TELLS THE FACTS AND NAMES THE NAMES

CounterPunch

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How to Wash $7.3 Billion
Russians Sue America's Oldest Bank
By Alexander Cockburn

On July 3, the very eve of America's annual celebration of Independence Day, a Moscow courtroom sizzled with acrid testimonials to the effect that the oldest bank in the U.S. is internationally accountable on charges of money laundering and, if convicted, will have to pony up $22.5 billion to the Russian Customs Service, said sum representing just over a third of its capital.

The outfit in question is the indubitably venerable Bank of New York, founded in 1784 by investors including Alexander Hamilton, first U.S. Secretary of the Treasury, Aaron Burr (who later killed Hamilton in a duel) and the Bank of England. At least part of the startup capital was money filched from a public works scheme to clean up Manhattan's drinking water.

Today BNY-Mellon, as it's formally known, is a huge private bank catering to blue chip companies and clients around the world.

In the early Nineties, BNY scented opportunity in Russia and soon became a favored port of call for customers in the former Soviet Union eager to dispatch very large sums of money overseas. This was the period when public assets were being stolen by former public officials, party insiders, gangsters, and foreign advisors. Assisting BNY in this hospitable activity was a Russian couple, Peter Berlin and his wife Lucy Edwards, who finally relocated from the Russian Federation in the mid 1990s and settled in New York. In 1996, Peter set up a couple of companies, Benex and BECS, with accounts at the BNY Branch at One Wall St., Lower Manhattan.

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Untrue Confessions
How People Tell Cops They're Guilty Even When They Aren't
By Emily Horowitz

Khemwatie Bedessie, a 39-year-old immigrant woman in New York City, was convicted last year of raping a 4-year-old at a daycare center in Queens, though the facts of the case strongly suggest she is innocent. Her conviction resulted solely from a confession, which she says is false and was coerced from her by a detective.

In the 1930s, the Supreme Court outlawed "the third degree" during police questioning. Interrogators can no longer beat people, keep them awake for days, or threaten them with death to get a confession. Rogue behavior still surfaces. Chicago is still investigating a police district that routinely applied electric shocks to suspects less than a generation ago. But this isn't the Depression Era, and coercive interrogations are no longer supposed to be allowed.

It's not the 1980s, either. That decade marked the eruption of the McMartin Preschool case, in which several California childcare workers, among them elderly women, were accused of most bizarre and extreme sex abuse against children. McMartin, with its claims of mutilated rabbits and sodomy in underground tunnels, turned into the longest and most expensive criminal case in U.S. history, before it collapsed in 1990, with acquittals and hung juries. Dozens of copycat cases from the same period have since been debunked, and today child protection authorities tell us they know child sex abuse investigations can go haywire, but they have ways to keep them on track so people aren't treated unjustly.

Even so, Khemwatie Bedessie was accused and convicted without any substantial evidence, except for her confession. Was it really coerced and false, as she claims? We'll probably never know for sure because police didn't record the interrogation that led to her self-incriminating statements. Lack of recording is one reason Bedessie deserves the benefit of the doubt. Her interrogation should have been videotaped, just as all questioning should be when people are detained during investigation of serious crimes. Among law enforcement agencies around the country, videotaping is catching on, and that's laudable. But even if taping becomes universal, it won't come near to eliminating false convictions based on false confessions. To make a real dent in the problem, we need to first recognize that when it comes to investigating crimes, we're still in the epoch of the Inquisition.

Bedessie's case is instructive, and it has a back story. She is one of nine siblings from Guyana, and grew up very poor there. At age 3, she was kicked in the head by a donkey; after that, she suffered bouts of writhing and foaming at the mouth, which her family calls "seizures" or "anxiety attacks." She never received medical treatment for them, and because classmates teased her about the attacks she dropped out of school after fifth grade. She cannot add or subtract small numbers, and her writing looks like a 7-year-old's. After coming to the United States five years ago, she lived with her mother and worked 11-hour shifts, doing cleaning at a small daycare center in Queens. There she was known by the children as "Teacher" and by their parents as "Anita."

