, the global solidarity of all oppressed and exploited peoples' struggles, comes in a variety of forms: Islamist, secular, communist, democratic. The following is meant to raise general issues of internationalist method and strategy not outline 'the correct program' for leftists/socialists/anarchists in Russia and Ukraine in the context of Russian imperialist aggression against its historic colony, Ukraine.

1. TWO RUSSIAS

It's incredibly important to stress that there is not one, united and indivisible, behind this invasion and evisceration of Ukraine.

There is not one Russia, but two: the Russia of Putin and the Russia of Pussy Riot (who were arrested (again), this time for protesting the invasion in Moscow).

73% of Russians polled by the Kremlin's pollster disagree with interfering in the Ukraine crisis.

Russians fighting against "their" government's imperialism are a moral threat to Great Russian chauvinism and are the greatest ally of anti-imperialist forces in Ukraine.

2. ONE UKRAINE

I believe the following will be somewhat controversial; hopefully people will discuss and debate the issues raised.

Just as fostering division and dissension within the Russian imperialist camp and unity with the Ukrainian people is the duty of all Russian internationalists, so too is fostering unity among the anti-Russia (not anti-Russian) forces in Ukraine the duty of Ukrainian internationalists.

This is tricky and difficult because of the significant presence of rightists, reactionaries, pseudo-fascists, and fascists but as Marx said (in a different context) we must unite *even with our enemies* against Russian imperialism.

However, this cannot be done uncritically; the way to unite those who can be united against Russian imperialism in Ukraine is to stress the multi-ethnic, multi-sect character of the anti-Russia opposition, to ally with and develop close ties with the Muslim population of Crimea, the Jewish leaders who have backed the new Ukrainian government, and the 36,000 ethnic Russian Ukrainians who have signed a petition rejecting Putin's so-called protection.

Work with Ukrainian rightists against Russian imperialism but we watch over this ally because they are an enemy and because their dominance will fracture anti-Russia forces, demoralize the Muslims (and possibly push them in extremist directions, towards Al-Qaeda), push ethnic Russian Ukrainians into Putin's camp, and scare the Jews who could end up seeing Putin's Russia as the 'lesser evil' to Nazi-aping fascists.

This is the only way left forces can contest with right forces for hegemony and dominance within the anti-Russia fight that will take place with or without the left's participation; better to be in it to win it than poo-pooing helplessly from the sidelines.

Too many leftists see rightists and fascists who have become involved in the struggle to prevent Russia's re-enslavement of Ukraine and concluded erroneously that the content of the struggle itself is regressive and reactionary, which it is not.

Others see the aim of Euromaidan — integration of Ukraine into the European Union (EU) — as being reactionary, but that is no longer the key or main issue at stake in the Ukrainian uprising nor is it the main threat to the Ukrainian people; the other difficulty is that huge numbers of people were willing to give their lives for EU integration.

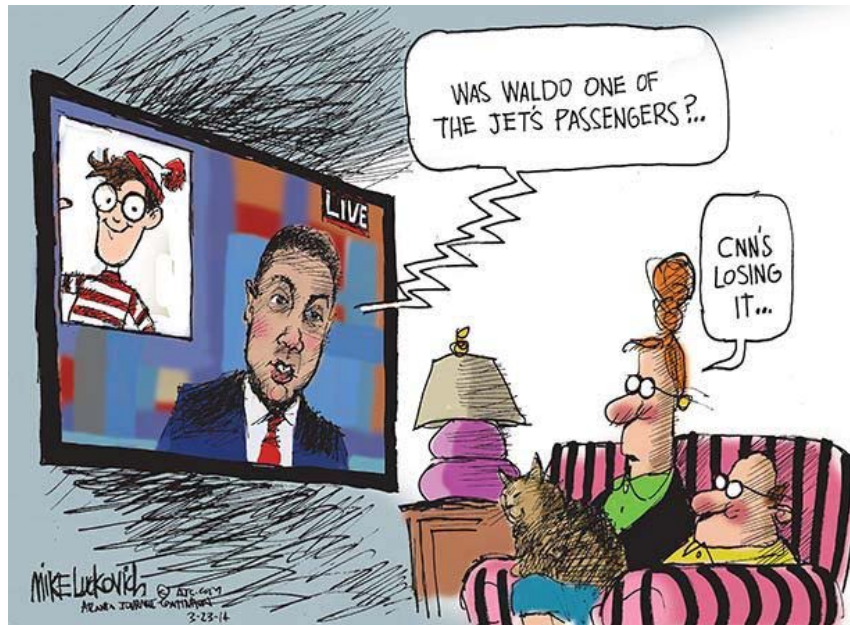
While the EU is reactionary and obviously neoliberal for us as leftists, it is obviously not that way to the masses; what is obsolete for us is not obsolete for them as Lenin said.

(It's worth noting that even in Greece where EU austerity has devastated the country the option of leaving the EU only has minority support.) In class terms, this means working class forces should form a "*temporary alliance*" with bourgeois-democratic anti-Russia forces.

These are my tentative thoughts on what makes sense for how leftists should think about their tasks and I'm open to being wrong; I happen to think '2 Russias, 1 Ukraine' is a handy way to think about and approach the problem of internationalism in this situation.

Usually these types of issues are not even discussed in the rush to prove other leftists wrong but the stakes are too high for confining the struggle to point-scoring and PR wars for those of us who are friends of the uprisings in Syria and Ukraine.

