

DEFENSE CITES WEAKNESS OF CASE

Sentence Delayed, Psychiatric Tests Ordered for Narciso, Perez



Demonstration of community support for the two nurses following the unjust verdict in Detroit. [AK file photo]

By NENE HERNANDEZ
AK Correspondent

DETROIT — Citing the "nature of the case and its complexities," Federal Judge Philip Pratt delayed passing sentence on Filipina Narciso and Leonora Perez and instead ordered both women to a federal prison for psychological and psychiatric tests. The two Filipina nurses were directed to spend up to 90 days under observation at the Federal Reformatory

For Women in Alderson, West Virginia. Pratt will give the sentence after the prison officials have given him a report on the nurses' mental state and behavior.

The sentencing, which was scheduled for 2 p.m. last September 15, drew a large crowd who gathered outside the Federal Building in support of the nurses. The courtroom was packed with reporters, family members and other curious onlookers. More

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Court to Hear Motion for New Trial Nationwide Rally Set for Oct. 11

October 11 will witness the largest nationwide rallies yet organized in support of Filipina Narciso and Leonora Perez. On that day, Judge Pratt will hear the defense motion for a new trial.

Through leafletting, house-meetings, phone calls, pledges, television appearances and other publicity methods, local support committees in New York, Philadelphia, Detroit, Chicago, Seattle, San Francisco-Bay Area, Los Angeles, San Diego, Honolulu and Guam are exerting their utmost efforts to mobilize the Filipino communities to participate in this upcoming mass action.

The demonstrations will again be staged in front of Federal Buildings. In Detroit, petitions reiterating the demand for a new trial will be presented to Judge Pratt. Already, an estimated 10,000 signatures have been gathered and 40,000 more are needed. Telegrams expressing the sentiments of those concerned for justice are also expected to pour into the judge's office on that day.

Everyone's involvement on Oct. 11 is crucial, for it could mean either one of two things: 1) imprisonment for two completely innocent persons, or 2) granting of a favorable decision on the defense motion for a new trial for Narciso and Perez.

The following are the logistics of the planned demonstrations:

NEW YORK: 12:00-2:00 p.m. at the Federal Building, Foley Square and Lafayette St. Speaker is Kathy Robinson and contact person is Therese Rodriguez: (212) 564-4111.

PHILADELPHIA: 3:00-6:00 p.m., Federal Courthouse Building on 6th and Market Sts. at Judge Lewis Quadrangle. Speaker is Kathy Robinson and contact person is Lourdes Kiuchi: (215) 387-1487.

DETROIT: 12:00 p.m. at Kennedy Square. Contact person is Nena Hernandez: (313) 841-5412.

CHICAGO: On October 5 a rally will be held at the Cook County Medical Center Complex, 1900 West Polk St. On Oct. 8, a Benefit Dinner to cover transportation expenses of those going to Detroit on Oct. 11 will be held, at 6:00 p.m. On October 11, the Chicago supporters will go to Detroit and join the Detroit demonstrators. For specific details call Ester Simpson: (312) 267-6208.

SEATTLE: 3:00-5:00 p.m., Federal Building at 2nd and Marion Sts. Contact person is Adette Polintan, (206) 624-9178.

SAN FRANCISCO-BAY AREA: 11:00-12:00 p.m. assembly at Civic Center Plaza between Polk and McAllister Sts. At 12:00 p.m. the demonstrators will march to the Federal Building at 450 Golden Gate Ave. Contact person is Loy Apalisok: (415) 282-4819.

LOS ANGELES: 11:30-1:30 p.m. Demonstrators will assemble first at 312 Northspring, then proceed to the Federal Building. Contact person is Amado David: (213) 484-0394.

SAN DIEGO: 11:30-1:30 p.m. at Federal Building, 970 Front St. Speaker is Pam Buchanan, a VA nurse and P.I.'s co-worker. Contact person is Ayda Lucero: (714) 479-9891. □

HUNDREDS PROTEST ON SENTENCING DATE



Filipina Narciso



Leonora Perez

The nationwide support for Filipina Narciso and Leonora Perez was once more displayed last September 15 when hundreds of their supporters rallied in front of Federal Buildings protesting their unjust conviction and demanding a new trial for the two nurses. The nurses were scheduled for sentencing on that day, two months after the jury handed down the "guilty" verdict. The sentencing was postponed until after the nurses have undergone psychiatric tests.