One preschooler was a boy I will call Sam. At Bedessie's trial this spring, Sam's mother testified that when she first put him in daycare at age two so she could

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For the next three years, astoundingly large sums sluiced into these accounts, remitted from Moscow by a Russian enterprise called Depositarno Kliringovy Bank (DKB), for which Peter and Lucy were acting as front operators, in a money laundering operation of the utmost simplicity. Between 1996 and 1999, $7.5 billion flowed into the BNY accounts. Back in the Forest Hills office, the couple would sit in front of their computers, using a BNY software program called "micro/CA$H-Register" to whisk the money out of BNY and dispatch it to trusted financial institutions in the South Pacific, such as Sinex, later described unflatteringly by U.S. federal prosecutors as a "shell bank in Nauru controlled by principals of DKB." Nauru was a popular financial Laundromat in the '90s.

All this time, so these same U.S. federal prosecutors say in an annex to the "non-prosecution agreement" they co-signed in 2005 with Thomas Renyi, chairman and CEO of BNY, BNY's supervisors at the One Wall Street branch were never moved to file even so much as one Suspicious Activity Report, or even to display any disquiet at the manifest and illegal trafficking that made Benex and BECS the highest fee producers at the branch, with BNY earning $1 million in simple transaction fees. Ignorance is bliss, when it's dangerous to be wise. When the feds lowered the boom in 1999, BNY said that by a series of miscommunications – left hand not knowing what the right was doing and that sort of thing – for three years it had absolutely no idea of what was going on. Indeed, BNY promoted Lucy to a vice presidential spot in that period.

No Bank of New York executive ever faced actual prosecution, let alone a day behind bars for playing the role of host money launderer to an extent that gets humble drug dealers, who don't have Alexander Hamilton as a progenitor, put away for decades.

The Russian couple eventually plead guilty in 2000, admitting they'd been paid $1.8 million in commissions for their role in the wash. They paid fines, got five years' probation but nothing in the way of jail time. The feds imposed record forfeitures – $38 million – on BNY, which seems to have finally paid $14 million, and made all sorts of fierce noises in the 2005 agreement, but no BNY executive ever faced actual prosecution, let alone a day behind bars for playing the role of host money launderer to an extent that gets humble drug dealers, who don't have Alexander Hamilton as a progenitor, put away for decades.

In May 2007, the Russian Customs Service filed a $22.5 billion claim against the Bank of New York. Its legal onslaught is based on the U.S. Racketeering Influenced and Corrupt Organizations (RICO) Act, which clambered into the U.S. statute book in 1970, signed by Richard Nixon, with "finishing off the Mafia" as the familiar pretext. Since all it has to do is to establish a pattern of criminal activity, RICO is popular with prosecutors. In civil cases, it imposes a triple penalty – hence the escalation from $7.5 to $22.5 billion.

The public posture of BNY has been to slight the Russian case, insisting that the RICO law can't be used in cases outside the U.S. jurisdiction and that, if a Russian kangaroo court – it's the same one (Basmany) that did in Yukos – finds BNY guilty, the Customs Service will never be able to collect. But, as court proceedings got under way in Moscow this year, BNY has had some nasty jolts. The man who actually wrote the RICO law, G. Robert Blakey, filed an affidavit supporting the Russians, and flew to Moscow to testify on behalf of the Customs Service, saying that yes, the RICO Act could be invoked outside the U.S. Prof. Alan Dershowitz similarly filed a supportive affidavit.

Blakey has said he thinks there will be a settlement out of court. BNY keeps an anxious eye in its share price. Although it has claimed the case is going nowhere, it has budgeted $500,000 for translation costs on documents it intends to present in the Russian court. The Russian Customs Service is being represented by lawyers from Miami working on very substantial contingency commissions. Aside trying to get their money back, the Russians want to send a strong signal that looting the Federation and exporting the proceeds is no longer a risk-free option. These sorts of signals do have an effect.
CP

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take a job, she was anxious about leaving him. Soon she started asking him if anyone there was sexually abusing him. She asked randomly and frequently. "No, mommy," Sam always replied.

Then, one day in winter 2006, Sam developed a fever and a rash on his buttocks. At the doctor's, he was diagnosed with flu. But his mother, again, felt worried. Again, she asked him about abuse. This time Sam, now 4, said "yes." Taken to a hospital, he told a nurse he'd been raped by "Anita" – not his name for Bedessie but his mother's. A police officer was called, but Sam would not repeat the statement. And medical personnel did not change their diagnosis of the rash. They still made no finding that it was caused by sexual abuse.