CLASS WAR REPORTS



YOUR INVITATION:

Comments, arguments, articles, and letters from service men and women, and veterans, are especially welcome. Write to Box 126, 2576 Broadway, New York, N.Y. 10025-5657 or email contact@militaryproject.org: Name, I.D., withheld unless you request publication. Same address to unsubscribe.

OCCUPATION PALESTINE

**Zionist Occupation Regime
Increasingly Denying Palestinians
The Right To Attend Religious
Services At Their Most Sacred Place
Of Worship:**

No One Under Age 50 Allowed In



Comment: T

For the full flavor of this barbaric harassment, imagine that the Palestinians had invaded Italy and occupied Rome. Then they announce that no Italian under age 50 can pray at St. Peter's Cathedral. Meanwhile, the Palestinian politicians keep talking about how St. Peter's is really an ancient Palestinian mosque and it should be their property. Get it? Look like more thieving's on the way?

23/03/2014 Ma'an

OCCUPIED JERUSALEM -- Thousands of Palestinian worshipers performed prayers in the streets of Jerusalem on Friday after Israeli authorities imposed age restrictions on entering the Al-Aqsa mosque compound.

Men under 50 were forced to pray in the streets as Israeli authorities imposed restrictions around the Old City to accommodate the Jerusalem Marathon.

Several main roads were closed and a number of checkpoints set up around the Old City as thousands ran in the event.

The Al-Aqsa Foundation for Waqf and Heritage said in a statement that Israel is trying to discourage Palestinian from praying at the holy site by imposing frequent restrictions.

Last Friday, the compound was mostly empty after Israeli authorities prohibited all Palestinians under the age of 40 from praying there and set up barricades at the compound's entrances to limit their access.

The restrictions come only two weeks after Israeli authorities imposed similar restrictions, barring Palestinians under the age of 50 from praying in the compound.

Those restrictions led to protests both in Palestine and abroad, as many feared such limitations were part of a broader strategy to limit Palestinian access to the compound.

Israeli Warships Open Fire On Palestinian Fishermen, As Usual: This Time, “Palestinian Militants On The Shore Then Fired At The Israeli Ship”

20/03/2014 Ma'an

GAZA CITY -- Israeli warships late Monday fired at Palestinian fishermen off the coast of the southern Gaza Strip, fishermen said.

Fishermen told Ma'an Israeli forces fired at them off the coast of Khan Younis. No injuries were reported, but the fishermen said they were forced to sail back to shore.

An Israeli military spokeswoman said the boat had "deviated from its designated fishing zone." "Israeli navy soldiers called on the boat to stop, but once it failed to comply, they opened fire in its vicinity" and it returned to its designated area.

The incident comes a day after the Israeli military exchanged fire with Palestinian militants on the shore in southern Gaza in a late-night face-off.

Explaining Sunday night's incident, the spokeswoman said the Israeli navy had "identified a Palestinian vessel veering into Egyptian territory."

When the boat returned to Palestinian waters, Israeli forces called on the vessel to stop, she said. When it did not stop, Israeli forces "fired shots, identifying a hit."

She would not specify whether the shot hit a boat or a fisherman, but only that "the target" was hit.

Palestinian militants on the shore then fired at the Israeli ship, and the Israeli navy fired back, with no injuries or damage reported, she added.

In the Oslo Accords, Israel agreed to a 20-nautical-mile fishing zone off Gaza's coast but it imposed a 3-mile limit for several years, opening fire at fishermen who strayed further.

Israel has controlled Gaza waters since its occupation of the area in 1967, and has kept several warships stationed off the coast since 2008.

There are some 4,000 fishermen in Gaza.

According to a 2011 report by the International Committee of the Red Cross, 90 percent are poor, a 40 percent increase from 2008 resulting from Israeli limits on the fishing industry.

Nine Palestinians Gassed And Arrested For Planting Trees On Land Taken From Them By Zionist Thieves: "Shortly After The Villagers Arrived And Started To Dig And Plant Saplings, Israeli Police Officers Stormed The Area Along With The Settlers And Assaulted The Villagers"

10/03/2014 Ma'an

JERUSALEM -- Two Palestinians were injured and eight were detained on Sunday after Israeli forces dispersed dozens who were planting trees on their confiscated land east of Jerusalem, a local official said.

Muhammad Salama, a council member of the village of Anata, told Ma'an that 100 people from the village were working on their land, which was seized by Israeli settlers in July 2013, when soldiers arrived that the scene.

"Shortly after the villagers arrived and started to dig and plant saplings, Israeli police officers stormed the area along with the settlers and assaulted the villagers with pepper spray before detaining nine young men," Salama said.

He said Mahmoud Mustafa Ulayyan and Muhammad Hassan were taken to the hospital for treatment after fainting due to the gas.

Israeli forces arrested Moussa Hassan Salama, Mahmoud Saleh Ibrahim, Muayyad Muin Haikal, Muhammad Khalil Obaiyyat, Adel Samih Ulayyan, Hassan Ahmad Hassan al-Hilo, Ahmad Issa Ulayyan, Yassin Abdelal, and Abed Zahran.

A statement from the Israeli police said that a policeman was lightly injured after Palestinians threw stones.

An Israeli army spokeswoman said she was not familiar with the incident.

Salama said that Israeli settlers had seized 400 dunams (100 acres) of land from Anata and surrounded the land with barbed wire.

Residents of the village have filed a lawsuit against the settlers, but an Israeli court decision has not yet been made, he added.

More than 500,000 Israeli settlers live in settlements across the West Bank and East Jerusalem, in contravention of international law.

To check out what life is like under a murderous military occupation commanded by foreign terrorists, go to:

<http://www.palestinemonitor.org/list.php?id=ej898ra7yff0ukmf16>

The occupied nation is Palestine. The foreign terrorists call themselves "Israeli."