In Detroit, chants of "Free Narciso and Perez,

Stop the Frame-ups by the FEDS" and "Health Workers Unite, Join Our Fight" rocked the downtown area where the Federal Building is located. Over 200 supporters expressed their outrage over what many believe is a vivid case of the mockery of American justice. A majority of the demonstrators were in the medical profession and came in their white uniforms. Michael Hendree, L.P.N., who worked at the Ann Arbor VA Intensive Care Unit, spoke before the crowd. He said he witnessed the

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Account and Analysis of A CASE OF INJUSTICE



raised not by the hospital administrator, but rather by a visiting doctor to the Ann Arbor facility.

CHAOTIC WORKING CONDITIONS

It was soon uncovered that the Ann Arbor VA Hospital had no special team trained for responses to emergency cardiac and respiratory arrests as is now standard in most hospitals. Thus, when an emergency call (Code 7) was sounded in the hospital to signal a respiratory arrest, every staff person available was expected to rush to the scene to render assistance.

As a result of such a primitive and chaotic procedure, it is almost impossible to determine who was present during all the emergency respiratory arrests in question. To aggravate matters further, the administration kept no adequate and detailed records of each event.

Finally, the incredible confusion in the hospital during this crisis is magnified by the fact that this VA hospital has virtually no security measures to determine who was in or out of the hospital. For example, it had no check-in or out procedures for visitors, visiting hours were never enforced because of the lack of personnel available; hospital personnel were not required to wear identification tags; and no records were kept of the hundreds of medical students who were training in the hospital during the course of the summer. Even more shocking was the fact that the hospital maintained a standard procedure of locking psychiatric patients out of their rooms to roam freely throughout the halls as a "therapeutic treatment." As hospital administrator Gary Calhoun later admitted, "Anyone could have roamed freely in and out of the hospital."

Given the grave understaffing, the slipshod emergency procedures, the total lack of security measures for the entire hospital, and the dangerous policy of allowing psychiatric patients to roam through the hospital, is it any wonder that such deaths could occur so easily with no clear and convincing explanation from the VA hospital administration? Certainly it is this type of lack of concern and criminal negligence which is ultimately responsible for allowing these tragedies to occur.

NATIONWIDE CONDITION OF VA HOSPITALS

Unfortunately, however, such conditions of understaffing and substandard facilities, and a brutal lack of concern for its patients, has already become the hallmark of Veteran's Administration Hospitals throughout the country. A recent Congressional study issued on the status of medical care in VA facilities, commented that the majority of VA hospitals investigated maintained poor and "substandard" patient care. While the federal government continues its cutback of many needed social services, such as medical and veteran's services, we witness billions of dollars being spent for neutron bombs and B-1 Bombers!

In addition, it is a well known fact that there is a class question involved in veterans medical care. The worse VA hospitals "care for" the common foot soldiers in America's military forces. These are

the veterans who receive the inadequate and substandard conditions, while the generals and presidents visit top-notch medical care facilities such as Bethesda Naval Hospital, etc. Most of the "top brass" would not be caught dead in the "ordinary" VA hospitals. Indeed, the deaths and breathing failures of the Ann Arbor VA Hospital patients are just the tip of an iceberg. Many thousands continue to suffer and are endangered from such negligence and substandard medical care in VA facilities across the country.

But, as we all know, the tragic story of the Ann Arbor incidents do not end here. The investigation which followed the mysterious breathing failures turned into a horror story of its own. The obvious criminal negligence on the part of the VA Hospital administration was never investigated and other substantial leads were intentionally overlooked and covered up the FBI.