That left nothing except a preschooler's word – which was spotty, and could have been tainted by his mother's constant questions. And there was another problem with the case: it is astronomically rare for females as old as Bedessie to commit sex crimes against tiny children. Given this fact, what is the probability that the rape of a 4-year-old by a middle-aged woman would be discovered purely by accident, by questioning a child whose original complaint – which triggered the questions to begin with – had nothing to do with sex abuse? The likelihood is miniscule. The most probable explanation for Sam's allegation of rape is that it was false, evoked by his mother's fears and the boy's suggestibility.

Not surprisingly, the detective in charge of the case, Ivan Borbon, was getting nowhere after a week of investigating. But instead of calling it quits, he decided to bring Bedessie in for questioning. Wearing plain clothes and driving an unmarked car, Borbon arrived at the day care at 9 a.m. one day. Bedessie said she thought he was a child protection worker. Borbon did not alert her to the misconception, and he told her they were going to his "child protection" office. It turned out to be a police interrogation room. There, Bedessie later testified, Borbon began cursing at her and calling her a child molester. He displayed a tape recorder and said he'd "wired" Sam. He claimed he had, on tape, the sounds of Bedessie forcing the child to have intercourse with her in the daycare bathroom. Incredulous, she asked him to play the tape. He refused, cursed some more, and said Bedessie had two choices. She could say then and there that she had raped Sam and she would be released to go home. Or – as she put it at trial – she could continue to profess innocence and "go to Rikers and never see my mommy" again.

"I do whatever he tell me to do," Bedessie later testified. She says she has no memory of confessing (family members say she dissociates when she has her "anxiety attacks").

But she did make a confession, after only three hours in custody. It was videotaped. In her statement, she responds to questioning by describing being fully penetrated sexually, for several minutes,

It's possible that most confessions arise not from external coercion but from states of dependency and abjection that people internalized before they were ever interrogated.

on a toilet, by preschooler Sam. She characterizes the penis of this 4-year-old as being as long as a ballpoint pen, and of "about two inch thickness." She speaks a notably creolized English, and it is not clear she understands everything she is asked. At trial a year later, she said she did not know the meaning of the words "masturbation," "stroking," "orgasm" or "immoral."

Bedessie's attorneys tried to put a witness on the stand: Richard Ofshe, an internationally recognized expert in false confessions. The judge would not allow it. He said the jury could make up its own mind about the veracity of Bedessie's incriminating videotape. After only a couple of hours' deliberation, they convicted her.

Though Ofshe did not testify, he watched Bedessie's confession and interviewed her before her trial. He finds her account of coercion very credible, and says many people make false confessions after much less time than the three hours it took for Bedessie to begin her statement. Her description of the interrogation, Ofshe says, sounds like many others he has heard, in which evidence later surfaced to show that the defendant was innocent, even though he or she had earlier confessed. Ofshe and every other researcher who has studied false confessions note that they are easily extracted by interrogators. That's because of how interrogation works – even when it's done legally.

The *Arizona v. Miranda* decision, with its caveats about the right to stay silent and its offers of lawyers, was issued by the Supreme Court in 1966. Since then, legal police questioning supposedly has dispensed with 24/7 marathons and physical assault. Now, interrogations concentrate on psychology. But even when everything is on the up and up , questioning in detention is no tea party. According to the law, cops can get people to talk by yelling, insulting them, invading their personal space, saying there's evidence when there isn't, and feigning sympathy about the crime ("After all, she was dressed like a slut. I know she was asking for it, huh?").

A widely used training manual recommends that the interrogator physically crowd up next to the suspect and insist he or she is guilty, cutting off any bodily or verbal protestation of innocence. "The interrogator must rely on an oppressive atmosphere of dogged persistence," advises the manual, "leaving the subject no prospect of surcease. He must dominate the subject and overwhelm him." These techniques "suggest that only confession will bring interrogation to an end." In this way, the manual instructs, it is possible "to induce the suspect to talk without resorting to duress or coercion."

But, at some point on the continuum of trickery, duress and threats, cops can step over a line. The resulting confession is what most people think of when they read reports from organizations such as the Innocence Project. According to that group, in over of quarter of DNA exonerations, innocent defendants pleaded guilty or made false confessions. Many such confessions and pleas were produced because police officers promised leniency at sentencing in exchange for a confession. Such deals are not allowed. Or the interrogator threatened bodily harm, warning the suspect, for instance, that confessing would be the only way to avoid the death penalty. (Bedessie says that Borbon, the detective who interrogated her, told her about the terrible

treatment accused child molesters get at Rikers. He said she could avoid going there by confessing).