DANGER: POLITICIANS AT WORK



The Harpersville Horrors:

**Thinly Disguised Slavery Forced
Prisoners To Labor From A Work
Release Jail To Pay Off Ever
Growing Fines;
“A Judicially Sanctioned Extortion
Racket That Demands Money They
Do Not Have, Then Punishes Them
For Failing To Pay”
“Ford Spent Seven Weeks In Jail, During
Which Time Her Debt Grew Into The
Thousands”**

March 14, 2014 by Hannah Rappleye and Lisa Riordan Seville, The Nation [Excerpts]

At the single stoplight in Harpersville, Alabama, Debra Shoemaker Ford saw the police lights flash. On that January day in 2007, she steered her beat-up black Chevy Blazer into the parking lot, under the big red dot advertising Jack's restaurant.

The officer said she had a taillight out. He asked to see her license.

Ford didn't have one.

Her license had been revoked after she failed to pay a court judgment against her for a traffic ticket in a nearby town.

She hadn't worked since a car wreck a decade earlier, surviving instead on disability payments of about \$670 a month.

That meant generic washing powder instead of Purex. Cigarettes, when she allowed herself, were rationed, each drag a pleasure measured in pennies.

To pay the ticket, plus the fee to reinstate her license, would have meant going without essentials. Though she knew she shouldn't, Ford, a small white woman in her 50s with a fringe of bangs and a raspy voice, regularly climbed behind the wheel of the old Chevy. In rural Alabama, it's the only way to get around.

Ford Spent Seven Weeks In Jail, During Which Time Her Debt Grew Into The Thousands. She Did Not, However, See The Inside Of A Courtroom”

Ford left the parking lot with tickets for no proof of insurance and driving without a license, which would come to \$745 with court costs.

She didn't know it yet, but they would also cause her to spend years cycling through court, jail and the offices of a private probation company called Judicial Correction Services.

JCS had contracted with the town of Harpersville several years earlier to help collect on court fines, and also to earn a little something extra for itself.

It did this by charging probationers like Ford a monthly fee (typically between \$35 and \$45) while tacking on additional fees for court-mandated classes and electronic monitoring.

Ford tried to meet her mounting debt to Harpersville, but as the months passed and the fees added up, she fell behind and stopped paying.

In June 2007, the company sent a letter telling her to pay \$145 immediately or face jail.

But the letter was returned as undeliverable—a fact that did not stop the Harpersville Municipal Court from issuing a warrant for her arrest.

Almost two years later, in January 2009, Ford was arrested on that outstanding warrant and promptly booked in the county jail—where, to offset costs, the town charged her \$31 a day for her stay.

Ford spent seven weeks in jail, during which time her debt grew into the thousands.

She did not, however, see the inside of a courtroom.

All the lawyer hired by her family managed to do was to eventually get her transferred to a work-release program, which stopped her jail fees from growing and allowed her to live in a closed facility, the Shelby County Work Release Center, while going to work.

Ford found a minimum-wage job at a local thrift store, but after buying food and handing a cut to the work-release program—40 percent of her gross earnings—there wasn't much left to pay off the fines that kept her there.

What had started as a simple traffic violation had become an indefinite sentence in a debtors' purgatory—one that would take years to pay her way out.

“It shouldn't have been that much punishment,” Ford recalled later. “I was guilty—no license and no insurance—but I was trying to fix it. I was trying to make my wrong right, and there was no way they was gonna let me.”

“In Alabama, People Know Harpersville Best As A Speed Trap, The Stretch Of Country Highway Where The Speed Limit Changes Six Times In Roughly As Many Miles”

What happened to Ford in the small town of Harpersville was tangled and unconstitutional—but hardly unique.

Similar tales have been playing out in more than 1,000 courts across the country, from Georgia to Idaho. In the face of strained budgets and cuts to public services, state and local governments have been stepping up their efforts to ensure that the criminal justice system pays for itself.

They have increased fines and court costs, intensified law enforcement efforts, and passed so-called “pay-to-stay” laws that charge offenders daily jail fees.

They have also begun contracting with “offender-funded” probation companies like JCS, which offer a particularly attractive solution—collection, at no cost to the court.

Harpersville’s experiment with private probation began nearly ten years ago.

In Alabama, people know Harpersville best as a speed trap, the stretch of country highway where the speed limit changes six times in roughly as many miles.

Indeed, traffic is by far the biggest business in the town of 1,600, where there is little more than Big Man’s BBQ, the Sudden Impact Collision Center and a dollar store.

In 2005, the court’s revenue was nearly three times the amount that the town received from a sales tax, Harpersville’s second-largest source of income.

Fines had become key to Harpersville’s development, but it proved difficult to chase down those who did not pay. So, that year, Harpersville decided to follow in the footsteps of other Alabama cities and hire JCS to help collect.

JCS is considered a significant player within the private probation universe.

Founded in Georgia in 2001 by a group of locals with backgrounds in law enforcement and the finance industry, the company has since expanded its operations to Florida, Mississippi and Alabama. Business has been good.

Between 2006 and 2009, JCS more than doubled its revenue, to \$13.6 million, according to a profile in Inc. magazine.

And while recent revenue statements for the privately held company aren’t available, what is known is that JCS operates in some 480 courts across the country.

In larger courts, JCS can net as much as \$1 million in probationers’ fees each year, according to an estimate from Human Rights Watch.

To keep business booming, JCS representatives crisscross the South promoting the company as a free and effective “supervision services” program. (“Helping municipal court clerks kick their heels up in joy,” JCS promises in one magazine ad.)