OTHER LEADS NEVER THOROUGHLY INVESTIGATED

For example, during the period of these incidents, the nursing supervisor of the afternoon-evening shift, Betty Jakim, suffered from severe mental depression and was under the care of a psychiatrist. She was on medication which heavily affected her behavior, according to her co-workers. She was one of the few people who had complete access to medicine cabinets.

Some months after the incidents, she was committed to a mental institution where she confessed to hospital personnel on several occasions, to have been responsible for the respiratory arrests. These were reported to the FBI who suppressed the information. The two Filipina nurses, who were later charged with the crimes, were not told this fact because it was considered "personal information" by the FBI.

Betty Jakim committed suicide in early 1977, just before Narciso and Perez went on trial, and left a suicide note in which she again insisted on the innocence of the two Filipina nurses. But, the FBI again chose not to consider Jakim as a possible suspect in the case.

Why is this? Could it be because the hospital administration was fully aware of Jakim's unstable condition and still allowed her to remain in such a sensitive, supervisory position . . . and that the FBI is helping to cover-up such criminal negligence?

Another factor in the case arose with the disclosure that the drug company which produced all the intravenous fluids for the Ann Arbor VA Hospital closed its facilities under questionable circumstances by instruction from the Federal Drug Administration (FDA). It was closed because of its unsafe and substandard conditions of production, which could possibly have led to contamination. The Baxter-Travenol Company facility in Hays, Kansas, was responsible for all the fluids which all of the patients, who suffered from the mysterious respiratory arrests, had in common. The FDA and FBI, however, did a scanty investigation of this possibility and ruled it out merely because the incidents did not occur at other hospitals. This

It all began with a rash of mysterious breathing failures (respiratory arrests) which struck the Ann Arbor Veterans Administration (VA) Hospital in the brief course of July-August 1975. More than 50 hospitalized patients suffered from these breathing failures, with 20 of cited as "highly suspicious" in character and not consistent with the disease pattern of the patient. A muscle relaxant drug, Pavulon, was suspected to have been causing the respiratory arrests. As a result, six persons died, opening up one of the most shocking medical crime trials of the century. The tragedy brought upon the families of the people who died were further compounded by the bigoted investigation which followed, leading to indictment and eventual conviction of two innocent Filipina nurses and the obvious cover-up of the gross negligence and irresponsibility of the VA Hospital Administration.

The first question that arises is what were the overall conditions in the hospital which would permit such a tragic incident to occur? We find that at the time of these events, the VA Hospital in Ann Arbor was faced with a critical problem of understaffing, which the administration refused to acknowledge and remedy. For example, on a typical evening shift, like the one assigned to nurses Filipina Narciso and Leonora Perez, there might be only one registered nurse assigned for up to 46 patients, covering possibly two different floors, and including the Intensive Care Unit (ICU) and Cardiac Care Unit (CCU)! Several months before the breathing failures occurred, a petition protesting this dangerous understaffing problem was circulated and signed by 60 nurses on the staff. Hospital administration spokesmen admit that no actions were taken to alleviate these conditions.

In early July 1975, several nurses noticed that patients leaving surgery were not recovering satisfactorily, and feared some drug contamination or other difficulties. They reported this information to acting administrator Dr. Fryer who lectured them that nothing was wrong and not to "jump the gun." Dr. Fryer was the chief of surgery and doubled as administrator at the time because the actual administrator, Dr. Lindeneauer, was in Europe on a six month sabbatical leave. As a major jump in the occurrences of these respiratory arrests unfolded in the next several weeks, it was brought to the attention of the FBI to investigate. This was

WE DEMAND JUSTICE!

ie Narciso-Perez Issue: AND DISCRIMINATION



"investigation" is of course highly questionable since similar incidents may very well have taken place, but were never reported, or only part of the batch of IV fluids produced may have become contaminated in the course of production or packaging. Neither of these possibilities were actively pursued by the FBI or other government agencies responsible for the investigation.

FBI BEGINS FRAME-UP OF NARCISO AND PEREZ

Instead, when the FBI is officially brought into the scene in August of 1975, they "overlook" these leads and immediately begin a campaign of harrasment and intimidation against the employees of the hospital. When it became obvious that the FBI intended to pin the responsibility on any employee, most of the nurses, aides, and orderlies refused to discuss the matter with them. But the two Filipina nurses, not yet having been fully schooled in the ways of the FBI, spoke freely with the agents.