According to a raft of social science and psychology research done over the past two decades, techniques like these are especially likely to produce false confessions when used on juveniles, the mentally ill, the poorly schooled, immigrants, and those with impaired cognition (Bedessie fits at least two of these categories).

It's also agreed that illegal practices occur frequently in the interrogation room, and that cops later lie about them on the stand. And when there is an argument about veracity, research suggests that no group of people – not judges, prosecutors or juries – can tell whether a confession is true or false simply by reading a transcript or watching the video. That is why not just the confession should be recorded, but also the full interrogation that led up to it. The idea is to avoid methods that – as the Supreme Court has put it – "shock the conscience" and "offend the community's sense of fair play and decency."

Ten years ago, only two states were recording interrogations. Now, nine states and the District of Columbia do, and they are joined by more than 500 local police departments nationwide (some record only for murder cases, others for lesser felonies as well). Increasingly, taping is the trend. It's spreading relatively slowly, but it's spreading, says Northwestern University legal scholar Steven Drizin, an expert on false confessions who has advocated for taping for years. He thinks the scales would really tip if federal agencies started making recordings.

So far, the feds have said "no." But last year, media eyebrows were raised when the DOJ released documents related to how eight U.S. attorneys were fired under former Attorney General Alberto Gonzales' watch. Speculation is that one of the fired attorneys, Paul Charlton, in Arizona, was let go because he was investigating Republican Congressman Rick Renzi, a Bush loyalist, about a 2005 real estate deal. Either that or Charlton angered the DOJ for not prosecuting enough obscenity cases based on adult porn. Gonzales' office demurred, saying that a major reason Charlton was canned was that he wanted to start a pilot project for the FBI and other federal agencies to start experimenting with videotaped interrogations. When the documents came out, one of them – from the FBI – objected to Charlton's idea and commented that "as all experienced investigators and prosecutors know, perfectly lawful and acceptable interviewing techniques do not always come across in recorded fashion to lay persons as a proper means of obtaining information from defendants." More pointedly, the memo mentioned worries that jurors could find "proper interrogation techniques unsettling."

Couple these anxieties with steady media attention to the problem of false confessions, and it might seem odd that judges, juries, and the public in general still find it so hard to believe that someone like Khemwatie Bedessie would say she was guilty if she wasn't. Inside and outside the courtroom, what is the problem?

The most proximate answer is that, logistically speaking, the U.S. is heavily invested in a criminal justice system that would be paralyzed without confessions. Ninety-two per cent of felony convictions are obtained by plea bargains or confessions. That's a far higher rate than in other countries (Italy's, for example, is 8 per cent, and Norway doesn't allow plea bargaining at all).

Relying on confessions to prosecute crimes is thrifty because it avoids the need for costly investigations. But it's also very destructive to justice, according to Jerusalem University criminologist Boaz Sangero. Writing in a recent issue of *Cardozo Law Review*, he lists several problems. The first is that, after a suspect is apprehended, police tend to ignore serious investigation; instead, they focus on getting a confession. And once the confession is obtained, any other work going on at all typically ends. The push to handle cases this way encourages misbehavior in the interrogation room.

Further, reliance on confessions promotes disgraceful conditions of detention. Jails are often worse than prisons. Filth, bad food, lack of sunlight, crowding and violence pressure people to say they did something – anything, whether it's true or not – just to get out of lockup. Then, because they've confessed, we figure it's OK to keep others like them in awful cells – and to bring in more detainees for interrogation. It's a vicious circle, and most who get trapped in it are poor, uneducated, and unacculturated. Their marginal status is bound up with the moralistic judgment that they are different from us and therefore bad. Their badness reinforces our willingness to keep a bad system in place. It probably also allows us to export illegal interrogation – our 1930s-era torture, updated – to places like Abu Ghraib and Guantanamo.

Beyond fear of the bad "other" and desire for a bargain, though, there's a more fundamental, existential reason why dependence on self-incrimination is mean and unfair. As Sangero notes, any kind of interrogation which focuses on obtaining confessions – legal or illegal – probably violates people's rights. That's because, from the point of view of self-interest, confession makes no sense at all. People are asked to help themselves by condemning themselves. It is deeply irrational.

That irrationality is especially apparent in the many confessions made, even though they were not extracted directly by police questioning. In fact, as Sanjero notes, it's possible that most confessions arise not from external coercion but from states of dependency and abjection that people internalized before they were ever interrogated.