And yet, if private probation has seemed like a solution for struggling Southern cities, it has been a disaster for the many poor residents who are increasingly trapped in a criminal justice system that demands money they do not have, then punishes them for failing to pay.

“A Judicially Sanctioned Extortion Racket....”

The Constitution ostensibly protects people from falling into this kind of debt-and-punishment trap.

In the 1983 case *Bearden v. Georgia*, the Supreme Court ruled that to jail a probationer for failure to pay a fine without inquiring first into that person’s ability to pay violates the equal protection clause of the Fourteenth Amendment.

But if neither the company nor the court seeks to determine indigence—and that is common—then protections for the poor never kick in.

This is precisely what happened in Harpersville, where JCS’s private probation model met a small-town court in which the letter of the law did not always apply.

In Shelby County, the richest in Alabama, there remains a yawning gap between the haves and have-nots, yet neither the court nor JCS made any effort to determine if people could pay; it was simply not in their interest.

At the same time, money collected from probationers went missing, leading to the indictment of a lead JCS probation officer.

People were jailed for months for failure to pay without seeing a judge. And two people locked up for fines to Harpersville died while in custody.

It was a system of extraction and coercion so flagrant that Alabama Circuit Court Judge Hub Harrington likened it to a modern-day “debtors’ prison.”

In a July 2012 ruling in a civil action brought on behalf of Debra Ford and three others, Harrington wrote: “The court notes that (debtors’ prisons) generally fell into disfavor by the early 1800s, though the practice appears to have remained commonplace in Harpersville.

“From a fair reading of the defendants’ testimony one might ascertain that a more apt description of the Harpersville Municipal Court practices is that of a judicially sanctioned extortion racket.... Disgraceful.”

He then promptly seized control of the Harpersville Municipal Court.

“Probation Had Now Become A Court-Sanctioned Tool For Debt Collection”

Dana Burdette is a petite white woman with auburn hair and, at 37, a face that looks a decade younger. She has three kids and, like many other Harpersville residents, has worked most of her life in low-wage jobs.

In 2007, she was getting by running errands and taking care of a few older people in the area. On Thanksgiving night, one asked her to drive him to a relative's house for the holiday because he had been drinking.

Near the intersection in Harpersville, an officer pulled Burdette over and ticketed her for driving without a license — a common occurrence in Alabama, where an unpaid ticket can lead to automatic suspension.

Although the car belonged to the man she was driving, she was also ticketed for an expired tag, no proof of insurance, and possession of drug paraphernalia after the officer found a pipe under the seat. "The car doesn't belong to me, it's not registered to me, none of that had nothing to do with me," Burdette said. "But here I am, in all this trouble."

By January 2007, Harpersville's crowded court had gone from convening monthly to every other week. Those who arrived early could claim a seat among the dozens of chairs in front of the dais; the rest stood as they waited for Judge Larry Ward to call their case.

Ward was the longest-serving judge in Alabama's 274 municipal courts, which are often homespun affairs: a folding table and chairs in a town hall. Appointed by the local governments, municipal judges are required to be licensed to practice law in the state, but they need not have much legal experience.

Though Ward earned a law degree from the University of Alabama, he never practiced. Instead, he worked as a bond salesman for Morgan Keegan & Company, often selling bonds to the same small towns over whose courts he presided. At one time, he served as a judge in thirteen different municipal courts in central Alabama. He ruled in Harpersville's court for over a decade.

It was Ward whom Burdette faced that day in Harpersville's town hall.

"He made us sign this paper saying we waived legal counsel at the time," she recalled. Burdette didn't think much of it: "I didn't know you could get a lawyer for a traffic ticket and didn't think I needed one—it was a traffic ticket."

Her fines for the three charges added up to \$2,922, court papers show.

Ward sentenced her—and others who said they couldn't pay their full fines that day—to probation.

Once a means of allowing convicted offenders to stay out of jail on the condition of good behavior, probation had now become a court-sanctioned tool for debt collection.

Burdette shuffled into the mayor's office, where representatives from JCS processed the new probationers.

She signed the paperwork and, several days later, reported to the JCS office in nearby Childersburg, where she paid her probation officer \$100.

Of that, \$45 went toward her fine, \$10 toward a one-time “start-up fee,” and the last \$45 went to JCS as a monthly fee for service.

Burdette didn't think she was guilty of all of her charges, but probation seemed easier than mustering the energy it would take to fight them .

She was already struggling to keep working and to care for her kids and her sick parents. She didn't need one more thing on her plate.

By February 2008, however, Burdette was in arrears, prompting JCS to send her a letter stating that if she did not pay \$400 immediately, her probation could be revoked and she could go to jail.

Following that letter, in a hearing Burdette did not attend—she said she'd never received notification in the mail—Judge Ward revoked her probation and signed a warrant for her arrest.

“In Fact, People Arrested On Those Charges Often Remained In Jail Far Longer Than Those Charged With More Serious Offenses, Such As Drunk Driving Or Assault”

By most accounts, the first private probation efforts started in Florida in the 1970s, when the state allowed the Salvation Army to run misdemeanor probation services in an effort to curb growing criminal justice costs.

The idea took hold slowly at first, with Tennessee and Missouri passing laws to allow the practice in the late 1980s.

Companies now operate in small-government states in the Mountain West—Idaho, Montana, Colorado—but in the past decade, the practice has taken particular hold in the South, with dozens of companies in states like Mississippi, Alabama, Tennessee, Florida and Georgia.