Within the first day of their "investigation" it became clear that Filipina Narciso (nicknamed "P.I.") had become their "prime suspect." One of the few "leads" they had to substantiate this accusation was a note with the letters "PIA" scribbled on it by a victim of a respiratory arrest just before becoming unconscious. However, later the patient who wrote the note did not recognize Narciso or remember the note or what it meant! The FBI dragged Narciso through a gruelling six hour interrogation, during which she was directly threatened when she refused to confess to a crime she did not commit. An FBI agent made such statements as, "You had better go to the church and light a candle for yourself!"

The VA Hospital administration of Lindaneaur also jumped into the act to force a confession by bringing Narciso into his office under the pretence of discussing her vacation time, and launched into a tirade demanding her confession.

The only "evidence" to point an accusing finger at the other nurse, Leonora Perez, was a patient, Richard Neely, who is suffering from severe alcoholism. The FBI conducted several interviews with this patient under hypnosis. Three times, he could not identify nurse Perez as having been present during his attack. Finally, after several suggestions by the FBI interviewers he agreed she was responsible for his attack. But Richard Neeley is clearly a racist paranoid. For exampel, he has asserted to psychiatrist Dr. Dennis Walsh, that the Ann Arbor incidents were part of a "Nation-wide conspiracy of 1,000 Filipino nurses out to murder Americans," and accused Filipino nurses of being in a conspiracy to instigate the Philadelphia poisonings of the Legionaires Convention!

During further "investigation," the FBI interviewed Ms. Julie Porter, an LPN at the VA Hospital for four years. Her testimony at the trial later revealed the substance of that interview:

"I had four hours of interrogation where I was harassed by the FBI. I was told it was going to be one of us [nurses or nurses aides on her shift. Ed.

note]."

Ms. Porter asked the FBI agents, "why did they pick on the afternoon shift. Why nursing only and not the medical students or doctors?" According to Ms. Porter, the FBI agent responded, "They had orders from Dr. Lindenauer that he did not want his doctors harassed. Ms. Porter continued that to her knowledge, not all of the doctors were even questioned.

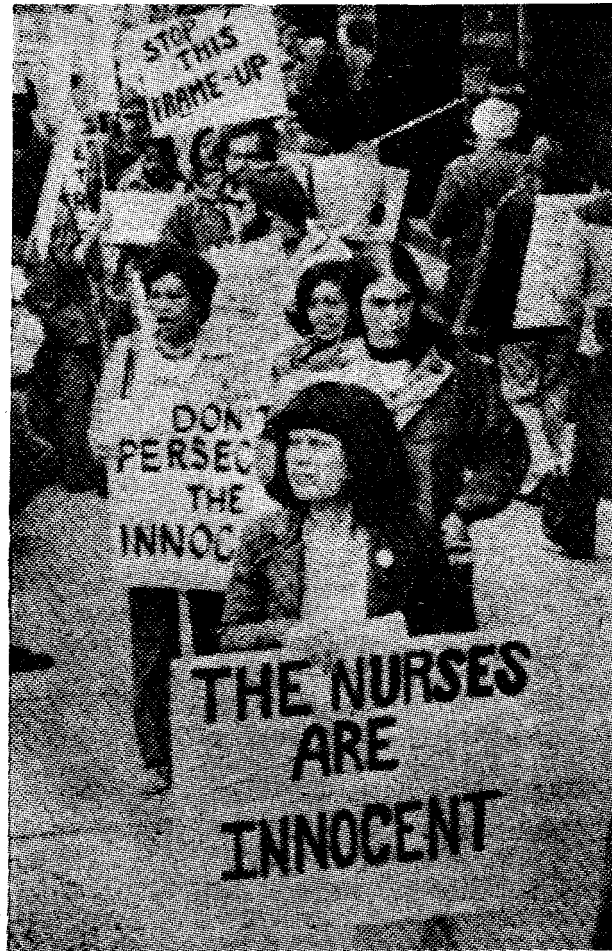
It does not require a Sherlock Holmes to see through the "investigation techniques" of the FBI. Taking the hospital administration's advice, they first chose to target the employees in attempts to pin the responsibility for the deaths on the hospital workers. After all, workers are considered more "expendable" than doctors or administrators! And among these workers, they chose to target Filipina Narciso and Leonora Perez also for obvious reasons. They were Third World immigrants, unfamiliar with the American legal system and vulnerable to the prevalent anti-alien prejudices now spreading throughout the U.S. The FBI assumed that their fellow hospital employees and broader American public would accept it if the scapegoats were non-white, foreign-born nurses.