Historical and legal records abound with examples. After Charles Lindbergh's

baby was abducted, over 200 people walked into police stations and said they were the kidnapper. More than 30 told authorities they were the murderer of a woman who came to be known as "the Black Dahlia" – a Hollywood actress whose mutilated body was found in a vacant lot in Los Angeles in the 1940s. In a case that truly smacks of internalized abjection and desire for quick death, Heinrich Himmler lost his pipe while visiting a concentration camp during World War II. A search ensued, but on returning to his car Himmler found the pipe on his seat. Meanwhile, the camp commandant reported that six prisoners had already confessed to stealing it.

Since they are not products of police interrogation, no amount of videotaping will eradicate these confessions. Yet, we accept them. At least partly, this is because quick admissions of guilt are cheap, and easy on the justice system. But, more fundamentally, the very concept of confession is deeply embedded in our culture.

It was not always so. Ancient Jewish law barred criminal confessions. In Talmudic commentary – cited in the Supreme Court's Miranda decision, by the way – the rabbinical scholar Maimonides notes, "The court shall not put a man to death or flog him on his own admission." Additional evidence and witnesses are needed, Maimonides explains, because the impulse to confess is, by definition, self-destructive. Of a man who professes guilt, there is always the possibility that he is "one of those who are in misery, bitter in soul, who long for death… perhaps this was the reason that prompted him to confess to a crime he had not committed, in order that he be put to death."

Since the 1551 Council of Trent, however, the Roman Catholic Church has taught that confession is good for the soul – yea, even necessary, to save it and purge it of impurity. This religious notion has since been incorporated into law and into the modern, secular definition of the self. Being a fully realized person today requires full disclosure to family, friends, and even (in the case of writers, artists and public figures) to the polity: of one's deepest emotions, darkest sexual impulses, and past misdoings. Confession isn't just good for the self. We need confession to be a self.

But when self meets soul in the modern justice system, it's a train wreck of contradiction. As Yale University comparative literature scholar Peter Brooks notes in his book Troubling Confessions, "That we continue to encourage the police to obtain confessions whenever possible implies a nearly Dostoevskian model of the criminal suspect … we want him to break down and confess, we want and need his abjection since this is the best guarantee that he needs punishment, and that in punishing him our consciences are clear." On the other hand, our Mirandan insistence "that the suspect's will must not be overborne, that he be a conscious agent of his undoing, of course implies the opposite, that we don't want Dostoevskian groveling in the interrogation room, but the voluntary (manly?) assumption of guilt. Hence the paradox of the confession that must be called voluntary while everything conduces to assure that it is not."

Of a man who professes guilt, there is always the possibility that he is "one of those who are in misery, bitter in soul, who long for death…"

It wasn't so long ago that masters of American jurisprudence were actively grappling with this contradiction. In the 1966 *Miranda* decision, Earl Warren recommended that the police find other evidence to solve a crime than the "cruel, simple expedient of compelling it from [the suspect's] own mouth." Twelve years before Warren made that statement, Abe Fortas, who later would replace Warren on the Supreme Court, wrote, "Mea culpa belongs to a man and his God. It is a plea that cannot be exacted from free men by human authority."

Today, Sangero agrees with these liberal lawmakers from a bygone era. He wholly opposes the eliciting and use of confession to solve and prosecute crimes. But, if confession is employed, he believes the case should never go forward unless meaningful evidence is first gathered from sources independent of the confession – evidence that strongly shows, rather than merely suggests, that the suspect committed the crime. Many people fear that such a policy would allow lots of guilty people to go free. Sangero dismisses their worries. Forensic science in the U.S. today is so sophisticated and high tech, he says, that police have only to use it. All that is required to convict criminals justly is that the cops do their job.

Sangero is very leery of putting too much emphasis on recording. Sure, he says, it's needed. But narrowly focusing on videotaping reforms does not encourage the police to redirect investigations away from defendants' self-incrimination and toward the gathering of independent evidence. Obsession with recording can encourage practices such as "non-detentive interviewing." It's an increasingly common ploy, in which suspects are seduced into chatting – as Bedessie was when she was visited by the supposed "child protection worker," who turned out to be a policeman – without being read their Miranda rights. Only after the car door is locked, the drive has begun, and the interrogation room is sighted, does the suspect get officially detained and put before a camera. By then, for someone like Bedessie, it may well be too late to exercise one's Miranda rights.