Today, private probation companies operate in at least twelve states, although it is difficult to estimate how many people are sentenced to private probation each year.

Each system is slightly different, but controversy—and legal challenges—have followed many of them.

“One of the darker realities of this whole business is that some of the poorest communities and counties in the country are among the best opportunities,” said Chris Albin-Lackey, a Human Rights Watch senior researcher on business and human rights and the author of a critical report on the industry released in February.

“Where you have a lot of people who are struggling to pay down relatively small financial penalties they owe to their local courts, probation companies can come in and get large volumes of people under their supervision.”

In July 2012, a New York Times story and Judge Harrington’s scathing ruling in the Harpersville case brought national attention to the industry. JCS subsequently hired a former associate justice of the Alabama Supreme Court, Bernard Harwood, to review its practices.

He found that the company was doing its job, and also that any jailing for debt was not the fault of JCS, because private probation companies do not have the legal authority to jail people directly or to determine indigency.

That, Harwood found, was the purview of the court.

Yet an analysis by The Nation, based on court documents, interviews and jail records, offered a more complicated portrait of JCS’s close working relationship with Harpersville’s municipal court.

In depositions, court and probation staffers described how, when a probationer did not pay, JCS would send a letter demanding that the person make an immediate payment or face jail time, much as what happened with Ford and Burdette.

If no payment was made, the company would then petition the court to revoke that person’s probation.

The court would follow up with a hearing, and if the probationer did not appear, Judge Ward issued a warrant for arrest. These warrants were filed for a variety of charges—failure to appear, probation violation and contempt of court—yet they stemmed from a failure to report to JCS to pay fines and fees.

But The Nation’s investigation found that Harpersville punished the failure to pay fines both frequently and heavily.

In fact, people arrested on those charges often remained in jail far longer than those charged with more serious offenses, such as drunk driving or assault.

Of the more than 320 people booked on DUI charges between January 2008 and September 2012, under 20 percent spent more than a night in jail.

Meanwhile, during that time, about 75 percent of the nearly 390 people booked on charges commonly linked to not keeping up with fines—failure to appear, contempt of court and alias warrants—spent at least one night behind bars.

And some spent much more than that: jail records show one individual locked up for forty-one days for failure to pay fines, another for seventy-eight days for contempt of court, and a third for thirty-six days for a probation violation—that is, not keeping up with the payments to JCS.

It's unclear how much JCS reaped from its ventures in Harpersville, since its financial information is private. But the company did take a slice out of nearly every payment collected on Harpersville's behalf. In 2009, as enforcement escalated, city budgets show that Harpersville's municipal court collected \$1.06 million in fees and fines—more than the \$892,000 earned from all other sources of revenue.

Yet this system, meant to be “free to taxpayers,” came at a cost. In 2009, the town spent a record \$100,000 reimbursing jail fees to Shelby County—\$31 a day for each inmate it boarded there.

Interviews, depositions and documents show the city then charged most or all of that cost back to those incarcerated, pushing people ever deeper into debt.

“Burdette’s Debt Of Over \$2,000 Grew With The Daily Jail Fee. Her Debt Was Now About \$5,000, And They Would Have To Pay All Of It For Burdette To Be Released”

In the spring of 2009, Burdette was doing well. For a year she had worked at the Piggly Wiggly in Childersburg, another small town near Harpersville, where nearly a quarter of the 5,200 citizens live in poverty.

Burdette’s cashier job did not pay much, but it helped her get by.

One May afternoon, she was ringing up customers when a Shelby County sheriff’s deputy approached the register and asked to speak to her outside.

“He said, ‘I don’t want to make you look bad or lose your job,’” Burdette remembered. In the parking lot, he told her he had a warrant for her arrest.

After she was booked into jail, Burdette thought she’d see a judge within seventy-two hours, as required by law. That never happened.

“Nobody ever came and talked to me,” she remembered. “I didn’t have no clue of how I could get out.”

As the drowsy Alabama summer wore on, Burdette’s debt of over \$2,000 grew with the daily jail fee that Harpersville added to her bill.

Her family managed to rustle up \$2,500, but Burdette said they were told by Penny Hall, Harpersville’s clerk, that her debt was now about \$5,000, and that they would have to pay all of it for Burdette to be released.

“It was either pay all the money,” Burdette said, “or stay.”

So she remained.

Her fellow inmates pressed her for details of her crime.

“‘How long have you been here?’ ‘Months.’ ‘What did you do?’ ‘A traffic ticket.’ And they’d just laugh: ‘Are you serious?’”

As she recounted the story, Burdette’s voice rose. “There’s a lady in there killing folks, and they get a bond. They get to go to court.”

At the beginning of September, a voice came over the intercom: “Dana Burdette, pack up.” No explanation, no court hearing. Just freedom, suddenly.

She had spent 113 days in jail.

Once out, Burdette began to hear pieces of the story from people around town who had also tangled with Harpersville and JCS. Lawyers were starting to get interested in what was happening.

“Despite The Twice-Monthly Court Sessions, Harpersville’s Debtors Could Languish In Jail For Months”

It seemed to have started with Terrance Datcher.

The Datchers’ roots in Shelby County trace back to Albert and Lucy Wallace Baker. Once enslaved on the plantations around Harpersville, the two purchased 100 acres of land in 1879. Albert tilled while Lucy became a prominent midwife.

The couple’s story is one of survival in an otherwise tragic period. While slavery had been abolished, Reconstruction brought the rise of convict-leasing, which ensured that the stream of cheap labor continued.

Blacks were routinely arrested for petty crimes like loitering and hit with fines they could not pay.