In the ture "spirit of Watergate" it is apparent that the FBI covered for the administrative negligence of its fellow government agencies, the Veteran's Administration and the Federal Drug Administration, in their weak investigation of the Baxter-Travelnol Drug Company. In the course of their "investigation" they also chose to hide the new evidence of nursing supervisor Betty Jakim's confessions and mental illness. The combined effect of the hospital's own negligence in staffing and security, as well as, these additional leads provides one hundred different possibilities of who or what could have led to the Ann Arbor tragedy. Yet, quite early in the game, the FBI settled on a narrow and bigoted frame-up of nurses Narciso and Perez. A course it continued right up through the prosecution and eventual conviction of these two innocent women.

FEDERAL PROSECUTOR VICIOUSLY CONTINUES RAILROAD

The FBI culminated it's "investigation" by presenting the "evidences" to the federal prosecutor's office and calling for an indictment of Narciso and Perez for five counts of murder, 10 counts of poisoning, and one count of conspiracy to murder! In the course of the pre-trial hearings, the judge rules that a majority of the counts int he charges must be dropped for lack of evidence. However, as the court case begins, already riddled with irregularities and unethical practices, the federal prosecutor's office picks up where the FBI left off int he government's attempts to railroad Narciso and Perez off to prison.

For example, as the pre-trial preparations began, the defense submitted a "discovery motion" to the court, requesting a broad access to the prosecutors records because of the complexities of legal and medical questions involved in the case. The judge



agreed, and ordered the prosecution to turn over its records on the case. However, the federal prosecutor refused to implement the decision of the court. Judge Philip Pratt then criticized the prosecutor and once again ordered that the documents be turned over to the defense. This time, the prosecutor agreed to turn over the materials. But, upon later examination, it was discovered that important papers were missing from the materials! Furthermore, some of the crucial evidences, such as the FBI witness interview reports (302 forms) had actually been altered and information favorable to the defense was deleted. Once again the judge admonished the prosecution for this behavior and the defense finally received the papers involved.

These practices continued in the trial preparations as the prosecution refused to turn over to defense lawyers lists of witnesses it planned to call and give prior notice of evidence it intended to present. This violated standard practice required by law in cases involving such a capital offense as this one. When the prosecution finally agreed to turn over such a list, they proceeded to change the list several times in the course of the trial without giving the defense adequate time to prepare the arguments for these new witnesses or alter its case strategy.

However, the prosecution continued its unethical fight for a conviction in the case with no concern for the truth of the matter or the constitutional rights of the defendents. For example, only days before the trial, the federal prosecutor intentionally announced in a press conference, that no matter what the outcome of the trial was, he had a "personal knowledge of their guilty!" This action clearly prejudiced the chances of Narciso and Perez to receive a fair and impartial trial.

A CASE OF CIRCUMSTANCIAL EVIDENCE

As the case went to trial, the federal prosecutor freely admitted that the case against Narciso and Perez was based entirely upon circumstantial evidence! Throughout the trial, the prosecution was unable to introduce any direct evidence connecting either Narciso or Perez to any Pavulon, no witnesses who saw them inject anything into a patients intravenous apparatus, and most important, no motive which could possibly explain why these dedicated nurses would ever commit such a crime. All the government was able to show was that the nurses were on the same floor as some of the victims and possibly in the rooms of some of the

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FREE NARCISO AND PEREZ!