Bedessie is now in the first year of a 25-year prison sentence. Her post-conviction legal work is being done by prominent Manhattan attorney Ron Kuby. He believes she has a good shot at having her conviction overturned because of the trial judge not letting the jury hear expert testimony about false convictions. Nowadays, that's solid grounds for appeal, and even the assistant DA who prosecuted the case knows it. Pretrial, she advised the judge that it wouldn't hurt the state's case to let the defense put on a witness to warn jurors that Bedessie might have falsely incriminated herself. It wouldn't matter because the confession spoke for itself. And no jury would think otherwise.

CP

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Notes on a Visit to the Comunas of Medellín, Colombia

By Marcus Rediker

I first heard about Juan Guillermo Uribe from professor Ricardo Sanín, who was organizing an international congress on radical thought, politics, and law, to be held at the University of Antioquia in Medellín, Colombia. When administrators refused to provide the necessary funding, Juan Guillermo found out about it and, in his capacity as leader of the university's radical student movement, marched straight to the office of university president Alberto Uribe (no kin to each other; Alberto is apparently a cousin of Colombia's President Álvaro Uribe). "Alberto," said Juan Guillermo, "if you don't fund this conference, we'll strike and shut the university down." I arrived in Medellín for the conference on July 5 and met Juan Guillermo soon after. He had made my visit possible.

Juan Guillermo is a man of modest height, strong build, and a severe limp. A serious motorcycle injury, years ago, left him unable to bend his left knee, so he swings it to the outside when walking. Every time he shakes hands with someone, he leans in with his head and upper body to maximize the feeling of the encounter. He is courteous, friendly, generous of spirit,, charismatic, and given to speaking in short, clear, decisive sentences. It is not hard to see that he is a natural leader.

Over the next week, we would discuss the politics and recent history of Medellín and Colombia, especially the fierce fighting that has taken place over the last ten years in the *comunas* (or *favelas*) that stretch up the mountains from the city in many directions. Here left militias, organized primarily for self-defense, have battled drug gangs, right-wing paramilitary groups, and government troops, most fiercely in *Comuna* 13, as chronicled in an important series of articles (several in *CounterPunch*) by the journalist and historian Forrest Hylton. The *comunas* of Medellín are strategic hotspots.

The people who live in the *comunas* are for the most part the vanquished – those expropriated from land and jobs in other places, who migrate to the city in search of subsistence. Some have been displaced by the endless civil war in the countryside, in which guerilla groups battle the government for regional control; some by multinational corporations which seize their land for farming or mining. They flee the terror of the paramilitary groups which work with both the government and the corporations. Some of the dynamics of expropriation are summarized well in Francisco Ramirez Cuellar's courageous book, *The Profits of Extermination: How U.S. Corporate Power is Destroying Colombia* (Common Courage Press, 2005).

Juan Guillermo is a veteran of the struggles in the comunas of Medellín. "Have you lost friends in these battles?" I ask. He answers quickly and precisely: "Sixty-nine. Sixty-nine friends and comrades, disappeared and murdered."

It so happens that Juan Guillermo is a veteran of the struggles in the *comunas* of Medellín. "Have you lost friends in these battles?" I ask. He answers quickly and precisely: "Sixty-nine. Sixty-nine friends and comrades, disappeared and murdered." Most of these people were killed in the peak period of violence, from 1998-2003, but danger continues to surround Juan Guillermo himself, who, as the highly visible leader of the student movement, receives death threats from the paramilitaries on a regular basis. "What do you do when you get a death threat?" – "I must be careful and remain alert in all situations. I depend on my friends."

Soon after our first meeting, Juan Guillermo and I go with a group of friends and colleagues to the metro cable, a ski lift adapted to urban circumstances to move people up and down the mountain from the center of the city to "*Comuna* 1" and the neighborhood within it, called Santo Domingo. This had been for many years a center of insurgency, I learned.

As we ascend, we look down below on the rich quilt of red brick buildings, their corrugated tin roofs, hanging laundry, pots of brilliant flowers, and iron bars on windows and doors. At the top, we find a new public park flanked by a massive library that resembles nothing so much as three tall bunkers, darkened by fire and smoke. A fitting symbol of the community's struggles, I think.