Judges then sentenced the convicts to work off their debts in privately owned mines and plantations, where they were controlled with savage violence. As their debts accrued, a year-long sentence could turn indefinite, ended only by cash—or death.

Throughout this troubled time, however, the Datchers raised children and tended their farm—still the largest black-owned farm in Shelby County.

Terrance Datcher lives in a small cabin on the family compound, a few hundred feet from his mother’s home off Datcher Way. The 34-year-old has a history of psychiatric problems and has tangled with the law over the years—for things like disorderly conduct, speeding, reckless driving—racking up debts and stints in jail.

In 2007, after the town brought on JCS, Judge Ward sentenced Datcher to probation in the hopes of collecting those back fees. But Datcher, who lives off monthly government disability payments, didn’t keep up.

In late 2008, the company asked the court for a warrant, after which Datcher was booked again into the county jail.

That summer, after Harpersville told Datcher's mother that she would have to pay thousands to free her son from jail, she called Jim Pino and Associates, a law firm in a wealthy Birmingham suburb that had done some work for the family before.

An attorney there said he would call down to the court to see what he could do. Penny Hall, the court clerk, answered the phone.

Hall had served as the city magistrate, or court clerk, for Harpersville since 2000. She worked alongside Judge Ward nearly every court day; when she couldn't, her mother—who served as a part-time court clerk—filled in.

Hall declined to comment for this story, but interviews and court records illuminate the heavy hand that the clerk exercised in a debtor's fate.

Probationers described sitting in jail for weeks or months until they received a visit from Hall, who sometimes offered them a transfer to work release.

Others recalled their families battling over the rapidly changing debt balances calculated by Hall.

According to testimony offered during a deposition, Hall signed off on all of Harpersville's warrants and was responsible for holding the seventy-two-hour hearings for Harpersville inmates at the Shelby County Jail.

But despite the twice-monthly court sessions, Harpersville's debtors could languish in jail for months.

Hall told one of Pino's attorneys it would take the full amount that Datcher owed to bond him out on the four misdemeanor charges that kept him in jail.

According to court paperwork, his fines and fees had by that time grown to \$9,720.43. His tab ballooned largely because of jail fees, but it also included warrant fees and a \$629 public defender fee for a lawyer he was never given.

"What it amounts to is an interminable sentence," Pino said. "You're going into the hole every day. You're going backwards."

"Datcher Had Remained In Jail Over The Summer Without Seeing A Judge Because, As Hall Testified In Her Deposition, She Did Not 'Get Down' To The Jail, About Twenty Miles Away"

Datcher had remained in jail over the summer without seeing a judge because, as Hall testified in her deposition, she did not "get down" to the jail, about twenty miles away.

He missed court dates that might have offered an opportunity to address his imprisonment, in one case because, Hall said, town police officers were attending a class and couldn't pick him up from jail. In Harpersville, personal convenience trumped

due process, and Judge Ward appeared to exercise little oversight other than his twice-monthly appearances.

Many would call what happened in Harpersville a “comedy of errors,” Pino said.

“But ‘error’ implies a mistake. This is a deliberate attempt to extort money from people who can’t defend themselves.”

Discussing Datcher’s case during a deposition, Judge Ward was asked how indigent probationers jailed for fines, then charged for their stay, could ever pay off their debt.

His answer spoke to the impossibility: “You’re losing ground mathematically,” Ward testified, “but somebody could get a—some sort of unforeseen financial benefit and pay their way out.”

“Her Fines Ballooned And Nobody Cared Whether She Could Ever Pay Them” “With No Official End To Her Sentence, It Could Be Years Before She Was Free”

In jail, Debra Ford had the sense that eyes were everywhere: whenever she ate, showered or went to the bathroom, someone was watching.

Ford had been in trouble with the law before.

She struggled with a methamphetamine addiction that eventually resulted in a drug conviction. For that, she had been sentenced to a stint in rehab, where the staff helped her piece her life back together.

When Ford got out, fines—not serious crimes—put her back in the system. This time, it was an indefinite sentence in the Shelby County Jail, where her fines ballooned and nobody cared whether she could ever pay them.

The suggestion in March 2009 that Ford enter the county’s work-release program seemed, like private probation before it, a solution to the growing problem of her fines.

The warrant that landed her in jail had been issued for nonpayment of a \$1,403 debt—a combination of fines and fees from her original traffic ticket and back fees to JCS.

After forty-three days in custody, her bill had grown to \$2,736. “Every day I thought, ‘Thirty-one more dollars,’” she said.

Once in the program, Ford found a minimum-wage job working at a thrift store. But as she quickly realized, most of what she made each week went to cover the program’s costs rather than her outstanding fines.

With no official end to her sentence, it could be years before she was free.

In testimony offered at a deposition, Hall, the court clerk, acknowledged that the sentences Harpersville debtors served at the Shelby County Work Release Center were indefinite.

Ford's sentence, Hall explained, was "up to her"; she could leave work release as soon as she paid off her fines.

The sole function of work release was to collect outstanding debt, forgoing the rehabilitative underpinning of most work-release programs.

Around the time Ford entered the program, Bill Junior Hosey was arrested for public intoxication in Harpersville and booked into jail on that charge, as well as for failing to appear in court. Like Ford, he soon ended up in work release as a way to pay off his fines. Hosey used drugs and drank too much and, according to his sister, Linda Srygley, suffered from a degenerative bone disease that had withered his nearly six-foot frame down to 128 pounds.

"They picked him up for public drunkenness, but that's just a minor thing," Srygley said. "I couldn't understand why they put him in work release when he could hardly walk in the first place."