A Case of Injustice...



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victims. But then, so were a number of other staff people and besides it was their job to be there!

The prosecutor attempted on many occasions to prejudice the jury with unethical questioning, attempting to force the defendants to call other witnesses liars. Even when these practices were ruled out of order, the prosecution continued these attempts seven separate times in a row, and on all these occasions ruled out of order by the judge. In the closing statement, the prosecutor criticized the defense for not proving the innocence of the nurses, when in fact, the burden of proof remains on the prosecution. This served to turn the whole legal system on its head since people are supposed to be assumed innocent until proven guilty and not vice versa.

Furthermore, the prosecution told the jury that there was "much more evidence that they were not presented with because of technicalities. This was meant to obscure the fact that all the evidence submitted against Narciso and Perez was purely circumstantial!

All of these tactics were designed to prejudice the jury into making a verdict based more on their prejudice rather than considering the facts as they were presented. All of these tactics were implemented with the motive of "winning" a conviction in the case case at any cost.

These actions by the prosecution to trample on the democratic rights of Narciso and Perez, as well

as consciously prejudicing the jury, were only the most recent irregularities heaped upon a case which already stunk of government cover-up and irresponsibility.

THE REAL CONSPIRACY

There is a conspiracy here, but it is certainly not a conspiracy of Narciso and Perez to murder their patients! Rather, there is some type of government conspiracy underway to cover up the person or persons responsible for the deaths at the VA hospital. And as history has taught us, only mass public pressure is capable of eventually getting to the bottom of this mess.

In the meantime, the Narciso and Perez case will go down in American history as one of the most notorious cases of government persecution, such as Sacco and Vanzetti, the Scottsborough Boys, the Rosenbergs, and JoAnn Little. While it is indeed discouraging that the government has that capacity to engineer such a cover up and "legal lynching" of these two innocent Filipino nurses, that is only one side of the coin. We have also witnessed the capacity of the people to expose and eventually vindicate Sacco and Vanzetti and the Rosenbergs, as well as, prevent the Scottsborough Boys and JoAnn Little from being unjustly railroaded.

The task before the Filipino community and progressive Americans is to educate and mobilize ourselves, expose the government cover up and assure justice for Narciso and Perez! □

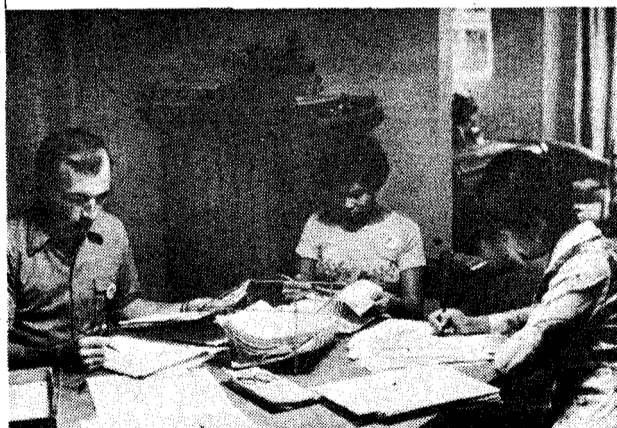
the participants requested more blank forms to be distributed among their friends.

In New York, 100 Filipino, Asian and American supporters participated in a picket organized by the Narciso-Perez Support Committee (New York/New Jersey). From 12:00 to 2:00 p.m., the picketers strongly denounced the unfair verdict and protested the sentencing day. Placards read "Narciso Perez . . . Scapegoats of VA Hospital," "Narciso-Perez . . . Victims of FBI Frame-ups," and "Narciso-Perez Trial Plagued with Irregularities and Discrimination." Passersby, attracted by the deafening chants "Judge Pratt, Overturn the Guilty Verdict," couldn't help but sign petitions and ask for informational literature. Other observers eagerly joined the picket line and chanted with the group. Many pledged to join the nationwide demonstration set for Oct. 11, the date Judge Pratt will rule on defense motions for a new trial. Ms. Therese Rodriguez, Support Committee co-coordinator, said, "The militance of the picket is an indication of the high level of indignation still being felt by the Filipino community about the unjust situation faced by Narciso and Perez."