As we stand there, dazzled by the dense array of houses and narrow passageways that stretched endlessly upward, toward the mountain-top, my fellow visitor Costas Douzinas, professor of political and legal theory at Birkbeck College, University of London, and a veteran of the battles against dictatorship in his native Greece in the 1970s, asks with a touch of awe, "Have you ever seen a place more perfect for urban guerilla warfare?" I had not.

Not long after we have stepped out of the public transport station, we are surrounded by poor children, mostly boys, one of whom appoints himself ambassador of his community and gives us a confident, well-rehearsed welcome as he assumes the part of tour guide leader. Now, that former Medellín Mayor Sergio Fajardo has invested in the neighborhood and tourists ride up regularly to see it, this young man of words has found a good way to make money.

I see that Juan Guillermo has an easy and affectionate rapport with these youth; he loves them. He rubs their heads, scolds them when they do anything untoward, asks them questions, and answers their questions about who we are and why we have come there. When I told this story to Ricardo Sanín, he answered simply, "Juan Guillermo used to be one of those poor kids." So I would discover. A Colombian friend, the influential scholar-activist Oscar Guardiola, later added, "Some years ago, the boys would have met us toting guns."

On our way back down the mountainside, I ask Juan Guillermo why the city government decided to invest in this particular community. Gesturing at the park, the library, and the metro cable, he says

with proud certainty, "They got all this because they struggled. And the people here know that this is the only reason they got it."

What about *Comuna* 13? Isn't that the place where the fiercest fighting went on? Momentary surprise turns to a smile: "That's my community," says Juan Guillermo. "That's where I grew up. Do you want to go there?" A couple of days later, on a sunny afternoon, off we go. We are accompanied by Juan Guillermo's friend, the attorney Juan Gonzalo Botero, and Natalia López, a law student who helped with translation.

"What will you say when people ask, '*Quien es el gringo*?'" Juan Guillermo replies with mischief: "I'll tell them you are my uncle." We laugh, but the answer is not as far-fetched as it might sound, owing to the odd Danish ancestor who left Juan Guillermo even more light-haired and fair-skinned than I am. Then again, the people in *Comuna* 13 would have known his uncles and known, therefore, that I was not one of them.

Comuna 13 is made up of about twenty neighborhoods, chief among them 20 de Julio, Belencito, Corazón, El Salado and las Independencias I, II, and III. Its population is around 150,000, a motley crew with more indigenous and especially Afro-Colombian people than one sees in other parts of the city. At the peak of the struggle, in 2002, a writer for the *New York Times* called *Comuna* 13 the "epitome of urban chaos."

As we slowly ascend toward the elevated heart of *Comuna* 13, we stop at a middle school in El Salado (the Salty One). No sooner are we in the doors than several 11-12-year-old girls surround and carry us off to their classroom. The teacher welcomes us, and the rest of the students gather around. Juan Guillermo asks the students to tell a story to the visitors about the neighborhood. What follows is one utterly traumatic tale after another, each narrated in a deadpan manner.

One morning one of these students found a man in front of his house who had been shot in the head (calling card of the paramilitaries); another spoke of a 12-year-old who had been shot seven times (but survived). Yet another told a story of the school, emphasizing how safe they felt there. On the way out we meet an experienced teacher named Angela, a friend of Juan Guillermo. She, too, gives us a short litany of horror stories, then pauses, eyes twinkling, and adds, "We also perform miracles here."

In 20 de Julio, we visit a small chapel and are greeted by Sister Theresa, a founder of the community and one of its stalwarts for almost half a century. Inside, four women from her congregation sit around a small table, singing hymns.

Sister Theresa is a vigorous elderly woman dressed in a nun's habit, with warm, kind, and yet impatient eyes. She is an artist. The walls are covered with her paintings of indigenous people, among whom she has worked and for whom she has fought for many years. She is also the proud keeper of her community's history: so, soon out come the scrapbooks, which include a photograph of her, taken thirty-odd years ago, surrounded by a crowd of 5- or 6-year-old children. She points to a fair-headed one: it is Juan Guillermo. She grins as he blushes.

Several pages of Sister Theresa's scrapbook are devoted to "Operation Orion." In October 2002, 3,000 government troops and police, together with unknown numbers of associated paramilitaries (the AUC – United Self-Defense Forces of Colombia), invaded the neighborhood to root out local radical organizations and to "pacify" the locality. She makes it a point to show me a photograph of her streets lined with U.S.-provided tanks and armored cars, Blackhawk helicopters hovering above. During that violent time, she tried to protect the members of her congregation – with some success, she thinks. Still, dozens, if not hundreds, of people were killed in house-to-house fighting, although many rebels remained in the dense warren of brick-and-mortar buildings.