Less than a month later, Hosey was dead.

The death records show he died in work release of a "multiple drug overdose."

Traces were found in his body of at least six different pharmaceuticals taken to address depression, pain and addiction.

The manner of death was listed as "accident." The few worldly possessions Hosey left behind included two pieces of candy, one cigarette lighter, two quarters and one nickel.

News of Hosey's death leaked to Ford despite the strict separation of men and women at the work-release program.

"It's not right," Ford said. "We're not animals—we're human beings. And if we're trying to pay our debt to society that we did owe, don't keep punishing us."

Two years later, 45-year-old Rebecca Allred would die of liver failure in the Shelby County Jail, after spending five days locked up for nonpayment of fees associated with a car tag violation in Harpersville.

"But If You're A Poor, Minimum-Wage Working Mother, You Have To Do What You Have To Do To Make Sure Your Kids—And My Dad—Is Took Care Of. I Don't Have Anyone Else To Depend On"

About a month after Hosey's death, while working her shift at the thrift store, Ford read a newspaper article about a woman who had been repeatedly jailed by a nearby town for failing to keep up with fines from her traffic tickets.

Ford felt as if she were reading her own story, so she called the attorneys working on the woman's case; they put in her in touch with another lawyer, who offered to take her case pro bono.

By the spring of 2009, the lives of Burdette, Ford and Datcher were beginning to braid together. Independently, each had attracted the attention of attorneys who, incredulous at first, soon realized that something in Harpersville seemed very wrong.

Eventually, other courts began to realize it, too.

That fall, Pino filed a writ of habeas corpus with Shelby County's Circuit Court contending that Terrance Datcher was being wrongfully imprisoned. In early September 2009, Judge Harrington granted it. That ruling validated what many who had been shuttled through the Harpersville system felt: the justice system was broken.

News of Datcher's release reached other attorneys working on similar cases, including those of Debra Ford and Dana Burdette. The attorneys filed suit against Harpersville in March 2010.

Two years later, Judge Harrington published his ruling denouncing the system fostered there by JCS and court employees as a "judicially sanctioned extortion racket."

Many of the same attorneys would file a federal lawsuit in 2012 against the neighboring town of Childersburg, where Ward also presided and many of the same alleged abuses by JCS took place. That lawsuit is pending, as are the key claims in the Harpersville case.

Last December, Judge Harrington ordered that the 930 people who had outstanding fines in Harpersville would have their violations considered paid in full, and any outstanding warrants associated with them voided.

At the same time in Leflore County, a rural community in the Mississippi Delta, the board of supervisors voted to cancel its contract with JCS after nearly a year of debate.

Yet the private probation industry remains undeterred and, to a large degree, unscathed.

An industry-supported bill introduced in Alabama last year would extend private probation, now limited to municipal courts, to state courts, thereby expanding the market for companies across the state.

Last spring, on a sunny afternoon in Childersburg, Dana Burdette sat in a booth at a local fast-food restaurant not far from her job as a store clerk.

"There's no way that I have the money to afford to pay nobody," she said, acknowledging that her troubles had not gone away.

Judge Harrington's order had erased her fines in Harpersville, but subsequent tickets for driving on a suspended license mean she's still on probation with JCS in nearby Sylacauga.

“For the past four years, I have spent cleaning up all the mess I made,” Burdette said. “Yet I still have all this over my head that I can’t get free of.”

After she finished her shift, she would climb back into her pickup, hoping to make it home without getting pulled over one more time. She didn’t see any other option.

“I just have to take the risks myself,” she said.

“Which I know is probably wrong. But if you’re a poor, minimum-wage working mother, you have to do what you have to do to make sure your kids—and my dad—is took care of.

“I don’t have anyone else to depend on.”

DO YOU HAVE A FRIEND OR RELATIVE IN THE MILITARY?



U.S. soldier in Bejjia village Iraq, Feb. 4, 2008. (AP Photo/Maya Alleruzzo)

Forward Military Resistance along, or send us the email address if you wish and we’ll send it regularly with your best wishes. Whether in Afghanistan or at a base in the USA, this is extra important for your service friend, too often cut off from access to encouraging news of growing resistance to injustices, inside the armed services and at home. Send email requests to address up top or write to: Military Resistance, Box 126, 2576 Broadway, New York, N.Y. 10025-5657.

Vietnam GI: Reprints Available

Vietnam GI

January, 1969

Free to Servicemen

"... he threw his rifle at his Commanding Officer..."



Below is an interview with a Marine who didn't like the war and figured out why. This guy is a Platoon SGT with the years in the Green Machine, and over a year in Nam, mostly in long range recon with Charlie Company, 3rd Reconnaissance Battalion, VSF, who he met while he was on leave visiting his second Nam tour. Since he doesn't ETS until 1972 we've left out his name.

VGI: How did you feel about the war when you were over there. Did your feelings change?

A: When I first went over there, I thought it would be a great thing to go, and a great new experience of being in war. I really thought it was going to be something different. But then I got put on some of these patrols and I got to see the people and got to talk to the people. This was the big thing that finally changed me. I finally saw that it wasn't worth while, and that they actually don't want our help because it actually isn't help.

VGI: Did you have any contact with the Vietnamese, with the people?

A: There was a place called Ben Son and for a while I was stationed down at the bridge there. This is where I lived, ate, slept, drank, everything. There were houses right next to my bunker, we had an address for ours and we gave everybody else addresses. We explained to the people what the addresses were and they got all shook up about the whole thing, even, they got addresses now.

VGI: What was it like, living there?