"Nurses Heal, They Don't Kill," shouted 110 San Francisco-Bay Area supporters at their 12 noon to 2:00 p.m. rally. The highly spirited crowd promised to continue the letter-writing campaign pressuring Judge Pratt to grant a favorable decision on Oct. 11 and reiterated their commitment to see that justice prevail for Narciso and Perez.

In Los Angeles, a similarly militant picket from 11:30 to 1:00 p.m. was organized by the local support committee. Picketers denounced the jury for the "guilty" verdict and sang the song "We Shall Overcome."

In their recently released press statement, the Chicago Support Group for Narciso-Perez said that the Sept. 15 rallies are only preparations for the Oct. 11 nationwide demonstrations, when 10,000 people are expected to rally nationwide demanding a new trial. □



Counting signatures on the "Free Narciso and Perez" petition in Chicago. [AK photo]

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intimidation of the staff members at the time of the case investigation. He was asked to resign when he spoke in defense of the two nurses. The demonstration was organized by the Detroit Area Coalition to Free the VA Nurses.

Despite the showers over downtown Chicago, an estimated 70 Filipino and American supporters militantly picketed the Federal Building from 11:00-1:00 p.m. The enthused participants drew a big crowd during the lunch hours with their chants "Leonie and PI: Victims of the Frame-up by the FBI." The picketers distributed informational literature about the case and asked observers to sign the petition demanding a new trial for the nurses.

At Seattle's Immaculate Conception Church, some 60 people attended the first ecumenical service ever held for Narciso and Perez on Sept. 18. Themed "An Appeal for Truth and Justice for Narciso-Perez," the service recalled the history of the case and cited the numerous irregularities surrounding the case. Petitions were quickly filled and

Sentence Delayed...

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than 80 persons who had waited patiently in line to get in were barred because there were no seats, causing supporters of the nurses to charge that the public was purposely being excluded. They accused the FBI of filling the courthouse with their agents to prevent the supporters of the nurses from getting in.

Security was extremely tight. The upper floors of the courthouse were sealed, by the judge's orders, until 1:45 p.m. Passes were required to gain admission after that.

The two Filipina nurses were convicted last June 13 of having poisoned five of their patients at the Veterans Administration hospital in Ann Arbor, supposedly with unauthorized injections of Pavulon, a paralyzing drug that caused the breathing failures in its victims. The conviction, which came as a shock to many given the highly circumstantial evidence against the two nurses, has been the target of protests nationwide in Filipino communities. Supporters of the nurses charge that the nurses are being scapegoated by the FBI and the VA administration.

While Pratt's orders for an evaluation of the nurses before giving final sentence is not unprecedented, it is highly unusual. Observers believe that it is another indication of the weakness of the case against the two immigrant nurses.

Defense lawyers said the judge is facing a dilemma because the women had lived virtually blameless lives before their conviction. Defense Lawyer Edward Stein explained the order: "The purpose of this order is to provide more information than ordinarily provided to a judge for sentencing. It is common where you have a case where nothing fits, like this one where you have two women with an unblemished record who are held in high esteem by the community."

Ester Simpson, National Coordinator of the Chicago Support Group for Narciso-Perez, commented: "Judge Pratt's to have the two nurses' mental capabilities evaluated resulted from public pressure which recognizes these nurses to be completely innocent. The judge is hesitant to dispense a sentence because the jury's 'guilty' verdict contradicts not only the upstanding moral character of these dedicated nurses but the hard facts of the case. The deferred sentencing is only a further testament to the innocence of Narciso and Perez."

The court order does not alter the plans of the defense team to file their motion for a directed verdict of acquittal and for mistrial. Judge Pratt has scheduled Oct. 11 to hear the arguments for the two motions.

After the brief court session, Narciso and Perez left the courthouse and greeted their supporters. Filipina Narciso told a reporter "I am innocent and it is hard to absorb a sentence." □

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