Onward and upward we go on narrow, noisy streets, thronged with people. Homes are tiny, so social life takes place outside, with knots of people talking, vendors hawking goods, guitarists strumming as singers join in. Life in the *comuna* is, well, communal. Juan Guillermo is well known here: a baker shouts out as we drive by, and soon we are being handed bags of *buñuelos* (deep-fried dumplings) and bread. We visit the home of the president of *Comuna* 13, a man who, like Juan Guillermo, is a veteran of struggles past and a target of persistent death threats to this day.

We arrive at a street corner that has special meaning for Juan Guillermo. Here, he explains, was where, in 2001, he was shot by paramilitaries. Two men had been following him in a car as he walked on foot. When he heard them hit the gas, he dove for the ditch as they sprayed a round of bullets. He was hit in the back and the leg. He points to the bullet holes in the house on the corner.

As we leave, Juan Guillermo says, "Things are quiet in *Comuna* 13 these days. But the conditions of the people are basically the same, and the struggle is still there. It could explode again at any time." How do the people here remember the recent battles? "With feelings of great sadness and great bitterness." He pauses, "They want revenge. They want justice." **CP**

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European Style: Nobody Loves It

By Serge Halimi

Imagine a man on trial for his life. The jury brings in a verdict of not guilty, so the judge immediately invites counsel for the prosecution to complete his closing speech, and then the accused is found guilty and sentenced to death. Similarly, the Irish rejected the Lisbon Treaty on June 12 by a large majority. The treaty cannot come into force unless it is adopted by all 27 member states of the European Union, but most European leaders immediately announced that the ratification process would continue, yet promised to "respect the will" of the Irish people. Europe is used to attacks on the sovereign power of the people by their overlords. That is now its style, even if it likes to be seen as the kingdom of democracy on earth.

The Irish rejected a "simplified" treaty so thick that the prime minister, Brian Cowen, confessed he had not managed to read it cover to cover. One member of

the European Parliament said the Irish reminded him of a "people's democracy." Another remarked: "It's no accident that dictators love a referendum," and the president of the European Parliament, Hans-Gert Pöttering, concluded, "The Irish No vote cannot be the last word." So, there will be a second referendum on the Lisbon Treaty and possibly a third. Voting in Dublin will continue until the result is a Yes, because that is what the other states want, those states where the electorate has not been consulted at all.

Blame the Irish! Ungrateful, selfish, working-class militants, incapable of the generosity and unselfishness shown by their rulers. Except when they vote them in and give them a mandate to carry out "bold reforms." No need for a second ballot then. The Irish are thoroughly European in that respect.

Something has gone wrong. The European style has been exported and sold on the strength of claims to peace, prosperity, justice and equality. It has produced charming posters with blue skies, loving mothers and happy babies; it has an army of journalists and artists campaigning for it; Europe is being created by symposiums and meetings. But nobody waves its flag. Its identity seems to be so insubstantial that all it can think to put on its banknotes is the cost of living.

It talks about peace but prepares to join the U.S. forces in dubious wars. It talks about progress but deregulates employment. It talks about culture but produces a television - without frontiers - directive that will result mainly in more advertising slots. It talks about ecology and safe food but lifts an 11-year ban on imports of U.S. chickens washed in chlorine. (José Manuel Barroso, president of the European Commission, explained that "it would be deemed incompatible with international trade regulations to bar these imports.") It talks about freedom but adopts a shameful directive under which foreigners without the right papers may be held in detention centres for 18 months before being expelled, including minors and even unaccompanied minors.

Europe's identity seems to be so insubstantial that all it can think to put on its banknotes is the cost of living.

Keeping Europe's promise called for harmonisation at the highest level: freedom, employment law, progressive taxation, independence. Instead, the gains achieved by the most advanced states have been diminished in the name of unification and we are left with extended detention, free trade and Atlanticism. This has produced the beginnings of a social Europe, the Europe that says No. Noting that in Ireland a majority of women, people under 29, and workers firmly rejected the proposed text, a columnist in *The Economist* observe, "A 19th century-style electoral roll, restricted to older, male property-owners, would have produced a handsome Yes for Lisbon." But what kind of Europe can we hope to construct if we go back to the property qualification? **CP**

Translated by Barbara Wilson.

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