A: We lived with them, we shared our food, we shared their. They used to walk for the little treats in the cation packs, the gum and the cation cigarettes and everything, and in turn they'd bring back bananas. There was this one girl, her name was—I can't think of her name now—I had her picture but I lost it. This one girl, she really stands out in my mind because she used to come over and bring us beer every day and in turn, all she expected from us was the empty boxes of cations, that's all she wanted, the empty boxes. But then we started putting little things in the empty boxes and told her we wanted her to have them.

VGI: What would she want with the empty boxes?

A: I don't know, the Vietnamese people, they could take an empty can of nothing and make something out of it. She made me a souvenir which she had made out of a cation tin. She had pounded it out with a nail and a hammer. It had a little Buddha on it and I wore it all the time. I actually got to feel naked after I lost it.

But yet, later on, during the Tet holidays, the Viet Cong came in and burned out half of the village, and the women naturally went in panic. In order to stop them, the VC took this girl and they cut off her breasts. She was brought up to the hospital and later she died.

VGI: Did the brass give you any slack about being with the Vietnamese?

A: The incident when I almost got into trouble was, there was a convoy of about 12 to 14 trucks. I think it was. We had a whole bunch of plywood on it and we took this plywood over to a village chief in Ben Son. He was one of

the stinks. We dropped off something like 14 sheets of plywood. Naturally, when we got back, there was one truckload of plywood missing, and they asked where it was. They later found out that I had given it to this village chief, not for my own good relations with him, but because there was Viet Cong in this village, we'd observed at our observation point, and they brought us food. So we gave them something else in return.

interview

VGI: What are some of the things you saw and did that led you into deciding in the middle of Nam not to fight anymore?

A: Well, I saw first when COL Bill Fisher, when he would tell his men to dismantle their personal-carrying items—throw them, take them out on a company sleep and put them back together once they got out. He went into a village and told them, "Are there any Viet Cong here?" The village chief naturally said "No" because he knew that if he said yes, he didn't know what'd happen to him. Then COL Fisher said, "Well, if there is any Viet Cong in this village, we'll show you what's going to happen." He sent one of his flame men up to the house, he didn't check to see if there was anybody in it or not. Later we found out there was a woman in there who was real sick, she couldn't move or anything. She was burned to death. It was terrible, and seeing guys being carried in in ponchos. A full-grown man weighed about two pounds after he was brought in as a sack of raw flesh or something like that.

VGI: Did you see any other incidents like that?

A: There was this little village just out of Ben Son where we brought out rice and got out rice. It's not pretty, it's really true, it was just this small village, maybe 16 or 17 houses. It was a "gray to white" village, and on there'd be Viet Cong waiting the area. No houses at all, they'd just go in there to be resupplied. Yet one day, they found out that VC were coming into that village and they called "Pull". "Pull" came over and leveled the whole village down. I think maybe three people lived out of the whole thing. One was a little baby about two years old whose mother and father was gone.

One of the guys sort of adopted this kid, this little two year old. He took the kid real close. When we went to K and K we brought him back, toys and books and things like that. It was really something, because they don't get too many trucks over there. We'd round up a few dump trucks and stuff like that from Hong Kong. They were really surprised to see the new toys. I mean, the toys they play with, old cation cans and stuff like that are their toys. They're a fascinating people. If you just have an opportunity to see them, to get to know them. They're really great.

VGI: How do you think they feel about us?

A: This one incident—I know of the letter one north Vietnamese who was down south wrote to his brother up north who was in over on coming down

Continued on page 8

WHEN HAWKS RETIRE

All of us who've had our "free" trips to Sunny Nam and South Korea shouldn't feel guilty about accepting such "gifts" from the Government. Lots of hawk politicians are taking Government trips too. Of course, their trips are a little bit different.

Take Senator Edward V. Long (D-Mo.), the Senate Judiciary Committee highest volume entrepreneur in January was speeded up by graft mandates. The good Senator decided that as a last sacrifice to his country he would give himself TDY to Europe. The reason was to "get forward information on foreign aid and military assistance programs." Doubtless, that's why he took his wife along.

Of special interest was his visit to

Switzerland, which neither gets US aid nor wants any. It doesn't really make any difference, since as soon as Senator Long returned from his "beneficial mission" he returned from the Senate, thus depriving our Congress of all his "facts" (mostly on nightclubs and night hotels).

Going to and from Europe Long traveled on Senate funds, but while on TDY there, he accompanied by using US military aircraft, and his chauffeurs to get around. The Pentagon ordered the red carpet rolled out around the world. Nothing too good for a retiring hawk politician. As the saying goes, in America we're all equal — only some are more equal than others!

As we go to press we learn that the government has finally agreed on the shape of the table and seating arrangements for the Paris talks. Now that everyone is seated and comfortable, maybe we can expect further "breakthroughs."

The grim fact is that while the government hawks are living in Paris, thousands of our buddies are still dying in Nam. In fact, since they began talking last May, 7,000 GIs have been killed in action.

Talks or no talks, the only solution is to get the hell out of Nam, immediately. Stop talking and start shipping us home.

The next issue of VGI will discuss the Paris talks in greater detail. By that

Edited by Vietnam Veteran Jeff Sharlet from 1968 until his death, this newspaper rocked the world, attracting attention even from Time Magazine, and extremely hostile attention from the chain of command.

The pages and pages of letters in the paper from troops in Vietnam condemning the war are lost to history, but you can find them here.

Military Resistance has copied complete sets of Vietnam GI. The originals were a bit rough, but every page is there. Over 100 pages, full 11x17 size.

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