Jury acquits on terrorism, convicts on lesser charges

NATO Three face prison terms in frame-up

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10 February 2014

On February 7 a jury acquitted Brian Church, 22, and Brent Betterly, 25, both of Florida, and Jared Chase, 29, of New Hampshire, of several terrorism charges related to a police frame-up ahead of the 2012 NATO summit in Chicago.

The three men have been imprisoned since May 2012. They were arrested during a police raid of a south side apartment, after pouring gasoline into empty beer bottles, an action planned and instigated by police provocateurs posing as protesters.

The 2012 NATO summit was held amid war preparations against Syria and Iran and attracted around 5,000 people who participated in protests. Protesters also denounced the arrests of Church, Chase and Betterly, and the police-state methods being employed in Chicago. The National Lawyers Guild accused police of "indiscriminate violence" after more than 100 arrests and 60 cases of brutality over the two-day summit.

While the three men have been acquitted of providing material support for terrorism, conspiracy to commit terrorism, solicitation to commit arson and terror-related possession of incendiary device charges, they were convicted of two counts of possessing an incendiary device, which can carry a sentence of up to 30 years, and two counts of misdemeanor mob action. They face four to thirty years in prison.

This prosecution was the first in Cook County under the state terror law. Illinois prosecutors have not said why they chose to charge the men under the state's statute rather than have them prosecuted under federal terrorism laws. Cook County State's Attorney Anita Alvarez strongly defended the charges after the verdict was announced.

In comments indicative of the climate of fear and repression the state seeks to create, she said: "I did not overcharge. … The charges were brought, and we felt very strongly that the facts supported the charges, and I would bring them again tomorrow with no apologies and no second-guessing.

"We saved people from being hurt, OK? Do we have to wait for a Chicago Police officer to be set on fire? I don't think so. Do we have to wait for that neighborhood bank to go up in flames? I don't think so. You know what? My job is public safety and that's exactly what we did. Have we forgotten about Boston? Have we forgotten about homemade bombs in backpacks?"

Cook County Judge Thaddeus Wilson denied a request from defense attorneys that the terrorism charges be thrown out, saying, "The evidence in this case—no matter how slight or thin—is sufficient. The weight to be given the evidence will be left to the jury."

Prior to the announcement of the verdict, Chicago Police Superintendent Garry McCarthy defended the prosecution, saying, "A goof with a Molotov cocktail becomes a terrorist, as far as I'm concerned. A goof threatening to put an arrow through somebody's residence is a terrorist."

McCarthy's comments belie the state prosecutors' attempts to construct a narrative in which the men, who had come to Chicago to participate in the anti-NATO protests, were calculating the consequences of alleged acts of destruction. They were armed with a slingshot and marbles, arrows, and a single filterless gas mask—and later, the Molotov cocktails the police agents helped them construct.

The prosecution's entire case rested on testimony supplied by police officers Mehmet "Mo" Uygun and Nadia Chikko, who provoked the men over a number of days, continuously pushing the three to escalate their behavior beyond mere vandalism. Numerous audio recordings of their efforts were played in court.

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It was they who suggested that the three men bomb police stations and build Molotov cocktails out of gasoline and beer bottles, even taking the men to purchase the gasoline. Fingerprints were found on the bottles from only one of three men, with no indication of when he actually touched the bottles.

Brian Church said “no” when Officer Chikko suggested they test out the gas bombs they’d built using the gasoline and Officer Uygun’s bandanna. He also advocated attacking Obama’s campaign headquarters, on the sixth floor of the 41-story Prudential building, with a slingshot and marbles. He is also alleged to have said he wanted to attack four police stations but did not want to search their locations on the Internet.

The prosecution argued that no matter how outlandish the discussions and pitiful the preparations, it was the defendants’ supposed intent to harm that should count.

The defense team argued that the prosecution of the NATO 3 as terrorists made a mockery of the dangers of actual terrorism. The real target of anti-terror legislation is the growing political opposition to the escalating aggression of American imperialism. These men were targeted by police for their political affiliation with the so-called Black Bloc, a group of anarchist protesters.

The trial itself was conducted in such a way as to suppress as much information as possible from being released to the public about the actions of the police and the threadbare nature of the evidence. All those wishing to attend were forced to submit to background checks prior to the start of the trial, and were threatened with citations for contempt should they report any information about the jury. A rule ultimately reversed before the start of the trial would even have barred note-taking.

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[14 June 2012]

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