

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 11/27/2001

**To:** Atlanta

**Attn:** SSRA [redacted]  
Thomasville RA

**From:** Atlanta

Columbus RA

**Contact:** SA [redacted]

**Approved By:** [redacted]

b6

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**Drafted By:** [redacted]

**Case ID #:** 266D-AT-90739 (Pending)

**Title:** SOA WATCH;  
CGR-FT. BENNING, GEORGIA;  
UNLAWFUL ENTRY ON  
A MILITARY RESERVATION;  
11/18/2001

**Synopsis:** An update of the 2001 protest by SOA Watch.

**Details:** The 2001 SOA Watch annual protest was held on Saturday, November 17, 2001, at GOLDEN PARK, the City owned minor league baseball stadium. On Sunday the protestors marched in what has been labeled a "Mock funeral procession" from Heritage Square shopping area to the Main gate of Ft. Benning. This is a distance of approximately 500 yards. The Army had constructed a 10 foot chain link fence with barb wire at the main gate blocking access to the military reservation. A group of 70 protestors crawled under the fence and went around the fenced area. They were immediately taken into custody.

Nineteen of the group passively resisted arrest by going limp and refusing to walk when military authorities encountered them. This group was taken before a U.S. Magistrate and initially refused to identify themselves. They were remanded to custody and taken to the Muscogee County Jail (MCJ). The following day they chose to identify themselves and were released. The United States Attorney's Office plan to proceed with criminal charges against the 70 who trespassed on the reservation.

The Columbus Police and Muscogee County Sheriff's Office arrested 27 protestors when they blocked a roadway after the city

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To: Atlanta From: Atlanta  
Re: 266D-AT-90739, 11/27/2001

permit had expired. This group also refused to identify themselves and were taken to the MCJ for the night. They appeared before a State Court Judge and plead guilty to a misdemeanor offense. They were given sentences of time served, and fines waived.

An estimate of 5-7000 protestors was provided by the Columbus police.

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Posted on Tue, Nov. 19, 2002

Ledger-Enquirer

Jailed protesters find this year is different experience

Time in jail, amount of bond unlike previous 12 years

BY JIM HOUSTON Staff Writer

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One by one, the protesters arrested on Fort Benning this weekend were called Monday to stand before U.S. Magistrate G. Mallon Faircloth.

One at a time as their names were read, the women dressed in yellow jail clothes and the men in similar blue attire shuffled to the bench of the Recorder's Court courtroom in jail-issue slippers.

After more than 18 hours behind bars -- a fate not required of most demonstrators detained during SOA Watch protests of the last 12 years -- the protesters learned the court also would require each to post a \$5,000 bond to guarantee return to Columbus for trial the week of Jan. 27.

This came moments after spectators filling the courtroom stood and began applauding as the first detainees filed in, only to be shouted into silence by U.S. Marshal's Service officers, who threatened to eject those who did not sit down and remain quiet.

There was a different air about this court than in the past, when protesters and their family and friends had occasionally applauded comments and even burst into song or chants.

The shock of the bond requirement was stirred when the first protester, Linda M. Aguilar, a 19-year-old San Francisco college student, pleaded not guilty and attorney Bill Quigley asked for her release on her own recognizance.

Assistant U.S. Attorney Mel Hyde and U.S. Army Capt. David Anglin asked Faircloth instead to require a \$5,000 bond, with at least a \$500 deposit to guarantee Aguilar's return.

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"There's nothing to indicate she will not return," argued Quigley. The Loyola University law professor reminded Faircloth that 13 similar cases last year were handled with personal recognizance bonds, and all returned for trial.

But these cases are different, with the government prosecution set within a matter of weeks, rather than months, said Anglin.

When Faircloth ruled the bond would be required, Quigley argued the protesters were being punished for involvement in a political activity and asked for the arraignments to be halted so he could immediately appeal that decision to U.S. District Court.

"This is for a criminal violation," Faircloth replied. "They're certainly not being punished for participating in a political dissent."

He denied the motion and called the next case.

Other protesters promised Faircloth he could trust them to return without the bond requirement, but the judge told them he had known them for such a short time he would insist on a bond.

More than eight hours after the arraignments began, 50 of 85 jailed protesters had been before Faircloth. None were released without bond; two were denied bond.

John Doe, who said he would also answer to "Peace," told Faircloth he would not participate in the process by giving authorities his name.

"With a little minor sleuthing, they can find out very easily who I am," he told the judge.

But Doe also asked Faircloth to release him on his own recognizance, based on his promise to return for trial.

"I'd love to come back here to trial and to put the School of the Americas on trial as well," he said.

Faircloth denied bond and ordered him held pending trial.

Eloy J. Garcia, 33, of Las Vegas, N.M., objected to giving marshals personal information he considered intrusive, although marshals told Faircloth the information has been required for decades by the U.S. Bureau of Prisons and is needed before bond is posted.

Garcia relented, filled out most of the form and had posted the \$500 deposit for release before marshals brought him back into the courtroom. The defendant refused to complete part of the form, Faircloth was told.

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"I don't think it's relevant where my parents live," said Garcia. The Mexican-American said he listed the names of an uncle and other relatives and friends who could be contacted concerning his whereabouts or activities, but would not give his parents' names or location.

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Faircloth revoked Garcia's bond until he could research the issue.

Michelle Lynn Lavalley of Boston originally refused to provide personal information, but relented, then protested that most of the protesters who are being required to post bond are church or charity workers who cannot afford it. The measure is "punitive and intended to cause inconvenience and nothing else," she told Faircloth.

Asked by the judge how she came to Columbus, she said her church supporters paid for her to come.

Faircloth suggested the protesters' friends, colleagues and family could search for a means to help those who could not afford to post the \$500 deposit. For those who cannot find a way to post the bond, he'll "revisit" the matter later in the week, he said.

The protesters, if convicted of trespass, face up to six months in federal prison and a \$5,000 fine for the Class B misdemeanor faced by all except one protester.

Rachel Diane Shively, who was arrested Saturday on Fort Benning, faces up to a year in prison and a \$100,000 fine if convicted of the Class A misdemeanor with which she is charged.

Also facing a Class A misdemeanor, as well as the Class B offense, is Jeremie Matthew John, who is accused of using a bolt cutter to cut the lock on the gate at the main entrance to Fort Benning on Sunday.

Another protester, Karl Henry Meyer, 65, of Nashville, Tenn., pleaded not guilty Monday in Muscogee Municipal Court to obstruction of a law enforcement officer after he crossed into the restricted protest area on Fort Benning Road after refusing to be scanned by a metal detector.

Judge Haywood Turner set a \$250 bond and bound the misdemeanor case to State Court for trial.

Meyer said he expects to win the trial, because the search violates the U.S. Constitution's protections guaranteeing the right to peaceful assembly and prohibiting intrusive searches. "If I am convicted, I'm confident I'll be exonerated on appeal," he told Turner.

Faircloth will resume arraignments for the remaining 35 jailed protesters at 9 a.m. today in Columbus Records Court Courtroom 2.